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

Date of Decision: 28th March, 2026

Uploaded on: 02nd April, 2026

+ **W.P.(C) 5751/2014 & CM APPLs. 14183/2014, 19236/2018, 12347/2022, 12348/2022**

VIJAY KUMAR DIWAKAR

.....Petitioner

Through: Mr. Rajiv Kumar Ghawana, Mr. Vikalp Chardela and Mr. Shivam Chaudhary, Advs.

versus

SOUTH DELHI MUNICIPAL CORPORATION & ORS.

.....Respondents

Through: Ms. Prabhsahay Kaur, SC, DDA with Ms. Deeksha L. Kakar, Ms. Sana Parveen, Mr. Aditya Verma, Mr. Bir Inder Singh, Advs. along with Mr. Dhamesh Garg and Mr. Durganand Minj, AD/DDA/LM for DDA. Mr. Bhagvan Swarup Shukla CGSC with Mr. Sarvan Kumar, Mr. Mukesh Pandey, Advs. for UOI. Mr. Anubhav Gupta, Panel Counsel (Civil) / GNCTD, Mr. Siddharth Arora, Mr. Kartik Sharma, Advocates.

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. On the last date of hearing, *i.e.*, 27th February, 2026, this Court passed the following directions:



- “6. In the opinion of this Court, the ultimate decision is that of the Government of National Capital Territory of Delhi (hereinafter, ‘GNCTD’) as to the manner in which the Zone ‘O’ is to be made free from unauthorised occupation and encroachment.
7. Accordingly, this Court directs Chief Secretary, GNCTD to hold a meeting with officials from the Municipal Corporation of Delhi, DDA and any other agencies as may be required in order to come up with a comprehensive plan as to the manner in which the unauthorised colonies can be removed from Zone ‘O’ completely, so that the river bed of the Yamuna is free from pollution which is caused due to untreated water and untreated sewage from these colonies going directly into the river.
8. In fact, it is submitted on behalf of the DDA that no document registration is being permitted in any of these colonies as the same are located in Zone ‘O’.
9. The said meeting shall be held by the Chief Secretary, GNCTD by 15th March, 2026 and the report shall be filed before this Court by 28th March, 2026.”
3. Today, Minutes of the Meeting dated 25th March, 2026 have been placed before the Court. The same has also been served upon Id. Counsel for the Petitioner. The decision/action plan in terms of the said Minutes of the Meeting are as under:-

“MINUTES OF MEETING

A meeting was held under the Chairmanship of Chief Secretary, GNCTD on 10.03.2026 at 03:00 PM at Chief Secretary Conference Room, 5th Level, Delhi Secretariat, New Delhi-110002, in compliance with the directions of the Hon'ble High Court of Delhi dated 27. 02. 2026 in WP (C) No 5751/2014 titled "Vijay Kumar Diwakar vs. SDMC & Ors." regarding removal of unauthorized



colonies from Zone-O.

The meeting was attended by the officers of following Offices.-

1. Commissioner, Municipal Corporation of Delhi.
2. Secretary-cum-Divisional Commissioner, Revenue Department, GNCTD
3. Principle Secretary, Law, GNCTD.
4. Secretary, Urban Development Department, GNCTD
5. Secretary, Environment & Forest, GNCTD.
6. DEO, DUSIB, GNCTD.
7. ACEO, Delhi Jal Board, GNCTD
8. Sr. Officers of Delhi Development Authority.

The List of participants in the meeting is annexed as Annexure-A.

*The meeting deliberated in detail on the issue of unauthorized constructions and encroachments in Zone-O. After extensive discussions, the following **Decisions / Action Plan** is proposed for dealing with unauthorized colonies in Zone-O:*

1. DDA being the primary land-owning and caretaker agency in respect of Zone-O shall immediately undertake and complete the second phase of drone survey of the area to assess the latest status of unauthorized constructions and encroachments and to prevent any further unauthorized construction in Zone-O.

It was also observed, as noted by the Hon'ble High Court, that the unauthorized colonies in Zone-O could not have come up overnight and that such unauthorized developments have taken place despite Zone-O being a prohibited area for development.

DDA informed that the first phase of the drone survey in Zone-O has already been completed and that the second phase will commence shortly. The meeting decided that the second phase of the drone survey shall be completed immediately to ensure that no further unauthorized



development takes place in the area and to enable actions on all unauthorized constructions.

2. It was noted that the Special Task Force (STF) constituted with approval of Central Government, vide notification dated 08.03.2019 under the Chairpersonship of the Vice Chairman, DDA was constituted to ensure coordination amongst various agencies for timely and effective actions and has the mandate to identify encroachments on Government land, reclaim such encroached Government land, oversee enforcement of applicable laws by local bodies particularly with respect to use violations and unauthorized constructions, and monitor action taken by local bodies across NCT of Delhi.

3. Encroachments or constructions in Zone-O that are not protected under any statutory provisions (including the Delhi Laws (Special Provisions) Act) or by any judicial order shall be identified immediately and taken up for enforcement action through the Special Task Force (STF) in accordance with the provisions of law and due process.

4. In view of the above mandate, the STF shall act as the nodal mechanism to address the issue of unauthorized constructions and encroachments in the form of unauthorized colonies in Zone-O. DDA shall convene a special meeting of the STF at the earliest and place before it a comprehensive action plan for removal of unauthorized constructions and encroachments in Zone-O, which shall be finalized through the STF and submitted within 10 days.

5. The STF shall thereafter ensure immediate and systematic execution of the approved action plan and monitor the enforcement actions undertaken by the concerned agencies for removal of unauthorized constructions and encroachments in Zone-O.

6. It was further decided that MCD, all Departments of the Government of NCT of Delhi, land owning agencies, and Delhi Police shall ensure compliance of directions of the Special Task Force (STF) for effective enforcement and removal of unauthorized constructions and encroachments in Zone-O at the earliest.



7. DDA shall also undertake a comparative assessment between the findings of the first and second drone surveys, and if any additional unauthorized construction or development is found to have taken place during the intervening period, immediate enforcement action shall be taken in accordance with the provisions of law and following due process. Responsibility shall also be fixed and disciplinary action initiated against the concerned field officials, wherever such unauthorized development is found to have occurred as it clearly reflects their negligence and lack of monitoring.

8. DDA and concerned land owning agencies shall deploy designated field officers clearly delineating their areas of Zone-O. These officers shall be directly responsible for monitoring and preventing any unauthorized constructions and encroachments. These officers shall ensure that no further unauthorized construction takes place in their respective jurisdictions and shall submit weekly monitoring reports in this regard to the STF.

9. In case any new unauthorized construction or encroachment is found to have taken place in any such area, DDA and concerned land owning agency shall fix responsibility and initiate disciplinary action against the concerned officers responsible for monitoring that area.

The meeting ended with a vote of thanks to the Chair.”

4. As can be seen from the above Minutes of Meeting dated 25th March 2026, the primary land-owning and caretaker agency in respect to Zone ‘O’ is the Delhi Development Authority (hereinafter, ‘DDA’). This position has been agreed between the various agencies including the Municipal Corporation of Delhi (hereinafter, ‘MCD’), the Revenue Department, Government of National Capital Territory of Delhi (hereinafter, ‘GNCTD’), Ministry of Housing and Urban Development, Delhi Urban Shelter Improvement Board (hereinafter, ‘DUSIB’), Delhi Jal Board (hereinafter,



‘*DJB*’) and DDA. Thus, going forward, insofar as Zone ‘O’ is concerned, it is the DDA which would be the responsible agency to implement any orders that may be passed by this Court.

5. Mr. Ajay Kadian, Director Land Management, DDA has joined the proceedings virtually and submits that out of the 9,700 hectares in Zone ‘O’, DDA only owns approximately 4,000 hectares.

6. The submission of Mr. Ajay Kadian, Director Land Management, DDA is that the DDA cannot be responsible for the remaining portion of the land in Zone ‘O’. It is further submitted that in view of the Minutes of Meeting dated 25th March, 2026, DDA would be the responsible agency for Zone ‘O’. It is also pointed out that the Special Task Force headed by the Vice Chairman, DDA has to now conduct the second drone survey of Zone ‘O’.

7. The agreed Minutes of Meeting dated 25th March, 2026 also state that encroachments in Zone ‘O’ shall be removed and any unauthorized constructions shall also be removed.

8. Since these 91 colonies in Zone ‘O’ are unauthorized colonies, there is no question of any sanction plan being given to anyone, in these colonies. The Special Task Force, which shall be chaired by the Vice Chairman, DDA, shall undertake continuous monitoring and supervision of this area to ensure that there is no unauthorized construction and encroachments in this Zone.

9. It is pointed out, that insofar as these 91 colonies are concerned, as per an affidavit which has been handed over to this Court filed by the DDA before the National Green Tribunal in *OA No. 190/2024*, the DDA has highlighted a contradiction between Regulation 7 of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in



Unauthorised Colonies) Regulations, 2019 and Section 3(2)(ii) of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011. The contents of the said affidavit are relevant and are set out below:-

“2. It is submitted that in view of the exclusion under Regulation No.7 of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies), Regulations, (hereinafter referred to as "NCT Regulations, 2019")], no rights have been conferred upon the 90 unauthorized colonies falling under Zone-O.

3. It is submitted, however, that the said colonies are part of the list of 1731 unauthorised colonies identified by the Government of NCT, Delhi ("GNCTD"), under the NCT Regulations, 2019.

4. Section 3(2)(ii) of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 [hereinafter referred to as the "Special Provisions Act"], provides for maintaining of status quo in respect of unauthorized colonies identified under the NCT Regulations, 2019, existing as on 31.03.2002, and where construction took place up to 01.06.2014.

5. Section 4 of the Special Provisions Act further does not provide for any exception to the provisions of Section 3(2)(ii), in respect of colonies falling under the Zone O. In fact, there appears to be no explicit inclusion or exclusion of colonies falling in the O-Zone under the Special Provisions Act.

7. For clarity on the aspect of the action to be taken, meetings were held amongst various departments of the DDA. Opinion of the legal department was also taken. In view of the apparent contradiction under Regulation 7 of the NCT Regulations, 2019 and Section 3 of the Special Provisions Act, it was decided by the Competent Authority, that the matter at hand be referred to the Ministry of Housing and Urban Affairs, Government of India (Mohuas), under Section 5 of the Special Provisions Act, for seeking a clarification/opinion as to whether action for removal of such unauthorized colonies under



the Zone O, having an estimated population of 20-25 lakhs (approx.), would be permissible, as also for clarity on the criteria and provisions applicable for the relocation and rehabilitation of such persons. A copy of the communication dated 30.10.2025 addressed by Director (LM)-II to Dy. Secretary, Delhi Division-V, MoHUA is annexed hereto as Annexure-2.”

10. As per the above, clarification has been sought by the DDA from the Ministry of Housing and Urban Affairs, Government of India, as to whether action for removal of the unauthorized colonies under Zone ‘O’ would be permissible. This area having 91 colonies is stated to be having a population of 20-25 lakhs.

11. Further, Id. Counsel for the Petitioner has also highlighted that in the Draft Master Plan for Delhi, which is under consideration with the DDA, Zone ‘O’ is proposed to be divided into two areas. As per the Id. Counsel, one is to be the area consisting of all these unauthorized colonies and the other area is the green area.

12. Let the above submission be dealt with by the Director Land Management, DDA by filing an affidavit explaining as to what is the proposal for Zone ‘O’ in the Draft Master Plan.

13. Insofar as the clarification sought from the Ministry of Housing and Urban Development is concerned, Mr. Ajay Kadian has submitted to the Court that he has written a letter dated 30th October, 2025, but has not yet received any reply in respect of the said clarification sought.

14. On a query as to who is the concerned official in the said ministry, Mr. Ajay Kadian has named Ms. Garima Sharma, Undersecretary (**Mobile No.: 9716359442**) with whom he has been following up.

15. Accordingly, let Mr. Ajay Kadian hold a meeting with the Secretary



of the Ministry of Housing and Urban Affairs in this regard. In the said meeting, if any other official wants to be present, they may be called for the said meeting. The Secretary, Ministry of Housing and Urban Affairs shall hold the meeting on **6th April, 2026** at **11.30 AM.**

16. After holding the said meeting, the Ministry of Housing and Urban Affairs shall clarify its position before this Court by way of an affidavit by the next date of hearing.

17. All the participants in the Minutes of the Meeting dated 25th March, 2026 would also be permitted to attend the said meeting.

18. The present order shall be communicated to the Secretary, Ministry of Housing and Urban Affairs by Mr. Bhagwan Swarup Shukla, Id. CGSC.

19. Mr. Bhagwan Swarup Shukla, Id. CGSC, who is present in Court, is requested to accept notice on behalf of Union of India.

20. Insofar as the remaining decisions taken in the Minutes of the Meeting dated 25th March, 2026 is concerned, the following directions are issued:-

- i) The second phase of the drone survey shall be completed by the DDA within the next two weeks and a report shall be filed in this regard by the next date of hearing.
- ii) Apart from the 91 unauthorized colonies, if there are any other unauthorized colonies or any encroachment or construction, the same shall be removed in the next two weeks.
- iii) A Designated Field Officers team shall be created by the DDA in terms of paragraph 8 of the said Minutes of the Meeting dated 25th March, 2026.
- iv) A public notice shall be put up in the area by Mr. Ajay Kadian for reporting of any unauthorised construction or encroachments in



- Zone 'O' to a specific email address or mobile number. The said public draft notice shall be approved by Mr. Prabhsahay Kaur, Id. Counsel for DDA and the same shall be put up in the Zone 'O' at all prominent places.
- v) It is made clear that without any further orders from this Court, Mr. Ajay Kaidan shall not be transferred or moved from his present position, as the Director, Land and Management, DDA so that he can assist the Court.
- vi) The Special Task Force shall also hold a meeting **on or before 4th April, 2026** for information and compliance of the directions passed by the Court.

21. Under these circumstances, it is directed that Mr. Ajay Kaidan, Director, Land and Management, DDA, who is present in Court shall constitute necessary teams to ensure that there is constant supervision and manning in the Zone 'O' area including by use of technology/ drones or any other measures that need to be taken to ensure that there is no further encroachment or unauthorised occupation in the Zone 'O' area. It is made clear that stringent action shall be taken against any persons who are found to be making any constructions or encroaching upon the Zone 'O' area.

22. Let a copy of this order be communicated to the SHOs of all the colonies falling in the Zone 'O' area.

23. A copy of this order be communicated to the Commissioner of Police, Delhi by the Registry who shall direct all SHOs to keep a watch in this area so that there is no unauthorised construction or encroachment. If any assistance is sought by DDA in this regard, complete assistance shall be provided by the Delhi Police to the DDA.



24. Let a further status report be placed on record by the DDA by the next date of hearing. Moreover, on the said date, a printed map of Zone 'O' shall be produced before the Court for convenience, properly delineating the location of the 91 unauthorised colonies and if there are any other areas which need to be looked at by this Court.

25. Let a further status report be placed on record by the DDA and the Secretary, Ministry of Housing & Urban Development - GOI, by the next date of hearing. Moreover, on the said date, a printed map of Zone 'O' shall be produced before the Court for convenience, properly delineating the location of the 91 unauthorised colonies and if there are any other areas which need to be looked at by this Court.

26. The Minutes of the Meeting dated 25th March, 2026 and the affidavit of the DDA is taken on record.

27. List on 18th April, 2026 at 2.30 P.M.

**PRATHIBA M. SINGH
JUDGE**

**MANMEET PRITAM SINGH ARORA
JUDGE**

MARCH 28, 2026/MR/ck