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

+ **W.P.(C) 5555/2023**

SANJAY SHARMA

.....Petitioner

Through: Mr.Mridul Arora and Mr.Aman
Sharma, Advs.

versus

**MUNICIPAL CORPORATION OF DELHI THROUGH ITS
ADMINISTRATIVE OFFICER & ANR.**

.....Respondents

Through: Mr.Sunil Goyal, ASC for MCD.
Mr.Viplav Acharya, SPC for UOI
with Ms.Lavanya Kaushik, G.P. for
R-2.
SI Amit Punia, PS Palam Village.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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17.09.2024

1. The instant writ petition seeks for directions to inquire into the complaints of alleged illegal and unauthorised construction on government land and public park located at RZ-458, 60 Feeta Road, Khasra No.664, Palam Colony, Sadh Nagar-110045.
2. Respondent-MCD *vide* its Status Report stated that on inspection of the said site, they found that there exists an unauthorised construction in the shape of ground floor, first floor, second floor, third floor and fourth floor at the impugned premises i.e. RZ-458, 60 Feeta Road, Khasra No.664, Palam Colony, Sadh Nagar 110045.
3. In paragraph no.2 to 9, following averments have been made:-



"2. That as per record available with answering Department/MCD (Building, Najafgarh Zone), the unauthorized construction in the shape of GF, FF, SF, 3rd Floor and 4th Floor at impugned premises i.e. RZ-485, 60 Feeta Road, Khasra No.664, Palam Colony, Sadh Nagar, New Delhi-45 has been booked under Section 344(1) and 343 of the DMC Act in phased manner addressed as "P.No.RZ- 458/2, 60 feeta Road, Khasra No.664, Palam Colony, Sadh Nagar", vide U.C. File F.No.16/BIUC/NG/23 dated 10/01/2023 and F .No.150/BIUC/NG/23 dated 20/03/2023. Simultaneously, the show c~use notice was issued and served upon the Owner/Builder Sh. Surender Kumar and after following the due process of relevant provisions of DMC Act, the demolition order was passed on 31/01 /2023 and 12/04/2023 respectively.

3. That the work stop notice under section 344(2) of the DMC Act was sent to SHO, P.S.: Palam, vide No.EE(B)NGZ/23/D-2/1142 dt. . 16/02/2023 in order to get the work stopped and to remove the labourers & tools from impugned site (copy .of the same -is annexed as Annexure-A).

4. That the action for disconnection of water and electricity supply for property under question, has been initiated by the Deptt. on the part of D.J.B. and B.S.E.S. Authorities respectively, vide No.EE(B)NGZ/22/D-3/02 dt. 03/04/2023 (copy annexed as Annexure-B).

5. That in addition to above, it is submitted that demolition action was taken partly on 01/02/2023 against the impugned unauthorized construction in the presence of police force. During course of action demolished partition wall at first floor and also punctured the RCC slab.

6. That furthermore as per fixed schedule, the demolition and sealing action was again executed at the property on 19/04/2023. During course of action, part of one wall was broken/demolished and thereafter, property was sealed at 1 point in the presence of police force taken from P.S. Palam, vide Sealing File No.EE(B)/NGZ/23/UC/SCN/D-11 dated 11/04/2023.

7. That moreover, the Prosecution Action under section 332/461 read with Section 466-A of the DMC Act 1957 (66 of 1957) has also been initiated by the Deptt. with Police Authority, letter No.EE(B)NGZ/23/D-1137 dated 12/04/2023 (copy annexed as **Annexure-C**).

8. That apart from above, sealing action was again executed on 09/05/2023 and during course of action, five points of ground floor have been done in the presence of local police force and commandos of Enforcement Deptt. Accordingly, a letter vide No.EE(~)NGZ/23/D-1/185 dated 10/05/2023 was also sent to SHO, PS Palam with the request to keep strict ivigl on impugned premises. Copy of letter dated



10.05.2023 is annexed as **Annexure-D**.

9. That further it is imperative to submit before the Hon'ble Court that an another WP(C) vide No.6397 /23 & CM APPLs No.25212/23 & 25213/23 titled as *Vikram Sharma Vs GNCTD & . Anr.* is also pending adjudication before the Hon 'ble High Court of Delhi, which is pertaining to the impugned property. The Hon'ble High Court of Delhi vide his orders dated 15/05/2023 has directed in this case "
.... **that status quo be maintained with respect to the possession and construction of the subject property till the next date of hearing**
". Next date of hearing in this case is fixed for 22/09/2023. Copy of orders dated 15/05/2023 is annexed herewith as **Annexure-E**."

4. Learned counsel appearing on behalf of the petitioner, contends that according to his instructions, the property where the petitioner seeks action does not correspond to the location or the property which has been referred by the respondent.

5. The Court is of the considered opinion that the aforesaid contentions cannot be examined in view of the stand taken by the respondent. If the petitioner is of the opinion that the action taken as indicated in the status report does not pertain to the property which the petitioner intended to point out, the petitioner shall be at liberty to approach Special Task Force [STF] which has been constituted vide notification dated 08.03.2019 by the Delhi Development Authority.

6. 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, this Court has taken note of the scope of the STF and 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.**”*

7. 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 same be dealt with by the STF in accordance with law as expeditiously as possible. The petitioner is entitled to place reliance on the Status Report and the pleadings filed by the respondents in this case before STF.

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

PURUSHAINDRA KUMAR KAURAV, J
SEPTEMBER 17, 2024/MJ