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

+ W.P.(C) No. 755/2019

MOHD. RASHID KHAN Petitioner

Through : Mr. Mahesh Chand, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION

AND ORS. Respondents

Through : Mr. Ajay Digpaul, Standing Counsel
for R1.

Mr. Dhanesh Relan, Standing
Counsel for DDA.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **23.01.2019**

W.P.(C) No. 755/2019 & CM APPL. No. 3283/2019 (for interim relief)

The subject matter of this writ petition is alleged un-authorized construction raised by respondents No. 5 and 6 in Old Jasola Village, New Delhi. Learned counsel appear for respondent No. 1/SDMC and respondent No. 4/DDA on advance notice and have several objections to the petition, both factual and legal.

That notwithstanding, it transpires that in compliance of orders of the Supreme Court in Writ Petition (Civil) No. 4677/1985 titled *M.C. Mehta vs. Union of India & Ors*, vide Office Memorandum dated 25.04.2018 the Delhi Development Authority (DDA) has constituted a Special Task Force to comprehensively address violations of the provisions of the Unified Building Bye Laws and Master Plan for Delhi-2021 relating *inter alia* to construction activity and land-use in Delhi. Vide another Office Memorandum dated

23.05.2018 the DDA has also formulated an action plan for monitoring construction activities in Delhi and for fixing responsibility in case of violations of the Unified Building Bye Laws and the Master Plan.

Vide order dated 20.09.2018 made in Writ Petition (Civil) No. 1807/2018 titled ***Devender vs. Government of NCT of Delhi & Ors.*** (and connected matters) by the Division Bench of this Court headed by Hon'ble the Chief Justice, the Court has held that in view of the setting-up of the Special Task Force under directions of the Supreme Court it is not appropriate for our court to exercise jurisdiction in matters relating to unauthorised construction; and has disposed of such matters granting liberty to the petitioners to raise their grievances before the Special Task Force so constituted, in accordance with the scheme and procedure formulated under the aforesaid two Office Memoranda.

By order dated 24.09.2018 made in a subsequent matter, being Writ Petition (Civil) No. 9938/2018 titled ***Suresh Chand Goel vs. East Delhi Municipal Corporation***, the Division Bench has followed its earlier order dated 20.09.2018 in Writ Petition (Civil) No. 1807/2018, similarly disposing of the writ petition, granting liberty to the petitioner to file a complaint before the Special Task Force.

To be sure, the petitions that were subject matter of the aforesaid proceedings before the Division Bench were petitions filed in public interest *and otherwise*; and related to contravention not only of sanctioned building plans but also of various laws, including the Delhi Municipal Corporation Act, 1957, the Delhi Development

Authority Act, 1957, the New Delhi Municipal Council Act, 1994, the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and the Ancient Monuments Preservation Act, 1904 as also encroachment on public land etc.

The aforesaid Special Task Force is a 15-member outfit with representation of the highest level from all concerned municipal, civic, revenue and law enforcement agencies of Delhi; and is therefore ideally suited for multi-agency, coordinated action against the rampant malaise of breach of various laws, rules and regulations governing building construction and land-use in Delhi.

I am informed that as of date the Special Task Force even has its own dedicated website and mobile application to facilitate making of complaints, thereby making it even easier for parties to take their grievances before the said agency.

Accordingly, I am of the view that the correct course of action in this matter would be to dispose of the present writ petition, giving liberty to the petitioner to file its grievance before the Special Task Force in accordance with the policy and procedure laid down for the purpose in DDA's Office Memoranda dated 25.04.2018 and 23.05.2018.

The present writ petition is disposed-of in the above terms.

ANUP JAIRAM BHAMBHANI, J

JANUARY 23, 2019