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

+ W.P.(C) 16976/2024 & CM APPL. 71896/2024 (*ex-parte ad-interim relief*)

HARDEV SINGH MANGAT & ANR.Petitioners

Through: Mr. Rohit Puri, Mr. Abhinav Tyagi, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondent

Through: Mr. Anand Prakash, SC with Ms. Varsha Arya, Mr. Satbeer, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.12.2024

1. The petitioners have approached this Court under Article 226 of the Constitution, complaining of alleged unauthorised construction in the common area of *Taj Apartment, Rao Tula Ram Marg, R.K. Puram, Sector- 12, New Delhi – 110022* [“subject property”].

2. The petitioners are residents of one of the apartments in the said apartment complex and contend that unauthorised construction is being carried out by respondent No. 2, who is a resident of the ground floor of the subject property.

3. Mr. Anand Prakash, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states



that the subject property has been inspected and unauthorised construction has been found. A show cause notice was issued to the owners/occupants of the subject property on 05.12.2024. A work stop notice has also been issued on 06.12.2024, and sealing proceedings have been initiated. Mr. Prakash submits that further action will be taken expeditiously in accordance with law after considering the reply to the show cause notice, if any.

4. In view of the above, learned counsel for the petitioners does not seek any further orders in the writ petition, which stands disposed of, alongwith the pending application.

5. The rights and contentions of the owners/occupants of the subject property are expressly reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory formalities, 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].

6. In the event the petitioners have any further grievances with regard to unauthorised construction, 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 9, 2024
“*Bhupi/JM*”/