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

+ W.P.(C) 12879/2023, CM APPL. 50746/2023 & CM APPL. 50747/2023

RAVINDER SINGH DANG & ORS.

..... Petitioners

Through: Mr. Ankit, Mr. Yashdeep and Mr. Piyush Goel, Advocates.

Versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

..... Respondents

Through: Mr. Ashutosh Gupta, ASC for MCD.

Mr. Uday Gupta, Ms. Shivani Lal, Mr. Hiren Dasan, Mr. M.K. Tripathi and Ms. Sanam Singh, Advocates for R-2 and 3.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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03.10.2023

1. The petitioners, who claim to be the owners of the first, second and third floor of *House No.8/30, East Patel Nagar, New Delhi -110008*, have filed this writ petition under Article 226 of the Constitution against alleged illegal construction in the basement and ground floor of the premises. According to them, unauthorised construction is being carried out at the instance of respondent No.2 and 3 herein.

2. Mr. Ashutosh Gupta, learned counsel for Municipal Corporation of Delhi ["MCD"], who appears on advance notice, submits that the property has been inspected and unauthorised construction has been found in the entire property. It has been booked on 21.09.2023 and show cause notices have been issued to the owners/occupants, including the



petitioners and respondent Nos. 2 and 3. He submits that further action will be taken expeditiously in accordance with law, upon receiving replies, if any, to the show cause notices.

3. In view of the aforesaid submissions on behalf of the MCD, learned counsel for the petitioners states that no further orders are required in this writ petition, which stands disposed of, alongwith pending applications.

4. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of the petitioners and respondent Nos. 2 and 3 and any other owners/occupants of the subject property, whose statutory remedies stand reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements.

5. In the event the parties have any further grievance with regard to unauthorized construction, they may approach the Special Task Force [“STF”], constituted by the Supreme Court *vide* orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. This direction is made with reference to the decision of the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors* [order dated 20.09.2018 in W.P.(C) 1807/2018 and connected matters], followed by another decision of the Division Bench in *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], by a recent decision of the Division Bench in *Himanshu vs. East Delhi Municipal Corporation & Anr.* [order dated 31.07.2023 in W.P.(C) 8104/2022], and by a decision of the learned Single Bench in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order



dated 28.02.2019 in W.P.(C) 1773/2019].

PRATEEK JALAN, J

OCTOBER 3, 2023
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