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

+ W.P.(C) 11417/2024 & CM APPL. 47368/2024

NEENA BAL

.....Petitioner

Through: Mr. Sandeep Chilana, Ms.
Preeyajeet Chatterjee and Ms.
Snehil Sharma, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Vikrant N. Goyal and Mr.
Akash Jindal, Advocates for R-1.
Mr. R. K. Naroola, Mr. Udayan
Mukerji, Ms. Jaya Pahwa, Mr.
Jagjeet Pahwa, Ms. Bhavika Kohli
and Mr. Vivek Yadav, Advocates
for R-2.
Mr. Vivek Nagar, G.P. for R-3.
Mr. Sanyam Diwan, Advocate for
R-3.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
27.11.2024

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1. The petitioner has filed this writ petition under Article 226 of the Constitution, complaining of an alleged, illegal and unauthorised construction in *flat No. O-11, Tara Apartments, Alaknanda New Delhi, 110019* [“subject property”].
2. It is the contention of the petitioner that the unauthorised construction has been undertaken by respondent no.3.
3. The Municipal Corporation of Delhi [“MCD”] has filed a status



report dated 26.11.2024, in which it pointed out that the subject property has been built and allotted by the Delhi Development Authority [“DDA”] and that MCD has requested DDA for a copy of the standard plan and a copy of the relevant notification/circular transferring building activity to MCD. The status report reveals that, according to MCD, building activities and services of this area have not been transferred to the MCD from the DDA.

4. DDA is not a party in the present writ petition.

5. The Supreme Court has, *vide* orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*], constituted a Special Task Force [“STF”] headed by the Vice-Chairman of DDA to deal with issues of unauthorised construction in Delhi. The STF comprises of representatives of all concerned agencies including DDA, MCD and the Government of National Capital Territory of Delhi [“GNCTD”]. I am of the view that coordinated action between DDA and MCD can appropriately be taken by the administrative mechanism of the STF.

6. The writ petition is, therefore, disposed of with the direction that the petitioner may make a complaint to the STF and the STF will take necessary action expeditiously, in accordance with law. The aforesaid directions are passed with reference to the judgments of the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors* [order dated 20.09.2018 in W.P.(C) 1807/2018], *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], *Fazruddin vs. DDA & Ors.* [order dated 23.04.2019 in WP (C) 4649/2017], and in *Himanshu vs. East Delhi Municipal Corporation &*



Anr. [order dated 31.07.2023 in W.P.(C) 8104/2022] and decisions of coordinate Benches in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019] and *Rashiduddin Malik vs. MCD & Ors.* [order dated 02.09.2024 in WP (C) 12102/2024].

7. It is made clear that these directions are passed without prejudice to the rights and contentions of respondent no.3, who is also represented. The rights and remedies of respondent no.3 are expressly reserved and the authorities will act in accordance with law after observing all statutory formalities. In the event any demolition action is required, they will also keep in mind, the judgment of the Supreme Court dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

8. Learned counsel for respondent No. 3 states that no further construction is being raised in the subject property and respondent no.3 will not raise any further construction without due permission of DDA and MCD. Respondent No. 3 is bound down to this statement.

9. The writ petition, alongwith the pending application, is disposed of in view of the above directions.

PRATEEK JALAN, J

NOVEMBER 27, 2024
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