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

+ **W.P.(C) 8051/2026 & CM APPL. 38557/2026 (interim stay)**

BDS DEVELOPERS PVT. LTD.

.....Petitioner

Through: Mr. Sandeep Sethi and Mr. Akshay Makhija, Senior Advocates with Major Nirvikar Singh, Mr. Rishi Agrawala, Mr. Ankit Banati, Mr. Vikas, Mr. Deepak Mahajan, Ms. Shreya Sethi and Mr. Sanchit S., Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, SC for R-1 with Mr. Sunil Kumar Jha, Ms. Joohu Kumari and Mr. Kushagra Dixit, Advocates.
Ms. Shobhana Takiar, SC for DDA with Mr. Kuljeet Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

03.06.2026

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1. This hearing has been done through hybrid mode.

CM APPL. 38558/2026 (exemption) & CM APPL. 38559/2026

(exemption)

2. Allowed, subject to all just exception. The applications are disposed of.

W.P.(C) 8051/2026 & CM APPL. 38557/2026 (interim stay)

3. The present petition under Article 226 of the Constitution of India, 1950, seeks the following prayers: -

“(a) Issue an appropriate writ, order or direction in the nature of



prohibition directing the Respondents to jointly and severally permanently restrain themselves from taking any demolition action in respect of Petitioner's property situated in Village Rajokri, Tehsil Mehrauli, New Delhi admeasuring 8 Bigha 4 Biswa bearing Khasra No. 79 (4-16), 80 (3-8) and 7 Bigha 2 Biswa bearing Khasra No. 78

(b) Issue an appropriate writ, order or direction in the nature of Mandamus, directing the Respondents to jointly and severally to reconstruct and/or restore the demolished portion of the old boundary wall of the Petitioner's property situated in Village Rajokri, Tehsil Mehrauli, New Delhi admeasuring 8 Bigha 4 Biswa bearing Khasra No. 79 (4-16), 80 (3-8) and 7 Bigha 2 Biswa bearing Khasra No. 78, which was unlawfully demolished by the Respondent No.2 on 02.06.2026 at their own cost and expense;

(c) Institute an inquiry against the Respondents in respect of exparte demolition of the back wall of Petitioner's property situated in Village Rajokri, Tehsil Mehrauli, New Delhi admeasuring 8 Bigha 4 Biswa bearing Khasra No. 79 (4-16), 80 (3-8) and 7 Bigha 2 Biswa bearing Khasra No. 78 especially since the Petitioner's property is situated at Khasra No. 78, 79 and 80 which do not form of notice dated 09.12.2025 issued by Respondent No.2 and consequently direct the Respondents to jointly and severally compensate the Petitioners for the illegal, arbitrary and irrational demolition to an extent of Rs. 1 Crore;

(d) Pass any such or further order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case and in the interest of justice;"

4. Learned Senior Counsels appearing on behalf of the petitioner submits that the respondent/DDA has carried out demolition of the boundary wall and kitchen of the subject premises, without giving any show cause notice regarding the same.

5. Learned counsel on behalf of respondent No.2/DDA, who appears on an advance notice, submits that notice was issued to the petitioner informing them that it has come to their notice that Storm Nalla/Drain situated in *khasra* numbers as mentioned therein is part of Gram Sabha/DDA land, and



therefore, on-ground exercises including demarcation actions are to be carried out with assistance of Revenue Department of GNCTD so as to ascertain that the said land is free from encroachments.

6. On perusal of the notice, it is seen that no separate show-cause notice was issued with respect to carrying out of demolition activities which allegedly have been carried out today as pointed out by learned Senior Counsels for the petitioner.

7. Issue notice.

8. Learned counsels appearing on behalf of respondent Nos.1 and 2 accepts notice.

9. Let a counter affidavit be filed within a period of four weeks. Rejoinder, if any, be filed within a period of two weeks thereafter.

10. List before the Roster Bench on 21.07.2026.

11. In the meantime, the parties shall maintain *status quo* with respect to the subject properties till the next date of hearing.

12. The petitioner will not re-construct the boundary wall; however, it will be at liberty to protect the demolished portion by way of some temporary structure. The said temporary structure will not cover any government land.

13. Order be uploaded on the website of this Court, *forthwith*.

**AMIT SHARMA, J
(VACATION JUDGE)**

JUNE 03, 2026/sn/ns