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

+ **W.P.(C) 9125/2020 & CM APPL. 29548/2020**

VEENA

.....Petitioner

Through: None.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Dr. Monika Arora, Mr. Shubhojeet Saha, Mr. Prabhat Kumar, Ms. Anamika and Mr. Abhinav Verma, Advocates for MCD.
Mr. Anuj Chaturvedi, Ms. Richa Dhawan and Ms. Yashita Jain, Advocates for DUSIB/R-5.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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11.02.2026

1. Counter affidavit in this matter was filed on behalf of the respondent no.3/MCD on 20th August 2022. Since the said date, repeated adjournments have been taken by the petitioner to file rejoinder.
2. Even on the last date of hearing, time was taken by counsel for the petitioner to file rejoinder. However, no rejoinder has been filed till date.
3. None appears on behalf of the petitioner when the matter is called out.
4. In terms of the counter affidavit filed by the respondent no.3/MCD, the MCD has removed the encroachment from the public land for which no notice is required to be served under Section 322 of the Delhi Municipal Corporation Act, 1957.



5. The relevant extracts from the said counter affidavit are set out below:

“5. That as per record, joint encroachment removal action by General Branch as well as Maintenance Department (II) was taken on 29 / 09 / 2020 and removed the 3-4 Jhuggis from the pavement of DDA Park , General Market , Pahar Ganj, Delhi. It is submitted that in order to remove encroachment from pavement no notice is required to be served u / s 321, 322 of DMC Act.

...

10. That the petitioner / person claiming these seized has to give an application along with affidavit proof to the department for the release items and an ID of these seized items. The affidavit must contain the statement that the person concerned will never encroach the public land again and is also ready and willing to pay the fine in accordance with the rules. Thereafter these items/articles will be released.”

6. Insofar as the claim of the petitioner towards the seized items is concerned, it has been stated in the affidavit filed by the respondent/MCD that persons claiming the seized items have to file an application along with an affidavit and ID proof to the Department for the release of the seized items.

7. In view thereof, while reserving the right of the petitioner to file such an application, the present writ petition is disposed of.

AMIT BANSAL, J

FEBRUARY 11, 2026

Vivek/-