



\$~2 (SDB)

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

Date of decision: 23rd May, 2026

Uploaded on: 26th May, 2026

+ **W.P.(C) 8035/2024 & CM APPLs.30255/2025, 35458/2025**

SHABNAM BURNEYPetitioner

Through: Mr. S.D. Windlesh, Adv.

versus

UNION OF INDIA AND ORS.Respondents

Through: Ms. Shiva Lakshmi, SPC for
UOI/L&DO. (M: 89290 15368)

Mr. Kailash Vasudev, Sr. Adv. with
Ms. Prabhsahay Kaur, Standing
Counsel, Ms. Deeksha L. Kakar Panel
Lawyer, Mr. Aditya Verma, Mr.
Rashneet Singh & Ms. Sana Parveen,
Adv. with Dr. Mannan Akhtar,
Commissioner (LM), Mr. Ajay
Kadian, Director (LM-II), Mr.
Pradeep Kumar, AD (LM
Coordination), Mr. Durganand Minz,
DD (GIS), Mr. Mayank Yadav,
(Tehsildar Nazul), Mr. Bijndra
Kumar, DD (Horticulture) for DDA.
(M: 9717460151)

Mr. Sumit K Batra, Ms. Priyanka
Jindal, Adv. for GNCTD. (M:
9711147495)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. In the present petition, there are two aspects that are to be considered



by the Court today. Firstly, the aspect in respect of the land, which was vacated by the Delhi Metro Rail Corporation (hereinafter, ‘DMRC’), removal of encroachments and preservation of the Zone O area. Secondly, the status of the *Nau Gaza Peer* located in Zone O.

3. On the last date of hearing *i.e.*, 18th April, 2026, a status report was directed to be filed by the Delhi Development Authority (hereinafter, ‘DDA’) stating as to the manner in which the said land, is now to be preserved as Zone ‘O’ area, without further encroachments.

4. Ms. Prabhashay Kaur, Id. Counsel appearing for the DDA has handed over a presentation and a note along with the status report dated 21st May, 2026. According to the DDA, the land vacated by the DMRC has now been fully taken over by the DDA. The said land is proposed to be developed as a natural green zone by plantation of indigenous tree species along with riverine grasses suitable to the floodplain ecosystem. The DDA intends to start the said plantation during monsoon season.

5. The Court is further informed that the Total Station Method (hereinafter, ‘TSM’) survey of the land in question has been completed and the map showing the Total Station survey (*hereinafter* ‘TSS’) is filed with the status report. Relevant portion of the said report is extracted below:

“2. It is respectfully submitted that the land in question is proposed to be developed as a green zone by plantation of native tree species such as Arjun, Jamun, Shisham, etc. along with riverine grasses suitable to the floodplain ecosystem and capable of withstanding flood conditions. The said plantation and development has been planned keeping in view the ecological and environmental considerations.

3. It may be pertinent to mention herein that the



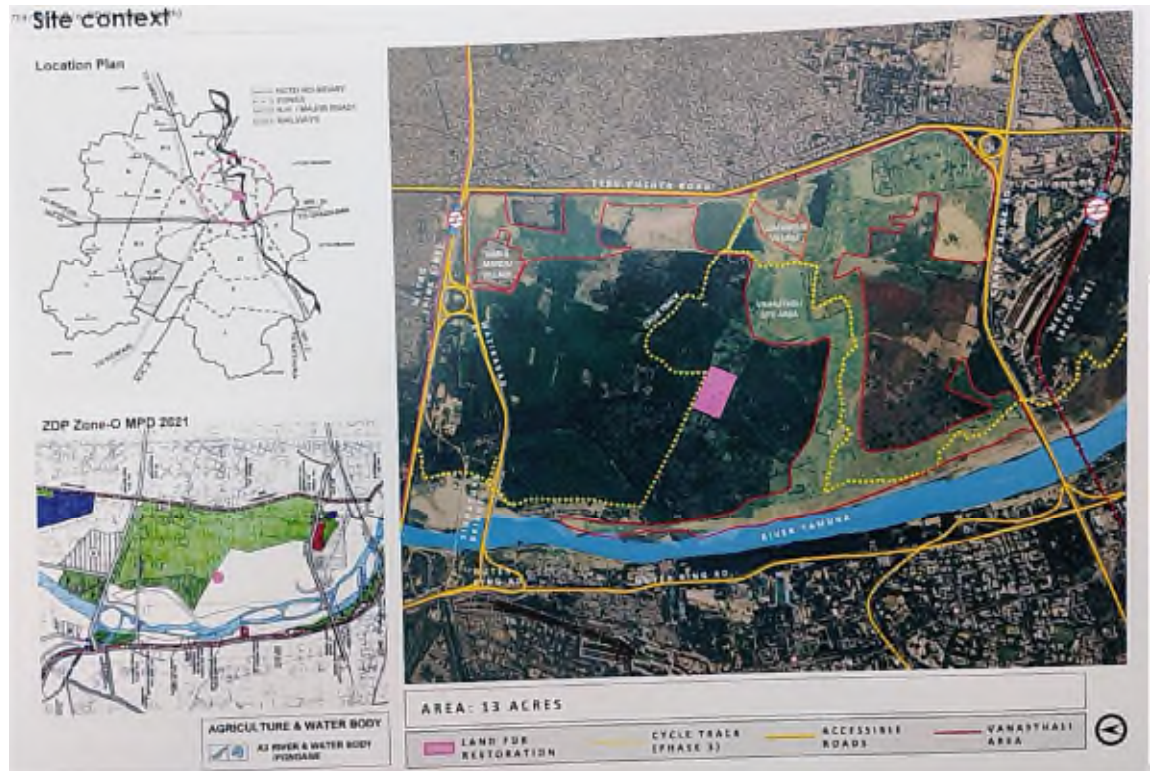
proposed plantation and green area development shall be done during the monsoon season after due approval from the landscape department, so as to ensure the survivability and sustainability of the plantation.

4. It is further submitted that the Total Station Survey ("TSS") of the land in question has been completed. A copy of the map showing the TSS is annexed hereto as Annexure "R-1".

5. Furthermore, the fencing work at the site in question is in progress. It is submitted that approximately 70% (seventy per cent) of the Reinforced Cement Concrete ("RCC") posts have been embedded. The remaining posts are expected to be embedded/fixd within the next 2-3 days. Thereafter, the Razor Blade Tape ("RBT") wires will be installed to completely fence the area in question. Photographs showing the RCC posts embedded at the site in question are annexed hereto as Annexure "R-2" (Colly)."

6. The Court is also informed that the fencing of the said land is also on the verge of completion.

7. The Court has also been handed over a presentation by the Id. Counsel for the DDA which shows the map of the area in question wherein the land vacated by DMRC is identified in pink. The said map is extracted below for the sake of future reference.



8. It is further submitted by Id. Counsel for the DDA that the said area forms part of the Yamuna *Vanasthali* project, which is under development by the DDA and the land in question would also be developed in a continuous manner along with Yamuna *Vanasthali*. Certain other steps being taken in area Zone 'O' for beautification and for better use such as construction of a cycle track etc. have also been presented to the Court. The said presentation is taken on record.

9. Let the DDA continue the development of this area including plantation of trees etc. as stated in the status report and submitted to the Court.

10. The second aspect that the Court has to consider today in respect of *Nau Gaza Peer*, which is a graveyard located on *Khasra* No.100. In respect



of this land, on the last date of hearing, the Court had noted that the *Kabristan* is located in two *khasras* i.e., *Khasra* No.100 and *Khasra* No.101. Insofar as *Khasra* No.100 is concerned, today it has been confirmed by all the relevant agencies i.e., the Land and Development Office (hereinafter, '*L&DO*'), the DDA as also the Government of National Capital Territory of Delhi (hereinafter, '*GNCTD*'), that the same is government land. Thus, the graveyard is stated to be an encroachment in *Khasra* No.100.

11. Insofar as *Khasra* No.101 is concerned, Ms. Shiva Lakshmi, Id. Counsel appearing for the L&DO submits that the dispute is pending before the Co-ordinate Bench of this Court in *W.P.(C) 2686/2023 titled 'Delhi Waqf Board v. Union of India & Ors.'*. The land in *Khasra* No.101 where a Mosque is located, is stated to be part of the said writ petition. Let the exact status of the said writ petition and the copy of the stand of the Union of India in respect of this *Khasra* number be placed on record.

12. Insofar as the *Kabristan* is concerned, the GNCTD has filed a status report wherein it has raised certain issues with the DDA and there appears to be no clarity with the GNCTD as to whether in Zone 'O', if the *Kabristan* is permissible or not. Since the same is stated to be an encroachment on government land and there is no doubt that the entire *Khasra* is located in Zone 'O', the Religious Committee of the GNCTD ought to place its view in respect of same.

13. Accordingly, the matter is referred to the Religious Committee of the GNCTD to place its recommendations on record by the next date of hearing.

14. None appears on behalf of the Delhi Waqf Board. Let Court notice be issued to Delhi Waqf Board through its Counsel- Ms. Farhat Jahan Rehmani, ASC, Delhi on the email farhatzdvocate@gmail.com by the Registry.



2026:DHC:4738-DB



15. Delhi Waqf Board is also free to make its submissions before the Religious Committee in respect of this *Khasra* i.e., *Khasra* No.100.
16. This order shall be placed before the Religious Committee of the GNCTD by Mr. Batra, Id. Counsel for the GNCTD.
17. List on 25th July, 2026.

**PRATHIBA M. SINGH
JUDGE**

**MANMEET PRITAM SINGH ARORA
JUDGE**

MAY 23, 2026/dk/ck