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

+ W.P.(C) No. 8701/2018 & CM APPL. No. 33421/2018  
(for directions)

HASEENA BANO

..... Petitioner

Through: Mr. Mahesh Chand, Adv.

versus

SOUTH DELHI MUNICIPAL CORPORATION OF DELHI AND  
ORS. .... Respondents

Through: Ms. Vidhi Jain, proxy counsel for Mr.  
Sriharsha Peechara, Adv. for R-  
1/SDMC.  
Mr. Shekhar Kumar, Adv. for  
Ms.Saumya Tandon, Adv. for R2  
with SI Gaurav Choudhary, PS  
Shaheen Bagh.

**CORAM:**

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

**ORDER**

% **22.01.2019**

**W.P.(C) No. 8701/2018**

Although no notice has been issued in this matter, by order dated 20.08.2018 respondent No. 1/SDMC was directed to file an Action Taken Report in relation to the unauthorised construction alleged in the subject property.

Status report, as directed, has been filed wherein respondent No. 1 states that action against the subject property has been taken. However, respondent No. 1 accepts that only partial action was taken, while further action could not be taken due to pre-occupation of the police force and

respondent No.1's officials in other demolition actions.

A copy of the status report has been shown to counsel appearing for the petitioner; who however states that action *as required* has not been taken or completed.

I am given to understand, that considering the nature of the property and its location, strong coordination between various authorities would be necessary to enforce action in accordance with law.

Also, since notice has not been issued, service has not been effected on respondent No.3, the person who is the owner/occupant of the subject property.

That being said however, 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 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 Memoranda.

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***, 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 also 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 Memoranda dated 25.04.2018 and 23.05.2018.

The present petition is therefore disposed of, granting liberty to the petitioner to file his complaint before the Special Task Force in accordance with law, as per the scheme formulated and the procedure laid down in the above said Office Memoranda ; with a further direction to the Special Task Force to deal with the complaint at the earliest possible, in accordance with law.

The present petition is disposed of in the above terms.

**ANUP JAIRAM BHAMBHANI, J.**

**JANUARY 22, 2019/uj**