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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1938/2026, CM APPL. 9440/2026 & CM APPL. 9441/2026**

MOHD KAMRAN

.....Petitioner

Through: Mr. Jatan Singh, Senior Advocate
with Ms. Seema Sharma, Ms. Rekha,
Mr. Utkarsh Kumar, Mr. Sandeep
Banerjee, Mr. Anshay Shandilya, Mr.
Jashan K. Srivastava and Ms.
Vanshika Adhana, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Chetan Sharma, ASG with Mr.
Amit Tiwari, CGSC, Mr. Chetanya
Puri, Mr. Anand Awasthi, Ms. Ayushi
Srivastava, Mr. Ayush Tanwar and
Mr. Kushagra Malik for R-1(UoI) and
R-3 (Delhi Police).
Ms. Shobhana Takiar, Standing
Counsel for R-2 (DDA).
Mr. Sanjay Poddar, Senior Advocate
with Mr. Manu Chaturvedi, SC, Mr.
Govind Kumar and Mr. Apurv
Kumar, Advocates for R-4 (MCD).
Mr. Sanjoy Ghose, Senior Advocate
with Ms. Farhat Jahan Rehmani,
ASC, Mr. Firoz Iqbal Khan, Mr.
Imran Ahmed, Mr. Rohan Mandal,
Mr. Mohammad Danish and Ms.
Fatima Praveen, Advocates for R-5
(Waqf Board).
Mr. Umesh Chandra Sharma,
Advocate for R-7.



CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
11.02.2026

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1. We have heard Mr. Jatan Singh, learned Senior Counsel for the Petitioner, Mr. Chetan Sharma, learned ASG, assisted by Mr. Amit Tiwari, learned CGSC for Respondent Nos. 1 and 3, Ms. Shobhana Takiar, learned Standing Counsel for Respondent No. 2, Mr. Sanjay Poddar, learned Senior Counsel for Municipal Corporation of Delhi (“MCD”), Mr. Sanjay Ghose, learned Senior Counsel for Waqf Board and Mr. Umesh Chandra Sharma, learned Counsel for Respondent No. 7.
2. The proceedings of this Petition, ostensibly filed in public interest, appear to have emanated from certain actions said to have been taken by the Respondents / Authorities seeking removal of encroachments.
3. A writ petition, W.P.(C) 17153/2025, was instituted by Respondent No. 7 as a Public Interest Litigation Petition with a grievance that despite certain encroachments having been found in a Joint Survey Report, the encroachments are not being removed. The said Joint Survey Report, relied upon in W.P.(C) 17153/2025, *inter alia* depicted that in an area of 2512 sq. feet, encroachment on the road belonging to PWD and the footpath has been found; that in an area of 36428 sq. feet, encroachment has been found and the said land is said to belong to the MCD where, as per the Joint Survey Report, a *Barat-ghar* and other commercial activities, including parking and private diagnostic centre, were going on illegally; and that in an area of 7343 sq. feet, there exists a Mosque and a *Kabristan*, which land, according to the



Report, has been transferred by the L&DO to the MCD.

4. Having regard to the facts and circumstances of the said case, the W.P.(C) 17153/2025 was disposed of by a Co-ordinate Bench of this Court by means of an order dated 12.11.2025 by directing that appropriate action for removal of such encroachments as also removal of illegal commercial activities as mentioned in the Joint Survey Report shall be taken by the MCD expeditiously. While issuing the said direction, the order dated 12.11.2025 also provided that while initiating the action, the MCD or any other appropriate Authority shall provide an opportunity of hearing to the parties / persons against whom such an action is intended to be taken. It was also directed that in case the MCD finds any difficulty in initiating the action for removal of encroachments as also for removal of illegal commercial activities, a joint action by the officials of L&DO and MCD shall be taken.

5. It appears that pursuant to the said order dated 12.11.2025, some action was intended by the MCD and, accordingly, notices were issued to Respondent No. 6, which is a committee said to be managing the Masjid. Several orders were passed / decisions were taken by the MCD in this respect, which led Respondent No. 6 to institute the proceedings of writ petition being W.P.(C) No. 77/2026 before this Court, which is still pending before the learned Single Judge.

6. The submissions made in the present Petition is that there has been frequent misuse of the forum of Public Interest Litigation Petitions by certain private respondents including Respondent No. 7 and as such, proper guidelines be framed for ensuring that frivolous Public Interest Litigation Petitions are not filed, which do not aim for espousing any public cause but for pursuing certain personal interests. Certain other prayers have also been



made. One of the concerns expressed by the learned Senior Counsel for the Petitioner is that in fact in the name of removal of encroachment, the graveyard, which has been used for the community, is also being removed.

7. So far as the prayer of the Petitioner regarding framing appropriate guidelines for checking filing of the frivolous Public Interest Litigation Petitions is concerned, we may note that Hon'ble Supreme Court in ***State of Uttaranchal v. Balwant Singh Chaufal & Others***, 2010 (3) SCC 402, decided on 18.01.2010, has already given adequate directions. One of the directions given in the said judgment was that the High Courts who have not yet framed the rules for regulating filing of the Public Interest Litigation Petitions shall ensure that rules are framed. Accordingly, *vide* notification dated 25.11.2010, this Court has promulgated Rules, which are part of Delhi High Court Rules, called 'Delhi High Court (Public Interest Litigation) Rules, 2010'. In view of the said Rules, the prayer made in this regard need not be considered any further.

8. As far as the concern raised by the learned Senior Counsel for the Petitioner that the encroachment sought to be removed, in fact, is a graveyard is concerned, we may only observe that the Masjid Committee / Respondent No. 6 has already instituted W.P.(C) No. 77/2026, where the said issue is likely to be decided. Of course, we can understand the concern of the Petitioner that a graveyard is for use of entire community, however, in view of the aforesaid, it will be more appropriate if the Petitioner seeks his impleadment in the pending writ petition, namely, W.P.(C) 77/2026. We, however, may make it clear, in no uncertain terms, that in case any such application is moved, the same shall be decided by the learned Single Judge on its own merits and any observation made in this Order shall not be



construed as our opinion, in any manner, as to whether the Petitioner would be entitled to be impleaded or not. That issue shall be decided on the basis of pleadings, if any such application is made.

9. Regarding the other prayers, it will be open to the Petitioner to approach the authorities concerned.

10. The Writ Petition as well as the pending Applications are disposed of in the aforesaid terms.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

FEBRUARY 11, 2026

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