



2026:DHC:7903



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: 10th September, 2026**# **CNR No. DLHC010169612026**+ **CONT.CAS(C) 701/2026 & CM APPL. 52284/2026****RWA E BLOCK PREET VIHAR**Petitioner

Through: Mr. Harshit Sharma, Mr. Puneet Sharma, Mr. Jai Choudhary, Mr. Utkarsh Soni, Mr. Siddharth Goyal, Advocates (M:8920706198)

versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS COMMISSIONER & ANR.RespondentsThrough: Mr. Mukesh Gupta, SC-MCD with Mr. Raghav Gupta, Mr. Devansh, Advocates (M:9810144127)
Ms. Shohana Farah, ASC with Mr. Abhigyan, Ms. Reya Paul, Advocates for DDA (M:9810006902)
Mr. Avinash, Mr. Nikhil Yadav, Advocates for the applicant (M:8130222706)**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J. (ORAL):**

1. The present petition has been filed alleging wilful disobedience of the judgment dated 06th October, 2025, passed by this Court in *W.P.(C) 15261/2025*, wherein, it had been directed as follows:

“xxx xxx xxx

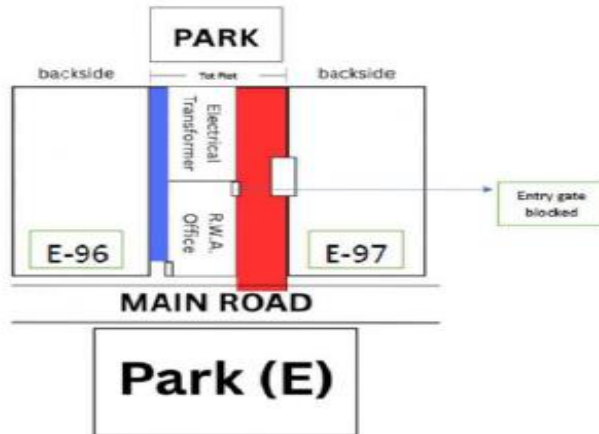
2. *Learned Senior Counsel appearing for the petitioner draws the attention of this Court to Annexure P-3, which is reproduced as under:*



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Illustrative Diagram to understand the present scenario. Not to scale. Only for illustration purpose.



The red area highlights the encroachment and illegal construction by residents of E-97, Preet Vihar, Delhi 110092. Due to the encroachment, one of the entry gates of R.W.A. office has been blocked.

The blue area highlights the encroachment and illegal construction by residents of E-96, Preet Vihar, Delhi 110092.

3. By referring to the aforesaid document, learned Senior Counsel appearing for the petitioner submits that the areas marked as blue and red are part of public land, which have been gated unauthorizedly, with a view to obstruct the access of general public.

4. Attention of this Court is also been drawn to the photographs, three of which are reproduced as under:



Illegal construction and encroachment by E-96 on the right side of R.W.A. office



R.W.A. office



Illegal construction and encroachment by E-97 on the right side of R.W.A. office



5. Learned counsels appearing for respondent nos. 1 and 2, on advance notice, submit that they shall inspect the area in question, and take requisite action, in accordance with law.

6. Accordingly, the Municipal Corporation of Delhi (“MCD”) as well as Delhi Development Authority (“DDA”) are directed to inspect the area in question, in order ascertain as to whether the area which has been gated as shown above, are part of the private plots or part of public land. Let the needful be done within a time bound manner, preferably, within a period of six weeks from today.

7. The concerned officials of the MCD and DDA shall coordinate with each other in order to carry out a joint inspection. At the time of joint inspection, the authorities shall give due notice to the occupiers of the plots in question, so that inspection is done in their presence.

8. In case, the said area which has been gated falls within the public land, requisite action shall be taken by the authorities, after following the due process of law.

xxx xxx xxx”

2. Status Report dated 30th July, 2026, has been filed on behalf of the respondents-Municipal Corporation of Delhi (“MCD”), wherein, it is stated that pursuant to the aforesaid directions, inspection of the area in question has been carried out.

3. Learned counsel for the Delhi Development Authority (“DDA”) is also present before this Court. She submits that though they have not been made a party in the present proceedings, however, pursuant to the directions passed by this Court, in *W.P.(C) 15261/2025*, joint inspection was carried out with the MCD of the area in question.

4. This Court is informed that the said vacant plot, which forms subject matter of the aforesaid writ petition, is a public land, where there were certain existing encroachments, which have already been removed by the MCD.



5. The relevant portions from the Status Report filed by the MCD, is extracted as below:

“xxx xxx xxx

6. *That, pursuant to the above, it is further stated that the inspection was carried out, by the officials of the Building Department, Maintenance Department, Horticulture Department and Town Planning Department of MCD along with owners of the property bearing No.E-96 & E-97, Preet Vihar, Delhi-110092 on 12.11.2025. It was reported by the above officials that the impugned portion/plot between E-96 & E-97, Preet Vihar, Delhi was encroached in form of office of RWA/ Resident of E-Block, Preet Vihar, Delhi. It was also reported that a transformer of BSES, BYPL was also found installed in the impugned portion/plot at the back side of RWA office. It was further informed that the opening of the gate from property No.E-96 & E-97, Preet Vihar, Delhi towards the impugned plot and also carried out encroachment & fixed the iron-gate on impugned land adjoining to their premises. The owner of E-96, E-97 and RWA E-Block, Preet Vihar, Delhi had also encroached government land/gali by way of constructing ramp. The above said factual matrix has been conveyed to all the concerned vide letter No.EE(B)-I/Shah(S)Zone/2025/D-1391 dated 19.11.2025. Copy of letter dated 19.11.2025 is annexed as **Annexure ‘B’**.*

7. *That, it is further stated that the plot No.96, E-Block, Preet Vihar, Delhi- 110092 (E-96) was inspected by the area JE(B) on 13.11.2025. During the inspection, unauthorized construction in the shape of deviation/excess coverage from sanctioned building plan No.157/I/B/SH/S/13 dated 04.03.2013 at stilt, ground floor, first floor, second floor & unauthorized opening of gate towards adjoining open land was noticed and same was booked vide booking file No.162/B/UC/SS/2025 dated 13.11.2025. After following due process of law, the order of demolition of building was passed on 04.05.2026 u/s 343 of DMC Act. Copy of order of demolition of building dated 04.05.2026 is annexed as **Annexure ‘C’ (Colly)**.*

8. *That, it is also stated that the plot No.E-97, Preet Vihar Delhi-110092 was inspected by the area JE(B) on 13.11.2025. During the inspection, unauthorized construction in the shape of deviation/excess coverage from sanctioned building plan*



*No.10106033 dated 05.09.2022 at stilt, ground floor, first floor, second floor & unauthorized opening of gate towards adjoining open land was noticed and same was booked vide booking file No.163/B/UC/SS/2025 dated 13.11.2025. After following due process of law, the order of demolition of building was passed on 19.05.2026 u/s 343 of DMC Act. Copy of order of demolition of building dated 19.05.2026 is annexed as **Annexure 'D' (Colly)**.*

*9. That, it has been reported by the Horticulture Department, Shahdara South Zone, MCD that in compliance of the directions of the Hon'ble High Court, the unauthorized RWA office constructed within the park has been demolished on 29.04.2026 in the presence of police-force and unauthorized doors were completely removed and opening into the park from H.No.96 & 97, E-Block, Preet Vihar, Delhi-110092 (Ward No.204) were sealed with brick masonry. Photographs are annexed as **Annexure 'E' (Colly)**.*

*10. That, it has been further reported by the Executive Engineer(M)-II, Shahdara South Zone, MCD that in compliance of orders of Hon'ble High Court of Delhi, the encroachment in the shape of ramps & thadas exist in front of H.No. E-96 & E-97, Preet Vihar, Delhi which comes under the jurisdiction of EE(M)-II, Shahdara South Zone was removed on 05.06.2026. Photographs are annexed as **Annexure 'F' (Colly)**.*

xxx xxx xxx"

6. At this stage, learned counsel for the petitioner submits that there is a transformer installed by the Rajdhani Power Limited, which is existing in the area in question and the same ought to be removed.

7. It is to be noted that removal of any such transformer was not the subject matter of the writ petition and no directions pertaining thereto, had been specifically passed. Therefore, this Court, in the present contempt proceedings, would not go into the said issue.

8. Learned counsel appearing for the applicant in *CM APPL. 52284/2026* submits that in the garb of the order passed by this Court, the ramp in front of his residence, i.e., *E-96 and E-97, Delhi-110092 Preet*



Vihar, have been demolished by the MCD.

9. Learned counsel for the applicant submits that the whole property of the petitioner has been booked by the MCD, for excess coverage and deviations from the Sanctioned Building Plan.

10. He further submits that the construction in his properties was not a subject matter of the present contempt petition nor the writ petition.

11. He submits that he has filed an appeal before the Appellate Tribunal, Municipal Corporation of Delhi (“ATMCD”).

12. Needless to state, that the appeal filed by the applicant, shall be considered on its own merits by the ATMCD.

13. The fact that the property of the applicant was not subject matter of the writ petition is of no consequence. In case the MCD finds any deviation or excess coverage or unauthorized construction in any property, the MCD is within its statutory authority to take action, in accordance with law. No specific order is needed by the MCD to take action against any unauthorized construction.

14. Considering the submissions made before this Court by the parties, it is evident that in case the ramps constructed by the applicant were in the nature of encroachment of public land, the MCD was within its right to carry out action in that regard.

15. No further orders are required to be passed in the present petition.

16. The present petition is accordingly disposed of.

17. Pending application also stands disposed of.

MINI PUSHKARNA, J

SEPTEMBER 10, 2026/au