



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10897/2023 & CM APPL. 58211/2024, CM APPL.**
66450/2023

ELLIS JANAK D AHUJA

....Petitioner

Through: Mr. R. K. Saini, Adv.
versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents

Through: Mr. Siddhant Nath SC, Mr. Bhavishya
Makhija, Mr. Amaan Khan, Advs for MCD
Ms. Mrinalini Sen, SC for DDA

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **07.01.2026**

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

“(a) A Writ of Certiorari calling for the records of the case for perusal;

(b) A Writ of Certiorari quashing the inaction and abdication of public duty/ responsibility on the part of the Respondent No. 1 and 2 in not removing the encroachment existing in a part of the park adjacent to DDA Convenient Shopping Centre (CSC), Hemkund Colony, Greater Kailash Part-I, Delhi being illegal, arbitrary, unjust and grossly negligent and callous and in violation of the rules & regulations and in infringement of the legal and fundamental rights of the petitioner.

(c) A Writ of Mandamus commanding Respondents Nos. 1 & 2 to forthwith remove the encroachment existing in a part of the park



adjacent to the DDA Convenient Shopping Centre (CSC), Hemkund Colony, Greater Kailash Part-I, Delhi.”

2. The brief facts are that the Delhi Development Authority (“**DDA**”) i.e., respondent No. 1 constructed a shopping complex namely DDA Convenient Shopping Centre (CSC), Hemkund Colony, Greater Kailash Part-I, Delhi,, which has a public park adjacent to it.
3. Late mother of the petitioner purchased a shop in the aforesaid DDA Convenient Shopping Centre and upon petitioner’s mother demise, the petitioner became the sole owner of the said shop.
4. In the year 2022, the petitioner noticed that in the park adjacent to the DDA Convenient Shopping Centre, has been encroached upon. The petitioner complained of the same to the DDA and other authorities but to no avail.
5. Hence, the present writ petition has been filed.
6. The petitioner is seeking directions to respondent Nos. 1 and 3 to remove encroachments existing at a park adjacent to the DDA Convenient Shopping Centre.
7. Admittedly, there are encroachments partly in the park and partly outside the park and the same needs to be removed.
8. Ms. Sen, learned standing counsel for respondent No. 1 i.e., DDA states that as per the status report, the encroachments are not within the jurisdiction of the respondent No.1.
9. Mr. Nath, learned standing counsel for the respondent No. 3 i.e., Municipal Corporation of Delhi (“**MCD**”), states that the area is not under the jurisdiction of MCD.
10. The dispute is between respondents No. 1 and 3 as to under whose jurisdiction the area lies for removing the encroachment.



11. However, I am of the view that the encroachments will lie under the jurisdiction of either DDA or MCD and the agencies are seeking to evade their social responsibility.
12. This Court can direct both respondents No. 1 and 3 to jointly undertake the exercise to remove the illegal and unauthorized encroachments in the park and adjacent to the park.
13. The respondent No. 2 shall provide police assistance in removal of the encroachment.
14. Consequently, both the agencies i.e., respondents No. 1 and 3 will undertake the exercise and the respondent No. 2 will give assistance.
15. Let the needful be done expeditiously and not later than 12 weeks from today.
16. In case the petitioner is still aggrieved, the petitioner will be at liberty to revive the petition.
17. With aforesaid directions the petition is disposed of, with pending applications if any.

JASMEET SINGH, J

JANUARY 7, 2026/AS