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

+ W.P.(C) 1894/2018

SHRI RAJESH

..... Petitioner

Through: Ms. Seema Mishra & Mr. Dinesh  
Tiwari, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION THROUGH: ITS  
DEPUTY COMMISSIONER

..... Respondent

Through: Mr. Surender Kumar Sharma, Adv.  
for R-1.  
Mr. V.N. Jha, Adv. for R2 & R-3.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **27.02.2019**

The petitioner is aggrieved by alleged unauthorized construction in property bearing municipal No. WZ-802Palam Village, Mohalla Badiyal, behind Shiv Mandir, New Delhi.

2. Last order dated 14.02.2018 has been complied with by the petitioner. With regard to the petitioner's own property, the petitioner states that his property is an old construction dating to before 1980; that the house is ancestral property protected by Delhi Laws (Special Provisions) Act, 2006 and The National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 as amended in 2017.

3. While counsel for the petitioner admits that there is no building sanction for the petitioner's property, she states that the property is protected by the aforesaid laws.

4. In any case, the petitioner wishes to withdraw the present petition with liberty to approach the Special Task Force set-up by Ministry of Housing and Urban Affairs (MHUA's) *vide* Office Memorandums dated 25.04.2018 and 23.05.2018 issued under directions of the Supreme Court in Writ Petition (Civil) No. 4677/1985 titled ***M.C. Mehta vs. Union of India & Ors.***

5. Learned counsel for respondents Nos. 2 and 3 states that he also wishes to approach the Special Task Force in relation to what he alleges is unauthorized construction in the petitioner's property.

6. For the record, respondents Nos. 2 and 3 have also filed an appeal bearing No. 824/2018 before the Appellate Tribunal MCD impugning the action taken by respondent No. 1/SDMC, in which certain interim relief was granted to respondents Nos. 2 and 3 *vidé* order dated 16.11.2018 made by ATMCD. The said appeal before ATMCD is stated to be pending.

7. In view of the above, the present petition is dismissed as withdrawn, with liberty as prayed for to the petitioner as well as to respondents Nos. 2 and 3 to avail their remedies in accordance with law.

8. It is clarified that nothing in this order shall, in any manner, prejudice or pre-judge the statutory proceedings pending before the ATMCD and/or the District Judge.

**ANUP JAIRAM BHAMBHANI, J.**

**FEBRUARY 27, 2019/uj**