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

+ W.P.(C) 6354/2025, CM APPL. 28973/2025, CM APPL. 37554/2025
& CM APPL. 28974/2025

JAMIA ARABIA NIZAMIA WELFARE EDUCATION SOCIETY

.....Petitioner

Through: Mr. Rakesh Lakra and Mr. Bhavya
Sharma, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.Respondents

Through: Ms. Shobhana Takiar, Standing
Counsel for DDA with Mr. Shivam
Takiar, Mr. Prateek Dhir and Mr.
Kuljeet Singh, Advocates for
respondent/DDA.

Ms. Radhika Bishwajit Dubey, CGSC
with Ms. Gurleen Kaur, Mr. Kritarth
Upadhyay, Mr. Vivek Sharma and Mr.
Saksham Sharma, Advocates for R-3 &
R-4.

Mr. Rajat Aneja and Mr. Anant
Chaitanya Dutta, Advocates for R-5 &
R-6.

Mr. Kapil Dutta, Advocate for
respondent/MCD.

Inspector Pankaj, SHO P.S. Hazrat
Nizamuddin.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

10.09.2025

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1. Status report filed by the MCD pursuant to the order dated 04.07.2025 is taken on record.
2. Heard the learned counsels for the parties.
3. The petition in public interest has been filed raising concern against the alleged illegal/unauthorized construction over the sealed property bearing Khasra No. 554, 104/104-B, in front of 66, Mushafir Khana, Nizam Nagar, New Delhi ((28°35'29.1 "N 77°14'29.4"E), within 100 meter of 5 Centrally protected Monuments "Tomb of Nizamuddin Auliya, Grave of Jahanara Begum, Grave of Mirza Jahangir, Grave of Mohd. Shah and the Tomb of Amir Khusrau".
4. Status report filed today by the MCD discloses that certain actions have been initiated in respect of the encroachment/illegal construction and the illegal constructions have substantially been demolished and the property has been completely sealed.
5. Learned counsel for the respondent no.5 and 6 has, however, stated that against the said action of the MCD an appeal before the Appellate Tribunal, MCD has been preferred and, therefore, certain issues relating to same property are pending consideration before the Tribunal. He has also pointed out certain observations made by this Court in order dated 13.11.2024 passed in W.P.(C)638/2024 about the antecedents of the General Secretary of the petitioner society.
6. Having regard to the fact that certain action has already been initiated by the MCD and further action is also contemplated, we do not find it appropriate to carry on the proceedings of this PIL. It is hereby disposed of.
7. We, however, refrain ourselves from making any observations on the allegations relating to the antecedents of the General Secretary of the



petitioner society as already mentioned in the judgment and order dated 13.11.2024 passed by this Court in W.P.(C) 638/2024, however, if any PIL or any other petition is filed by the petitioner in future, such antecedents shall be taken into consideration by this Court.

8. We make it clear that we have not made any observations as to the merit of the claims of respective parties.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

SEPTEMBER 10, 2025

SSC