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

+ **W.P.(C) 286/2025**

ANIL KUMAR AND ORS.

.....Petitioners

Through: Mr. Jayant Tewathia, Advocate.

versus

MCD AND ORS.

.....Respondents

Through: Mr. Anand Prakash, Standing Counsel with Ms. Varsha Arya and Mr. Satbeer Prajapati, Advocates for MCD.

Ms. Mrinalini Sen and Ms. Namrata Banerjee, Advocates for R3.

Mr. Abhishek Sharma, Mr. Prakhar Singh and Ms. Tanishka, Advocates for R4 and R5.

Mr. Kavindra Gill, Senior Panel Counsel for UOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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10.01.2025

CM APPL. 1385/2025

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

W.P.(C) 286/2025

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

i. Issue a writ/order/direction in the nature of mandamus thereby directing the respondent no.1-3 to immediately seal and demolish the illegal and unauthorised construction carried out and raised by respondent no. 4 and 5 in the shape of ground floor (consisting of 3 shops)+ first floor (4 residential flats)+ second floor (4 residential flats)+ third floor (4 residential flats)+ fourth floor (4 residential flats)+ fifth floor (4 residential flats) over the subject plot i.e. property no. 213-D, admeasuring 196.48 sq. mtrs. Ward No.-2, comprised in Khasra No.



1151/3 min. situated in the abadi of Lal Dora of Village Mehrauli, New Delhi-110030

ii. issue a writ, order or direction in the nature of Prohibition thereby forthwith restraining the respondents no. 4 & 5 from carrying out any further illegal, unlawful and unauthorized construction over the above said property in question in any manner whatsoever.”

4. Issue notice.
5. Learned counsels, as above, accept notice on behalf of the respective Respondents.
6. Ms. Mrinalini Sen, learned counsel appearing on behalf Respondent No.3/Special Task Force (‘STF’) submits that in its 141st meeting, STF has already looked into the complaint of the Petitioners and directed MCD to take appropriate action and it is for the MCD to apprise the Court of the action taken. She further submits that the Minutes of the Meeting can be shared with the Petitioners.
7. Learned counsel appearing on behalf of Respondent No.1/MCD, on instructions, states that pursuant to the directions of STF, MCD has already initiated the process against the illegal and unauthorized construction carried out by Respondents No. 4 and 5 and show cause notice under Section 343 of the Delhi Municipal Corporation Act, 1957 (‘1957 Act’) has been issued on 11.11.2024. Further, on 21.11.2024 demolition notice was issued and work stop notices were also issued on 14.11.2024, 20.11.2024 and 26.11.2024. After de-sealing the subject property i.e. the flats/shops in question situated on different floors in Property bearing No. 213-D, ad measuring 196.48 sq. mtrs. Ward No.-2, comprised in Khasra No. 1151/3 min. within the *abadi* of Lal Dora of Village Mehrauli, New Delhi, partial demolition action has been taken on 12.12.2024, which includes demolition of roof panels on the 5th floor of the premises in question as also cutting down the reinforced iron



bars. Thereafter the property was re-sealed. It is also stated that further progress could not take place on account of restrictions under GRAP. However, further action will be taken as per law and in consonance with the judgment of the Supreme Court in *In Re: Directions in the matter of demolition of structures, 2024 SCC OnLine SC 3291*.

8. Learned counsel appearing on behalf of Respondents No.4 and 5 disputes that any illegal/unauthorized construction has been carried out and therefore, rights of the said Respondents be reserved for challenging the action taken by MCD.

9. This is a second round of litigation by the Petitioners, who had earlier filed W.P.(C) 16039/2024 in this Court alleging illegal construction in the subject property. The writ petition was disposed of on 20.11.2024 noting that MCD had initiated action and granting liberty to the Petitioners to approach STF in case of any surviving or further grievances. In view of the stand taken by STF and the action taken so far by MCD, no further order is required to be passed at this stage. Needless to state that any further action taken by MCD will be in accordance with law and the judgment of the Supreme Court in *In Re: Directions in the matter of demolition of structures (supra)*. Respondents No.4 and 5 will be at liberty to take recourse to legal remedies if aggrieved by the said action, in accordance with law. Minutes of the 141st Meeting of STF will be furnished to the counsel for the Petitioners within one week from today.

10. Writ petition stands disposed of.

JYOTI SINGH, J

JANUARY 10, 2025/jg/shivam