



\$~16

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

+ **W.P.(C) 2783/2020**

DCM LTD.

.....Petitioner

Through: Mr. Anil K. Airi, Sr. Advocate
with Mr. Aman Gupta, Mr. Mudit
Ruhella and Mr. Akarsh Pandey,
Advocates.

versus

**NORTH DELHI MUNICIPAL CORPORATION
AND ORS.**

.....Respondents

Through: Mr. Kapil Dutta, Advocate for
MCD.

Mr. Rishikesh Kumar, ASC
GNCTD with Ms. Sheenu Priya,
Mr. Atik Gill, Mr. Sudhir Kumar
Shukla and Mr. Sudhir, Advocates.
Mr. Divij Soni, Advocate for
DDA/R-5.

Mr. Shashank Garg, CGSC with
Mr. Raghav Bhatia, Ms. Nishtha
Jain, Advocates and Mr. Jasveer
Singh, SSE, Railways.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

01.10.2024

CM APPL. 57817/2024 (for directions)

1. Issue notice. Mr. Kapil Dutta, learned counsel, accepts notice on behalf of Municipal Corporation of Delhi ["MCD"]/Respondent No.1. Mr. Rishikesh Kumar, learned counsel, accepts notice on behalf of respondent Nos.2 to 4. Mr. Divij Soni, learned counsel, accepts notice on

W.P.(C) 2783/2020

Page 1 of 3



behalf of Delhi Development Authority [“DDA”]/Respondent No.5. Mr. Shashank Garg, learned counsel, accepts notice on behalf of Ministry of Railways/Respondent No.6.

2. The writ petition concerns an allegation of illegal encroachment and unauthorised construction on *Manohar Lal Khurana Marg Road, New Delhi*. By an order dated 19.04.2023, the Court had directed a joint inspection between the officers of MCD and DDA. The direction was reiterated on 21.08.2023 and 10.11.2023. By an order dated 21.02.2024, the Ministry of Railways was impleaded as a party, at the request of learned Senior Counsel for the petitioner. Mr. Anil K. Airi, learned Senior Counsel for the petitioner, states that this was requested as part of the land in question was stated to be railway land.

3. The representative of the petitioner, MCD and Railways have carried out a further joint inspection on 01.05.2024. An inspection report has been handed up in Court by Mr. Shashank Garg, learned counsel for Railways, and is taken on record. It only states that some clarification is required regarding ownership of part of land in some locations on both sides, and demarcation should be done through the concerned official of the Revenue Department. However, none of the agencies have, in the last five months, made a request to the Revenue Officials to actually conduct the demarcation.

4. I am unable to appreciate the purpose of such an inchoate and incomplete status report. If the representatives of the statutory authorities had come to a conclusion that a demarcation was required, surely, they should have taken steps for that purpose.

5. This application has now been filed by the petitioner contending



that construction activities are being undertaken by the Railways. Mr. Garg submits that the area where construction activities are being conducted is Railway land and not part of the road in question.

6. The Revenue Authorities are directed to conduct the exercise for demarcation, and submit a report to the Court before the next date of hearing. An inspection for this purpose will be conducted by the concerned agencies, in the presence of the petitioner's representatives. The report will clearly identify the area where construction activities are ongoing, and state as to whether the area is part of railway land or not. A comprehensive status report be filed by the concerned agencies.

7. As the status report sought to be filed today does not meet the needs of the Court, the agencies are directed to escalate the matter to the level of the heads of the respective zones, so that the necessary action is taken in terms of the orders of the Court.

8. It is made clear that any further activity, on the stretch of the road in question, will be subject to the orders of the Court in this writ petition.

9. List on 04.12.2024.

PRATEEK JALAN, J

OCTOBER 1, 2024

SS/