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

+ **W.P.(C) 12107/2024**

SATISH KUMAR

.....Petitioner

Through: Mr. Shiv Charan Garg, Mr. Imran Khan, Ms. Jahnavi Garg, Ms. Poorva Bhakhar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondent

Through: Mr. Anshula L. Bakhru, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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04.09.2024

CM APPL. 50370/2024 (Ex.)

3. Allowed, subject to all just exceptions.
4. The application is disposed of.

W.P.(C) 12107/2024

1. Learned counsel appearing on behalf of the petitioner submits that inadvertently, in the relief clause, two properties have been mentioned, whereas, he confines his grievance only with respect to property no.3856/10, Kanhaiya Nagar, Tri Nagar, Delhi-110035.

2. His statement is taken on record. Upon perusal of the nature of the grievance which is sought to be agitated in the instant writ petition, the Court finds that the same can be raised before the Special Task Force



(‘STF’) constituted by the Delhi Development Authority in light of the order passed by the Supreme Court in W.P. (C) 4677/1985 titled as ***M.C. Mehta v. Union of India***.

3. This Court *vide* order dated 30.08.2024 in W.P. (C) 12033/2024 titled as ***Pravin Singhal v. Municipal Corporation of Delhi and Ors.***, has considered the powers and scope of the concerned STF and has held as under:-

“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.**”*

4. In view of the aforesaid, the Court directs the petitioner to approach the STF and in case the petitioner does so, let his grievance be dealt with strictly in accordance with law with due expedition.

5. Reserving all rights and contentions in favour of the petitioner, the writ petition stands disposed of alongwith all pending applications.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 4, 2024/KG