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

+ W.P.(C) 11679/2017 & CM No. 47432/2017

ANITA SAINI AND ORS.

..... Petitioners

Through : Mr. Ghanshyam Yadav, Adv. along
with petitioner in person.

versus

SOUTH DELHI MUNICIPAL CORPORATION AND ORS.

..... Respondents

Through : Mr. Punjeet Garg, Adv. for
R-1/SDMC.
Mr. Madhu Sudan Bhayana, Adv. for
R-2 along with SI Roshan Lal, P.S
Kotla Mubarak Pur.
Mr. Rahul Malik, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **22.02.2019**

The petitioners are aggrieved by alleged unauthorized construction in property bearing No. 1598-A, Saini Basti, Kotla Mubarakpur, New Delhi.

1. All respondents in the matter are represented.
2. Status report dated 10.10.2018 filed by respondent No.1/SDMC states that the said property was booked for unauthorized construction ; that demolition proceedings and sealing proceedings were initiated and orders for demolition and sealing were also passed. The report further states that on 27.08.2015 the demolition order was executed and certain portions of the subject property were also sealed. The report also says that the seal so installed was found to have been tampered with, in respect of which an FIR was lodged. Thereafter the report says, that respondent No.1/SDMC has

issued vacation notice to the occupier ; and that a programme for demolition/sealing was scheduled for the month of October, 2018; and, counsel appearing for respondent No.1/SDMC states that, as per his latest instructions, demolition action has already been taken.

3. However, counsel appearing for the petitioners disputes the contents of the status report as well as the instructions received by counsel for respondent No.1 and states that no effective action has been taken.

4. 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.

5. *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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. This petition is disposed of in the above terms.

12. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 22, 2019

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