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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 17771/2024

RAJESH VERMA

.....Petitioner

Through: Mr. Abhishek Kumar Dwivedi,
Mr. Vikash Kumar & Mr. Ajeet
Kumar Shahi, Advocates.

versus

MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Vikas Chopra, Standing
Counsel for MCD with Ms. Anita
R. Mishra, Mr. Dipesh Chopra &
Ms. Khushi, Advocates for MCD.
Mr. Puneet Yadav, Senior Panel
Counsel for SHO/R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.12.2024

1. The petitioner has approached this Court under Article 226 of the Constitution, against alleged unauthorised construction in several properties bearing *Nos. C-3/107A to C-3/107C on the First, Second, and Third Floors of a stack of flats at Keshavpuram, Delhi-110035*. The petitioner is a resident on the ground floor of the property bearing *No. C-3/107, Ground Floor, MIG Flats, Keshavpuram, Delhi-110035*.

2. At the very outset, I notice that the petitioner has not approached 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 Division Bench in *Devender vs. Govt. of NCT of Delhi and Ors* [order dated 20.09.2018 in W.P.(C) 1807/2018], has held that complaints of unauthorised construction/encroachment, etc., should first be made to the STF prior to approaching the Court. The STF, headed by the Vice Chairman, Delhi Development Authority [“DDA”], comprises representatives of all the concerned agencies.

3. Mr. Vikas Chopra, learned Standing Counsel for the Municipal Corporation of Delhi [“MCD”], submits that upon a preliminary inspection, encroachment was found on this stack of apartments from the ground floor all the way to the third floor. However, MCD requires coordination with DDA to obtain a copy of the standard building plan and identify the deviations.

4. The petition is, therefore, disposed of with liberty to the petitioner to approach the STF, where coordination between the MCD and DDA will also be facilitated.

5. The disposal of this petition will not come in the way of MCD taking such action in respect of unauthorised construction in any property as it may be entitled to in law.

PRATEEK JALAN, J

DECEMBER 23, 2024

‘pv/JM’/