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

+ W.P.(C) 1880/2016, CM APPL. 76141/2025 & CM APPL. 76142/2025

RAMESH NAGAR DSBB RWAPetitioner

Through: Mr. Deepak Gaur, Adv. (Through VC)

versus

DY. COMMISSIONER, NORTH MCD & ANR.Respondents

Through: Ms. Mansi Gupta, Adv. for MCD
Mr. Avtar Singh, Adv. for R-2 & 3
Mr. Ashish Upadhyay, Adv. for applicant in CM APPL. 76141/2025

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

03.12.2025

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1. The present writ petition has been filed seeking directions to the respondent nos. 1 and 2, to remove all temporary, permanent and semi permanent encroachments from the service road, footpath and C.L. Khanna Marg, in and around the petitioner's colony in *B-Block, Ramesh Nagar, New Delhi-110015*.

2. When the matter was listed before this Court on the last date of hearing, directions in the following manner came to be passed:

"1. The present petition has been filed seeking directions to the respondent no. 1-Municipal Corporation of Delhi ("MCD"), to remove all temporary, permanent and semi-permanent encroachments from the service road, footpath and CL Khanna Marg, in and around the petitioner's colony in B-Block, Ramesh Nagar, New Delhi-110015.



2. There is a further prayer with regard to taking action against the 'Used Car Shops' running from the residential area in question.

3. Attention of this Court is drawn to the order dated 02nd September, 2019, wherein, the Executive Engineer of the MCD had stated that with respect to the shops in question, the Land and Development Office ("L&DO") would have a role to play.

4. However, whether or not any shop in a residential area is allowed, is to be decided on the basis of The Master Plan of Delhi 2021 ("MPD 2021").

5. Accordingly, MCD is directed to consider this aspect and inform this Court as to whether the shops in question, which are the subject matter of the present writ petition, are permissible under the MPD 2021.

6. In case, the said shops in question are not permissible under the MPD 2021, requisite action shall be initiated by the MCD accordingly.

7. In case, the said shops in question are permissible as per the MPD 2021, the said fact shall also be informed to this Court, including, the fact whether the said shops are being run with requisite permission/license, if any, required from any statutory authority.

8. Accordingly, let an affidavit in this regard be filed, before the next date of hearing.

9. Re-notify on 03rd December, 2025."

3. Pursuant thereto, a Status Report dated 02nd December, 2025, has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, read as under:

"xxx xxx xxx

3. That the Main Najafgarh Road on the stretch from Laxman
Sylvania, New Moti Nagar Chowk to Outer Ring Road



Crossing i.e. Ganesh Nagar has been notified as a commercial street. It is submitted that on the said stretch of road, the shops in question carrying on the trade of Car Dealer is permitted subject to the conditions stipulated as per MPD-2021, DMC Act, 1957 and UBBL-2016.

4. That as per record, the respondent had initiated action under section 345-A read with section 347 of the DMC Act, 1957 against the various shops since the same were being run without paying the registration charges/conversion charges/parking charges and additional FAR charges (in case of basement) as provided in MPD-2021.

5. That in pursuance of the action initiated under section 345-A read with section 347 of the DMC Act, 1957, the said shopkeepers either closed the trade or paid applicable conversion charges/parking charges etc. as per the provisions of MPD-2021.

6. That the C.L. Khanna Road, Ramesh Nagar (Naksha Road) is a notified mixed-use street under MPD-2021 and ground floor and basement of the property can be used for commercial purpose subject to payment of registration charges/conversion charges/parking charges and additional FAR charges (in case of basement) as provided in MPD-2021, DMC Act, 1957 and UBBL-2016.

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4. Reading of the aforesaid Status Report clearly shows that the area in question is a notified commercial street, where commercial activities are allowed. Further, the *C.L. Khanna Road, Ramesh Nagar* has been stated to be a notified mixed used street under the Master Plan of Delhi, 2021 (“MPD, 2021”), wherein, ground floor and basement of the properties can be used for commercial purposes, subject to payment of registration charges/conversion charges/parking charges/additional Floor Area Ratio (“FAR”) charges.

5. This Court notes the submission made by learned counsel appearing for the respondent-MCD that action has been taken by the MCD time and again for removal of the temporary encroachments, in the area in question.

6. Affidavit of Mr. Ashok Rawat, Assistant Commissioner, Karol Bagh Zone, North Delhi Municipal Corporation (“NDMC”) filed in this regard, is reproduced as under:

1. That as per writ petition, petitioner is seeking direction for removal of all temporary, permanent and semi permanent encroachment from the service road, footpath and C.L. Khanna Marg and illegal “used car shop” running from residential area.

2. That inspection was carried out by the concerned official and found on road and service lane moving/running condition cars parked on the metalled road. The answering defendant take action on the vehicle parked on the footpath as well as dump vehicle but here cars are parked on



metalled road which are to be removed/challan by the Traffic Police. Accordingly a letter vide no. 467/AC/KBZ/16 dt. 05.07.2016 sent to Deputy Commissioner, West Delhi for taking appropriate action against the violators. Copy of the letter is annexed herewith. *Annexure R-1 collectively. AK*

3. That on routine inspection, no encroachment was found on the footpath/pavement. In case, any encroachment found by the department as per schedule of the area, encroachment removal action taken by the department time to time as per schedule of the month.

7. Status Report dated 13th February, 2017, has also been filed on behalf of the Station House Officer ("SHO"), Police Station-Kirti Nagar, which reads as under:

It is submitted that the actions are continuously taking against the encroacher / second hand use car dealer / unauthorized food stalls, etc. by Police Station Kirti Nagar and many FIR's have been registered against the encroacher / second hand use car dealer / unauthorized food stalls, action taken detail is mentioned as-

Action taken in the year of 2015.

S.No.	FIR No.	Date	U/s	P.S.
1.	001/15	1.01.2015	283 IPC	Kirti Nagar
2.	122/15	19.02.2015	283 IPC	Kirti Nagar
3.	123/15	19.02.2015	283 IPC	Kirti Nagar
4.	159/15	10.03.2015	283 IPC	Kirti Nagar
5.	187/15	24.03.2015	283 IPC	Kirti Nagar
6.	217/15	10.04.2015	283 IPC	Kirti Nagar
7.	222/15	12.04.2015	283 IPC	Kirti Nagar



8.	223/15	12.04.2015	283 IPC	Kirti Nagar
9.	227/15	14.04.2015	283 IPC	Kirti Nagar
10.	297/15	30.05.2015	283 IPC	Kirti Nagar
11.	404/15	18.07.2015	283 IPC	Kirti Nagar
12.	424/15	27.07.2015	283 IPC	Kirti Nagar
13.	430/15	30.07.2015	283 IPC	Kirti Nagar
14.	490/15	02.09.2015	283 IPC	Kirti Nagar
15.	500/15	07.09.2015	283 IPC	Kirti Nagar
16.	542/15	24.09.2015	283 IPC	Kirti Nagar
17.	582/15	12.10.2015	283 IPC	Kirti Nagar
18.	599/15	19.10.2015	283 IPC	Kirti Nagar
19.	614/15	24.10.2015	283 IPC	Kirti Nagar
20.	623/15	31.10.2015	283 IPC	Kirti Nagar
21.	624/15	28.10.2015	283 IPC	Kirti Nagar
22.	625/15	02.11.2015	283 IPC	Kirti Nagar
23.	627/15	02.11.2015	283 IPC	Kirti Nagar
24.	628/15	02.11.2015	283 IPC	Kirti Nagar
25.	640/15	08.11.2015	283 IPC	Kirti Nagar
26.	641/15	08.11.2015	283 IPC	Kirti Nagar
27.	647/15	10.11.2015	283 IPC	Kirti Nagar
28.	657/15	15.11.2015	283 IPC	Kirti Nagar
29.	665/15	19.11.2015	283 IPC	Kirti Nagar
30.	673/15	22.11.2015	283 IPC	Kirti Nagar
31.	677/15	24.11.2015	283 IPC	Kirti Nagar
32.	678/15	24.11.2015	283 IPC	Kirti Nagar
33.	707/15	06.12.2015	283 IPC	Kirti Nagar



Action taken in the year of 2016.

S.No.	FIR No.	Date	U/s	P.S.
1.	098/16	12.02.2016	283 IPC	Kirti Nagar
2.	147/16	08.03.2016	283 IPC	Kirti Nagar
3.	149/16	08.03.2016	283 IPC	Kirti Nagar
4.	151/16	09.03.2016	283 IPC	Kirti Nagar
5.	163/16	19.03.2016	283 IPC	Kirti Nagar
6.	168/16	21.03.2016	283 IPC	Kirti Nagar
7.	178/16	28.03.2016	283 IPC	Kirti Nagar
8.	179/16	29.03.2016	283 IPC	Kirti Nagar
9.	182/16	30.03.2016	283 IPC	Kirti Nagar
10.	187/16	01.04.2016	283 IPC	Kirti Nagar
11.	191/16	04.04.2016	283 IPC	Kirti Nagar
12.	201/16	16.04.2016	283 IPC	Kirti Nagar
13.	205/16	20.04.2016	283 IPC	Kirti Nagar
14.	222/16	03.05.2016	283 IPC	Kirti Nagar
15.	232/16	10.05.2016	283 IPC	Kirti Nagar
16.	234/16	14.05.2016	283 IPC	Kirti Nagar
17.	236/16	18.05.2016	283 IPC	Kirti Nagar
18.	237/16	19.05.2016	283 IPC	Kirti Nagar
19.	239/16	21.05.2016	283 IPC	Kirti Nagar
20.	287/16	26.07.2016	283 IPC	Kirti Nagar
21.	371/16	05.10.2016	283 IPC	Kirti Nagar
22.	372/16	05.10.2016	283 IPC	Kirti Nagar
23.	401/16	01.11.2016	283 IPC	Kirti Nagar
24.	402/16	01.11.2016	283 IPC	Kirti Nagar
25.	418/16	3.12.2016	283 IPC	Kirti Nagar



Action taken in the year of 2017.

S.No.	FIR No.	Date	U/s	P.S.
1.	11/17	09.01.2017	283 IPC	Kirti Nagar
2.	24/17	20.01.2017	283 IPC	Kirti Nagar
3.	27/17	21.01.2017	283 IPC	Kirti Nagar
4.	42/17	29.01.2017	283 IPC	Kirti Nagar

It is submitted that time to time joint removal encroachment program along with Traffic Police has carried out and many challans and notice were issued and all illegal vehicles were removed. Further legal action against offenders/ encroachers will be taken. Mostly roads are under the North MCD, if they want to remove the encroachments, local police is ready to provide police assistance.

xxx xxx xxx”

8. Further, Additional Affidavit dated 10th April, 2017, has also been filed on behalf of the MCD, relevant portions of which, are reproduced as under:

“xxx xxx xxx

2. That in compliance of the directions issued by the Hon'ble Court by order dt. 22.02.2017, the deponent is submitting the present affidavit. It is submitted that the encroachments made by the used cars dealer which are operating from their shops as mentioned in para no. 7 of the petition requires action by the Traffic Police Department and not by the North DMC. In this regard the ACP (Traffic), Rajouri Garden has been requested to take necessary action vide letter no. 1667/ADC/KBZ/2017 dt. 24.03.2017. A copy of the letter



no.1667/ADC/KBZ/2017 dt. 24.03.2017 ^{with Snaps} is annexed
herewith as Annexure-A. collectively.

3. That the North DMC has also taken prosecution action u/s
417 of the DMC Act, 1957 against the following:

Sr.No.	Name of the offender	Address	Challan No. with date
1.	M/s Excell Health Tech	B-137, Double Storey, Ramesh Nagar	62160 dt. 06.02.2017
2.	Sachdeva Electronics	B-133, Double Storey, Ramesh Nagar	62161 dt. 06.02.2017
3.	Ashoka ____ Alloys Corporation	B-131, Double Storey, Ramesh Nagar	62162 dt. 06.02.2017
4.	Prestige Tiles Co	B-127, Double Storey, Ramesh Nagar	62163 dt. 06.02.2017
5.	Paras Electronics	B-125, Double Storey, Ramesh Nagar	62164 dt. 06.02.2017



9. Another Additional Affidavit dated 31st May, 2018, filed on behalf of MCD, deposed by Mr. P.K. Jha, Additional Deputy Commissioner, Karol Bagh Zone, MCD, reads as under:

“xxx xxx xxx



2. That the answering respondent had planned and taken joint encroachment removal actions and lifting of cars with Traffic Police, Works Department & Health Department on 31.01.2018 and 08.03.2018 in the surrounding area of A & B Block, Double Storey, Ramesh Nagar, Najafgarh Road, New Delhi. It is submitted that for this purpose vide letter no. 3798/ADC/KBZ/2018 dt. 17.01.2018 and 4194/AC/KBZ/2018 dt. 01.03.2018 the SHO, P.S. Kirti Nagar was requested to provide adequate police force to maintain law and order. It is submitted that in the said actions the temporary encroachments/dumped and unauthorized parked vehicles found at public/govt. land were removed. Thereafter vide letter no. 3857/ADC/KBZ/2018 dt. 01.02.2018 and 4192/ADC/KBZ/2018 dt. 09.03.2018, the SHO, PS Kirti Nagar, New Delhi was requested to keep strict vigil over the area so that re-encroachment may not occur. Copies of letter no. no. 3798/ADC/KBZ/2018 dt. 17.01.2018 and 4194/AC/KBZ/2018 dt. 01.03.2018 and letter no. 3857/ADC/KBZ/2018 dt. 01.02.2018 and 4192/ADC/KBZ/2018 dt. 09.03.2018 are annexed herewith as Annexure R-1/1 (colly). The photographs taken during and after the action are annexed herewith as Annexure R-1/2.

10. Perusal of the aforesaid Status Reports clearly show that action for removal of temporary encroachment is being taken by the department with the assistance of the Delhi Traffic Police ("DTP"), time and again.
11. This Court notes that the present writ petition has been pending since the year 2016.
12. Accordingly, the MCD is held bound to continue to ensure that there



is no encroachment on public land in the area in question, and that MCD shall take regular and continuous action against any encroachment in the area, subject matter of the present writ petition.

13. Accordingly, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

DECEMBER 3, 2025/KR