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

+ **W.P.(C) 1234/2025 & CM APPL. 6037/2025**

HARISH KUMAR

.....Petitioner

Through: Mr. C.S. Rathour, Advocate.

versus

**MUNICIPAL CORPORATION OF DELHI
AND ORS**

.....Respondents

Through: Mr. Siddhant Nath, Standing Counsel
with Mr. Bhavishya Makhija and Mr. Amaan
Khan, Advocates for MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

31.01.2025

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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:-

“(1) to take immediate action to stop all kind of illegal/unauthorized construction over the plot of land bearing No. 435, Chirag Delhi, New Delhi-110017 in the letter and spirit of the provision of Sec. 332 of the DMC Act, 1957;

(2) to seal and demolish the unauthorized /illegal construction of the "Ground to Fifth Floor" being carried out in the property bearing no. 435, Chirag Delhi, New Delhi forthwith in the letter and spirit of the provisions of Sec. 343 and 344 of the DMC Act, 1957;

(3) to restrain the respondent No. 3, his. agents, associates, employees, etc to carry out of any unauthorized construction in the property except with the sanction building plan as per the provision of DMC Act, building bye laws there-under; And”

2. In view of the orders of 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*** by which the Special



Task Force was constituted by the Delhi Development Authority vide Notification dated 25.04.2018 and in light of order of the Division Bench in ***Devender v. Govt. of NCT of Delhi and Ors., W.P.(C) 1807/2018***, decided on 20.09.2018 as well as 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, Petitioner ought to have approached the STF instead of filing the present writ petition under Article 226 of the Constitution of India.

3. Accordingly, writ petition is disposed of with liberty to the Petitioner to approach the STF.
4. This Court has not expressed any opinion on the merits of the case.
5. Pending application stands disposed of.

JYOTI SINGH, J

JANUARY 31, 2025/shivam