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

+ W.P.(C) No. 721/2017 & CM Nos. 3296/2017, 13484/2017,
14476/2017 & 18538/2017

V.M. SINGH

..... Petitioner

Through: Mr. Arjun Harkauli, Mr. Anshuman
Gargesh and Ms. Arunima Bishnoi,
Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ANR

..... Respondents

Through: Mr. Rajan Tyagi, ASC with
Mr. Deepak Sharma, Adv. for R-
1/SDMC
Mr. Arun Vohra, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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11.02.2019

The petitioner's grievance is in relation to alleged unauthorized construction at property No. W-127 Greater Kailash Part-II, New Delhi, in particular in the basement and ground floor in the front portion of the property.

Respondent No.1/SDMC has filed three status reports in the matter dated 19.05.2017, 23.10.2017 and 05.01.2018. Learned additional standing counsel appearing for respondent No.1/SDMC points-out that with status report dated 23.10.2017, respondent No.1/SDMC has annexed a copy of order dated 06.10.2017 whereby the owners were directed to demolish the

unauthorised construction existing at the site that was booked for action since it was beyond the sanctioned building plan. He further points-out that alongwith status report dated 05.01.2018, respondent No.1./SDMC has also annexed a copy of vacation notice dated 02.01.2018 whereby the occupants of the offending portions have been directed to vacate such portions, so that respondent No.1/SDMC may take demolition/sealing action against such portions.

Vacation notice was issued when the owners/occupiers failed to comply with the previous demolition notice. In these circumstances, counsel for respondent No.1/SDMC says that action was indeed initiated; although such action may not be complete.

Counsel for respondent No. 2/private party is also present and states that in fact the offending portions had been constructed inadvertently; were cosmetic in nature; and were demolished by the owners on or about 03.03.2017.

It is evident from the above that there are contentions and counter-contentions on the issue of unauthorized construction in the subject property; and that all else notwithstanding, the petitioner is not satisfied with the action taken by respondent No.1/SDMC.

In the context of the petitioner's grievance, 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***, the Ministry of Housing & Urban Affairs ("MHUA") of the Government of India has *vide* Office Memorandum dated 25.04.2018 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 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, giving liberty to the petitioner to approach 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

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