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

+ W.P.(C) 1493/2018

RIGHT ACTION FOUNDATION INDIA Petitioner

Through: Mr.Misbah Bin Tariq, Adv.

Versus

SOUTH DELHI MUNICIPAL
CORPORATION AND ORS

..... Respondents

Through: Ms.Ruchi Jain, Adv. for R-1/SDMC.

Mr.Sanjay Ghose, ASC with Mr.Rishabh Jetly,
Adv. for GNCTD.

Mr.Arun K.Sharma and Mr.Amjet Andlay, Adv.
for R-4&5.

Insp. Sanjay Neolia; SI Gyan Prakash; P.S.
Shaheen Bagh.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

09.07.2019

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1. This writ petition has been preferred for the removal of the unauthorised constructions at the places which are referred to in the memo of this writ petition especially at page Nos.7 and 8 thereof.

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that Hon'ble Supreme Court in *Writ Petition(s) (Civil) No(s).4677/1985, M.C.Mehta vs. Union of India & Ors.* reported in 2018 SCC Online SC 594 has observed in paragraphs No.5 to 8 as under:-

“5. It has been submitted by learned Additional Solicitor General (Mr.Nadkarni) that a Task Force is contemplated that will ensure that the orders of this Court and the applicable bye-laws are implemented and encroachments, etc. as well as

unauthorised constructions are removed.

6. The Task Force as suggested by learned Additional Solicitor General (Mr.Nadkarni) may be constituted with immediate effect.

7. As a first step, the Task Force should remove encroachments on public roads, public streets and pedestrian streets, as mentioned in the immediate action submitted by Mr.Nadkarni in a Revised Note dated 18th April, 2018. The needful should be done within a period of two weeks from today.

8. We make it clear that the Monitoring Committee may suggest to the Task Force the areas where immediate action is required to be taken.”

3. In view of the aforesaid directions issued by the Hon'ble Supreme Court, the Ministry of Housing and Urban Affairs (MHUA) vide Office Memorandum No.O-330011/1/2006-DDI dated April 25, 2018 has constituted a Special Task Force comprising 15 members.

4. By another Office Memorandum No.O-330011/1/2006-DDI issued by the MHUA on May 23, 2018, an action plan for monitoring all ongoing construction activities in Delhi, fixing of responsibilities in case of violation of Master Plan, unified Building Bye-laws and issues with regard to illegal constructions have been dealt with; and even a plan for receipt of complaint with regard to illegal and unauthorised constructions already made and steps to be taken for their removal have also been indicated.

5. Keeping in view that there is already a specially constituted body to address the petitioners' grievances *qua* removal of encroachment on the public roads, public streets and pedestrian streets as indicated at page Nos.7

and 8 of memo of this writ petition, it would not be proper for this Court to exercise its extraordinary jurisdiction in the matter.

6. Accordingly, this writ petition is disposed of with liberty to the petitioners to file a complaint before the Special Task Force as indicated hereinabove.

7. The Special Task Force shall take care of the allegation levelled at page Nos.7 and 8 of this writ petition for removal of unauthorised constructions after giving adequate opportunity of being heard to the respective encroachers/officers in accordance with law.

C.Ms.No.6129/2018, 9724/2018

In view of the aforesaid order, the applications are disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 09, 2019

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