

\$~36

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

+ **W.P.(C) 3807/2019**

MEENAKSHI TYAGI

..... Petitioner

Through Mr Arvind Kumar Sharma, Mr Aniteja
Sharma, Advocate

versus

**THE GOVERNMENT OF NCT OF DELHI AND
ORS.**

..... Respondents

Through Mr Akhil Mittal, Standing Counsel for
R4,5 & 6.

Mr Sunil Kalra, Advocate for R6 and R7.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

12.04.2019

CM No.17388/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 3807/2019 & CM APPL. 17387/2019

3. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to take immediate action for stopping/prohibiting the illegal unauthorized construction being raised in Khasra No. 56/1, 56/1/2, 53/16, 54/20 and 56/10 in village Salempur Mauza, Burari, Delhi -110084.
4. The learned counsel appearing for the respondents states that the matters relating to unauthorized construction have now been entrusted to the Special Task Force(STF) by virtue of the decision of the Supreme Court and, therefore, necessary action would be taken pursuant to any direction that may be issued by the STF. He further submits that the Division Bench

of this Court in a similar matter (*W.P. (C) 1807/2018* captioned *Devender v. Govt. of NCT of Delhi & Others. Decided on 20.09.2018*) relating to allegations of unauthorized construction, has referred the petitioners to make an appropriate application before the STF.

5. In this view, the petitioner is directed to approach the STF with her complaint. However, respondent nos. 1 to 7 cannot be absolved of their obligation for ensuring that no unauthorized construction is carried out.

6. The respondents are directed to examine the petitioner's grievance and take action necessary in accordance with law, immediately.

7. The petitioner also prays that directions be issued to respondent no.8 not to interfere in the cultivation on the agricultural land belonging to her father and, in particular, khasra No. 54/19, 2, 54/20, 54/22/1, 56/10 (balance area other than occupied by the school) 56/2 and 56/9 Village Salempur Mauza, Burari, Delhi. It is seen that the petitioner and respondent no.8 are related to each other. The petitioner claims certain rights in respect of the property through her father and it is stated that respondent no.8 is the brother of the petitioner's father. The petitioner's grievance against respondent no.8 is not in his capacity as a Municipal Councillor, but in his personal capacity. In this regard, it will not be apposite for this Court to pass any order in this petition. It would be open for the petitioner to institute an appropriate action in respect of the said disputes in respect of the family/ property dispute.

8. The petition is disposed of in the above terms.

VIBHU BAKHRU, J

APRIL 12, 2019

pkv