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

+ W.P.(C) 5310/2023, CM APPL. 20687/2023, CM APPL. 36564/2023,
CM APPL. 36567/2023, CM APPL. 7289/2024 & CM APPL.
40452/2025.

BRAHM SINGH

.....Petitioner

Through: Mr. B. B. Sawhney, Sr. Advocate
with Mr. Lakshay Sawhney, Mr.
Mohammad Huzaifa, Ms. Anju
Tanwar and Ms. Brahmwati,
Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Arvind K. Nigam, Sr. Advocate
with Mr. Anand Yadav and Mr.
Pradyumn Rao, Advocates for R-9.
Mr. Pritish Sabharwal, Mr. Sanjeet
Kumar, Mr. Mehvish Khan and Mr.
Shiv Chopra, Advocates for MCD.
Mr. Shashi Pratap Singh, Ms.
Laqshyaa Saluja, Ms. Shagun
Sabharwal and Ms. Anamika Tyagi,
Advocates for R-1, 4, 5 & 6.
Ms. Manika Tripathy, SC, DDA with
Mr. Ashutosh Kaushik, Advocate.
Mr. Ankit Sharma, SI, PS Fatehpur
Berli.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

25.02.2026

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1. The Petitioner claims to be a co-owner and resident of a property



comprising Khasra Nos. 42 min (4-13), 43 min (2-10) and 50 min (2-9) in Village Bhatti, Tehsil Mehrauli. The grievance is directed at adjoining lands stated to be owned or controlled by Respondent Nos. 8 and 9. The Petitioner alleges that those Respondents are converting agricultural land into an unauthorised colony by carving out plots, raising boundary walls and facilitating sale transactions, in a manner said to offend the Delhi Land Reforms Act, 1954, the Delhi Municipal Corporation Act, 1957, and the planning framework under the Master Plan of Delhi.

2. The Petitioner's case is that he noticed, in March 2022, what is described as plotting activity and development of "mini farmhouses" without requisite permissions. He says he is not opposed to lawful development, but insists that no development can proceed without sanctioned layout plans and requisite authorisations from the civic agencies. Photographs have been relied upon to suggest that on-site activity is underway.

3. In these circumstances, the Petitioner seeks directions to the public authorities to restrain Respondent Nos. 8 and 9 from plotting, construction, sale and allied activity, and to ensure enforcement action including demolition and sealing if unlawful activity is found. Sections 33 and 81 of the Delhi Land Reforms Act are invoked to contend that fragmentation, subdivision, and use of agricultural land for non-agricultural purposes are impermissible.

Submissions

On behalf of the Petitioner

4. Mr. B. B. Sawhney, Senior Counsel for the Petitioner, submits that the Petitioner is a resident of the immediate neighbourhood, claiming co-



ownership and residence in the aforesaid property situated in Village Bhatti, Tehsil Mehrauli. The Petitioner's interest is direct and practical. The Petitioner lives next to the land alleged to be undergoing transformation and will, therefore, be the first to bear the consequences of an illegal colony, whether in the form of disrupted access, pressure on common amenities, drainage and water stress, and public safety concerns that follow when land is subdivided and sold without any approved planning controls.

5. The Petitioner's central complaint is that Respondent Nos. 8 and 9, both described as real estate entities, have acquired contiguous parcels totalling around fourteen acres across Village Bhatti and Village Fatehpur Beri, and are now treating these parcels as a single development block. The allegation is that the land, which is agricultural by revenue classification, is being covertly converted into an unauthorised colony. It is said that the land has been enclosed by a high boundary wall and that internal demarcations have been carried out, consistent with plotting for sale and development of "mini farmhouses", rather than any genuine agricultural activity.

6. It is urged that the activity violates multiple statutory regimes. First, the Delhi Land Reforms Act, 1954 is invoked on the footing that agricultural holdings cannot be fragmented or subdivided into smaller parcels for non-agricultural exploitation, and that the Act, including Sections 33 and 81, is designed to prevent precisely this kind of conversion through private plotting and sale. Second, reliance is placed on the Delhi Municipal Corporation Act, 1957, and the planning framework under the Master Plan of Delhi, to contend that any layout, subdivision, internal road construction, or building activity must be preceded by approvals from the competent civic and planning authorities. Mr. Sawhney submits that no sanctioned layout



plan is in existence and no building permissions have been obtained, yet the site activity indicates precisely these steps being undertaken informally to create *faits accomplis*.

7. Mr. Sawhney emphasises that the Petitioner is not opposed to development *per se*. The objection is to development carried out outside the law. The submission is that lawful development requires transparency. It requires a sanctioned layout, demarcated roads, drainage planning, and regulatory clearances. If private parties are permitted to carve out plots and sell them as a colony without these controls, it not only defeats the planning law but also results in enduring civic disorder and fosters unauthorized colonies that subsequently become difficult to regulate or remediate.

8. The Petitioner seeks to meet the Respondents' argument that the case rests on mere apprehension by stating that the concern is not speculative. It is asserted that the Petitioner noticed on-ground activity in March 2022, and photographs have been filed to show that boundary walls exist and that internal divisions and construction-related activities have commenced. This, he contends, must be treated as *prima facie* indication of activity inconsistent with agricultural use. The petition is framed as a preventive proceeding because, according to the Petitioner, once plots are sold and third-party equities are created, enforcement becomes both socially and administratively complicated, and the area risks being irreversibly converted into an unauthorised colony.

9. Mr. Sawhney also disputes the reliance placed on the SDM's proceedings and submits that the SDM's order does not reflect the true position on site. He contends that the Petitioner's non-signing of the survey report cannot be equated with acceptance of its contents, and that the failure



to file objections before the SDM cannot be used to extinguish the Petitioner's right to approach this Court where continuing illegality is alleged. The submission is that the Court should not allow technical objections or procedural narratives to defeat substantive enforcement of land laws.

10. Mr. Sawhney further submits that the Court ought not to insist on a completed illegality before intervening, because the nature of unauthorised colony development is that it proceeds in stages, and judicial restraint at an early stage enables irreversible consequences. He therefore presses for preventive directions to ensure that the statutory authorities restrain plotting and construction until due approvals, if any, are obtained and disclosed.

On behalf of Respondent Nos. 8 and 9

11. Mr. Arvind K. Nigam, Senior Counsel appearing for Respondent Nos. 8 and 9, raises a threshold objection to maintainability. He submits that the petition is dressed as a public law proceeding, but is, in substance, a private neighbourhood dispute. According to him, the Petitioner has no enforceable personal right to dictate how private land should be dealt with, particularly when the statutory authorities are already seized of the issue and have found no violation. It is urged that the petition lacks the necessary ingredients for a mandamus and is an attempt to secure a blanket restraint against the Respondents' property dealings.

12. On merits, Mr. Nigam submits that the allegations are sweeping, vague, and unsupported by specific particulars. He argues that the petition proceeds on assumptions and suspicion rather than established facts. The submission is that Respondent Nos. 8 and 9 have dealt with the land lawfully, including transactions carried out after obtaining the requisite



status reports or no-objection clearances from competent authorities. He denies that any illegal colony is being developed or that plotting is being carried out in violation of law.

13. With respect to boundary walls, Mr. Nigam contends that a boundary wall, by itself, does not establish unlawful development. He submits that boundary walls are often erected to protect agricultural land and crops from stray animals and other interference, and that the Respondents, or concerned owners, have obtained necessary permission from the revenue authorities for erection of boundary walls. He also disputes the Petitioner's assertion that the boundary wall is of a nature that indicates conversion into a colony, submitting that the inference is speculative and ignores the possibility of lawful enclosure as an agricultural improvement.

14. Mr. Nigam also relies on the earlier round of proceedings in W.P.(C) 7820/2022. He submits that when the Petitioner previously approached this Court, the Court directed the Petitioner to pursue the grievance before the SDM. That process culminated in an adjudicatory order. He stresses that the Petitioner did not cooperate fully with the survey process and did not file objections to the survey report. This petition, it is submitted, is an attempt to reopen factual issues already examined by the competent revenue authority, without any new material that would justify fresh judicial intervention.

On behalf of the public authorities

15. Counsel representing the civic bodies and the SDM submit that the petition paints an alarming picture without substantiation. They submit that inspections were undertaken and status reports were filed, and these did not reveal any unlawful construction or illegal land-use conversion of the nature alleged by the Petitioner. They emphasise that the authorities are not



defending any illegality; rather, their consistent stand is that, on the inspections carried out and the material available, no actionable violation was found.

16. At the same time, the authorities submit that their statutory obligations remain. They assure the Court that if any unauthorised construction, encroachment, or illegal colony activity is brought to their notice with particulars, they will proceed strictly in accordance with law. The submission is that the Court may record this assurance, and the Petitioner may be left to pursue specific complaints before the competent authorities if any fresh or concrete violation is noticed.

Prior proceedings and the administrative record placed before the Court

17. The Petitioner had earlier filed W.P.(C) 7820/2022. By order dated 20th May, 2022, the Petitioner was granted liberty to move an application before the SDM, Saket, with the grievances raised in the writ petition, and the SDM was directed to adjudicate the matter and pass a reasoned order.

18. Pursuant to those directions, the SDM passed an order dated 6th October, 2022. The order records that joint surveys were fixed and conducted, that the Petitioner declined to participate on the first date, that a survey was later conducted, and that the Petitioner refused to sign the joint survey report. It further records that the Petitioner sought time to file objections after receiving a certified copy of the survey report, but no objections were filed by the date recorded in the order. On merits, the SDM's conclusion is that the land was, as on the date of inspection, "predominantly used for agricultural purposes or purposes connected with agriculture", consistent with the Delhi Land Reforms Act, 1954.

19. The SDM order also adverts to the definitions in Section 3(12) and



Section 3(13) of the Delhi Land Reforms Act, 1954, to the effect that certain constructions connected with agriculture and a dwelling house erected by a tenure-holder for his own occupation may fall within the concept of “improvement”, and that mere construction on agricultural land does not, in every case, establish conversion to non-agricultural use.

20. A status report by the Municipal Corporation of Delhi proceeds on the basis that the lands in question are agricultural lands and emphasises that the principal regulatory control, in relation to the Delhi Land Reforms Act, lies with the revenue authorities. It also refers to permissions granted by the competent SDM for erection of boundary walls on certain *khasra* numbers in Village Fatehpur Beri, subject to conditions. The permissions proceed on the footing that boundary walls, within prescribed limits and for crop protection, are an “improvement” and do not by themselves change land use.

21. The SDM’s status report further states that Village Bhatti has been declared “urbanised” by notification dated 20th November, 2019, and asserts that after such urbanisation the Delhi Land Reforms Act ceases to apply to Village Bhatti. The SDM also states that on the relevant *khasra* numbers, boundary walls of different sizes were noticed and the land was being used for agriculture. The status report refers to the Special Task Force mechanism created under the Divisional Commissioner’s order dated 29th June, 2015 for action against encroachments and unauthorised construction, and reiterates that if actionable information is brought to the notice of the competent authorities, they will proceed in accordance with law.

Analysis and Findings

Scope of the Court’s review

22. The reliefs sought are in the nature of a continuing restraint and a set



of supervisory directions, including a direction to stop all alleged plotting, restrain sale-purchase, prevent road construction, and require round-the-clock vigil by the police. Such relief can be granted only where the Court is satisfied, on cogent material, that a clear statutory duty is being breached and that the breach is established. A writ of mandamus is issued to enforce an existing legal right and a corresponding public duty. It is not issued to anticipate future illegality on apprehension alone. The Court also does not convert writ proceedings into a roving fact inquiry into disputed on-site activity, particularly where specialised statutory authorities have already inspected and recorded findings.

23. Two aspects assume significance in the present matter. First, the Petitioner's allegations relate to facts on the ground, namely plotting, construction, and land-use change. Second, the record before this Court includes an administrative adjudication by the SDM pursuant to this Court's earlier directions, and status reports by public authorities whose statutory role is to inspect, identify violations, and initiate action.

Appreciation of the material on record

24. The SDM's order dated 6th October, 2022, passed after survey and hearing, concludes that the land was, at that time, predominantly used for agriculture or allied agricultural purposes. The Petitioner disputes the correctness of that conclusion and relies on photographs. Even so, photographs in isolation seldom supply the missing link. They may raise a concern that warrants inspection; however, they do not, without more, establish illegality of a nature that warrants a prohibitory writ against private parties, particularly when the competent authority has already inspected and recorded an assessment.



25. The civic body and the revenue authority have both stated, on affidavit/status report, that no unlawful construction or actionable violation was revealed during their visits, and they have affirmed that they will act if any violation is found in future. The Court has no basis, on the present record, to displace these official assessments and proceed on the contrary assumption as a finding of fact.

26. The petition also proceeds on the premise that the Delhi Land Reforms Act governs the entire land in question. The SDM's status report indicates that Village Bhatti stands urbanised. Once an area is urbanised, the regulatory regime shifts in material respects and the relevant municipal and planning laws, including building control, assume primary importance. In any case, even on the Petitioner's own framing, the control of land use and building activity rests with the statutory authorities, and those authorities have already examined the matter on the Petitioner's complaint.

27. The Petitioner's concerns about unauthorised colonies are understandable. Unplanned development, if left unchecked, creates permanent civic and environmental stress. However, the Court cannot issue sweeping restraints against sale, transfer, boundary enclosure, or all activity on private land unless the statutory violation is established, not merely suspected. A mandamus cannot be founded on what may happen. It must rest on what has been shown to have happened in breach of law, or on a clear failure of the authorities to discharge their statutory duties despite specific actionable information.

28. There is also a practical difficulty with the breadth of reliefs sought. A direction restraining all sale-purchase or directing policing "day-night vigil" is not a routine writ remedy. These are coercive directions that require a



strong factual foundation and clear statutory warrant. Such directions, on the present record, would be disproportionate to what has been established.

29. This does not leave the Petitioner remediless. It only means that the correct response, at this stage, is a targeted one. If the Petitioner notices specific construction activity, plotting, road work, or marketing of plots, he is at liberty to place a fresh complaint before the competent authority with particulars, including dates, *khasra* numbers, and supporting photographs. The Special Task Force mechanism referred to in the SDM's status report is specifically meant to act on information about unauthorised construction. The municipal authority remains duty bound to act if any building activity is carried out without sanction. The revenue authority remains duty bound to examine land-use complaints within its jurisdiction. All authorities who have filed status reports have stated, on record, that they will act in accordance with law if a violation is found. The Court accepts that statement and expects prompt action where warranted.

Directions

30. For these reasons, the Court is not persuaded to grant the sweeping restraining directions sought by the Petitioner. The material presently on record, including the SDM's adjudicatory order and the status reports, does not establish an existing violation warranting the issuance of mandamus.

31. The petition is disposed of with the following observations:

(i) The Petitioner is at liberty to file a fresh, specific complaint before the competent authority, including the Special Task Force and the municipal authority, if any fresh construction, plotting, road laying, or other actionable activity is noticed, supported by particulars and contemporaneous photographs.



(ii) On receipt of such complaint with particulars, the competent authority shall conduct a site inspection within a reasonable time and proceed in accordance with law if any violation is found.

(iii) Nothing in this order shall be read as approval of any unauthorised development. All parties remain bound by the applicable municipal, planning and revenue regime.

32. The petition stands disposed of in the above terms, along with pending applications.

SANJEEV NARULA, J

FEBRUARY 25, 2026/hc