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

+ **W.P.(C) 1186/2018**

RAJESH KUMAR

....Petitioner

Through: Mr Jayant Mehta, Sr. Adv. with Ms
Mansi Aggarwal, Ms Priya Rastogi, Advs. along
with Petitioner in Person
versus

DELHI DEVELOPMENT AUTHORITY AND ORS.Respondents

Through: Mr. Nikhil Rohatgi, Mr. Tanishq
Kashyap Advs. for R1
Ms Mansi Gupta, Adv. for MCD
Mr Vaibhav Kush, Mr Nitin Kumar, Advs. for R5

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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16.03.2026

1. This is a writ petition filed under Section 226 of the Constitution of India seeking the following prayers:-

*“a) Awrit of mandamus directing the Respondent No. 1 to reacquire the Plot, demolish the illegal construction on the Plots;
(b) Awrit directing the Respondent No - 1- 4 to halt, prohibit the illegal trade being carried out by the traders illegally on the first and second plot Plot; ...”*

2. There were disputes as to whether there is illegal and unauthorized construction at the plot i.e., Plot No. - Function Site - 5-A, Road, No - 42, Pitampura, New Delhi – 110034 (**“said plot”**).

3. Since, the stand of the respondent No. 1 i.e., Delhi Development Authority (**“DDA”**) was that encroachments on the said plot have been



removed and the contention of the petitioner was that the same has not been done, in order dated 11.03.2026, passed in the present petition, it was directed that a responsible officer from respondent No. 1 and SHO of the concerned area shall visit the said plot and connect with the Court through video conferencing mode.

4. Pursuant to the same, the SHO Mongolpuri Mr. M.P. Singh, Mr. Sanjay Hiranwal, Assistant Engineer, DDA and Ms. Shikha Bhardwaj, Municipal Councillor of the concerned area, have connected the Court through video conferencing mode.

5. I have seen the site through video conferencing mode and the entire site seems to be free of encroachment except one structure in the corner and a Mosque and a Temple.

6. As regards the structure on the corner is concerned, Mr. Rohatgi, learned counsel for the respondent No. 1, states that there is one plot belonging to a private individual and the respondent No. 1 shall carry out the demarcation and de-alienate the plot to ensure that there is no encroachment on the present plot.

7. As regards the Mosque and the Temple is concerned, he states on instructions, that whether the same are pre-existing structure and their area (old and new) are being deliberated before the Religious Committee, Government of Delhi.

8. Hence, it is directed that as and when the Committee decides regarding their status, the legitimate area/encroachment of the area in their possession, respondent No. 1 will take appropriate action including the removal of the encroachments.

9. Additionally, any area encroached upon by the Temple and the Mosque



post the order dated 09.02.2018 is an encroachment and the respondent No. 1 after ascertaining the same shall remove the encroachment within 4 weeks from today.

10. The Religious Committee, Government of Delhi, is requested to expedite its decision and pass appropriate orders expeditiously and preferably within 3 months from today.

11. The respondent No. 1 additionally shall take steps to put the said plot for its planned purpose immediately in order to prevent further encroachments.

12. Mr. Rohatgi, learned counsel for the respondent No. 1, has questioned the *locus* of the petitioner. However, in view of the matter that the petition has been entertained for a period of about 8 years and has not been rejected on the ground of *locus*, I am inclined to take it to a logical conclusion.

13. With these directions the present petition is disposed of, in case the petitioner is aggrieved by any further inaction, the petitioner will be entitled to file a fresh petition in accordance with law.

JASMEET SINGH, J

MARCH 16, 2026/AS