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

+ **W.P.(C) 5228/2026 CM APPL. 25542/2026**

SHRI DAVINDER KUMAR & ANR.

.....Petitioner

Through: Mr. Madan Lal Sharma, Ms. Vidhi Kumar, Ms. Manika Gaba, Mr. Abhay Singh, Mr. Raghav Bansal, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Nitin Kumar, Advocate, GNCTD PC, CIVIL for R-1/PWD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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20.04.2026

CM APPL. 25546/2026 (EXEMPTION)

1. Exemptions allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 5228/2026

3. The petition is for quashment of the order dated 17.02.2026 issued by respondent no.1- Public Works Department (**hereinafter "PWD"**), whereby, the PWD seeks to remove alleged unauthorized encroachment along with the stretch from Railway Phatak to Ramdev Chowk Narela, and for restraining the respondents from taking coercive/ demolition action



against the petitioners' properties.

4. Learned counsel for the petitioner submits that under almost similar circumstances, this Court in writ petition bearing no. W.P.(C) 2835/2026 has directed the PWD to consider the representations of the affected parties, and, thereafter, to issue a specific notice as to which part of the petitioner's structure is illegally encroached requiring demolition. The Court, thus, in paragraph no. 6 to 8 has held as under:

"6. Let the petitioner to approach the PWD within two working days from today. Thereafter, the PWD to pass an appropriate order in accordance with law. 7. All rights and contentions of the parties are left open. 8. Till the petitioner's application/representation is decided by the PWD, there shall not be any demolition of the petitioner's structure."

5. Learned counsel for the respondent- PWD fairly submits that the Department has already entered into correspondence with the concerned District Magistrate and shall carry out fresh demarcation at the site in the presence of all stakeholders. He points out a communication dated 01.04.2026 and submits that the necessary action shall be taken only after proper demarcation of the boundaries etc is done.

6. Having considered the submissions made by learned counsel for the parties, the Court deems it appropriate to dispose of the instant writ petition with the following directions:

- i. Let the petitioners to file an appropriate representation with the PWD within two days from today.
- ii. Let the PWD to consider the same and to take decision with respect to the alleged encroachment in accordance with law.
- iii. Till the petitioner's application/ representation is decided by the PWD, there shall not be any demolition of the petitioners' structure.



- iv. All rights and contentions of the parties are left open.
- 7. *Dasti.*

PURUSHAINDR KUMAR KAURAV, J

APRIL 20, 2026

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