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

+ W.P.(C) 17817/2024 & CM APPLs. 75842-43/2024

SHRI KRISHAN KUMAR

.....Petitioner

Through: Mr. Anuj Kumar Garg, Advocate.

versus

MUNICIPAL CORPORATION
OF DELHI AND OTHERS

.....Respondents

Through: Mr. Puneet Yadav, ASC for MCD.
Mr. Arjun Mahajan, Mr. Apoorv
Upamanyu, Mr. Harsh Vashisht,
Advocates for DDA.

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, complaining of alleged unauthorised construction on a property *admeasuring area 6333 sq. yds. Bearing Killa No. 7 & 8, Khasra No. 132, situated in the Revenue Estate of Village Mundka, Delhi – 110041.*

2. Mr. Puneet Yadav, learned counsel for Municipal Corporation of Delhi [“MCD”], who appears on advance notice, submits that the area in question falls with the jurisdiction of Delhi Development Authority [“DDA”] and not within the jurisdiction of MCD.

3. As the petitioner claims to have approached the Special Task Force [“STF”] also with his complaint on 15.11.2024 (Annexure P-5 to the writ



petition), I am of the view that it is appropriate to direct the STF to look into the matter at the first instance.

4. The STF has been 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.*], to look into allegations of unauthorised construction and encroachment in the city. It comprises of representatives of all the concerned agencies and is headed by the Vice Chairman of DDA. In cases such as the present one, where there is some jurisdictional ambiguity, STF is the appropriate authority for a decision to be taken prior to approaching the Court under Article 226 of the Constitution.

5. Such a course 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].

6. As there is an allegation of ongoing construction by respondent Nos. 5 to 7, it is expected that the STF and the concerned agency will act expeditiously, in accordance with law.

7. The rights and contentions of the respondents or any owners/occupants of the subject property are reserved.



8. The writ petition is disposed of with these directions.

DECEMBER 23, 2024

'Bhupi/kb' /

PRATEEK JALAN, J