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

+ W.P.(C) 4128/2025 & CM APPL. 58648/2025

MOHD KASHIF

.....Petitioner

Through: Advocate appearance not given.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Abhishek Mahajan, Adv. for R-1/MCD

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Ms. Harsheen M. Palli, Advocate for DDA (Through VC)

Mr. Rajeev Lochan Mahunta, Adv. for DDA (Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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16.09.2025

1. The application, being *CM APPL. 58648/2025*, has been filed on behalf of the petitioner for early hearing of the matter and for disposal of the case.
2. Learned counsel appearing for the petitioner submits that the issue and grievance raised in the present writ petition has been settled as the concerned authorities, i.e., Municipal Corporation of Delhi ("MCD") and Delhi Development Authority ("DDA"), have already initiated action over the property in question. Thus, the petitioner does not want to proceed any further with the present writ petition.



3. By way of the present writ petition, the petitioner seeks directions to restrain respondent nos. 4 and 5 from carrying out illegal and unauthorized construction, comprising of multiple floors, at the *plot no. 439/25, near Church, Jasola Village, New Delhi-110025*, without any Sanctioned Site Plan or approval.

4. This Court takes note of the Status Report dated 22nd April, 2025, filed on behalf of the MCD, wherein, it is stated as follows:

“xxx xxx xxx

2. That cause of litigation on the part of the petitioner pertains to unauthorized construction, which is stated to have been carried out in property bearing No. 439/25, Village Jasola, near Church Delhi-25.

3. That it is most respectfully submitted that unauthorized construction at subject property is also subject matter of W.P. No.13612/2024 title "Ashraf vs. MCD & Others, being heard by Hon'ble High Court. The subject property has been constructed on the land of khasra No. 631, village Jasola. In the said case, answering respondent had reported that subject property is acquired land of DDA and, therefore, it is a case of encroachment on DDA's land and as such action is warranted on the part of DDA to retrieve its land from encroacher. The encroachment on aforesaid DDA land was first surfaced in Civil Suit 718/2019 titled "Noor Jahan V/s Deputy Commissioner, SDMC & Others". In the said matter, Deputy Director/LM/ SEZ, DDA had filed affidavit stated therein that land of aforesaid khasra No. 631/190 min village Jasola belongs to DDA and presently this land is under the control and management of EE/.SED-1.

*4. That in view of given status of land, Hon'ble Court vide order dated 15/01/2025 granted four weeks time to DDA to file the status report. Copy of order dated 15/01/2025 is annexed herewith as **Annexure-A**. The matter is next listed for hearing on 24/04/2025.*

xxx xxx xxx”

5. Perusal of the aforesaid Status Report filed on behalf of MCD shows that it is the stand of the MCD that the subject property has been constructed on land, which is acquired land of DDA. Thus, in case of encroachment on DDA's land, the action is required to be taken on behalf of the DDA.



6. This Court has perused the Status Report dated 02nd September, 2025, filed on behalf of respondent no. 2-DDA, wherein, it is stated as follows:

“xxx xxx xxx

3. That as per land records available with DDA, Khasra no. 631/190 (82-07) of village Jasola is acquired vide award number 6D/supplementary/86 - 87 and possession of area measuring (34-13), (10-10), (19-02) was handed over to DDA by LAC/Land & Building department of GNCTD on 23.05.1983, 19.01.1994 and 07.10.2003 respectively. In this Khasra, possession of area measuring (64-05) has been handed over to DDA and possession of (18-02) has not been handed over to DDA by LAC/land and building department of Delhi Govt.

4. Further, as per delineated boundary maps of PM Uday available on DDA website, the said property is not part of any PM-UDAY unauthorized Colony.

5. That DDA is in the process of obtaining clarity on whether the said property falls within that parcel of land in the said Khasra No. of which possession has been handed over to DDA by LAC/L&B. If DDA has possession of the land comprising the said property, then necessary action will be taken by DDA. That the area is heavily built up at the site and some part of the Khasra no. is utilized for DDA housing schemes-pocket 12, Jasola. For this purpose, additional land records from revenue department of Delhi Government are needed.

xxx xxx xxx”

7. Perusal of the aforesaid Status Report shows that it is the stand of the DDA that the land comprised in Khasra No. 631/190 (82-07) of village Jasola, was acquired, and possession of the area in question was handed over to DDA by the Land Acquisition Collector/Land and Building, Department of Government of NCT of Delhi (“GNCTD”), on various dates.

8. As per the Status Report of the DDA, the DDA is in the process of obtaining clarity as regards the status of the property in question.

9. Accordingly, the DDA or any other authority, having jurisdiction over the land in question, shall take appropriate action, in case, encroachment or unauthorized construction, is found on public land.



10. The DDA shall coordinate with the concerned Sub-Divisional Magistrate (“SDM”), as well as the MCD, for the purposes of assessing the status of the construction in the property in question, and also taking appropriate action, in accordance with law.
11. Accordingly, with the aforesaid directions, considering the submissions made before this Court, the present writ petition, along with the pending application, is dismissed, as withdrawn.
12. The next date of 23rd January, 2026 stands cancelled.

MINI PUSHKARNA, J

SEPTEMBER 16, 2025/SK