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

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

GANESH SINGHAL

.....Petitioner

Through: Mr. Gobind Malhotra, Mr. Lovish Sharma, Mr. Rehan Saifi, Mr. Gurpreet Singh, Ms. Namrata Malhotra, Advs. along with petitioner in person (through v/c)

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel, Civil, GNCTD and Mr. Siddharth Arora, Adv. for R-1 and 2.
Mr. Sanjeev Sabharwal, SC and Ms. Shweta Singh, Adv., MCD.
Mr. Pankaj Kr. Shukla, Ex. Engineer

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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25.03.2026

1. The present petition alleges wilful disobedience of the directions contained in the judgment / order dated 17.01.2022, passed in W.P.(C) 1003/2022. The said order reads as under:

“W.P.(C) 1003/2022

1. Present Public Interest Litigation has been preferred seeking the following reliefs:-

“(i) issue an appropriate Writ(s) or order(s) or direction(s) to the respondents to demolish the illegal and unauthorized construction over the Govt. land / road straight upto 100 Fts. as per approved Site Plan of Govt. of NCT of Delhi of G.T.B. Nagar to Burari Bye-Pass i.e. Shanti Swarup Marg, Delhi;

(ii) issue an appropriate Writ(s) or order(s) or direction(s) to the respondents to take the possession of the Road straight upto 100 Fts. As per approved Site Plan of Govt. of NCT of Delhi of G.T.B.



Nagar to Burari Bye-Pass i.e. Shanti Swarup Marg, Delhi, from the encroachers / land grabbers etc.

(iii) Any other order(s) or direction(s) which this Hon'ble Court deem fit just and proper in view of the facts and circumstances of the case in favour of the petitioner in the interest of justice."

2. We have heard the Petitioner, who appears in person and learned counsel appearing on behalf of Respondents No. 1 and 2. Petitioner seeks directions to the Respondents to demolish the unauthorised construction/ encroachment on the Government land/road, as detailed in the writ petition.

3. It is a settled law that disputed questions of fact or appreciation of evidence with respect to legality or otherwise of a construction cannot be adjudicated in a writ jurisdiction, which requires evidence in the form of documents, site plans, sanction plans, etc. By merely looking into the documents and representations annexed to the present petition, it is not possible for this Court to conclude regarding the illegality of the construction or the alleged encroachment. We thus see no reason to entertain the present petition.

4. Nonetheless, considering the fact that the Petitioner has alleged that there is unauthorised construction and large-scale encroachment on the Government land which, according to him, is leading to massive traffic jams and other related problems for the residents in the area, we deem it fit to direct the concerned Respondents to treat the present writ petition as a representation and look into the grievances ventilated by the Petitioner. Needless to state that the decision shall be taken by the concerned Respondents in accordance with law, rules, regulations and Government policies applicable to the facts and circumstances of the case and after giving adequate opportunity of hearing to the owners/occupiers of the land/road in question and/or other stakeholders.

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.

6. With these observations and directions, the writ petition is hereby disposed of."



2. *Vide* order dated 22.08.2023, (during the course of pendency of the present proceedings) this Court noticed the unfortunate situation at hand, where the MCD and the PWD have been seeking to shift responsibility on each other instead of complying with the directions contained in the above judgment / order dated 17.01.2022.
3. Today, it is submitted by learned counsel for the respondents that a demarcation exercise is underway in the concerned locality.
4. Considering the circumstances, the following directions are issued:
 - (i) that the demarcation exercise be concluded latest within a period of two months from today.
 - (ii) after conclusion of the aforesaid exercise, the MCD and the PWD shall jointly take steps to remove the unauthorized construction referred to in the judgment / order dated 17.01.2022.
5. Let the entire unauthorized construction / encroachment on public road be demolished in terms of the aforesaid directions.
6. Let a status report be filed before the next date of hearing.
7. List on 13.08.2026.

SACHIN DATTA, J

MARCH 25, 2026/cl