



\$~17

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

+ **W.P.(C) 125/2024**

ROHIT KHERIWAL

.....Petitioner

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. Vishal Kumar, Mr. Nishant Nain, Mr.
Nikhil Beniwal and Mr. Rampal Tokas, Advocates
along with Petitioner in person.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Prakash Pande, Standing Counsel
for MCD.

Mr. Udit Malik, Additional Standing Counsel,
Civil, GNCTD with Ms. Rima Rao and Ms. Palak
Sharma, Advocates.

Mr. Abhishek Paruthi, Advocate for R5.

Mr. V.K Srivastava, Advocate for R6.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

14.01.2025

%

1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking the following relief:-

“a) Issue a writ of mandamus, direction or order thereby directing the respondent no. 1 to 4 for removing/stopping illegal constructions in Khasra No. 84/2 Gulmohar Park Road, Gautam Nagar, New Delhi-110049, in front of the house/ residence of petitioner baring House No.137B/1 Gautam Nagar, South Delhi, which is situated at Khasra No. 84/2 Gulmohar Park Road, Gautam Nagar, New Delhi-110049.”

2. Perusal of order sheets leaves no doubt that despite noticing unauthorised encroachment on Gautam Nagar Road, neither PWD nor MCD have taken any action. On two occasions, Court had directed PWD and



MCD to conduct joint inspection and take requisite action and file a status report. Status Report dated 30.03.2024 was seen by the Court on 27.09.2024 and it was observed that the authorities have not understood the purport of Court's order, which was to identify and remove the encroachments. Court also observed that purpose of directing joint inspection in a case like this was that Court does not face jurisdictional disputes between the agencies responsible but this purpose cannot be achieved if they act with such lethargy. Accordingly, all authorities were directed to escalate the matter to the heads of the respective zones, who were in turn directed to take coordinated action.

3. It appears that even till date, the concerned agencies are not willing to share the responsibility and take a joint action and the result is that illegal encroachment continues on Gautam Nagar Road, a fact brought out in the Status Report dated 30.03.2024. Strangely, there seems to be no clarity on whether the encroachment is on the left side of the road in question or the right side and this is the reason, as per the Status Report, why no action has been taken till date for removal of encroachment.

4. In my view, looking at the Status Report dated 30.03.2024 and the requirement of clear demarcation etc. for identifying the actual encroachment, it would be appropriate if the matter is looked into and examined by the Special Task Force ('STF') constituted vide orders of the Supreme Court in *M.C. Mehta v. Union of India and Others*, (2019) 12 SCC 730 and *M.C. Mehta v. Union of India and Others (Sealing Issue, in Re)*, (2019) 12 SCC 419. The Supreme Court emphasized for constitution of the STF to put in place an effective mechanism to deal with rampant issues of unauthorised constructions/encroachments, whereafter DDA issued a



notification dated 25.04.2018 and constituted the STF. In ***Pravin Singhal v. Municipal Corporation of Delhi & Ors., W.P. (C) 12033/2024***, vide order dated 30.08.2024, this Court took note of the scope and ambit of STF and directed similar grievances to be agitated before the STF.

5. Accordingly, this writ petition is disposed of relegating the Petitioner to approach the STF by a formal complaint. It will be open to the Petitioner to place the pleadings of this writ petition including Status Reports and copies of the order sheets before the STF. If and when Petitioner approaches the STF, necessary action will be taken by STF in accordance with law and as expeditiously as possible.

6. This order is passed without prejudice to the rights and contentions of all the parties to the writ petition including Respondents No.5 and 6, who are at liberty to take recourse to legal remedies in case of any grievance including requesting the STF to hear them before recommending any action.

JYOTI SINGH, J

**JANUARY 14, 2025
YA**