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

+ W.P.(C) 7368/2009, CM APPL. 4744/2017, CM APPL. 73074/2024

NEW FRIENDS COLONY D -BLOCK RESIDENTS WELFARE
ASSOCIATION THOURGH ITS PRESIDENTPetitioner

Through: Mr. Pawanjit S. Bindra, Senior
Advocate with Mr. Vinayak Marwah,
Advocate.

versus

DDA & ORS.Respondents

Through: Ms. Kirti Garg, Advocate for R-3.
Ms. Shobhana Takiar SC with
Mr. Kuljeet Singh, Advocate for
DDA.
Mr. Rizwan, Mr. Samarth Sharma and
Mr. Wasil Arafat, Advocates for R-4.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
17.03.2026

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1. What began as a grievance about encroachments in a residential colony has remained pending in this Court for far too long. The Petitioner is an association of residents of D-Block New Friends Colony. Its grievance is that the planning and municipal authorities, principally the Delhi Development Authority (Respondent No. 1) and the Municipal Corporation of Delhi (Respondent No. 2), have failed to act against what it describes as encroachments and departures from the sanctioned layout of the colony. The complaint centres on the area shown in the sanctioned zonal plan and



proceeds on three strands: first, that land shown as a “tot lot” has been encroached upon; second, that there is encroachment upon the 45-foot-wide road; and third, that the BSES sub-station also occupies land that, according to the Petitioner, could not lawfully have been so used.

2. At the initial stage, on 6th March, 2009, this Court issued the following directions:

“The present writ petition is filed by the Petitioner praying inter alia for directions to the Respondents to clear the encroachment in the areas shown in green, yellow and pink colours in the zonal plan enclosed as Annexure P-1 to the writ petition and directions to the Respondents to develop the said encroached land, shown in red colour in the said zonal plan as TOT LOT and green area in terms of the zonal plan.

Counsels for the Respondents No. 1, 2 and 3 enter appearance and seek time to file counter affidavit. Needful shall be done within four weeks with advance copy to the counsel for the Petitioner. Rejoinder, if any, be filed within four weeks thereafter.

Issue notice to the Respondent No. 4, on the Petitioner taking necessary steps by Regd. AD post, through ordinary process as also by courier, returnable before the Joint Registrar on 4th May, 2009 for completion of service and pleadings.

List before the Court on 10th August, 2009.

CM 3213/2009

Counsels for the Respondents No. 1, 2 and 3 accept notice. Reply be filed within four weeks with advance copy to the other side. Rejoinder, if any, be filed before the next date of hearing.

Issue notice to the Respondent No. 4, on the Petitioner taking necessary steps by Regd. AD post, through ordinary process as also by courier, returnable before the Joint Registrar on 4th May, 2009 for completion of service and pleadings.

Till further orders, the Respondent No. 4 shall maintain status quo | with regard to the construction in the area, shown in red colour in the Zonal Plan (Annexure P-1).

Dasti to the counsel for the Petitioner.”

3. The afore-noted order was later continued and made absolute on 5th August, 2011, pending disposal of the petition.

4. Affidavits were then called for from the Respondents. The stand of



DDA is of some importance because it narrows, rather than resolves, the controversy. DDA says that New Friends Colony was de-notified and transferred out of its control in terms of the notification dated 31st May, 1989, and that, thereafter, building permissions and allied matters fell within the domain of the municipal body. DDA further states that, in accordance with policy and past practice, the internal development of the colony was to be undertaken by Respondent No. 4 Society. On that footing, it says the areas earmarked as tot lots were to be developed and maintained by the Society and could not be sold off for residential or commercial use. As regards the road, the buffer area, and the land abutting the BSES sub-station, DDA takes the position that encroachments, if any, were required to be dealt with by the municipal authorities after the transfer of the colony.

5. The municipal body (Respondent No. 3) has not filed a detailed counter affidavit meeting the petition point by point. What has been placed on record is a status report indicating that demolition action was carried out during a special programme on 8th December, 2015 in respect of ongoing construction in the form of a tin shed, false ceiling and allied structural elements. Photographs have also been annexed to that report. This shows that some action was in fact taken on the ground, but it does not answer the larger controversy as to the legal character of the land in question or whether the sanctioned plan continues to be violated.

6. The Society, for its part, disputes the Petitioner's description of the yellow-marked area as a tot lot lying open to public planning control in the manner suggested. Its case is that this land was always private land, acquired by it under a sale deed dated 15th February, 1966, and that the construction standing there cannot therefore be treated as an encroachment in the manner



alleged. It is also said that an application for modification of the zonal plan has already been moved before the competent municipal authority and remains pending. In other words, the Society's answer is not simply that there is no encroachment, but that the Petitioner's very premise as to the legal character of the land is wrong.

7. They state that they are the Society which is meant to maintenance of the area and they are fulfilling their obligations and there is no encroachment as alleged by the Petitioner.

8. That is where the matter stands. The Petitioner says the sanctioned plan reserves the area for a public purpose and has been allowed to be steadily eaten into. DDA says tot lots cannot be sold and should be maintained by the Society, but shifts the burden of removal of encroachments to other authorities after de-notification. The municipal body points to some demolition action, but has not brought on record a complete position on title, demarcation, or present status. The Society relies on a sale deed and on a pending request for modification of the plan. These are not minor differences. They go to the root of the matter.

9. The difficulty is that the controversy can no longer be resolved merely by reading one plan and one set of pleadings. What is now required is a proper comparison of the sanctioned layout, the present position on site, the claim founded on the sale deed, the legal effect of any de-notification or transfer of control, and the exact status of the BSES sub-station and the adjoining road space. That exercise would plainly require demarcation, site verification, and coordinated inputs from more than one public body. A writ court, proceeding on affidavits and interim orders, is not well placed to undertake that factual exercise for itself.



10. This is precisely the kind of dispute for which the Special Task Force¹ exists. Questions of encroachment on public land, unauthorised construction, and the interface between planning control and municipal enforcement are not matters to be examined in fragments by different agencies, each disclaiming some part of responsibility. They require one coordinated view. The STF has the institutional means to call for records, obtain a survey, inspect the site, identify the agency answerable for each part of the land in question, and then take a final position.

11. The Court does not therefore consider it appropriate to continue examining the matter in writ jurisdiction as though the Court itself were the fact-finding authority on land use, demarcation and encroachment. The proper course would be to permit the Petitioner to place its grievance before the STF, along with the sanctioned plan and the affidavits already filed in these proceedings, and to require the matter to be examined there in a coordinated way.

12. The Petitioner is accordingly granted liberty to place a comprehensive representation before the STF within four weeks, enclosing the pleadings, the sanctioned plan, the affidavits of the Respondents, and such other documents as it seeks to rely upon. Upon such representation being filed, the STF shall take up the matter, obtain such reports or surveys, if so required, hear the concerned parties, and take an informed decision on the Petitioner's grievance, including on the question whether any encroachment or unauthorised construction exists in the areas identified in the petition and, if so, what corrective action is required.

13. Since an interim order has operated in these proceedings for a long

¹ "STF"



time, it would not be appropriate to allow it to lapse abruptly without the matter even reaching the STF. The interim order dated 6th March, 2009, as continued from time to time, shall remain in force for four weeks from today and, in the event the matter is not taken up by the STF within that period, shall continue until it is first so taken up. Once the matter is considered, it will be open to the STF to continue, vary, modify or vacate the interim arrangement, or to issue such further directions as the situation may require.

14. The STF shall also be at liberty to call for records from DDA, MCD, BSES, the Society, or any other authority whose presence may be necessary for a complete examination of the issue. If a fresh survey or demarcation is required, it may direct the same to be undertaken through the appropriate agency.

15. With these directions, the petition stands disposed of, along with the pending applications.

SANJEEV NARULA, J

MARCH 17, 2026

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