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

+ W.P.(C) 8286/2025 and CM APPL. 36082/2025 & CM APPL.
36083/2025

ZAMRUDPUR RESIDENT

WELFARE ASSOCIATION (REGD.)

.....Petitioner

Through: Mr. Rajiv Kumar Ghawana,
Mr. Vikalp Chandela and Mr. Kunal
Yadav, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....Respondents

Through: Mr. Manu Chaturvedi, Advocate for
respondent no. 1/ MCD.

Mob: 9325827655

Email: manuchaturvedi@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **30.05.2025**

1. The present writ petition has been filed by the Zamrudpur Resident Welfare Association representing the residents of *Village Zamrudpur, Opp. Lady Shri Ram College, New Delhi-110048*, seeking directions to respondent no.1-Municipal Corporation of Delhi ("MCD"), to take action against the encroachment and unauthorized construction having been raised by respondent nos. 2 to 5.
2. Learned counsel appearing for the petitioner submits that various representations have been made to the concerned authorities, but till date no action has been taken.



3. He submits that respondent nos. 2 and 3 have made encroachments in property no. 103-G, Khasra No. 109/1, Village Zamrudpur, New Delhi-110048.

4. Learned counsel appearing for the petitioner draws attention of the Court to *Annexure P-2* to submit that the yellow portion is the extent of encroachment done by respondent nos. 2 and 3, while the red portion shows the original area of the property in question. The said site plan attached as *Annexure P-2* is reproduced as under:-



5. Responding to the same, learned counsel appearing for respondent no.1/ MCD, submits that *qua* the property in question, there have been multiple litigations.

6. He submits that an appeal is already pending before the learned Appellate Tribunal MCD (ATMCD), which is next listed on 1st August, 2025. He further submits that demolition order and sealing orders have already been passed with respect to the property in question.



7. At this stage, learned counsel appearing for the petitioner submits that the proceedings before the learned ATMCD are *qua* the unauthorized construction and not the encroachment.
8. Considering the submissions made before this Court, since it is the case of the MCD that demolition and sealing proceedings have already been initiated with respect to the property in question, it is directed that in case the issue of encroachment has not been taken cognizance of by the MCD, the same shall also be considered by the MCD.
9. The MCD is directed to inspect the property in question, and assess whether any encroachment is existing therein. In case any encroachment is found to exist, requisite action shall be taken following the due process of law.
10. With the aforesaid directions, the present writ petition along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

MAY 30, 2025
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