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

+ **W.P.(C) 5065/2025**

DEVI PRASHAD SINGH

.....Petitioner

Through: **Mr. Lakshay Teotia, Advocate.**

versus

MUNCIPAL CORPORATION OF DELHI

& ORS.

.....Respondents

Through: **Ms. Manu Chaturvedi, Mr. Ahmed Jamal Siddiqui, Mr. Kshitiz Kishor Rai and Mr. Madhav Tripathi, Advocates for MCD.**

Mr. Badar Mahmood, SPC for UoI with Mr. Ammar Ahmad, Advocate for R-2.

Mr. Manish Awasthi, Advocate for R-3 and R-5.

Mr. Raghvendra Upadhyay, Advocate for GNCTD.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

05.02.2026

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1. The present writ petition has been filed seeking the following reliefs:

“(a) Issue writ, order or direction to the respondent No.1 to forthwith stop the illegal construction being undertaken on the Property Shiv Shakti Mandir, situated inside Park of DDA Flats, Mansarovar Park, Delhi – 10095.

(b) Issue writ, order or direction to the respondent no.1 to forthwith remove all construction, material and to demolish any existing construction on the Property on the Property Shiv Shakti Mandir, situated inside Park of DDA Flats, Mansarovar Park, Delhi – 10095.”



2. Mr. Manu Chaturvedi, counsel appearing on behalf of the respondent/ MCD has handed over a Circular dated 14th October, 2024 wherein GNCTD, in terms of the judgment of the Supreme Court dated 29th September, 2009 in SLP (C) 8519/2006, has constituted a Religious Committee to determine status of religious structures that were in existence prior to 2009.

3. The aforesaid Circular is taken on record.

4. The relevant extracts from the aforesaid Circular are set out below:

“Kindly refer the circular with above as mentioned under reference (2) vide which proposals has been sought for the removal of unauthorised religious structures from public land in pursuance of Hon’ble Supreme Court of India order dated 29.09.2009 in SLP (C) No. 8519/2006 vide which all states and UTs had been directed as under:

“Hence forth no unauthorized construction shall be carried out or permitted in the name of Temple, Church, Mosque or Gurudwara etc. on public streets, public parks or other public places etc.”

2. *In this regard, it has been observed in Home Department, GNCTD that the land-owning agencies are forwarding their proposals in a piece meal manner to the Religious Committee constituted in Home Department, GNCTD, for its consideration which at times results in litigations and further delay in the removal of unauthorized religious structures.*

3. *The matter has been reviewed in Home Department, GNCTD. In order to expedite the process, it is desired that all the land-owning agencies to carry out a detailed survey of their respective lands to identify the number of illegal religious structure which were in existence before the Hon’ble Supreme Court of India order dated 29.09.2009 and send a detailed proposal to the Religious Committee in Home Department, GNCTD for its consideration within four weeks from the date of issue of this communication.*

4. *With regard to all the unauthorized religious structures, which came up on the public land after the Hon’ble Supreme Court order dated 29.09.2009, land owning agencies concerned shall take necessary action at their own level for removal of encroachment through their Estate Officers etc.*

5. *It is also requested to send a note on all the above illegal religious*



structures which came up before 29.09.2009 and after 29.09.2009 shall be sent to Home Department in the format enclosed.”

5. It is undisputed that the structure which is the subject matter of the present writ petition was in existence prior to 2009.
6. Accordingly, the present writ petition is disposed of with a direction to MCD to forward a proposal to the Religious Committee in terms of the aforesaid Circular in respect of the religious structure which is the subject matter of the present petition.

AMIT BANSAL, J

FEBRUARY 5, 2026

Vivek/-