



\$~63

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

+ **W.P.(C) 639/2025**

VIJAY KUMAR BANSAL

.....Petitioner

Through: Mr. Murari Tiwari, Mr. Rahul Kumar,
Ms. Nimisha Gupta and Mr. Ujjwal Singh,
Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: Mr. Rohit Kathuria, Advocate for
Respondents No.1 and 2/MCD.
Mr. Achal Gupta and Mr. Karan Jain, Advocates
for Respondent No.4.
Mr. Ranvir Singh, SPC for Respondent No.5.
Mr. Manish Kumar Srivastava, Mr. Moksh Arora,
Mr. Yash Srivastava and Mr. Santosh Ramdurg,
Advocates for Respondent No.6/BSES.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

%

20.01.2025

CM APPL. 3069/2025

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 639/2025

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



“a. Issue a writ of mandamus or any other appropriate writ thereby directing the Respondent No. 1 to 6 to demolish the illegal and unauthorized constructions in property bearing no. 4/56, Shanker Road, Rajinder Nagar, Delhi raised by the Respondent No. 7 as well as take appropriate action for misusing the first floor, Second Floor and Third Floor of said premises for commercial purposes. It is further prayed that the Respondent No. 7 be restrained from running illegal commercial activities in the aforesaid properties.

b. Issue a writ of mandamus or any other appropriate writ thereby directing the Respondent No. 6 to withdraw the electricity connection of the First Floor, Second Floor and Third Floor of the residential premises bearing no. 4/56, Shankar Road, Old Rajender Nagar, New Delhi-110060 for misusing the same for commercial purposes without paying the electricity bill under non domestic category.”

4. Mr. Murari Tiwari, learned counsel for the Petitioner fairly submits that Petitioner has already approached the Special Task Force (‘STF’) by making a complaint dated 18.12.2024 but was compelled to approach this Court as no action is being taken by STF. It is urged that separate complaint has been made to Municipal Corporation of Delhi (‘MCD’) bringing to the notice of the Corporation the unauthorized construction in property bearing No. 4/56, Shankar Road, Old Rajender Nagar, New Delhi by Respondent No. 7 as also misuse of first, second and third floors of the said property by putting it to commercial use but even the Corporation has failed to act.

5. In view of the fact that Petitioner has already filed a complaint with STF constituted vide orders of the Supreme Court in **M.C. Mehta v. Union of India and Others, (2019) 12 SCC 730** and **M.C. Mehta v. Union of India and Others (Sealing Issue, in Re), (2019) 12 SCC 419**, it would be appropriate to dispose of this petition with a direction to STF to look into the complaint. This course of action is also in consonance with the decision of the Division Bench of this Court in **Devender v. Govt. of NCT of Delhi and Ors., W.P.(C) 1807/2018**, decided on 20.09.2018 and orders of the Co-



ordinate Benches of this Court in ***Abdul Gaffar v. South Delhi Municipal Corporation & Ors., in W.P.(C) 1773/2019***, decided on 28.02.2019 and ***Rashiduddin Malik v. MCD of Delhi and Others, W.P. (C) 12102/2024***, decided on 02.09.2024.

6. Accordingly, the writ petition is disposed of with a direction to STF to look into the complaint dated 18.12.2024 and take appropriate action as per law, as expeditiously as possible, making it clear that this Court has not expressed any opinion on the merits of the case. In case of any surviving/further grievance, Petitioner may take recourse to legal remedies.

7. This order is passed without prejudice to the rights and contentions of Respondent No.7 in light of judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***.

JYOTI SINGH, J

JANUARY 20, 2025

B.S. Rohella/shivam