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

+ W.P.(C) 5042/2024 & CM APPL. 20685/2024

SHRI CHAHAT RAM

.....Petitioner

Through: None.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Mukesh Gupta, SC with Mr. Shashi Gupta and Mr. A. Gupta, Advocates for MCD.
Mr. M.R. Shamshad, Sr. Advocate with Mr. Sarwar Raza, Mr. Muhammad Zaid, Mr. Nabil Raza, Mr. Tabish Raza, Ms. Shreya Kumar, Mr. Soumya Kumar, Mr. Arnab Chakabour, Mohd. Waseem, Mr. S. Ahmed, Mr. Arijit S. and Mr. Zeb Hasan, Advocates for R-6.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
13.11.2024

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1. There is no appearance on behalf of the petitioner when the matter is taken up for hearing.

2. The petitioner has filed this writ petition for the following reliefs:

“A. To issue a writ the nature of mandamus or any other writ seeking to Issue directions to Respondents No. 1 to 4 to stop the event/demolish/removing of illegal construction being done by Respondent No.6 at property bearing Khasra No.966 (00-08), 967 (00- 13), 968 (00-02), 1331 (01-00), 849 min (01-00), 850 (01-06),



851 (01- 14), 852 (02-03), 956/2 (0 1-17), 966 (00-08), 96 7 (00-13), 968 (00-02), 1331 (01-00), 849 min (01-00), 850 (01-06), 851 (01-14), 852 (02-03) and Hanslok Foundation Khasra bearing No.1330/2 (02-06), 1313 (0 1- 04), 972 (01-19), 971 (18-12), 972 (0013), 974 (01-15), 963 (04000), 964 (00-08), 965 (1-03), Village Bhati Teshil, Saket, New Delhi-11 0 074 which have been made without sanctioned plan and which have also been constructed against the Rules/Regulations and bye-laws of M.C.D.;

B. To pass any such other Order or Direction which this Court may deem fit and proper in the facts and circumstances of the present case.”

3. In the order order dated 08.11.2024, it is recorded as follows:

“1. The petitioner is unrepresented today. It appears that the petitioner was also unrepresented on 01.08.2024, but entered appearance thereafter on 25.09.2024, when the matter could not be taken up for hearing.

2. Mr. Mukesh Gupta, learned counsel for Municipal Corporation of Delhi, submits that the writ petition concerns allegations of illegal construction in a large area of agricultural land, which would require coordinated action by various agencies. He submits that it will be appropriate, in these facts, to refer the matter to 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 [M.C. Mehta vs Union of India & Ors.].

3. In order to give the petitioner an opportunity of hearing, list on 13.11.2024.”

4. The petitioner remains unrepresented despite the said order.

5. The Supreme Court, *vide* orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [M.C. Mehta vs Union of India & Ors.], has constituted a Special Task Force [“STF”] to deal with allegations of unauthorised construction, encroachment, etc. The STF is headed by the Vice Chairman of Delhi Development Authority [“DDA”] and consists representatives of all concerned agencies, including DDA, Municipal Corporation of Delhi and Government of National Capital Territory of Delhi. In my view, it is appropriate for the petitioner’s grievance to be



dealt with, at the first instance, by the administrative machinery so established.

6. Mr. M.R. Shamshad, learned Senior Counsel for respondent No. 6, who claims to be the owner of the part of the premises, states that no illegal construction has been carried out in the property and the construction which is in place is an old construction, protected by the moratorium under the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011. He further submits that there are certain civil disputes pending with regard to a part of the subject property.

7. In view of the order proposed, I do not consider it necessary to enter into the dispute at this stage, and dispose of the writ petition, alongwith the pending application, with liberty to the petitioner to approach the STF, if he is so advised. This direction is made with reference to the decisions of the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors* [order dated 20.09.2018 in W.P.(C) 1807/2018], *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], *Fazruddin vs. DDA & Ors.* [order dated 23.04.2019 in WP (C) 4649/2017], and in *Himanshu vs. East Delhi Municipal Corporation & Anr.* [order dated 31.07.2023 in W.P.(C) 8104/2022], and decisions of Coordinate Benches in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019] and *Rashiduddin Malik vs. MCD & Ors.* [order dated 02.09.2024 in WP (C) 12102/2024]. STF will take a decision in accordance with law.

8. It is made clear that the Court has not examined the correctness of the allegations made in the present writ petition, and the rights and



remedies of the owners/occupants of the property are expressly reserved.
The authorities are directed to take action strictly in accordance with law,
and after complying with all statutory requirements.

PRATEEK JALAN, J

NOVEMBER 13, 2024

MR/