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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17882/2024 & CM APPL. 76121/2024

NAWED KHAN

.....Petitioner

Through: Mr. Sunil Prasad, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH
DEPUTY COMMISSIONER & ORS.

.....Respondents

Through: Mr. Kapil Dutta and Mr. Vansh
Luthra, Advocates for MCD.
Ms. Shahana F. and Ms. Sanna,
Advocates for DDA.
Mr. Hemant Kumar Yadav, SPC
with Mr. Satyavir Singh, Advocate
for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.12.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, complaining of alleged unauthorised construction at property bearing No. *P-57, Batla House, Jamia Nagar, New Delhi-110025* [“subject property”].
2. Mr. Kapil Dutta, learned counsel for Municipal Corporation of Delhi [“MCD”], appears on advance notice, states that the subject property was inspected, and unauthorised construction having been found, a show cause notice was issued to the owners/occupants of the



subject property on 25.11.2024. No response was received to the show cause notice. Subsequently, demolition order was passed yesterday, i.e. on 23.12.2024, in respect of the ground floor to fourth floor of the subject property in question. Copies of the show cause notice and demolition order have been handed up in Court, and are taken on record.

3. Mr. Dutta states that further action will be taken expeditiously in accordance with law, subject to lifting of the Graded Response Action Plan – IV restrictions and availability of police force.

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

5. The rights and contentions of the respondents or any owners/occupants of the subject property are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements 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 24, 2024/MR/AD/