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

+ W.P.(C) 14742/2022 and CM APPL. 45345/2022, 48798/2022 and 55957/2024

SUSHIL JAIN

.....Petitioner

Through: Mr. M.N. Siddiqui, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Ms. Aarushi Tikku, Advocate for R-1 and R-2.

Mr. Harsh Kumar, SPC for UOI.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

10.01.2025

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

“(i) Issue a writ of mandamus or any other appropriate writ, order or direction to respondent no. 1, 2, 3 & 4 to remove the encroachment including iron gate/grills affixed/erected on the public passage /lane adjoining house no.1 to 4, Sadhna Enclave, New Delhi-110017 towards the petitioner's property/ land measuring 1 bigha 13 biswas situated in khasra no. 487/ 439/53/1/1 of Village Sheikh Sarai, Tehsil Mehrauli, New Delhi; and to clear the obstruction and blockage/encroachment on the said public passage/lane; and also to provide the petitioner the free ingress/egress to the said land/property from the said public passage/road/lane of Sadhna Enclave, New Delhi

(ii) Issue a writ of mandamus or any other appropriate writ, order or direction to respondent no. 1 to 4 to initiate appropriate legal action against the respondent no.5 for encroachment upon the said public passage/lane.”

2. After canvassing some arguments, learned counsel for the Petitioner, on instructions, seeks to withdraw the writ petition with liberty to approach



the Special Task Force (‘STF’) constituted vide orders of the Supreme Court in *M.C. Mehta v. Union of India and Others*, (2019) 12 SCC 730 and *M.C. Mehta v. Union of India and Others (Sealing Issue, in Re)*, (2019) 12 SCC 419 and in light of order of the Division Bench in *Devender v. Govt. of NCT of Delhi and Ors.*, W.P.(C) 1807/2018, decided on 20.09.2018 and orders of the Co-ordinate Benches of this Court in *Abdul Gaffar v. South Delhi Municipal Corporation & Ors.*, in W.P.(C) 1773/2019, decided on 28.02.2019 and *Rashiduddin Malik v. MCD of Delhi and Others*, W.P. (C) 12102/2024, decided on 02.09.2024.

3. Writ petition is accordingly disposed of as withdrawn, with liberty to the Petitioner to approach the STF. Needless to state in case of any surviving grievance, Petitioner will be at liberty to take recourse to legal remedies available to him.

4. Taking note of the fact that the prime grievance of the Petitioner is that on account of the alleged unauthorized encroachment/construction by Respondent No. 5, the ingress and egress of the Petitioner to his own property is being hindered and his land is virtually landlocked, it is directed that as and when the Petitioner approaches the STF, endeavour shall be made to look into the complaint as expeditiously as possible.

5. Pending applications also stand disposed of.

JYOTI SINGH, J

JANUARY 10, 2025/shivam