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

+ **W.P.(C) 1438/2024**

**SARDAR SATVINDER SINGH**

.....Petitioner

Through: Mr. A.K. Mishra, Adv.

Versus

**MUNICIPAL CORPORATION OF DELHI & ANR.**

.....Respondents

Through: Mr. Abhinav Swaroop Sharma, Mr.  
Mahender Shukla and Ms. Muskan,  
Advs. for MCD

Mr. Mohit Bhardwaj, Adv. for R-2  
with SI Arun Kumar, P.S. Hazrat  
Nizamuddin

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

**04.09.2024**

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1. The petitioner in the instant petition has prayed for the following reliefs:-

*“a) Pass directions thereby directing the Respondent no. 1 to ensure that the illegal and unauthorised construction carrying out at the property bearing no. B-100, Fourth Floor, Jangpura B, New Delhi – 110014 by the builder are revoked and the problems arising out of the above stated menace to the nearby residents and the Petitioner and his family members be solved.*

*b) Pass further directions to the Respondent no. 1 and 2 to take action in accordance with DMC Act to seal and demolish the illegal and unauthorised construction completely carrying out by the builder by filing status report before this Hon'ble Court.*



*Any other order or relief which this Hon'ble Court may deem fit and proper be pleased to pass in favour of the Petitioner and against Respondents in the interest and furtherance of justice."*

2. The latest Status Report dated 02.09.2024 has been handed over in Court today, which is taken on record. The Status Report would indicate that on 13.08.2024 upon availability of Police Force, 02 RCC panels have been demolished and reinforcement was cut/fallen out with the help of gas cutter. As per Status Report, 4<sup>th</sup> Floor of the property has been made completely uninhabitable. It is further stated in the Status Report that the directions have been given to SHO, PS Hazrat Nizamuddin to keep strict vigil over subject property so that the owner/builder may not be able to restore the demolished portion. Paragraph Nos. 4 and 5 of the Status Report reads as under:-

*"4. That, pursuant to demolition/ sealing orders already stand passed, an action against subject property was planned for 13.08.2024. During the course of action, upon availability of Police Force, 02 RCC panels have been demolished and reinforcement was cut/ fallen down with the help of gas cutter at fourth floor roof. Partition brick walls at fourth floor were also demolished. During the action, fourth floor of the property has been made completely uninhabitable. After demolition, subject premises i.e. entire fourth floor has been sealed at one point in the presence of police force. Photographs showing the action taken by the department on 13.08.2024 are annexed herewith as **Annexure:A***

*5. That pursuant to aforesaid demolition sealing action, a letter bearing No. D/575/AE(B)-IV/CNZ/2024 dated 13.08.2024 has been sent to the SHO, PS Hazrat Nizamuddin with the request to keep strict vigil over subject property, so that Owner/ Builder may not be able to restore the demolished portion/ tamper with the seals affixed by the department. Copy of watch & ward letter dated 13.08.2024 is annexed herewith as **Annexure:B**"*

3. Having perused the averments and the photographs enclosed alongwith the Status Report, the Court finds that the Corporation is required take further necessary action in accordance with law and in case the



petitioner, thereafter has any grievance, he shall be at liberty to approach STF.

4. A similar view has been taken by this Court in order dated 30.08.2024 in *W.P. (C) 12033/2024* titled as ***Pravin Singhal v. Municipal Corporation of Delhi and Ors.***, wherein, it has been held as under:-

*“6. It is discernible from the aforesaid notification that STF has been constituted with an aim of comprehensively addressing the issue of illegal construction and encroachment, including on public land, parking spaces, roads, pavements, etc., and to oversee the enforcement of provisions of MPD-21 and the Unified Building Bye Laws for Delhi. The composition of STF would indicate that the same consists of various Officers from different Departments, including municipal, civic, revenue and law enforcement agencies. The Vice Chairman of DDA is the Chairman of STF and the Commissioner (Planning) of DDA appears to be its Member Secretary.*

*7. The said notification further stipulates that STF shall meet at least once every month. Additionally, the monthly report of STF is required to be sent to the Hon’ble Lieutenant Governor of Delhi, the Ministry of Housing and Urban Affairs, GoI, and the Secretary of the Ministry of Environment, GoI, who are also required to review the progress achieved quarterly and assess future plans. In essence, STF has been vested with comprehensive powers to regulate construction activities and to act decisively against the erring builders, officials, encroachers, violators of building norms etc.*

*14. In LPA 245/2019 titled as **Sneh Lata & Anr. v. North Delhi Municipal Corporation & Anr.**, the Division Bench of this Court, while highlighting the composition and functioning of STF, has held that STF is a specialised agency which offers an alternate efficacious remedy to the litigants aggrieved by the unauthorised construction. The relevant paragraphs of the said decision are reproduced as under:-*

*“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 even the respondent No.2 has a forum to agitate any grievance that may remain. It is therefore not appropriate for our court to exercise its appellate jurisdiction in the matter.*

*Accordingly, the appellants are free to avail their statutory remedies before the ATMCD in respect of action initiated by the corporation by issuing notices under Delhi Municipal Corporation Act, 1957. On the other hand respondent No.2 may, if aggrieved, approach the alternate forum of the Special Task Force to seek amelioration of any grievances or invoke any other remedy available under law. Accordingly, parties may resort to the appropriate remedy, as they may be advised.”*

*15. A similar view has been taken by the Division Bench of this Court in a Public Interest Litigation being W.P. (C) 8104/2022 titled as **Himanshu v. East Delhi Municipal Corporation & Anr.**, in W.P. (C) 4649/2017 titled as **Fazruddin v. DDA & Ors.**, in W.P. (C) 5988/2019 titled as **Jaladhar Das v. North Delhi Municipal Corporation & Ors.** and in W.P. (C) 11873/2023 titled as **RWA Sunlight Colony v. GNCTD & Ors.**”*

5. Accordingly, the petition stands disposed of in the aforesaid terms.

**PURUSHAINDRA KUMAR KAURAV, J.**

**SEPTEMBER 4, 2024**

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