

31 CS SCJ 40-26

**SMT SAROJ GAUTAM Vs. DELHI DEVELOPMENT
AUTHORITY**

29.04.2026

Present: Mr. Abhilash Bhutani, Mr. Ganesh Pandey, Mr. Adarsh Dubey and Ms. Sahej Suri, Learned Counsel for the Plaintiffs.
Ms. Promila Kapoor, Learned Counsel for Defendant no. 1/DDA.
Mr. Atul Tanwar and Mr. V.K. Aggarwal, Learned Counsel for Defendant no. 2/MCD.

1. This is a batch of 45 suits, filed by various Plaintiffs who are owners of their respective freehold suit properties/apartments in their respective suits by registered sale deeds in buildings known as London-1, London-2, and London-3 in Village Kishangarh, New Delhi. Issue at hand in all the suits is identical and common arguments have been advanced in all cases.

2. The previous owners from whom the suit properties are averred to have been purchased have registered conveyance deeds from the DDA in their favour under PM-Uday Scheme. Plaintiffs have been served a common Structure/Building Eviction (Vacation) Notice dated 22.12.2025 (“impugned notice”) alleging unauthorized construction/illegal encroachments on DDA land and were told to vacate, failing which, necessary action shall be taken. Hence, these suits have been filed.

3. The ground taken to challenge the same and which ground

Contd...

has been pressed is that the DDA has no authority to issue the impugned notice as the jurisdiction to take any such action lies with the MCD. Reliance for this submission has been placed on the Judgment of the Hon'ble Delhi High Court in ***Jamia Arabia Nizamia Welfare Education Society v. DDA*, 2024:DHC:8882-DB**. In the said case, a dispute regarding overlapping jurisdictions of the civic authorities was noticed and in paragraph 13, to resolve the issue, the power to take action against unauthorised construction was given to MCD and to take action against illegal encroachment was given to the Land Owning Agency (such as DDA) for different areas. Since the impugned notice mentions both, separated by a slash, it was not clear whether action was being taken for unauthorised construction or for illegal encroachment. Since all the properties have conveyance deeds from DDA, it was argued that it cannot be a case of illegal encroachment and so the DDA would not come into the picture for taking any action against the properties.

4. DDA and MCD have both entered appearance and have objected to the jurisdiction of this Court to entertain the present suits. Neither has filed a WS and both have filed short affidavits.

5. DDA in its affidavit has taken the stand that as per report of the PM-Uday department, the location (co-ordinates) of the conveyance deeds issued to the Plaintiffs under PM-Uday Scheme do not match with the coordinates of the suit properties. In other words, the location of the properties for which

Contd...

conveyance deeds had been issued and the suit properties (London-1, London-2 and London-3) are different. A map has also been placed on record reflecting the same. What this indicates is that using the self-declaration based mechanism of the PM-Uday Scheme, some builder has obtained conveyance deeds for one location and has built and sold various apartments to the Plaintiffs at a different location, which is public land which has been encroached.

6. DDA has also taken the stand that the impugned notice was issued pursuant to the minutes/directions passed by the Monitoring Committee constituted by the Hon'ble Supreme Court of India ("Monitoring Committee") in the MC Mehta case. As such, by virtue of the law declared by the Hon'ble Supreme Court, minutes/directions of the Monitoring Committee and any action taken pursuant to it can only be challenge either before the Hon'ble Supreme Court or before the Learned Judicial Committee, also constituted by the Hon'ble Supreme Court to hear such cases.

7. MCD, in its own short affidavit, has said that it has already sealed some of the properties pursuant to directions of the Monitoring Committee and has joined the DDA regarding the lack of jurisdiction of this Court *vis a vis* minutes of the Monitoring Committee.

8. To obviate any doubt, minutes of meeting dated

Contd...

10.02.2026 of the Monitoring Committee have been shown to this Court, wherein specific notice of the pendency of these 45 suits *qua* London-1, London-2 and London-3 has been taken and direction has been given to the DDA and MCD to enure that this Court is informed that any challenge to the minutes/directions of the monitoring Committee regarding the suit properties can only lie to the Learned Judicial Committee or the Hon'ble Supreme Court.

9. It has been requested by the Defendants that in view of the categorical stand taken on the aspect of lack of subject matter jurisdiction in their short affidavits, this Court first decide the issue of maintainability of the suits and reject the complaints, which Plaintiffs have also agreed this Court can also do *suo motu* even without any application.

10. Plaintiffs, to oppose the same, have argued that the role of the Monitoring Committee is restricted to sealing of residential properties which are being used for commercial purposes i.e. misuser and it has no jurisdiction to pass orders regarding unauthorised construction in purely residential areas. In this regard, reliance has been placed on ***M.C. Mehta v. Union of India, (2021) 20 SCC 465***, particularly paras 51, 93, and 94. Thus, this Court will have jurisdiction to entertain these cases as the jurisdiction of a civil court is plenary and cannot be lightly ousted.

Contd...

11. Even after the matter was reserved and was listed for orders on maintainability, the Plaintiffs addressed fresh arguments as in the meanwhile, Gazette Notification dated 06.04.2026 came to be passed by the GNCTD, by which the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 came to be amended and *inter alia*, in the PM-Uday Scheme, the DDA came to be replaced with the GNCTD. This, as per the Plaintiffs, definitely ensures that the DDA has been completely ousted from anything PM-Uday related, making the impugned order without jurisdiction.

12. It has been opposed by the DDA on the grounds that it makes no difference to the cases at hand and only the procedure under PM-Uday Scheme will now in the future be dealt with by the GNCTD instead of the DDA and the action taken by Monitoring Committee has by no means been nullified.

13. I have heard the arguments in detail over several dates of hearing.

14. The very limited aspect to be decided lies in a narrow compass. It is not in dispute that the impugned vacation notice has been passed on the orders of the Monitoring Committee. In its various minutes, it specifically refers to the suit properties i.e. London-1, London-2, and London-3. MCD itself has been part of all such meetings and is not at odds with the DDA over

Contd...

jurisdiction.

15. Once this is so, reliance is rightly placed by the DDA on ***Gurpreet Sobti v. DDA, 2024:DHC:5216-DB***, wherein the Hon'ble Delhi High Court, in a case also pertaining to Village Kishangarh wherein sealing action was taken pursuant to a decision of the Monitoring Committee in its minutes, held thus:

*“11. It is apparent from the perusal of the aforesaid order that **no Court other than the Supreme Court can be approached against any order of any nature passed by the Monitoring Committee.** In other words, all Courts excluding the Supreme Court are precluded from entertaining any petition or application pertaining to matters which are subject to the jurisdiction of the Monitoring Committee.”*
(emphasis supplied)

16. Thus, since the impugned notice in the present case is admittedly issued by virtue of the minutes of the Monitoring Committee, even if it has exceeded its jurisdiction as per the Plaintiffs and has passed a wholly illegal order, it cannot be assailed by way of civil suits. I prima facie find that the Gazette Notification does not nullify any previous action taken by the DDA and even if now ousted, the GNCTD will simply execute pending actions to be taken by the DDA. However, in view of the lack of jurisdiction, no final opinion is given on this aspect and this argument is left open to be agitated by the Plaintiffs before the appropriate forum.

17. The suits are found to be barred by law (declared by the Hon'ble Supreme Court of India), and the complaints are liable to be rejected under Order 7 Rule 11(d) CPC and are so rejected.

Contd...

18. Request has been made by Learned Counsel for the Plaintiffs that some of the Plaintiffs are presently in Bengal, Assam etc. and will need time to avail their remedies and in the meanwhile, their houses might get sealed/demolished and so the stay be extended till they approach the appropriate forum. Since it *prima facie* appears that the Plaintiffs have been taken for a ride by a builder and are *bonafide* long-time residents in their respective houses, the interim order operating in their favour i.e. stay of the impugned notice dated 22.12.2025 and any action pursuant thereto is extended for a period of four weeks from today, to enable the Plaintiffs to approach the appropriate forum against it. The protection will automatically end after four weeks without any further reference.

19. Before parting, this Court places on record its appreciation for the fair and excellent assistance provided by Ms. Promila Kapoor, Learned Counsel for the DDA and also by Mr. Atul Tanwar, Learned Counsel for MCD.

20. *File be consigned to Record Room after due compliance, as per rules.*

(VAIBHAV PRATAP SINGH)
Civil Judge, Patiala House Courts
New Delhi District, Delhi
29.04.2026