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

+ **CONT.CAS(C) 39/2024 & CM APPL. 29610/2024**

SAMAY GARG

..... Petitioner

Through: Mr. Shivcharan Garg and Mr. Imran
Khan, Advs.
M: 9811061563
Email: shivcharangarg@gmail.com

versus

THE SPECIAL TASK FORCE & ORS.

..... Respondents

Through: Mr. Akhil Mittal, SC for MCD
M: 9212504099
Ms. Shahana Farah and Ms. Sanna
Harta, Advs. for DDA
M: 9810006902
Email: shahanafarah@gmail.com
Mr. Abhinav Singh, Adv. for Delhi
Police

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

21.05.2024

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CM APPL. 29610/2024

1. The present application has been filed on behalf of the petitioner for direction to the respondent to submit further Status Report/Action Taken Report about action on the illegal construction.
2. Considering the submissions made in the present application, the matter is taken up for hearing today.
3. With the aforesaid direction, the present application is disposed of.

CONT.CAS(C) 39/2024



4. The present Contempt petition has been filed by the petitioner alleging willful disobedience of the order dated 10th November, 2023 passed in *W.P.(C) No. 14802/2023*.

5. The aforesaid petition had been filed on behalf of the petitioner against the illegal construction raised in property bearing Khasra No. 79/1 Min (New) and 293/1 Min (Old), Khata No. 1159/427, measuring 856 Sq. Yards, situated at Village Shahbad, Daulatpur, Delhi.

6. This Court notes that the Municipal Corporation of Delhi (“MCD”) has filed a Status Report, wherein, it has been stated as follows:

“xxx xxx xxx

4. That a letter for joint inspection with regard to the Khasra Nos. under question in the petition was sent to concerned Revenue authorities i.e. SDM (Alipur) Dated 26/09/2022 followed with reminder dated 17/11/2022 & reminder dated 22/02/2024. A joint inspection was done on dated 29/02/2024 vide which it was apprised by the Revenue officials that the Khasra No.79 lies in extended lal dora abadi of village Shahbad Daulatpur. Copy of joint survey report is annexed as Annexure-'A'.

5. That after the joint inspection and in compliance of order of Hon'ble Court dated 07/03/2024 the property in question i.e. Property bearing Kh. No. 79/1min (New), 293/1min (Old), Khata No. 1159/427 admeasuring 1008 sq.yds. Village Shahbad Daulatpur Delhi was inspected by the field staff of Building Department Narela zone and unauthorized construction was found at 04 properties lying opposite, pole no. HT-516-38/4 Shahbad Daulatpur Delhi (Kh. No. 79, extended Lal dora abadi Delhi) and the details of same are as under:

<i>S.No.</i>	<i>Booking file No. with dated</i>	<i>Address</i>	<i>Extent of</i>
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			<i>unauthorized construction</i>
1.	<i>148/UC/B/N/2024 Dated 04.03.2024</i>	<i>Property opposite, pole no. HT-516-38/4 Shahbad Daulatpur Delhi (Kh. No. 79, extended Lal dora abadi Delhi)</i>	<i>U/c in the shape of entire floor at ground floor, first floor and second floor.</i>
2.	<i>149/UC/B/N/2024 Dated 04.03.2024</i>	<i>Property opposite, pole no. HT-516-38/4 Shahbad Daulatpur Delh (Kh. No. 79, extended Lal dora abadi Delhi)</i>	<i>U/c in the shape of entire floor at ground floor, first floor, second floor and third floor.</i>
3.	<i>153/UC/B/N/2024 Dated 22.03.2024</i>	<i>Property opposite, pole no. HT-516-38/4 Shahbad Daulatpur Delhi (Kh. No. 79, extended Lal dora abadi Delhi)</i>	<i>U/c in the shape of entire floor at ground floor, first floor, second floor and third floor.</i>
4.	<i>154/UC/B/N/2024 Dated 22.03.2024</i>	<i>Property opposite pole no. HT-516-38/4 Shahbad</i>	<i>U/c in the shape of entire floor at ground</i>



		Daulatpur Delhi (Kh. No. 79,extended Lal dora abadi Delhi)	floor, first floor, second floor.
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6. That show cause notice against u/c file no. 148/UC/B/N/2024, 149/UC/B/N/2024, 153/UC/B/N/2024 & 154/UC/B/N/2024 respectively were issued to the owner/occupier of the said properties in question under section 344(1) & 343 of DMC Act, 1957. Replies were received from the owner/occupier of the above mentioned properties wherein they have denied the applicability of Municipal Laws and building bye laws in the area of village Shahbad Daulatpur. In the interest of natural justice personal hearing was granted to the owner/occupiers. Further hearing scheduled for dated 15/04/2024. Further action will be taken as per Law. It is submitted accordingly.”

7. Perusal of the aforesaid Status Report shows that the MCD has already taken cognizance of the unauthorized construction existing in the area in question, and requisite Show Cause Notices have already been issued in regard thereto. Further, the MCD has also stated that it is in the process of granting personal hearing to the owners/occupiers and that action shall be taken accordingly, pursuant to the outcome of the said personal hearing.

8. Accordingly, it is directed that the MCD shall complete the hearing of the concerned persons expeditiously and take requisite action in accordance with law, subject to outcome of the said personal hearing.

9. It is further directed that in case the petitioner is aggrieved by any non-action by the respondent, the petitioner shall be at liberty to approach the Special Task Force (“STF”) and make a specific representation in regard



thereto.

10. Needless to state, that as and when any action is sought to be taken by the concerned parties against the existing unauthorized construction, if any, the police shall provide the requisite force and cooperate in taking action against the unauthorized construction.

11. At this stage learned counsel appearing for the petitioner submits that the properties in question fall within the jurisdiction of Police Station, K. N. Katju Marg. Accordingly, it is directed that the police officials of the aforesaid police station shall extend full cooperation to the authorities at the time of taking any action against the unauthorized construction.

12. Mr. Abhinav Singh, Advocate, who is present in Court, is requested to appear in the present matter and inform the police authorities accordingly.

13. With the aforesaid directions, the present petition is disposed of.

14. The next date of hearing, i.e., 22nd August, 2024 stands cancelled.

MINI PUSHKARNA, J

MAY 21, 2024/kr