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

+ W.P.(C) 15696/2024, CM APPL. 65916/2024 & CM APPL. 65917/2024

TARUN KUMARPetitioner

Through: Ms. Ashu Singh, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS
COMMISSIONER & ORS.Respondents

Through: Mr. GS Oberoi, SC for MCD.
Ms. Geetika Kapur and Ms.
Tejaswita, Advocates for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.11.2024

1. By way of the present petition, under Article 226 of the Constitution, the petitioner seeks action in respect of alleged unauthorised construction in property bearing No. 14, Ring Road, Lajpat Nagar-IV, Delhi-110024 [“subject property”].
2. The address of the petitioner stated in the writ petition is D-231, Krishna Park, Khanpur, Delhi-110062.
3. Mr. GS Oberoi, learned counsel for the Municipal Corporation of Delhi [“MCD”], and learned counsel for respondent Nos. 3 and 4, who appear on advance notice, contest the *locus* of the petitioner in respect of the subject property. They point out that the address of the petitioner is D-



231, Krishna Park, Khanpur, Delhi-110062, which, according to them, is situated at a distance of about 6 kilometres from the subject property.

4. The writ petition also does not elucidate upon the petitioner's interest in the subject property. The petitioner's activities, as stated in paragraph No. 1 of the petition, are only that he "*indulged in the social welfare*". In paragraph No. 4, it is stated that during construction, the petitioner has gone to the subject property and parked his vehicle, which was objected to by the employees of respondent Nos. 3 and 4. It is contended that the respondent Nos. 3 and 4 proposed to establish a hospital and carry out commercial activity on the subject property causing difficulty to the petitioner and other residents.

5. Learned counsel for the petitioner states, in the course of hearing, that the petitioner has friends and relatives who live near the subject property. She seeks time to provide their addresses. However, curiously, no one in the proximity of the subject property has taken legal recourse. The fact that a person has friends and relatives in a particular locality does not constitute *locus* to challenge alleged illegal construction. This petition has also not been filed in the Public Interest Litigation jurisdiction of this Court.

6. In any event, the Supreme Court, by its orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [*M.C. Mehta vs Union of India & Ors.*] directed the constitution of a Special Task Force ["STF"] comprised of representatives of the MCD, Delhi Development Authority, Government of NCT of Delhi and other relevant agencies, to look into allegations of unauthorised construction. 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] has also directed that such complaints should be made to the STF rather than adjudicated by the writ Court.

7. In these circumstances, the writ petition is disposed of, with liberty to the petitioner to take such remedies as he may be advised in law.

8. It is made clear that this Court has made no observations on the correctness of the petitioner's allegations. All rights and contentions of the parties in this regard are reserved.

PRATEEK JALAN, J

NOVEMBER 12, 2024/MR/