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

+ **W.P.(C) 15608/2025 & CM APPL. 10111/2026**

SANDEEP KUMAR

.....Petitioner

Through: **Mr. Tushar Mahajan, Advocate.**

versus

**MUNICIPAL CORPORATION OF DELHI &
ORS.**

.....Respondents

Through: **Mr. Umakant Mishra, Standing
Counsel for MCD.
Mr. Abhinav Singh and Mr. Nikhil
Rajput, Advocates for GNCTD.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

08.05.2026

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1. Mr. Tushar Mahajan, counsel appearing on behalf of the petitioner, submits that the wooden counter of the petitioner in front of his restaurant was unlawfully removed during a Joint Special Encroachment Removal Programme on 19th September, 2025. He submits that the said counter was removed from outside the restaurant of the petitioner on a land belonging to the petitioner, without issuance of any show-cause notice to the petitioner.
2. Counsel for the petitioner further submits that the counter was removed in order to pressurize the petitioner to withdraw the complaints filed by the petitioner on 8th September, 2025 and 15th September, 2025. A writ petition being W.P.(C) 6070/2026 was filed by the petitioner seeking direction to MCD to decide the said complaints and take action against the unauthorised structure. The said writ petition was disposed of *vide* order



dated 5th May, 2026 directing the respondent-MCD to decide the aforesaid complaints within four (4) weeks.

3. Having heard the counsel for the parties, in the considered opinion of this Court, the action of the respondent-MCD to remove the counter of the petitioner in front of his restaurant, on a land belonging to the petitioner, without following principles of natural justice was completely unlawful and unjustified. There is nothing to show that the counter was on the public road.

4. Accordingly, the present writ petition is allowed and a direction is issued to the respondent-MCD to restore the counter of the petitioner that was removed by the MCD within two (2) weeks from today.

5. Pending application stands disposed of.

AMIT BANSAL, J

MAY 8, 2026

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