



\$~180

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

+ **W.P.(C) 5240/2026**

SURENDER SINGH & ANR.

.....Petitioners

Through: Mr. SS Panwar, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ANR.Respondents

Through: Mr. R.K. Dhawan (SC for DDA), Ms.
Nisha Dhawan, Mr. Pawan Karan Deo, Mr. V. K.
Teng, Advs. for R1-2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

%

29.04.2026

CM APPL. 25713/2026

Allowed subject to all just exceptions.

The application stands disposed of.

W.P.(C) 5240/2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

“a) Issue a writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the impugned actions and order/letter/notice Bearing No. Fl(05)/Misc/AE-II/RMD-2/DDA/24 dated 08.04.2026 (ANN: P-1) as well as the show cause notice bearing No. Fl(05)/Misc./AE-II/RMD-2/DDA/204 DATED 09.05.2025



(ANN:P-16) issued by Respondent No. 2 (Executive Engineer, RMD-2/ DDA), DDA Office Complex, Madhuban Chowk, Rohini, Delhi, being bad in law, baseless, arbitrary, unjust, misconceived, perverse, capricious, unwarranted, abuse and misuse of law, authority and office by the respondents;

b) Issue a writ of Mandamus or any other appropriate writ/order/direction, thereby directing the respondents to refrain themselves and their associates, workmen, functionaries, officials/officers or any person acting for, through or on their behalf from initiating or taking any coercive action against the property of the petitioners comprised/falling in Khasra nos. 3/22 (5-16) and 3/23 (2-6) admeasuring 8140 sq. yds. situated within the Revenue Estate of village Klrari Suleman Nagar, Patti, Nithari, Delhi-110086, known as Lakhiram Park Colony, Rohini, N/W, Delhi-86, which is clearly shown and described in site plan filed as ANN:P-12; and passing any further order(s)/direction(s), thereby restraining the respondents, their representatives, workmen, officers, officials, functionaries or any authorized person acting for, under, and/or on behalf of the respondents from interfering in any manner whatsoever in the possession, use and enjoyment of the said property of the petitioners and/or prohibiting the respondents from removing or demolishing any portion of the property of the petitioners in any manner, in the facts and



circumstances of the case in the interest of justice, equity and fair play. . . .”

2. For the reasons stated in the petition, issue notice.
3. Mr. Dhawan, learned standing counsel accepts notice on behalf of the respondents and states that the DDA is only carrying out the demolition with regard to the DDA land and hence, the Show Cause Notice. He further states that states that the Tehsildar (South) is also be required to be impleaded as he is a necessary and proper party.
4. Mr. Panwar, learned counsel for the petitioner has no objection to the same.
5. Accordingly, the SDM (Kanjhawala) is impleaded as respondent No.3.
6. Let notice be issued to SDM (Kanjhawala) through the learned standing counsel.

CM APPL. 25714/2026

7. This is an application filed under Section 151 of the CPC, 1908 seeking stay of operation of the letter dated 08.04.2026
8. The brief facts of the case are that the petitioners are the recorded owners of the land comprising of Khasra Nos. 3/22 (5-16) and 3/23 (2-6) admeasuring 8140 sq. yds consisting of a hospital run by the petitioners under the name and style of Dharamveer Solanki Hospital and numerous shops and tin sheds within the said area.
9. The petitioners received a show cause notice dated 09.05.2025 annexed as Annexure P-16 with the petition which reads as under:-



ENGLISH TRANSLATION OF ANN:P-16
Delhi Development Authority
Office of Executive Engineer,
Rohini Maintenance Department,
Madhuban Chowk, Rohini, Delhi-110085

No. F1(05)/Misc./AE-II/RMD-2/DDA/204

Dated: 09/05/25

SHOW CAUSE NOTICE

It is informed that the vacant land in front of Lakhiram Colony adjoining to the 100 feet road belongs to DDA. Some part of these shops is built on DDA land which has been marked on the spot by this office. Therefore, it is requested that the encroachment on DDA land in the form of shops should be removed with immediate effect. If any public has any ownership claim on this plot, if he does not present it directly to the Executive Engineer RMD-2 office, 6th Floor, Madhuban Chowk with the relevant documents till 20.05.2025, then it will be considered that no one has any claim related to this plot. And demolition action will be taken.

ORDER

Sd/-

Executive Engineer, RMD-2/DDA,
Madhuban Chowk/Rohini



10. A perusal of the notice, in my considered opinion shows that the notice is cryptic and does not mention which area out of said Khasra numbers belongs to DDA and what is the area encroached upon by the petitioners. The said notice seems to be lacking in material particulars. The order dated 08.04.2026 for demolition of the unauthorized structure is based on the cryptic show cause notice dated 09.05.2025.
11. For the said reasons, I am *prima facie* satisfied that balance of convenience lies in favour of the petitioners because the petitioner is unaware of the encroached area. As and when the respondents are able to show the area of DDA encroached upon by the petitioners, appropriate orders for demolition can be passed at that stage. In case the interim relief is not granted, the petitioners shall suffer irreparable loss and which cannot be compensated in terms of money.
12. For the said reasons, the notice dated 09.05.2025 and order dated 08.04.2026 shall be and the *status quo* shall be maintained.
13. The DDA shall also file a site plan before the next date of hearing.
14. List on 02.09.2026.

JASMEET SINGH, J

APRIL 29, 2026 / (MS)