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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10041/2025 and CM APPL. 41762/2025, CM APPL.
55619/2025

AL MADINA MASJIDPetitioner

Through: Mr. Kuldeep Gola, Adv.

versus

RELIGIOUS COMMITTEE & ORS.Respondents

Through: Mr. Kapil Dutta, Standing Counsel
for MCD.

Mr. Syed Abdul Haseeb, CGSC for
R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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16.01.2026

1. The status report has been presented by the respondent – Municipal Corporation Delhi ('MCD') which *inter alia* states that pursuant to the decision taken by the Religious Committee, the Corporation has taken the action to its logical conclusion. The demolition drive was scheduled on 21.07.2025 and removal has already taken place.
2. Various circumstances have been explained in the status report filed by the respondent- MCD. Paragraph no. 8 onwards justify the *bona fides* on the part of the respondent authorities. For the sake of clarity, paragraph no. 8 to 14 are extracted as under:

"8. That vide Letter dated 08.10.2024, the Respondent Corporation informed the Religious Committee about the existence of a structure in



shape of mosque/masjid situated near DUSIB Flat No. 301, A-Block, New Ranjeet Nagar, Ward No. 87, KBZ in the prescribed format as desired by the Religious Committee. The copy of the letter dated 08.10.2024 are annexed herewith as Annexure-D).

9. That on 22.11.2024, the Religious Committee/Respondent No. 1 herein passed the impugned order which is under challenge in the present Writ Petition wherein a specific direction was given to the Municipal Corporation of Delhi to remove the encroachment/unauthorised Religious structure at it's own level. Further, it was also observed by the Committee that the removal of this encroachment is crucial to restore unhindered public access and ensure safety for all. The copy of the Minutes of the Meeting of the Religious Committee is annexed herewith as Annexure- E.

10. That subsequently, a letter was received from the office of Asst. Commissioner of Police, Sub-Division Patel Nagar, Delhi on 02.06.2025 stating that the structure is built in a twenty feet wide gali that is blocking the vehicular movement and further stating that the local police is ready to provide adequate force and logistics as and when required for the removal of the structure. The copy of the letter dated 30.05.2025 is annexed herewith as Annexure-F.

11. That further it would be relevant to note here that on 10/07/2025 a communication was forwarded from Executive Engineer, C-10 of Delhi Urban Shelter Improvement Board to Assistant Commissioner of Police, copy of the same was also forwarded to the office of the Respondent Corporation, which stated that all the services and building activities, i.e. unauthorised construction and encroachment on service area pertains to MCD and any action in the matter may be taken by MCD. The copy of the letter dated 11.07.2025 is annexed herewith as Annexure-G.

12. That it would not be out of place to mention here that the concerned Assistant Engineer, M-II, Karol Bagh Zone on 15.07.2025 sent an intimation to the SHO, Ps Ranjit Nagar for providing of adequate Police Force along with the lady police for removal of encroachment on MCD land. The copy of the letter dated 15.07.2025 is annexed herewith as Annexure-H.

13. That pursuant to the requisition and letter dated 15.07.2025, the adequate police force was provided to the officers of the Municipal Corporation of Delhi on 21.07.2025 and the requisite action for removal of encroachment was carried out from the site in question. The officers of the Respondent Corporation were also conscious of the fact about the pendency of the present Writ Petition as the matter was listed on 16.07.2025 when the matter was simply adjourned for 21.07.2025. The Petitioner on 16.07.2025, when the matter was adjourned for 21.07.2025 was conscious of the fact that the Respondent Corporation is contemplating an action 21.07.2025 but the said fact was never brought to



the notice of this Hon'ble Court and the matter was simply adjourned to 21.07.2025. The bare perusal of the order dated 21.07.2025 would also indicate that this Hon'ble Court did not even issue the notices in the present Writ Petition.

On 21.07.2025, when the matter was listed before this Hon'ble Court, the matter could not be taken up for hearing as the Court was busy in the Advisory Board meeting under COFEPOSA. Had it been the case that the Petitioner was vigilant and it was in the knowledge of the Petitioner that the encroachment removal action was planned for 21.07.2025, the Petitioner ought to have mentioned the matter and got the same listed before some other bench. Again, it would be worth mentioning that the officers of the Respondent Corporation waited at the site till 11:30 AM and it was only after the matter was adjourned, the said encroachment removal action was taken by the officers of the Respondent Corporation and also considering the fact there is no stay or restraining order at the time of execution of removal of encroachment from the existing site. The photographs of site (Before and after) are annexed herewith as Annexure-I.

14. That today it does not lie into the mouth of the Petition that the Respondent should have waited for the decision/outcome of the present proceedings when in fact there are categorical directions of the Religious Committee dated 22.11.2024 to take action against the encroachment on public land. The Petitioner today cannot blame the Corporation when he himself chose to not to get the matter transferred to some other bench on 21.07.2025."

3. Even otherwise, there are findings of facts which have been recorded by the Religious Committee which states that the structure in question was erected after 2015. Paragraph no. 2.2 of the minutes of the meeting of the Religious Committee dated 22.11.2024, is extracted as under:

"2.2 The representative of Delhi Police has stated that that mosque namely "Al-Madina" has been situated near DUSIB, Flat No. 301, A-Block, New Ranjeet Nagar, Delhi in ward No. 87/KBZ since 2015, though no documentary proof of existence was provided by anyone and as per available information there is no court case is pending regarding the said land. They further stated in the requisite police force will be provided as and when required."

4. During the course of hearing, the Court has also seen the photograph of the structure in question which clearly indicates that the same was



obstructing the public path and does not seem to be an old structure.

5. In any case, if the petitioner has any grievance with respect to the structure having been made prior in the time, the same perhaps will have to be gone into under appropriate civil proceedings upon petitioner's taking necessary remedy. In this writ petition, the aforesaid aspect, at this stage, cannot be adequately adjudicated.

6. Under these circumstances, the petition, along with pending applications, stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

JANUARY 16, 2026

aks/ap