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

+ W.P.(C) 8554/2018 & CM APPL. No. 32862/2018

MADAN LAL

..... Petitioner

Through: Mr. Lalit Gupta & Mr. Himank
Ahuja, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through: Ms. Puja Kalra, Standing Counsel for
SDMC with Mr. Mujtaba, AE for
SDMC.

Ms. Prabhsahay Kaur, Adv. for R-2.
SI Vikram Singh, PS Rajouri Garden.
Ms. Parul Dureja, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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06.03.2019

Pursuant to last order dated 26.02.2019, the Local Commissioner has undertaken inspection of the property and has filed his report dated 05.03.2019. Shorn of unnecessary details, the Local Commissioner's report states that there was no construction work going-on in the subject property at the time of inspection; that the property was not in use or occupation at the time of inspection; and that the on-ground position of the subject property as on the date of inspection was the same as stated in the status report dated 26.02.2019 filed by respondent No. 1/SDMC.

2. Mr. Lalit Gupta, learned counsel for the petitioner contends that what

is stated in the Local Commissioner's report dated 05.03.2019 is not accurate; and that the subject property is neither sealed nor demolished in its *entirety*. He further states that the subject property in fact was being used at least until 20.02.2019.

3. Counsel for the petitioner has handed-up a set of photographs under the cover of index dated 06.03.2019, which are taken on record. Counsel for respondent No. 1/SDMC however disputes the authenticity of the photographs.

4. A perusal of the prayers made in the petition show that relief is sought against alleged unauthorised construction existing in shops bearing Nos. 41 to 43 and also 48 to 50, Murga Market, near Ghode Wala Mandir, Tagore Garden Extension, New Delhi.

5. Ms. Puja Kalra, learned Standing Counsel for respondent No. 1/SDMC states that another petition bearing W.P. (C) No. 1346/2019 was filed by some other persons relating to *certain other shops in the same area* including shops bearing Nos. 61, 63, 64, 65, 93 and 94 in Murga Market, which shops are owned/occupied by the petitioner in this matter. She states that as recorded in order dated 08.02.2019 made in the said writ petition, that petition was withdrawn with liberty to approach the Special Task Force set-up by Ministry of Housing & Urban Affairs (MHUA) of Government of India *vidé* Office Memorandums dated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.***

6. She states that the present petition is a measure of retribution by the petitioner to settle scores with the persons who had filed the aforesaid writ petition against shops in the same area owned/occupied by the petitioner.

7. All that notwithstanding, 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 *vidé* 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.

8. *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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. This petition is disposed of in the above terms.
15. Pending applications, if any, also stand disposed of.

MARCH 06, 2019/uj

ANUP JAIRAM BHAMBHANI, J.