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

+ **CONT.CAS(C) 408/2023 & CM APPL. 16006/2023**

**CIVILIAN WELFARE CHARITABLE TRUST REGD.THROUGH
ITS CHAIRMAN MOHD. KAMRAN** Petitioner

Through: Ms. Seema Sharma with Ms. Rekha,
Ms. Shalini Thakur, Ms. Sujata Nath,
Mr. Saudeep and Mr. Garv Shingari,
Advocates.

versus

**SHRI GYANESH BHARTI COMMISSIONER,
MCD AND ORS.** Respondent

Through: Mr. Anurag Ahluwalia, CGSC for R-
1 with Mr. Abhay Singh, Advocate
for R-1, 4 and 10/UOI
Mr. Ashutosh Kaushik with Mr. Rony
John, Advocates for DDA.
Ms. Beenashaw Soni, Standing
Counsel, MCD with Ms. Mansi Jain
and Ms. Ann Joseph, Advocates for
MCD.
Mr. Rajat Sharma and Mr. Nalin
Hingorani, Advocates for Mr. Biraja
Mahapatra, Advocate for R-12/
DPCC.
Mr. Parth Goyal, Advocate for Mr.
Jawahar Raja, ASC(C) GNCTD, R-3
to 7 and R-14 with Inspector
Balmukund Rai, P.S. Chandni Mahal
Ms. Manika Tripathy, Mr. Rony John
and Mr. Naveen Sarswat, Advocates
for DDA
Ms. Kamna Singh, Advocate for R-9
Ms. Richa Dhawan, Ms. Shreya
Manjari, Mr. Anuj Chaturvedi,
Advocates for DUSIB



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W.P.(C) 5607/2022, CM APPL. 16628/2022, CM APPL. 20055/2022,
CM APPL. 27271/2022, CM APPL. 58534-58535/2023, CM APPL.
5399/2024 & CM APPL. 25441/2024

CIVILIAN WELFARE CHARITABLE TRUST (REGD.)
THROUGH ITS CHAIRMAN MOHD. KAMRAN Petitioner

Through: Ms. Seema Sharma with Ms. Rekha,
Ms. Shalini Thakur, Ms. Sujata Nath,
Mr. Saudeep and Mr. GARV Shingari,
Advocates.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Anurag Ahluwalia, CGSC for R-
1 with Mr. Abhay Singh, Advocate
for R-1, 4 and 10/UOI
Mr. Ashutosh Kaushik with Mr. Rony
John, Advocates for DDA.
Ms. Beenashaw Soni, Standing
Counsel, MCD with Ms. Mansi Jain
and Ms. Ann Joseph, Advocates for
MCD.
Mr. Rajat Sharma and Mr. Nalin
Hingorani, Advocates for Mr. Biraja
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Mr. Parth Goyal, Advocate for Mr.
Jawahar Raja, ASC(C) GNCTD, R-3
to 7 and R-14 with Inspector
Balmukund Rai, P.S. Chandni Mahal
Mr. Varun Goswami, Mr. Rajesh
Singh, Mr. Sahil Agarwal, Mr. Hritik
Chaudhary, Advocate with Applicant
Amanuddin
Ms. Manika Tripathy, Mr. Rony John
and Mr. Naveen Sarswat, Advocates
for DDA
Ms. Richa Dhawan, Ms. Shreya



Manjari, Mr. Anuj Chaturvedi,
Advocates for DUSIB
Mr. Rishikesh Kumar, ASC, GNCTD
with Ms. Sheenu Priya, Mr. Atik Gill
and Mr. Sudhir Kumar Shukla,
Advocates

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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06.05.2024

CM APPL. 58535/ 2023 (for exemption) in W.P.(C) 5607/2022

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM APPL. 25441/2024 and W.P.(C) 5607/2022

1. C.M application No. 25441/2024 has been filed by the Petitioner seeking directions to the Municipal Corporation of Delhi ('MCD') to book/seal/demolish the 60 odd alleged illegal properties mentioned in 15 of the application and to further direct Government of National Capital Territory of Delhi ('GNCTD') to disconnect the electricity and water connections of the properties in question.
2. It is pertinent to mention that in the initial writ petition the petitioner had alleged that illegal and unauthorized construction had been carried out in about ten properties.
3. Some of the Respondents have alleged that the present writ petition has been filed by the Petitioner to extort money.
4. The allegation of extortion is vehemently denied by the learned counsel for the Petitioner.
5. This Court is of the view that the disputed allegation of extortion cannot be examined in writ proceedings.



6. At this stage, learned counsel for the Applicant states that the Applicant shall file appropriate proceedings qua the allegation of extortion before the competent Court in accordance with law.

7. Keeping in view the fact that Special Task Force (STF), a specialized agency has been set up to deal with the issue of illegal and unauthorized construction in Delhi, this Court disposes off the present writ petition with a direction to the STF to treat the pending writ petition as well the pending applications as representations and to decide the same in accordance with law as expeditiously as possible. It is clarified that the rights and contentions of all the parties are left open.

8. If any demolition/ sealing action is required, the same shall be taken by the STF at the expense of the party violating the law.

9. The police authorities shall act in aid of whatever decision is taken by the STF as well as by the MCD.

CONT.CAS(C) 408/2023 & CM APPL. 16006/2023

CM APPL. 16628/2022, CM APPL. 20055/2022 CM APPL. 27271/2022, CM APPL. 58534/2023, CM APPL. 5399/2024

10. Learned counsel for the Petitioner does not wish to press the present petition and applications at this stage. Accordingly, the Contempt Petition and pending applications are disposed of as not pressed at this stage.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 6, 2024/msh