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

Date of decision: 3rd May, 2025

+ **W.P.(C) 13190/2024 & CM APPL.26747/2025, 26748/2025,
26749/2025, 26750/2025**

**MAHARANI BAGH CO-OPERATIVE HOUSE BUILDING AND
WELFARE SOCIETY LTD., & ANR.Petitioners**

Through: Mr. A.N. Haksar, Sr. Adv. with Mr.
Udayan Jain, Mr. Ranjan Mishra and
Mr. Harsh Jaiswal, Advs. (M:88589
74684)

versus

UNION OF INDIA& ORS.Respondents

Through: Ms. Prabhsahay Kaur (Standing
Counsel DDA), Ms. Deeksha L.
Kakar (Panel Lawyer, DDA), Mr.
Aditya Verma, Adv., Ms. Kavya
Shukla, Adv., Mr. Rashneet Singh,
Adv. Ms. Sana Parveen, Adv.
Officers Present: Ashutosh
(Executive Engineer), Gaurav Meena
(AE), Vikash (AD), Vishnu Kumar
JSA PM-UDAY, Vimal Kumar JSA
PM-UDAY. (M:8858999883)
Mr. Pawan Reley, Mr. Akshay Lodhi,
Mr. Gaurav Kumar, Mr. Kashif Athar,
Ms. Simran Singh & Mr. Tanish
Rawat, Advs. for Applicants in CM
APPL.26747-50/2025.
(M:8447343516)
Mr. Anuj Chaturvedi, Adv. for
DUSIB.

**CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MANMEET PRITAM SINGH ARORA**



Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CM. APPL. 26750/2025(for exemption)

2. Allowed subject to all just exceptions. Application disposed of.

CM. APPL. 26747/2025(for impleadment),

CM. APPL. 26748/2025 (for modification) and

CM. APPL. 26749/2025 (for stay) in W.P.(C) 13190/2024

3. A conjoint reading of the order dated 20th December 2024 along with the order dated 28th February, 2025 shall reveal that the Court *inter alia* had empowered the Special Task Force (hereinafter ‘STF’) to remove any obstruction or encroachment that hampered the reconstruction of the drain in the following terms:

8. It is clear from the photographs above that the drain is being severely blocked by this construction. Ld. counsel appearing for the MCD submits, under instructions from Mr. Sanjeev Mudgal, Executive Engineer that there is no plan sanctioned for this building and this land belongs to the DDA. Ms. Prabhsahay Kaur, ld. Counsel appearing for the DDA, under instructions from Mr. Ashutosh Upadhyay, Civil Engineer submits that this is DDA land and that the entire building is unauthorized.

*9. In view of this position, for finalization of the design of the Taimoor Nagar Drain, let a joint meeting be held between the officials of STF, DDA, MCD including the officials, who are present today. The meeting shall be held on 6th March, 2025 in the office of Mr. Anil Kumar, the Chairman, STF at 11:30 A.M. Upon the design being finalized, let the tender be called for the renovation/re-construction of the Taimoor Nagar Drain. **The STF is fully empowered to remove any obstructions, encroachments, including any construction which is unauthorized and which would hamper the renovation/re-construction of the drain.***

10. The STF shall submit a report by the next date of hearing on all the aspects including removal of encroachment,



demolition of unauthorized construction including the five storey building, which is set out above so as to ensure that the drain can be properly re-designed and the area is also properly maintained so that further dirtying of the drain can also be prevented.

4. Thereafter, on 17th April, 2025 this Court, upon hearing various intervention applications filed by occupants of various buildings that encroached upon the Taimoor Nagar drain, had directed as under:

“18. The STF shall immediately start the work for laying of the drain in terms of this alignment plan. For the larger interest of all the inhabitants of the area, any obstruction which comes in the way of the construction of the drain shall be removed.

19. The Secretary, Irrigation and Flood Control Department shall hold a meeting with all the authorities and draw up a stage-wise plan in a manner so as to ensure that the obstructions are removed within the next one month and the cleaning, laying and construction of the drain can be commenced.

20. Accordingly, let the meeting be held by the Additional Chief Secretary, Irrigation and Flood Control Department on 23rd April, 2025 at 11:30 AM. All the authorities including the MCD, DDA, DJB, Electricity generation and distribution companies, other relevant authorities of the UOI or GNCTD, Delhi Police, Revenue Department and any other relevant authorities who may be required, shall participate in the meeting and the plan shall be placed before the Court on the next date of hearing.”

5. On the last date i.e., 28th April, 2025, the Court was informed that pursuant to the above directions, a meeting was convened on 22nd April, 2025 wherein various issues were discussed and it was *inter alia* agreed that the demolition of encroaching structures shall commence from 1st May, 2025. However, upon the request of Mr. Sandeep Sharma



ld. Sr. Counsel for the intervenor/applicants, the Court *vide* order dated 28th April, 2025 had postponed the date of demolition to 5th May, 2025.

6. Today the present applications are filed on behalf of 14 applicants, who claim to be residing in *jhuggis* the Indira Gandhi Camp Part-I at Taimoor Nagar extension which is stated to be falling within the demarcated site for demolition. In addition, the Residents Welfare Association, Indira Gandhi Camp, through its Vice President (hereinafter '*RWA*') is also an applicant in these applications. The case of applicants is that they have been residing in Indira Gandhi Camp Part-I, Taimoor Nagar since 1985 and have received notice regarding the demolition on 26th April, 2025 which also requires them to vacate their premises. The said notice reads as under:

“PUBLIC NOTICE

It is informed to the general public that, as per the order of the Hon'ble High Court of Delhi in W.P.(C) 13190/2024, Maharani Bagh Co-operative House Building and Welfare Society Ltd. & Anr. Vs. Union Of India & Ors., the encroachments falling within the perimeter of the alignment of Taimur Nagar drain, as approved by the STF and accepted by the High Court of Delhi, have been ordered/directed to be removed by the STF and Delhi Development Authority (DDA).

In compliance with the above, all the encroachments, including slum dwellings, semipermanent structures/permanent structures, etc., located on the Taimur Nagar drain and its banks from C.V. Raman Marg to Taimur Nagar Extension are to be removed by the Delhi Development Authority on 01.05.2025.

As per the order dated 02.08.2022 passed by



the Hon'ble High Court of Delhi in Writ Petition no. 6779/2022 titled as "Shakarpur Slum Union vs. Delhi Development Authority and others", the affected families can avail temporary accommodation/shelter at the following night shelters:

1. Ashray Grih/ Night Shelter (Rain Basera) Block 10, Gurudwara Geeta Colony, Delhi.

Nitin-8851340196.

2. Ashray Grih/ Night Shelter (Rain Basera) Sector 3, Phase 1, Dwarka, Delhi.

Sudarshan-9811520860.

3. Ashray Grih/ Night Shelter, Near Nizamuddin Railway Station, Panchayat Ghar, Sarai Kale Khan Village.

(Paramjit Kaur, 9312668807)

Therefore, it is requested from the residents here to vacate the aforesaid area/place by 30.04.2025, otherwise they themselves will be responsible for any loss or damage caused during the encroachment removal action to be carried out on 01.05.2025.

By Order

(Sd. & Sign.)

26.04.2025

Executive Engineer

Garden Civil Section-9

Delhi Development Authority"

7. Mr. Pawan Reley, learned Counsel appearing on behalf of the Applicants, submits that the Applicants have been residing in the premises for a considerable period of time and, therefore, their structures ought not to be demolished without appropriate rehabilitation. He further prays that if demolition is to be undertaken, the concerned authorities be directed to allot



suitable alternate accommodation to the Applicants, and that in the interim, the demolition activity be kept in abeyance.

8. Mr. Haksar, Id. Senior Counsel appearing for the Petitioners in this case, on the other hand, submits that in the intervening night of 1st/ 2nd May, 2025, when Delhi faced huge storms and rain, a large number of residences were flooded by the very first spell of the monsoon season. He places reliance on certain videos and photographs of waterlogging in houses and roads in Delhi in this regard. It is his contention that the rainfall recorded at 77 mm caused substantial disruption, and that any further rainfall during the monsoon is likely to exacerbate the situation. Accordingly, he urges that immediate steps be taken to clear encroachments and clean the drains in order to mitigate further damage.

9. Ms. Prabhsahay Kaur, Id. Counsel appearing for the Delhi Development Authority (hereinafter '*DDA*') submits that none of these applicants are entitled for rehabilitation as they are not part of recognized *jhuggi* clusters in terms of Delhi Slum & JJ. Rehabilitation and Relocation Policy, 2015 (hereinafter '*JJ Policy*'). On a specific query from the Court, Mr. Pawan Reley, Id. Counsel for the Applicants admits that none of the Applicants have any eligibility certificate and their structures do not fall within the notified JJ Cluster for alternate accommodation. This stand is also confirmed by the Id. Counsel for the Delhi Urban Shelter Improvement Board(hereinafter '*DUSIB*').

10. A perusal of the Applications would show that there are no title documents in respect of their premises or any eligibility/regularization certificates, that the Applicants have placed on record in respect of the encroaching structures, which they claim they are residing in. The Applicants



also do not claim that they are eligible dwellers, who are entitled for rehabilitation in terms of the JJ Policy. The mere reliance on an answer given to an unstarred question (Unstarred Question No. 283 raised in Lok Sabha) wherein the then Minister of Housing has stated that 592 *jhuggi* dwellers of Taimoor Nagar and Indira Gandhi Camp were found eligible, would not help the Applicants as the said Taimoor Nagar and Indira Gandhi Camps are vast in number. The present Applicants do not have any specific documents to show that they are part of the list of 592 recognized eligible *jhuggi* dwellers.

11. Moreover, the Court has perused the photographs which have been attached with the applications. The same are set out below:



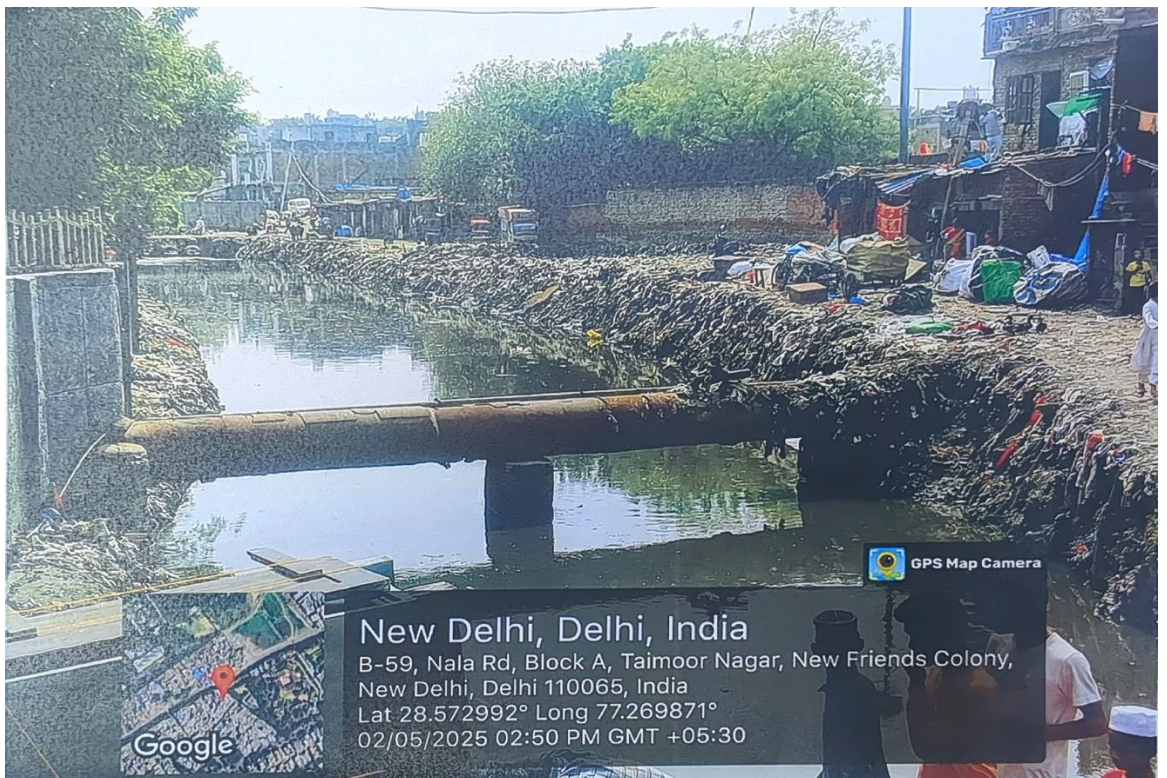


12. A perusal of the same would show that these structures are *pucca* structures(buildings) and not *jhuggis* as contended by Applicants. They are built completely on public land and are wholly unauthorised/encroached.

13. The photographs placed on record by DDA, taken as recently as 2nd May, 2025, clearly depict that the structures/tenements in question are obstructing the natural flow of the drain and impeding its proposed expansion. The same are set out below:



2025:DHC:3266-DB

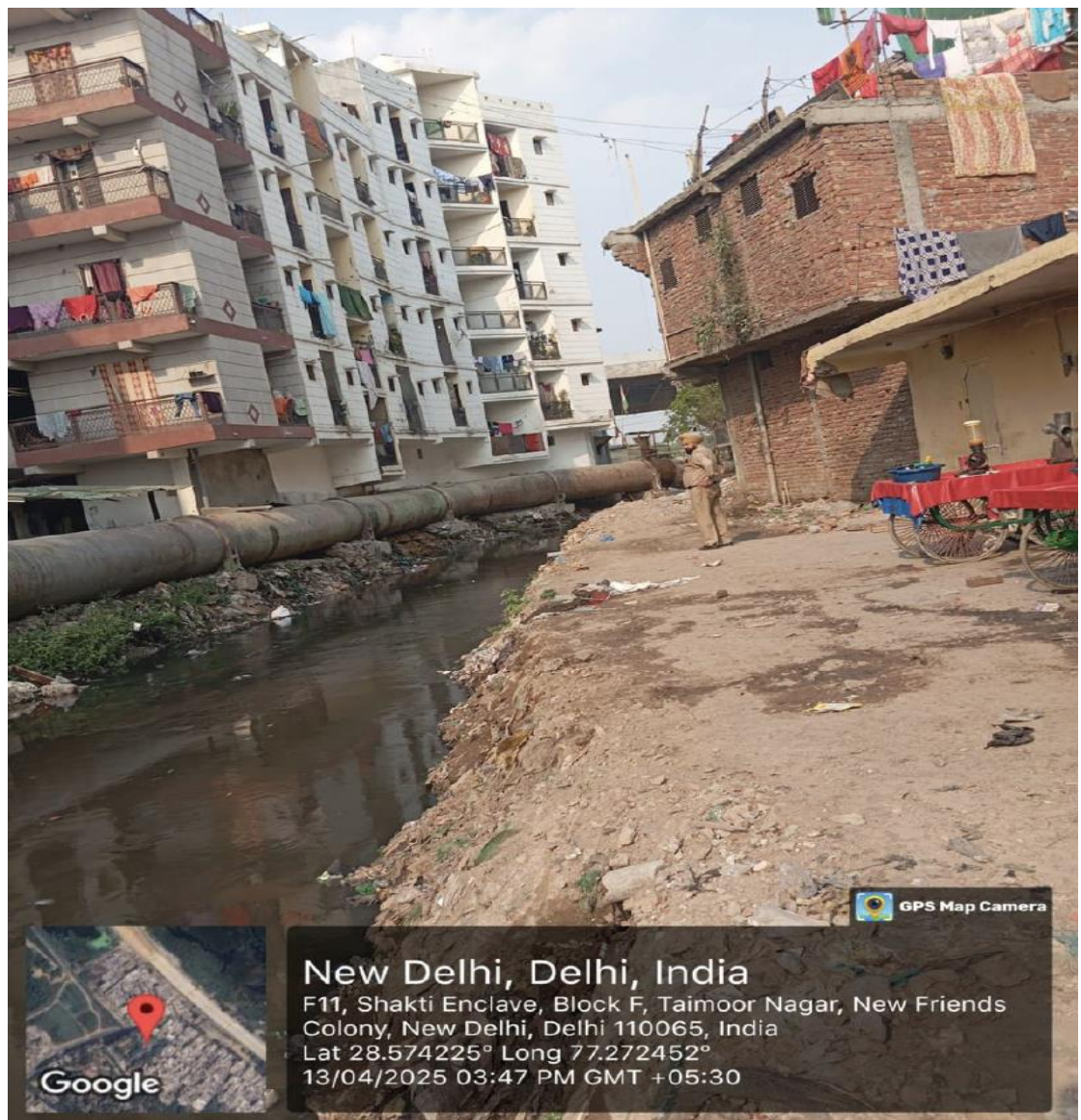




2025:DHC:3266-DB



14. This Court is of the considered view that the waterlogging witnessed in various parts of Delhi on the said date, including in South Delhi, is attributable, at least in part, to the inability of the Taimoor Nagar drain to effectively discharge rainwater downstream due to these obstructions. The some photographs of the similar obstructions are depicted below:





2025:DHC:3266-DB





15. In the light of the above condition on the drain, orders have been passed by this Court from time to time, directing cleaning, removal of obstructions etc., This Court has approved constitution of a Special Task Force ('STF') under an official of the Irrigation & Flood Control Department along with officials from the Delhi Development Authority, Delhi Urban Shelter Improvement Board, Municipal Corporation of Delhi, Delhi Jal Board etc., The STF has finalised the alignment and length/width of the Taimoor Nagar drain as designed by an architect who has been engaged for this purpose.

16. In such circumstances, individuals who have encroached upon public land and erected unauthorized structures, being limited in number, cannot be permitted to assert their purported rights in priority of other citizens. The



rights of lawfully residing residents of the area and adjoining colonies, who are entitled to habitable and flood-free living conditions, would have precedence in comparison with persons who have encroached and built unauthorised tenements on public land – that too with modern facilities. Owing to the monsoon season which is to arrive shortly, the expansion of the said drain is not only necessary but imminent and imperative.

17. Further this Court is of the opinion that adequate time has already been given to the residents since 26th April, 2025 for removing their belongings. The demolition action, accordingly, shall proceed as directed with effect from 5th May, 2025. The local police shall render all assistance for the work to commence on 5th May, 2025. It shall, however, be ensured during the course of demolition that if there are any elderly persons, women and children, they shall be allowed to remove their belongings in a peaceful manner without causing any law and order issue. The public notice dated 26th April, 2026 itself makes it clear that on a temporary basis, they are free to move to the shelters and the rain baseras, which are as under:

*1. Ashray Grih/ Night Shelter (Rain Basera) Block 10, Gurudwara Geeta Colony, Delhi.
Nitin-8851340196.*

*2. Ashray Grih/ Night Shelter (Rain Basera) Sector 3, Phase 1, Dwarka, Delhi.
Sudarshan-9811520860.*

*3. Ashray Grih/ Night Shelter, Near Nizamuddin Railway Station, Panchayat Ghar, Sarai Kale Khan Village.
(Paramjit Kaur, 9312668807)*

18. Space in these shelters shall be made available to all the families, which



are Applicants in the captioned applications.

19. However, at this point, Id. Counsel for the DUSIB submits that the night shelters are given on a first come first serve basis, therefore accommodating all the Applicants' families might not be possible. This Court notes with some concern that the DUSIB in general is having an attitude of non-cooperation in these matters. It shall be the responsibility of the DUSIB to ensure that the night shelters are provided adequately to these families failing which the Court would have no option but to take action against the concerned officials of the DUSIB.

20. At this stage, Id. Counsel for the Applicants submits that if 10 days' time is given, they would themselves voluntarily vacate the premises. Considering the fact that the notice is of 26th April, 2025, these Applicant families are granted a one-time extension to move out at latest by 6th May, 2025 evening. However it is made clear that the demolition work in the remaining structures of the area shall commence on 05th May, 2025. The 14 applicants and their premises shall be identified to the DDA at 8:00 AM on 05th May, 2025 so that they can be given time till 6th May, 2025 evening to vacate.

21. The Court finds it relevant to observe at this stage that none of the Applicants before the Court hold any legal title to the land in question, and it is an admitted position that the structures in issue constitute encroachments on public land. The concerns relating to the Taimoor Nagar drain, including its blockage and the need for its expansion and cleaning, have been the subject matter of ongoing proceedings before this Court since September, 2024. Multiple orders have been passed in this regard, including directions for the removal of unauthorized constructions and encroachments. The residents of



the area were fully aware of these proceedings and had ample opportunity to approach the Court. It is only after the finalization of the alignment plan and issuance of demolition directions that the present Applicants have chosen to approach this Court. Consequently, the repeated plea of lack of notice is without merit and cannot be entertained.

22. Accordingly, all applications are disposed of in the above terms.

W.P.(C) 13190/2024

23. List on the date already fixed *i.e.*, on 26th May, 2025.

PRATHIBA M. SINGH

JUDGE

MANMEET PRITAM SINGH ARORA

JUDGE

MAY 3, 2025/dk/Ar.