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

CNR No. DLHC010435432023

+ **CONT.CAS(C) 1592/2023**

SH. SATYSPAL RANA

.....Petitioner

Through: None.

versus

SUB DIVISIONAL MAGISTRATE (SDM ALIPUR) & ANR.

.....Respondents

Through: Ms. Vaishali Gupta, Panel Counsel
for GNCTD

Mob: 9479273444

Email: aanchalrajput@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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20.08.2026

1. The present petition has been filed alleging wilful disobedience of the order dated 11th July, 2023, passed by this Court in W.P.(C) 7218/2023, wherein, directions had been issued to respondent no. 1 herein to implement the order dated 06th May, 2023, i.e., a Restraintment Order issued by the Revenue Department.
2. The present petition pertains to unauthorised construction and encroachment in land bearing *Khasra No. 33/71-2 Village Khera Kalan, Delhi-110082*.
3. Learned counsel appearing for Government of NCT of Delhi ("GNCTD") submits that the area already stands urbanised. Therefore, he



submits that there is no role to be played by respondent no. 1, i.e., Sub Division Magistrate (“SDM”), Alipur.

4. This Court notes that a Status Report dated 10th February, 2026, has been filed on behalf of the respondent-Delhi Development Authority (“DDA”), wherein, DDA has stated as follows:

“xxx xxx xxx

7. That pursuant to the site inspection carried out by the officials of DDA, a show-cause notice dated 09.10.2024 was issued to the owner/occupier of the subject property, calling upon them to explain the nature, extent and period of construction. In response to the aforesaid Show Cause Notice, a detailed written reply dated 11.10.2024 was submitted by the owner/occupier wherein it was categorically stated by the owner/occupier Sh. Jaipal, S/o Late Sh. Dashrath, resident of House No. 3315, Village Khera Kalan, Delhi that the subject property was his ancestral property. He further stated that two rooms exist on the land and that both the said rooms have been in existence since the year 1988. It was further stated in the reply that one of the rooms has an electricity connection installed, and that the other room is presently being used as a storage unit for agricultural produce and crops. The owner also enclosed a photocopy of the electricity bill along with the reply. The show-cause notice dated 09.10.2024 along with reply dated 11.10.2024 is annexed herewith as ANNEXURE-
8. That the reply along with electricity bills submitted by the owner was scrutinized by the answering respondent and it was found the electricity meter had been installed at the premises long prior to 2021 and continuous electricity usage at the premises over several years indicated long-standing existence and occupation of the structure. Thus, the said documents prima facie corroborated the stand of the owner that the construction was not recent and pre-dated urbanization.
9. That as per record, the land in question was notified as urbanized vide notification dated 10.09.2021 annexed herewith as ANNEXURE-II only in the year 2021 and the construction in question existed much prior to the issuance of the said notification. Therefore, DDA had no jurisdiction or control over the land at the time when the construction was raised. Thus, no action is warranted by the answering respondent under the Delhi Development Act, 1957. The recent photographs of the site are annexed herewith as ANNEXURE-III.

5. Perusal of the aforesaid Status Report filed by the DDA shows that it



is the stand of the DDA that the construction in question is long standing, and that the same had been done long before the urbanisation of the area in question.

6. Thus, as per the stand of the DDA no action is warranted by the DDA under the Delhi Development Act, 1952 (“DD Act”), as DDA had no jurisdiction or control over the land at the time when the construction was raised.

7. Accordingly, no further orders can be passed in the present petition.

8. Noting the aforesaid, the present petition is disposed of.

MINI PUSHKARNA, J

AUGUST 20, 2026

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