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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17976/2024 & CM APPL. 76514/2024

GAUTAM BOUDH

.....Petitioner

Through: Mr. Harsh Kumar, Mr. Hemang
and Mr. Abdul Khan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondent

Through: Mr. Mukesh Gupta and Mr. Sachin
Singh, Advocates for MCD.
Ms. Shreya Sinha, SPC for R-4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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24.12.2024

1. The petitioner has filed this petition, under Article 226 of the Constitution, for the following reliefs:

“A. Pass a writ of Mandamus or any other writ/direction thereby directing the respondents to stop illegal and unauthorized construction being carried out in property bearing no 5352-B, Laddu Ghat, Main Bazar, Pahar Ganj, New Delhi-110055.

B. Direct the respondents to remove illegal and unauthorized construction over the public street.

C. Direct the Special Task Force (STF) to take immediate action against the illegal and unauthorized construction.

D. That this Hon'ble Court may be pleased to issue directions to the respondent no.1 and 4 to ensure that no further unauthorized construction takes place on the public street.

e) Grant any other relief deemed just and proper in the circumstances of the case.”

2. Mr. Mukesh Gupta, learned counsel for Municipal Corporation of Delhi [“MCD”] who appears on advance instructions, states that the construction on the subject property is being raised pursuant to a sanctioned building plan dated 22.04.2024, issued in favour of respondent

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No.2 in the writ petition. However, he submits that upon inspection yesterday, it was found that there were some deviations from the sanctioned building plan, for which MCD proposes to take action as permitted in law. In any event, he states that construction is, at present, kept in abeyance due to Graded Response Action Plan – IV restrictions.

3. In view of the above submissions, learned counsel for the petitioner submits that no further orders are required in the writ petition. However, he reserves liberty of the petitioner to challenge the sanctioned building plan under Section 347B of the Delhi Municipal Corporation Act, 1957, in accordance with law and/or 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.*], if any further directions are required.

4. The writ petition, alongwith pending application, is disposed of with these directions.

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].

PRATEEK JALAN, J

DECEMBER 24, 2024/SS/kb/