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

+ **W.P.(C) 3296/2025 & CM APPL. 15570/2025**

KANWARJIT SINGH HANSPAL

.....Petitioner

Through: Mr. R.S, Juneja and Mr. Shiv Kumar,
Advocates
Mob: 9911006464

versus

MUNICIPAL CORPORATION OF DELHI AND ANR.

.....Respondents

Through: Mr. Vikas Chopra, Standing Counsel
for MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

18.03.2025

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1. The present writ petition has been filed under Article 226 of the Constitution of India for directions to respondent no. 1 to discharge its statutory obligation to stop and demolish the illegal construction being raised by respondent no. 2, in plot bearing *no. 14-A/53-B, Pubjabi Bagh West, New Delhi-110026*.
2. It is the case of the petitioner that *plot no. 14-A/53-B, Pubjabi Bagh West, New Delhi-110026* is admeasuring 666.66 Sq. Yards.
3. The said plot has subsequently been partitioned, wherein, portion measuring 383.33 Sq. Yards is in possession of the petitioner, while portion of the property measuring 283.33 Sq. Yards is now in possession of respondent no. 2.
4. It is submitted that respondent no. 2, without any sanctioned building plan, started construction in the property in question. The said construction



being raised is not only unauthorized, but illegal, and in violation of the rights of the petitioner.

5. Learned counsel appearing for the respondent no. 1, i.e., Municipal Corporation of Delhi (“MCD”) on advance notice, has handed over documents to show that Show Cause Notice has already been issued to respondent no. 2 on 12th March, 2025.

6. Further, a letter dated 13th March, 2025, has also been issued to the Station House Officer (“SHO”), Police Station – Punjabi Bagh, wherein, the police has been requested to ensure that no further construction activity is carried out in the premises in question.

7. Both the documents are taken on record.

8. Learned counsel appearing for respondent no. 1–MCD has handed over copy of the order dated 23rd April, 2019, passed by the Division Bench in *W.P.(C) 4649/2017, Fazruddin versus DDA and Ors.*

9. By referring to the aforesaid order, learned counsel appearing for respondent no. 1 submits that the matter be referred to Special Task Force (“STF”), constituted pursuant to the orders of the Supreme Court.

10. This court notes that *vide* order dated 23rd April, 2019, in *W.P.(C) 4649/2017*, Division Bench of this Court, has held as follows:

“xxx xxx xxx

In matters relating to unauthorised construction, this court has, by detailed order dated 20.09.2018 made in Writ Petition (Civil) No. 1807/2018 titled Devender vs. Government of NCT of Delhi & Ors. (and connected matters) taken note of the fact that the Hon'ble Supreme Court is seized of the issue of unauthorised construction in Writ Petition (Civil) No. 4677/1985 titled M.C. Mehta vs. Union of India & Ors, in which case the Apex Court has passed various directions, including those contained in orders dated 24.04.2018 and 18.07.2018. In the backdrop of that matter the Ministry of Housing & Urban Affairs (“MHUA”) of the Government of India has vide Office Memorandum No. O-33011/1/2006-DDI dated 25.04.2018 constituted



a Special Task Force to comprehensively address violations of the provisions of the Unified Building Bye Laws and Master Plan for Delhi-2021 relating inter alia to construction activity and land-use in Delhi. Vide another Office Memorandum dated No. O-33011/1/2006-DDI 23.05.2018 the MHUA has also formulated an action plan for monitoring construction activities in Delhi and for fixing responsibility in case of violations of the Unified Building Bye Laws and the Master Plan.

The Special Task Force comprises 15 members from various municipal, civic, revenue and law enforcement agencies of Delhi; and even has its own dedicated website and mobile application to facilitate making of complaints. The Special Task Force is therefore a specially constituted agency to address grievances relating inter-alia to unauthorised construction; and an aggrieved person may avail the alternate, efficacious remedy before the Special Task Force.

In view of the setting-up of the Special Task Force under directions of the Supreme Court it is not appropriate for our court to exercise extraordinary jurisdiction in matters relating to unauthorised construction; and we would therefore dispose of the present petition, granting liberty to the petitioner to raise the grievance before the Special Task Force so constituted, in accordance with the scheme and procedure formulated under the aforesaid two Office Memorandums.

xxx xxx xxx”

11. In view of the aforesaid submissions and considering the fact that respondent no. 1 has already initiated action against the unauthorised construction in question, the petitioner is granted liberty to approach the STF for requisite action in this regard.

12. In case, the petitioner is still aggrieved by any non-action on the unauthorised construction, the petitioner is granted liberty to approach this Court.

13. With the aforesaid directions, the present writ petition, along with the pending applications, is accordingly disposed of.

MINI PUSHKARNA, J

MARCH 18, 2025

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