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

+ **W.P.(C) 6940/2024 & CM APPL. 28875-28876/2024**

**SHRI SUBHASH**

..... Petitioner

Through: Mr. Tushar Sharma, Mr. Harish Tyagi, Mr. Kapil Kumar, Mr. Alok Sharma and Mr. Virendra Tyagi, Advs.  
M: 9999592027  
Email: tushar.sharma.advocate.1985@gmail.com

versus

**DELHI DEVELOPMENT AUTHORITY DDA  
& ORS.**

..... Respondents

Through: Mr. Karn Bhardwaj, ASC, GNCTD with Mr. Shubham Singh, Mr. Rajat Gaba and Mr. Saurabh Dahiya, Advs. for R-2.  
M: 8860024289  
Email: [kbhardwaj183@gmail.com](mailto:kbhardwaj183@gmail.com)  
Ms. Shobhana Takiar, SC for DDA.  
M: 9810962950  
Email: [shobhana\\_takiar@yahoo.co.in](mailto:shobhana_takiar@yahoo.co.in)  
Mr. Divya Prakash Pande, Adv. for MCD (Through VC)

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

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**15.05.2024**

**CM APPL. 28875-28876/2024 (For Exemptions)**

1. Exemptions allowed, subject to just exceptions.
2. Applications are disposed of.

**W.P.(C) 6940/2024**

3. The present petition has been filed for directions to the respondents to



demolish the unauthorized construction on the agricultural land, i.e., 20 bigha 18 biswa, situated in Khasra Nos. 2/8/1, 2/13, 2/14, 19/21/2, 20/9 in Revenue State of *Kamalpur Majra, Burari, Delhi-110086*.

4. Learned counsel appearing for the petitioner has drawn the attention of this Court to the complaint dated 23<sup>rd</sup> September, 2022 written to the Municipal Corporation of Delhi (“MCD”) and complaint dated 31<sup>st</sup> March, 2023 written to the Delhi Development Authority (“DDA”). He submits that despite the aforesaid complaints, wherein the fact of unauthorized construction taking place in the aforesaid land, has been brought to the notice of the aforesaid authorities, no action has been taken.

5. Learned counsel appearing for the petitioner has also drawn the attention of this Court to the reply received by the petitioner under the Right to Information (“RTI”) Act in reply to the application of the petitioner, wherein, it has been stated as under:

“xxx xxx xxx

|   |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 | Question No.03 | <p>As per mandated dated 29.06.2015 issued by Hon'ble LG read with the Gazette Notification dated 16.06.2017, issued u/ s 12(1) of DDA Act 1957 (declaration of development area) and Gazette Notification dated 28.01.2019 issued U / s 22 of DDA Act. 1957 the DDA is a land owning agency for agricultural land and gram Sabha land falling with village Kamalpur.</p> <p>Accordingly, the Chariman STF has issued direction to Deputy director, DDA for taking necessary action and DDA being land-owning agency is responsible for taking action against unauthorized construction in private agricultural land and Gram Sabha land of village Kamalpur. The RTI reference is also transferred to DDA, providing reply to the applicant.</p> |
|---|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



xxx xxx xxx

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|----|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. | Question<br>No. 06 | As per available record, no sanction building plan issued against the property /khasra in question. However, the agriculture land in not eligible for sanction building-plan as per UBBL & MPD-2021. |
|----|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

xxx xxx xxx”

6. By reference to the aforesaid, learned counsel appearing for the petitioner submits that no sanction Building Plan can be issued for the area in question. He further submits that the area is under the jurisdiction of the DDA and the Chairman of Special Task Force (“STF”) had issued direction to the Deputy Director of the DDA, for taking necessary action.

7. Learned counsel has also drawn the attention of this Court to the various photographs attached with the present petition to submit that unauthorized construction is still going on in the area. He submits that despite his various complaints and various representations to the requisite authorities, neither any survey has been done, nor any action has been taken against the unauthorized construction.

8. Learned counsel also refers to ground (II) of the petition, wherein, it has been stated as follows:

“xxx xxx xxx

*II. Because the Deputy Director of the Delhi Development Authority (DDA) fails to take the legal action as requested by Assistant Commissioner of DMC vide letter dated 23.01.2023 bearing S. No. F/SDM/CL/2023/347-348 written by SDM, Sub Division: Civil lines, Convener: Special Task Force, to assistant Commissioner, DMC, Civil Lines Zone, 16 Rajpur Road, Delhi regarding the illegal construction on the on the agricultural land bearing Khasra No. 2/8/1 (2-6), 2/13 (4-16), 2/14 (3-12), 19/21/2 (2-4), 20/2 (2-19), 20/9 (5-1) (Total land measuring 20 bighas 18 biswas) situated in revenue estate of kamal pura majra, burari, delhi -110084 and has asked the DDA to take the appropriate action.*



xxx xxx xxx”

9. Learned counsel, thus, submits that though the concerned SDM has stated about the unauthorized construction, even then, no action has been taken by the DDA.

10. Per contra, learned counsel appearing for respondent no.2-Sub-Divisional Magistrate (“SDM”), disputes the aforesaid fact that direction has been given by the SDM to the DDA. He submits that the letter relied upon by the petitioner, is only a forwarding letter, and no specific directions have been given by the SDM.

11. He submits that vide letter dated 23<sup>rd</sup> January, 2023, the Office of the SDM (Civil Lines), had only forwarded the complaint of the petitioner herein to the MCD to look into the complaint. He submits that there is no specific finding with respect to existence of any unauthorized construction.

12. At this stage, Mr. Divya Prakash Pande, learned Standing Counsel appearing for the respondent no.3-MCD, submits that the matter can be referred to the STF, which has the authority to take requisite action, in case there is any unauthorized construction.

13. Learned counsel appearing for the respondent-DDA submits that there are various private disputes, which are pending with respect to the land in question before a Coordinate Bench of this Court. Thus, she submits that the present petition has been filed with a view to settle scores with the other private persons, with whom the petitioner has disputes.

14. This Court has heard learned counsels for the parties and has perused the record.

15. Perusal of the record shows that complaints have been submitted by the petitioner to the MCD as well as to the DDA, with respect to the



unauthorized construction being carried out over the land in question.

16. This Court also notes the various photographs which have been placed on record, that show some construction has been carried out on the land in question.

17. Accordingly, this Court deems it expedient to refer the present matter to the STF and consider the present petition as a representation of the petitioner.

18. The STF shall consider the present writ petition as a complaint regarding unauthorized construction over the land in question. The STF shall also grant personal hearing to the petitioner or his authorized representative, if required. Further, the STF may also take steps by coordinating with the requisite authorities, for carrying out demarcation in the area in question, if need be.

19. In case any unauthorized construction is found by the STF, the statutory bodies are bound to take action against such unauthorized construction.

20. The complaint of the petitioner shall be acted upon by the STF, expeditiously, preferably within a period of eight weeks from today.

21. With the aforesaid directions, the present petition is disposed of.

**MINI PUSHKARNA, J**

**MAY 15, 2024/kr**