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

+ W.P.(C) 16003/2023

AZAD MARKET RWA (REGD)

.....Petitioner

Through: Mr. Vijay Datt Gahtori and Mr.
Shivam Gautam, Advocates
Mob: 7590002703
Email: gahtorivijay@gmail.com

versus

MCD AND OTHERS

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel
(Civil) GNCTD with Ms. Ishika,
Advocate
Mob: 9910623535
Email: advanubhav94@gmail.com
Mr. Arman Monga and Mr. Ashutosh
Gupta, Advs. for R-MCD (Through
VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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04.11.2025

1. The present writ petition has been filed seeking directions to demolish the rolling shutter, constructed on public land at *Shop No. 648, Pul Mithai, Shivaji Road, Azad Market, Delhi-110006*, along with brick wall, measuring 6' x 7' x 9'', built on footpath and to construct a new toilet/urinal for ladies, adjacent to the aforementioned address.
2. A Status Report dated 01st April, 2025 has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), which reads as under:



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I, Yashpal Dahiya S/o Sh. Jaswant Singh Silana aged about 57 years, currently posted as Executive Engineer (Maintenance)-I, City SP Zone, Municipal Corporation of Delhi, Nigam Bhawan, 2nd Floor, Old Hindu College, Kashmere Gate, Delhi-06, do hereby solemnly affirm and declare as under:-

1. That I am working with answering Respondent/ Municipal Corporation of Delhi. I have been authorized to depose the present affidavit. Being conversant with the facts of the case, as reported and brought out from the records, I am competent to depose the present short affidavit, in my official capacity.

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2. That the present status report is being filed in compliance of orders dated 12.12.2023 of this Hon'ble Court,
3. That the site was inspected by the field staff of the Maintenance Division-I/ CSPZ and as per inspection report dated 10.03.2025, the urinal type structure found adjacent to the Shop No.648, Pul Mithai, Shivaji Road, Azad Market, Delhi-110006. The urinal type structure is situated within the same building line as maintained by adjacent Shop No.648 and other nearby shops. As per record, no such urinal was ever constructed by the Maintenance division. During inspection it has not been established that the urinal structure is falling within the Right of Way of Shivaji Road, Azad Market. However, a brick wall on the footpath at the other side of shop no. 648 was found as encroachment within the Right of Way of Shivaji Road and the said wall on the footpath was demolished on 10.03.2025. The copy of inspection report dated 10.03.2025 is enclosed as **Annexure- A**. The photographs showing the urinal structure well in the building line, photographs before and after demolition of wall on the footpath are enclosed as **Annexure-B (Colly)**.
4. That the Sanitation Department of City SP Zone responsible for day to day maintenance of urinal block/toilet blocks. Maintenance Department is responsible for construction of urinal/toilet blocks on the requisition of the Sanitation Department and after construction, the Maintenance Department is handing over newly constructed urinal/toilet blocks to the Sanitation Department for day to day maintenance of these structures.
5. That the Sanitation Department also inspected the property adjacent to shop no. 648, Pul Mithai, Shivaji Road, Azad Market, Delhi-110006 and submitted inspection report dated 28.02.2025. The inspection report submitted by Sanitation department is extracted as under:-



"Inspection Report

It is submitted that Property No.648-649, Shivaji Road, Pul Mithai Chowk, Delhi has been inspected and found urinal block is located there. It is mentioned that the said block does not comes under the supervision at DEMS, City S.P.Zone, hence no sanitation work is being done.

The said urinal block might have been constructed by Maintenance M-I Department, City S.P.Zone.

Maintenance Department is to be approached to verify whether or not the said urinal block has been constructed/ maintained by them.

*Sd/-
AC/City S.P.Zone*

*Sd/-
SS/DEMS/CSPZ*

*Sd/-
SI-Ward-72"*

The copy of inspection report dated 28.02.2025 submitted by Sanitation Department of City SP Zone is enclosed as **Annexure-C**.

6. That it is humbly submitted that a request letter bearing no. D-673/EE-I/CSPZ/2024-25 Dated 12.03.2025 has been sent to Chief Town Planner, MCD to obtain the layout plan of Pul Mithai, Shivaji Road, Azad Market, Delhi-110006 to establish the ownership of the urinal type structure and to establish any encroachment, if any within the Right of Way. Copy of the letter dated 12.03.2025 to Chief Town planner is **Annexure-D**.
7. That it is also submitted that further to clarify the land owning agency of the alleged urinal adjacent to shop no. 648 Pul Mithai, Shivaji Road, Azad Market, Delhi-110006, a letter bearing no. D-674/EE-I/CSPZ/2024-25 Dated 12.03.2025 has also been sent to ADC/Land & Estate. Copy of the letter dated 12.03.2025 to ADC/Land & Estate is **Annexure-E**.



8. That it is submitted that further action in the matter will be initiated only after the status of the said structure is clarified by the concerned departments in reply to above letters.

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3. As per the aforesaid Status Report, action in the matter shall be initiated only if the status of structure is clarified by the concerned Departments.

4. Accordingly, the MCD submits that due action shall be taken, in accordance with law.

5. At this stage, learned counsel appearing for the petitioner submits that the petitioner does not wish to pursue the matter any further, and the petitioner is satisfied with the action undertaken.

6. Accordingly, binding the MCD to take action in accordance with law, the present writ petition is dismissed, as withdrawn.

MINI PUSHKARNA, J

NOVEMBER 4, 2025/SK