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

+ **W.P.(C) 5396/2024**

DR. RAJEEV NARULA & ANR.Petitioners

Through: **Mr. Ashish Kumar Upadhyay, Adv**
and Mr. Bhupender Bharrwaj, Adv.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: **Mr. Gaurav Mishra, Adv for MCD.**

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **05.09.2024**

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

"a) Issue a Writ, Rule, Order or Direction in the nature of mandamus directing the Respondent-MCD to inquire into the complaints made by the Petitioners vide Annexure P/1 to P/4 dated 17.04.2023, 18.04.2023, 26.04.2023, 28.04.2023 & 05.04.2024 and take appropriate legal action against the unauthorized — construction/encroachment — raised by Respondent No.3;

b) award the cost of the present writ petition in favour of the petitioner and against the respondents;

c) Pass such further orders (s) as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

2. The Status Report filed by the respondent-MCD indicates that all the three properties in question have been inspected. The Status Report reads as under:-

"1. That I am the Authorized Officer of the Respondent Municipal Corporation of Delhi and duly conversant with the facts of the case on the basis of the records available within the Office and competent to swear this Affidavit on behalf of the Respondents.

2. I have gone through the records of the case under reply and have understood the contents thereof and I further state say that except those which are matters of record and are specifically admitted in the present



affidavit, all the statements, averments and submissions made by the petitioner in the above mentioned Petition are specifically and categorically denied by the answering Respondent.

3. That, it is submitted that the above flats bearing no. N-21/A-4, Janta Flats, Dilshad Garden, Delhi, P-30/C-2, 2nd Floor, Janta Flats, Dilshad Garden, Delhi & N-25/A-2, Janta Flats, Dilshad Garden, Delhi have been inspected on 08/05/2024 by the area Junior Engineer (Bldg). The status of the flats are as under:

a) N-21/A-4, Janta Flats, Dilshad Garden, Delhi.

*The property has been inspected by the area JE(Bldg.) on dated 08/05/2024 and during the inspection it has been noticed that the property in question is a Ground Floor DDA Janta Flats and a dairy I milk product shop found running with mime and style Mis Haridwar Milk Bhandar. It is further submitted that at the time of inspection neither ongoing construction nor any building material found at site. The property is old occupied. It is further submitted that deviation/excess coverage against e standard building plan is exist at suit property which is old and occupied. (photograph is enclosed herewith as **Annexure R-1**).*

b)P-30/C-2, 2nd Floor, Janta Flats, Dilshad Garden, Delhi.

*The property has been inspected by the area JE (Bldg.) on dated 08/05/2024 and during the inspection it has been noticed that the property in question is a Second Floor DDA Janta Flats. It is further submitted that at the time of inspection neither ongoing construction nor any building material found at site. It is further submitted that deviation/excess coverage against the standard building plan is exist at suit property which is old and occupied. (photograph is enclosed herewith as **Annexure R-2**).*

c) N-25/A-2, Janta Flats, Dilshad Garden, Delhi.

*The property has been inspected by the area JE(Bldg.) on dated 08/05/2024 and during the inspection it has been noticed that the property in question is a Ground Floor DDA Janta Flats. It is further submitted that at the time of inspection neither ongoing construction nor any building material found at site. It is further submitted that deviation/excess coverage against the standard building plan is exist at suit property which is old and occupied. (photograph is enclosed herewith as **Annexure R-3**).*

3. It is, thus, seen that the respondent-MCD did not find any deviation/excess coverage etc. and therefore, it has not taken any action.
4. If the petitioner feels that the stand taken by the respondent-MCD is incorrect or otherwise, the same will have to be adjudicated only after the



parties are allowed to adduce evidence with respect to the alleged deviation/excess coverage.

5. In the instant writ petition, the Court finds that the aforesaid exercise may not be advisable. The petitioner also avail a remedy before the Special Task Force (STF) which has been constituted *vide* notification dated 08.03.2019 by the Delhi Development Authority to agitate his grievance.

6. A similar view has been taken by this Court in 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 entertaining the instant writ petition, at this stage, the Court directs the petitioner to approach the STF by way of proper representation along with the copy of the present 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.

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

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 5, 2024/MJ