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

+ **W.P.(C) 9332/2023 & CM APPL. 11929/2024**

INDER SINGH SOLANKI

.....Petitioner

Through: Mr. Sanjeev Sindhwani, Sr. Adv. with
Mr. Abhay Dixit, Mr. Gaurav
Sindhwani, Advocates
(M:9654452476)

versus

**DEPUTY COMMISSIONER MUNICIPAL CORPORATION OF
DELHI & ORS.**

.....Respondents

Through: Mr. Abhinav Sharma, Mr. Mahender
Shukla, Advocates for MCD along
with Mr. Rajbir Singh, A.E.
(M:8587035599)
Mr. Rahul Tanwar, Mr. Shiv Kumar
Tanwar, Advocates for Applicant in
CM APPL. 11929/2024
(M:9911456560)

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
28.03.2025

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1. The present writ petition has been filed seeking directions to the Municipal Corporation of Delhi ("MCD"), to reconstruct the boundary wall of the petitioner at *Khasra No. 188 of Village Nasirpur*, that was demolished by respondent nos. 1 to 4.

2. This Court notes that pursuant to the directions passed by this Court *vide* order dated 09th December, 2024, an affidavit dated 19th March, 2025, has been filed on behalf of MCD, wherein, it is stated as follows:

"xxx xxx xxx"



3. *That accordingly, in compliance to the direction of this Hon'ble Court, the impugned boundary wall has been inspected on 17/03/2025. On inspection, it is found that the impugned boundary wall has been made at dead end of the gali and appears to be a monolithic structure, which is adjacent to Mr. Narender Kumar's property. The photographs of the impugned wall, taken while inspection, are annexed herewith as Annexure-A.*

4. *That further, it is submitted on the basis of contents of relevant booking files pertaining to Mr. Narender Kumar's property vide Booking Files No.420/B/UC/NG dated 23/09/2020 and No.498/B/UC/NG dated 27/11/2020 that the impugned boundary wall of the colony, is not part of above stated booking files. Photocopy of show cause notice pertaining to said booking file, having rough sketch of the booked property, is annexed herewith and marked as Annexure-B.*

xxx xxx xxx”

3. Perusal of the Status Report filed on behalf of MCD brings to fore the fact that it is the clear stand of the MCD that wall of the petitioner was not subject matter of the booking for unauthorized construction, *qua* which action was sought to be taken by the MCD.

4. Today, learned counsel for MCD submits that wall of the petitioner was demolished, as the wall of the petitioner was adjoining the other property of Mr. Narender Kumar, where action for demolition was being taken by the MCD.

5. Thus, he submits that demolition action by the MCD has been taken in view of the circumstances beyond the control of the MCD. He further submits that the MCD has not taken any action against the wall of the petitioner intentionally.

6. At this stage, learned counsel for the Applicant in *CM APPL. 11929/2024*, submits that the wall of the petitioner blocks the entrance of his house. He submits that there is a public street in front of the house of the



applicant, which shall get blocked, if the petitioner is allowed to construct the wall.

7. This Court notes that in the present case, it is the clear stand of the MCD that wall of the petitioner has been demolished in view of demolition action being taken in the adjoining property. Thus, the only issue which is pending before this Court is with respect to action of the MCD with regard to demolition of wall of the petitioner.

8. This Court also notes that there is no finding by any competent authority before this Court, as regards existence or status of any public street, which is stated to be in front of the house of the Applicant in *CM APPL. 11929/2024*.

9. However, with a view to safeguard the interests of the Applicant in *CM APPL. 11929/2024*, it is directed that the applicant shall make a representation to the MCD, in regard thereto. The representation of the Applicant in *CM APPL. 11929/2024*, shall be duly considered by the MCD.

10. Further, hearing shall also be granted to the Applicant, as well as to the petitioner herein, at the time of deciding the representation of the Applicant in *CM APPL. 11929/2024*.

11. In case, the MCD after hearing all the respective parties, and perusal of all the records, comes to a conclusion that some encroachment has been made by the petitioner on public land, MCD shall be at liberty to take action against such encroachment on public land, in accordance with law.

12. Considering the Status Report filed before this Court in the present proceedings, it is directed that the petitioner is at liberty to reconstruct the wall that has been demolished by the MCD. Such reconstruction shall be done by the petitioner, at his own cost.



13. It is further directed that no hindrance shall be created by any party, at the time of reconstruction of the wall by the petitioner. However, it is clarified that the MCD is at liberty to take any action as per law, in case, any unauthorized construction or encroachment on the public land, is found to have been made by the petitioner.

14. It is clarified that this Court has not expressed any view on the merits of the case of the respective parties, as regards their right, title or ownership over the land in question.

15. All rights and contentions of the parties are left open.

16. However, in view of the fact that liberty has been granted to the petitioner in the present case for reconstruction of the wall in question, it is directed that SHO Sagarpur, shall ensure that no obstruction is caused at the time of reconstruction by the petitioner.

17. It is further clarified that construction of the wall by the petitioner pursuant to order of this Court, shall not confer any equity on the petitioner. In case, if it is found by the competent authority that any portion of the wall constitutes encroachment on public land, appropriate action, in accordance with law, shall be taken.

18. The present petition, along with pending application, stands disposed of, in terms of the aforesaid.

MINI PUSHKARNA, J

MARCH 28, 2025/au