



\$~1 (SDB)

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

Date of decision: 22nd December, 2025

Uploaded on: 26th December, 2025

+

W.P.(C) 8035/2024

SHABNAM BURNEY

.....Petitioner

Through: Mr. S.D. Windlesh, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Shiva Lakshimi, Mr. Madhav Bajaj , Advs. for UOI.

Mr. Tarun Johri and Mr. Vishwaji Tyagi, Advs. for DMRC.

Ms. Deeksha L Kakar, Ms. Antara Mishra, Mr. Aditya Verma, Ms. Anmol M. Kaur, Ms Sana Parveen, Mr. Rashneet Singh & Mr Aditya Verma, Advs. for Ms Prabhsahay Kaur SC DDA

Mr. Aatish Kumar AD, IL, DDA.

Mr. Rahul Tyagi, ASC (Crl) with Mr Sangeet Sibou Mr Aniket Kumar Singh Mr Priyansh Raj Singh Senger Mr Harsh Singh, Advs.

Mr. N.A. Khan, Ms. Archana Chaudhary, Ms. Ishran Khan, Mr. Imran Khan and Mr. Prateek Tyagi, Advs. for caretaker

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. 66129/2025

CM APPL. 66130/2025

2. *Vide* order dated 11th December, 2025, the following directions were passed by this Court:

“5. In view of the above, this Court is of the opinion that clear instructions to DMRC is to shift from the flood plains. The continued occupation of the flood plains with a casting yard would be contrary to the orders passed by this Court.

6. Accordingly, let the matter be resolved after a meeting between the Vice-Chairman, DDA and the Director, Projects of the DMRC. Let the report in this regard be placed before this Court by the next date of hearing. ”

3. Pursuant to the order dated 11th December, 2025, Mr. Tarun Johri, Id. Counsel for the Delhi Metro Rail Corporation (hereinafter, ‘DMRC’) has placed on record the Minutes of Meeting dated 19th December, 2025 along with a communication from the DMRC to the Delhi Development Authority (hereinafter, ‘DDA’) dated 19th December, 2025. The same are taken on record. The said meeting dated 19th December, 2025 was attended by the following persons:

<i>Sr. No.</i>	<i>Name</i>	<i>Designation</i>
1.	Mr. N. Saravana Kumar	Vice Chairman, DDA-In Chair
2.	Mr. Rajiv Dhanker	Director (Projects), DMRC
3.	Dr. Vipul Aggarwal	Principal Commissioner (Hort)
4.	Dr. Manan Akhtat	Commissioner (LD)
5.	Mr. Mukesh Kumar	CE (Hort.)
6.	Mr. P.S. Chauhan	Sr. GM/Land, DMRC



7.	Mr. Rajnish Kumar	SE/HCC-3
8.	Dr. Rameshwar Dayal Meena	Director (Horticulture), Circle-III
9.	Mr. Bijendra Kumar	DD/BDP NW
10	Mr. Praveen Kumar Yadav	AD/LS

4. As per the said minutes, which are agreed, the DMRC is to do a phased removal of the batching plant and the casting yard. The DMRC is also required to remove all the machinery and the dismantling activities are stated to have been mobilised but there is a delay on the site due to restrictions such as GRAP etc., As per the documents handed over, the work is likely to be completed by DMRC by 31st March, 2026. The decisions taken in the meeting are set out below:

“1. The Director (Projects), DMRC informed the Chair that dismantling of the batching plants at Garhi mandu casting yard have already commenced. Out of two batching plants, one batching plant has been completely dismantled and demolished and that of second one is in progress. Further DMRC has also started shifting the construction Materials from the site.

2. It was also stated by DMRC that all casting work at the site has already been completed and no further construction activity is being undertaken.

3. It was further informed by DMRC that all required machinery for dismantling activities has been mobilized at the site and approximately 30 MT of material is being removed daily.

4. The Director (Projects), DMRC stated that demolition activities were significantly hampered due to the imposition of GRAP-III from 11.11.2025 to 26.11.2025 and GRAP-III/IV from 13.12.2025 till date.

5. The Director (Projects), DMRC requested additional time for complete dismantling and removal of the



casting yard and assured that the entire site shall be vacated and restored to its original condition by the end of March 2026.

6. VC/DDA observed that 31st March 2026 is a sufficiently long deadline, with more than three months remaining. VC, DDA categorically directed that no extension beyond 31st March 2026 would be permissible, as the rainy season would set in thereafter. DMRC officials were instructed to dismantle and vacate the site well before the end of March 2026.

7. Based on the assurance given by the Director (Projects) DMRC, it was agreed that the Hon'ble High Court of Delhi may be apprised accordingly, seeking permission to allow the casting yard to continue only till March 2026, subject to complete dismantling, removal of all structures, and restoration of the site to its original condition.

8. It was also directed that DMRC to share the programme of demolition and removal of materials from site by 19.12.2025 (Evening).

9. The above position shall be placed before the Hon'ble High Court of Delhi in compliance with the order dated 11.12.2025."

5. In the communication dated 19th December, 2025, the schedule for dismantling has also been given and the same is as under:

*"December-2025=3,000 sqm
January-2026= 14,000 sqm
February-2026= 18,000 sqm
March-2026= 20,952 sqm"*

6. The Court has also perused the Minutes of Meeting as also the communication along with site plan. There can be no doubt that DMRC ought to have vacated the Yamuna Flood plains long back, however, the applications are now being moved before this Court seeking extension.



7. Firstly, the order dated 8th July, 2024 passed by this Court imposed a clear obligation upon the Vice Chairman, DDA to remove all encroachments and illegal constructions on the Yamuna river bed and drains flowing into the river Yamuna. It is surprising that no action was taken in respect of DMRC batching plant or the casting yard as also the plant and machinery. The DMRC itself has approached this Court seeking extension.
8. Considering that DMRC is engaged in a critical infrastructure related project in the city of Delhi *i.e.*, the Delhi Metro and the ancillary developments, as an exception, this Court deems it appropriate to grant time till 31st March, 2026 for dismantling of all plant, machinery, equipment, dismantling of the batching plant, the casting yard, etc.
9. From 1st April, 2026, the DMRC shall stand restrained from using any of this area for its activities. In addition, it is directed that after completion of the dismantling of both the plants and the yard as also the equipment and the machinery, DMRC in consultation of the Horticulture and the Forest Department shall ensure that the area occupied by them being a flood plain shall be left open and restored to its original condition without any debris, *malba*, parts of machinery, equipment, etc. The area shall be fully cleaned of any debris before being handed over to the DDA.
10. Applications are disposed of in the above terms.
11. The DDA shall file a status report by the 10th April, 2025 confirming the above position.
12. List for compliance on 10th April, 2026.

CM APPL. 66125/2025

13. *Vide* order dated 11th December, 2025, the following directions were



passed by this Court:

“12. For enabling the removal, if any cooperation is required from the L&DO, the same shall be given by the L&DO and all its officials. It is clear from the said order itself that no encroachments are permitted in the said area and that would include religious structures as well. Accordingly, let the DDA along with the L&DO take action and file its action taken report by the next date of hearing.

XXXX

17. Let a complete inspection of the entire area be done by DDA within a period of one week. The inspection report and the action taken report be filed by the next date of hearing.”

14. Mr. N.A. Khan, Id. Counsel for the caretaker of the Nau Gaza Peer Dargah and *Kabristan* -Mr.Mehfooz Ali has handed over photographs of the said Dargah and *Kabristan*. The Court has seen the photographs which reveal quite a disturbing situation. Large trees have been uprooted and it appears that there is construction which has been made on the land.

15. Id. Counsel appearing for the caretaker-Mr.Mehfooz Ali submits that the subject land has been allotted for a *kabristan*. Even if the same is taken at the highest, in the opinion of this Court it would not allow any construction or any family to live in the area.

16. Mr. Windlesh, the Applicant, submits that there was no *kabristan* about a decade back and all the constructions are recent. Further it is alleged that more than 100 families are living in the said location.

17. According to the DDA, an inspection was also conducted by Mr. Mayank Yadav, Tehsildar (Nazul) and various other officials including the Land and Development Office (hereinafter, '*L&DO*'). The inspection



revealed as under:

“In compliance of order dated 11.12.2025 in W.P.(C) No. 8035/2024 In compliance of order dated 11.12.2025 in W.P.(C) No. 8035/2024 and in pursuance of Joint Inspection Notice dated 16.12.2025 scheduling joint inspection on 17.12.2025 at 4:00 PM, the joint inspection was carried out by officers/representatives of the following departments/agencies:—

<i>S No</i>	<i>Name & Designation</i>	<i>Signature</i>
<i>Department/Agency</i>		
1.	<i>Mayank Yadav, Tehsildar (Nazul).</i>	<i>DDA</i>
2.	<i>SI Mohit (PS T.PUW).</i>	<i>DP</i>
3.	<i>E.O. (L&DO) SURESH KUMAR.</i>	<i>L&DO</i>
4.	<i>Jagdeep Singh (KUNINGO).</i>	<i>S.DH</i>
5.	<i>Abhishek Raj (AE/DDA).</i>	<i>DDA</i>
6.	<i>Bijendra Kumar Dy. Dir(H) BDP.</i>	<i>DDA</i>
7.	<i>Kamleshwari Pandit, NTI Lands.</i>	<i>DDA</i>
8.	<i>Abhishek Ahuja, A.D(H).</i>	<i>DDA</i>
9.	<i>Karnail Singh Sehwari.</i>	<i>Forester</i>

During the inspection Nau Gaza Peer and its adjoining area was visited. The land under reference falls in Khasra no. 101 (area measuring 2 Bigha 05 Biswa) and Khasra no. 100 (Area measuring 70 Bigha 10 Biswa) of village Civil Station. As per Jamnabandi for the year 1978-79 of Village Civil Station provided by representative of SDM Office (Civil lines), the ownership of Khasra No. 101 is “Sarkar Daulatmadar”(Government) and under “Makbuja Ahle Islam” and ownership of Khasra No. 100 is “Sarkar Daulatmadar” (Government) and under “Notified Area Committee” which now vests with L&DO

During the Inspection it was noticed that the structures of Nau Gaza Peer falls in Khasra no. 101 and the Kabristan (illegal) falls in Khasra no. 100. In Khasra no. 100, a number of Kabars (Graves) have been found to be built recently.

During the inspection, 2 Number of Kikar tree were found



heavily pruned, 1 Neem tree heavily pruned, 1 Neem tree felling and 2 Kikar tree headback were fount and noticed by forest officials.”

18 As per the above, it is clear that in terms of the *Jamnabandi*, the ownership vests with the Government.

19. This position is disputed by Id. Counsel for the caretaker. He submits that this land now is for a graveyard and is allotted to the Wakf Board. This issue is a serious issue inasmuch as in the flood plains, people cannot be allowed to make their houses, tenements, sheds, etc., under the pretext of graveyard or for any other purpose.

20. Accordingly, let the DDA and the L&DO firstly fence the graveyard within the next one week so that there is no further expansion and no further encroachment into the said area. No fresh construction shall be made in this area. After the fencing, photographs shall be placed on record by the next date of hearing. Parallelly, the DDA and the L&DO shall inspect all the records and jointly file an affidavit in respect of the status of the land by the next date of hearing.

21. It is made clear that henceforth, no person including the caretaker would be allowed to live on this land which is adjacent to the Nau Gaza Peer Dargha as also the *kabristan*. All the occupants of the said area shall be permitted to remove their belongings by 10th January, 2026.

22. If any burial has to take place, the same shall be within the fenced area and after the burial, no people shall be allowed to stay or live there. This would be an interim arrangement subject to further orders to be passed by this Court.

23. The caretaker is permitted to file an affidavit on record, if so required.

24. Before asking the occupants of this land to move out, the DDA and the



L&DO shall conduct a proper survey, photographs shall be taken and then they will be permitted to remove the belongings.

25. Ld. Counsel for the Parties are permitted to obtain digital copies of the electronic record.

26. Considering the nature of the matter, on the next date of hearing, a senior official of the DDA and the L&DO, who are well aware of the facts of the present case and competent to assist the Court shall remain present physically.

27. All Counsel are requested to appear physically in the matter including the Applicant.

28. List on 27th February, 2026

PRATHIBA M. SINGH
JUDGE

MANMEET PRITAM SINGH ARORA
JUDGE

DECEMBER 22, 2025
Dj/kk/ck