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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12339/2024, CM APPL. 51335/2024**
AJAY KUMARPetitioner
Through: Mr. Arush Kapoor, Adv
versus

MUNICIPAL CORPORATION OF DELHI
& ANR.Respondent
Through: Mr. Puneet Yadav, Adv.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
% **11.09.2024**

1. The petition is for the following relief:-

"a) Issue a writ of mandamus or any other appropriate writ order or direction thereby directing the Respondent No. 1 Municipal Corporation of Delhi to immediately Remove / Seal / Demolish / stop the illegal unauthorized construction carried out in the Khasra No. 102 (Also identified as Plot No. 24/7 at Khasra No. 102) at Village Narela in District North Delhi and thereby initiate action(s) under the relevant provision(s) of law(s).

b) Initiate penal action against the erring officers of Respondent No. 1 who allowed the Respondent No. 2 to carry out the unauthorized construction in the Khasra No. 102 (Also identified as Plot No. 24/7 at Khasra No. 102) at Village Narela in District North Delhi.

C) Any other or further writ, order or direction which this Hon'ble Court deem fit and proper in the fact and circumstances of the present case may kindly be also passed in favor of the petitioner."

2. It is thus seen that the grievance of the petitioner essentially relates to removal of alleged illegal and unauthorised construction being allegedly carried out *Khasra No. 102 (Also identified as Plot No. 24/7 at Khasra No. 102)* at Village Narela in District North Delhi.

3. On notice being issued the Municipal Corporation of Delhi placed on record status report. Learned counsel appearing for the respondent-MCD



hands over copy of the short status report across the bar. The same does not seem to be placed on record. Let the same be placed in the digital record of the Court.

4. The Court however has perused the short status report and takes note of the averments made therein. In paragraph no.4 of the status report it is thus stated that the property in question was inspected by the Field Staff of the building department Narela Zone and was found that the area in question in Narela has been urbanized *vide* notification dated 20.11.2019. According to MCD after urbanization of the village Narela, DDA has the jurisdiction to take action against unauthorised construction of Gram Sabha land and other lands.

5. Following averments have been made in paragraph no. 4 to 9.

4. That the property in question was inspected by the field staff of Building Department Narela zone and it was found that the area in question village Narela has been urbanized vide notification no. F7(128)/DLB/2019/000580156/14600-15 dated 20.11.2019. After urbanization of the village Narela, DDA has the jurisdiction to take action against unauthorized construction on Gram Sabha Land and other public lands. MCD has the jurisdiction to take action against illegal construction on private land. Copy of notification dated 20/11/2019 is annexed as Annexure-R-1.

5. That the petitioner himself has stated that the respondent no 2 has encroached upon the land which is meant for the construction of sizra road from safiabad road to Dhakka road at Khasra No102 village Narela. It shows that the land in question could have been public land meant for the road purposes.

6. That a letter no. FE/CD-VII/Demarcation/2017-18 Dated 20.02.2018 issued by Ex. Engineer, CD-VII, Irrigation & Flood control department to District Magistrate (North) for demarcation of the land at Khasra No. 102, village Narela for construction of sizra road from Safiabad road to Dhakka road shows that administrative approval and expenditure sanctioned has already been accorded by competent authority for amount of Rs. 166.36 lakhs for execution of the same. Copy of the letter dated 20.02.2018 is annexed as Annexure-R-2.

7. That proper demarcation and identification of the land in question



i.e. Khasra No 102 is necessary for the answering respondent to take action against the unauthorized construction if it comes under the jurisdiction after identification of the same.

8. That letter for joint inspection has been issued to concerned SDM/Revenue department and Ex. Engineer, Irrigation & Flood Department vide no. AE/B/NRZ/2024/337 dated 06/09/2024. Copy of joint inspection letter is annexed as Annexure-R-3.

9. That the answering respondent will take necessary action as per the joint inspection report.

6. The learned counsel also submits that the inspection was earlier scheduled on 06.09.2024; however the same has been postponed for 07.09.2024. Let the necessary steps as has been indicated in the status report be carried out by the official respondent.

7. The Court at this stage also takes note of the directions passed by the Supreme Court vide order dated 24.04.2018 in W.P. (C) 4677/1985 titled as **M.C. Mehta v. Union of India** and pursuant to which a Special Task Force has been constituted vide DDA notification dated 25.04.2018. Further, this Court in W.P. (C) 12033/2024 titled as **Pravin Singhal v. Municipal Corporation of Delhi and Ors.**, has considered the aforesaid mechanism which has been evolved by the DDA to deal with the various grievances including relating to unauthorised construction, illegal encroachment etc.

8. Therefore, the petitioner shall be at liberty to approach the STF in case within a period of two months from today his grievance is not satisfied.

9. If the petitioner does so the STF is directed to deal with the same in accordance with law, with due expedition.

10. With the aforesaid observation the petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 11, 2024/KG