



\$~61

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

Date of decision: 11th August, 2026

Uploaded on: 13th August, 2026

CNR No. DLHC011005912024

+ **W.P.(C) 425/2025 & CM APPLs.3276/2026, 3379/2026, 4640/2026, 6426/2026, 13426/2026, 13457/2026**

ASHOK KUMAR YADAV

.....Petitioner

Through: Mr. Ravin Rao, Mr. Anuj Arya, Mr. Pallav Gupta, Mr. Akshit Sawal, Mr. Ayan Sharma, Mr. Nikhil Rana, Mr. Himanshu Sharma, Mr. Ayush Kumar & Ms. Palak Jerath, Advs. (M: 9821325694)

versus

MUNICIPAL CORPORATION OF DELHI
AND ORS.

.....Respondents

Through: Mr. Mukesh Gupta, Standing Counsel for MCD with Mr. Raghav Gupta, Ms. Madhu Yadav & Mr. Devansh, Advs. with Mr. Ravi Goel, Assistant Commissioner. (M: 8010399803)
Mr. Dhananjai Rana, CGSC for R-3. (M: 9958516171)
Mr. Rajesh Tandon, Ms. Shilpa Vitthalrao Bagade, Mr. Kumar Arash, Advs. for Applicants/Impleaders. (M: 98107 32586)
Mr. Tarveen Singh Nanda, Advocate, DHCLSC for Applicant- Rajesh Kumar Yadav. (M: 9999648869)
Insp. Shailendra Singh in person. (M: 7065036326)
Mr. Abhinav Sharma, Mr. Ujjwal Jain, Advs. with Mr. Supinder Singh, EE



and Mr. Somveer, AE, PWD.
(M:8700463411)

Mr. Manish Kaushik, Adv. for
Intervenor. (M:9080758809)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE VIKAS MAHAJAN

JUDGMENT

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner - Shri Ashok Kumar Yadav under Article 226 of the Constitution of India, *inter alia*, seeking the following prayers:

“a. Direct the Respondent No.1 and 2 to remove the unauthorized and illegal constructions/encroachments on the Railway Road, Village Samaypur, Delhi, connecting the G.T. Karnal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station and ensure that its width of 24 metres as per Government Records is maintained; and/or

b. Direct the Respondent No.1 and 2 to remove the unauthorized and illegal vendors/hawkers laying their fruits/vegetable stalls on Railway Road, Village Samaypur, Delhi, connecting the G.T. Kamal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station; and/or

c. Direct the Respondent No.1, 2 and 3 to restrain the fruits/vegetables vendors/hawkers from setting up unauthorized stalls on Railway Road, Village Samaypur, Delhi, connecting the G.T. Karnal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station; and/or”



Background

3. The Petitioner is a resident of Samaypur Badli, Delhi, and by way of the present petition, he has raised various issues relating to unauthorized and illegal construction, as also encroachment on the Railway Road, Village Samaypur, connecting G.T. Karnal Road with Samaypur Badli Railway Station/Metro Station (*hereinafter, 'the subject road'*).

4. The grievance of the Petitioner is also in respect of several vendors and hawkers, who have set up unauthorized stalls on the subject road, leading to enormous congestion in the area. Photographs have been annexed with the petition to show the manner in which congestion has been caused. Some of the photographs are extracted hereinbelow:





21







Proceedings before the Court

5. The Predecessor Bench of this Court, *vide* order dated 31st January, 2025, had observed that such street vending is impermissible. The Court had also observed that the Right of Way has to be without any obstructions. The relevant portion of the order dated 31st January 2025 reads:

“[...] 4. The petitioner is essentially aggrieved by the encroachment on the Railway Road, village Samaypur, Delhi, connecting the G.T. Karnal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station. The petitioner has also with this petition annexed photographs indicating that pavement has been completely usurped by street vendors thereby compelling the pedestrians to use the road leading to congestion on the given stretch of the road.

5. It is not disputed that street vending in such a manner is impermissible and street vendors are required to ensure that the Right of Way (ROW) is not obstructed in any manner.

6. Ms. Soni, the learned counsel appearing for the MCD states that regular drives are undertaken to remove the street vendors, however, removing them on a day-to-day basis is required to be done by the concerned police authorities. She seeks time to file a status report.”

6. Accordingly, replies were called from various authorities.

7. The perpetual grievance in the said area near Samaypur Badli railway station (*hereinafter*, ‘*the site in question*’) appears to be both due to unauthorized vending and encroachments by vendors, as well as, from unauthorized constructions. Considering the same, this Court, on 11th March, 2025, had passed the following directions.



“[...] 9. This Court is aware of the persistent menace of unauthorized encroachments and illegal vending, particularly in public spaces and along major roads. Unauthorized vendors, operating without valid licenses, not only obstruct the free flow of traffic but also cause significant inconvenience to pedestrians and commuters. Their activities often result in the accumulation of waste, unsanitary conditions, and environmental degradation, posing serious public health hazards. Furthermore, such encroachments disrupt urban planning efforts, and create law and order challenges, necessitating strict regulatory intervention.

10. Accordingly, this Court deems it necessary to ensure compliance with municipal regulations and safeguard public spaces from repeated unlawful occupation. It is crucial that public places, roads, and pathways remain accessible to all citizens without obstruction. Encroachments not only violate municipal laws but also deprive the public of their right to a clean and safe environment. The authorities must take immediate and stringent measures to prevent the re-emergence of unauthorized vendors and illegal structures. A comprehensive, long-term enforcement strategy, including regular monitoring, deployment of law enforcement personnel, and installation of surveillance systems, is essential to maintaining public order and ensuring that encroachment-free spaces remain accessible to the public.

11. Therefore, taking into consideration the aforesaid facts and circumstances as well as the submissions made by learned counsel appearing on behalf of the parties, the following directions are passed by this Court-

a. The Assistant Commissioner of the MCD, Civil Lines Zone is directed to convene a meeting with the competent officials of PWD and SHO of the concerned police



station, and file a detailed status report before this Court, within a period of four weeks with respect to the removal of unauthorized construction or encroachment on Railway Road, Village Samaypur, Delhi, connecting the G.T. Kamal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station.

b. Further, the SHO concerned is directed to deploy one beat officer from 10:00 A.M. to 8:00 P.M., to prevent re-occurrence of such encroachment on the aforesaid site on a day-to-day basis.

c. The Assistant Commissioner of the MCD, Civil Lines Zone is further directed to fix/install CCTV cameras, if no CCTV cameras are at the site within a period of four weeks from today.

d. The Assistant Commissioner of the MCD, Civil Lines Zone is further directed to paste notice of 'No Vending Zone' on a notice board in the areas extending from the Railway Road, Village Samaypur, Delhi, connecting the G.T. Kamal Road (National Highway) and the Samaypur Badli Railway Station/Metro Station."

8. As can be seen from the above order dated 11th March 2026, the Court observed that the unauthorized construction and encroachments on the subject road were causing obstruction to public access and adversely affecting the use of public spaces. Further, it was considered necessary to ensure coordinated action by the concerned authorities. It was further directed that the Assistant Commissioner, Municipal Corporation of Delhi (*hereinafter*, 'MCD'), Civil Lines Zone, shall convene a meeting with the competent officials of the Public Works Department (*hereinafter*, 'PWD') and the SHO concerned and file a detailed status report regarding removal of the unauthorized construction and



encroachments. The Court also directed for deployment of a beat officer, installation of CCTV cameras and display of 'No-Vending Zone' notices to prevent recurrence of encroachments.

9. The matter was again considered on 8th September, 2025. On the said date, Id. Counsel for the MCD had informed the Court that CCTV cameras as also 'No Vending Zone' boards have already been installed at the site in question.

10. However, on the said date, it was observed that there was complete non-compliance by the S.H.O. P.S., Samaypur Badli. Accordingly, contempt notice was issued to the S.H.O. P.S., Samaypur Badli.

11. Further, directions were issued by the Court on 20th November, 2025, with the observation that the MCD, PWD and the Delhi Police had acted in complete violation of and disregard of the order dated 11th March, 2025, as no fruitful steps had been taken by the said authorities. On the said date, the Court granted a final opportunity to the aforesaid authorities to comply with the directions, in the following terms:

"[...]4. That being so, we deem it appropriate to grant time by way of last chance, by posting the matter on 10th December 2025.

5. We make it clear that if the Court is not satisfied about the steps taken by respondents as per order 11th March 2025, being taken to its logical end, the Court will be constrained to initiate contempt proceedings against the highest officers.

6. Let the order of this Court, including that of order dated 11th March 2025, be brought to notice of the highest officer of all the three agencies by the respective counsels."



12. On 10th December, 2025, the Court recorded that PWD had approached the SDM, Alipur for demarcation of the site in question and accordingly, directed the SDM to file the response in respect of the demarcation.

13. On 18th December, 2025, the Court again expressed its concern that none of the authorities *i.e.*, MCD, PWD, Delhi Police have shown compliance with the order dated 11th March, 2025, in letter and spirit. Accordingly, the Court had directed as under:

*“[...] 8. We can also see that unauthorised construction is also carried out on the drains, which were constructed by the local authorities. **All three authorities, including MCD, PWD and Delhi Police, have turned a blind eye to the same. Such illegal and unauthorised construction is at the cost of the public inconvenience, as we are informed that there is heavy vehicular traffic including that of heavy vehicles. The leftover width is hardly sufficient to smooth flow of traffic. The illegal and unauthorised vendors, illegal parking on the road is adding to the suffering of commuters and public at large.***

9. In such an eventuality, it was expected of all the three agencies to carry out the work of removal of unauthorised construction and structures with utmost dedication.

10. Since we have observed that there is a lack of such dedication, and the concerned SDM has also till date not placed on record an affidavit of the demarcation being carried out or steps for carrying out such demarcation being taken, we deem it appropriate to saddle cost of Rs. 25,000/- (Twenty- Five Thousand) on the SDM to be recovered from his salary to be deposited within a period of 12 weeks, with the DHCLSC.



11. As prayed, we permit concerned SDM to place on record an affidavit in this matter and steps taken by it in the matter of implementation of orders of this Court within period of four weeks.

12. Similarly, as prayed, we grant MCD, Delhi Police so also PWD, last opportunity to file their affidavit disclosing the steps taken on day-to-day basis in the matter of not only removal of unauthorised construction but also maintaining the very width that was originally existing.

13. Let the entire exercise of filing their respective affidavits be placed on record within a period of four weeks from today.”

14. In terms of the above order, the Court imposed costs of Rs. 25,000/- on the concerned SDM and granted the SDM along with MCD, PWD, Delhi police, a final opportunity to file affidavits detailing steps taken for demarcation, removal of encroachments and restoration of the original road width.

15. On 17th January, 2026, the Court was considering the impleadment applications of applicants who were residents near the subject road, and were seeking stay of the demolition of alleged unauthorised encroachments, pursuant to the notice dated 15th January, 2026, which was issued to the applicants by the PWD.

16. On the said date, the Court had noticed that the demarcation exercise by the PWD was a recent exercise. After hearing the parties, the Court had directed the PWD to examine the applications of the applicants and also directed that physical construction of homes and shops ought not to be demolished. In this regard, the observations are set out below:



*“[...] 5. Today, the Applicants have been heard in this matter. The grievance of the Applicants is that while the order of the Court dated 11th March, 2025, as also the subsequent order dated 18th December, 2025, was primarily directed towards illegal encroachments by vendors on public spaces, **the PWD has conducted a demarcation last week and has issued notice dated 15th January, 2026 to the Applicants for demolition to be carried out on 19th January, 2026.***

6. Mr. Jain, Id. Senior Counsel, appearing for the Applicants has placed some photographs on record, as per which a number of homes are likely to be demolished in the area, since, as per the demarcation report, the measurement of the road is being increased beyond the existing road.

7. Further, on behalf of some of the Applicants, it is submitted that they have sale deeds of their respective properties, which date back to more than 30-40 years and some of the Applicants are also stated to be paying house tax on their properties.

8. Id. Counsel for the PWD and MCD are present as well. As per Mr. Sharma, Id. Counsel for the PWD, pursuant to the orders of this Court which have directed action against unauthorised construction and encroachment, a demarcation exercise has been carried out in the last one month. Pursuant to the demarcation, PWD has issued notice dated 15th January, 2026 to the Applicants and various other parties, for removal of the unauthorised encroachment and unauthorised construction.

9. On behalf of the Petitioner, it is submitted that all these Applicants have made unauthorised construction on public land and the right of way of the local residents ought to be protected. Hence, such construction/encroachments deserve to be demolished.



10. After hearing Id. Counsels for all parties, it becomes clear that the demarcation exercise is of a recent nature and the notice has only been issued on 15th January, 2026.

11. Accordingly, it is directed that the PWD shall examine the present applications and in respect of each of the Applicants, the PWD shall give its stand in the form of a table.

12. In addition, the PWD shall also place on record the recent demarcation report prepared by it by the next date of hearing as part of their status report.

13. Until the next date of hearing, no demolition shall be undertaken of the structures which are already built in the form of homes/shops belonging to the Applicants. However, any unauthorised vendors or hawkers etc. shall not be permitted to vend by the PWD or MCD.

14. If there is any unauthorised encroachment, apart from the constructed premises of the Applicants, in the form of extension of shops/homes on the drain or on public roads, etc., all such encroachments shall be removed.

15. Let copies of any documents of title or ownership, which the Applicants are relying upon, including their respective sale deeds, be supplied to Mr. Sharma, Id. Counsel for PWD by Monday morning, i.e. 19th January, 2026.”

17. Pursuant thereto, status reports were filed by the PWD, MCD as also the Delhi Police from time to time.

18. On 29th April, 2026, the status report of the MCD dated 28th April,



2026 was considered. As per the said status report, certain demolition and removal of unauthorised constructions had been undertaken.

19. However, the Petitioner had raised a grievance that certain vegetable vendors and other persons, who encroach upon the subject road and the footpath thereof, continued to return to their respective sites. After considering the submissions, including the stand of the Delhi Police that it faced difficulty in removing the vendors despite the same being a 'No-vending zone', the Court had directed as under:

"[...]12. Heard. Firstly, the process of removal of unauthorised vendors and hawkers is a continuous process and in the opinion of this Court, considering the status report filed by the MCD, it cannot be said that there is contempt of the various orders passed by this Court, as action is being taken by the MCD.

13. Nevertheless, it is emphasized again that there has to be continuous drives undertaken by the authorities for removal of unauthorised encroachments and unauthorised vendors/hawkers in the area. It is made clear that SHO P.S. Samaypur Badli would be personally responsible to ensure that the vendors who are removed by the MCD do not come back and start vending, that too by creating traffic jams in the area. The photographs which have been placed on record by the Petitioner show that there is blocking of traffic on the road due to such unauthorised vending. Samaypur Badli being a 'no vending zone' as per the MCD itself, vending is not permissible in the said area.

14. At this stage, Ms. Soni, Id. Counsel for the MCD has highlighted that shopkeepers have themselves allowed the vendors and hawkers to sit in front of their shops.

15. In order to make removal of the unauthorised vendors effective, it is now directed that if any



shopkeeper has given permission to any unauthorised vendor or hawker, the shop of the said shopkeeper will be permitted to be sealed by the MCD.

16. In addition, the SHO P.S. Samaypur Badli shall ensure that the beat constable of the said area undertakes regular supervision in order to remove any unauthorised vendors including vegetable vendors and fruit vendors.”

20. In terms thereof, the Court observed that removal of unauthorised vendors and hawkers is a continuous process and, in view of the action taken by the MCD, no contempt was made out. Nevertheless, the authorities were directed to undertake continuous drives against unauthorised encroachments and vending. The SHO, P.S. Samaypur Badli, was made personally responsible for ensuring that removed vendors do not return and cause traffic obstruction. The Court further directed regular supervision by the beat constable. It also permitted the MCD to seal shops where shopkeepers had allowed unauthorised vendors or hawkers to operate.

21. Today, the Court has heard the Id. Counsels for the parties and perused the records. Several intervenors, who claim to own the properties at the site in question, and had filed impleadment applications, are also present in Court.

Analysis

22. The present writ petition has raised the following three aspects:

- (i) Encroachment by existing shopkeepers on the footpath of the subject road by themselves or by permitting unauthorised vendors;
- (ii) Unauthorized vending by the vendors/hawkers on the subject road and the area in question;
- (iii) Unauthorised encroachment and Illegal construction on the



subject road;

(I) Encroachment by existing shopkeepers on the footpath of the subject road by themselves or by permitting unauthorised vendors

23. Insofar as encroachment by shopkeepers is concerned, the same cannot be permitted either by the shopkeepers themselves or by unauthorised vendors, vending in front of the shops. The MCD, as also the Delhi Police, shall undertake continuous anti-encroachment drives to ensure that there is no encroachment upon the footpath or subject road. The shops of shopkeepers who encroach on the pavements or allow unauthorised vendors to vend, shall also be sealed. Thereafter proceedings shall be initiated in accordance with law by the MCD, including by issuance of necessary *challans* and initiation of appropriate action in accordance with law.

(II) Unauthorized vending by the vendors/hawkers on the subject road

24. The subject road has been declared as a ‘No-vending zone’ by the MCD. The MCD would, therefore, have a duty to put up proper signage boards, both in English and Hindi, clearly indicating that no vendor or hawker is permitted to vend or hawk in the said area. Any vendors or hawkers, who are found to be vending in the said area shall be liable to be removed.

25. In addition, the MCD, along with the local police, may issue *challans* to such vendors, who are found vending at the site in question, and collect fines and penalties from them, as may be permissible in accordance with law. The goods of unauthorised vendors shall also be liable to seizure, as per the Act & Rules.



(III) Unauthorised encroachments and raising of illegal construction on the subject road

26. Insofar as the unauthorised encroachments, construction and occupation of government land is concerned, various documents have been handed over to show the manner in which the open green land has, from time to time, been completely occupied by the local residents and, possibly, even by the land mafia. The maps, as generated from Google Earth, have been handed over by the Petitioner, which show the extent of encroachment and unauthorised construction. The said maps are set out below:





27. In addition, the Court has also been informed that unauthorised construction has continued unabated, even as of today.

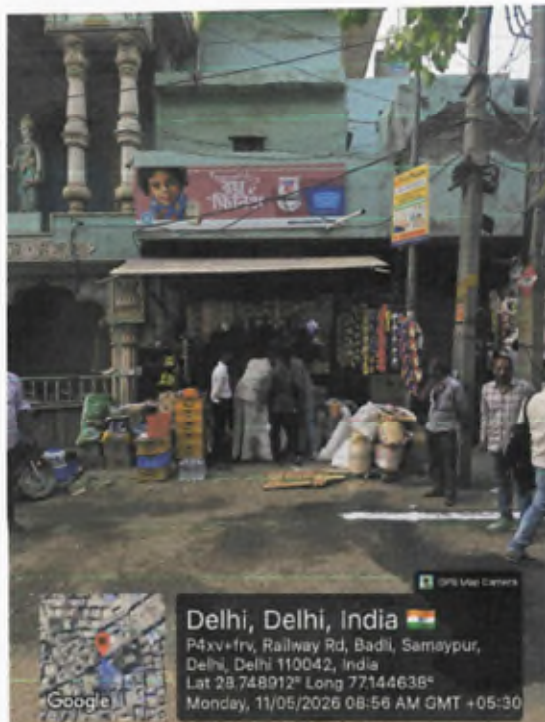
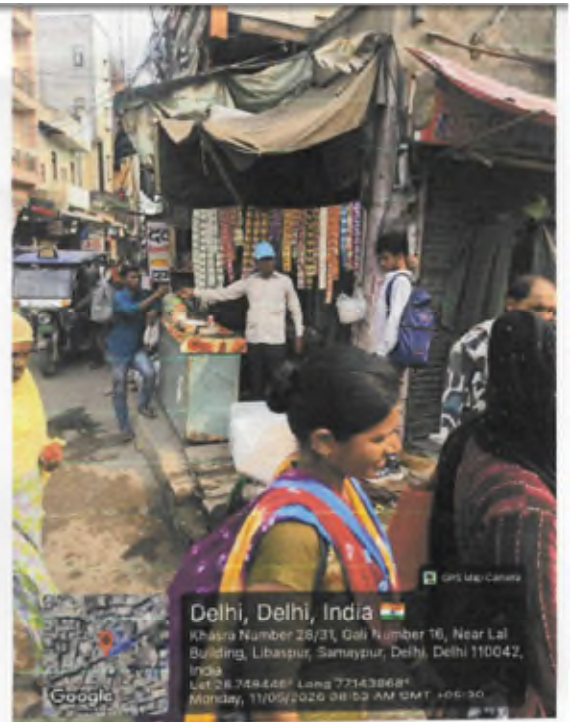


28. Certain photographs have also been placed on record to show the extent of encroachment and unauthorised construction. The said photographs are set out below:





2026:DHC:6640-DB







29. There can be no doubt that such unauthorised construction cannot be permitted without sanctioned plans and due approvals. The MCD is responsible for taking necessary action in respect thereof, as the land falls within its supervisory jurisdiction.

30. Throughout the course of the present matter, on various dates when the matter had been taken up for hearing, various status reports have been placed on record by the MCD, PWD, S.H.O setting out the action taken by the said authorities. The details of the said status reports and action taken by the authorities are set out hereunder:

Filed By	Action Taken
MCD (10th March, 2025)	● Permanent encroachments on the Railway Road, Samaypur are to be removed by PWD. ● No tehbazari license has been allotted on the subject road. ● MCD carried out encroachment-removal actions for temporary encroachments on 8th November, 2024 and 20th November, 2024.
MCD (15th April, 2025)	● Joint meeting convened with official of MCD, PWD, Delhi Police on 24th March, 2025 and 1st April, 2025. ● MCD coordinated with PWD and Delhi Police for joint encroachment-removal action. ● MCD removed temporary encroachments on 8th



	April, 2025. • Four “No Vending Zone” boards and four CCTV cameras were installed on the subject road.
SHO P.S. S.P. Badli, Delhi (17th September. 2025)	• Unauthorized vendors were causing road narrowing, traffic congestion and public inconvenience; regular anti-encroachment drives are being conducted with MCD/PWD. • 19 FIRs under Section 285 of the Bharatiya Nyaya Sanhita, 2023 (<i>hereinafter</i>, ‘BNS’) registered, and repeated action under Section 66 Delhi Police Act have been taken against illegal hawking/encroachment. • Beat staff and Police Mitras deployed to prevent re-encroachment. • Police has sought demolition of unauthorized structures, warned vendors and assured continuous preventive and enforcement action to keep subject road encroachment free.



MCD (16th September, 2025)	• Temporary encroachments on the subject road were removed through drives on 28th July, 2025, 06th August, 2025 and 06th September, 2025, including parked vehicles and wooden <i>khokhas</i>. • It is stated that the road stretch was handed over to PWD in 2012. Under the STF SOP dated 15th April, 2024, PWD, being the land-owning agency, is responsible for permanent removal of encroachments, with MCD providing assistance upon intimation. • Police assistance/vigilance was sought to prevent re-encroachment.
S.H.O. P.S. S.P. Badli, Delhi (8th December, 2025)	• Joint drives by Police, MCD, PWD & Traffic Police conducted on 24th November, 2025, 26th November, 2025, 2nd December, 2025 and 05th December, 2025 to remove unauthorised structures. • 40 FIRs under Section 285 BNS registered and 534 parking <i>challans</i> issued. • Regular patrolling and inter-agency monitoring undertaken to prevent re-encroachment.



PWD, GNCTD 9th December, 2025	• Joint encroachment-removal drives were conducted on 08th April, 2025 and 24th November, 2025 by MCD, PWD, Delhi Police and Traffic Police. • Temporary structures were removed, though complete removal on 08th April, 2025 was hindered by public resistance. • The Subject road has been handed over by MCD in 2012 to PWD on an “as is where is” basis, it is stated that the encroachments pre-date the handover. • PWD has sought the approved layout/demarcation plan from SDM Alipur to ascertain the exact extent of encroachment.
MCD (8th December, 2025)	• Vendors were obstructing the subject road, encroachments by sheds, ramps, stairs, were removed by coordinated action, by the MCD with PWD, and Delhi Police and Police for removal. • Removal drives were conducted along with Delhi Police officials, including on 5th December, 2025, clearing hawkers/vendors and road obstructions.



S.H.O. P.S., SP Badli, Delhi 20th January, 2026	• Revenue Department and PWD demarcated the land. • This was followed by joint inspection and encroachment-removal action, however, the proposed demolition was stayed by this Court <i>vide</i> order dated 17th January, 2026, after impleadment applications were filed. • To prevent re-encroachment, 22 FIRs were registered under Section 285 of BNS and 330 parking <i>challans</i> were issued; regular patrolling, monitoring, warnings and joint drives are continuing. • Vegetable vendors were relocated to a nearby park.
MCD (21st January, 2026)	• Encroachment drives were conducted on 15th January, 2026 and 19th January, 2026, removing <i>rehris</i>, shop extensions, ladders, boards and other temporary encroachments from subject road. • During, said drives, various articles were seized. • PS Samaypur Badli was requested to maintain strict vigilance and prevent re-encroachment.



S.H.O. PS - SP Badli, Delhi. (11th March, 2026)	• A further encroachment-removal drive was conducted on 6th March, 2026. • 37 FIRs under Section 285 BNS were issued and it was stated that 960 parking <i>challans</i> have been issued since 18th December, 2025. • It was stated that vegetable vendors resumed evening vending on a covered <i>nala</i> after relocation to a nearby park. Further relocation is proposed after stakeholder consultation.
PWD, GNCTD (21st January, 2026)	• Topographical survey and demarcation of the subject road was conducted. • PWD directed physical marking of encroachments on 13th January, 2026 and 14th January, 2026.
MCD (7th August, 2026)	• MCD conducted encroachment-removal drives on 11th May, 2026 and 5th June, 2026 at the subject road, and various articles were seized and documented. • MCD requested S.H.O, P.S. Samaypur Badli to maintain strict vigil to prevent re-encroachment. • 65 show-cause notices were issued under Sections 345A read with 347 of the Delhi Municipal Corporation Act, 1957 to shopkeepers allegedly facilitating encroachment by unauthorised



	vendors.
S.H.O., PS Samaypur Badli, Delhi (21st April, 2026)	• Joint drives conducted by PWD, MCD, Delhi traffic Police on 24th November, 2025, 26th November, 2025, 2nd December, 2025 and 5th December, 2025, during said drives announcements made that the subject road is a 'No-vending Zone', <i>rehris</i>, vending carts, tables, boards etc. seized. • 1,700 parking <i>challans</i> were issued and 4 FIRs under Section 285 BNS were issued. • Daily patrolling from 9:00 am to 11:00 pm to prevent re-encroachment.



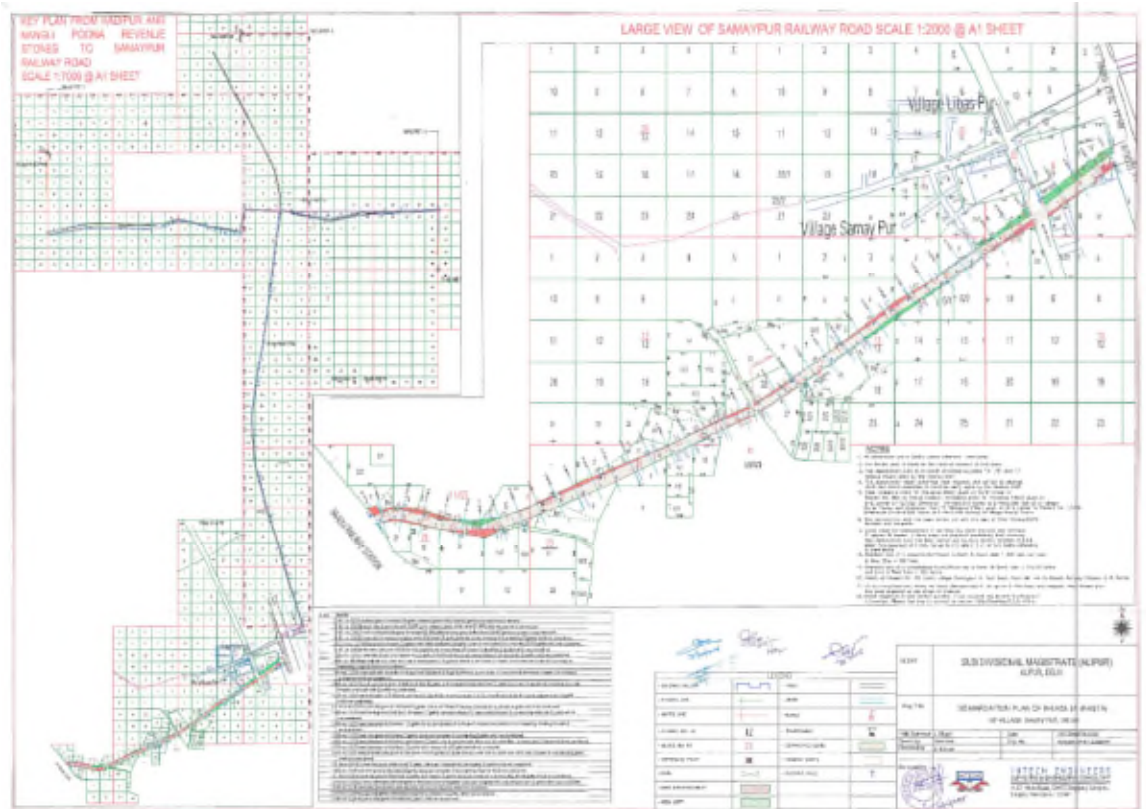
S.H.O. P.S. - S.P. Badli, Delhi 08.08.2026	• Encroachment-removal drive was conducted on 5th August, 2026 with MCD, with regular patrolling and deployment to maintain the road as a No Vending Zone. • 5 FIRs and 854 parking challans were issued for encroachment/obstruction and improper parking. • Preventive action and coordination with MCD/PWD are continuing. • Railway Road-related PCR calls reduced to zero in 2026 compared to 12 calls in 2025. • Vegetable vendors were temporarily relocated to a nearby park, with further relocation under consideration.
--	--

31. The aforesaid status reports on behalf of the MCD, PWD and the Delhi Police have been perused by the Court. A perusal of the same reveals that despite repeated action being taken, unauthorised encroachment by vendors, etc. continues. The subject road is an important transit road for vehicular and pedestrian traffic.

32. As per the status report of the PWD dated 21st January, 2026, a topographical survey of the subject road was carried out by Intech Engineers on 19th December, 2025 and 20th December, 2025. Based on the said survey and as per the revenue records, a preliminary demarcation report was prepared and submitted to the SDM for review on 30th December, 2025.



33. Thereafter, the SDM issued the preliminary demarcation report to the Executive Engineer for necessary action *vide* letter dated 9th January, 2026. The said letter is attached with the said status report and contains the preliminary demarcation report sketch, which is as under:



In the above sketch, the red areas depict the unauthorised construction and encroachment areas.

34. Pursuant thereto, the PWD had directed the SDM, Intech Engineers as also the Delhi Police, and MCD to conduct physical demarcation and marking of illegal encroachments, which is stated to have been conducted.

35. Further, as per the said status report by the MCD, notices for removal/demolition of illegal encroachments were also stated to have been given.



36. The occupants of the site in question, have, obviously, raised objections to the preliminary demarcation report.

37. Furthermore, the MCD has also filed a status report on 7th August, 2026, stating that it has taken encroachment removal action at the site in question. It is also stated that, during such drives, various articles were seized.

38. In addition, a status report dated 21st April, 2026, on behalf of S.H.O. P.S., Samaypur Badli, had also been filed, which states that joint anti-encroachment drives were conducted on 24th November, 2025, 26th November, 2025, 2nd December, 2025 and on 5th December, 2025 for removal of concrete constructions in front of shops, godowns, houses. Further, repeated announcements were also made that the subject road and the site in question is a 'No-vending zone'.

39. However, despite such efforts, repeated encroachments have taken place on the subject road.

Special Task Force

40. In a writ petition of this nature, this Court cannot be called upon to adjudicate upon the existence or otherwise of the title in respect of any property. The demarcation of the public road and government land is an exercise which is required to be undertaken by the concerned authorities in coordination with each other, including the MCD, PWD, Delhi Police, SDM and such other authorities, as may be necessary.

41. Upon completion of the demarcation, if any construction is found to be upon public land, the same would be liable to be removed in accordance with law. However, such an exercise on a case to case basis, cannot be undertaken in the exercise of writ petition.



42. It is for the authorities, such as the MCD, PWD as also the Delhi Police, to work in tandem with each other, so as to ensure the removal of encroachments by vendors, unauthorised constructions and unauthorised encroachments by the occupants

43. The Supreme Court has, *vide* orders dated 24th April, 2018 and 18th July, 2018 in **W.P.(C) 4677/1985** titled '**M.C. Mehta v. Union of India**', evolved a specialised mechanism in the form of Special Task Force (*hereinafter*, '**STF**') to curb the menace of unauthorised constructions and for removal of encroachments on public roads and pedestrian streets.

44. Pursuant to the said directions, an office Memorandum dated 25th April, 2018 was also issued by the Ministry of Housing and Urban Affairs, Government of India, setting out the following mandate:

- *“Identify encroachments on Government land in different localities of NCT Delhi and to reclaim the encroached Government land;*
- *Suggest course of action to the Government of India with respect to the unauthorised colonies of NCT, Delhi and regular follow-up till its resolution;*
- *Over see the effective and proper enforcement of the applicable laws by the local bodies particularly with respect to use violation and unauthorised construction;*
- *Monitor action taken by the local bodies with respect to the use violations and unauthorised construction;*
- *Identify the areas of congestions of traffic in different parts of NCT, Delhi and suggest measures to remedy the same to the local bodies and other agencies;*
- *See that the traffic management strategies are devised*



and implemented with or without consultation with traffic experts, planners and the Unified Traffic & Transportation Infrastructure (Plg. & Engg.) Centre (UTTIPEC);

- *Oversee compliance of fire safety measures and disaster management requirements particularly, in schools, colleges, hospitals etc.*
- *The STF may modify/ add any other object which is in line with improvement of habitat in Delhi.”*

45. Thereafter, another office memorandum dated 23rd May, 2018 was issued by the Ministry of Housing and Urban Affairs, Government of India, for monitoring all the construction activities and fixing responsibility in case of violation of the Master Plan of Delhi, 2021 and unified building bye-laws etc.

46. Furthermore, in terms of the directions passed by the Supreme Court in ***M.C. Mehta (Supra)***, the Delhi Development Authority, while exercising powers under Section 57(1)(aa) of the Delhi Development Act, 1957, issued a notification dated 8th March, 2019 for the constitution of STF. The said notification further stipulates the role and functions of the STF:

- *“Direct the local bodies to ensure that all the layout plans, local area plans are being taken up by the concerned local bodies with respect to infrastructure provisions, parking, traffic management and also all the statutory approvals are obtained in a timebound manner.*
- *Direct the local bodies to ensure that the layout plans are prepared in coordination with all the service providing agencies.*



- *Direct the service providing agencies to ensure that all the relevant data required for assessment and augmentation of various facilities are provided in a timebound manner.*
- *Direct the local bodies to ensure monitoring of any unauthorized construction, misuse of land, encroachment on public land and any other irregularities observed which is not in conformity with the provisions of the Master Plan or any other prevailing law.*
- *Ensure that Urban Local Bodies (ULBs) shall take up formation of a unified and integrated web portal wherein all the complaints/ issues within an area may be recorded which shall be reviewed by the STF in its meetings. In case, any problem is faced by local bodies or there are any ambiguity or differential norms in the Master Plan, the same shall be brought to the knowledge of the STF and if required, after discussions and deliberations, the necessary amendments may be suggested to be carried out in the Master Plan taking into consideration the ground realities.*
- *Direct the local bodies and the Traffic Police for preparation of Management Plan (Circulation, Parking) in consultation with the local bodies and the RWAs/Traders Associations.*
- *Direct the local bodies and the traffic police to remove the road blocks of any nature to ease the flow of traffic.*
- *Direct the local bodies and the Delhi Police to clear encroachments on footpaths, pavements, underpasses and other public areas.*
- *Direct the local bodies and the Delhi Police to remove encroachment from Green areas of Delhi and other*



public places.

- *Propose action against the erring officials in case any local body fails to adhere/act on the irresponsibilities.*
- *Direct the local bodies to submit the details of the Actual Site Position to the Committee on 25th of every month out lining violations if any and showcause notice issued alongwith the course of actions to be taken as per the law.*
- *Direct the local bodies to launch public awareness campaigns about following the Master Plan norms and municipal laws particularly with respect to uses of properties and construction within the sanctioned limit.*
- *Suggest measures for better co-ordination amongst the local bodies, Delhi Police, DDA and the GNCTD to ensure that there is no crisis in enforcement.*
- *Direct the local bodies to provide its field staff with GPS enabled cameras to take photographs and videos of violations and to take them as evidence for action against such violation.*
- *Direct the local bodies to obtain GPS co-ordinates of different localities showing the extent of constructed area so that any fresh construction which is taking place may be checked to ensure whether the same is in accordance with law.”*

47. The above notifications, memorandums and orders passed by the Supreme Court provide an adequate framework for the STF to undertake the removal of unauthorised constructions and encroachments from public roads, public spaces, public land, pavements, etc.



48. The said mandate of the STF, to deal with the aspect of removal of unauthorised constructions and encroachments has been reiterated by this Court in various decisions, including the following:

(i) In ***W.P.(C) 1773/2019*** titled '***Abdul Gaffar v. South Delhi Municipal Corporation and Ors.***', vide order dated 28th February, 2019, this Court has observed as under:

"[...] 6. Vide order dated 20.09.2018 made in Writ Petition (Civil) No. 1807/2018 titled Devender vs. Government of NCT of Delhi & Ors. (and connected matters) by the Division Bench of this Court headed by Hon'ble the Chief Justice, the Court has held that in view of the setting-up of the Special Task Force under directions of the Supreme Court it is not appropriate for our court to exercise jurisdiction in matters relating to unauthorised construction; and has disposed of such matters granting liberty to the petitioners to raise their grievances before the Special Task Force so constituted, in accordance with the scheme and procedure formulated under the aforesaid two Office Memorandums.

XXX

7. By order dated 24.09.2018 made in a subsequent matter, being Writ Petition (Civil) No. 9938/2018 titled Suresh Chand Goel vs. East Delhi Municipal Corporation, the Division Bench has followed its earlier order dated 20.09.2018 in Writ Petition (Civil) No. 1807/2018, similarly disposing of the writ petition, granting liberty to the petitioner to file a complaint before the Special Task Force. I am informed that the Division Bench has subsequently also made similar orders in other matters.

XXX

9. Ergo, the binding observation of the Division Bench



that in view of the setting-up of the Special Task Force under directions of the Supreme Court it is not appropriate for our court to exercise jurisdiction in such matters, must not in my view, be restricted only to matters relating to unauthorised construction but must also apply to all other matters which the Special Task Force is mandated to deal with, including misuse and encroachment. In many instances, it may well be that there are multiple violations of Building Bye Laws and Master Plan in the same property, say unauthorised construction, encroachment as well as misuser of premises; in which case the same agency must be left to deal with such connected issues. I should think it is for this reason that the objectives of the Special Task Force as enunciated in Office Memorandum dated 25th April 2018 include inter-alia matters relating to encroachment, unauthorised construction and use violations.”

(ii) In *W.P.(C) 12033/2024* titled ‘*Pravin Singhal v. Municipal Corporation of Delhi and Ors.*,’ this Court, vide order dated 30th August, 2024, has held as under:

“10. Therefore, bearing in mind the effective redressal of specified disputes by STF, the Court should not adjudicate all kinds of disputes relating to illegal construction while exercising discretionary remedy under Article 226 of the Constitution of India. At the same time, the mechanism of STF should also not be construed in a sense that the same puts a complete bar against entertainability of writ petitions in such cases. Essentially, while dealing with such issues, the Court must strike a balance to entertain and decide writ petitions in appropriate cases which would warrant necessary interference, depending upon facts and circumstances therein.

11. Having delved into the role, objectives and functioning



of STF, it is germane to advert to the decisions rendered by this Court, wherein, looking at the nature of the lis, the Court had referred the same to STF to take the matter to its logical end.

12. In W.P.(C) 1807/2018 titled as Devender v. Govt. of NCT of Delhi and Ors., the Division Bench of this Court disposed of a batch of writ petitions vide order dated 20.09.2018, directing the parties aggrieved by the illegal construction to approach STF. The relevant paragraph of the said decision reads as under:-

“7. That apart, by another Office Memorandum No. O-33011/1/2006- DDI issued by the DDA on May 23, 2018, an action plan for monitoring all ongoing construction activities in Delhi, fixing of responsibilities in case of violation of Master Plan, unified Building Byelaws and issues with regard to illegal constructions have been dealt with and even a plan for receipt of complaint with regard to illegal and unauthorized constructions already made and steps to be taken for their removal have been indicated. Once under the orders passed by the Hon’ble Supreme Court, a Special Task Force has been created and an action plan has also been drawn for the purpose of preventing any further illegal construction and also for removal of constructions unauthorizedly and illegally undertaken, now the purpose of all these writ petitions filed before us in public interest or otherwise stands fulfilled to a certain extent and further action are to be taken in the matter based on the duties entrusted to the Special Task Force and the action plan drawn under the supervision of the Hon’ble Supreme Court, that being so, it is not appropriate now for us to exercise our jurisdiction in all these matters. Suffice it would be to say that all these petitioners are granted liberty to raise appropriate pleas before the authorities as



are notified in the Office Memoranda dated April 25, 2018 and May 23, 2018 and the authorities are directed to proceed in the matter as directed by the Hon'ble Supreme Court and indicated in the above-mentioned Office Memoranda with regard to grievance of each of the petitioners.”

13. In another case being W.P. (C) No. 9938/2018 titled as **Suresh Chand Goel vs. East Delhi Municipal Corporation**, the Division Bench of this Court has followed its earlier order dated 20.09.2018 in **Devender (supra)**, and disposed of the writ petition, granting liberty to the petitioner to file a complaint before STF.

14. In LPA 245/2019 titled as **Sneh Lata & Anr. v. North Delhi Municipal Corporation & Anr.**, the Division Bench of this Court, while highlighting the composition and functioning of STF, has held that STF is a specialised agency which offers an alternate efficacious remedy to the litigants aggrieved by the unauthorised construction. The relevant paragraphs of the said decision are reproduced as under:-

“The Special Task Force comprises 15 members from various municipal, civic, revenue and law enforcement agencies of Delhi; and even has its own dedicated website and mobile application to facilitate making of complaints. The Special Task Force is therefore a specially constituted agency to address grievances relating inter-alia to unauthorised construction; and an aggrieved person may avail the alternate, efficacious remedy before the Special Task Force.

In view of the setting-up of the Special Task Force under directions of the Supreme Court even the respondent No.2 has a forum to agitate any grievance that may remain. It is therefore not appropriate for our court to exercise its appellate



jurisdiction in the matter.

Accordingly, the appellants are free to avail their statutory remedies before the ATMCD in respect of action initiated by the corporation by issuing notices under Delhi Municipal Corporation Act, 1957. On the other hand respondent No.2 may, if aggrieved, approach the alternate forum of the Special Task Force to seek amelioration of any grievances or invoke any other remedy available under law. Accordingly, parties may resort to the appropriate remedy, as they may be advised.”

15. A similar view has been taken by the Division Bench of this Court in a Public Interest Litigation being W.P. (C) 8104/2022 titled as **Himanshu v. East Delhi Municipal Corporation & Anr.**, in W.P. (C) 4649/2017 titled as **Fazruddin v. DDA & Ors.**, in W.P. (C) 5988/2019 titled as **Jaladhar Das v. North Delhi Municipal Corporation & Ors.** and in W.P. (C) 11873/2023 titled as **RWA Sunlight Colony v. GNCTD & Ors.**”

(iii) This Court in W.P.(C) 3327/2025 titled ‘**Karishma Residents Welfare Association and Forum v. Municipal Corporation of Delhi and Ors.**,’ vide order dated 18th March, 2025, has held as under:

“13. It is clear from the above, that the issue of unauthorised construction and encroachments is the mandate of the Special Task Force. Accordingly, the MCD shall submit a report to the STF which shall proceed in accordance with law.”

49. It is evident from the aforesaid line of decisions that this Court has consistently held that issue of unauthorised construction and encroachments, fall squarely within the specialised mandate of the STF, and that courts exercising jurisdiction under Article 226 ought to ordinarily refrain from



adjudicating such disputes directly and relegate the parties to the STF.

50. The Court is informed that the STF is presently carrying out its functions, and meets at-least once every month. It has the power to regulate the construction activities and remove all the unauthorized encroachments.

51. In the opinion of this Court, insofar the third aspect is concerned *i.e.*, removal of unauthorized encroachments and illegal construction, the STF is fully empowered to pass the necessary directions, after hearing all the affected parties.

DIRECTIONS:

52. In this background the following directions are issued in the matter:

A. Encroachment by existing shopkeepers on the footpath of the subject road by themselves or by permitting unauthorised vendors

The MCD, as also the Delhi Police, shall undertake continuous anti-encroachment drives to ensure that there is no encroachment upon the footpath or subject road. The shops of shopkeepers who encroach on the pavements or allow unauthorised vendors to vend, shall also be sealed. Thereafter proceedings shall be initiated in accordance with law by the MCD, including by issuance of necessary *challans* and initiation of appropriate action in accordance with law.

B. Unauthorized vending by the vendors/hawkers on the subject road

Proper signage shall be installed informing the public that the Road is a 'Non-Vending' zone and 'Non Hawking Zone'. If any vendors are found to be vending in such non-vending zones, they shall be removed. Their goods shall also be seized and action shall be taken as per law.

C. Prevention of further unauthorised construction

(i) Insofar as unauthorized construction is concerned, the Executive



Engineer (Building), Civil Line Zone, MCD and Executive Engineer (PWD) shall be responsible for ensuring that, henceforth, no unauthorized construction takes place in the site in question, without proper building plans having been duly approved.

(ii) The officials of the PWD and MCD shall work together to ensure the same.

D. Demarcation of Public Land

(i) Objections have been raised to the preliminary demarcation report filed by the PWD. In the opinion of this Court, demarcation is an exercise which is to be undertaken by the Government authorities along with the relevant revenue authorities. Private citizens may, however, make their submissions before the PWD in respect thereof and give their inputs.

(ii) After obtaining the inputs, the PWD shall submit the demarcation report to the STF, which shall then direct removal of encroachments or constructions on public land. Once the PWD files the demarcation report, the same shall have a bearing in determining as to which land constitutes public land.

E. Removal of encroachments by existing shopkeepers and vendors

(i) The Assistant Commissioner, MCD together with the SHO, PS Samaypur Badli, shall take action against any unauthorized encroachment by existing shopkeepers and vendors onto the pavements of the subject road, in accordance with law.

(ii) The MCD and Delhi Police shall jointly conduct weekly anti-encroachment drives, to ensure that encroachers do not come back.

(iii) In fact, this Court, in ***W.P.(C) 17510/2022*** titled **Puran Chand v. Delhi Fire Service & Ors.**, *vide* order dated 4th May, 2023, had, in a similar matter



concerning encroachment by hawkers and vendors upon the public footpaths and streets near the Rohilla Railway Station, directed the MCD to impose on-spot fines of Rs. 10,000/- upon persons found encroaching upon the road. The relevant observations of this Court in the said order are set out below:

“[...]

10. Considering the photographs placed on record, it is directed that the MCD with the help of the local police shall conduct monthly inspections, at least till one year, and periodically thereafter to make sure that the encroachments are not repeated. If any parties are found to be encroaching any public road, such traders or shopkeeper shall be liable to pay an on-spot fine of Rs.10,000/-. The said fine shall be contributed to the welfare of the local residents. Since the Residents Welfare Association (RWA) is yet to be constituted, until then the same is formed, the said fine shall be deposited with the MCD and shall be used for the maintenance of the local parks and the roads in the area. Upon the RWA being constituted, such fines shall be contributed to the RWA. The SHO of the concerned area shall also ensure compliance of this order.”

(iv) Accordingly, in the present case of a similar nature, the MCD shall consider imposing heavy fines on such persons and shopkeepers who encroach upon the footpaths and pavements of the subject road.

F. Prevention of unauthorised vending and hawking

(i) The concerned officials of the MCD shall put up ‘No-vending’ signage boards, both in Hindi and English, so that the vendors/hawkers are aware that the subject road is a ‘No-vending zone’.



(ii) The S.H.O., PS Samaypur Badli, shall ensure that there is no vending or hawking on the subject road by any unauthorized, illegal or unlawful vendors.

(iii) The traffic congestion being caused by the vendors on the subject road is enormous and, therefore, the SHO shall ensure that no traffic congestion is caused on the said road, on the account of unauthorized vending.

G. Demolition of existing unauthorised construction

(i) Insofar as the demolition of any unauthorized construction which has already taken place on public land is concerned, this Court has not examined the matter on a case-to-case basis. The STF shall consider the submissions made by the intervenors and the reports submitted by the PWD and MCD.

(ii) The STF shall, after hearing the concerned parties and in accordance with law, issue appropriate directions for the removal and demolition of any unauthorized construction which has already taken place.

H. Continued unauthorised construction

It is noticed from the photographs submitted that unauthorised construction is continuing in an unabated manner. The responsibility of ensuring that such unauthorised construction does not continue is on the Executive Engineer (Building), Civil Line Zone, MCD and Executive Engineer (PWD) of the concerned area. They would be personally responsible to ensure that no unauthorised construction is permitted henceforth.

53. All concerned parties to now appear before the Special Task Force (STF) on **7th September, 2026**. The STF shall regularly monitor the subject road and take all necessary action to implement the above directions.

54. Copy of this order to be communicated by the Registry through email and post to the following:



(i) **Name:** Dr. N Saravana Kumar, Vice Chairman, Delhi Development Authority, Chairperson, STF

Mobile No.: 011-24697900, 011-24699121

Email ID: Vcdda@dda.org.in

(ii) **Name:** Ms. Manju Paul, Member Secretary, STF

Mobile No. 9810687769

Email ID: commplg@dda.org.in

55. The Secretary STF shall place the order before the Chairperson for necessary information and compliance.

56. The petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

VIKAS MAHAJAN
JUDGE

AUGUST 11, 2026/dk/sm