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

+ **W.P.(C) 7980/2026 & CM APPL. 38286/2026**

MASJID DARGAH QUTAB MADAR

.....Petitioner

Through: Mr. Shahid Arora & Mr. Syed Rehan,
Advocates.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Abhinav Singh & Ms. Prapti Jain,
Advocates for R-1.

Mr. Sanjeev Sabharwal, SPC for UoI
with Ms. Shweta Singh, Advocates
for R-3.

Mr. Farhat Jahan Rehmani, ASC with
Ms. Muskan Ali, Advocate for R-4.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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29.05.2026

1. The present writ petition has been filed seeking a direction to the respondent no.1/MCD to remove the illegal construction/encroachments raised by respondent no.2 at *Masjid Dargah Qutab Madar I.P. Estate, I.T.O. New Delhi-110002*.
2. Mr. Abhinav Singh, counsel appearing on behalf of respondent no.1/MCD, on advance notice, has handed over a copy of the order dated 20th March, 2026 in case bearing no.31 CS SCJ 71/25, passed by Civil Judge-07 (Central), Tis Hazari Courts, Delhi, in a suit filed by respondent no.2 herein, i.e., Syed Shah Badar Hussain.
3. *Vide* the said order, an interim order has been passed in favour of the



respondent no.2 herein, in the following terms:

“9. In light of the discussion herein above, the application of the plaintiff u/o 39 Rule 1 & 2 CPC stands allowed with following reliefs granted in favour of the plaintiff and against the defendant:

1. Defendant no.1 is restrained from dispossessing the plaintiff and causing unnecessary interference, obstruction in the use and enjoyment of portion of the property bearing no. No. 4-D, Dargah Hazrat Qutub Madar Chishti, Opp. Vikas Minar, Indraprastha Estate, Delhi-110002 comprising of one room, open space with a tin shed (more specifically shown in red colour in the site plan annexed with the eviction petition bearing no. E-360/2018 filed against Mr. Indersen Sindwani.)

2. Plaintiff is at liberty to enclose the portion of the property, mentioned above, under his possession/occupation, by way of Pucca wall and install the CCTV cameras subject to the condition that the privacy of the other tenants residing in the property bearing no. No. 4-D, Dargah Hazrat Qutub Madar Chishti, Opp. Vikas Minar, Indraprastha Estate, Delhi-110002 is not violated.”

4. In view thereof, action against the wall constructed by respondent no.2 cannot be taken at this stage.

5. Petitioner as well respondent no.4/Delhi Waqf Board shall be at liberty to invoke appropriate remedies in respect of the said order in accordance with law.

6. Accordingly, the present writ petition is disposed of while directing the respondent no.1/MCD to take action, in accordance with law, in respect of construction which is beyond what is protected by the aforesaid order passed by the Civil Judge.

7. Pending application stands disposed of.

AMIT BANSAL, J

MAY 29, 2026

at

W.P.(C) 7980/2026

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