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

+ **W.P.(C) 314/2025**

SH. VASU GAUTAM

.....Petitioner

Through: Mr. Anubhav Bhardwaj, Advocate.

versus

**MUNICIPAL CORPORATION OF DELHI
& ANR.**

.....Respondents

Through: Mr. Siddharth Gupta, Advocate for
Respondent No.1/MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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13.01.2025

CM APPL. 1497/2025

1. Exemption 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. An appropriate writ or order or direction in the nature of mandamus thereby directing the respondent No.1 corporation demolition of the property of the respondent No.2 being constructed illegally against the law of land”

4. Learned counsel for Respondent No.1/MCD appearing on advance copy of the writ petition, hands over a copy of the sanction plan of the property in question and points out that after sanction, the plot in question was divided into two separate plots and there is no illegal construction. The document is taken on record.

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5. Counsel for the Petitioner seriously disputes that there is no unauthorized construction. However, on instructions, he seeks to withdraw this writ petition with liberty to approach the Special Task Force constituted by 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, as also 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.

6. The writ petition is disposed of as withdrawn with liberty to the Petitioner to approach the STF, as sought. In case the Petitioner is aggrieved by the sanction order in respect of the subject property, it will be open to the Petitioner to approach the Appellate Tribunal for Municipal Corporation of Delhi under Section 347B of the Delhi Municipal Corporation Act, 1957. This order is passed without prejudice to the rights and contentions of Respondent No.2, who may take recourse to legal remedies in case of any grievance in consonance with the judgment of the Supreme Court *In Re: Directions in the matter of demolition of structures*, 2024 SCC OnLine Supreme Court 3291.

JYOTI SINGH, J

JANUARY 13, 2025

B.S. Rohella/jg

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