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

+ W.P.(C) 1030/2018 & CM APPL. No. 4316/2018

SHREE JAGDAMBAY CO-OPERATIVE GROUP HOUSING
SOCIETY LTD. Petitioner

Through: Mr. Pulkit Jain, Adv.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Ms. Monika Arora, Adv. with
Mr. Harsh Ahuja and Mr. Kushal
Kumar, Advs. for North DMC.
Mr. Ankit Banati, Adv. for R2 & R-3.
Mr. C.S. Parashar & Mr. Vaibhav,
Advs. for R-4 & R-5.
Mr. Vishesh Wadhwa, Adv. for R-6.
Mr. S.K. Kaushik, Adv. for R-7.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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27.02.2019

The petitioner is aggrieved by alleged unauthorized construction being undertaken in Shree Jagdambay Co-operative Group Housing Society Ltd. (commonly known as Ambika Apartments, Plot No. 5, Sector 14, Rohini, Delhi).

2. All respondents in the matter are represented.

3. Status report dated 16.08.2018 filed by respondent No. 1/North DMC states that the apartments in the Co-operative Housing Society

have been inspected by the field staff on 03.02.2018 and again on 09.08.2018. The status report sets-out the status of construction, including deviations in the various apartments of respondents Nos. 2 to 7. While certain deviations in the form of extended balconies, amalgamated apartments and some office rooms constructed by the Residents' Welfare Association itself at the stilt level were found, no precipitate action appears to have been taken in the matter.

4. The petitioner Co-operative Housing Society is not satisfied since no meaningful action has ensued despite repeated complaints and representations made to respondent No. 1/North DMC.

5. 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. *Vidé* 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.

6. *Vidé* 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. This petition is disposed of in the above terms.

13. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 27, 2019/uj