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

% **Date of Decision: 17.10.2025**

+ W.P.(C) 16319/2022

RACHNA BANSAL & ORS.

.....Petitioners

Through: None

versus

COMMISSIONER OF THE MUNICIPAL CORPORATION OF
DELHI & ORS.

.....Respondents

Through: Mr. Puneet Yadav, SC for MCD
Mr. Ramesh N. Keswani and Mr.
Pranav Singal, Advs. for R-6 & 7
(Through VC)
Ms. Meghna Mital, Adv. and Ms.
Vanita Jangra, Adv. for DDA
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. (ORAL):

1. The present writ petition has been filed seeking directions to respondent nos. 1 to 5, to take action against the encroachments in *Sector 24, Rohini, New Delhi-110085*, caused by Shri Ram Mandir and Delhi Tour & Travel upon Delhi Development Authority ("DDA") Park existing between Pocket 3 & 4, and common road connecting Pocket-3 Sector 24 to the said DDA Park.
2. A short affidavit dated 28th November, 2024, has been filed on behalf of the Municipal Corporation of Delhi ("MCD"), relevant portions of which, are reproduced as under:



“xxx xxx xxx



That the deponent have gone through the contents of the above Writ Petition and as such, I am well conversant of the facts of the case and is competent to swear this short affidavit on behalf of respondent No. 1 / Municipal Corporation of Delhi in official capacity.

2. That at the very outset, the deponent submits that the writ petition filed by the petitioner against the answering respondent

No. 1 is not maintainable. The contents of the writ petition in so far as it pertains to respondent No. 1 are wrong and denied unless those specifically admitted herein. The deponent is advised to file this short affidavit reserving its right to file detailed counter affidavit, in case, if the necessity arises or if so, specifically directed by this Hon'ble Court.

3. That it is pertinent to mention here that by way of present petition filed under article 226 of the constitution of India, the petitioner to issue writ of mandamus directing the respondent No. 1 i.e. MCD to remove / stop illegal encroachment in sector-24, Rohini Delhi 110085 that has been caused by Shri Ram Mandir and "Delhi tour & travel" upon the DDA park (existing between pocket 3 & 4) and common roads connecting Pocket -3, Sector-24 to the said DDA park. That it is further prayed to make the public passage and said park encroachment free, safe, clean, open and restore the same to its original position.

4. That vide order dated 13.08.2024 Hon'ble High Court of Delhi directed the respondent No. 1 i.e. MCD to take instructions in the present matter and file necessary affidavit in terms of the averments made therein. That in compliance of the said direction the present short affidavit is being filed before the Hon'ble High Court of Delhi by the respondent No. 1 i.e. MCD.



5. That it is pertinent to mention here after the said direction passed by the Hon'ble High Court of Delhi vide order dated



13.08.2024 the site/ property in question was inspected by the are JE(M) and the records pertaining to the property in question were examined. That it is important to mention here that previously the area / land owning agency in this case was DDA and the same was handed over the MCD by the DDA vide No.F.4(7)/AE-(P)/RPD-10(RMD-2)/DDA/15-16(Part)/557 dated 07.08.2023 and the said Mandir was in existence before the handing over the area to the MCD officials. This aspects regarding encroachment in the form of temple was also brought to the notice of DDA officials during the course of handover / taking charge of the area. That it was also reported by the DDA official that the area encroached by the temple is 17.38 mtr X 5 mtr which included the vacant portion of the static water tank and further extends to the road, covering around 2.08 mtrs. Of the road berm of the 12 mtr wide road towards Pocket -3, Sector-24, Rohini Delhi.

6. That it is relevant to mention here that since the present encroachment is in the form of a religious structure i.e. Temple situated on public land accordingly, the aspect regarding removal of said encroachment has to be decided by sending the reference in this regard to the Religious Committee, GNCTD for taking further necessary action. That in view of the same for taking further necessary action regarding removal of the said encroachment i.e. Temple situated on public land reference has been sent to Religious Committee, GNCTD vide letter No. DC/Narela/2024-25/D-125 dated 06.11.2024 through Dy. Secretary (Home-II/ RC) is hereby annexed as **ANNEXURE-A**.

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7. That it is important to mention here, that any further action in the present matter may be taken after the receipt of the reference / report from the religious committee GNCTD or as directed by the Hon'ble High Court of Delhi.

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3. Perusal of the aforesaid Short Affidavit shows that the matter has already been referred to the Religious Committee, Government of National Capital Territory of Delhi (“GNCTD”) for taking further action.

4. Accordingly, it is directed that requisite action shall be taken by the MCD in accordance with law, subject to any orders that may be passed by the Religious Committee.

5. Respondent nos. 6 and 7 are granted liberty to make an application to the GNCTD to grant them hearing at the time when the case is considered by the Religious Committee.

6. This Court also takes note of the submission made by learned counsel appearing for respondent nos. 6 and 7 that the petitioners are staying 1.5 Km away from the premises in question, and that they have no concern with the said premises.

7. However, considering the fact that the issue involved is with regard to encroachment on a public park, this Court is of the view that concerned action shall be taken by the MCD, after following the due procedure, in accordance with law.

8. As regards the encroachment by Delhi Tour & Travel, it is stated in the short affidavit that the said Delhi Tour & Travel is situated upon land portion of which is earmarked for a water tank and falls within the jurisdiction of Delhi Jal Board.



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9. Delhi Jal Board is not a party before this Court.
10. Accordingly, Delhi Jal Board is directed to take requisite action for removal of encroachment over the land, which is earmarked for water tank, in accordance with law.
11. Since Delhi Jal Board is not a party before this Court, copy of today's order shall be duly sent by the Registry to the CEO of the DJB for requisite action.
12. In view of the aforesaid, it is directed that whenever the Religious Committee, GNCTD takes up the said matter for hearing, notice shall be issued to respondent nos. 6 and 7 in order to allow the respondent nos. 6 and 7 to appear before the Religious Committee and make their submissions.
13. With the aforesaid directions, the present writ petition, is accordingly, disposed of.

MINI PUSHKARNA, J

OCTOBER 17, 2025/KR