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

+ **W.P.(C) 17044/2024 & CM APPL. 72300/2024**

AMIT BHASIN

.....Petitioner

Through: **Mr. A.D. Malik, Advocate.**

versus

MUNICIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: **Mr. Harshit Chopra, Advocate for MCD.**

Mr. Ankur Gupta, Advocate for R-2.

Mr. Rishabh Raj Jain, SC for BSES-RPL with Mr. Sharique Hussain, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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10.12.2024

1. The petitioner has filed this petition under Article 226 of the Constitution, seeking a direction upon the Municipal Corporation of Delhi ["MCD"] to demolish a portion of the property bearing *No. A-262, Hari Nagar Clock Tower, New Delhi-110064* ["subject property"], in respect of which a demolition order has already been passed on 01.04.2022.

2. Mr. Harshit Chopra, learned counsel for MCD, states, upon advance instructions, that pursuant to the demolition order, partial demolition action was already taken in respect of the subject property in June 2022. Learned counsel for the petitioner, however, disputes this

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position.

3. In view of the aforesaid controversy, I am of the view that it will be appropriate to direct the petitioner 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.*]. 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 enter into the controversies of this nature, and ensure that the demolition order is taken to its logical conclusion. This direction is also consistent with the judgment 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. In view of the above, the petition is disposed of with liberty to the petitioner to approach the STF. The STF is directed to act expeditiously upon the petitioner’s complaint.

5. It is made clear that this order is not intended to prejudice the owners/occupants of the subject property in any manner. MCD is directed



to act strictly in accordance with law after compliance of all statutory formalities, and observance of the safeguards laid down by the Supreme Court in the judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

6. Pending application also stands disposed of.

PRATEEK JALAN, J

DECEMBER 10, 2024

SS/JM/