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

+ W.P.(C) 14810/2024

PREETAM KUMAR SINHA

.....Petitioner

Through: Petitioner in person.

versus

THE COMMISSIONER MUNICIPAL CORPORATION OF
DELHI AND ORS

.....Respondent

Through: Mr. Amit Tiwari, CGSC with Mr.
Himanshu Bidhuri, Mr. Chetanya
Puri, Mr. Ayush Tanwar, Mr.
Rahul Bhaskar, Advocates for R-1.
Mr. Mukesh Gupta, SC with Ms.
Shashi Gupta, Mr. Arnav Gupta,
Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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22.10.2024

1. The petitioner has filed this petition for a direction upon the Municipal Corporation of Delhi ["MCD"] to implement a demolition order dated 25.07.2016 in respect of covering of a balcony adjacent to stair case and rear side and entire floor on terrace (i.e. at the roof of 88) of *Flat No. 88, 3rd floor, Sanjay Enclave, Delhi – 110033* ["the subject property"].

2. It is the contention of the petitioner that the owner of the property had approached the Appellate Tribunal for MCD ["ATMCD"] against the said order, but the appeal was dismissed for default on 25.03.2022.



Despite dismissal of the appeal, he contends that MCD has not taken steps to demolish the property in question.

3. Mr. Mukesh Gupta, learned counsel for the MCD, who appears on advance notice, disputes this position and submits that demolition action has been taken on 04.09.2024 and the owner has also demolished some part of the unauthorised construction. The petitioner, who appears in person, disputes these contentions.

4. In view of these factual disputes, I am of the view that the appropriate course would be for the petitioner to submit his complaint to the Special Task Force constituted by the Supreme Court *vide* orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. This direction is made with reference to 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 STF comprises of representatives of various agencies and is headed by the Vice Chairman, Delhi Development Authority. It has the necessary wherewithal to conduct a factual assessment and take coordinated action through the responsible agencies. The demolition



order upon which the petitioner relies was passed as long as ago in the year 2016, after which, according to Mr. Gupta some action has been taken by the owners themselves.

6. In view of the aforesaid, the petition is disposed of with the direction that the petitioner may approach the STF with this grievance, and the STF is requested to take action expeditiously. In the event the petitioner remains aggrieved, he may file appropriate proceedings after the passage of eight weeks from today.

7. It is made clear that these directions are without prejudice to the rights and contentions of the owners/occupants of the property, whose remedies are expressly reserved.

PRATEEK JALAN, J

OCTOBER 22, 2024

“Bhupi”/