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

+ W.P.(C) 790/2024 & CM APPL. 3401/2024

SH RAJ KUMAR SINGH RATHOREPetitioner
Through: Mr. Gaurav, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.Respondents
Through: Ms. Anshula L. Bakhru, Advocate
for R-1.
Mr. Rishabh Singhal, Advocate for
R-3.
Mr. Gunjan Singh, Advocate for
R-4 to 6.
SI Parmender Kumar, PS Rani
Bagh, Delhi.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

% **ORDER**
03.12.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, for the following reliefs:-

“a. Issue a Writ of Mandamus, Writ of Prohibition and any other writ, order or direction thereby directing the respondent no. 1 and 2 to take appropriate legal action against the illegal and unauthorized construction of property bearing Flat No. 40 state bank of India colony near apna ghar society Sant Nagar Rani Bagh Delhi 110034 under the law by booking, Sealing and demolition of the same as per law;
b. Pass any other order(s) or relief(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in



favour of the petitioner and against the respondents.”

2. It is contended that illegal construction has been carried out in the subject property by respondent Nos. 4 to 6 herein.

3. Municipal Corporation of Delhi [“MCD”] has filed a status report dated 26.04.2024, in which it is stated that the subject property was inspected on 12.02.2024, but the standard plan/sanctioned plan of Delhi Development Authority [“DDA”] was not available. The question of unauthorised construction/deviation from the standard plan/sanctioned plan could, therefore, not be determined. It is stated that the plan is not available in the record of MCD. MCD has been writing to DDA and the group housing society of the petitioner for the same, but they have not been provided with the standard building plan/sanctioned plan. A further inspection on 18.04.2024 revealed that no construction activity was going on at the site.

4. The petitioner has filed objections to the status report disputing the aforesaid contention of MCD.

5. Having regard to the fact that coordinated action between the MCD and DDA is required, I am of the view that this is a fit case for reference to the Special Task Force [“STF”], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. The STF is headed by Vice-Chairman of DDA, and comprises of representatives of the relevant agencies, including MCD. It is an appropriate administrative mechanism tasked with coordinated action in case of unauthorised construction. STF would also be well placed to make efforts to ensure that the standard building/sanctioned plan is made available, and appropriate action is



taken in respect of any deviation therefrom.

6. The petition is therefore disposed of, with liberty to the petitioner to file a complaint before the STF, and a direction upon STF to consider the same as expeditiously as possible, in accordance with law. This direction is made with reference to the decisions of the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors.* [order dated 20.09.2018 in W.P.(C) 1807/2018], *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], *Fazruddin vs. DDA & Ors.* [order dated 23.04.2019 in WP (C) 4649/2017], and in *Himanshu vs. East Delhi Municipal Corporation & Anr.* [order dated 31.07.2023 in W.P.(C) 8104/2022], and decisions of coordinate Benches in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019] and *Rashiduddin Malik vs. MCD & Ors.* [order dated 02.09.2024 in WP (C) 12102/2024].

7. The rights and contentions of owners/occupants of the subject property are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements, and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

PRATEEK JALAN, J

DECEMBER 3, 2024

'pv/AD'/'