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

+ W.P.(C) 17375/2024

KUNWAR PAL SINGH AND ORS

.....Petitioners

Through: Mr. Kuldeep S. Rajput, Mr. Nakul
Sehgal & Mr. Nimish, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Roshan Lal Goel & Mr. Anju
Gupta, Advocates for MCD. [M:-
9654169406].
Mr. Umesh K. Burnwal, SPC for
UOI with Mr. Paramjeet Singh,
Advocate for R-2. [M:-
9911633057]

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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17.12.2024

CM APPL. 73974/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 17375/2024

1. The petitioner has filed this petition under Article 226 of the Constitution, seeking action in respect of alleged unauthorised construction in properties bearing Nos. C-275, Gali No. 11, Bhajanpura, Delhi and C-407, Gali No. 17, C-Block, Bhajanpura, Delhi.

2. Mr. Roshan Lal Goel, learned counsel for respondent No. 1-



Municipal Corporation of Delhi [“MCD”], who appears on advance instructions from Mr. Kuldeep Chopra, Assistant Engineer, states that action has already been initiated in respect of both properties. In respect of property bearing No. C-275, Gali No. 11, Bhajanpura, Delhi, unauthorised construction was found on the property, and the same has been booked on 03.10.2024. Demolition order has also been passed on 11.10.2024. Mr. Goel states that demolition action is fixed on 23.12.2024, subject to availability of police force, and after lifting of Graded Response Action Plan-IV restrictions. As far as property No. C-407, Gali No. 17, C-Block, Bhajanpura, Delhi, is concerned, Mr. Goel states that the property has also been booked, and a show cause notice has been issued to the owners/occupants on 13.12.2024. He submits that issuance of demolition orders will be considered after receipt of reply to the show cause notice, if any, and further action will be taken expeditiously in accordance with law. Copies of the aforesaid documents are handed up in Court and are taken on record.

3. In view of the above submissions by Mr. Goel, Mr. Kuldeep S. Rajput, learned counsel for the petitioners, does not seek any further orders in this writ petition, which stands disposed of.

4. The rights and contentions of the owners/occupants of the aforesaid properties 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* [WP (C) 295/2022 and connected matters].

5. In the event the petitioners have any further grievance 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 17, 2024
'pv/AD'/