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

+ W.P.(C) 9048/2023 & CM APPLs. 52537/2023, 55554/2023,
55620/2023 & 24504/2024
SRI NIWASPURI MITRA MANDAL C.G.H.S LTD.

.....Petitioner

Through: Mr. S.K. Kaushik, Adv.

Versus

REGISTRAR OF COOPERATIVE SOCIETIES & ORS.

.....Respondents

Through: Mr. G.L. Verma, Adv. for Intervener
in CM APPL 24504/2024
Mr. Neeraj Kumar and Mr. Kartik
Garg, Advs. for DDA
Mr. Ajjay Arora and Ms. Anjali
Sisodia, Advs. for MCD
Ms. Mehak Nakra, ASC, Civil
(GNCTD) with Ms. Gunjan Suyal,
Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **30.08.2024**

1. In the instant writ petition, the petitioner raised the following grievances:-

“a) Issue writ in the nature of mandamus or any other appropriate writ, order and/or direction whereby this Hon'ble court may kindly direct the respondent no.1 to 3 to take appropriate action in accordance with law to stop/restrain the illegal and unauthorized construction being raised by the members in petitioner society.

b) Issue writ in the nature of mandamus or any other appropriate writ, order and/or direction whereby this Hon'ble court may kindly direct the



respondent no.1 to 3 to take appropriate action in accordance with law to demolish the existing illegal and unauthorized construction raised on common space of the society by the members;

c) Any other or further order in favour of the petitioner and against the respondents, which this Hon'ble court may deem fit and proper in the facts and circumstances of the case may also be passed in the interest of justice."

2. There appears to be various interim orders passed by this Court and applications for intervention also came to be filed by the interveners. It appears that the respondent-Corporation has taken certain steps in furtherance of the prayer made in the instant writ petition.

7. The Court takes note of the order passed by this Court today in W.P. (C) 12033/2024 titled as ***Pravin Singhal v. Municipal Corporation of Delhi and Ors.***, whereby, while examining the scope, role and functions of STF constituted by DDA vide notification dated 08.03.2019, 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.**”

3. Thus, the said STF is empowered to look into the grievances of the



similar nature and accordingly, the Court directs the petitioner to duly approach the STF and in case the petitioner does so, the STF shall deal with the grievance of the petitioner, in accordance with law, with due expedition.

4. The Court has not expressed any opinion with respect to the rights and entitlement of the interveners or otherwise. All rights and contentions are left open. They are at liberty to agitate the same before the appropriate forum.

5. With the aforesaid observations, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 30, 2024

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