



2026:DHC:1241



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 10th February, 2026

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W.P.(C) 12105/2025, CM APPL. 49384/2025 & CM APPL. 77162/2025

**MR. BHAYA PRAFULL KUMAR
SINGH AND ORS.**

.....Petitioners

Through: Mr. Krishna Gopal Mishra,
Mr. Pravin Mishra, Ms. Sachi Mishra
& Mr. Nawendu Kr. Pandey,
Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Rajesh Banati & Mr. Ashish
Sareen, Advocates for R- 1.
Ms. Urvi Mohan, Advocate for R-2.
Mr. Puneet Yadav, Advocate for
MCD.
Mr. Shrique Hussain and Ms. Kirti
Garg, Advocates for R-4.**CORAM:****HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)**

1. The present writ petition has been filed seeking the following reliefs:

- “a) Issue a Writ of Mandamus or such other Writ as may be expedient, directing the Respondent No. 4 i.e., the BSES Rajdhaani Pvt. Ltd. to provide electricity connection to the residential households inhabited by the petitioners in the present Writ Petition (sic); and*
- b) Issue a Writ of Mandamus or such other Writ as may be expedient, directing the Respondent No. 1 as well as Respondent No. 2, to not to*



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take any coercive action against the colonized area expanded over the piece of land viz. Khasra No. 137/1, 137/4, 137/5 and 137/6/1 by the petitioners, in order to protect the fundamental Right of the petitioners enumerated in the Article 21 of the Constitution of India; and

c) Issue rule Nisi in terms of prayer and confirm the same after hearing the parties; and”

2. Counsel for the petitioners submits that he presses only prayer clause (a) in the present writ petition i.e., to provide electricity connection to the residential households inhabited by the petitioners.
3. The petitioners are occupants of properties, which are part of Khasra No. 137 [Khasra No. 137/1, 137/4, 137/5 and 137/6/1] situated in Revenue State of Village Bijwasan, Tehsil-Kapashera, District – South West Delhi (hereinafter the ‘subject lands’). The petitioners built their houses over their respective pieces of land. The petitioners applied for electricity connection with the respondent no.4, BSES Rajdhani Power Ltd. (hereinafter ‘BRPL’).
4. The respondent no.4/BRPL, relying upon a restraint order dated 6th December, 2024 passed by the office of SDM (Kapashera), did not grant electricity connection to the petitioners.
5. Counsel appearing on behalf of the petitioners submits that denial of electricity connection to the petitioners on the basis of the aforesaid restraint order is unlawful and violative of the fundamental rights of the petitioners. The petitioners also submit that various other houses in the remaining parts of the said khasra have also been granted electricity connection.
6. Counsel for the petitioners has also placed reliance on the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 in support of his submission that area in question is a Village Abadi area.



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7. In the counter affidavit filed on behalf of the respondent no.4/BRPL, it has been stated that the subject lands are covered by the restraint order 6th December, 2024 and hence, they are not entitled to grant of electricity connections. The deficiency letters were sent on behalf of the respondent no.4/BRPL to the petitioners pointing out the deficiencies in the applications filed by the petitioners
8. Affidavit dated 27th October, 2025 has been filed on behalf of the respondent no.2/SDM (Kapashera), stating that the subject lands are 'agricultural land' and form part of a rural area. Hence, no construction can be allowed in the said area.
9. The respondent no.3/MCD has also filed an affidavit dated 25th October, 2025, wherein it is stated that the area in question i.e. *Village Bijwasan* falls under the 'Green Belt' area and no construction activity is allowed therein.
10. All the respondents have relied upon the order of this Court passed on 20th December, 2017 in W.P.(C) No. 11236/2017, ***Parivartan Foundation v. South Delhi Municipal Corporation & Ors.***, wherein it was held that no electricity or water connection shall be granted to unauthorized buildings and the utilities must ensure strict compliance of the same.
11. I have heard the counsel for the parties and examined the material on record.
12. At the outset, it may be relevant to refer to the restraint order dated 6th December, 2024 passed by the respondent no.2/ SDM (Kapashera), as set out below:



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GOVT. OF NCT OF DELHI:
OFFICE OF THE SDM (KAPASHERA): DM (SOUTH WEST) OFFICE COMPLEX:
OLD TERMINAL TAX BUILDING: KAPASHERA: NEW DELHI

No. SDM (KH)/SW/2024/1094/6

Dated: 06.12.24

RESTRAINT ORDER

Whereas, a complaint/report from Halka Patwari concerned has been received on dated 03.12.2024, regarding illegal activities/construction/colonization without permission of the competent authority on land bearing khasra no. 137//3/1, 137//4, 5, 6/1 etc. situated in Village Bigwasan, Tehsil Kapashera, New Delhi.

Whereas as per mandate of Special Task Force vide order no. F.27/SDM/KJ/2010/96 dt. 30/03/2011 and order no. F.36(35)/Cord./Div.Comm./Pt.file/2011/1907 dt. 29/06/2015 from Revenue Department, GOVT of Delhi,

Undersigned is satisfied with the report of Halka Patwari and Naib-Tehsildar, it is hereby ordered that the violators/respondent or any other person is restrained from doing any activity of illegal construction/plotting/unauthorized colonization, on the above said Khasra No. and status quo shall be maintained till further orders. The sanction plan/documents/Building permission from land owning agency may be furnished within three working days in the office of undersigned immediately failing which it will be presumed that the construction raised by you is not as per law and it will be treated as violation of this Restraintment Order.

Further, as per above mentioned order of STF, 'In terms of the order of the Hon'ble Delhi High Court dated November 3, 1997 in WP (C) 4771/93 (Common Cause Vs. UOI &Ors.), the Junior Engineers and the Station House Officers would be personally responsible for any encroachment or unauthorized structures coming up in their jurisdiction'.

Compliance report must be submitted by SHO concerned to the undersigned within 3 days.

If any further, violation is noticed on the above mentioned Khasra Nos, the same will be demolished without any further, notice at their cost & expense besides prosecution.

To,

1. Violator/Occupier/Possessor/Sale Deed Holder if any etc.


(SHELLY, DANIES)
SDM (KAPASHERA)/CHAIRMAN (STF)

13. From a reading of the aforesaid order extracted above, it is clear that the petitioners whose lands are situated in the *khasras* mentioned in the order are restrained from carrying out illegal construction/ plotting/ unauthorised colonization. The observations made in the aforesaid order are generic in nature and based on this order, it is not possible to determine whether the petitioners have actually carried out any unauthorised



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construction on the subject lands.

14. From the status report dated 25th October, 2025 filed on behalf of the respondent no.3/MCD, it is clear that the respondent no.3/MCD has not yet booked the subject lands of the petitioners on account of unauthorized construction. The relevant paragraph of the said status report is set out below:

“4. That as per record available with answering Respondent, no property having address viz. Khasra No. 137/1, 137/4, 137/5 and 137/6/1, Revenue Estate of village Bijwasan, Tehsil Kapashera, New Delhi, is found booked on account of unauthorized construction.”

The subject lands remain occupied by the petitioners and MCD is yet to initiate any action with respect to the subject lands. The petitioners cannot be prejudiced till the time any action is taken on the alleged unauthorised construction by the respondents.

15. The order dated 20th December, 2017 passed by the Division Bench in ***Parivartan Foundation v. South Delhi Municipal Corporation & Ors.*** (supra) does not apply to the facts of the present case. The order passed in the said writ petition was based on a status report filed by MCD confirming the existence of unauthorised construction in the impugned properties therein.

16. In the judgment passed by a Coordinate Bench on 13th November 2025 in W.P.(C) 7618/2023 titled as ***BSES Yamuna Power Limited v. Bhagwanti & Anr.*** and other connected writ petitions, it has been held that even in instances where a property has been booked for unauthorized construction, there can be no impediment upon the occupants of such property with respect to grant of electricity connections. It was further



clarified that as and when MCD takes coercive action against such properties, the MCD shall duly intimate the concerned electricity companies in that regard. The relevant observations of the Court are set out below:

“19. Thus, considering the detailed discussion hereinabove, this Court is of the view that there is no impediment with the petitioner company to grant or continue with electricity connection in the premises, where such premises are booked for unauthorized construction. However, as and when MCD takes any coercive action against such properties, which are booked for unauthorized construction, the MCD shall duly intimate the concerned electricity companies, in that regard.

20. The electricity company shall be free to disconnect the electricity connection, as and when such request or direction is given by the MCD, at the time of taking action against the unauthorized construction in the properties in question.

21. Accordingly, at the time of any demolition or sealing action being undertaken by the MCD, the electricity company shall duly follow the directions of the MCD, and disconnect the electricity at that point of time.

22. It is further clarified that grant of fresh electricity connection or continuation of electricity connection in properties, which already stand booked for unauthorized construction, or are subsequently so booked for unauthorised construction, shall not be construed by the MCD as violation of the circulars in that regard, which are issued by the respective electricity companies.

23. The aforesaid practice directions shall be followed by the respective parties, so that requisite action for disconnection of electricity is taken by the electricity companies, pursuant to intimation by the MCD, at the time when actual action is taken by the MCD, for either sealing or demolition of such premises on account of unauthorised construction/encroachment/excess coverage.

24. Accordingly, it is directed that the electricity companies/Distribution Companies (“DISCOMS”), shall fully cooperate with the MCD and take requisite action for disconnection of the electricity, at the time when MCD is taking action against unauthorized construction/encroachment/excess coverage, for sealing or demolition of the said properties.”

[Emphasis supplied]



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17. The rationale behind the aforesaid directions is equally applicable in the present case. Till the time the respondents take coercive/ demolition action against the properties of the petitioners, BRPL cannot deny them the grant of electricity connections.

18. Accordingly, a direction is issued to the respondent no.4/BRPL that they shall not deny electricity connections to the petitioners on the basis of the restraint order passed by SDM (Kapashera) on 6th December, 2024.

19. However, taking into account the deficiencies pointed out by the respondent no.4/BRPL, the petitioners shall apply afresh to the respondent no.4/BRPL for grant of electricity connections. The said application shall be decided in an expeditious manner by the respondent no.4/BRPL in accordance with its policies/guidelines.

20. The writ petition, along with pending applications, stands disposed of.

21. Admittedly, the restraint order dated 6th December, 2024 has not been challenged by the petitioners in the present writ petition. Hence, it is clarified that this Court has not gone into the merits of the restraint order passed by the respondent no.2, nor has it restrained the respondent authorities to take requisite action in accordance with law.

AMIT BANSAL, J

FEBRUARY 10, 2026

Vivek/-