



\$~19

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(C) 17998/2024 & CM APPL. 76574/2024

SMT MEERA DEVI & ORS.

.....Petitioner

Through: Mr. Ranjan Khatumaria, Advocate.

versus

THE MUNICIPAL CORPORATION

OF DELHI & ANR.

.....Respondents

Through: Mr. Manu Chaturvedi, SC for
MCD with Mr. Khwaja Umair,
Advocate.

Ms. Monika Arora, CGSC with
Mr. Subhrodeep Saha and Ms.
Radhika, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

24.12.2024

1. The petitioners have filed this petition under Article 226 of the Constitution, for a direction upon respondent No.1 – Municipal Corporation of Delhi [“MCD”] to demolish a temple situated at *Hardhyan Singh Road, Raigerpura, Karol Bagh, New Delhi-110005*.

2. Mr. Manu Chaturvedi, learned Standing Counsel for MCD who appears on advance notice, submits that the contention of the petitioners themselves is that the temple is being constructed on a road and footpath. He states that the said road and footpath are under the jurisdiction of the Public Works Department, Government of NCT of Delhi, which has not been made a party to the writ petition, and MCD has no authority to remove illegal structures on the road in question. Learned counsel for the petitioners contests this position.

3. I find from the writ petition that no complaint has yet been made

W.P.(C) 17998/2024

Page 1 of 2



by the petitioners to 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, Delhi Development Authority, and comprises representatives of fifteen agencies. In cases where there is some jurisdictional issue with regard to responsibility for action on illegal constructions, and particularly in case like this where the Religious Committee may also be involved, I am of the view that appropriate administrative mechanism ought to be invoked before seeking intervention of the writ Court. Such a course is also consistent with the decisions 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. For the aforesaid reasons, the petition is disposed of with liberty to the petitioners to first approach the STF. In the event a complaint is filed before the STF, the STF is requested to look into it expeditiously.

PRATEEK JALAN, J

DECEMBER 24, 2024/SS/kb/

W.P.(C) 17998/2024

Page 2 of 2