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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 2159/2023**Date of Decision: **13.03.2026****IN THE MATTER OF:**

RESIDENCE WELFARE ASSOCIATION EKTA ENCLAVE
(REGD.) THROUGH ITS PRESIDENT SH. RAM AVTAR TYAGI
.....Petitioner

Through: Mr. K.B. Shankar, Advocate.

versus

DIVISIONAL COMMISSIONER (REVENUE) & ORS.

.....Respondents

Through: Ms. Kritika Gupta with Ms. Vidhushi
Singhania, Advocates for DDA.
Mr. Anubhav Gupta with Mr.
Siddharth Arora, Advocates for
GNCTD.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV****JUDGEMENT****PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The petition is for the following relief:

“(i) issue appropriate writ, order, directions including writ of mandamus, prohibition, directing the respondents no. 1 to 6 and their officials to restrain the Bhoo-Mafias/muscle men to the illegal encroachment/grab and block the Govt. Rasta (Public Rasta No.31) situated at Village Kamalpur Mazra Burari Delhi.

(ii) issue appropriate writ, order, directions including writ of mandamus, prohibition, directing the respondents no. 1 to 6 for taking legal action against the land grabbers, Bhu-Mafia, Builders



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and encroachers, who have illegally encroached the Govt. Road i.e Public Rasta No.31 situated at Village Kamalpur Mazra Burari Delhi.”

2. During the pendency of the petition the Delhi Development Authority [DDA] was directed to place on record the status report and the latest status report dated 19.11.2025 would indicate that the road (Rasta No.31) falls in Khasra No.31 of Village Kamalpur Majra, Burari which is Gram Sabha and is Government land. The said land has been handed over to the DDA on 15.12.2020 by the Revenue Department, Govt. Of NCT of Delhi. Since at the time of handing over the physical possession of the land, the Revenue Department, Govt. Of NCT of Delhi had not handed over the verified Total Survey Station [TSS] superimposed Sajra plan of the land, and therefore, the boundaries of the khasra were unidentifiable.

3. In view of the directions passed by the Court on 16.05.2025 a joint survey with the Revenue Department was conducted. During the survey, it was found that without TSS verification of the land in question it was not possible to ascertain whether the built up structures found on site exists with the Khasra No.31 of the said village. The TSS verification was, therefore, conducted on 05.06.2025. The TSS verification was then superimposed on Sajra plan of the land and with the assistance of satellite image, the boundaries of Khasra no.31 was ascertained. With the help of this exercise, the width of the road/carriageway and the length of the road/carriageway has been ascertained and the process of physical marking the same on site has also been completed. In paragraph nos.6 to 11 of the status report the respondent DDA has taken the following position:

“6. That the rasta bearing Khasra No 31 of village Kamalpur Majra



Burari has been demarcated at site as per the TSS verified by the Land Management Department of DDA and Revenue Department, GNCTD.

7. That the rasta as per Sajra Plan of the Village has been shown as aqua colour in the drawing annexed herewith as Annexure A.

8. That the current status Raasta Is shown m drawing filed at Annexure B.

a. The length of this rasta i.e., 107 metres approximately is lying vacant, which has been marked with light green colour in the drawing.

b. The existing rasta under use at site is marked with green colour in Drawing at Annexure B. Length of this rasta i.e. 111 metres approximately is not as per the alignment as shown in the Sajra Plan of the village. The rasta having length of 111 metres approximately as per Sajra plan is encroached. This has been marked with yellow colour in the drawing.

c. The existing kaccha portion (not under the jurisdiction of DDA) in the alignment of the existing rasta has been earmarked as brown colour in the drawing.

d. Some portion of the rasta as per the sajara plan has been marked with green colour (adjoining Barat Ghar) in the drawing.

9. Case has been initiated for taking approval to remove the encroachment and demolition/removal of encroachment shall be conducted after lifting of GRAP -- III restrictions and approval of the competent authorities.

10. That it is respectfully pointed out that the lands adjacent to Khasra No. 31 of Village Kamalpur Majra, Burari i.e., Killa No. 11 and Killa No. 12 of Village Kamalpur Majra, Burari do not belong to the Respondent No. 7/DDA, and thus Respondent No. 7/DDA does not have access to the land records thereto.

11. Thell during the visit on 11.11.2025, the complainant RWA pointed out the area alleged to have been encroached upon by "Bhoo-mafias." Upon detailed verification at the site and as per the land distribution explained above, it was observed that the so-called encroached area contains some malba and loose earth, which does not constitute any permanent structure or illegal occupation. The deposition of malba appears to be temporary in nature. No signs of unauthorized construction or occupation by any individual were found during the visit. A photograph of the site is annexed herewith as Anncxure C."

4. It is, thus, seen that the adequate steps have been taken by the DDA and DDA also undertakes to carry out the further inspection and undertakes



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to remove unauthorized construction (if any). With respect to the garbage etc. it is stated that the same is of temporary in nature and regular steps are being taken to ensure that there is no malba or garbage on the public pathway. The submission of the DDA is placed on record.

5. The Court also grants liberty to the petitioner to make further grievance before the DDA in case according to the petitioner the steps are not fully taken by the concerned authority. The petitioner shall also have liberty to approach the concerned jurisdictional magistrate, in case the petitioner finds that public nuisance exists. The concerned jurisdictional magistrate is empowered under Section 152 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* [BNSS] to pass appropriate conditional order for removal of nuisance.

6. With these observations, the petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 13, 2026

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