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

+ **W.P.(C) 15020/2021**

AMIRO YUVA BRIGADE

..... Petitioner

Through: Mr. Hemant Choudhary, Mr. Nikhil
Garg, Advocates

versus

STATE (NCT OF DELHI) & ORS.

..... Respondent

Through: Mr. M.S. Khan, Mr. Damiyal Ayyubi
and Ms. Shaziya, Advocates for
Applicants
Ms. Arunima Dwivedi, CGSC, UOI
with Ms. Pinky Pawar and Mr.
Aakash Pathak, Advocates
Mr. Rishikesh Kumar, ASC, GNCTD
with Ms. Sheenu Priya, Mr. Atik Gill,
Mr. Sudhir Kumar Shukla and Mr.
Sudhir, Advocates
Mr. Manish Srivastava, Mr. Moksh
Arora and Mr. Santosh Ramdurg,
Advocates for BSES-YPL.
Mr. Tushar Sannu and Mr. Hardik
Saxena, Advocate for R-4

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HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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31.05.2024

CM APPL. 34269/2024

1. Present application has been filed under Section 151 CPC, 1908 on behalf of the Petitioner seeking issuance of directions to the Respondent Nos. 4 & 5 to immediately remove illegal and unauthorized encroachment



both inside and outside the Mehndiyan Qabristan at 1 Makki Masjid Mehndiyan, Meer Dard Road New Delhi-110002.

2. Learned counsel for the Applicant-Petitioner states that since the last demolition drive conducted by the Respondents, the area has been re-encroached. He further states that all the shops keepers have removed the seal and re-opened their respective shops. He cites instances of such encroachment upon the subject property including use of graves by *dhobi-mafia* for drying the clothes.

3. Learned counsel for the Wakf Board who appears on advance notice confirms the aforesaid allegations.

4. Consequently, this Court directs the concerned Sub-Divisional Magistrate ('SDM') as well as the Municipal Corporation of Delhi ('MCD') to take action for removal of encroachment forthwith. The Delhi Police is directed to render full assistance to the SDM as well as MCD.

5. With the aforesaid directions, the present application stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 31, 2024/msh