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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 15280/2024 & CM APPLs. 64222/2024, 64223/2024

NIKHIL CHOUDHARY

.....Petitioner

Through: Mr. Pallav Aneja & Mr. Harsh
Gupta, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Ms. Tajinder Viridi, SC for MCD.
Mr. S.P. Jain, Advocate for R-2 &
R-3.
Ms. Mehak Nakra, ASC (Civil)
GNCTD with Ms. Gunjan Suyal
and Anjali Pandey, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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29.10.2024

1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged unauthorised construction on the ground floor of property bearing *plot No. 5, Progressive House, LSC, Rohit Kunj Market, Pitampura, Delhi – 110034* [“the subject property”].
2. Learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that the property in question is, in fact, located in a local shopping centre, subject to the jurisdiction of the Delhi Development Authority [“DDA”], which has not been made a party to the petition.
3. Instead of entering into this controversy as to the identification of



the concerned agency, I am of the view that it would be appropriate to direct the petitioner to first approach the Special Task Force [“STF”] constituted by the Supreme Court in *vide* orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*]. The STF consists of representatives of all concerned agencies, including the MCD and DDA, and is responsible for coordinated action in respect of unauthorised construction, encroachment, etc., in the city. This direction is made with reference to the judgments 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].

4. The petition is disposed of with liberty to the petitioner to approach the STF. In the event the petitioner files a complaint before the STF within a period of two weeks from today, the STF is requested to look into the matter expeditiously and take necessary action in accordance with law.

5. It is made clear that this Court has not entered into the merits of the controversy and the rights and remedies of the owners/occupants of the property are expressly reserved. All statutory agencies are directed to act



strictly in accordance with law and after compliance of all statutory formalities.

6. Pending applications also stand disposed of.

PRATEEK JALAN, J

OCTOBER 29, 2024

'Bhupi' /