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

+ W.P.(C) 16832/2024

ANIL SHARMA

.....Petitioner

Through: Mr. Harsh Vardhan Sharma & Mr.
Kartik Garg, Advocates. [M:-
9818271747]

versus

MCD AND ORS

.....Respondents

Through: Mr. Sanjay Vashishtha, Standing
Counsel for MCD with Ms.
Harshita Rai, Ms. Vasudha Saini &
Mr. Siddhartha Goswami,
Advocates for R-1.
Mr. Sanjeev Sabharwal, Senior
Panel Counsel for UOI.
Mr. Tarun Gulia, Mr. Sushant
Bajaj, Mr. Prabh Simar Singh, Mr.
Varun Gulia & Mr. Rohit
Choudhary, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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05.12.2024

1. The petitioner has filed this writ petition under Article 226 of the Constitution, complaining of alleged unauthorised construction in property K-1, 7 and 8-B, Gali No. 34, Raja Puri, Uttam Nagar, New Delhi-110059.

2. Mr. Sanjay Vashishtha, learned Standing Counsel for Municipal Corporation of Delhi ["MCD"], who appears on advance notice, submits that construction was found to be unauthorised and the property has been booked from the ground floor to the fourth floor. A show cause notice has been issued to the owners/occupiers of the property on 02.12.2024. Mr.



Vashishtha states that further action will be taken by respondent, considering the reply to the show cause notice, if any. He submits that demolition action, if necessary, will be taken expeditiously and in accordance with law, after lifting of Graded Response Action Plan – IV restrictions, and subject to availability of police force.

3. Mr. Sanjeev Sabharwal, learned Senior Panel Counsel for Union of India-Delhi Police, who appears on advance instructions, states that an FIR has been lodged at Police Station Dabri [FIR No. 0493/2023 dated 21.07.2023] against the petitioner on an allegation of land grabbing, under Sections 420/34 of Indian Penal Code, 1860. He submits that the name of the petitioner in the FIR has been mentioned as Anil Kaushik, but the person is in fact the same as Mr. Anil Sharma, in whose name the writ petition has been filed.

4. Mr. Tarun Gulia, learned counsel appears on behalf of the respondent owners/occupiers of the property, and submits that there are civil disputes between the petitioner and Resident Welfare Association [“RWA”]. According to him, the petitioner has filed this writ petition *malafide*, as the subject property belongs to the son of the President of the RWA.

5. In view of the submissions of Mr. Vashishth, I am of the view that it is unnecessary in the present writ petition, to enter into these controversies. The only relief sought in the writ petition is with regard to unauthorised construction in the property. As MCD is seized of the matter, no orders are required in the writ petition. Suffice it to say that all rights and contentions of the owners/occupiers of the property are expressly reserved. MCD is directed to act strictly in accordance with law



and after compliance of all statutory formalities, 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].

6. It is also made clear that this order is not intended to prejudice any other proceedings, civil or criminal in which the parties may be involved.

7. 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].

8. The writ petition stands disposed of the aforesaid directions.

PRATEEK JALAN, J

DECEMBER 5, 2024/‘pv/kb’/