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

+ W.P.(C) 15366/2024 & CM APPLs. 64437-38/2024

SHRI RIKKY GUPTA & ANR.

.....Petitioners

Through: Mr. Manish Vashisht, Sr. Advocate
with Mr. A. Chaturvedi, Mr.
Sameer Vashisht, Ms. Ananya
Singh, Mr. V. Vashisht,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Dr. Divya Swamy, Ms. Nidhi
Kumar, Mr. Yash Jain, Ms. Akriti
Singh, Advocates for R-1 to 4.
Mr. Abhishek Yadav, Mr. A.
Pratap, Advocates for R-5 and 6.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
04.11.2024

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1. The petitioners have filed this writ petition under Article 226 of the Constitution complaining of alleged unauthorised construction in flat Nos. *C-34/D, Pocket C, B-51/C, and B-52/B, Pocket B, Gangotri Enclave, Alaknanda, New Delhi* ["subject properties"].
2. According to the petitioners, the unauthorised constructions have been raised in the subject properties by respondent No. 7 herein.
3. Learned counsel for Municipal Corporation of Delhi ["MCD"],



who appears on advance notice, submits that there is no ongoing construction in the subject properties at present. With regard to any possible deviation from the standard building plans, learned counsel states that the standard building plans will have to be provided by Delhi Development Authority [“DDA”].

4. Having regard to the fact that inter agency coordination is required in order to address the petitioners’ grievances, I am of the view that it would be appropriate for the petitioners to first approach the STF 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.*]. The STF is headed by the Vice Chairman of DDA and comprises of representatives of all concerned agencies. It has been tasked with looking into complaints of unauthorised construction and encroachment in the city.

5. Mr. Manish Vashisht, learned Senior Counsel for the petitioners, submits that the petitioners will approach the STF within a period of two weeks from today and the STF may be directed to look into the matter expeditiously.

6. Having regard to the aforesaid submissions, the writ petition, alongwith pending application, is dismissed as withdrawn with liberty to the petitioners to approach the STF. In the event the petitioners file a complaint before the STF within a period of two weeks from today, the STF is requested to deal with the matter as expeditiously as possible.

7. These directions are issued with reference to the judgments of the Division Bench in 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].

8. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of any owners/occupants of the subject property, whose statutory remedies are reserved.

PRATEEK JALAN, J

NOVEMBER 4, 2024

“Bhupi”/