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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 17153/2025, CM APPL. 70577/2025 & CM APPL. 70578/2025

SAVE INDIA FOUNDATION (REGD.)Petitioner
Through: Mr.Umesh Chandra Sharma, Ms.Manvi
Rajwanshy, Mr.Peeyush Kaushik,
Mr.Mohit Kumar, and Ms.Khushbu
Khatri, Advs.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents
Through: Mr.Sanjay Poddar, Sr.Adv with
Mr.Manu Chaturvedi, SC, Mr.Govind
Kumar and Mr.Apurv Kumar, Adv for
MCD.
Mr.Sameer Vashisht, SC(Civil),
GNCTD with Ms.Harshita Nathrani,
Adv for R-2.
Ms.Shobhana Takiar, SC for DDA with
Mr.Shivam Takiar, Mr.Prateek Dhir and
Mr.Kuljeet singh, Adv.
Mr.Chetan Sharma, ASG with Mr.Ripu
Daman Bhardwaj, CGSC and Mr.Sumit
Ranjan GP. for UoI.
Ms.Farhat Jahan Rehmani, ASC for
DWB.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
12.11.2025

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1. Heard the learned counsel for the parties.
2. This petition filed in public interest seeks a direction for removal of certain encroachment said to have been found in a Joint Survey Report (hereinafter referred to as 'JSR') which has been enclosed as (*Annexure P-10*),



to the writ petition. The said joint survey was conducted by the officials of Municipal Corporation of Delhi (hereinafter referred to as 'MCD'), Delhi Development Authority (hereinafter referred to as 'DDA'), Land and Development Office (Ministry of Urban Development and Poverty Alleviation) (hereinafter referred to as 'L&DO'), Revenue Department, Public Works Department (hereinafter referred to as 'PWD') and the Police Officials.

3. The said JSR records as follows:-

- (i) In an area of 2512 sq.ft., encroachment on the road belonging to PWD and the footpath has been found.
- (ii) In an area of 36428 sq.ft., encroachment has been found and the said land is said to belong to MCD where, as per the JSR, currently a barat-ghar and other commercial activities, including parking and private diagnostic center are going on illegally.
- (iii) In an area of 7343 sq.ft. there exists a Mosque and a Kabristan which land, according to the report, has not been transferred by L&DO to the MCD.

4. So far as the existence of the Mosque and Kabristan is concerned, the said land belongs to L&DO and accordingly, it is for the L&DO officials to protect the said property. It appears there is a dispute regarding the said land between the MCD and L&DO which shall be sorted out amongst the officials of the said departments.

5. As regards the encroachment on the PWD road and footpath, we direct that appropriate action shall be initiated by the PWD to ensure that the road and the footpath are made clear of any encroachments. We further provide that while initiating any such action, the parties/persons who are likely to be affected, may also be given an opportunity of hearing.

6. As regards the land belonging to MCD where encroachment as well as illegal running of barat-ghar and other commercial activity such as parking and



private diagnostic centers have been found in the joint inspection report, we direct that appropriate action for removal of such encroachment as also removal of illegal commercial activity as mentioned in the JSR shall be taken by the MCD and the same shall be concluded expeditiously.

7. We provide that while initiating the action, the MCD or any other appropriate authority shall provide an opportunity of hearing to the parties /persons against whom such an action is intended. We further provide that in case, MCD finds any difficulty in initiating the action for removal of encroachment as also for removal of illegal commercial activities going on in this piece of land, for the reason that the MCD is only a licensee and the land belongs to L&DO, a joint action by the officials of L&DO and MCD shall be taken.

8. We clearly direct that action under this order shall be initiated and concluded with expedition, say within a period of three months from today.

9. The writ petition along with pending application(s) stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 12, 2025/MJ