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

+ W.P.(C) No. 3700/2017 & CM APPL. Nos. 16287/2017, 22020-22021/2017, 25334/2017

RAISUDDIN KHAN & ORS

..... Petitioners

Through: Mr. Anuj Kumar Garg, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS

..... Respondents

Through: Mr. Roshan Lal Goel, Standing Counsel with Ms. Anju Gupta, Adv. for R-1/SDMC.

Mr. Abhinav Singh & Mr. Mohd. Kaisar Ansari, Advs. for R-2.

Mr. Harpreet Singh, Mr. Rajesh Gupta, Mr. Pranjal & Mr. S.P. Gupta, Advs. for R-3 & R-4.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **19.02.2019**

The petitioner's grievance is in relation to alleged unauthorized construction in property bearing No. 260 and 260A situate at Hauz Rani, Malviya Nagar, New Delhi.

2. Respondent No. 1/SDMC, respondent No. 2/Delhi Police as well as respondents Nos. 3 and 4/private parties are represented by counsel. No one appears on behalf of respondent No. 5.

3. As per the last two status reports dated 29.08.2017 and 21.02.2018 filed by respondent No. 1/SDMC, the subject property was inspected; and

although there is some ambiguity as to the plot numbers assigned to the subject property by reason of sub-division/amalgamation thereof, inspection shows that no fresh construction activity has taken place in the recent past in the subject property; and the subject property has been sealed.

4. From submissions made at the bar by counsel appearing for the petitioners and respondents Nos. 3 and 4, it is evident that there are serious disputes in regard to alleged unauthorized construction on the subject property. It also appears from the record that there was also a civil suit bearing CS No. 352/2017 filed by the petitioners against respondents Nos. 3, 4 and 5 in the court of the Civil Judge in relation to the subject property, which suit was however disposed of by order dated 07.04.2017 on the basis of statements made by the parties to the effect that they shall not carry-out any unauthorized construction in the subject property and shall carry-out construction only as per law/sanctioned plans. On the basis of the statements, the suit was disposed of as settled.

5. Be that as it may, 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. *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.

6. *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 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 19, 2019/uj