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

+ W.P.(C) 14436/2024

ADHCHINI RESIDENTS WELFARE ASSOCIATION
(REGD.) THROUGH ITS PRESIDENTPetitioner

Through: Mr. Shoeb Shakeel and Mr. Sahim
Khan, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH
ITS DEPUTY COMMISSIONER & ORS.Respondents

Through: Ms. Sanam Tripathi, ASC with Ms.
Shreyash Choudhary, Advocate for
MCD.

Mr. Tushar Sannu and Mr. Harsh
Yadav, Advocate for PWD &
GNCTD.

Mr. K.G. Gopalakrishnan and Ms.
Nisha Mohan Das, Advocate for
SDM.

Mr. Sanjeev Sabharwal, SPC for
UOI.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **13.12.2024**

1. The petitioner has approached this Court under Article 226 of the Constitution, complaining of alleged illegal and unauthorised construction and encroachment in property bearing *No. 12, Khasra No. 251/200 Min. situated within Abadi Lal Dora of Village Adhchini, Near Aurobindo marg, Hauz Khas, New Delhi-110017.*



2. The concerned Sub-Divisional Magistrate [“SDM”] and the Municipal Corporation of Delhi [“MCD”] have filed status reports. In the status report filed by the SDM dated 28.11.2024, it is stated that the area has been urbanised and the Delhi Development Authority [“DDA”] is the proper authority to conduct demarcation. MCD’s status report dated 05.12.2024, on the other hand, records that there is no construction activity ongoing at the site, but it appears that encroachment on public land in front of the property, pertains to the Public Works Department [“PWD”] and the Government of National Capital Territory of Delhi. A joint inspection report dated 08.11.2024 has also been annexed to the status report.

3. Having heard learned counsel for the parties, it appears that this is a case which requires coordinated action between various statutory agencies, possibly including the PWD, DDA and MCD. It is exactly for cases like this that the Supreme Court has constituted a Special Task Force [“STF”] *vide* orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. STF is headed by the Vice Chairman of DDA and is comprised of representatives of all the concerned agencies, which enables it to take coordinated action in cases of unauthorised construction, encroachment, etc. As the petitioner has not approached the STF with its grievances, I am of the view that the appropriate course in the present case is to permit it to approach the STF, and to direct the STF to take appropriate action expeditiously in accordance with law.

4. This direction is made in consonance with the decisions of the Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors.* [order



dated 20.09.2018 in W.P.(C) 1807/2018], *Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr.* [order dated 08.04.2019 in LPA 245/2019], *Fazruddin vs. DDA & Ors.* [order dated 23.04.2019 in WP (C) 4649/2017], and in *Himanshu vs. East Delhi Municipal Corporation & Anr.* [order dated 31.07.2023 in W.P.(C) 8104/2022], and decisions of Coordinate Benches in *Abdul Gaffar vs South Delhi Municipal Corporation & Ors.* [order dated 28.02.2019 in W.P.(C) 1773/2019] and *Rashiduddin Malik vs. MCD & Ors.* [order dated 02.09.2024 in WP (C) 12102/2024].

5. The writ petition is, therefore, disposed of, with liberty to the petitioner to approach the STF, which is directed to look into the matter and take appropriate action expeditiously.

6. This order is passed without prejudice to the the rights and contentions of any owners/occupants of the subject property, which are reserved. MCD is directed to take action strictly in accordance with law, and after complying with all statutory requirements and bearing in mind the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

PRATEEK JALAN, J

DECEMBER 13, 2024/MR/AL/