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

+ **CONT.CAS(C) 253/2024 & CM APPL. 27016/2024**

SHRI SAMAY GARG

..... Petitioner

Through: Mr. Shiv Charan Garg with Mr. Imran Khan, Mr. Mihir Singhal and Ms. Jahanvi Garg, Advocates.
(M): 9811061563
Email: shivcharangarg@gmail.com

versus

THE SPECIAL TASK FORCE & ORS.

..... Respondents

Through: Ms. Prabhsahay Kaur, SC with Ms. Nanda Devi Deka, Panel Counsel, Mr. K.S. Jaggi and Ms. Pragati Singh, Advocates for respondent no. 1/STF.
(M): 8171798389
Email: sahayk@gmail.com
Mr. Akhil Mittal, SC, MCD.
(M): 9212504099
Mr. Vivek Garg, Advocate for respondent no. 5 and 7.
(M): 8595252765
Email: expose.corruption@hotmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

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ORDER
07.05.2024

CM APPL. 27016/2024

1. The present application has been filed on behalf of the respondent no.



1/Special Task Force (“STF”) seeking condonation of delay of 35 days in filing the Status Report.

2. Considering the submissions made in the present application, the present application is allowed and the delay of 35 days in filing the Status Report in the form of an affidavit, is condoned.

3. With the aforesaid directions, the present application is disposed of.

CONT.CAS(C) 253/2024

4. The present petition has been filed alleging willful disobedience of the order dated 04th December, 2023 passed in *W.P. (C) No. 13510/2022*.

5. By the said order, the following directions had been issued:-

“1. The petitioner has filed this petition complaining of illegal construction in property No. khasra 79/1, Min (New) and 293/1 Min (Old) Khata No. 1159/427, Village Shahbad, Daulatpur, Delhi. He earlier filed W.P. (C) 14802/2023 [Samay Garg vs. The Delhi Development Authority & Ors.] with regard to adjoining property. The aforesaid writ petition was disposed of by an order dated 10.11.2023 permitting the petitioner to approach 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 [MC Mehta vs Union of India & Ors.].

2. Mr. Imran Khan, learned counsel for the petitioner, seeks a similar order in the present case.

3. Following the order dated 10.11.2023 in W.P.(C) 14802/2023, the writ petition is disposed of with a direction that the petitioner may approach the STF. Learned counsel for the Delhi Development Authority states that the STF will take action expeditiously upon receipt of the petitioner’s complaint, if any.

4. The writ petition, alongwith all pending applications, stand disposed of.”

6. Reading of the aforesaid order shows that, directions had been issued to the petitioner to approach the STF and the STF was directed to take action expeditiously upon receipt of the complaint of the petitioner.

7. Upon receipt of the complaint from the petitioner, the STF forwarded



the same to the Municipal Corporation of Delhi (“MCD”). A Status Report in this regard has been filed by the STF, wherein it is categorically stated that any unauthorised construction on the land in question, i.e., Khasra No. 79/1, Min (New) and 293/1, Min(old), Khata No. 1159/427, admeasuring 1008 sq. Yards, situated at village Shahbad Daulatpur, Delhi, falls under the jurisdiction of the MCD. Thus, it is the case of the STF that the MCD has already been directed to take necessary action as per law. Further, MCD has also been directed to upload the status of the action taken by it, on the STF portal. The Status Report filed on behalf of the STF in this regard, reads as under:-

“xxx xxx xxx

STATUS UPDATE:

8. *That in compliance thereof, a complaint was received on behalf of the Petitioner and the same was forwarded to the nodal officers of DDA and MCD for necessary action vide ID Number — SNS2024011032P. The status of the said complaint can be accessed from the portal of the Answering Respondent.*

*True Copy of the Complaint Status dated 06.03.2024 as reflected on STF’s Portal is enclosed herewith and marked as **Annexure A-2**.*

9. *Although comments submitted by the MCD on the STF web portal reflect that the subject area is under the disposal of DDA, post inspection of the said area, it was found that the subject land falls in Khasra No. 79 of Village Shahbad Daulatpur. Further, as per records of village Shahbad Daulatpur, the subject khasra has neither been acquired by DDA nor falls under the head of Gram Sabha land that was handed over to DDA by BDO (North). Hence, any unauthorized construction on the said land falls under the jurisdiction of Respondent No. 3/MCD. Accordingly, as evident at serial no. 31 of the Minutes of the 129th Meeting dated 19.04.2024, the Answering Respondent has directed Respondent No. 3/MCD to take necessary actions as per law and upload the status of the same on the STF Portal within 2 weeks.*

*True Copy of the relevant extract of the Minutes of the 129th Meeting dated 19.04.2024 of the STF is enclosed herewith and marked as **Annexure A-3**.*



10. Acting on the preamble of its institution, the supervisory role of STF in the present case is limited to directing MCD — under whose jurisdiction the subject area falls — to take necessary actions as per law and upload the status of the same on the STF Portal within 2 weeks.

11. Therefore, in light of the aforesaid, the Answering Respondent has discharged its compliance with this Hon'ble Court's Order dated 07.03.2024.

xxx xxx xxx”

8. Thus, it is manifest that the STF has already complied with the order passed by this Court and relevant directions have already been issued to the MCD to take action against the unauthorized construction in question.

9. This Court also takes note of the Status Report filed on behalf of respondent MCD, wherein it has been stated as follows:

“xxx xxx xxx

5. That after the joint inspection and in compliance of order of Hon'ble Court dated 07/03/2024 the property in question i.e. Property bearing Kh. No. 79/1min (New), 293/1 min (Old), Khata No. 1159/427 admeasuring 1008 sq.yds. Village Shahbad Daulatpur Delhi was inspected by the field staff of Building Department Narela zone and unauthorized construction was found at 04 properties lying opposite, pole no. HT-516-38/4 Shahbad Daulatpur Delhi (Kh. No. 79, extended Lal dora abadi Delhi) and the details of the same are as under:

S.No	Booking file No. with dated	Address	Extent of unauthorized construction
1.	148/UC/B/N/ 2024 Dated 04.03.2024	Property opposite, pole no. HT-516-38/4 Shahbad Daulatpur Delhi (Kh. No. 79, extended Lal dora abadi Delhi)	U/c in the shape of entire floor at ground floor, first floor and second floor.
2	149/UC/BIN/ 2024 Dated	Property opposite,	U/c in the shape of



	04.03.2024	pole no. HT-516-38/4 Shahbad Daulatpur Delhi (Kh. No. 79, extended Lal dora abadi Delhi)	entire floor at ground floor, first floor, second floor and third floor.
3	153/UC/BIN/ 2024 Dated 22.03.2024	Property opposite, pole no. HT-516-38/4 Shahbad Daulatpur Delhi (Kh. No. 79, extended Lal dora abadi Delhi)	U/c in the shape of entire floor at ground floor, first floor, second floor and third floor.
4	154/UC/BIN/ 2024 Dated 22.03.2024	Property opposite, pole no. HT-516-38/4 Shahbad Daulatpur Delhi (Kh. No. 79, extended Lal dora abadi Delhi)	U/c in the shape of entire floor at ground floor, first floor and second floor.

6. That show cause notice against u/c file no. 148/UC/BIN/2024, 149/UC/B/N/2024, 153/UC/B/N/2024 & 154/UC/B/N/2024 respectively were issued to the owner/occupier of the said properties in question under section 344(1) & 343 of DMC Act, 1957. Replies were received from the owner/occupier of the above mentioned properties wherein they have denied the applicability of Municipal Laws and building bye laws in the area of village Shahbad Daulatpur. In the interest of natural justice personal hearing was granted to the owner/occupiers. Further hearing scheduled for dated 15/04/2024. Further action will be taken as per Law.

It is submitted accordingly.

xxx xxx xxx”



10. Reading of the aforesaid clearly shows that the MCD has already initiated action against the unauthorised construction in question. Thus, the MCD is directed to take expeditious action against the unauthorised construction and inform the same to the STF.

11. The STF is further directed to obtain periodic reports from the MCD, to ensure that action against the unauthorised construction in question is taken. The Action Taken Report obtained from the MCD shall be displayed on the web portal by the STF.

12. At this stage, Mr. Vivek Garg, learned counsel appearing for respondent no. 5 and 7 submits that he has not been supplied with copy of any documents and needs the same for the purposes of seeking his legal remedies against any action sought to be taken by the MCD in the properties of the respondents. He further submits that MCD has no jurisdiction to take any action.

13. Accordingly, liberty is granted to learned counsel for respondent nos. 5 and 7 to obtain soft copy of the documents from this Court, after carrying out inspection of the Court file.

14. With the aforesaid directions, the present petition is disposed of.

15. The next date of hearing of 22nd August, 2024 stands cancelled.

MINI PUSHKARNA, J

MAY 7, 2024

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