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

+ **W.P.(C) 17772/2024 & CM APPL. 75591/2024**

SMT. NOOR JAHAN

.....Petitioner

Through: Mr. Mohd. Babar, Advocate. [M:-
9311776453]

versus

**MUNICIPAL CORPORATION
OF DELHI AND ORS**

.....Respondents

Through: Mr. Kapil Dutta, Advocate for
MCD.
Mr. Umakant Mishra, ASC with
Mr. Rajat Jain, Advocate for R-1.
[M:-9899752120].
Mr. Arjun Mahajan, Mr. Apoorv
Upamanyu & Mr. Harsh Vashist,
Advocates for DDA. [M:-
9810047321].

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.12.2024

1. The petitioner has filed this writ petition under Article 226 of the Constitution, complaining of alleged unauthorised construction in property No. 68, Khasra No. 16, in front of Krishna Ratan Sports Academy, Wazirabad, Delhi-110084 ["subject property"].
2. Mr. Kapil Dutta, learned counsel for the Municipal Corporation of Delhi ["MCD"], who appears on advance notice, contests the locus of the petitioner to file this writ petition. He, however, states that the subject



property has been inspected, and illegal construction having been found on the ground floor, first floor, and second floor of the property, a show cause notice has been issued to the owners/occupants of the subject property on 20.12.2024. Mr. Dutta states that further action will be taken expeditiously, and in accordance with law upon consideration of the reply to the show cause notice, if any.

3. Having regard to the above, Mr. Mohd. Babar, learned counsel for the petitioner, does not seek further orders in the writ petition, which stands disposed of. All pending applications also stand disposed of.

4. 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 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 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'/