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

+ W.P.(C) No. 1406/2019

KALIM KHAN

..... Petitioner

Through: Mr. Sumant De, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Through: Mr. Prabjot Kaur, ASC. for R-1.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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11.02.2019

CM APPL. No. 6414/2019 (for exemption)

Allowed, subject to just exceptions.

Application stands disposed of.

W.P.(C) No. 1406/2019 & CM APPL. No. 6415/2019 (for interim relief)

The petitioner is aggrieved by alleged unauthorised construction in property bearing No. R-164, Gali No. 6, Jogabai Extension, Jamia Nagar, New Delhi.

Mr. Sumant De, learned counsel for the petitioner states that apart from filing complaints before respondent No. 1/SDMC, the petitioner has also filed a complaint dated 29.01.2019 before the Special Task Force constituted by the Ministry of Housing & Urban Affairs ("MHUA") vide Office Memorandums dated 25.04.2018 and 23.05.2018 in compliance with

the directions of the Supreme Court in W.P. (C) No. 4677/1985 titled ***M.C. Mehta vs. Union of India & Ors.***, however until now no action has been taken.

Learned Additional Standing Counsel appearing for respondent No. 1/SDMC on advance copy states that she has no instructions in the matter so far.

As fairly stated by the petitioner, he has already filed a complaint before the Special Task Force. This Special Task Force constituted in compliance of orders of the Supreme Court in Writ Petition (Civil) No. 4677/1985 titled ***M.C. Mehta vs. Union of India & Ors.***, by the Ministry of Housing & Urban Affairs (“MHUA”) of the Government of India *vide* Office Memorandum dated 25.04.2018 is a specialised team tasked 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 MHUA 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 presided-over 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 Memorandums.

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. I am informed that the Division Bench has subsequently also made similar orders in other matters.

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 body 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 also would be to dispose of the present writ petition, leaving the petitioner to pursue his complaint filed before the Special Task Force in accordance with the policy and procedure laid down for the purpose in MHUA's Office Memorandums dated 25.04.2018 and 23.05.2018 and avail the said alternate, efficacious remedy.

This petition is disposed of in the above terms.

Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 11, 2019/uj