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

+ W.P.(C) 7313/2026 and CM APPL. 35712-35713/2026

DEEPAK GUPTA & ORS.

.....Petitioners

Through: Mr Atul Gupta, Advocate.

versus

GNCTD & ORS.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, SC with
Mr. Sunil Kumar Jha, Mr. M. S.
Akhtar, Miss Joohu Kumari and Mr.
Kushagra Dixit, Advocates for R-1.
Mr. Anubhav Gupta, Panel Counsel (Civil) / GNCTD, Mr. Siddharth
Arora, Advocates for R-2.
Ms Latika Malhotra for R-3/DDA.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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22.05.2026

1. The petition is challenging demolition orders bearing Nos. F./SDM/NG/STF/2025-26/35214 and F./SDM/NG/STF/2025-26/35215 both dated 19.05.2026 (**"Impugned Orders"**), issued by the Sub-Divisional Magistrate, Najafgarh, GNCTD, along with notice directing demolition action scheduled on 22.05.2026, whereby alleged unauthorized construction stated to exist on the petitioners' agricultural land was directed to be demolished.

2. The petitioners claim to be recorded owners of agricultural land



situated in Village Dichaon Kalan, Tehsil Najafgarh, South-West Delhi (**“Subject Land”**). Petitioner no. 3 is a private limited Company who claims to similarly hold ownership rights in adjoining agricultural land parcels.

3. It is stated that the land in question is exclusively being used for agricultural purposes and no residential or commercial activity is being carried out thereon. It is the case of petitioners that for protection of crops a temporary boundary structure is created of pre-fabricated cement sheets, which is stated to be removable and non-permanent in nature.

4. Pursuant thereto, a demolition notice dated 19.05.2026 was issued, proposing demolition on 22.05.2026 on the grounds of alleged unauthorized construction on the subject land. The petitioners submit that the demolition notice was served only by pasting on 20.05.2026 and no opportunity of hearing was given.

5. Learned counsel who appears for the respondent-Government of NCT of Delhi, on instructions, submits that the subject land is surrounded by a boundary wall and the said boundary wall has been constructed beyond the permissible limit of five (5) feet, and, therefore, the respondents had taken the action for its demolition. It is also submitted that the petitioners themselves have removed entire boundary wall, beyond five feet and, therefore, as of now, no action is contemplated.

6. The petitioners, however, submit that for the purpose of boundary wall to the extent of five feet, no permission is necessary from the authorities and they in law are entitled to erect the same.

7. The Court finds that pursuant to the impugned notices, some actions had already taken place. The petitioners submit that up to five feet temporary boundary wall does not require any permission. The permission is



only required when a permanent boundary wall is erected. However, there is no dispute with respect to the boundary wall being not permitted beyond five feet.

8. Under these circumstances, at this stage, without entering into the merits of all issues involved, the petition stands disposed of with the following directions:

- i. The petitioners shall use the land in question only for agricultural purposes unless the land use itself is changed for any other purpose.
- ii. The parties shall maintain *status quo* with respect to the boundary wall to the extent of a height of five feet.
- iii. Any boundary wall beyond five feet, if has already been constructed, the same shall be removed by the petitioners within four weeks. Failing which, the respondents shall take action as per law.
- iv. If the petitioners want to erect a permanent boundary wall, let the concerned SDM to consider their request and pass an appropriate order.
- v. The order shall be passed within four weeks from the date of receipt of a copy of the application.
- vi. With respect to the temporary boundary wall, limiting up to five feet, if does not require any permission, let the same be permitted to be erected. If a temporary boundary wall up to five feet requires prior permission, let the same be considered by the SDM, and an appropriate order shall be passed.

PURUSHAINDR KUMAR KAURAV, J

MAY 22, 2026

Aks/ss