



\$~94 & 56

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

+ W.P.(C) 14892/2025 & CM APPL. 61242/2025

DILBAG SINGH

.....Petitioner

Through: Mr. Arun Khatri, Mr. Sahil Khuranna,
Mr. Pranavjeet, Advocates
(M:8851133724)

versus

SDM KAPASHERA & ORS.

.....Respondents

Through: Ms. Shilpa Dewan, ASC-MCD
(M:9971192772)
Mr. Manashwy Jha, Panel Counsel
GNCTD for R-1, 2, 4 and 5
(M:9013980691)
Mr. Aakash Sehrawat with Mr. Jatin
Chhillar, Advs. for R-6

56

+ W.P.(C) 10648/2025

MR. YOGENDER SINGH

.....Petitioner

Through: Mr. Aakash Sehrawat with Mr. Jatin
Chhillar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Kapil Dutta, Mr. Siddharth
Parashar, Advocates for MCD
(M:9811135509)
Mr. Arun Khatri, Mr. Sahil Khurana,
Mr. Pranavjeet, Advocates for R-5
(M:8851133724)
SI. Gajender Singh, PS- Chhawla,
Delhi (M:9540140296)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA



ORDER

25.09.2025

%

1. W.P.(C)10648/2025 has been filed seeking directions to the Municipal Corporation of Delhi (“MCD”) and other statutory authorities to enforce the restraining order dated 15th March, 2025 issued by the Sub-Divisional Magistrate (“SDM”) (Kapashera) and take action against the construction erected by respondent no. 5, i.e., Mr. Dilbag Singh, on Gram Sabha land and public roads, including *Rasta No. 56, in Village Raghapur, South West Delhi.*

2. Learned counsel for the MCD has handed over a copy of the Status Report dated 23rd September, 2025, which is taken on record. Relevant portions of the Status Report filed by the MCD, read as under:

“xxx xxx xxx

2. That as per orders of this Hon’ble High Court dated 04/08/2025, the instant WP(C) has been filed by the Petitioner seeking directions to Respondent No.1 to 4 (R-1/MCD, R-2/STF(DDA), R-3/DM (Kapashera) & R-4/SHO) to take action and enforce the Restraining Order dated 15/03/2025 issued by SDM/Kapashera/Chairperson (STF) and demolish the illegal ‘pucca structure’ erected by Respondent No.5/Mr. Dilbag Singh on Gram Sabha land and public roads, including, *Rasta No.56 in Village Raghapur, South West, Delhi.*



3. That during inspection conducted by the concerned field staff on 04/09/2025, the impugned property (pertaining to Respondent Mr. Dilbag Singh S/o Mahabir Singh) was get identified by the Petitioner himself. Upon inspection, the unauthorized construction in the shape of rooms found raised at impugned property. Accordingly, the unauthorized construction in the shape of rooms at ground floor has been booked under Section 344(1) and 343 of the DMC Act, qua impugned property addressed as “Property opposite to H.No.09, Village Raghopur, Chhawla, New Delhi-71”, vide U.C. File No.329/B/UC/NGZ/25 dated 04/09/2025 and simultaneously the Show Cause Notice has been issued and served upon the Owner/Builder Mr. Dilbag Singh S/o Mahabir Singh. Copy of show cause notice dated 04/09/2025 is annexed herewith as **Annexure-A**.

4. That the Work Stop Notice under section 344(2) of the DMC Act has been sent to SHO , PS Chhawla, vide letter No.EE(B)NGZ/25/D-2/256 dated. 18/09/2025 to get the work stopped and to remove the labourers & tools. Copy of work stop notice dated 18/09/2025 is annexed herewith as **Annexure-B**.



5. That with respect to the illegal structure erected by the Respondent No.5 on Gram Sabha land and public roads, including, Rasta No.56 in Village Raghopur, South West, Delhi, as alleged by the Petitioner, it is submitted that a letter bearing No.EE(B)NGZ/25/D-1/742 dated 08/09/2025 has been sent to the S.D.M., Kapashera (R-3) requesting therein to depute the concerned official/*Patwari* to get the impugned land/khasra numbers identified/ demarcated, because the records based on the *Khasra/Khata/Khatuani* numbers of any land are maintained by the Revenue Department itself. Copy of letter dated 08/09/2025 is annexed herewith as Annexure-C. The reply from the Revenue Department in this regard is still awaited.

6. That furthermore, the sealing action u/s 345-A of the DMC Act has also been initiated by the Department against the property in question.

7. That further action will be taken by the answering Respondent/ MCD as per the provisions of DMC Act and as per prevailing laws.

3. Perusal of the aforesaid Status Report shows that the MCD has already initiated action against the property in question.

4. W.P.(C) 14892/2025 has been filed by the respondent no. 5 in W.P.(C) 10648/2025, against the petitioner in W.P.(C) 10648/2025, arrayed as respondent no. 6 in W.P.(C) 14892/2025.

5. W.P.(C) 14892/2025 has been filed seeking directions to respondent



nos. 1 to 5, to take action against the encroachment being undertaken by respondent nos. 6 and 7 on residential and village land in *Raghopur Chhawla, Delhi*.

6. It is the case of the petitioner in *W.P.(C) 14892/2025* that respondent no. 6, who is the petitioner in *W.P.(C) 10648/2025* and respondent no. 7, have carried out encroachment and have gated not only the main village thoroughfare, i.e., *Khasra No. 39/2*, but also, the adjacent service road, i.e., *Khasra No. 38*, and have unlawfully converted public land into private property.

7. Learned counsel for the MCD submits that requisite action shall be taken, after due inspection of the property in question.

8. Considering the submissions made before this Court, it is directed that the MCD shall take requisite action against the properties, which are subject matter of the present writ petitions, after following the due process of law.

9. In case, any party is aggrieved by any action or non-action on the part of the MCD, their right to seek their remedies, in accordance with law, is reserved.

10. With the aforesaid directions, the present writ petitions, along with the pending application, are disposed of.

MINI PUSHKARNA, J

SEPTEMBER 25, 2025/au