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

+ W.P.(C) 17529/2024 & CM APPLs. 74661-74662/2024

SATISH KUMAR

.....Petitioner

Through: Mr. Ankit Singh Sinsinwar and
Mr. Ravi Kumar, Advocates.

versus

**MUNICIPAL CORPORATION
OF DELHI & ORS.**

.....Respondents

Through: Mr. Kapil Dutta, SC for MCD with
Mr. Vansh Luthra, Advocate.
Mr. Gaurav Barathi, Advocate for
R-3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

19.12.2024

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1. The petitioner has approached this Court, under Article 226 of the Constitution, complaining of alleged unauthorised construction in property bearing No. 886, Ward No. 8, Mehrauli, New Delhi- 110030 ["subject property"] and misuse of the subject property for commercial purposes.

2. As far as misuse of the subject property is concerned, Mr. Kapil Dutta, learned Standing Counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, submits that the subject property has been inspected, and the petitioner's contention regarding misuse of the subject property has been found to be correct. MCD,

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therefore, proposes to issue a sealing order under Section 345A of the Delhi Municipal Corporation Act, 1957, and will take necessary steps in this regard within three days from today.

3. As far as unauthorised construction is concerned, Mr. Dutta states that the subject property will be inspected from this perspective also within the next two days, and if necessary, a show cause notice will be issued within one week from today. Further action will be taken expeditiously in accordance with law.

4. In view of the above submissions on behalf of MCD, learned counsel for the petitioner does not seek any further orders in this writ petition, which stands disposed of alongwith the pending applications.

5. The rights and contentions of the parties or any 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* [WP (C) 295/2022 and connected matters].

6. In the event the petitioner has any further grievance 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].

PRATEEK JALAN, J

DECEMBER 19, 2024
'SS/JM'/