



2025:DHC:4916-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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LPA 381/2025, CM APPL. 35364/2025 & CM APPL. 35365/2025**SHAHZAD KHAN AND ORS**

.....Appellants

Through: Mr. Rakesh Tiku, Senior Advocate
with Mr. Mohammad Sajid and Mr.
Sudhir Kumar, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mr. Sunil Kumar Jha,
Ms. K. Kamudi Kiran and Mr. M.S.
Akhtar, Advocates for R-1.
Mr. Jatin Singh, Advocate for R-
2/IOI.
Ms. Prabhsahay Kaur, Standing
Counsel with Ms. Sana Parveen and
Mr. Aditya Verma, Advocates for
DDA.

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Date of Decision: 30th May 2025**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G E M E N T****TUSHAR RAO GEDELA, J: (ORAL)**

1. Present Letters Patent Appeal has been filed challenging the judgement dated 15.05.2025 passed by the learned Single Judge in W.P.(C) 9115/2023 titled "*Shahzad Khan & Ors. vs. Govt. of NCT of Delhi & Ors.*", whereby the learned Single Judge dismissed the writ petition while vacating the *status quo* order passed and with costs of Rs.5000/- to be paid to the Delhi High Court Legal Services Committee by each of the appellant within 30 days from the date of the impugned judgement.

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Briefly stated the case of the appellants is that:-



- a. The appellants claim to be in lawful and settled possession of their houses situated upon agricultural land bearing Khasra Nos.482 and 483 of Village Madan Pur Khadar, alleged to be presently known as “*Shram Vihar, Abul Fazal Enclave, New Delhi*”, by virtue of documents in the nature of electricity bills, house tax receipts as well as unregistered General Powers of Attorney/Agreement to Sell/Affidavits/Receipts/Wills/Possession Letters executed in their favour by the erstwhile owners of the subject land, in the period spanning from 1996 to 2019.
- b. It has been brought to the fore that proceedings under the Land Acquisition Act, 1894 were initiated by the Government in respect of the subject land as far back as 1989 *vide* notification dated 23.06.1989 issued under section 4 of the LA Act, for the purpose of the planned development of Delhi *viz.* Channelisation of river Yamuna. Consequently, an award bearing no.20/92-93 in respect of the land bearing Khasra No.s437 to 512 measuring 139 bigha 7 biswa situated in the revenue Estate of Village Madan Pur Khadar, New Delhi was passed by the Land Acquisition Collector on 19.06.1992.
- c. The appellants claims that for the next twenty years, the Government neither paid the compensation in lieu of the acquisition nor took over possession of the subject land from the erstwhile owners or for that matter, the subsequent purchasers of the subject land i.e., the appellants herein.
- d. Accordingly, the appellants claim that due to inaction on the part of the respondents, the appellants and other similarly placed persons constructed *pucca* houses on their respective plots situated on the subject land which eventually turned into a “*Colony*”, and in the



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year 1994, the appellants alongwith such other similarly placed individuals constituted an Residents Welfare Association (RWA), namely “*Shram Vihar, Abdul Fazal Enclave Welfare Society*” registered under the Societies Registration Act, 1860 on 02.02.1994 for the purpose of representing the interests of the residents of the said colony.

- e. Pertinently, it is claim of the appellants that their colony has been listed as “*Abul Fazal Enclave (Main), Kalindikunj Road Okhla, New Delhi*” at Serial No.385/Registration no.391B of the List of 1,731 Unauthorised Colonies (excluding affluent Unauthorized Colonies) published by the GNCTD, which are subject to regularisation and eligible for conferment of ownership rights to the residents including the appellants, in terms of the Pradhan Mantri Unauthorized Colonies in Delhi Awaas Adhikar Yojana (hereinafter referred to as “*PM-UDAY Scheme*”).
- f. Succinctly put, the PM-UDAY Scheme was conceptualized by the Government of India in 2019 to address the challenges posed by unregulated urban expansion in Delhi. The Scheme specifically sought to regularize unauthorised colonies that had proliferated due to encroachments on public land, unplanned development and the resultant lack of civic amenities, infrastructure as well as hygienic living conditions. In view of these pressing issues, the transformative PM-UDAY Scheme was implemented and accordingly, the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 (hereinafter referred to as “*NCT Regulations, 2019*”) came into force, thereby extending the benefits of regularisation to residents of as many as 1,731 unauthorized colonies in Delhi.



- g. On 03.12.2012, the *Kabza Karyavahi* in respect of the subject land stood complete as the respondents demolished the unauthorized buildings, except a temple and two mosques constructed upon the subject land that stood acquired *vide* Award no.20/92-93. Congruously, the possession of the subject land was acquired by the respondent/GNCTD which was thereafter handed over the respondent/DDA.
- h. Aggrieved by the demolition action of the respondent authorities, it is claimed that the appellants' RWA filed a writ petition bearing WP.(C) 1234/2014 titled "*Shram Vihar Abul Fazal Enclave RWA (Regd.) vs. Union of India & Anr.*" seeking quashing of the acquisition proceedings undertaken by the respondents in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In the said writ proceedings, this Court granted *status quo* to be maintained with regard to title, possession, and construction -in respect of the subject land; which continued to operate till 27.11.2017. However, the said writ petition ultimately came to be dismissed as withdrawn, by this Court on 23.10.2017.
- i. Admittedly, the respondent No.3/DDA has since transferred 2,27,978.52 sq. metres of the subject land to the Delhi Metro Rail Corporation ('DMRC') for construction of the Kalindi Kunj Metro Depot which already stands completed. However, it is alleged that the DMRC is still deprived of a portion measuring 1,12,158.33 sq. metres of the said land as it remains to be illegally occupied by encroachers such as the appellants and other residents of their colony. It appears that during the pendency of the present petition, the DMRC has also issued a notice dated 18.09.2024 upon the respondent No.4/ Deputy Commissioner



requesting Police protection for a demolition exercise to be conducted for removal of the unauthorized constructions carried out by the appellants and other residents of the subject land.

- j. In the aforesaid backdrop, the appellants are apprehending that the respondent authorities, in an illegal and arbitrary manner, will demolish the houses of the appellants comprising a small part of the colony of “*Shram Vihar, Abu Fazal Enclave*” and take over possession of the subject land without giving an opportunity to be heard to the appellants herein, even though their colony allegedly fulfils the eligibility criteria to be regularized as provided under the NCT Regulations of 2019. Hence, the appellants filed the underlying writ petition. The learned Single Judge dismissed the underlying petition *vide* the impugned order. Hence, the present appeal.
3. Mr. Rakesh Tiku, learned senior counsel appears on behalf of the appellants and at the outset contends that the learned Single Judge grossly erred in dismissing the writ petition by overlooking material documents and proof in favour of the appellants forming part of the record. Though, learned senior counsel largely replicated the same arguments which were addressed before the learned Single Judge, he insists that a relevant and material document in the form of order dated 14.07.2011 passed by the Special Secretary (Urban Development Department) has been completely ignored by the learned Single Judge. His contention in respect of the said order is that by virtue thereof the GNCT of Delhi had recognized Shram Vihar Abul Fazal Enclave as one of the three welfare associations and recognized unauthorized colonies registered at registration no.391. Predicated thereon he forcefully submits that the said colony forms part of the 1731 unauthorized colonies which are provisionally recognized for regularization. On that basis, his contention is that those colonies forming



part of the 1731 unauthorized colonies are protected from any demolition or other coercive action. Since the DDA has been threatening demolition, the appellants were constrained to file the underlying writ petition and were granted interim protection by the learned Single Judge.

4. Learned counsel also argues that the actions of the respondent/DDA are demonstrably unfair and arbitrary and violative of Article 14 of the Constitution of India, 1950. In that, while the user of the subject area was “recreational” however, for the purposes of use of DMRC, the land user has been changed to “transportation”. Intriguingly, despite the land user having been changed to “transportation”, the yardstick applied for the appellants is seemingly discriminatory for the reason that the land which is subject matter of the present appeal has been treated to be falling within “Zone O” and the appellants are to be evicted from such land. According to learned senior counsel, this establishes infraction of the rights envisages in the Articles 14 and 16 of the Constitution of India.

5. Mr. Tiku, learned senior counsel also sought to draw distinction between the appellants in the present appeal and those applicants who had filed CM. 58355-58357 and 58723/2024 in W.P. (C) 8035/2024 captioned ***Shabnam Burney vs. UOI & Ors.***, which was disposed of on 08.07.2024 by the Coordinate Bench. He states that appellants are owners and in possession of subject lands which are private lands and cannot be treated to be in unauthorised possession thereof. He further submits that the applicant/association in ***Shabnam Burney (supra)*** and the association of the appellants in the present appeal are two separate and distinct entities inasmuch as the appellants herein are “society” whereas the applicants therein are an “association”. He further contends that the admissions of the applicants in ***Shabnam Burney (supra)*** are wrong and not binding upon the appellants, especially in light of their consistent claim that the



respondent/DDA has accepted that it is “*Shram Vihar, Abul Fazal Enclave*” that is shown at registration no.391B on the List of 1,731 UCs eligible to be regularised under the PM-UDAY Scheme. Accordingly, he submits that the judgement dated 08.10.2024 in ***Shabnam Burney (supra)*** is a misnomer and irrelevant to the present proceedings as it does not examine the issues raised by the appellants herein as regards the area in question being outside or inside the “*1 in 25 floodplains*” of river Yamuna and he thus, submits that the factual matrix of ***Shabnam Burney (supra)*** is distinguishable from that of the present case.

6. It is contended that the GNCT of Delhi has recognized Shram Vihar as an unauthorised colony and the respondent/DDA has to be restrained from carrying out any demolition drive, so as to give effect to the protection being provided to the appellants and other residents under the PM-UDAY Scheme.

7. *Per contra*, Ms. Prabhsahay Kaur, learned Standing Counsel for the respondent/DDA submits that the present appeal is squarely covered by the judgment of this Court in ***Shabnam Burney (supra)*** in fact, she states that some persons from the very same colony i.e. Shram Vihar had filed the applications bearing CM. 58355-58357 and 58723/2024 in W.P. (C) 8035/2024 (***Shabnam Burney***) seeking similar reliefs. She states that by a detailed examination of the facts which arose before the Coordinate Bench, a reasoned order repelling the very same arguments which are being raised herein was passed on 08.10.2024.

8. Ms. Kaur states that the appellants were unable to demonstrate that Shram Vihar falls within the list of 1731 recognized unauthorised colonies and that “Shram Vihar” is separate and distinct from “Abul Fazal Enclave” apart from being at a significant distance from each other. In any case, she contends that the entire area falls within the “Zone O” that is the Yamuna



Flood Plains and the appellants would be governed by Clause 7 of the NCT Regulations, 2019. She also referred to the relevant portions of the impugned judgment in order to substantiate the reasons rendered by learned Single Judge and prayed that the present appeal be dismissed with exemplary costs.

9. We have heard learned counsel for the parties, perused the impugned judgment, examined the records of the appeal and considered the judgment of the Coordinate Bench in *Shabnam Burney (supra)*.

10. At the first instance, we would refer to the order dated 14.07.2011 relied upon by Mr. Tiku to support his contention that Shram Vihar is one of the unauthorised colonies recognized in the list of 1731 colonies by the GNCT of Delhi. A perusal of the said order demonstrates that the GNCT of Delhi has only recognized the Resident Welfare Associations and nowhere have they granted any recognition to the status of such colony. In fact, this was examined by the learned Single Judge to conclude that Shram Vihar Abul Fazal Enclave shown to be registered at registration no.391 is not the same colony. We have no reason to differ or take a divergent view or come to any converse conclusion. The appellants have been unable to demonstrate that their colony is forming a part of the list of 1731 recognized unauthorized colonies. In that view of the matter, reliance upon order dated 14.07.2011 is misplaced and the submissions predicated thereon are unpersuasive and unmerited. We reject the same.

11. So far as the discrimination predicated on Articles 14 and 16 of the Constitution of India in respect of the purported discrimination meted out by the respondent/DDA upon the appellants in comparison to the DMRC is concerned, there is neither any substance nor merit in the said submission. As has been rightly observed by the learned Single Judge, the change of user from recreational to transportation for the purpose of DMRC would



clearly fall within an important “*public purpose*” which cannot be equated with the unauthorised occupation by the appellants of the subject lands which fall within “*Zone O*”. It is trite that public purpose would override personal or private rights. In that view of the matter too, the said submission is unmerited and untenable.

12. The distinction sought to be drawn by learned senior counsel with the findings recorded by a Coordinate Bench in ***Shabnam Burney (supra)*** and those which arise in the present case also is farfetched and unmerited. In order to reiterate that the issue raised in the present appeal and that which arose for consideration before the Coordinate Bench in ***Shabnam Burney (supra)***, it would be apposite to reproduce the entire order dated 08.10.2024. The same reads thus:

“2. Present applications have been filed primarily seeking stay of the directions contained in the judgment dated 08th July, 2024 passed by this Court.

3. Mr. Bahar U. Barqui, learned counsel for the applicants in C.M.Nos.58355-58357/2024 states that the applicants are residents of Shram Vihar, an unauthorised colony, who have been issued notices on 27th September, 2024 to vacate the colony in lieu of the demolition that was planned for 30th September, 2024.

4. Mr. Barqui states that Shram Vihar, Abul Fazal Enclave has been given Registration Number 391C by the Revenue Department and is in the process of being regularised. In support of his contention, he relies upon the counter-affidavit filed by the Department of Urban Development, GNCTD in W.P.(C) No.868/2013, which reads as under:-

“Instant matter is regarding demolition of UC namely “Shram Vihar” Abul Fazal Enclave bearing regn. No.391C by the Revenue Department. The petitioner has not sought any relief from the UC Cell, UD Department. However it is to mention that the resident of the said colony, and it was registered number 391. Later on three different localities Abul Fazal Enclave, Bhaskar Enclave and Shram Vihar, Abul Fazal Enclave were considered as an MRWA case and the matter as decided by the competent authority and the said colony i.e. Shram Vihar (Abul Fazal Enclave) was assigned with Regn. No. 391C.”

5. He further contends that the Shram Vihar colony does not fall within the flood plains of river Yamuna and in support of his contention, he relies



upon the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies), Regulations, 2019 as well as the counter-affidavit filed by the General Manager, Delhi Metro Rail Corporation (DMRC) Limited in W.P.(C) No.868/2013, which reads as under:-

“I say that DMRC vide their letter dated 29.11.2012 while referring to letter dated 21.11.2012 of respondent No.5 confirmed that the matter was already placed before Yamuna Standing Committee (YSC) by DMRC and YSC in its 80th meeting held on 6.3.2012 considered the proposal. In the meeting, YSC observed that the said plot is beyond the flood embankments and surrounded by the habitated area and out of present flood plains of the area. However, YSC cleared the proposal subject to the clearance by the DDA for change in land use. The DMRC accordingly requested the DDA to place the matter in the next meeting of technical committee with full facts as it had already awarded the contract for construction of workshop cum car maintenance depot, but work on the ground cannot start till the change of land use is approved by DDA. A copy of letter dated 29.11.2012 is annexed hereto and marked as Annexure R-10.”

6. Mr.Barqui emphasises that the Shram Vihar colony is situated on private land and in support of his contention, he relies upon sale deeds annexed with the affidavit handed over today.

7. Per contra, learned Standing counsel for the Delhi Development Authority (DDA) states that the ‘Shram Vihar colony is squarely located in Zone ‘O’, however outside the 1 in 25 flood plains’. The salient features of Zone ‘O’ as mentioned in the Zonal Development Plan for River Yamuna/River Front, Zone ‘O’ and as highlighted by learned counsel for DDA are reproduced hereinbelow:-

“ZONAL DEVELOPMENT PLAN FOR RIVER YAMUNA / RIVER FRONT (Zone ‘O’)

1.0 Introduction

1.1 As per MPD-2021 notified on 7.2.2007, the National Capital Territory (NCT) of Delhi has been divided into fifteen zones (Divisions) designated 'A' to 'P' (except zone 'I'), eight in urban Delhi ('A' to 'H'), six in Urban Extension ('J' to 'N' & 'P') and one for River Yamuna/River front which has been designated as Zone 'O' (Map-1)

1.2 The River Yamuna/ River front, Zone ‘O’ has special characteristics and ecological significance for which various studies have been conducted from time to time. As such, the Zonal Development Plan of Zone 'O' is conceived to set the strategies for rejuvenation of river Yamuna and eco-friendly development.

2.0 Statutory provisions and objectives



2.1 The Zonal (divisional) Plan of the area is prepared under Section-8 and processed under Section -10 and simultaneously the modification of the land uses to be processed under Section 11(A) of the Delhi Development Act, 1957.

2.2 Section-8 of the Delhi Development Act 1957 defines the contents of the Zonal Plan. As per the MPD-2021, a Zonal Development Plan means a Plan for one of the zones (divisions) of the National Capital Territory of Delhi containing detailed information regarding provisions of social infrastructure, parks and open spaces and circulation system etc. The Zonal (Divisional) plan, details out the policies of the Master Plan.

3.0 Location, Boundaries and Area

3.1 River Yamuna enters from Palla (on north side) traverses a length of 48 km through National Capital Territory of Delhi and leaves it at Jaitpur (south side). The zone 'O' covers about 9700 ha area (as per MPD 2001) from Northern boundary of National Capital Territory of Delhi up to the Southern boundary of the National Capital Territory of Delhi. The River Yamuna/ River front, Zone 'O' is bounded as under:

North:	NCTD Boundary
South:	NCTD Boundary
East:	Marginal Bund and NCTD Boundary
West:	Marginal Bund, Ring Road and proposed NH-2 bypass along Agra canal

4.0 Existing Characteristics/ Developments

4.1 The following are the predominant characteristics of this Zone:

- i) River Yamuna in Delhi covers a length of about 48 km including 22 km in urban area and its spread varies from 1.5 km to 3.0 km.
- ii) Seven Road Bridges, two Railway Bridges, one Metro Bridge and two fair weather Pontoon Bridges cross River Yamuna.
- iii) Twenty two major drains are discharging effluents into the river.
- iv) The river bed gently slopes from 208 msl in the north to 199 msl in the south. Thus the gradient of the river from north to south is about 9m.
- v) The zone has an assortment of activities like Delhi Secretariat, Samadhi complex, Cremation Grounds, Sports Complexes, and Thermal & Gas Power Stations, Bathing Ghats, Sewerage Treatment Plants, fly-ash ponds and fly ash brick plants etc. Some of the pockets are under thick plantation and most of the river basin area in Zone 'O' is being used for agriculture, horticulture and has a wealth of flora and fauna. The encroachments in the River bed area aggravate the pollution in river Yamuna. In some parts land from river basin has been reclaimed for unauthorized



constructions.

4.2 Existing characteristics of various part/ stretches of River Yamuna on either site are as under:-

SubZone	Description of Area	Existing Characteristics/Developments in Zone 'O'	
		West	East
1	NCTD Boundary to Wazirabad Barrage	Agriculture, Biodiversity park, Jagatpur village, Wazirabad Village, monuments, Unauthorized colonies, Wazirabad Water works, Ghats.	Agriculture, Water works, Facility centre, CRPF Camp-, Delhi police Firing range, Unauthorized colony
2	Wazirabad Barrage to ISBT Bridge	Unauthorised colonies, Unauthorised religious structures, CNG station, Bathing ghat	220 KV ESS (Electric SubStation), water ponds, grass farms, Marshes, Gurudwara & Agriculture
3	ISBT Bridge to Old Yamuna Rail cum Road Bridge	Nigambodh ghat, unauthorized growth of Yamuna Bazaar, Salimgarh fort, ghats, ESS	Unauthorized colony, Agriculture, DMRC Depot, IT Park, PSP site.
4	Old Yamuna Bridge to ITO Barrage	Electric crematorium, Vijay ghat, Shanti van, Shakti sthal, Rajghat, Gandhi darshan, I.G. stadium complex, Power house, Delhi secretariat, Fly ash brick plant	Agriculture, cremation ground
5	ITO Barrage to Nizamuddin Rly Bridge	IP power house, Gas turbine power house, STP.	Agriculture, Forest, Site for DMRC Depot & Station.
6	Nizamuddin Rly Bridge to NH 24	Fly ash pond, Fly ash brick plant	Agriculture, PSP (Public and Semi-Public) site Akshardham temple complex, Parking, CWG Village Complex.
7	NH 24 to Okhla	Electric	Agriculture



	<i>Barrage</i>	<i>crematorium, Rajiv Gandhi Smriti Van, unauthorized petrol pump, unauthorized encroachment, Electric sub-station, site of underground water reservoir, unauthorized colonies</i>	
8	<i>Okhla barrage to NCTD Boundary</i>	<i>Unauthorized colonies, water body, agriculture, Madanpur Khadar resettlement scheme, LPG bottling plant</i>	<i>Agriculture & Water body.</i>

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5.6 MPD-2021

i) *Rejuvenation of River Yamuna through a number of measures including ensuring adequate flow in river by release of water by riparian states, refurbishment of trunk sewers, treatment of drains, sewerage of unsewered areas, treatment of industrial effluent, recycling of treated effluent and removal of coliforms at STPS (ANNEXURE-I).*

ii) *The natural features such as Forest, Wildlife Sanctuary, River Yamuna and other water bodies should be conserved and kept free from unrestricted and unplanned urban development.*

iii) *Designation and delineation of appropriate land uses and aesthetics of the river front which should be more fully integrated with the city and made more accessible-physically, functionally and visually.*

iv) *Water bodies, having a minimum size of surface area of 1 ha shall be preserved by the concerned authorities. Further effort shall be made at the local level to retain smaller water bodies."*

8. *She emphasises that in terms of Zonal Development Plan for River Yamuna/River Front, Zone 'O' is conceived for rejuvenation of river Yamuna and eco-friendly development in line with the river and its morphology. She also states that Shram Vihar falls in the definition of flood plains as mentioned in River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016.*

9. *Learned counsel for the DDA specifically relies upon her reply affidavit to contend that the alleged Shram Vihar colony is not included in the list of 1731 unauthorised colonies recognised by the GNCTD. She emphasises that the Shram Vihar colony is distinct and separate from Abul Fazal Enclave, another colony located in the same area.*



10. She points out that the land on which construction has been undertaken by the applicants was handed over by the DDA to DMRC on the condition that DMRC shall remove encroachments over the allotted land.

11. Having heard learned counsel for the parties, it is an admitted position that Shram Vihar colony is not one of the 1731 unauthorised colonies that have been recognised by the GNCTD. Consequently, it is an unauthorised colony that is not due for recognition as an unauthorised colony.

12. The argument that Shram Vihar does not fall in the flood plain as the risk of flooding is only one (1) in twenty five (25) years is not correct as the flood plain has been defined under the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 as, 'such area of River Ganga or its tributaries which comes under water on either side of its due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years'.

13. Moreover, even if it is assumed, that Shram Vihar colony is situated outside the flood plains, yet it falls within Zone 'O', which is an ecologically fragile zone and is being primarily used for horticulture and has a wealth of flora and fauna. It needs to be borne in mind that Zone 'O' has been conceived for rejuvenation of river Yamuna and eco-friendly development in line with the river and its morphology.

14. The applicant's reliance on the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies), Regulations, 2019, is misconceived as an 'Exclusion' clause has been incorporated by virtue of Regulation No.7, which specifically states that no rights shall be conferred or recognised under the said Regulations on the 'land falling in Zone-O, Yamuna Flood Plain.....'.

15. Further, though the applicants claim to be in possession of a private land, yet they have not obtained any Sanctioned Plan or Completion Certificate either prior to construction or after completion of construction. It is settled law that even owners of a private land have to take permission from the statutory authority before carrying out any construction and if that is not done, the construction is liable to be demolished.

16. This Court takes judicial notice of the fact that the pollution in river Yamuna is at all-time high. As recent as yesterday i.e. 7th October, 2024, the Times of India, a daily Newspaper has published an article "Why Yamuna is Stinking Like Never Before". According to the said report, which is based on a report prepared by Delhi Pollution Control Committee, the fecal coliform levels are 1,959 times the permissible limit, 9,800 times the desired limit where the river exits the city. In the said article, it is pointed out that the fecal level is at an all-time high in September, 2024 and one of the main reasons for the same is untreated sewage flowing from unauthorised colonies into river Yamuna.

17. Keeping in view the aforesaid, this Court is of the view that the applicants are not entitled to stay of the notice dated 27th September, 2024



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and/or of the directions contained in the judgment dated 08th July, 2024.

18. Accordingly, the present applications are dismissed.”

13. Reading the above reasoning in **Shabnam Burney** (*supra*), the relevance and importance of “Zone O” cannot be undermined. It is clear that this Court has been time and again displaying zero tolerance for any unauthorised constructions or encroachments in respect of “Zone O” and has been consistently permitting respondent/DDA to carry out demolitions with a view to ensure that the Yamuna River Rejuvenation Project proceeds without any undue impediment.

14. Learned senior counsel has been also unable to show or demonstrate that Shram Vihar colony is included within the list of 1731 colonies recognized by the GNCTD.

15. For the aforesaid reasons, we do not find any reason, much less any cogent reasons to interfere or take a divergent view from the one taken by the learned Single Judge in the impugned judgment. The appeal is unmerited and is liable to be dismissed at the admission hearing stage itself.

16. In view of the aforesaid, the appeal is dismissed along with pending applications, if any. Parties to bear their own costs.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MAY 30, 2025/yrj/rl