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

+ **W.P.(C) 1335/2024 & CM APPL 5466/2024**

NETAJI MARKET BDPMNRWA ASSOCIATION & ORS.

.....Petitioners

Through: Mr. D.N. Chaturvedi and Mr. Deepak
Somani, Advs.

Versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondents

Through: Mr. Nikhil Palli, ASC for MCD
Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Sawan Kumar Shukla, Adv.
for R-3
Mr. Varun Tyagi, Mr. Bharat Gutpa,
Ms. Akshita and Mr. Ashan, Advs.
for R-4

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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04.09.2024

1. The petitioner in the instant petition has prayed for the following reliefs:-

a. Issue writ, order or direction in the nature of Mandamus directing Respondent No. 1/MCD to remove unlawful encroachment made by Respondent No. 4/Shri Suresh Soni;

b. Issue writ, order or direction in the nature of Certiorari/Mandamus quashing the Kalendra No. 79 AB/2023 dated 06.10.2023 issued by Respondent No. 3/P.S Moti Bagh



and proceedings arising therefrom;

c. Pass any other order or direction in favour of petitioners in the interest of complete justice, equity and good conscience.

2. The first prayer relates to the removal of alleged illegal/unauthorised encroachment made by respondent No.4-Shri Suresh Soni. The second relief is with respect to quashing of Kalendra No. 79 AB/2023 dated 06.10.2023 issued by Respondent No. 3/P.S Moti Bagh and proceedings arising therefrom.

3. So far as prayer (a) is concerned, the petitioner can approach the Special Task Force constituted as per the directions of the Supreme Court in the case of ***M.C. Mehta v. Union of India & Ors.***

4. A similar view has been taken by this Court in order dated 30.08.2024 in W.P. (C) 12033/2024 titled as ***Pravin Singhal v. Municipal Corporation of Delhi and Ors.***, wherein, it has been 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.**”

5. With respect to prayer (b), the petitioner can institute appropriate proceedings in accordance with law. However, in the instant writ petition, the grievance with respect to said prayer cannot be adjudicated, as the Court is not dealing with Roster related to criminal matters.



6. Reserving that liberty in favour of the petitioner, the instant petition stands disposed of alongwith pending application.

PURUSHAINDRA KUMAR KAURAV, J.

SEPTEMBER 4, 2024

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