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

+ **W.P.(C) 5422/2023**

LITTLE CHILDREN EDUCATION SOCIETYPetitioner

Through: Mr. Sameer Rohatgi, Mr. Namit Suri,
Ms. Purnima Singh and Mr. Arjun
Kaushal, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.Respondents

Through: Mr. Rakesh Mittal, SC for MCD with
Mr. Ajay Harshana, Adv.
Mr. Virender Pratap Singh and
Ms. Shubhra Parashar, Advs for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **09.09.2024**

1. The petitioner in the instant writ petition seeks for the following reliefs:-

"a. Pass a writ in the nature of mandamus or any other appropriate writ, order directing Respondent No.1 to forthwith remove its encroachment and vacate the area admeasuring 127'X58' of the property situated at sector-12, R.K. Puram, New Delhi (Property ID No. 28227) admeasuring 0.60 acres (198'x132') and handover peaceful and vacant possession of the said illegally occupied portion of petitioner's property to the petitioner.

Pass any other/ further relief or orders as this Hon'ble Court may deem fit in favour of the Petitioner and against the Respondents in view of the facts and circumstances of the present case."

2. A perusal of the relief clause indicates that the same is essentially for removal of the encroachment and vacation of the land in question.



3. During the pendency of the instant writ petition, the Court has passed various directions and has also ensured that the inspection of the files, etc should take place by the official respondents.

4. The Court also takes note of the fact that the allegation for encroachment is against the respondent-MCD itself. However, looking at the nature of the grievance and the submissions made by the respondent, the grievance of the petitioner can be effectively adjudicated by the Special Task Force (STF) which has been constituted *vide* notification dated 08.03.2019 by the Delhi Development Authority.

3. A similar view has been taken by this Court *vide* 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.**”*

4. In view of the aforesaid, instead of keeping this petition pending on the Board of this Court, the petitioner is granted liberty to approach the STF by way of proper representation along with the copy of this order. If the petitioner does so, let the grievance of the petitioner be dealt with by the STF, in accordance with law, as expeditiously as possible keeping in view the fact that the instant petition is of the year 2023 and the alleged



encroachment had taken place in the year 2000.

5. The petitioner shall also be at liberty to place reliance on the pleadings filed by the respondents and the directions passed by this Court from time to time.

6. Accordingly, the instant writ petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J
SEPTEMBER 9, 2024/MJ