



\$~55 & 56

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

+ **W.P.(C) 16818/2024 & CM APPL. 71155/2024**

THE JAGRITI NAGAR COOP HOUSE
BUILDING SOCIETY LIMITED

.....Petitioner

versus

MUNICIPAL CORPORATION OF
DELHI AND OTHERS

.....Respondents

+ **W.P.(C) 16820/2024 & CM APPL. 71159/2024**

THE JAGRITI NAGAR COOP HOUSE
BUILDING SOCIETY LIMITED

.....Petitioner

versus

MUNICIPAL CORPORATION OF
DELHI AND ANR.

.....Respondents

Appearance:-

Mr. Vijay Kumar Singh, Proxy Counsel for Mr. Rajesh Kumar, Advocate for Petitioner in Item Nos. 55 & 56.

Mr. Rajan Tyagi, SC for MCD with Mr. Samar Partap Singh & Mr. Harpreet Singh Sodhi, Advocates in item Nos. 55 & 56.

Ms. Kritika Gupta & Mr. Kunal Lakra, Advocates for DDA in Item Nos. 55 & 56.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

05.12.2024

1. The present writ petitions have been filed by Jagriti Nagar Cooperative House Building Society Ltd., for directions upon Municipal Corporation of Delhi ["MCD"] to remove alleged illegal encroachments



on a plot of land at Vikas Marg, New Delhi behind the Jagriti Enclave Colony. According to the petitioner, the encroachments have been made by one Mr. Manoj [subject matter of W.P.(C) 16818/2024] and Mr. Mahinder Rai [subject matter of W.P.(C) 16820/2024]. Photographs of the alleged encroachments have been annexed to the writ petitions as Annexure-P in W.P.(C) 16818/2024, and Annexure-U in W.P.(C) 16820/2024.

2. Mr. Rajan Tyagi, learned Standing Counsel for the MCD, appears on advance notice and submits that MCD has identified the encroachments and proposes to conduct an encroachment removal action on 08.01.2025, subject to lifting of Graded Response Action Plan - IV restrictions.

3. In view of the above statement on behalf of MCD, learned counsel for the petitioner states that no further orders are required in these writ petitions. The writ petitions are therefore disposed of.

4. It is made clear that these submissions have been recorded without prejudice to the rights and contentions of any other parties, including the parties at whose instance the alleged encroachment has apparently taken place. MCD is directed to act 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* [WP (C) 295/2022 and connected matters]. All rights and remedies of third party are expressly reserved.

5. In the event the petitioner has any further grievance with regard to unauthorised construction or encroachment, they are 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 5, 2024
'pv/Kb'/