



2026:DHC:4454-DB



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

Date of decision: 18th May, 2026

Uploaded on: 21st May, 2026

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W.P.(C) 6338/2026

NIRMALA DEVI & ANR.

.....Petitioners

Through: Mr. Vinod Dahiya, Mr. Kuldeep Antil, Ms. Shreya Garg, Mr. Ankit Malik, Mr. Bhaskar Dongwal, Mr. Dhruv Khurana and Ms. Shivangi Saraswat, Advs.

versus

LIEUTENANT GOVERNOR OF DELHI & ORS.

.....Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Sanjay Kumar Pathak, SC (HLG/L&BD/GNCTD/UOI/LA C), Mr. Sameer Vashisht SC (C), Mr. Dheeraj Kumar Singh, Special Counsel, Mr. Amar Nath Saini, Mr. Saurabh Malhotra, Ms. K. Kaomudi Kiran Pathak, Mr. Sunil Kumar Jha, Mr. M. S. Akhtar, Miss Joohu Kumari, Mr. Naman, Mr. Kushagra Dixit, Mr. Amit Gupta, Ms. Harshita Nathani, Mr. Yash Wardhan Sharma, Mr. R.V. Prabhat, Mr. Shubham Sharma, Jayati, Advocates with Mr. S. S. Parihar, DM (CN) & Mr. Rajiv Ranjan, ADM (CN), Delhi, Harpinder Singh EE PWD and Roop Singh Meena AE PWD for R1 to R3.

Signature Not Verified

Signed By:RENUKA
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Mr. Shashi Pratap Singh, Ms. Shagun Sabharwal, Ms. Laqshyaa Saluja, Ms. Anamika Tyagi, with Mr. Sourabh, Mam Avanti Kitey, Mr. Anant (DDA officials) for R4.

Mr. Aaryaman Vachher, Adv. for GNCTD.

Mr. Rajbir Singh Ruhil, Adv.

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W.P.(C) 1784/2026

SAROJ (WIDOW OF KHEMCHAND)

.....Petitioner

Through: Dr. Surat Singh & Mr. Tejaswin Suri, Advs.

versus

**STATE OF NCT OF DELHI THROUGH ITS CHIEF SECRETARY
& ORS.**

.....Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Sanjay Kumar Pathak, SC (HLG/L&BD/GNCTD/UOI/LA C), Mr. Sameer Vashisht SC (C), Mr. Dheeraj Kumar Singh, Special Counsel, Mr. Amar Nath Saini, Mr. Saaurabh Malhotra, Ms. K. Kaomudi Kiran Pathak, Mr. Sunil Kumar Jha, Mr. M. S. Akhtar, Miss Joohu Kumari, Mr. Kushagra Dixit, Mr. Amit Gupta, Mr. R.V. Prabhat, Mr. Shubham Sharma, Ms. Harshita Nathani, Mr. Yash Wardhan Sharma, Ms. Jayati, Advs. with Mr. S. S. Parihar, DM (CN) & Mr. Rajiv Ranjan, ADM (CN), Delhi, Harpinder Singh, EE PWD and Roop Singh Meena, AE PWD for R1 to R3.



Ms. Saumya Tandon, CGSC
with Mr. Gaurav Singh Sengar
and Ms. Tooba Khan and Mr.
Naman, Advs. for R3.
Mr. Aaryaman Vachher, Adv.
for GNCTD.
Mr. Rajbir Singh Ruhil, Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM APPL. 33795/2026 in W.P.(C) 1784/2026 (for exemption)

2. Allowed, subject to all just exceptions. Accordingly, the application is disposed of.

REVIEW PET. 227/2026, CM APPL. 33796/2026, CM APPL. 33797/2026 in W.P.(C) 1784/2026

3. The present review petition has been filed by the Petitioner under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure, 1908 seeking review of the impugned judgment dated 6th April, 2026.

4. *Vide* the impugned judgment dated 6th April, 2026 in ***W.P.(C) No. 1784/2026***, this Court had issued detailed directions in respect of the expansion of the Road No. 320, Shalimar Bagh, Village Haiderpur, Delhi (*hereinafter*, 'Road No. 320').

5. The Petitioner in the said petition was the special power of attorney holder of 98 occupants/residents/owners (*hereinafter*, 'the occupants') of the land in *Khasra* No. 12(min) and 13(min) of Village Haiderpur,



Shalimar Bagh, Delhi, wherein the concerned authorities intend to expand Road No. 320 to a 30-metre wide road.

6. The matter was heard from time to time in great detail. Thereafter, the judgment dated 6th April, 2026 was passed after recording the submissions made on behalf of all the parties.

7. Pursuant thereto, the present review petition has been filed.

8. Dr. Surat Singh, Id. Counsel for the Petitioner has made submissions on behalf of the review applicants, who were the original Petitioners in this petition. The submissions are two-fold:

(i) A Gazette notification dated 8th April, 2026 was issued seeking to regularize Shalimar Bagh village itself and, therefore, the occupants can no longer be treated as unauthorized occupants, as the regularization is on an '*as is, where is*' basis.

(ii) Further, the Road No. 320 was never intended to be a 30-metre wide road. It was only to be a collector road and not an arterial road, as per the Master Plan. In this regard, certain plans have been relied upon.

9. The Court has considered the matter. The submissions which have been made in respect of the regularization of the Shalimar Bagh village have already been recorded in paragraph 23 (i) of the impugned judgment dated 6th April, 2026.

10. Insofar as the width of the Road No. 320 is concerned, detailed submissions were made on behalf of both the Petitioner and the Respondents.

11. *Vide* the impugned judgement dated 6th April, 2026, the Court had considered the submissions and had perused the various photographs,



video footage and maps which were placed on record. The same had revealed that the Road No. 320 was proceeding in a zig-zag manner and the expansion of the road was necessary for various developmental projects in the said area.

12. Moreover, the Court had also noted an important fact with respect to the title of the occupants in paragraph 44 of the said judgement, which reads as under:

“44. Further, the chart would also reveal that most of the occupants claim rights only through GPAs, which may not even be registered. In most cases, there are no sale deeds and the title in respect of all the occupants seems to be unestablished. It is under these circumstances that the Court has to consider whether the widening of Road No. 320 can be held back or not.”

13. As can be seen from the above extracted paragraph, none of the Petitioners had any sale deeds or documents of title, which would have established rights in the land which is now to fall in the area to be utilised for the expansion of the Road No. 320. Moreover, it is not up to the Court to decide as to what should be the width of any road. The land is acquired land, which the Petitioners are occupying and have built tenements. There is no legal right for the Petitioners which would entitle them to seek relief against expansion of the road.

14. *Vide* the judgement of which review is sought, the Court had also taken note of the fact that there were encroachments by the various occupants, and under such circumstances, the following directions had been issued:



“i) The concerned authorities shall proceed with the expansion of Road No. 320, in accordance with the approval of the UTTIPEC dated 13th January, 2016.

ii) A reasonable time period shall be granted to the occupants to remove their belongings and vacate the unauthorised encroachments near the Road No. 320, so that they are not unnecessarily inconvenienced. For the said purpose, the concerned ADM shall interact with the occupants and fix an outer limit by which the occupants shall vacate the properties on the subject land under their occupation and possession. In any event, this period shall not be beyond 30th May, 2026.

iii) The GNCTD shall take an appropriate decision regarding the grant of ex gratia compensation to be awarded to the occupants, in accordance with law, as prayed for by the Petitioner and other occupants, and the same shall be considered in a sympathetic manner.

iv) Upon the expiry of the aforesaid period i.e., 30th May 2026, the Respondents are at liberty to proceed with the expansion of Road No. 320 and to remove all the encroachments/unauthorized constructions.

v) Until the reasonable time to vacate expires in terms of (ii) above, the Petitioners shall not be displaced, subject to their cooperation with the authorities in terms of the present directions.”

15. Thus, both the submissions made by Id Counsel for the Petitioner today, i.e., in respect of the regularization of the Shalimar Bagh village



and issue pertaining to collector road have already been considered by this Court *vide* the impugned judgment dated 6th April, 2026. Time has been given to the Petitioners to vacate by 30th May 2026. In fact the Court is informed that some persons have already vacated after accepting compensation of Rs.3 lakhs. Some persons have also started demolishing the encroached portions.

16. Clearly, there is no error apparent on the record which is being pointed out by the Petitioner, and hence, the review petition is not tenable.

17. The review petition, along with pending applications, is disposed of in the said terms.

W.P.(C) 6338/2026

18. The present petition has been filed by the Petitioners- Mrs. Nirmala Devi and Mr. Jitender Singh Gujral under Article 226 of the Constitution of India, *inter alia*, seeking directions to the Respondents to restrain them from effecting eviction and the demolition pursuant to the judgement dated 6th April, 2026 in ***W.P.(C) No. 1784/2026***.

19. The Petitioners have also challenged the impugned notice dated 4th May, 2026 issued by Lieutenant Governor.

20. Pertinently, both the Petitioners were parties to the ***W.P.(C) No. 1784/2026***. The same is evident from the list of authorising persons who had executed special power of attorney in favour of Smt. Saroj who was the Petitioner therein. The said list is annexed with the special power of attorney on record in ***W.P.(C) No. 1784/2026***.

21. Mrs. Nirmala Devi's name appears at serial no. 10 in the list of authorising persons and Mr. Jitender Singh Gujral appears at serial no.



71 of the said list. The relevant portion of the said list is set out below:

22. Mr. Dahiya, Id. Counsel for the Petitioners submits that the scope of the present petition is more than ***W.P.(C) 1784/2026***. Ld. Counsel submits that the impugned notice dated 4th May, 2026 issued by District Magistrate, Central North, GNCTD, directing the occupants to accept the compensation for Rs.3 lakhs and vacate the area by 15th May, 2026 is beyond what was permitted by this Court, *vide* judgement dated 6th April, 2026.

23. In addition, it is submitted by Mr. Dahiya, Id. Counsel for the Petitioners that the affidavit filed by the Delhi Development Authority (*hereinafter*, 'DDA') in ***W.P.(C) 1784/2026*** is baseless and misleading.

24. The Court has considered the matter. A perusal of ***W.P.(C) 1784/2026*** would show that the said petition was filed by Smt. Saroj filed on her behalf as also on behalf of all the other occupants whose names are mentioned in the list of authorising persons in the special power of attorney. The Court having dismissed the ***W.P.(C) 1784/2026***, a separate writ petition would not be entertainable.

25. In so far as the impugned notice dated 4th May, 2026 is concerned, the relevant portion of said notice reads as under:

“[...]

3. Ex-gratia Compensation and License for Accommodation

3.1 Occupants who are ready to shift immediately shall be provided a one-time ex-gratia compensation of Rupees Three Lakh (Rs. 3,00,000/-) only per family or unit as per eligibility criteria mentioned in this order.



3.2 Occupants who are unable to shift elsewhere shall be provided accommodation on a license basis at Savda Ghevra, Delhi, strictly in accordance with the terms and conditions set out in the License Agreement (Annexure B). The monthly license fee shall be Rs. 21.19 per square foot for a maximum period of eleven months only. Electricity, water, maintenance, and other charges shall be borne by the licensee.

3.3 The above benefits shall be provided only if the occupant vacates the premises on the acquired land on or before 15th May, 2026, and signs the Acceptance Form (Annexure A).

3.4 Flats shall be provided subject to availability on a first-come-first-served basis. DUSIB shall publish the list of available flats”

26. The operative portion of the directions given in paragraph 51 of the judgement dated 6th April, 2026 in **W.P.(C) No. 1784/2026** permitted the Government to take a decision on ex-gratia compensation. The said directions are as under:

“i) The concerned authorities shall proceed with the expansion of Road No. 320, in accordance with the approval of the UTTIPEC dated 13th January, 2016.

ii) A reasonable time period shall be granted to the occupants to remove their belongings and vacate the unauthorised encroachments near the Road No. 320, so that they are not unnecessarily inconvenienced. For the said purpose, the concerned ADM shall interact



with the occupants and fix an outer limit by which the occupants shall vacate the properties on the subject land under their occupation and possession. In any event, this period shall not be beyond 30th May, 2026.

iii) The GNCTD shall take an appropriate decision regarding the grant of ex gratia compensation to be awarded to the occupants, in accordance with law, as prayed for by the Petitioner and other occupants, and the same shall be considered in a sympathetic manner.

iv) Upon the expiry of the aforesaid period i.e., 30th May 2026, the Respondents are at liberty to proceed with the expansion of Road No. 320 and to remove all the encroachments/unauthorized constructions.

v) Until the reasonable time to vacate expires in terms of (ii) above, the Petitioners shall not be displaced, subject to their cooperation with the authorities in terms of the present directions.”

27. After having perused both the impugned notice and the operative directions *vide* the judgment dated 6th April, 2026, this Court is of the view that no separate cause of action exists for maintaining a separate writ petition.

28. In so far as the affidavit of DDA is concerned, the Petitioners are at liberty to avail of their remedies in accordance with law.

29. At this stage, Mr. Dahiya, Id. Counsel for the Petitioner, submits that a Court Commissioner may be appointed to measure the width of the Road No. 320.



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30. The same is not required inasmuch as this Court had already perused the photographs, drone footage as also the maps which were placed on record on 6th April, 2026.

31. Accordingly, the present petition is disposed of in these terms. Pending applications, if any, are also disposed of.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MAY 18, 2026/b/sm