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

+ W.P.(C) No. 11629/2017 & CM APPL. No. 35836/2018

MRS NARINDER KAUR CHADDHA Petitioner
Through : Mr. Umesh Sharma, Mr.Dinesh
Kumar, Advocates.

versus

NORTH DMC AND ORS. Respondents
Through : Ms. Jyoti Taneja, Standing Counsel
for NDMC/R1.
Ms.Vriti Gujral, Mr.Raunak Singh,
Advocates for DDA/R2.
Mr. Virag Kumar Agarwal,
Mr.Vibhor Agarwal, Advocates for
R3 alongwith R3 in person.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
% **30.01.2019**

W.P.(C) No. 11629/2017

The petitioner's main grievance is about alleged unauthorized construction being undertaken by private respondent No. 3 in property bearing No. AC-I/134-B Shalimar Bagh, New Delhi.

Status report has been filed by respondent No. 1/North DMC, which states that during an inspection, some unauthorized construction/encroachment was found in the petitioner's own property, part of which has been removed and the matter has been

referred to the concerned department of the corporation for taking further appropriate action.

Insofar as respondent No. 3's property is concerned, the status report says that respondent No. 3's apartment was found to be in conformity with the Delhi Development Authority's Standard Building Plan.

Counsel appearing for the petitioner however disputes the correctness of the status report filed by respondent No. 1.

In these circumstances, it appears that the disputes as between the petitioner and respondent No. 3 regarding alleged unauthorized construction in the subject properties remain unresolved.

That being said, 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***, 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 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.

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.

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.

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 approach the Special Task Force in accordance with the policy and procedure laid down for the purpose in DDA's Office Memorandums dated 25.04.2018 and 23.05.2018 and avail the said alternate, efficacious remedy.

Since there are disputes as regards unauthorized construction in the properties of the petitioner as well as of respondent No. 3, *both parties* are at liberty to approach the Special Task Force as aforesaid.

This petition is disposed of in the above terms.

Pending applications, if any, also stand disposed of.

CM APPL. No. 35836/2018 (under Section 340 Cr.P.C.)

In view of the writ petition being disposed of, learned counsel appearing for the applicant/respondent No. 3 seeks leave to withdraw this application.

Accordingly, the present application is dismissed as withdrawn.

It is made clear that the disposal of this writ petition as well as

withdrawal of the application under Section 340 Cr.P.C. shall not in any way affect the merits of the other litigations that are stated to be pending between the petitioner and respondent No. 3.

ANUP JAIRAM BHAMBHANI, J

JANUARY 30, 2019

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