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

CNR No. DLHC010169602026

+ **CONT.CAS(C) 703/2026 & CM APPL. 26554/2026, CM APPL. 26555/2026**

**2 MUSLIM COMMITTEE CHATTARPUR
VILLAGE & ANR.**

.....Petitioners

Through: Mr. Vivek Kumar Karn, Mr. Pradeep Dudy, Mr. Sahil Sharma and Mr. Ali Md. Maaz, Advocates

versus

MUNICIPAL CORPORATION OF DELHI & ORS. Respondents

Through: Mr. Vikas Chopra, Standing Counsel for MCD with Mr. Neeraj Kumar, Advocate for MCD
Mr. Shashi Pratap Singh and Ms. Laqshyaa Saluja, Advocates along with Mr. Rakesh Kumar, Field Inspector, SDM Office, Chattarpur
Ms. Farhat Jahan Rehmani, ASC with Ms. Muskan Ali and Ms. Tasneem Parveen, Advocates for R-3/Delhi Waqf Board
Ms. Snehlata S. Surana, CGSC with Mr. Waseem Ahmad, Advocate for R-4 and R-5
Mr. Raj Kumar Nahataa, Mr. Gaurav Gupta, Ms. Nidhi Singh and Ms. Isha Rajgarhia, Advocates for R-6

CNR No. DLHC010073002026

+ **W.P.(C) 2668/2026 & CM APPL. 12995/2026, CM APPL. 36238/2026, CM APPL. 36307/2026, CM APPL. 59229/2026**

**3 MUSLIM COMMITTEE CHATTARPUR
VILLAGE & ORS.**

.....Petitioners



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CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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02.09.2026

CM APPL. 26554/2026 (exemption) IN CONT.CAS(C) 703/2026

1. Allowed, subject to all just exceptions.

CM APPL. 26555/2026 IN CONT.CAS(C) 703/2026

2. This application has been filed on behalf of the petitioner seeking condonation of delay of eight (8) days in re-filing the present petition.

3. For the reasons stated, the application is allowed. The delay of eight (8) days in re-filing the present petition is condoned.

W.P.(C) 2668/2026



4. The present writ petition has been filed seeking following reliefs:

- i. Issue a writ of mandamus directing the Municipal Corporation of Delhi to forthwith stop, seal and demolish all unauthorised construction raised on Waqf/Kabristan land bearing Khasra No. 61, Village Chattarpur;
- ii. Direct the CEO of Delhi Waqf Board to take effective steps for protection and recovery of the encroached land;
- iii. Direct the Station House Officer, Police Station Mehrauli, to provide necessary police assistance during enforcement actions and maintain law and order;

5. Notice in the present petition was issued *vide* order dated 25th February 2026, on which date *status quo* was directed to be maintained in respect of the subject land. A joint survey of the subject land in question was directed to be conducted on behalf of the respondents, SDM, Delhi Waqf Board and the Police Authorities so as to determine the extent of encroachment as well as unauthorised construction. Further, the respondent no.1/MCD was also directed to independently inspect the property.

6. In the status report filed on behalf of the respondent no.1/MCD, it has been stated that the subject property has been booked and a show cause notice has been issued for unauthorised construction on 27th April, 2026. The relevant extracts from the status report are set out below:-



3. That so as to ascertain the status of subject property i.e. bearing Khasra No. 61, situated in Village Chattarpur, New Delhi, the same has been got inspected through area field staff of Building Department –II of South Zone – MCD and also referred to the record maintained and available with the department.

On inspection and referring to the record, the aforementioned subject property has been identified by the area field staff of Building Department –II of South Zone – MCD as property bearing Kh.No. 60 & 61, Ambedkar Colony, Muslim Colony, Chattarpur Pahadi, New Delhi, the details of the action as initiated / taken by the department are detailed herein below:

i) This property has been booked by the department vide U/c file No. 155/UC/B-II/SZ/2026 dated 27/04/2026 in the shape of Basement, Ground floor, First floor upto Fourth floor, for taking the necessary demolition action u/s 343/344 of DMC Act. The requisite Show Cause Notice vide serial bearing No. 30647 dated 27/04/2026 has also been issued to the owner / builder of the subject property. Copy of the Show Cause Notice is annexed herewith as Annexure –A.

ii) Furthermore, a letter dated 30/04/2026 u/s 344 (2) of the DMC Act – 1957 has also been sent to SHO, PS. Mehrauli, New Delhi with the request that the said unauthorized construction

be stopped immediately and workmen present at site / property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letter as sent in this regard is also annexed as Annexure – B.



iii) Besides this, a letter dated 30/04/2026 for disconnection of Electricity and Water supply from the aforesaid property has also sent to the concerned authorities. Copy of the said letter is also annexed herewith as Annexure – C.

iv) Moreover, a letter dated 30/04/2026 has also been sent to the Sub-Registrar with the request not to register the property under Indian Registration Act, 1908. Copy of the said letter as sent in this regard is also annexed herewith as Annexure – D.

7. *Vide* order dated 8th May, 2026, joint survey using the Total Station Survey (TSS) method was directed to be carried out by the aforesaid official respondents in the presence of a representative of the petitioner and respondent no.6 on 26th May, 2026 at 11:00 AM.

8. A status report has been filed on behalf of the respondent no.2/GNCTD. A copy of the status report along with the demarcation report has been supplied to counsel appearing for the parties. In terms of the status report, a joint survey using the Total Station Survey (TSS) method was conducted at the site on 26th May, 2026, in the presence of the *Halqa Patwari*. The representative of the respondent no.3/Delhi Waqf Board, the representative of the respondent no.1/MCD, as well as counsel for the petitioner and the representative of the private respondent no.6, were also present. Various meetings were held between the parties and a draft demarcation report was prepared. A reverification exercise was carried out on 24th August, 2026. Paragraphs 14 and 15 of the status report are extracted below:-



14. That upon a consolidated consideration of the findings of the joint survey conducted on 26.05.2026 and of the re-verification carried out on 24.08.2026, the survey plan titled "Identification of Khasra No. 61 of Village Chhatarpur, Delhi" has been prepared and submitted. The said survey plan records, inter alia, as under:

- (a) that the demarcation work has been carried out with the help of the TSM / DGPS machine, on the basis of the Sazra and Musavi plan supplied by the Revenue Department, after checking and verification by the revenue staff and in the presence of the revenue staff;
- (b) that the demarcation has been carried out with reference to three base reference points of Village Chhatarpur, namely Reference Point 1 – 643 (South-East corner), Reference Point 2 – 336 and Reference Point 3 – 049 (South-West corner), which reference points are as per the field book and are matching with the Sazra;
- (c) that the mosque, shown in yellow and orange hatching on the said plan, falls within Khasra No. 61, the area of the mosque under the boundary wall being 15,026.48 sq. mtrs. / 17,973 sq. yds., i.e. 17 bigha – 16 biswa – 10 biswansi;
- (d) that the Jain Temple, shown in solid yellow colour on the said plan and admeasuring 181.52 sq. mtrs. / 217 sq. yds., i.e. 0 bigha – 5 biswa – 5 biswansi, is not part of Khasra No. 61; and
- (e) that the standard size of a khasra has been taken as 198 feet (60.35 mtrs.) on the East and West sides and 220 feet (67.05 mtrs.) on the North and South sides, and that a construction error (bad gunia) of one gatha, equal to a difference of 8 feet 3 inches, is to be considered as ignorable.

That accordingly, upon the said exercise it stands concluded that the construction in question, i.e. the property of the Respondent No. 6, does not fall within the boundaries of Khasra No. 61 of Village Chhatarpur, New Delhi.

A copy of the survey plan titled "Identification of Khasra No. 61 of Village Chhatarpur, Delhi" is annexed hereto as ANNEXURE R-2/8.



15. That in the aforesaid facts and circumstances, and having regard to the material which has emerged in the course of the exercise undertaken in compliance of the order dated 08.05.2026, the captioned Writ Petition does not prima facie appear to have been instituted in a bona fide manner. It is the duty of the undersigned to place the said material before this Hon'ble Court for such consideration as this Hon'ble Court may deem appropriate, and the same is being done without prejudice to the rights and contentions of the answering Respondent.

9. It is clear from a reading of the status report that the subject property, *i.e.* the Jain Temple, does not form part of *Khasra No.61*.

10. Counsel appearing on behalf of the petitioner and the respondent no.3 object to the contents of the status report.

11. This Court, in exercise of jurisdiction under Article 226 of the Constitution of India, is not inclined to get into disputed questions of fact with regard to the contents of the demarcation report filed on behalf of the respondent. Clearly, the demarcation exercise was carried out under orders of the Court and in the presence of all concerned parties.

12. In the event, any party has any grievance with the veracity of the demarcation report, they will be entitled to take appropriate steps in accordance with law.

13. Insofar as the cost of TSS Survey is concerned, the private respondent no.6 and the petitioner both shall equally bear charges incurred for carrying out said exercise, totalling to Rs.1,18,000/- payable to the surveyor, *i.e.* 'Unique Measurements, Plot No.3, Gali no.16, Main Burari Road, Sarup Nagar, Delhi'.

13.1. The due amount shall be paid within two (2) weeks from today.

14. In view thereof, the present writ petition is disposed of while directing the respondent/MCD to take appropriate action in accordance with law against the subject property. The respondent no.6 is restrained from carrying



out any further construction till the show cause notice dated 27th April 2026 is adjudicated upon by the respondent no.1/MCD. The respondent no.1/MCD and the respondent no.4/SHO P.S. Mehrauli shall ensure that no construction is carried out in the subject property till the show cause notice is adjudicated upon.

15. All rights, contentions and legal remedies of the private respondent are kept open.

CONT.CAS(C) 703/2026

16. A status report has been filed on behalf of the respondent/SHO, P.S. Mehrauli. Paragraph 5 of the said status report is set out below:

5. That, the concerned beat officer has already make online complaints to civic agency i.e. MCD for unauthorized construction and also stopped work which was found on visit of police officials. Further, as a precautionary measure, local staff has been directed to keep regular watch over the property to ensure that no law and order situation arises and no any violation of the order of this Hon'ble Court took place.

17. A reading of the aforesaid indicates that unauthorised construction has been stopped at the subject property.

18. In view of the aforesaid and the order passed above in W.P.(C) 2668/2026, the contempt petition stands disposed of.

AMIT BANSAL, J

SEPTEMBER 2, 2026
ds