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

+ W.P.(C) 17209/2024 & CM APPL. 73147/2024 (*for direction*)
RAJAT KAPOORPetitioner
Through: Ms. Ritul Tandon, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents
Through: Mr. Shashi Pratap Singh, Ms.
Muskaan Garg, Advocates for
DDA.
Mr. Abhishek Mahajan, Advocate
for MCD.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER
13.12.2024

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1. The petitioner has filed this petition under Article 226 of the Constitution, complaining of alleged and unauthorised illegal construction on the land comprising *Parcel No. 83/A Ward No.4, Comprised in Khasra No. 1151/3, Abadi Lal Dora in Village, Mehrauli, New Delhi- 110030* [“subject property”].

2. Mr. Abhishek Mahajan, learned counsel for the Municipal Corporation of Delhi [“MCD”], who appears on advance notice, states that the subject property has been identified from the photographs annexed to the writ petition as property *No. 193, Ward No. 2, comprising Khasra No. 1151/3, Abadi Lal Dora in Village, Mehrauli, New Delhi- 110030*, and has already been booked on 02.12.2024. A work stop notice



has also been issued on 05.12.2024. MCD proposes to take further action upon consideration of the reply to the show cause notice.

3. Learned counsel for the petitioner, however, submits that the property mentioned by learned counsel for MCD is not the same property, which is the subject matter of the present petition.

4. As there is a dispute as to the identification of the property, I am of the view that it is 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 comprises representatives of all concerned agencies and is headed by the Vice Chairman, Delhi Development Authority. It is in a position to undertake the factual inquiry required in a case such as the present one where the identification of the subject property itself is an issue, and to pass further directions as may be necessary. This direction is also consistent with 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].

5. In view of the above, the petition, alongwith the pending



application, is disposed of with liberty to the petitioner to approach the STF.

6. It is made clear that these directions are made without prejudice to the rights and contentions of the owners/occupiers of the subject property. 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].

PRATEEK JALAN, J

DECEMBER 13, 2024

“Bhupi/JM”/