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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17722/2024

NEHA BALHARA

.....Petitioner

Through: Mr. Hardik Khanna, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Vikas Chopra, Standing
Counsel with Ms. Anita R. Mishra,
Mr. Dipesh Chopra & Ms. Khushi,
Advocates for MCD.

Mr. Vivek Sharma, Senior Panel
Counsel with Ms. Prerna Singh,
Advocate for R-3/SHO Neb Sarai,
Delhi Police. [M:-9810418275].

Mr. V.C. Shukla & Mr. Tarun
Gulia, Advocates for R-5 & 6.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.12.2024

CM APPL. 75375/2024 (*exemption*)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 17722/2024 & CM APPL. 75374/2024 (*stay*)

1. The petitioner has approached this Court under Article 226 of the Constitution complaining of alleged illegal and unauthorised construction in *Khasra No. 316, situated in Abadi of Lal Dora of Village Neb Sarai,*



New Delhi-110068 [“subject property”].

2. Mr. Vikas Chopra, 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 having been found, a show cause notice has been issued to owners/occupants of the property on 12.12.2024. He submits that MCD will take further action in accordance with law expeditiously upon consideration of the reply to the show cause notice. If any demolition action is required, Mr. Chopra states that requisite order will be passed within four weeks from today, after hearing the owners/occupants of the subject property.

3. Mr. Hardik Khanna, learned counsel for the petitioner, submits that construction on the subject property is ongoing. Mr. Chopra states that if the construction is found to be ongoing, a stop work notice will be issued to the owners/occupants of subject property.

4. In view of the above, no further orders are required in the writ petition. The writ petition is, therefore, disposed of.

5. It is made clear that this order is made without prejudice to the rights and contentions of any owners/occupants of the subject property, whose remedies 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 judgment of the Supreme Court 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, 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].

PRATEEK JALAN, J

DECEMBER 23, 2024

‘pv/JM’/