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

+ W.P.(C) 9004/2025 & CM APPL. 38394/2025

VINEET KUMAR

.....Petitioner

Through: Mr. Thakur Sumit and Mr. Gaurav
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versus

MUNICIPAL CORPORATION OF DELHI
AND ORS.

.....Respondents

Through: Mr. Vanshul Pali, Advocate for R-1
& 2
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CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
08.09.2025

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1. Learned Senior Counsel appearing for respondent no. 8 submits that a civil suit with respect to the land in question being *Civil Suit 1303/22*, titled as “*Yogesh Kumar and Anr Versus Zaffar Ali @ Zaffar Builder and Ors*” was filed, which was disposed of *vide* order dated 27th February, 2024, wherein, it has been held as follows:

“xxx xxx xxx

Now coming to the merits of the case, the plaintiffs have filed the present suit to stop the public nuisance being done by defendants in collusion with each other by grabbing the public utility/government land and by raising illegal and unauthorized construction on the said land. The plaintiffs have mentioned that the suit property is at Khasra No. 584/2, Main Chowk Village Mandoli, Delhi-110093, is a public utility/government land which has been encroached and grabbed by the defendant no. 1 to 5 in collusion with defendant no. 6 to 8 and doing illegal and unauthorized construction on the said land. The revenue record, which is on the court records, shows the name of Mohd. Tahir Ali etc. as tenure holders of the suit property. Moreover, on LDOH i.e. 08.11.2023 Ld. Counsel for defendant no. 6/Gram Sabha submits that Khasra No. 584/2 belongs to Mohd. Zafar Ali as per the revenue records(Khasra Girdawari) and the suit property does not belong to the Gram Sabha and Gram Sabha has no concern with the said land. It is also not found mentioned in the plaint that how the illegal and unauthorized construction by defendant no. 1 to 5 on suit property is causing any common injury, danger or annoyance to the public. Nothing has been stated in what manner any public nuisance has been caused by the defendants or how the acts of the defendants is likely to affect the public. Mere allegation of the grabbing of government land and illegal construction on the said land cannot lead to any presumption that such act has caused the public nuisance as defined u/s 268 of IPC or is likely to affect public.

Therefore, the application filed by the plaintiffs u/s 91 CPC is hereby dismissed.

xxx xxx xxx”



2. He further submits that against the aforesaid order, an appeal being *RCA DJ 35/2024*, titled as “*Yogesh Kumar and Ors. Versus Zaffar Ali Alias Zaffar Builder and Ors*” was filed, which was disposed as dismissed as withdrawn, *vide* order dated 16th May, 2025.
3. Responding to the aforesaid submissions, learned counsel appearing for the petitioner submits that he was never a party to the aforesaid suits or appeal.
4. The documents handed over by the learned Senior Counsel for respondent no. 8, are taken on record.
5. He further relies upon order dated 23rd May, 2023, passed by the Coordinate Bench of this Court in *W.P.(C) 5108/2023*, titled as “*Ravinder Kumar Versus Government of NCT of Delhi and Ors.*”, to submit that the petitioner herein also has been unable to explain as to how, and in what manner the fundamental and legal rights of the petitioner are being affected by any alleged unauthorized construction.
6. Thus, he submits that on this ground also, the present writ petition would not be maintainable.
7. This Court notes that a Status Report has been filed on behalf of the Municipal Corporation of Delhi (“MCD”), wherein, it is stated that as per the Gazette Notification dated 25th September, 2020, and under the Delhi Development Authority Act, 1957 (“DDA Act”), the subject property in village Mandoli falls within a notified “Development Area”, placing jurisdiction over the subject property with the DDA.
8. Learned counsel appearing for respondent no. 3, i.e., DDA submits that he may be granted some time to file a reply.
9. Let reply/Status Report be filed by respondent no. 3-DDA, within a



period of six weeks, from today.

10. Response if any, be filed by the other parties before the next date of hearing.
11. Interim orders, if any, to continue.
12. Re-notify on 14th January, 2026.

MINI PUSHKARNA, J

SEPTEMBER 8, 2025/SK