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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 5910/2023 & CM APPL17350/2024
AYYUBPetitioner
Through: Mr. Pankaj Tyagi, Adv.

versus
GOVT. OF NCT OF DELHI ORS.Respondents
Through: Ms. Ankita Bhadouriya, Mr. Hardik Saxena, Mr. Sahaj Karan Singh and Mr. Manoviraj Singh, Advs. for MCD
Mr. Milind Srivastava, Adv. for R-6

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER
30.08.2024

1. The petitioner in the instant writ petition seeks for the following directions:-

“a) By issuance of writ of mandamus to respondent no. 1-3 to immediately restrain the respondent no. 6 to remain in the premises of E-O & E-I/A, Seelampur, Delhi-110053, for which no permission has been ever granted by the respondent no. 1-3; nor even the said addresses exists in the records.

b) To direct the Respondent no. 3 to demolish the illegal constructed 2-storey building, consisting of 8 shops. 4 commercial Godown on the ground floor and a jeans factory on the first floor of the said property and other illegal construction having no nexus with the land allotted to build up the public park.

c) To direct the respondent no. 3 and other concerned department to develop public park on the said land/property, for which the said land was sanctioned by the concerned authorities.

d) To direct the Respondent no. 1 to 5 to immediately take legal action against the relevant officials, who in the garb of policy decision are acting hand in gloves with people like respondent no 6 & letting the public land to be converted into private property and for using the public lands/ roads/



pavements which are being usurp by notorious people like respondent no.6.

e) To direct the respondent no. 5 to provide police protection to the officials of respondent no. 1, 2, 3 & 4 for the demolition work on the illegal constructed 2-storey building and unauthorized 8 shops, a commercial godown and a godown on the ground floor in which the unauthorized commercial activities are being carried out by the respondent no. 6.

f) To direct the respondent no. 5 to provide police protection to the petitioner from the respondent no.6;

Any other or further order, which this Hon'ble court may deem fit and proper may also be passed in the facts and circumstances of case."

2. Looking at the nature of the grievance raised in the instant writ petition, the Court finds that the matter can be effectively looked into by the STF.

3. This Court, *vide* an order passed today in W.P. (C) 12033/2024 titled as ***Pravin Singhal v. Municipal Corporation of Delhi and Ors.***, has examined the scope, role and functions of STF constituted by the DDA *vide* notification dated 08.03.2019 and has held as under:-

"6. It is discernible from the aforesaid notification that STF has been constituted with an aim of comprehensively addressing the issue of illegal construction and encroachment, including on public land, parking spaces, roads, pavements, etc., and to oversee the enforcement of provisions of MPD-21 and the Unified Building Bye Laws for Delhi. The composition of STF would indicate that the same consists of various Officers from different Departments, including municipal, civic, revenue and law enforcement agencies. The Vice Chairman of DDA is the Chairman of STF and the Commissioner (Planning) of DDA appears to be its Member Secretary.

7. The said notification further stipulates that STF shall meet at least once every month. Additionally, the monthly report of STF is required to be sent to the Hon'ble Lieutenant Governor of Delhi, the Ministry of Housing and Urban Affairs, GoI, and the Secretary of the Ministry of Environment, GoI, who are also required to review the progress achieved quarterly and assess future plans. In essence, STF has been



vested with comprehensive powers to regulate construction activities and to act decisively against the erring builders, officials, encroachers, violators of building norms etc.

*14. In LPA 245/2019 titled as **Sneh Lata & Anr. v. North Delhi Municipal Corporation & Anr.**, the Division Bench of this Court, while highlighting the composition and functioning of STF, has held that STF is a specialised agency which offers an alternate efficacious remedy to the litigants aggrieved by the unauthorised construction. The relevant paragraphs of the said decision are reproduced as under:-*

“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 even the respondent No.2 has a forum to agitate any grievance that may remain. It is therefore not appropriate for our court to exercise its appellate jurisdiction in the matter.

Accordingly, the appellants are free to avail their statutory remedies before the ATMCD in respect of action initiated by the corporation by issuing notices under Delhi Municipal Corporation Act, 1957. On the other hand respondent No.2 may, if aggrieved, approach the alternate forum of the Special Task Force to seek amelioration of any grievances or invoke any other remedy available under law. Accordingly, parties may resort to the appropriate remedy, as they may be advised.”

*15. A similar view has been taken by the Division Bench of this Court in a Public Interest Litigation being W.P. (C) 8104/2022 titled as **Himanshu v. East Delhi Municipal Corporation & Anr.**, in W.P. (C) 4649/2017 titled as **Fazruddin v. DDA & Ors.**, in W.P. (C) 5988/2019 titled as **Jaladhar Das v. North Delhi Municipal Corporation & Ors.** and in W.P. (C) 11873/2023 titled as **RWA Sunlight Colony v. GNCTD & Ors.**”*



4. Accordingly, the Court, at this stage, is not inclined to interfere or to keep this petition pending and deems it appropriate to relegate the petitioner to the STF.
5. In case the petitioner approaches the STF with a proper representation/complaint, let the STF to decide the same with due expedition, in accordance with law.
6. With the aforesaid observations, the petition stands disposed of. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 30, 2024

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