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

+ W.P.(C) 17437/2024

ANUPAMA BANSAL

.....Petitioner

Through: Dr. Amit George, Ms. Muskan
Rawlley, Mr. Moksh Kataria, Mr.
Dushyant K. Kaul, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

AND OTHERS

.....Respondents

Through: Mr. Vikas Chopra, SC with Ms.
Anita R. Mishra, Advocate for
MCD.
Mr. Ayush Gupta, Advocate for R-
2 and 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **18.12.2024**

CM APPL. 74172/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 17437/2024 & CM APPL. 74173/2024 (stay)

1. The petitioner has approached this Court under Article 226 of the Constitution, complaining of alleged unauthorised construction in property No. G-90, Phase-I, Ashok Vihar, Delhi – 110052 [“subject property”].

2. According to the petitioner, the construction on the subject property is presently in progress and is being erected by respondent Nos. 2 and 3 herein.

3. Mr. Vikas Chopra, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that



construction on the subject property is indeed ongoing (although it is at present suspended due to Graded Response Action Plan – IV restrictions), but is being raised pursuant to a sanctioned plan. The sanctioned plan was approved on 21.04.2022 on an application of respondent No. 2 herein.

4. According to the preliminary inspection by MCD, the construction is being undertaken in accordance with sanctioned plan. However, Mr. Chopra states that further inspection will be carried out to ensure that there is no deviation from the sanctioned plan, and after completion of the construction, a final inspection will also be undertaken, and if there is any deviation from the sanctioned plan, necessary action in accordance with law will be taken.

5. A copy of the sanctioned plan has been handed over by Mr. Chopra to Dr. Amit George, learned counsel for the petitioner. In the event the petitioner wishes to assail the sanctioned plan, she will be at liberty to approach the Appellate Tribunal for the MCD under Section 347B of the Delhi Municipal Corporation Act, 1957.

6. Mr. Ayush Gupta, learned counsel, has also entered appearance on behalf of respondent Nos. 2 and 3. He reiterates the submission on behalf of MCD that construction is being raised in accordance with a sanctioned plan. Additionally, he submits that the property of the petitioner – *G-88, Phase – I, Ashok Vihar, Delhi – 110052*, itself encroaches upon a public road. Dr. George disputes that there is any unauthorised construction or encroachment in the petitioner's property. As far as this aspect is concerned, MCD is free to take such action as it may be entitled to in law.

7. No further orders are required in the present writ petition.

8. 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].

9. In the event the petitioner has any further grievances with regard to unauthorised construction, she 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].

10. The writ petition, alongwith the pending application, is disposed of with these directions.

PRATEEK JALAN, J

DECEMBER 18, 2024/“Bhupi/JM”/