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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4890/2024 & CM APPLs. 19948/2024, 19950/2024**
ABHISHEK SINGHPetitioner
Through: Mr. Ravi Chandra, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.
.....Respondents
Through: Mr. Pritish Sabharal, Adv. for R-1
Mr. Mohit Bhardwaj, Adv. for R-2

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+ **W.P.(C) 11238/2024 & CM APPL 46522/2024**
ARUN SOODPetitioner
Through: Mr. Atul Gupta, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.
.....Respondents
Through: Mr. Ajjay Arora, Mr. Kapil Dutta,
and Mr. Vansh Luthra, Advs. for
MCD
Mr. Sunil Dalal, Sr. Adv. with Mr.
Krish Kalra, Ms. Rashi Arora, Mr.
Nikhil Beniwal, Mr. Navish Bhati,
Mr. Mahabir Singh, Ms. Shipra Bali,
Mr. Akash Gupta, Ms. Muda Bbera
Zaheen, Advs. for R-2 & 3

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
30.08.2024

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1. In the instant petitions, since the subject matter of the property is same, therefore, the Court deems it appropriate to dispose of both the writ petitions with common order.



2. The Court takes note of the order dated 06.05.2024 passed by the Division Bench of this Court in W.P.(C) 5607/2022 and CONT.CAS(C) 408/2023 titled as ***Civilian Welfare Charitable Trust Regd. Through Its Chairman Mohd. Kamran v. Shri Gyanesh Bharti Commissioner MCD and Ors.***

3. Mr. Arora, learned counsel appearing on behalf of the respondent-MCD points out that the property in dispute in the instant writ petitions was also part of one of the properties which were subject matter of CONT.CAS(C) 408/2023 and W.P.(C) 5607/2022.

4. The order dated 06.05.2024 passed by the Division Bench in CONT.CAS(C) 408/2023 and W.P.(C) 5607/2022 reads as under:-

“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.”*

5. The Court also takes note of the stand taken by the respondent-MCD and by learned Senior Counsel appearing on behalf of respondent Nos. 2 and 3 in W.P.(C) 11238/2024 that the parties are at variance with respect to illegal and unauthorised construction.

6. Learned counsel appearing on behalf of the petitioner in W.P.(C) 11238/2024 submits that as of now, there exists no sanctioned building plan.

7. The aforesaid submission is strongly opposed by learned counsel appearing on behalf of the private respondent and he makes various assertions even on the *bonafides* of the petitioners.

9. Taking into consideration the overall controversy involved in the instant writ petition, the Court finds that the same can be looked into by the



Special Task Force. *Vide* an order passed today in W.P. (C) 12033/2024 titled as ***Pravin Singhal v. Municipal Corporation of Delhi and Ors.***, this Court has examined the scope, role and functions of STF constituted by DDA *vide* notification dated 08.03.2019 and has 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.**”*

8. In view of the aforesaid, the Court leaves it open for the petitioners to approach the STF for ventilation of their grievances.
9. The Court has not expressed any opinion on the merits or otherwise of the case. All rights and contentions are left open.
10. In case the petitioners approach the STF, let the grievance be dealt with expeditiously, after extending an opportunity of hearing to all the parties, including the private respondents.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 30, 2024

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