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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 443/2026, CM APPL.17187/2026, CM**
APPL.17188/2026, CM APPL.17835/2026
NEHRU ENCLAVE KALKAJI RESIDENT WELFARE
ASSOCIATION (REGD)Petitioner

Through: Mr. Deepak Gupta, Advocate
(through VC)

versus

SHRI SANJEEV KHIRWAR MCD, (COMMISSIONER) AND ORS
.....Respondents

Through: Mr. Manu Chaturvedi, (SC) Advocate
for MCD along with Mr. Kishitiz
Kishor Rai, Mr. Madhav Tripathi and
Mr. Ahmed Jamal Siddiqui,
Advocates for MCD.
Mr. Sanjeev Sabharwal, SPC for UOI
along with Ms. Shweta Singh and Ms.
Vandana Anand, Advocates for SHO.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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23.03.2026

1. The present petition alleges wilful disobedience of the order dated 18.07.2024 passed in W.P.(C) 9413/2024. The said order reads as under:-

“1. In view of the Status Report filed by the respondent-Corporation, learned counsel appearing on behalf of the petitioner submits that as of now, the petitioner's grievance stands mitigated. He, however, submits that in all probability, the private individual will again encroach the roads/ government land. He, therefore, submits that the respondents .be directed to ensure that as and when any reencroachment takes place, the concerned authority shall take immediate remedial measures.

2. The request made by the learned counsel for the petitioner is not opposed by the learned counsel who appears on behalf of the respondent-Corporation and for the respondent-Police authority. They, on instructions, undertake that as and when they notice any illegal/unauthorised encroachment, they shall take necessary action immediately.

3. In view of the aforesaid, nothing more is required to be done. The



respondents are bound by their undertaking.

4. The petition is accordingly disposed of alongwith the pending application.”

2. The petitioner is aggrieved by the fact that rampant unauthorized encroachment continues to subsist on public road despite the aforesaid order.

3. Mr. Manu Chaturvedi, learned counsel for the Municipal Corporation of Delhi (MCD), submits that pursuant to the order dated 18.07.2024, repeated actions have been taken by the MCD for removal of encroachment. A status report has been handed over, during the course of hearing, which sets out the action taken by the MCD from time to time, as under:-

Sub: - Status Report with regard to actions taken in the area of Hansh Raj Sethi Marg, Nehru Enclave, Kalkaji and surrounding areas for removal of temporary encroachment during the last one year.

The General Branch, Central Zone has carried out encroachment removal actions on the following dates in the area of Hansh Raj Sethi Marg, Nehru Enclave, Kalkaji, Ward No. 175.

Sr. No.	Dates of Action Taken	Letter sent to police authorities for prevention of re-encroachments	Name of Seized Items
1	08.05.2025	Without Force	One Broken Moped No. DL 3S CY 6565, One Scooty No. DL 3S DA 5986, One Scooty, DL 3S CF 7063, One Moter Cycle No. DL 3S FV 2865, One Broken Scooty Battery without Number, One Plastic Drum, One Board, One Drum Plastic, One Moter Cycle No. DL3S FB 2872, One Moter Cycle No. DL3S FB 3758, One Battery Scooty No. DL9E V 1990, One Battery Scooty No. DL9E V 1989, One Iron Frame, Two Wooden Counter, Two Steel Counter, One Iron Bhati, Two Plastic Stool
2	11.06.2025	Without Force	One Compressor Tanki, One Jack, One Iron Pan Counter, One Tharmacoal Peti, Ek Chulah, Ek Gas Cylinder, Four Gas Cylinder, One Iron Banch, Two Stand, Two Wooden Counter, One Gatte ki Peti, One Broken Chair, One Plastic Chair, One Plastic Stool, Water Bottel, Ek Wooden Broken Peti, One Chair, One Crait, Four Board, Two Selfie Stand, One Rehri, One Tirpal, One Iron Counter, Two Iron Bantch, One Iron Stool, One Wooden Table, Two Round Table, Two Board
3	13.06.2025	AC/CNZ/417/2025 Dated 23.06.2025	One Rehri, 05 Broken Plastic Stool, 01 Chattri, 02 Table, 06 Bhagona, 02 Dabba Steel, 01 Rheri, 01 Chattri, 01 Gas Cylinder, 01 Iron Counter, 01 Iron Counter, 01 Iron Counter, 01 Pan Counter, 01 Rehri, 01 Fridge, 03 Pots, 01 Moter Cycle No. DL3S FU 3027, 01 Moter Cycle No. DL3S FB 3758, 01 Moter Cycle No. DL14 SY 3899, 01 Wooden Rack, 01 Rehri, 01 Board, 02 Round table, 01 Iron Stand, 01 Wooden Table, 01 Iron Pipe, 01 Board, 02 Steel Counter, 01 Iron Rack, 01 Chulah
4	14.06.2025	AC/CNZ/417/2025 Dated 23.06.2025	01 Moter Cycle Broken without Number, 01 Moter Cycle Broken without Number, 01 Rehri Tuti Hui, 01 Rehri, 01 Steel Counter, 01 Rehri, 01 Board, 01 Wooden Counter, 09 Plastic Crate, 01 Wooden Counter, 07 Bamboo, 01 Battery Scooty DL9EY1989, 01 Steel Table, 01 Iron Table, 01 Plastic Drum, 03 Plastic Crate, 01 Wooden Counter, 01 Ladder, 01 Steel Counter
5	15.06.2025	AC/CNZ/417/2025 Dated 23.06.2025	01 Rehri broken, 01 Wooden Box, 01 iron table frame, 01 Iron Box, 01 Steel Counter, 01 Wooden Counter, 01 Momjama, 01 Rehri, 02 Iron Rack, 28 Water Bottel
6	16.06.2025	AC/CNZ/417/2025 Dated 23.06.2025	01 Broken Tin Box, 01 Umbrella, 01 Iron Stand, 10 Stool, 01 Gathri, 01 Gathri, 01 Takhat Wooden, 01 Momzama, 06 Plai, 02 Umbrella, 01 Small umbrella, 08 items Bori



7	05.07.2025	Without Force	01 Kaanta, 01 Iron Frame, 01 Light gas, 01 Rehri, 01 Kaanta, 01 Peetal ka Patila, 01 Umbrella, 01 Steel Bhogona, 01 Umbrella, 01 Wooden Table, 01 Gas Cylinder, 01 Gas Cylinder, 01 Rehri
8	31.07.2025	Without Force	01 tuti rehri, 01 Wooden Table, 01 Round Table, 01 Iron Stool, 01 Iron Frame, 02 Round Stand, 01 Pipe wala Stand, 01 Board, 03 Plastic Chair, 09 Plastic Stand, 01 Tuti Rehri, 10 Plastic Crate, 01 Phatta Wooden, 01 Tuta Counter, 01 Tuta Counter Wooden, 01 Rehri Tuti, 01 Phatta & Momzama, 01 Wooden Peti
9	12.08.2025	Without Force	01 Rehri, 01 Compressor, 01 iron Table, 01 Rehri
10	01.09.2025	Without Force	01 Moter Cycle DL3SF2847, 01 Moter Cycle DL3SFU3027, 01 Moter Cycle DL3SFV2885, 01 Moter Cycle DL14SV3899, 01 Moter Cycle DL3SFV2865, 01 Moter Cycle DL3SFB 3758, 03 Almirah, 01 Fridge, 02 Old Fridge
11	22.09.2025	Without Force	01 Wooden Peti, 02 Bantch, 02 Chair, 01 Wooden Table, 01 Tanki ka Dhakkan, 01 Board, 01 Wooden Counter, 03 Plastic Crate, 01 Iron Bantch, 01 rehri, 01 Steel Counter, 01 Rehri Tuti Hui, 01 Iron Counter, 04 Plastic Drum, 01 Almirah, 02 Cooler, 05 Chair Iron, 02 Compressor, 02 Momzama, 01 Small Moter machine, 01 iron Table, 01 Rehri Counter
12	09.10.2025	Without Force	01 Rehri, 01 Light Gas, 01 Chulah, 01 Rehri, 02 Iron Tokri, 04 Plastic Crate, 01 Tool Box, 01 jack, 01 Rehri, 01 Loight Gas, Chulah, 01 Wooden Counter, 01 Rehri, 01 Rehri, 01 Umbrella, 01 Pipe, Iron Jaali, 01 Compressor, 01 Iron Table, 01 Drum, 03 Tin tuti hui peti, bumper, 01 jack 01 compressor, 01 iron counter, 01 folding charpai, 01 teen box, 01 tin peti, 01 phata momzama, 01 compressor, 01 Compressor, 04 Old Tyre, 01 Shikanja, 01 jack, 01 Compressor, 01 Rehri wala Counter, 01 Bhagana
13	19.11.2025	Without Force	03 Tin Chadar, 01 Wooden Podium, 01 Iron Jaal, 02 Board, 01 Wooden Table Tuti Hui, 02 Wooden Chowki, 01 Iron Frame, 01 Iron Stool, 01 Wooden Fatta, 01 Iron Stool, 01 Plastic Stool, 01 Rehri, 03 Plastic Stool, 01 Iron Rack, 01 Chips Rack, 02 Light Gas, 01 Chulah
14	22.11.2025	Without Force	01 Steel Rehri wala counter, 01 Steel ki Rehri wala counter, 01 wooden rack, 01 board, 01 iron stand, 01 rehri, 01 rehri, 01 rehri, 01 rehri, 01 rehri, 01 Fridge Body, Ek Chair, 01 Box Auzar
15	05.12.2025	Without Force	03 Plastic Chair, 01 Wooden Table, 01 Juice Counter, 01 Iron Bantch, 01 iron Counter, 01 Pan Counter, 05 Plastic Chair, 01 Plastic Table, 39 Plastic Chair, 02 Table Frame, 01 Iron Box, 03 Tuti Chatri, 02 Adhuri Chatri, 01 iron Table, 24 Shoe Box, 06 Blue Panni, 01 Black Thaila, 01 White Bora, 07 Plastic Stool, 01 Wooden Phata, 08 Plastic Stool, 01 Wooden Phatta, 05 Plastic Stool, 01 Wooden Phata, 08 Plastic Stool, 01 Wooden Phatta, 05 Blue Panni, 09 Plastic Stool, 01 Wooden Phatta, 05



			Plastic Stool, 01 Wooden Phatta, 02 Blue Panni, 05 Plastic Stool, 01 Wooden Phatta, 08 Plastic stool, 01 Wooden Phatta, 02 Blue Panni, 01 Pepsi Rehri, 01 Rehri
16	10.01.2026	AC/CNZ/1371/2026 dated 12.01.2026	01 Rehri, 01 Light Gas, Chulah, 01 Rehri, 01 Round Stand, Iron Stool, 01 Rehri, Iron Counter
17	10.03.2026	Without Force	01 Iron Counter Frame, 04 Stool, 04 Yellow Bori, 01 Wooden Counter, 03 Plastic Stool, 03 Ketli, 01 Bhagana, 11 Plastic Stool, 01 Iron Jaali, 04 Plastic Stool, 01 Iron Jaali, 03 Pipe ke tukde
18	11.03.2026	Without Force	01 Tava, 01 Gas Cylinder, 10 Helmet, 01 Tuit Table, 02 Wooden Box, 01 Tuti Table, 01 Rehri Tuti, 01 Rehri ka Phatta, 01 Wooden Box, 39 Plastic Tuti Crate, 01 Rehri, 01 Iron Counter, 01 Wooden Counter, 01 Rehri, 03 Chair, 05 Cooler Body, 01 Iron Counter, 01 Wooden Box, 02 Plastic Pipe, Old Tyre, 01 Wooden Counter tuta hua, 01 Rehri, 01 Momzama, 01 Iron Stand

4. It is submitted that every time after the action is taken by the MCD, the area is re-encroached upon. It is emphasized that it is for the concerned SHO / Police Authorities to ensure that the same does not happen.

5. Considering the circumstances, the following directions are issued:-

- The MCD shall carry out fresh inspection of the area and remove the subsisting encroachments on public land in the area of Hansh Raj Sethi Marg, Nehru Enclave, Kalkaji, Ward No. 175. Let the same be done within a period of four weeks from today;
- The SHO of the concerned Police Station shall maintain constant vigil to ensure that the area is not re-encroached upon;
- The petitioner shall also be entitled to bring any illegal/ unauthorized encroachment to the attention of the SHO who shall take immediate action upon the receipt of any such information/ complaint.

6. The petition is disposed of in the above terms. Pending applications also stand disposed of.

SACHIN DATTA, J

MARCH 23, 2026/r