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

+ **W.P.(C) 1749/2025**

BACHITTAR SINGH

.....Petitioner

Through: Mr. Ishan Sanghi and Ms. Poorvashi
Kalra, Advocates.

versus

SPECIAL TASK FORCE & ORS.

.....Respondents

Through: Mr. Tushar Sannu, Advocate for R-1
and R-3.

Ms. Shilpa Dewan, Additional Standing Counsel
for MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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12.02.2025

CM APPL. 8399/2025

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

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

“A) It is, therefore, most respectfully prayed that this Hon’ble may be pleased to issue a Writ in the nature of MANDAMUS and/ or any other appropriate Writ/ Order/ Direction of like nature in favour of the Petitioner and against the Respondents directing to initiate action against the illegal and unauthorized construction carried out in the property bearing no. 310 Prakash Mohalla Garhi, East of Kailash, New Delhi-110065.”

4. Grievance of the Petitioner is that there is unauthorized construction in subject property bearing No. 310, Prakash Mohalla Garhi, East of



Kailash, New Delhi, and in respect of which he had filed a complaint before the Special Task Force (STF), however, no action has been taken till date, compelling the Petitioner to approach this Court.

5. Issue notice.

6. Counsels, as above, accept notice on behalf of the respective Respondents.

7. Learned counsel for STF appearing on advance copy of the writ petition hands over copy of the Minutes of the 142nd Meeting of STF convened on 10.01.2025, wherein there is a reference to the subject property at serial no. 84 and MCD was directed to take action and upload the status on the STF web portal.

8. Learned counsel for MCD submits that show cause notice dated 11.02.2025 has been issued to Sh. Jitender Kumar Basoya/owner/builder of the subject property under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 ('1957 Act') asking him to show cause within 15 days as to why order of demolition be not passed under Section 343 of the 1957 Act. Learned counsel also submits that further action will be taken depending on the response of the occupier/owner/builder and looking at the unauthorised construction in the form of deviation/excess coverage, in accordance with the statutory provisions. Show cause notice dated 11.02.2025 and Minutes of Meeting held on 10.01.2025 are taken on record.

9. In light of the fact that STF has taken necessary direction and directed MCD to take action and the show cause notice issued by MCD, no further order is required to be passed at this stage. Any further action taken by MCD will be compliant with the statutory provisions and keeping in view the judgment of the Supreme Court in *In Re: Directions in the matter of*



demolition of structures, 2024 SCC OnLine SC 3291 and after considering the reply of Sh. Jitender Kumar Basoya/owner/builder of the subject property, if any, received within the time period granted by MCD in the show cause notice.

10. Writ petition stands disposed of in the aforesaid terms.

11. In case of any surviving/further grievance, Petitioner may approach the STF.

12. This order is passed without prejudice to the rights and contentions of the owner/occupier of the subject property.

JYOTI SINGH, J

FEBRUARY 12, 2025/shivam/BSR