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

+ W.P.(C) 11651/2024

ANITA SARDA

.....Petitioner

Through: Mr. Kuljeet Rawal, Mr. Aditya Joshi, Ms. Nabanita Barwah, Ms. Pramati Bhatnagar, Advocates.

versus

SPECIAL TASK FORCE & ORS.

.....Respondents

Through: Mr. Tushar Sannu, Advocate for R-1.

Mr. Manu Chaturvedi, SC with Mr. Khwaja Umair, Advocates for MCD.

Mr. Rishikesh Kumar, ASC with Ms. Sheenu Priya, Mr. Sudhir Kumar Shukla, Advocates for GNCTD.

Mr. Amit Singh Chauhan, Mr. Syed Hamza G, Ms. Shaima Masood, Advocates for R-4.

Mr. J.P. Singh, Sr. Advocate with Mr. Rahul Kukreja, Mr. Himanshu Jha, Advocates for R-5.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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18.12.2024

CM APPL. 63756/2024 (for early hearing)

This is an application for early hearing of the writ petition, which is scheduled to be listed on 11.03.2025.

For the reasons stated in the application, and with the consent of learned counsel for the parties, the application is allowed and the writ petition is taken on Board.



W.P.(C) 11651/2024

1. The petitioner claims to be the owner of property No. WZ-2, *Part-III (WZ-2/3), Mansarover Garden, New Delhi – 110015*. She has filed this writ petition under Article 226 of the Constitution complaining of alleged encroachment upon public land by respondent Nos. 5 and 6.
2. According to the petitioner, the encroachments are adjacent to the petitioner's property, which has made it impossible for her to commence construction in terms of a sanctioned building plan, issued pursuant to her application dated 29.08.2021. The contention of the petitioner is that the sanction will expire in October, 2026 and her construction has been held up due to the aforesaid encroachment.
3. There has been considerable prior litigation with regard to the alleged encroachment, including orders with regard to demarcation of the property, to determine as to whether respondent Nos. 5 and 6 or any other person has, in fact, encroached upon the public road.
4. For the present purposes, suffice it to note that, by orders of this Court dated 21.02.2019 in W.P.(C) 8659/2018 (filed by respondent No. 5 herein) and order dated 06.11.2019 in W.P.(C) 7575/2013 (filed by the petitioner herself), the Court has referred this issue to the Monitoring Committee constituted by the Supreme Court *vide* order 16.02.2006 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*].
5. A demarcation report has also been prepared, which in turn is the subject matter of an appeal before the Revenue Authority in terms of an order dated 01.08.2018 in W.P.(C) 7835/2018. This Court also directed that *status quo* will be maintained until the disposal of the appeal. I am informed that the proceedings are next listed before the Revenue



Authority on 08.01.2025.

6. Once the question of demarcation is decided, the matter will again have to be placed before the Monitoring Committee. Learned counsel for the Monitoring Committee states that the Monitoring Committee will take action thereafter, expeditiously in accordance with law and in coordination with the other statutory agencies.

7. Having regard to the aforesaid position, and particularly to the fact that this Court has directed *status quo* to be maintained, it appears that the next step can be taken only after the disposal of the appeal with regard to demarcation.

8. In this view of the matter, the Appellate Authority is directed to expedite the disposal of the appeal, following which the Monitoring Committee has already assured the Court that it will take necessary action expeditiously in accordance with law.

9. Mr. Kuljeet Rawal, learned counsel for the petitioner, submits that the petitioner's construction having been held up as a result of these proceedings, this Court may direct an extension of the validity of the sanction plan. This is not the relief sought in the present writ petition. After the disposal of the matter by the Monitoring Committee, the petitioner may make an representation to the MCD to this purpose, which the MCD may consider in accordance with law.

10. The writ petition stands disposed of.

11. The next date of hearing i.e. 11.03.2025, which is already fixed, stands cancelled.

PRATEEK JALAN, J

DECEMBER 18, 2024/“Bhupi/kb”/