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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 16950/2024 & CM APPL. 71785-71786/2024

SHEELA KAUR & ORS.

.....Petitioners

Through: Mr. Chirag Jain, Mr. Satish Kumar, Mr. Harshil Gupta, Ms. Anshika Agarwal, Mr. Parth Mehra, Mr. Apoorv Bansal, Mr. Yugam Jain, Mr. Rohit Pal, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: Mr. Vikas Chopra, SC for MCD. Ms. Shubhra Parashar and Mr. Virender Pratap Singh, Advocates for UOI. Ms. Anjesh Dahiya, Advocate for Mr. Jawahar Raja, ASC GNCTD. SI Man Mohan, PS: Kalindi Kunj.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

09.12.2024

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1. The petitioners have filed this writ petition in respect of alleged unauthorised construction in '*portion of 1000 sq. yards and 150 sq. yards of part of property bearing Khasra No.633, Khadda Colony, Part-II, Village Jaitpur, New Delhi-110044*' ["subject property"].

2. It appears from the writ petition that the petitioners' sisters have already filed a suit for permanent and mandatory injunction before the District Court against dispossession from the subject property or blocking

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of their ingress or egress. It is stated in paragraphs 10 and 11 of the writ petition that “*the Ld. Civil Judge has not passed any effective order for protection of the suit property*”, as a result of which respondent Nos. 4 to 9 have commenced further construction.

3. Be that as it may, Mr. Vikas Chopra, learned counsel for Municipal Corporation of Delhi [“MCD”], submits that the alleged illegal construction could not be identified from the prayer clause, which only refers to parts of the entire Khasra or from the site plan annexed to the writ petition.

4. In cases of this nature, I am of the view that the appropriate course is for the petitioners to first approach the Special Task Force [“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.*], rather than for writ proceedings to be entertained at the first instance. The STF is headed by the Vice Chairman, DDA, and comprises representatives of all the concerned agencies for coordinated action to be taken in matters of unauthorised construction. The STF thus has the administrative wherewithal to ensure proper identification of the alleged unauthorised construction and action taken thereupon. In the present case, the petitioners have not exhausted the administrative remedy available to them.

5. The writ petition is, therefore, disposed of with liberty to the petitioners to approach the STF in respect of their grievance with a proper identification of the alleged unauthorised construction.

6. The rights and contentions of the parties or any owners/occupants of the subject property are expressly reserved. MCD is directed to take



action strictly in accordance with law, and after complying with all statutory formalities, 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 9, 2024
SS/JM/