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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17758/2024 & CM APPLs. 75521-75522/2024

TILAT AHMED & ORS.

.....Petitioners

Through: Appearance not given.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Kapil Dutta and Mr. Vansh
Luthra, Advocates for MCD.
Mr. Sushil Kumar Pandey, SPC for
R-2.
Mr. Niraj Kumar, SCGC with Mr.
Chaitanya Kumar, Advocates for
UoI with Mr. Rajiv.
Mr. Mohd Waquas, Advocate for
R-4.
Mr. J.P. Singh, Ms. Sonia
Mendiratta, Advocates for R-5 &
R-6.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

23.12.2024

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1. This petition under Article 226 of the Constitution is directed against the alleged illegal and unauthorised construction raised by respondent Nos. 5 and 6 herein in the property known as *Chhoti Masjid at Village – Khirki, Malviya Nagar, New Delhi – 110017* [“subject property”].



2. After some hearing, learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to approach the Special Task Force constituted by orders of 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.*].

3. 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].

4. The petition, alongwith the pending applications, is dismissed as withdrawn with liberty as aforesaid.

5. Learned counsel for respondent Nos. 5 and 6 appears on advance notice, and submits that there is no unauthorised construction in the subject property. It is made clear that this order is passed without prejudice to the rights and contentions of the owners/occupants of the subject property, including respondent Nos. 5 and 6 herein, 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].

DECEMBER 23, 2024
'Bhupi/JM'/'

PRATEEK JALAN, J