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

+ **W.P.(C) 12600/2024 & CM APPL. 52396/2024 (ex-parte stay)**

KOMAL D KRIPALANI

.....Petitioner

Through: Mr. Abhishek Kukkar, Mr. Kunal
Choudhary and Mr. Himanshu
Panwar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ANR

.....Respondents

Through: Ms. Neeru Vaid, SC for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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09.09.2024

CM APPL. 52397/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 12600/2024 & CM APPL. 52396/2024 (ex-parte stay)

3. The petitioner in the instant petition seeks for the following reliefs:

“Issue a writ of mandamus, writ of prohibition and any other writ, order or directions thereby directing the Respondent No. 1 to fulfill its statutory duties and also take appropriate legal action against the illegal/unauthorized construction over the subject property situated at Flat No. 1126, 2nd Floor, Pocket-A, Sector-A, Vasant Kunj, New Delhi- 110070;

b. Pass any order against Respondent No. 2 to vacate & demolish the illegal/unauthorized construction raised over & above the subject property i.e. House No. 1126, 2nd Floor, Sector-A, Pocket-A, Vasant Kunj, New Delhi-110070;

c. To pass an order to initiate disciplinary/vigilance enquiry to punish the officials of the Respondent No. 1 who have nexus with the encroachers or Respondent No.2 just to make illegal benefit which is prima facie dereliction of duty and involvement in the wrongdoings criminal activities who failed to take actions against the builders for illegal constructions and



encroachment in the interest of justice.”

4. Upon perusing the record and considering the prayer made, the Court is of the considered opinion that there appears to be a mechanism in place to deal with the unauthorised construction in terms of the notification dated 08.03.2019 issued by the Delhi Development Authority. This Court in W.P.(C) 12033/2024 *vide* order dated 30.08.2024 has extensively dealt with the scope and power of the Special Task Force [“STF”] and has held that grievances of similar nature can be ventilated before the said STF.
5. In view of the aforesaid, at this stage, instead of entertaining the writ petition, the Court accords liberty to the petitioner to approach the STF by way of a proper representation with a copy of the order being passed today.
6. If the petitioner does so, let the grievance of the petitioner be dealt with by the STF, in accordance with law with due expedition.
7. Learned counsel appearing for the respondent-Corporation, on advance instructions, submits that the petitioner has not approached this Court with clean hands. According to her, there appears to be a personal grudge between the petitioner and the private respondent. They seem to have certain objections against each other.
8. Be that as it may, since the Court is not entertaining the instant writ petition, let all the aforesaid aspects be dealt with by the concerned STF.
9. In view of the aforesaid, the instant petition stands disposed of alongwith the pending application.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 9, 2024/p