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

+ **CONT.CAS(C) 1176/2023&CM APPL. 43231/2023**

GANESH SINGHAL

.....Petitioner

Through: Mr. Gobind Malhotra, Mr. Rehan
Saifi, Ms. Avneet Kaur & Ms.
Namrata Malhotra, Advs.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, SC for MCD
with Ms. Shweta Singh, Adv.
counsel for GNCTD.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **25.07.2025**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 10, 11 and 12 of Contempt of Courts Act read with Article 215 of the Constitution of India seeks initiation of contempt proceedings for violation of order/judgment dated 17.01.2022 passed in W.P.(C) 1003/2022, wherein it was directed as under:-

“5. It is further directed that in case the concerned Respondents find that there is unauthorized construction or illegal encroachment, the same shall be demolished/removed by the concerned Respondents, without any delay.”

3. During the course of proceedings, Status reports have been filed on behalf of MCD as well as NCT of Delhi. In the status report 27.09.2023 filed on behalf of MCD it is stated as under:-

“10. That a Joint Demarcation team consisting of Tehsildar, Patwari of Revenue Department, Kanungo of L&E department



MCD, Engineering staff. AE/JE of PWD & General Branch staff of MCD attended demarcation programme on 21.09.2023. But action could not be processed in the absence of Khasra no. & Sizra etc. Subsequently the Khasra no. & Sizra obtained from Revenue Department next day on 22.09.2023. That MCD is in process of demarcating the subject property through Total Station Machine for which agency is being finalized. Thereafter, demarcation will be undertaken jointly by representative of all stake holders.”

4. Similarly, in the short affidavit filed on behalf of respondent no.1 and 2 wherein it is stated as under:-

“7. It is a matter of the fact that this Burari road also known as Shanti Swaroop marg was taken over from the MCD in the year 2012 by M-313 Division of PWD which is now known as North Road Division. This road was further transferred from M-313 to M-413 road division which is now known as C&ND road division. As per available records this road has a Right of Way (ROW) of 30.50 m, However, the demarcation map/land records of the same is not available with PWD as the same was not handed over by the MCD at the time of transfer.

8. That the Assistant Engineer, C&ND-R Sub Division I of PWD department requested SDM Model Town to demarcate the exact Right of Way of the Burari road from Kingsway camp to Outer ring road on urgent basis, vide letter No. 255 dated 26.08.2023 & letter No. 260 dated 29.08.2023. The copies of the same are annexed herewith as Annexure-A4(Col1y.).

9. That Executive Engineer, C&ND-R of PWD has also written letter No. 2283 dated 28.08.2023. letter no. 2317 dated 30.08.2023 to SDM Model Town and letter No. 2282 dated. 28.08.2023 to DC North (MCD) Zonal Office in regards to the above mentioned issue of encroachment removal. The copies of the same is annexed herewith as Annexure -A5 Colly.

10. That in this regard, a joint meeting of MCD, PWD officials and SDM Model Town was held on 14.09.2023 under the Chairmanship of Special Secretary, PWD, GNCTD for removal of encroachment from Kingsway Camp to Outer Ring Road. (The copy of same is Annexure-A6 (Colly).”



5. Learned counsel appearing on behalf of respondents submit that the demarcation by way of total station method (TSM) has to be done in order to determine which area of encroachment comes within the domain of the respective agencies.
6. Accordingly, it is directed that a joint meeting of respondent no.1, 2 and 3 shall be held under the Chairmanship of Special Secretary, PWD on 05.08.2025 at 12:30 P.M. at the office of Special Secretary, PWD. The Minutes of the meeting and further status report be placed on record before the next date of hearing.
7. List on 31.10.2025.

AMIT SHARMA, J

JULY 25, 2025/nk