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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4093/2025, CM APPL. 19027/2025 & CM APPL. 19028/2025

SAVE INDIA FOUNDATION

.....Petitioner

Through: Mr. Umesh Chandra Sharma with Mr. Munish Kr. Gaur, Mr. Vikas Sharma, Mr. Peeyush Kaushik, Mr. Madhur Bhardwaj, Advocates

versus

LG OF DELHI & ORS.

.....Respondents

Through: Mr. Sameer Vashisht, SC, Civil, GNCTD with Ms. Harshita Nathrani, Advocate for R-1 and 3
Mr. Manu Chaturvedi, SC with Mr. Nirmal Malik HOS, MCD and Mr. Bharat Bhushan, SI, Edn. KoZ and Manoj Kumar HOS, MCD, JJ Wazirpur
Mr. Ripu Daman Bhardwaj, CGSC with Mr. Abhinav Bhardwaj, GP for R-5

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

ORDER
02.04.2025

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1. Heard learned counsel representing the parties.
2. The allegation in this Public Interest Litigation petition relates to certain alleged unauthorized constructions which, according to the petitioner exist on the land owned by Municipal Corporation of Delhi (hereinafter



referred to as 'MCD') and in fact, belongs to the School run by the said Corporation.

3. The allegation in the petition further is that apart from unauthorized shops, a religious structure also exist which has been constructed unauthorisedly within the school land.

4. The learned counsel representing the MCD, however, states that as per his instruction, the religious structure existed even before inception of School itself and for redressal of any grievance relating to such alleged illegal religious structure, the petitioner ought to approach the Religious Committee constituted under the orders of Hon'ble Supreme Court dated 29.09.2009 in SLP (C) 8519/2006. It has also been stated, on instruction, by learned counsel representing the MCD that so far as the alleged illegal construction of the shops is concerned, the shops are lying outside the boundary of the School.

5. On behalf of MCD, it has also been submitted that the structures which in the petition have been shown as shops, are not in fact the shops rather these are the sheds belonging to the School.

6. Be that as it may, the grievance raised in the writ petition needs to be addressed. Accordingly, we direct that the averments made in the writ petition shall be taken as representation by the petitioner which shall be considered by the MCD at an appropriate level. The said allegations shall be verified and a report in that respect shall be prepared on the basis of survey to be conducted by the MCD officials. In case, in the survey conducted as per this order, any illegal construction pertaining to various structure is found, the matter shall accordingly, be referred to the Religious Committee, which shall take appropriate action which may be warranted under law.



7. As far as the allegation relating to the alleged illegal construction of the shops is concerned, the said matter shall also be examined by the MCD and in case, illegal shops are found to be constructed, appropriate action for removal of the same shall be taken by the MCD.

8. Another submission made by the learned counsel representing the petitioner is that there are certain openings in the School which are unchecked. Since, the School is run and managed by the MCD, it becomes the duty of the MCD officials to ensure that the proper security of the students studying in the said School is put in place. The necessity of ensuring the security to the students in the said School becomes more important for the reasons that a good number of girl students are studying in this School.

9. Thus, we direct that in case, there is any opening which is unchecked in the School, appropriate action shall be taken by the MCD to secure such openings, so that, especially the girl students who are studying in the School are provided adequate safety and security. All measures, which are necessary for ensuring the security of the students shall be taken by the MCD and if required, by raising an appropriate boundary walls.

10. The present writ petition along with pending applications stands disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

APRIL 2, 2025/j