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

+ W.P.(C) 11426/2017

ANIL KUMAR

..... Petitioner

Through: None.

versus

THE COMMISSIONER, SDMC & ANR Respondents

Through: Mr. Swastik Singh, Adv. for SDMC.
Mr. Arun Birbal & Mr. Sanjay Singh,
Advs. for DDA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **15.03.2019**

This matter pertains to unauthorized construction on property bearing House no.55, gate No. 3, Bhawani Kunj, Vasant Kunj, New Delhi-110070 and encroachment upon D.D.A. park by the owner of H.No.D-5, Shanti Kunj, Vasant Kunj, New Delhi.

In matters relating to unauthorised construction, this court has, by detailed 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) taken note of the fact that the Hon'ble Supreme Court is seized of the issue of unauthorised construction in Writ Petition (Civil) No. 4677/1985 titled ***M.C. Mehta vs. Union of India & Ors.***, in which case the Apex Court has passed various directions, including those contained in orders dated 24.04.2018 and 18.07.2018. In the backdrop of that matter the Ministry of Housing & Urban Affairs ("MHUA") of the Government of India has *vide* Office Memorandum No. O-33011/1/2006-DDI 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 No. O-33011/1/2006-DDI 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.

The Special Task Force comprises 15 members from various municipal, civic, revenue and law enforcement agencies of Delhi; and even has its own dedicated website and mobile application to facilitate making of complaints. The Special Task Force is therefore a specially constituted agency to address grievances relating *inter-alia* to unauthorised construction; and an aggrieved person may avail the alternate, efficacious remedy before the Special Task Force.

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 extraordinary jurisdiction in matters relating to unauthorised construction; and we would therefore dispose of the present petition, granting liberty to the petitioner to raise the grievance before the Special Task Force so constituted, in accordance with the scheme and procedure formulated under the aforesaid two Office Memorandums.

This petition is disposed of in the above terms.

Pending applications, if any, also stand disposed of.

THE CHIEF JUSTICE, J

ANUP JAIRAM BHAMBHANI, J

MARCH 15, 2019/Pallavi