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

Date of decision:27th October, 2026

\# **CNR No. DLHC010478892026**

\+ **LPA 816/2026 & CM APPL. 68823/2026, CM APPL. 68824/2026**

HARPAL SINGH
S/O LATE SH. TEK CHAND
R/O RZ/34, KH.NO. 94,
VPO SAIYED GAON, SAIYED NANGLOI,
DELHI – 110087

...APPELLANT

Through: Mr. V.P. Rana, Ms. Bhawana, Mr. Aviral Jain and Mr. Roopanshu Malik, Advocates

Versus

MUNICIPAL CORPORATION OF DELHI
THROUGH ITS COMMISSIONER
17TH FLOOR, CIVIC CENTER,
MINTO ROAD, DELHI – 110002

…RESPONDENT

Through: Mr. Srijan Sinha, Standing Counsel for MCD with Mr. Rishi Chouksey and Ms. Surbhi Jain, Advocates

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY SHARMA

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, ACJ

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1. The prayer in the present letters patent appeal, which is preferred under Clause 10 of the Letters Patent, reads thus:-

> *"(a) To quash and set aside the impugned order dated 28.09.2026 passed by Ld. Single Judge in WP (C) NO. 14405/2026 titled as "Harpal vs. Municipal Corporation of Delhi" and;*
> *(b) To quash and set aside vacation notice dated 31.08.2026 served by Assistant Engineer (Building-II), Rohini Zone, Municipal Corporation of Delhi upon the property of the Appellant Ad measuring 100 Sq. Yds. comprised in Khasra no. RZ-34 comprising of Khasra No.94 at Village Saiyed, Nangloi Saiyed, Delhi-110087;"*

2. *Vide* impugned order dated 28th September, 2026, while deciding the Writ Petition (C) No. 14405/2026 preferred by the present appellant, the learned Single Judge was conscious of the Order/Vacation Notice dated 31st August, 2026 passed by the respondent-MCD, which was challenged in the W.P.(C) No. 14405/2026 in respect of the property of the present appellant/original petitioner admeasuring 100 sq. yards comprised in Khasra No. 94 at Village Saiyed, Nangloi Saiyed, Delhi – 110087.

3. Amongst other, the contentions raised by the learned counsel for the appellant are that the address of the appellant, as mentioned in the earlier round of litigation *viz.* W.P.(C) 9594 of 2024, wherein he was impleaded as respondent no.3, was incorrect. It is further urged that, in the earlier round of litigation, *i.e.,* W.P.(C) 9594/2024, particularly in *paragraph 6* of the order, the issues *qua* the rights, contentions and legal remedies of the appellant herein/respondent no. 3 therein were kept open.

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4. In compliance of Order dated 19th February, 2026, MCD issued an Order/Vacation Notice dated 31st August, 2026 under Section 349 of the DMC Act, whereby vacation of the premises in respect of *P.No.RZ-19/A, Near Valmiki Mandir, Sayed Gaon, Syed Nangloi, Paschim Vihar, Delhi and behind RZ-19, Near Valmiki Mandir, Nangloi Sayed, Paschim Vihar, Delhi* was directed to be done within 48 hours. In such an eventuality, he was left with either the option of preferring an appeal before the MCD Tribunal or that of filing a writ petition before this Court. The appellant preferred an appeal no. 837/2026 before the ATMCD which was dismissed *vide* Order dated 16th September, 2026 for want of jurisdiction.

5. It is urged that, in such an eventuality, the appellant had taken recourse to filing a writ petition before this Court, which was dismissed *vide* the impugned order. It is urged that the impugned order records facts contrary to the factual matrix that was narrated in the writ petition and the documentary evidence that was produced. The contention of the learned counsel for the appellant is that the appellant was denied an opportunity to challenge the Joint Inspection Report and Status Report dated 07th November, 2025 and 16th February, 2026 respectively. As such, he would urge that the property of the appellant was purchased by his father from one Shri Kubul Singh way back in 2003. It is urged that they have been occupying the property in question from around three decades. It is urged that there stands an old house and the petitioner has not been carrying out any fresh construction on the same thereby not encroaching upon any existing or pre-existing road.

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6. In such an eventuality, it is urged that the order impugned passed by the learned Single Judge is not maintainable or sustainable in law.

7. As against the above, the learned counsel appearing for the MCD would urge that the order passed by the learned Single Judge in the earlier round of litigation is quite clear. According to him, before the passing of the order dated 19th February, 2026, in W.P.(C) 9594/2026, a round of interim measures was taken *viz.* inspection of the property, drawing of status reports, inspection reports, etc. It is urged that the appellant is unable to demonstrate that he is the lawful owner and occupier of the property in question. In such an eventuality, it is urged that the order of the learned Single Judge dated 19th February, 2026, which has attained finality and has not been questioned by the appellant, would lead to the only conclusion drawn by the learned Single Judge while passing the impugned order dated 28th September, 2026. As such, he has sought dismissal of the present letters patent appeal.

8. We have considered the aforesaid submissions.

9. The fact remains that the property in question through the SANAD issued by the Government of India-Ministry of Rehabilitation-Delhi Administration, in exercise of the powers under Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 *(hereinafter referred to as* ***"The Displaced Persons Act of 1954")***, was transferred to Shri Kanwal Singh, Kubul Singh and Kehar Singh, sons of Smt. Rajo, widow of Hari Singh and

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Shri Randhir Singh s/o Shri Maya Ram of Nangloi Syed.

10. It is this property in which the appellant is claiming interest.

11. The fact remains that the property allotted through the Sanad dated 14th April, 1959 was never divided amongst the original allottees namely Shri Kanwal Singh, Shri Kubul Singh, Shri Kehar Singh & Shri Randhir Singh. Though it is urged by the appellant that his father allegedly bought the property from Mr. Kubul Singh, one of the co-allottees, title deed to that effect is not produced. We are unable to accept this contention of the appellant as to how a particular part of the property, allotted through the Sanad to the original allottees, stood transferred to the appellant's father by an individual allottee, given the fact that the property was never divided by metes and bounds.

12. Additionally, in the case in hand, there is no Deed of Transfer or any other registered instrument that has been produced on record to infer that the property vests in favour of the appellant. As such, it is difficult to infer as to which part of the property stood vested in favour of the father of appellant by virtue of the alleged transfer by Shri Kubul Singh, who was a co-allottee.

13. Apart from the above, the fact remains that while the W.P.(C) 9594 of 2024 was taken up by this Court, wherein the issue of encroachment and illegal structures was looked into. Catena of steps were taken in the matter as could be inferred from the various orders passed from time to time in the said matter. The learned Single Judge, after various rounds of hearing in the matter and having regard to the Status and the Inspection Report, had reached to a conclusion that

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there has been an encroachment on the way/roads shown in the development plan prepared by the DDA.

14. So as to make the appeal entertainable at the behest of the appellant, it is necessary for the appellant to establish that he has legal right in the property, which may be in the form of allottee or that of being an owner of the property. The appellant has failed to establish the same before this Court.

15. Such conduct on the part of the appellant has led us to draw the only conclusion that appellant has been rightly termed as an encroacher of the property in question.

16. Merely because the issue as regards the right of the appellant was kept open *vide* the order dated 19th February, 2026 in W.P.(C) 9594/2024, that, by itself, will not lead to drawing a conclusion that the appellant is the lawful owner and occupier of the property. Apart from the above, there are no sanctioned maps or authorization from the competent authority permitting the appellant to carry out construction on the land in question.

17. Rather, the appellant himself has failed to demonstrate as to which part of the land allotted to Kubul Singh & his other brothers and Shri Randhir Singh was purchased by the appellant's father and is being occupied by him. The entire appeal, in our opinion, involves not only disputed questions of fact, but, it is also difficult for us, at this stage, to infer vesting of any legal right in favour of the appellant *qua* the land in question.

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18. In any case, any encroachment carried out on the proposed or the notified development plan road cannot be regularized under the provisions of the National Capital Territory of Delhi (Special Provisions) Act, 2011.

19. That being so, the appeal, in our opinion, lacks merit and stands dismissed.

20. Pending applications also stand disposed of accordingly.

21. A copy of this judgment be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE
(ACTING CHIEF JUSTICE)

SANJAY SHARMA
(JUDGE)

OCTOBER 27, 2026*/pr/gs*

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