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

+ **W.P.(C) 6881/2025 & CM APPL. 31150/2025**

**IN RE: ILLEGAL ENCROACHMENT/CONSTRUCTION OVER
LAND BEARING KHASRA NUMBER 356(4 BIGHAS 14 BISWAS)
& 366(8 BIGHAS & 11 BISWAS), TOTAL 2-75 ACRES-VILLAGE
NASIRPURPetitioner**

Through: Mr.Neeraj Yadav with
Mr.Dharmendra Prasad, Advs.

versus

**GOVT OF NCT OF DELHI THROUGH THE CHIEF SECRETARY
& ORS.Respondents**

Through: Mr. Sameer Vashisht, Standing
Counsel (Civil) GNCTD with Ms.
Harshita Nathrani, Adv.
Mr. Jagdish Chandra, CGSC for UOI
Ms.Mrinalini Sen, S.C. with
Ms.Kritika Gupta, Ms.Aditi Saxena,
Advs for R-3.
Mr.Ayaz Ahmad with Mr.Samer
Khan, Advs for R-6-10.
Mr.Tushar Sannu, S.C. with
Mr.Paruin Bansal, Adv for MCD.

**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER
06.02.2026**

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CM APPL. 8178/2026 (recall of order dated 21.05.2025)

1. This is an application seeking recall of the order dated 21.05.2025, whereby we have refused to entertain the petition at the instance of the petitioner on account of the averments available in para 23 of the writ petition.
2. However, simultaneously having found the public interest involved in the matter, we directed the Registry to register the matter as a Suo Moto PIL petition as also appointed Mr. Jayant Mehta, learned Senior Advocate practising in this Court as Amicus.
3. Averments made in para 23 of the petition are as follows:-

“23. That at this stage, it is fairly and dutifully disclosed that in the past, there has been (Civil as well as Criminal) litigation between the Petitioner and predecessors of private Respondents with regard to a piece of private land bearing Khasra No. 188 (measuring 1200/1800 sq. yds.) which was sold to the petitioner by the said predecessors in the same village. The present petition, filed by the Petitioner, which is primarily against the government authorities for reclaiming of gaon sabha /public and common use land, which belongs to and is meant for use and benefit of public at large and particularly the villagers, from encroachers and protecting it from further encroachment in future and illegal sale, cannot be said to be a malafide or motivated action driven by personal animosity. More so, when even ultimately, the Petitioner does not tend to gain or derive any benefit personally /exclusively for himself therefrom.”

4. Having regard to the said averments in para 23, we do not find that this petition can be proceeded at the behest of the petitioner; the application is, accordingly, rejected.
5. The application stands disposed of.



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6. List on the date already fixed i.e. 27.03.2026.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

FEBRUARY 06, 2026

S.Rawat