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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 16734/2024, CM APPL. 70746/2024 & CM APPL. 70747/2024

DEEPAK CHAUDHARY

.....Petitioner

Through: Mr. Sanjay Kumar, Mr. Navin Kr. Sharma, Ms. Vanita Singh, Ms. Akhya, Mr. Shivam Singh Rathore, Mr. Tarun Gulati. Mr. Sanjay, Advocates

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Akash Chatterjee, Advocate for MCD.
Mr. Vivekanand Mishra, SPC for UoI.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
04.12.2024

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1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged illegal and unauthorised construction at property No. 9/5301, Old Seelampur, Delhi-110031 [“subject property”].

2. Mr. Akash Chatterjee, learned counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that upon inspection in October, 2024, illegal construction was found to be ongoing in the subject property. Consequently, a work stop notice was issued on



01.10.2024. Upon further inspection in November, 2024, it was found that further construction had been raised. The subject property was, therefore, booked on 27.11.2024, and a show cause notice was issued to the owners/occupants of the subject property. Mr. Chatterjee states that MCD will take appropriate action expeditiously, upon consideration of the reply to the show cause notice, if any, and subject to availability of police assistance and after lifting of Graded Response Action Plan – IV restrictions.

3. In view of the above, no further orders are required in this writ petition, which stands disposed of, alongwith the pending applications.

4. The rights and contentions of the owners/occupants of the subject property are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements, and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [W.P. (C) 295/2022 and connected matters].

5. In the event the petitioner has any further grievances with regard to unauthorised construction, he is at liberty to approach the Special Task Force [“STF”], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. This direction is made with reference to the decisions of the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors.* [order dated 20.09.2018 in W.P.(C) 1807/2018], *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], *Fazruddin vs. DDA & Ors.* [order dated 23.04.2019 in WP (C) 4649/2017], and in *Himanshu vs. East Delhi Municipal*



Corporation & Anr. [order dated 31.07.2023 in W.P.(C) 8104/2022], and decisions of Coordinate Benches in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019] and *Rashiduddin Malik vs. MCD & Ors.* [order dated 02.09.2024 in WP (C) 12102/2024].

PRATEEK JALAN, J

DECEMBER 4, 2024
“*Bhupi/AD*”/