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

+ W.P.(C) 9924/2019, CM APPL. 41094/2019, CM APPL. 17525/2020
SURESH KUMAR JAIN AND ORS.

Through: Mr. Rahul Gupta, Mr. Raghvendra
Pratap Rao, Advs.Petitioner

versus

NTPC LIMITED AND ORS.

Through: Mr. Chetan Sharma, ASG with Mr. R.
V.Prashat, Mr. Vinay Yadav, Mr.
Saurabh Tripathi, Mr. Vikramaditya,
Mr. Shubham Singh, Advs for UOI.
Mr. Puneet Taneja, Adv.
Mr. Suresh Kr. Jain, Adv.Respondent

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+ W.P.(C) 11149/2019, CM APPL. 45906/2019, CM APPL. 6542/2020
M/S KAPCO INDUSTRIES AND ANR.

Through: Mr. Rahul Gupta, Mr. Raghvendra
Pratap Rao, Advs.Petitioner

versus

NTPC LIMITED AND ORS.

Through: Ms. Richa Dhawan, SC for MCD.
Mr. Chetan Sharma, ASG with Mr. R.
V.Prashat, Mr. Vinay Yadav, Mr.
Saurabh Tripathi, Mr. Vikramaditya,
Mr. Shubham Singh, Advs for UOI.Respondent



Mr. Puneet Taneja, Adv.
Mr. Suresh Kr. Jain, Adv.

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+ W.P.(C) 2582/2020, CM APPL. 9015/2020

M/S BHARAT UDYOG AND ANR.

.....Petitioner

Through: Mr. Rahul Gupta, Mr. Shekhar Gupta
and Ms. Manisha Gupta, Advs

versus

NTPC LIMITED AND ORS.

.....Respondent

Through: Mr. Divyam Nandrajog, Panel
Counsel for GNTCD.
Ms. Monika Arora, Mr. Subhrodeep
Saha, Advs.
Mr. Chetan Sharma, ASG with Mr. R.
V.Prashat, Mr. Vinay Yadav, Mr.
Saurabh Tripathi, Mr. Vikramaditya,
Mr. Shubham Singh, Advs for UOI.
Mr. Puneet Taneja, Adv.
Mr. Suresh Kr. Jain, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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13.09.2024

CM APPL. 17526/2020 in W.P.(C) 9924/2019

CM APPL. 45907/2019 in W.P.(C) 11149/2019

CM APPL. 9016/2020 in W.P.(C) 2582/2020

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.



W.P.(C) 9924/2019, W.P.(C) 11149/2019, W.P.(C) 2582/2020

1. The petitioners in the instant writ petition(s) are essentially aggrieved by the barricades and blockage put up by the respondent no. 1 on the public road (45feet wide) connecting from Main Mathura Road (NH-2). As per the prayer clause in the instant petition, the road provides access to the property of the petitioners bearing F-2, Block No.B1, Mohan Co-operative Industrial State, New Delhi and to many other habitants of the same area.
2. The grievance of the petitioners against the respondent no.1 is that they have made multiple representations to the respondent authorities for the removal of the barricades and the same has not been done.
3. The learned counsel for the petitioner submits that if the averments made by some of the official respondents in the pleadings is considered, the same would clearly indicate that the land in question is a public road and the subject public road has been unauthorisedly encroached by some of the respondents herein. He, therefore, submits that the respondent-Union of India be directed to place on record its counter affidavit and the aforesaid exercise is necessary in view of the stand taken by the some of the official respondents.
4. The aforesaid submissions advanced by the learned counsel on behalf of the petitioners is vehemently denied and contested by the learned counsel for the respondents.
5. The Court at this stage takes note of the decision passed by the Supreme Court in the case of ***M. C. Mehta v. Union of India*** where in order to put in place an effective mechanism to deal with the unauthorised encroachment/unauthorised construction, the Supreme Court emphasised for constitution of the Special Task Force. Paragraph no.5 to 8 of the order



dated 24.04.2018 reads as under:

“It has been submitted by learned Additional Solicitor General (Mr. Nadkarni) that a Task Force is contemplated that will ensure that the orders of this Court and the applicable bye-laws are implemented and encroachments, etc. as well as unauthorized constructions are removed. The Task Force as suggested by learned Additional Solicitor General (Mr. Nadkarni) may be constituted with immediate effect. As a first step, the Task Force should remove encroachments on public roads, public streets and pedestrian streets, as mentioned in the immediate action submitted by Mr. Nadkarni in a Revised Note dated 18th April, 2018. The needful should be done within a period of two weeks from today. We make it clear that the Monitoring Committee may suggest to the Task Force the areas where immediate action is required to be taken.”

6. Accordingly, in terms of the DDA notification dated 25.04.2018, a Special Task Force (STF) came to be constituted.

7. 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.***, has taken note of the scope of the STF, whereby, an almost similar grievance was directed to be agitated before the STF. The relevant observations of this Court in the said case reads asunder:-

“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. Looking at the nature of the grievance raised in the instant petition, the Court finds that the controversy involved in the instant writ petition can



be resolved by the STF. It be noted that the STF is an inter-departmental committee.

9. In view of the aforesaid, the Court relegates the petitioner to approach the STF. Let the petitioner to take necessary steps.

10. The petitioner is at liberty to place a copy of this order, alongwith all the pleadings of these writ petitions before the STF. The Court also directs that in case the petitioner approaches the STF, let the STF to take necessary steps in accordance with law, with due expedition, keeping in mind that the petition has been pending before this Court since 2019.

11. Needless to state that if the petitioner requests for an interim arrangement to be made, in interregnum, let the same be dealt with by the STF in accordance with law.

12. All rights and contentions are left open.

PURUSHAINdra KUMAR KAURAV, J

SEPTEMBER 13, 2024/KG