



2026:DHC:2980



§~223

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

%

Date of Decision : 07.04.2026+ **CONT.CAS(C) 568/2026****CHANDRA SHEKHAR**

.....Petitioner

Through: Mr. Rohit Sharma, Mr. Rounak
Ramakrishna and Mr. Nikhil Purohit,
Advts.

versus

S.K. MEENA AND ORS

.....Respondents

Through: Mr. M. S. Oberoi, SC, Ms. Saguna
Sinha, Adv. for R-1 to 3.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)****CM APPL.22222/2026 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CONT.CAS(C) 568/2026

3. The present petition has been filed by the petitioner alleging wilful disobedience of the directions contained in the judgment/ order dated 30.07.2025, passed by this Court in W.P.(C) No. 11207/2025.

4. The controversy revolves around the directions contained in the aforesaid order pertaining to property bearing Municipal No.103-G, Khasra No.109/1, Zamrudpur Village, New Delhi, (hereinafter "subject property") owned and possessed by the petitioner.

5. It is the case of the petitioner that his title/ ownership over the subject property stands affirmed by a judgment and decree dated 28.02.2012, passed by the ADJ-03, South District, Saket Courts, New Delhi in RCA



2026:DHC:2980



No.01/2010.

6. Subsequently, the Zamrudpur Resident Welfare Association filed a Writ Petition bearing W.P.(C) No. 8286/2025 alleging that the aforesaid property is an encroachment on public street. *Vide* order dated 30.05.2025 passed in W.P.(C) 8286/2025, it was held as follows:

“1. The present writ petition has been filed by the Zamrudpur Resident Welfare Association representing the residents of Village Zamrudpur, Opp. Lady Shri Ram College, New Delhi-110048, seeking directions to respondent no.1-Municipal Corporation of Delhi (“MCD”), to take action against the encroachment and unauthorized construction having been raised by respondent nos. 2 to 5.

2. Learned counsel appearing for the petitioner submits that various representations have been made to the concerned authorities, but till date no action has been taken.

3. He submits that respondent nos. 2 and 3 have made encroachments in property no. 103-G, Khasra No. 109/1, Village Zamrudpur, New Delhi-110048.

4. Learned counsel appearing for the petitioner draws attention of the Court to Annexure P-2 to submit that the yellow portion is the extent of encroachment done by respondent nos. 2 and 3, while the red portion shows the original area of the property in question. The said site plan attached as Annexure P-2 is reproduced as under:-





5. Responding to the same, learned counsel appearing for respondent no.1/ MCD, submits that qua the property in question, there have been multiple litigations.
6. He submits that an appeal is already pending before the learned Appellate Tribunal MCD (ATMCD), which is next listed on 1st August, 2025. He further submits that demolition order and sealing orders have already been passed with respect to the property in question.
7. At this stage, learned counsel appearing for the petitioner submits that the proceedings before the learned ATMCD are qua the unauthorized construction and not the encroachment.
8. Considering the submissions made before this Court, since it is the case of the MCD that demolition and sealing proceedings have already been initiated with respect to the property in question, it is directed that in case the issue of encroachment has not been taken cognizance of by the MCD, the same shall also be considered by the MCD.
9. The MCD is directed to inspect the property in question, and assess whether any encroachment is existing therein. In case any encroachment is found to exist, requisite action shall be taken following the due process of law.
10. With the aforesaid directions, the present writ petition along with the pending applications, stands disposed of.”

7. The aforesaid order directs the Municipal Corporation of Delhi (MCD) to inspect the petitioner’s property and assess whether any encroachment is existing therein. Directions were further issued to the effect that in case any encroachment is found to exist, requisite action shall be taken following the due process of law.

8. Pursuant to the said order, the petitioner filed a writ petition bearing W.P.(C) No. 11207/2025, seeking quashing of the order dated 22.07.2025 passed by the MCD directing a joint demarcation program involving representatives of DDA, MCD, and the Revenue Department to determine the extent of encroachment. The said petition was disposed of *vide* judgment/ order dated 30.07.2025, whereby this Court specifically took note of the decree in favour of the petitioner in respect of property admeasuring 150 sq. yards and also clarified the scope and import of the directions



contained in aforesaid order dated 30.05.2025 passed in W.P.(C) No. 8286/2025.

9. The judgment / order dated 30.07.2025, *inter-alia*, records/directs as under :

“14. Perusal of the aforesaid order passed by this Court clearly shows that the only direction issued by this Court is with regard to action to be taken by MCD in case there is any encroachment on public land. However, this Court has not directed that private property of the petitioner be disturbed in any manner.

15. This Court takes note of the fact that there is already a judgment and decree in favour of the petitioner, wherein, the right and title of the petitioner has been recognized.

16. Therefore, in view of the fact that there is already a judgment and decree in favour of the petitioner thereby recognizing the rights of the petitioner in his property measuring 150 sq. yards, it is clarified that this Court has not passed any direction, which would be in contradiction to the private rights of the petitioner, having been recognized by the aforesaid judgment and decree.

17. This Court further takes note of the submissions of learned counsel for the petitioner that the area under ownership and possession of the petitioner measures 150 sq. yards.

18. Accordingly, MCD, along with the other concerned authorities, are granted liberty to measure the property of the petitioner and assess that the same measures 150 sq. yards.

19. In case the property in occupation of the petitioner is beyond 150 Sq. yards, requisite action shall be taken by the petitioner, in the first instance, to remove the encroachment, within a period of four weeks of pointing out such encroachment by the concerned authorities.

20. In case the area in occupation of the petitioner is beyond 150 sq. yards, and the petitioner does not take the requisite action despite directions by the concerned authorities, the concerned authorities are at liberty to take necessary action for removal of the encroachment.

21. Needless to state that the proceedings pending before the Appellate Tribunal MCD (“ATMCD”), with regard to the unauthorized construction, shall continue and be decided, in accordance with law.

22. With the aforesaid clarification and direction, the present writ petition, along with the pending applications, is disposed of.”

10. As such, the said order affirms that the property of the petitioner admeasuring 150 sq. yards which is covered by the decree in its favour, is not to be disturbed. The same is apparent from paragraph-14 of the aforesaid



2026:DHC:2980



judgment / order dated 30.07.2025. Further, paragraph-16 clarifies that this Court has not passed any directions which would be in contradiction to the private rights of the petitioner recognised by the judgment / decree in its favour.

11. The only action which the MCD was permitted to take was to measure the property of the petitioner, and in case the occupation of the petitioner was found to be beyond 150 sq. yards, requisite action was directed to be taken by the petitioner himself in the first instance and to remove the encroachment.

12. Paragraph -20 of the aforesaid judgement/ order dated 30.07.2025 further clarifies that in case the petitioner does not take the requisite action, the concerned authorities would be at liberty to take necessary action for removal of the encroachment.

13. It transpires that in the aftermath of the said order, the respondent / MCD resorted to conducting a fresh demarcation exercise.

14. It is the case of the petitioner that the demarcation exercise has been conducted in disregard of the directions contained in the judgment/order dated 30.07.2025, and solely on the basis of the order dated 30.05.2025.

15. It is submitted that by ignoring directions contained in the order dated 30.07.2025, the respondents have acted in deliberate and wilful disobedience thereof, and it is apprehended that the demarcation exercise is intended to disturb the petitioner's occupation even in respect of 150 sq. yards which is covered by the decree in favour of the petitioner.

16. Learned counsel for the MCD, who appears on advance notice, submits that pursuant to the demarcation exercise, the following communication dated 13.02.2026 has been sent to the SDM, Hauz Khas.



2026:DHC:2980



MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER-(M)-II
SOUTH ZONE, GULMOHAR PARK, NEW DELHI -110049

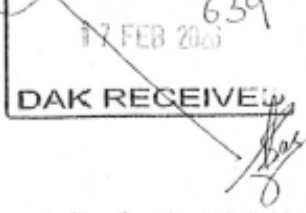
E-mail: eeiiisz49@gmail.com

Sub Divisional Magistrate (Mag.)
M. B. Road, Saket, New Delhi-110018



Date: 13/02/26

No.: EE(M)-II/SZ/2025-26/ 961



To,
The SDM (Hauz Khas),
Govt. of NCT of Delhi,
M.B. Road, Saket,
New Delhi-110068.

Subject: - Joint Demarcation of Property Bearing No. 103-G, Khasra No. 109/1, village Zamrudpur - Compliance with Hon'ble High Court Order in WP(C) No. 8286/2025.

Ref: 1. Letter No. EE(M)-II/SZ/2025-26/351 dated 22.07.2025.
2. Letter No. EE(M)-II/SZ/2025-26/419 dated 25.08.2025.

Sir,

In compliance with the Order dated 30.05.2025 passed by the Hon'ble High Court of Delhi in W.P.(C) No. 8286/2025 titled "Zamrudpur Welfare Association (Regd.) vs. MCD & Ors.", the joint demarcation of Property No. 103-G, Khasra No. 109/1, Village Zamrudpur, has been carried out using TSM technology by M/s Dhvani Consultant Inc. The demarcation report along with the drawing has been submitted vide Letter No. DCI MCD (SZ)/C-2025-26/C-27 dated 09.02.2026 (copy enclosed for reference).

The said demarcation report and drawing are required to be verified and signed by the concerned officers/officials of the Revenue Department.

Further, it is requested that the present land owning agency/ownership details of Khasra Nos. 107, 105, and 113 may kindly be furnished to enable initiation of legal action against the encroachment in compliance with the directions of the Hon'ble Court.

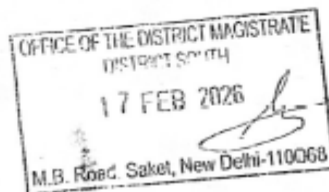
You are, therefore, requested to issue necessary directions to the concerned officers/officials to verify and sign the demarcation report and drawing submitted by M/s Dhvani Consultant Inc., and to provide the present land owning agency/ownership details of the above-mentioned Khasra numbers at the earliest for further necessary action.

Executive Engineer-(M-II)
South Zone

Copy to: -

1. DM/South, Govt. of NCT of Delhi, M.B.Road, Saket, for kind information, please.
2. DC/SZ: for kind information, please.
3. SE-1/SZ: for kind information, please.
4. RWA (Regd.), Zamrudpur, Petitioner.
5. Owner/Occupier, Property No. 103-G, Zamrudpur Village.
6. AE/JE (W.No.173) to pursue and report.
7. Office copy.

Executive Engineer-(M-II)
South Zone



17. On a specific query by the Court, it is acceded by learned counsel for the MCD that demarcation exercise is not intended to disturb the petitioner's possession in respect of 150 sq. yards which is the subject matter of decree in its favour. It is submitted that the demarcation is only an 'exploratory



exercise' to generally identify encroachment on public land.

18. It also transpires that, so far, no notice has been sent to the petitioner alleging that his occupation of land / area admeasuring 150 sq. yards is unauthorized, or falls within any encroachment.

19. It is further stated by learned counsel for the MCD that only if the area in occupation of the petitioner is found to be beyond 150 sq. yards, will any action be required to be taken for removal of alleged encroachment on the part of the petitioner.

20. In the circumstances, the scope and import of the order dated 30.07.2025 is clear, to the effect that the petitioner's occupation of the property admeasuring 150 sq. yards stands protected. It is only in the event that the petitioner is found to be in occupation of an area in excess of 150 sq. yards, that the occasion would arise to take action against the petitioner. The same clearly flows from the observations and directions contained in the order dated 30.07.2025.

21. The statement made by learned counsel for MCD is also in consonance with the same.

22. As regards the unauthorized construction, paragraph -21 of the order dated 30.07.2025 clarifies that the proceedings pending before the ATMCD in regard thereto shall continue, and MCD shall be at liberty to take action in accordance with the orders passed by ATMCD and / or in accordance with law.

23. In the aforesaid circumstances, the petitioner's apprehension regarding wilful disobedience on the part of the MCD of the directions contained in the order dated 30.07.2025 is premature at this stage.

24. The petition is accordingly disposed of, while taking on record the



2026:DHC:2980



nature of the exercise required to be carried out in compliance with the judgement/ order dated 30.07.2025.

25. Needless to say, the MCD is expected to act in scrupulous compliance with the order dated 30.07.2025, passed by this Court in W.P.(C) 11207/2025.

APRIL 7, 2026/cl

SACHIN DATTA, J