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

+ **W.P.(C) 919/2025**

RAJU TYAGI

.....Petitioner

Through: Ms. Manisha Parmar, Mr. Kapil Chaudhary and Ms. Shreya Bhola and Ms. Anjali, Advocates.

versus

**THE MUNICIPAL CORPROATION OF DELHI
& ANR.**

.....Respondents

Through: Mr. Siddharth Gupta, Advocate for MCD.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
24.01.2025

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C.M. APPL. 4536/2025

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

W.P.(C) 919/2025 and CM APPL. No. 4535/2025

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

“(i) A Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of Mandamus directing the Respondent No. 1 to take action against the unauthorized construction at Plot No. WZ-13 (Old No. 210), Block A1, Chattarpur, New Delhi- 110074 and demolish the same.

(ii) A writ of mandamus or any other appropriate Writ, Order or Direction in the nature of Mandamus directing the Respondents to pay the costs of the present petition to the Petitioner.”



2. Issue notice.
3. Mr. Siddharth Gupta, learned counsel accepts notice on behalf of MCD and, on instructions, submits that property being Plot No. WZ-13 (Old No. 210), Block A-1, Chattarpur, New Delhi (subject property) has been booked and show cause notice dated 12.12.2024 has been issued to Respondent No. 2/owner/occupier of the subject property under Sections 343 and 344 (1) of Delhi Municipal Corporation Act, 1957 ('DMC Act'). Additionally, FIR has been registered on the same day with the concerned police station followed by a work stop notice on 26.12.2024 and a demolition order on 22.01.2025. It is submitted that time was granted to owner/occupier of the subject property to file a reply within three days from the date of receipt of show cause notice, however, no response is received and demolition action is scheduled for 11.02.2025.
4. In view of the aforesaid stand of MCD, at this stage, no further order is required to be passed in the present writ petition, save and except, directing that any further action of the MCD must be compliant with all applicable statutory provisions and the judgment of the Supreme Court in ***In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291***. In case of any surviving/further grievance, Petitioner may approach the Special Task Force, constituted pursuant to 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***.
5. This order is passed without prejudice to the rights and contentions of Respondent No. 2, who may resort to appropriate remedies, in case of any grievance.



6. Writ petition is disposed of in the aforesaid terms along with the pending application. Documents handed over in Court by counsel for MCD are taken on record.

JYOTI SINGH, J

JANUARY 24, 2025/shivam