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IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 24th September, 2026******Uploaded on: 29th September, 2026***

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CNR No. DLHC010379892025

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W.P.(C) 8421/2025 & CM APPL. 36649/2025, CM APPL. 36650/2025, CM APPL. 41489/2025, CM APPL. 6642/2026, CM APPL. 35643/2026**MEENA PANDIT****.....Petitioner****Through: Mr. Akshit Sachdeva, Mr. Yatender Rawat, Mr. Arun Kumar and Mr. Jayesh Taneja, Advocates.****versus****REGISTRAR OF COOPERATIVE SOCIETIES
& ORS.****.....Respondents****Through: Mr. Mukesh Chand, SO, RCS.
Mr. Tushar Sannu, S.C for MCD with
Mr. Shrey Bhardwaj, Advocate
Ms. Mrinalini Sen (SC), Ms. Aditi Saxena & Ms. Aditi Singh, Advocates
for DDA.
Mr. Vinod Zutshi and Mr. Suraj Raina,
Advs. for R-3.****CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE DINESH BHATT****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner, *inter alia*, seeking directions to the Registrar of Co-operative Societies (*hereinafter*, 'RCS') and the Municipal Corporation of Delhi (*hereinafter*, 'MCD') to conduct a joint survey and inspection of the subject site for identification of illegal construction at Respondent No. 3 - Satisar Co-Operative Group Housing



Society Ltd. (*hereinafter*, '*the Society*'). In addition, the Petitioner had prayed for demolition of the existing illegal construction.

3. The case of the Petitioner is that she and her husband who are living in the Society are senior citizens aged about 78 years, and are suffering from several medical ailments. In particular, the Petitioner is stated to be a heart patient. The Petitioner is aggrieved by the actions of the Managing Committee of the Society, which was carrying out illegal construction of a temple at the subject site within the Society's premises. It is stated that the illegal construction of the temple and the *pujas* which would be conducted in the early morning or late evenings, would severely affect the sleep, rest and recovery of the Petitioner and her husband. The Petitioner is also aggrieved by the fact that the illegal construction had been undertaken on the 'Green Area' of the Society.

4. On 11th June, 2025, notice was issued in the present matter and Respondent No. 1-RCS was directed to file a status report pertaining to the alleged construction. Further, notice was also issued to the MCD and the Society, to inform about the steps being taken.

5. Further to the directions of the Court, *vide* order dated 11th August, 2025, the Delhi Development Authority (*hereinafter*, '*DDA*') was also made a party to the present petition. A status report dated 22nd September, 2025 was filed by the DDA, wherein it was stated that a temporary structure to house the *shivling* and *trishul* was created.

6. Further, as per the said status report, a letter dated 19th August, 2025 was issued to the President/Secretary of the Society directing removal of the temporary encroachment within 7 days in terms of the Delhi Development Act, 1957. However, the said directions were not complied with by the



Society. Pursuant thereto, Show Cause Notices dated 4th September, 2025 and 18th September, 2025 were also issued to the Society. The stand of the Society as per the status report is as under:

“There is only a Shivlinga established in a corner of the society and no permanent structure has been made. Being a matter of faith, the removal of the same may be sensitive. Further, as the matter is subjudice before the Hon'ble Court, the society shall remove the Shivlinga as and when directed by the Hon'ble Court.”

7. The above was examined and found to be unsatisfactory by the DDA in light of the Unified Building Bye-Laws, 2016 and Master Plan of Delhi, 2021. Therefore, on 19th September, 2025, the DDA issued a Sealing-cum-Demolition order to the President/Secretary of the Society directing to demolish the illegal and unauthorised construction of their own within a period of 7 to 15 days.

8. The said order was also not complied with by the Society. On 12th December, 2025, the Court had directed the DDA to report on the compliance by the next date of hearing.

9. Thereafter, on 30th January, 2026, this Court was considering the application filed on behalf of the Petitioner, wherein the Petitioner was seeking appropriate directions to the Society and the DDA to remove the unauthorised structure raised by the Managing Committee of the Society. On the said date, it was stated that the structure, consisting of the *shivling* and *trishul* had been moved closer to the flat of the Petitioner.

10. After perusing the photographs annexed with the said application, on



the said date, the Court had noted that the Society had moved the idols in a roundabout within the Society, which is a green patch. After considering the same, the Court had observed as under:

“[...] 12. **In the opinion of the Court, the Society has clearly violated the directions of the DDA to remove the temporary structure and has attempted to mislead the authorities as also the Court by transferring the illegal structure from one location to another.** It is also evident from the above pictures that the Society has undertaken further construction by creating a tin roof and support structures around the Shivling.

13. It is made clear that the manner in which the same has been placed in a roundabout which is a green patch is completely not acceptable to the Court. The Residents Welfare Association cannot insist on creating a place of worship in this manner without consent of all residents of the Society- that too contrary to the applicable Rules and Bye-laws. Moreover, such residents would involve senior citizens having medical ailments etc, and would not wish to be disturbed at early mornings or late evenings/nights. An empathetic and considerate view has to be taken before creating such structures. The movement of the religious idols in the manner as has been done is clearly contrary to the orders passed by the DDA and is an attempt to completely mislead the Court and interfere in the administration of justice

14. **Accordingly, issue notice of contempt as to why contempt action should not be initiated against the Secretary of the Residents Welfare Association of the Society. Mr. Suraj Raina, Secretary of the Residents**



Welfare Association of the Society shall remain physically present in Court on the next date of hearing.

15. In the meantime, let DDA inspect the Society and identify a proper place where the religious structure can be moved so that none of the residents are affected. However, the same shall be done in terms of the applicable laws Regulations, and the Bye-laws. It is made clear that any relocation, if possible, would be done in compliance with the applicable laws and with consent of all residents. If the same is not feasible, the Shivling and the Trishul shall be donated to a local temple in accordance with all customs and rites.

16. Further, considering the nature of the matter, the SHO of the concerned Police Station is directed to provide assistance to the DDA for undertaking the inspection and survey of the Society.”

11. In terms thereof, the Court issued notice of contempt to the Secretary of the Residents Welfare Association of the Society and directed him to remain physically present before the Court on the next date of hearing. The DDA was directed to inspect the Society, and identify a suitable place for relocation of the religious structure, strictly in accordance with the applicable laws, Regulations and Bye-laws and with the consent of all residents.

12. Further, it was also directed that in case such relocation is not feasible, the *Shivling* and *Trishul* shall be donated to a local temple in accordance with the applicable customs and rites. The SHO of the concerned Police Station was further directed to provide necessary assistance to the DDA in



undertaking the inspection and survey of the Society.

13. Thereafter, DDA had filed the compliance affidavit dated 28th March, 2026. On 22nd May, 2026, the Society was directed to place its stand by way of an affidavit.

14. The Society, *vide* affidavit dated 13th July, 2026 has place its stand, in compliance of the order dated 30th January, 2026, wherein contempt notice was issued against the members of the Society.

15. As per the said affidavit, it is stated that pursuant to the sealing-cum-detention notice dated 19th August, 2025, the *shivling* and *trishul* were shifted from the setback area, in the presence of the DDA officials, to the building area, as no encroachment was allowed in the setback area, as per the sealing-cum-detention order of the DDA dated 19th September, 2025. In this regard, the relevant portion of the said affidavit of the Society is as under:

"[...] 8. That the Sealing-cum-Demolition order dated 19.09.2025 specifically observed: "No encroachment is allowed in the setback area." The DDA's grievance was directed against the placement of the Shivlinga and Trishul in the setback area of the Society premises.

9. That in compliance with the said order and further to the directions dated 11.12.2025 issued by the DDA, the Society undertook the shifting/relocation of the Shivlinga and Trishul from the setback area. The shifting operation was carried out in the presence of:

- (a) DDA officials, including their demolition squad;*
- (b) Police force from the concerned Police Station;*
- (c) Representatives of religious bodies; and*
- (d) A large number of members/residents of the Society*



10. That the Shivlinga and Trishul were relocated to the building line area, which, as confirmed by DDA officials present at the site, did not constitute any violation of DDA norms or the Master Plan of Delhi 2021. The setback area has thus been completely cleared in terms of the DDA order.

I 1. That the decision to have the relocation carried out by the devotees and members themselves, rather than by the demolition squad, was taken out of a spirit of religious reverence and to prevent any act of desecration of the sacred idol. This was done transparently in the presence of DDA officials and Police, and cannot in any manner be construed as non-compliance or an attempt to mislead the Court or the DDA.

16. Thus, as per the said affidavit, the structure was relocated out of spirit of religious reverence and not to circumvent the orders of the Court, and the same was an act of compliance, as the same was done in the presence of the DDA officials. It is also stated that the said relocation has caused no damage to the green area. In this regard, the relevant portion of the said affidavit is as under:

“[...]14. It is respectfully submitted that the characterization of the current location as a “green patch” is incorrect. The space presently occupied by the Shivlinga measures approximately 30 sq. ft. (5 ft. x 6 ft.) within a total society plot area of approximately 3.5 acres (approx. 1,50,000 sq. ft.). The Society maintains three well-kept parks with dedicated gardeners, approximately 200 trees, and extensive green cover, which amply demonstrates the Society's commitment to the environment. The relocation has caused no damage to any greenery or green area.

15. Photographs of the society premises demonstrating the state of greenery and the exact location of the Shivlinga are



being annexed herewith as Annexure R-3/1 for the kind consideration of this Hon'ble Court”

17. Today, Mr. Raina the Secretary of the Society is present. The Court has heard the Id. Counsel for the parties.

18. In view of the stand taken by the Society vide affidavit dated 13th July, 2026, the Court is satisfied that the relocation of the *shivling* and *trishul* was not to circumvent the orders of the Court. Accordingly, the contempt notice stands discharged.

19. However, coming to the merits of the issue raised by the Petitioners, it is necessary to note that the alleged construction, which is in the form of a make-shift temple, was not in existence when the initial Society was built and various residents had taken possession of their flats. The present location of the temple is also stated to be very near to the flat of the Petitioner. They, being senior citizens, suffering from some illnesses do not wish to be disturbed by the activities at the temple every day. The same does not indicate irreverence to the temple or the deities but merely that the Petitioners wish to have their privacy and personal space in their homes. Moreover, a Society of this nature may have residents of different religious denominations and a temple cannot be imposed by force. Any temple of this nature has to be fully agreed upon by all residents.

20. Accordingly, unless all the Residents agree to the contrary, the Society shall shift the *shivling*, *trishul* along with other religious idols, to a local *mandir* in the vicinity on **6th October, 2026 at 11.30 am** under the supervision of the local SDM.



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21. For the said purpose, the local SDM along with officials of the DDA, as also the local S.H.O. shall assist the officer bearers of the Society.
22. The present petition is accordingly disposed of.
23. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DINESH BHATT
JUDGE

SEPTEMBER 24, 2026

Rahul/sm