



2026:DHC:5688



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 13<sup>th</sup> July, 2026

+ CONT.CAS(C) 265/2026

KARAWAL NAGAR ROAD MARKET WELFARE  
ASSOCIATION THROUGH ITS AUTHORIZED  
REPRESENTATIVE AND VICE PRESIDENT SURENDRA PAL  
SINGH AND ORS & ORS. ....Petitioners

Through: Mr. Tejas Singh and Mr. Saurabh  
Dagar, Advs. (Through VC)

versus

MUNICIPAL CORPORATION OF DELHI THROUGH ITS  
COMMISSIONER & ORS. ....Respondents

Through: Ms. Meherunnisa Anand Jaitley and  
Mr. Aryan Tyagi, Advs. for R-  
1/MCD  
Mob: 9717100486

**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****MINI PUSHKARNA, J (ORAL):**

1. The present contempt petition has been filed alleging non-compliance and disobedience of the directions, as contained in the order dated 16<sup>th</sup> January, 2026, passed in W.P.(C) 612/2026.
2. By way of order dated 16<sup>th</sup> January, 2026, the following directions had been issued:

“xxx xxx xxx

3. In the last order passed on 31<sup>st</sup> August 2022, in W.P.(C)



*12590/2022, this Court had disposed of the writ petition on the basis of the statement made by counsel for the MCD that if any demolition action is carried out, the same would be preceded by a show cause notice to the petitioners.*

*4. Counsel appearing on behalf of the respondent no.1/MCD appearing on advance notice submits that at this stage, no anti-encroachment drive has been contemplated in the said area. In the event the respondent/MCD were to initiate an anti-encroachment drive, they would give a show cause notice to the petitioner and would act in accordance with the law.*

*xxx xxx xxx”*

3. Thus, perusal of the aforesaid order shows that there were directions to the Municipal Corporation of Delhi (“MCD”) that, in case, any anti-encroachment drive is to be initiated by the MCD, they would issue a Show Cause Notice to the petitioners, and act in accordance with law.

4. This Court notes the submissions made by learned counsel appearing for the respondent-MCD that in the present case, requisite Show Cause Notices were issued on 08<sup>th</sup> May, 2026, to the petitioners herein, before the MCD initiated the work.

5. She submits that the work, which the MCD has initiated, was not in the nature of anti-encroachment drive, but for construction of Reinforced Cement Concrete (“RCC”) drain, as the shops of various petitioners were situated next to a drain.

6. This Court notes the submissions made on behalf of the respondent-MCD, as recorded in the order dated 16<sup>th</sup> February, 2026, passed in the present proceedings, in the following manner:

*“xxx xxx xxx*

**6. *Learned counsel for the respondents submits that the present petition is thoroughly misconceived inasmuch as no action has been taken by the respondent [Municipal Corporation of Delhi***



(MCD)] in wilful disobedience of the directions contained in the aforesaid order dated 16.01.2026 passed in W.P.(C) 612/2026.

7. It is submitted that all that has been done in the concerned area is to ensure that the work for construction of RCC drain (over a water body) is done in accordance with law. It is submitted that the said work is required to be completed pursuant to an award of a tender vide work order dated 11.11.2025.

8. It is submitted that the said work is in the nature of critical infrastructural work which is time-bound and is required to be completed within a period of six months from the date of issuance of the work order.

9. It is emphasized that it is only in connection with the work in question that the necessary construction activities have been undertaken. The same is only in the nature of a temporary impediment to access to the petitioner's shop/s in the area in question.

xxx xxx xxx”

(Emphasis Supplied)

7. This Court also takes note of the short affidavit filed on behalf of the MCD, the relevant portions of which, read as under:

“xxx xxx xxx

9. That while it is evident from the prayer clause of WP (C) No. 612/2026, that the Petitioners themselves are well aware of their encroachment(s) upon public land/ MCD owned land, and hence, have also on multiple occasions in the past, approached this Hon'ble Court seeking identical reliefs to protect such illegal encroachments as has even been recorded by



the Hon'ble Court in Order dated 16.01.2026; on each such occasion, the Respondent Nos. 1 and 3 have undertaken before this Hon'ble Court, to act only in accordance with law in respect of any anti-encroachment drives to be undertaken in pursuance of the proposed road widening project, as and when the same are planned.

10. That even as on date, no anti-encroachment drive has been planned and/ or carried out along the subject stretch of the Karawal Nagar Road from Dayal Pur Chowk to Shiv Vihar Tiraha. No action has been taken pursuant to Notices dated 30.12.2025 and 01.01.2026 which formed subject matter of WP (C) No. 612/2026, and hence, falling within the purview of Order dated 16.01.2026 passed by this Hon'ble Court.
11. That well before the date of filing of WP (C) No. 612/2026, the Respondent No. 1/ MCD, in pursuance of its duties under the DMC Act, 1957 to improve, repair and maintain major drains, had issued Work Order No. EE(M-SH.N.II) [EE XXII] / SYS/ 121150090 dated 11.11.2025 for the purpose of, *"Imp./ Dev. of both side drains from Mukhiya Market to Anil Sweets along the road from Karawal Nagar Chowk to Shiv Vihar Tiraha by construction of RCC drain in Ward No. 242, Dayal Pur, Mustafabad (AC-69)" ("Work Order")*. That as per the said Work Order, the Agency appointed is required to carry out the works within a period of 6 months from the date of the Work Order. *A copy of the Work Order dated*



*11.11.2025 is annexed herewith and marked as ANNEXURE R/1 to this Affidavit.*

12. Needless to state, the construction of RCC drains is in the nature of critical infrastructure works, to prevent flooding, silting and other issues, particularly during the monsoon season. The same also is required to ensure safety of the public, as also of sanitation workers, and to facilitate speedy and effective repair work as and when the need arises.
13. It is relevant to mention that from the Site Plan annexed with the present Contempt Petition at ANNEXURE P4, the location of the "Bada Nala" abutting the Karawal Nagar Road is evident. Being a major drain, the same is categorized as a water body, over which the Respondent No. 1/ MCD ensures coverings by way of movable slabs, so as to be able to access the drain as and when required, to carry out de-silting, cleaning, repair works etc. as and when necessary, whilst also ensuring pedestrian safety as the Nala runs deep. Over this Nala, the members of the Petitioner Association had removed the movable slabs, and covered the same using cement, so as to ensure easier access to their shops, including provision of parking, as also in certain cases, extended their wares outside of the shops and/ or permitted hawkers and vendors to vend from over the Nala in front of their shops.



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14. Needless to state, such encroachments are not permissible over large drains such as the Bada Nala without authorisation, and as per settled law, therefore, require no notice prior to removal. However, the Respondent No. 1/ MCD along with its Agent, in pursuance of the Work Order to access the inner portion of the drain, broke only the cemented portion to enable the conversion of non RCC drain into an RCC drain. In doing so, no portions of the shops of the members of the Petitioner Association were damaged, and it is only the encroachments upon the Nala itself, that were removed. *Copies of photographs taken during such works on 02.02.2026 are annexed herewith and marked as ANNEXURE R/2 to this Affidavit.*
15. The said actions have not been carried out in pursuance of Notices dated 30.12.2025 or 01.01.2026 forming the subject matter of WP (C) No. 612/2026, nor do the same form part of any anti-encroachment drive planned by the MCD and/ or Respondent No. 3's offices. Therefore, the actions of the Respondent No. 1 do not amount to willful disobedience of the directions issued by this Hon'ble Court in Order dated 16.01.2026, as alleged. The Respondent No. 1/ MCD remains bound by its statement recorded in the said Order.

xxx xxx xxx”

8. This Court takes note of the submissions made by learned counsel appearing for the MCD that against the Show Cause Notices dated 08<sup>th</sup> May, 2026, the petitioners herein have already filed a Civil Suit, bearing No. 266/2026, titled as *Premwati and Ors. Versus Municipal Corporation of Delhi*.

9. This Court further takes note of the submission made on behalf of MCD that *vide* order dated 06<sup>th</sup> June, 2026, passed in the aforesaid civil suit bearing No. 266/2026, the said Show Cause Notices dated 08<sup>th</sup> May, 2026, issued by the MCD, have been stayed, and MCD has also been restrained from carrying out any encroachment removal programme for the *Lal Dora*



*Properties*, as mentioned therein.

10. The order dated 06<sup>th</sup> June, 2026, as passed in the said civil suit bearing No. 266/2026, reads as under:

“xxx xxx xxx

Fresh vakalatnama filed on behalf of defendant/MCD, taken on record.

Copy of paper book supplied to defendant nos. 1 & 2.

It is submitted by Ld. counsel for plaintiff that vide letter dated 07.05.2026, SDM Karawal Nagar has requested the Deputy Commissioner, MCD Shahdara Zone for providing the reconciled TSM survey drawing of Karawal Nagar Road which has not been received in the office of SDM till date. It is further submitted that unless and until, the TSM survey drawing is available with authority, then they cannot ascertain whether there is actually some encroachment or not and if there is encroachment, then what is the quantum of encroachment, which

needs to be removed. Ld. counsel further submitted that only on the basis of this communication letter dated 07.05.2026 between SDM Karawal Nagar and Deputy Commissioner, MCD Shahdara Zone, the AE concern has started the encroachment removal programme vide notice dated 08.05.2026, whereas, the notice dated 08.05.2026 should have been issued on the basis of reconciled TSM survey drawing of Karawal Nagar.

It is apprised by defendant no. 2/AE/Project Engineer that they have not received any TSM survey drawing of Karawal Nagar Road till date and has started the drive of removing the encroachment only on the basis of communication letter dated 07.05.2026 between SDM Karawal Nagar and Deputy Commissioner, MCD Shahdara Zone. It is further submitted that they need time to go through their record and undertake not to take action against the suit property mentioned in the plaint.

Perusal of record shows that the submissions made by Ld. counsel for plaintiff holds water which is further fortified by the submissions on behalf of defendant nos. 1 & 2. The defendants do not have the reconciled the TSM survey drawing of Karawal Nagar Road with them and despite that they have started demolishing the suit property. Defendants sought some time to go through the TSM survey drawing of Karawal Nagar Road.



In the meantime, defendants are hereby restrained from carrying the encroachment removal programme for Lal Dora Properties of:-

1. Plaintiff no.1 bearing Khasra No. 261, Village Karawal Nagar, Delhi described in show cause notice no.EE(Pr)SHAH(N)-26-27/D-285 dated 08.05.2026;
2. Plaintiff no.2 bearing Plot No. 7(A26), Khasra No.5/2, Rama Garden, Village Karawal Nagar, Delhi;
3. Plaintiff no.3 bearing Khasra No. 274, Village Karawal Nagar, Delhi described in show cause notice no.EE(Pr)SHAH(N)-26-27/D-281 dated 08.05.2026;
4. Plaintiff no.4 bearing Khasra No. 274, Village Karawal Nagar, Delhi described in show cause notice no.EE(Pr)SHAH(N)-26-27/D-280 dated 08.05.2026;
5. Plaintiff no.5 bearing Khasra No. 40/12/2, Village Karawal Nagar, Delhi described in show cause notice no. EE(Pr)SHAH(N)-26-27/D-298 dated 08.05.2026;
6. Plaintiff no. 6 bearing Khasra No. 272 & 29/16/2, Village Karawal Nagar, Delhi described in show cause notice no. EE(Pr)SHAH(N)-26-27/D-336 dated 08.05.2026;
7. Plaintiff no. 7 bearing Khasra No. 38/12/1, Village Karawal Nagar, Delhi described in show cause notice no.EE(Pr)SHAH(N)-26-27/D-308 dated 08.05.2026;
8. Plaintiff no. 8 bearing Khasra No. 279, Village Karawal Nagar, Delhi described in show cause notice no.EE(Pr)SHAH(N)-26-27/D-334 dated 08.05.2026;
9. Plaintiff no. 9 bearing Khasra No. 278, Village Karawal Nagar, Delhi described in show cause notice no.EE(Pr)SHAH(N)-26-27/D-332 dated 08.05.2026;
10. Plaintiff no. 10 bearing Khasra No. 40/1/2, Village Karawal Nagar, Delhi described in show cause notice no. EE(Pr)SHAH(N)-26-27/D-299 dated 08.05.2026;
11. Plaintiff no. 11 bearing Khasra No. 260 & 262, Village Karawal Nagar, Delhi described in show cause notices no.EE(Pr)SHAH(N)-26-27/D-284, EE(Pr)SHAH(N)-26-27/D-286 & EE(Pr)SHAH(N)-26-27/D-287, all dated 08.05.2026.





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Matter is adjourned for filing of WS by defendants within prescribed period with advance copy of the same to the plaintiff against proper receiving and for reply/arguments on an application u/o 39 Rule 1 & 2 CPC .

Matter be relisted on 14.07.2026.

xxx xxx xxx”

11. Accordingly, it is apparent that the MCD had sought to initiate action, pursuant to their project for covering of the drain.
12. Further, action for removal of encroachment was sought to be taken pursuant to Show Cause Notices dated 08<sup>th</sup> May, 2026, which already stand stayed.
13. Thus, no further orders are required to be passed in the present petition. However, needless to state, in case, the petitioners are aggrieved by any non-compliance on behalf of the MCD in future, the petitioners would be at liberty to seek their remedies, in accordance with law.
14. Accordingly, noting the aforesaid, the present petition is disposed of.

**MINI PUSHKARNA, J**

**JULY 13, 2026/SK**