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

+ **W.P.(C) 325/2025 and CM APPL. 1547/2025**

MS. SHABNAM YAMINPetitioner

Through: **Mr. Mohd. Babar, Advocate.**

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: **Mr. Rakesh Malhotra and Mr. Bharat Malhotra, Advocates for Respondent No.1/MCD.
Mr. G.D. Sharma, SPC for Respondent No.2/SHO.
Ms. Prabhsahay Kaur, Standing Counsel with
Mr.Bir Inder Singh Gurm and Ms.Kavya Shukla,
Advocates for Respondent No.3/STF.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

13.01.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:

“i) Issue necessary orders in nature of writ of mandamus and issue orders and direction against the respondent No. 1 i.e. Municipal Corporation of Delhi and its officials to take the immediate step to stop the ongoing illegal and unauthorized construction being carried out by the respondent No.4 at the said Property Measuring 150 Sq. Yds. i.e. Property No. I-47, Near Sana Store, Out of Khasra No. 258, Abul Fazal Enclave, Near High Tension Road, Shaheen Bagh, Okhla, New Delhi including 50 Sq. Yds. of land of the petitioner encroached by the respondent No.4;

ii) Issue writ in nature of mandamus and pass orders and directions against the respondent No.2 i.e. SHO P.S. Shaheen Bagh and respondent No. 3 i.e. Special Task Force to take immediate step and to provide all assistance and police force to the respondent No.1 for stopping ongoing illegal and unauthorized construction over the said property by the respondent No.4;

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iii) Issue writ in nature of mandamus and to pass orders and directions against the respondent No.4 not to commit any violation of the provisions of Municipal Corporation of Delhi Act, 1957 (As amended upto date) and Building Bye-Laws;

iv) The directions may also be issued to the respondent No. 1 to 3 to take appropriate action to register the FIR against the respondent No. 4.”

2. Ms. Prabhsahay Kaur, learned Standing Counsel appearing on advance copy of the writ petition on behalf of Respondent No.3/Special Task Force (‘STF’) submits, on instructions, that while it is alleged by the Petitioner that complaint has been made to STF, no complaint has been received. She further submits that on receipt of advance copy of the writ petition, complaint has been registered and the matter has been forwarded to Municipal Corporation of Delhi (‘MCD’) for appropriate action and in this regard, hands over a document indicating registration of Petitioner’s complaint on STF Portal. The document is taken on record.

3. Learned counsel for Respondent No.1/MCD states that the Ground Floor of the property in question was booked on 12.07.2024 and a show-cause notice under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 (‘DMC Act’) has been on 09.01.2025. The demolition and sealing action are fixed for 14.01.2025. He further states that necessary action will be taken in accordance with law.

4. This writ petition is accordingly disposed of taking on record the stand of the STF as well as the MCD. Needless to state that action will be taken by the MCD keeping in mind the judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*** and ensuring compliance of all statutory formalities.



5. This order is passed without prejudice to the rights and contentions of Respondent No.4, who may take recourse to legal remedies, if aggrieved.
6. Pending application also stands disposed of.

JANUARY 13, 2025
B.S. Rohella

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