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

+ W.P.(C) 218/2024 & CM APPL. 24841/2024

JAGRITI NAGAR COOPERATIVE HOUSE BUILDING SOCIETY
LTD

.....Petitioner

Through: Appearance not given.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Mukesh Gupta, Mr. S. S. Shahi,
Ms. Shashi Gupta, Mr. Arnav Gupta,
Ms. Sucheta Sharma, Ms. Simran
Atri, Advocate
M: 6398396980
Email: guptaadvacaate@yahoo.in
Mr. Rohit Bhagat, Advocate for Mr.
Saurabh Chadda, Advocate for R-2
M: 9654671629
Email: scalawdel@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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30.04.2025

1. Learned counsel appearing for the respondent, i.e., Municipal Corporation of Delhi ("MCD"), has drawn the attention of this Court to the Status Report filed by the MCD. He submits that initially the property was being constructed as per the sanctioned building plan, which was approved under the *Saral Scheme*.
2. However, subsequently deviations were found, and demolition order dated 1st August, 2024, was passed. He submits that an action was taken on

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10th February, 2025, and a further action shall be taken on 21st May, 2025.

3. He further submits that there is no application for regularization, which is pending before the MCD.

4. *Per contra*, learned counsel appearing on behalf of the petitioner submits that there is an encroachment of 6" X 45' (22 ½ Feet) over the *plot no. 63, Jagriti Enclave, Delhi* carried out by respondent no. 2 herein, i.e., the owner of the *plot no. 62, Jagriti Enclave, Delhi*.

5. Responding to the same, learned counsel appearing for the MCD submits that the matter be referred to the Special Task Force ("STF"), since all the requisite authorities are part of the STF.

6. He further submits that in the present case, the layout plan was approved by the DDA as standard plan. Thus, he submits that it would be in the fitness of things, if the matter is referred to the STF.

7. Considering the submissions made before this Court, it is directed as follows:

- I. The present matter is referred to the STF constituted by the Hon'ble Supreme Court, and in terms of the order passed by the learned Division Bench of this Court in the case of *Devender Versus Govt. of NCT of Delhi and Ors., in W.P.(C) 1807/2018 and Fazruddin Versus DDA and Ors. in W.P.(C) 4649/2017*.
- II. The STF shall ensure that all the unauthorized construction existing in the property in question is removed.
- III. The STF shall also consider the issue of encroachment, alleged to have been carried out by the respondent no. 2, i.e., the owner/occupier of the *plot no. 62, Jagriti Enclave, Delhi*, upon *plot no. 63, Jagriti Enclave, Delhi* to the extent of 6" X 45' (22 ½ Feet), as averred by the



petitioner in the present case.

- IV. For this purpose, the concerned agency shall ensure that measurements of the plots are accordingly taken.
- V. In case there is encroachment by the respondent no. 2, i.e., owner/occupier of the *plot no. 63, Jagriti Enclave, Delhi*, requisite action that regards also be taken.
8. Accordingly, with the aforesaid directions, the present writ petition along with the pending application, stands disposed of.

MINI PUSHKARNA, J

APRIL 30, 2025

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