



2026:DHC:3838



\$~245

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

%

Date of Decision: 30.04.2026

+ **CONT.CAS(C) 768/2026**

YOGESH KUMAR

.....Petitioner

Through: Mr. Hemant Choudhary, Adv.

versus

RUPESH KUMAR THAKUR - CHIEF EXECUTIVE OFFICER -
DELHI URBAN SHELTER IMPROVEMENT BORAD & ORS.

.....Respondents

Through: Mr. Gaganmeet Singh Sachdeva (SC)
along with Mr. Harsh Preet Singh
Chadha, Mr. H. Khanna, Advs. for
MCD

Mr. Mukesh Gupta (SC) along with
Ms. Madhu yadav, Ms. Sneha Roy,
Ms. Gurleen Kaur, Mr. S. Shukla,
Advs.

Mr. Anuj Chaturvedi, Ms. Richa
Dhawan, Ms. Yashita Jain, Advs. for
DUSIB.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The present petition has been filed by the petitioner alleging wilful disobedience/ non-compliance of the directions contained in the order dated 11.02.2026 passed by this Court in W.P.(C) 1945/2026. The said order reads as under:-



2026:DHC:3838



1. Heard the learned counsel for the parties.
2. This public interest litigation petition seeks indulgence of this Court in respect of alleged encroachment at property no.5002, Chaman Ganj, Roshanara Road, Delhi as per the prayer clause. The said property is said to be situated contiguous to properties no.5001 and 5003.
3. Learned counsel representing the MCD has placed before us sanction of a building plan for property nos.5000, 5001 and 5042, Mohalla Chaman Ganj, Roshanara Road, Delhi and has submitted that as per law, constructions in terms of the said sanctioned plan can be permitted.

4. The said sanctioned letter dated 15.07.2022 is taken on record.
5. We thus direct that so far as constructions are concerned, the MCD shall ensure that constructions to take place in accordance with the aforesaid plan.
6. Learned counsel for the DUSIB has stated that the Board has already written a letter to the MCD about the encroachment at property no.5002 Chaman Ganj, Roshanara Road, Delhi. If that be so, the said letter shall be duly attended and appropriate action as may be warranted under law shall also be taken by the MCD with expedition.
7. With the aforesaid observation and directions, the petition stands disposed of.

2. It is alleged by the petitioner that despite the aforesaid directions, the respondents have failed to take requisite action and consequently, unauthorised construction and encroachment have taken place in respect of the property/ies in question.

3. Mr. Mukesh Gupta, learned Standing Counsel appearing for the MCD submits that a fresh inspection shall be carried out in respect of the property in question and if any unauthorised construction and encroachment is found, appropriate and immediate action shall be taken in accordance with law. Let the concerned officials of the DUSIB also participate in the said fresh inspection being carried out by the MCD.

4. It is assured and undertaken by the learned counsel for MCD that if



2026:DHC:3838



any unauthorised construction is ongoing, appropriate steps shall be taken to bring the same to an immediate halt. Further, action with regard to demolition of the unauthorised construction shall also be taken in accordance with law. The said statement and undertaking are taken on record.

5. Let the needful be done by the MCD expeditiously and in any event within a period of eight weeks from today.
6. The petition is disposed of taking on record the aforesaid undertaking.
7. Let a compliance affidavit be filed by the respondents within a period of three months from today.
8. In case, there is any shortcoming in the action taken by the MCD, the petitioner would be at liberty to avail appropriate legal remedies.

SACHIN DATTA, J

APRIL 30, 2026/uk