

\$~15

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

+ W.P.(C) No. 4774/2018

RAM BHAGAT YADAV Petitioner

Through: Mr. Zahid Hanief, Advocate for
Mr. Rajender Singh, Advocate.

versus

SOUTH DELHI MUNICIPAL CORPORATION Respondent

Through: Mr. Nikhil Goel, Mr. Gurpreet Hora,
Advocates for SDMC/R1.
Mr. Imran Khan, Advocate for Ms.
Richa Dhawan, Additional Standing
Counsel for SDMC/R2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **24.01.2019**

Respondent No. 2 has been served. Mr. Imran Khan, learned counsel appears for respondent No. 2.

Respondent No. 1/SDMC has filed status report dated 06.12.2018 stating *inter alia* that the site/public road on which encroachment is alleged, falls within an urbanized village ; and that the status of the existing land/road/government land is not clear.

The status report further states that to ascertain the status of the site, SDMC had written to its Town Planning Department to provide the approved lay-out plan of Mochi Gaon, Village Arkapur, New Delhi. Not having received a clear response, SDMC has now written to the Delhi Development Authority and the Sub-Divisional

Magistrate concerned for providing the approved lay-out plan of the area which would give the dimensions of the shops in Mini Market, Nanak Pura allotted by the DDA and the plots allotted to Sewadar Gurudwara, Nanak Pura, Delhi.

Respondent No. 1 contends that action against the alleged encroachment can only be taken by it upon receiving the aforesaid information, as per law.

It is evident from the above that the subject matter of this writ petition requires co-ordinated action on the part of various governmental authorities, agencies and departments.

That said, 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***, vide Office Memorandum dated 25.04.2018 the Delhi Development Authority (DDA) has 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 DDA 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 headed 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.

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 outfit 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 would be to dispose of the present writ petition, giving liberty to the petitioner to file its grievance before the Special Task Force in accordance with the policy and procedure laid down for the purpose in DDA's Office Memorandums dated 25.04.2018 and 23.05.2018.

The petition is disposed of in the above terms.

ANUP JAIRAM BHAMBHANI, J.

JANUARY 24, 2019

j