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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010402792026
+ **W.P.(C) 12495/2026 & CM APPL. 57914/2026**
SAVITRI DEVI Petitioner

Through: Mr. Sanjay Sharawat, Senior
Advocate with Mr. Ved Pal Rana Mr.
Roopanshu Malik and Mr. Rut Pawar,
Advocates.

versus

GOVT. OF NCT OF DELHI & ANR. Respondents
Through: Ms. Avni Singh, Panel Counsel
(GNCTD) with Mr. Vaibhav Sharma,
Advocate with Mr. Manoj Kasana,
Asth. Engineer.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
25.08.2026

1. The Public Works Department [“PWD”] is presently remodelling the drain running from Rohini Sector 21/22 Red Light to the I&FC Supplementary Drain. The work itself is not under challenge. What brings the Petitioner to the Court is the proposed demolition of a part of her building. PWD says that this portion falls within its right of way. The Petitioner disputes this and states that, before any part of the building is demolished, the boundary must first be properly demarcated in her presence.
2. The Petitioner claims rights and possession over a plot measuring approximately 480 sq. yards comprised in Khasra No. 42//17/1/1, Village



Pooth Kalan. She traces her claim through the revenue record and the Will and Power of Attorney executed by Mr. R.S. Gupta in 1993. A ground and first floor structure presently exists on the plot, with shops towards the main road. The electricity connection records an energisation date of 22nd June, 1999. The Petitioner has also produced property-tax receipts, a receipt towards conversion charges and a certificate dated 6th April, 2024 issued by an MCD-empanelled engineer stating the plot area to be 480 sq. yards.

3. For present purposes, these documents indicate that the structure/occupation is longstanding. They do not establish where the Petitioner's land ends and the PWD right of way begins. An electricity connection, payment of property tax or conversion charges, and a certificate recording the area of the plot cannot, by themselves, settle that boundary. Nor is the Court called upon in these proceedings to adjudicate the Petitioner's title.

4. The immediate cause for approaching the Court is a public notice dated 17th August, 2026 issued by the Executive Engineer, PWD. After referring to the ongoing drain-remodelling work, the notice states:

"It has been observed that certain temporary and permanent encroachments exist within the PWD Right of Way (ROW), obstructing the execution of the work.

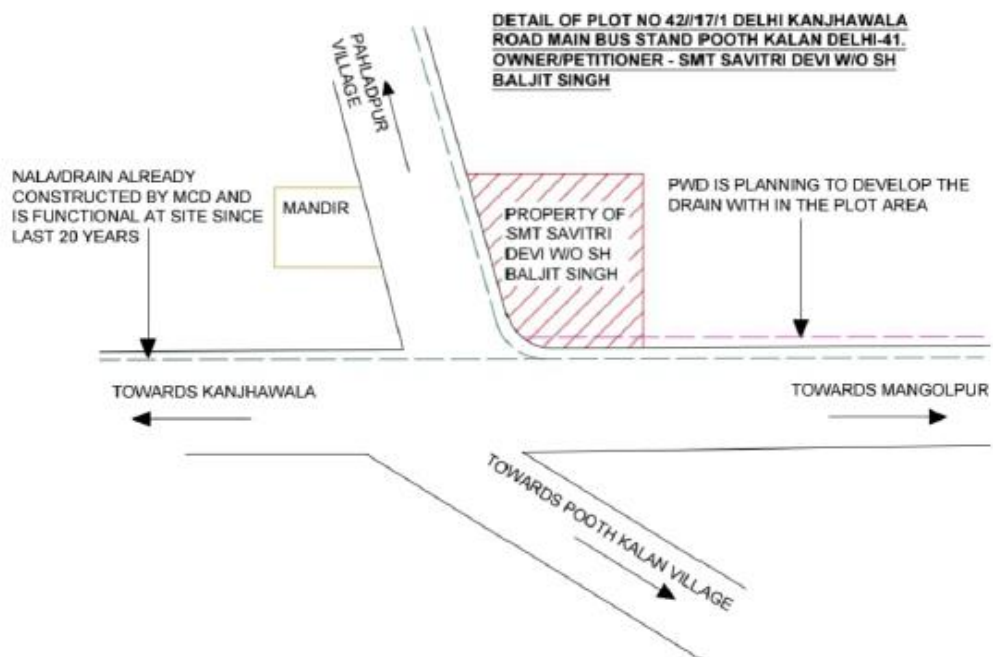
All concerned are hereby directed to remove their encroachments from the PWD ROW immediately at their own cost, within 7 days from issuance of this notice, failing which the same shall be removed/demolished by PWD without any further notice..."

5. The notice was pasted on the Petitioner's building. She responded on 18th August, 2026. Her stand was that no part of her construction encroaches upon the road; any survey or demarcation relied upon by the Respondents had not been carried out in her presence; and the right of way ought first to



be identified from the relevant revenue record before any part of the building is touched. She also sought an opportunity of hearing. The reply was forwarded to the concerned authorities by e-mail on 20th August, 2026.

6. Mr. Sanjay Sharawat, Senior Counsel for the Petitioner, has taken the Court through the site plan placed on record, extracted below:



According to Mr. Sharawat, the pink dotted line marks the alignment now proposed by PWD and, if followed, would cut approximately 15 feet into the existing construction. He points out that a drain has existed in front of the property for several years and submits that the alignment cannot be shifted into the Petitioner's building unless the Respondents first establish, on the basis of the official record and a proper demarcation, that the construction falls within the PWD right of way.

7. The site plan relied upon by the Petitioner is, of course, her own document and cannot by itself establish the boundary. It nevertheless brings the real dispute into focus: where, on the ground, does the boundary of the



Petitioner's claimed land end and the PWD right of way begin?

8. Ms. Avni Singh, Panel Counsel for GNCTD, submits on instructions that PWD has proceeded on the basis of a map received from the office of the SDM, Bawana and a survey thereafter undertaken at site. According to her, the Petitioner's construction, along with several other constructions in the area, extends into PWD land and obstructs the drain-remodelling work. She emphasises the urgency of the project, particularly during the rainy season, and submits that substantial work is already underway.

9. The concern expressed by the Respondents is legitimate. A public drainage project cannot be brought to a halt merely because an occupant disputes the existence of an encroachment. Equally, longevity of a construction does not confer a right to retain it if it is ultimately found to stand on public land.

10. That brings the matter to the real issue: whether any part of the Petitioner's building actually falls within the PWD right of way. The notice dated 17th August, 2026 does not disclose this. It is a general notice, with no reference to the Petitioner's property, no identification of the alleged encroached portion and no measurement whatsoever. Nor does it disclose the survey or demarcation on the basis of which demolition is proposed. It has also not been shown that the material now relied upon by the Respondents to justify the alleged encroachment was supplied to the Petitioner.

11. The question whether any part of the Petitioner's building falls within the PWD right of way must first be determined in accordance with law, by reference to the relevant revenue record and upon a proper demarcation at site. This requirement is consistent with the principle recognised by this



Court in *Harbans Lal Gambhir & Ors. v. DDA*¹. In that case, while considering a dispute regarding the boundaries of Khasra Nos. 87/14 and 87/7/1, the Court noted that, where there is a dispute pertaining to the boundaries of a particular Khasra, the dispute has to be resolved as per law. Section 28 of the Delhi Land Revenue Act, 1954 provides for settlement of boundary disputes, while Rules 403 to 412 of the Delhi Land Revenue Rules, 1962 prescribe the procedure for demarcation and resolution of such disputes. The Court further held that, where valuable rights are affected by demarcation, prior intimation to the affected party is necessary, since the party has a right to object to the manner in which the demarcation is carried out, including the survey instrument used, the permanent site from which demarcation is initiated, or whether the field book is being followed. The Court, accordingly, directed a fresh demarcation after notice to the affected parties.

12. In that view, the public notice dated 17th August, 2026 does not warrant interference in its entirety. PWD is entitled, in accordance with law, to remove encroachments from its right of way, and the drain-remodelling work, being a public infrastructure project, cannot be interdicted merely on account of the Petitioner's objection. The notice, however, cannot operate as the sole basis for demolishing any part of the Petitioner's standing building when the alleged encroachment has not been property-specific, measured, or disclosed to her. To that limited extent, coercive action *qua* the Petitioner's building must await disclosure of the material relied upon, site demarcation in accordance with law, and consideration of any objections raised by her.

13. The writ petition is, accordingly, disposed of with the following

¹ 2005 SCC OnLine Del 1585.



directions, which are confined to ensuring a lawful identification of the boundary and shall not be construed as restraining PWD from proceeding against any encroachment found in accordance with law:

- (i) Within three working days, PWD shall furnish to the Petitioner copies of the map received from the office of the SDM, Bawana, the site survey, the right-of-way/alignment plan and any other material relied upon by PWD in support of the allegation that any part of the Petitioner's existing construction falls within the PWD right of way.
- (ii) The Revenue Assistant/SDM, Bawana shall cause a demarcation to be carried out through competent revenue staff, after prior written intimation to the Petitioner and PWD of the date and time of the exercise. The Petitioner, or her authorised representative, and a representative of PWD shall be permitted to remain present during the demarcation.
- (iii) The demarcation shall be undertaken with reference to the relevant revenue record, the record relating to Khasra No. 42//17/1/1, and the official record concerning the width and alignment of the PWD right of way. It shall identify, by actual measurements and a site sketch, the boundary between the Petitioner's claimed land and the PWD right of way, and shall specifically record whether any portion of the existing structure falls within the PWD right of way and, if so, the extent thereof.
- (iv) Any objection raised by either side during the demarcation shall be recorded in the proceedings. A copy of the demarcation report, along with the site sketch, measurements and recorded objections, shall be furnished to the Petitioner, who may submit further objections, if any, within three working days of receiving the report. The SDM, Bawana shall consider the material and objections and record a reasoned conclusion. The entire



exercise shall be completed as expeditiously as possible and preferably within fifteen days from today.

(v) Until the exercise directed above is completed and the conclusion is communicated to the Petitioner, no part of the Petitioner's existing building shall be demolished on the strength of the notice dated 17th August, 2026. If any portion of the structure is found, upon such exercise, to fall within the PWD right of way, PWD shall be at liberty to proceed in accordance with law after granting the Petitioner three working days from communication of the conclusion to avail such remedy as may be open to her.

(vi) Nothing in this order shall prevent PWD from continuing the drain-remodelling work in the remaining area. The Petitioner shall not obstruct the work so permitted.

14. It is made clear that this Court has expressed no opinion on the Petitioner's title, on the correctness of the site plan relied upon by her, or on whether any part of the construction is in fact an encroachment. Those questions shall abide by the exercise directed above.

15. The petition, along with the pending application, is disposed of in the above terms.

SANJEEV NARULA, J

AUGUST 25, 2026

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