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

*Date of decision: 23<sup>rd</sup> May, 2026*

*Uploaded on: 26<sup>th</sup> May, 2026*

+ **W.P.(C) 5751/2014 & CM APPLs. 14183/2014, 19236/2018,  
12347/2022, 12348/2022, CM APPL. 35832/2022**

**VIJAY KUMAR DIWAKAR**

.....Petitioner

Through: Mr. Rajiv Kumar Ghawana, Mr.  
Vikal Chardela and Mr. Shivam  
Chaudhary, Advs.

versus

**SOUTH DELHI MUNICIPAL  
CORPORATION & ORS.**

.....Respondents

Through: Mr. Ajjay Arora, Sr. Adv. with Mr.  
Kapil Dutta and Mr. Vansh Luthra,  
Advs. for R-1 & R-2.

Mr. Anubhav Gupta, Panel Counsel (Civil) GNCTD, Mr. Kartik Sharma, Adv. for GNCTD.

Mr. Kailash Vasudev, Sr. Adv. with Ms. Prabhsahay Kaur (standing counsel), Ms. Deeksha L. Kakar (Panel Lawyer), Mr. Aditya Verma, Mr. Rashneet Singh, Ms. Sana Parveen, Advs. Alongwith Dr. Mannan Akhtar, Commissioner (LM), Mr. Ajay Kadian, Director (LM-II), Mr. Pradeep Kumar, AD (LMCordination), Mr. DurganandMinz, DD (GIS), Mr. Mayank Yadav, (Tehsildar Nazul), Mr. Bijndra Kumar, DD (Horticulture). for DDA.

Mr. Kamal Kant Jha, CGSC with Mr. Aishwarya Deep Singh and Ms. Aakriti, Advs.

Mr. Bhagvan Swamp Shukla CGSC



with Mr. Sarvan Kumar, Mr. Mukesh  
Pandey, Advs. for UOI.  
Ms. Thara, Additional Secretary.

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

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. In this case, various issues concerning the Zone 'O' area are being monitored by this Court. The Court had noticed unabated unauthorised construction in the area and from the submissions made, it had become clear that there were several unauthorised colonies which had come up in the said area. One of the stands of the Government was that these colonies are protected under the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2011. On this issue, the Delhi Development Authority (hereinafter, 'DDA') had sought a clarification from the Ministry of Housing & Urban Affairs, Government of India (hereinafter, 'Ministry') and a meeting was directed *vide* order dated 28<sup>th</sup> March, 2026. However, the Ministry had taken an extremely ambiguous position in the said meeting. The Ministry *vide* affidavit dated 15<sup>th</sup> April, 2026 clarified that the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act 2011 provides for maintenance of status *quo* in respect of unauthorised colonies identified under 2019 Regulations, however, the same does not explicitly include or exclude Zone 'O'. The said affidavit filed by the Ministry was unclear as to the status of the unauthorised colonies in Zone 'O'. The relevant portion of the said affidavit dated 15<sup>th</sup> April, 2026 reads as under:



“4. That in further compliance with the Court's directions, a high-level meeting was convened on 06.04.2026 at 11.30 A.M. at Sankalp Bhawan, GPOA-II Building, K.G. Marg, New Delhi. Secretary, HUA was out of station, hence the said meeting was chaired by the Additional Secretary (Delhi). The meeting was attended by senior officials from the DDA, MCD, GNCTD, and other stakeholder agencies. A true copy of the minutes of meeting held on 06.04.2026 is annexed herewith and marked as Annexure-R-1.

**5. With regard to the applicability of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 as amended from time to time till date, to such colonies, Section 3(2)(ii) of the said Act provides for maintenance of status quo in respect of unauthorized colonies identified under the 2019 Regulations, but does not explicitly exclude or include colonies falling in Zone-0. This Special Provisions Act extends the temporary protection upto 31.12.2026.**

**6. As regard the clarification sought by DDA on the issue of applicability of protection to unauthorized colonies listed in the NCT of Delhi ( Recognition of Property Rights to Residents in Unauthorised Colonies) Regulations, 2019 in Zone ‘O’, it was agreed that the exclusion of Zone ‘O’ as mentioned in Regulation 7 of above regulation is only for the purpose of regularisation and National Capital Territory of Delhi Laws (Special Provisions) Act, 2011 does not alter/modify the Regulation 7 of 2019 Regulations.”**

3. Accordingly, vide order dated 18th April, 2026, this Court directed as under:

“8. Mr. Ajay Kadian along with the field officers of the DDA shall undertake immediate visits to the area in Zone ‘O’ and if any unauthorized construction which is presently being carried out or has been freshly carried out the same shall be immediately



demolished. Let a status report be placed on record in this respect.

9. Further, as per the said status report filed by the DDA, the removal of the following unauthorized construction and encroachment is stated to have been undertaken by the DDA:

ANNEXURE 2

15

Encroachment removed by DDA in Zone "O"				
S.No	Place	Date	Details	Land Reclaimed(Approx.)
1	Village Madanpur Khadar	16.04.2026	A demolition programme to remove unauthorized construction in Zone O from DDA land in Village Madanpur Khadar was carried out with Engg. Department EMD-VII on 16.04.2026. During the drive, unauthorized constructions in the form of boundary walls, unauthorized plotting, godowns, and shops etc. were removed and approximately 2 acres of DDA land falling in O-Zone in village Madanpur Khadar was reclaimed.	2 Acres
2	Village Jhangola	16.04.2026	The joint demolition programme along with Engg Wing has been carried out in O-Zone area at Village Jhangola on 16.04.2026 and nearly 5000 sq yds DDA/Govt Land has been reclaimed.	1.03 Acres
3	Revenue Estate- Inderprastha, Delhi	17.04.2026	L&DO Land situated near old ITO Barrage opposite ITO Chhath Ghat/ Delhi Secretariat (Yamuna Bank side), Delhi. Encroachment in the form of Tin sheds used as Godowns ,huts and other temporary structures were removed	4 Acres

*17/04/2026*  
DIRECTOR / JAY KADIAN  
Director (M&E)  
Delhi Development Authority  
Floor: 10th, 10th Floor, Vikas Station, INA  
Tel: 26110023 / New Delhi-110029

10. It is made clear that similar encroachment, removal and demolition programs shall continue to be carried out by the DDA in Zone 'O' area.

11. The Ministry of Housing and Urban Affairs of India has filed an affidavit of Mr. Upendra Kumar Tiwary, the Under Secretary, Delhi Division- I, as per which, a meeting was held on 6<sup>th</sup> April, 2026 and certain clarifications were given. The clarification from the Minutes of the Meeting dated 13th April, 2026 is set out below:

“3. As regards the clarification sought by DDA on the issue of applicability of protection to unauthorized colonies listed in the NCT of Delhi (Recognition of Property Rights of Residents in



*Unauthorised colonies) Regulations, 2019 in Zone 'O' it was agreed that the exclusion of Zone O as mentioned in Regulation 7 of above regulations is only for the purpose of regularisation and National capital Territory of Delhi Laws (special Provisions) Act, 2011 does not alter/modify the Regulation 7 of 2019 Regulations.*

*4. It was further noted Zone-O is not a single homogeneous area and has to be seen in a wholistic manner. Zone -O comprises of some villages (lal dora) existing since decades Government land, unauthorised colonies built on private/govt land, etc. Importantly, Zone-O also encompasses the Yamuna River and its surrounding floodplain'*

*5. All concerned agencies, including the Delhi Development Authority, will accordingly take note of and immediately identify encroachments and unauthorized constructions within their respective jurisdictions in Zone 'O'."*

**12. From the above, it is unclear as to what the Ministry of Housing and Urban Affairs of India is intending to state by way of a clarification. The question raised by the DDA was whether the maintenance of status quo in respect of unauthorized colonies, as per the National capital Territory of Delhi Laws (special Provisions) Act, 2011, would extend to colonies falling in Zone 'O' or not. This issue has not been answered by the Ministry of Housing and Urban Affairs of India.**

*13. In view thereof, let Ms. D. Thara, Additional Secretary (D) who had chaired the said meeting be present on the next date of hearing. A fresh affidavit shall also be filed by the Ministry of Housing and Urban Affairs of India in this regard."*

4. In view of the stand of the MoHUA being unclear, the Court had directed Ms. D. Thara, Additional Secretary to be present today. The said



officer has joined the proceedings virtually.

5. Insofar as the unauthorised colonies in Zone 'O' which are 91 in number, the Ministry of Housing and Urban Affairs has filed an affidavit dated 11<sup>th</sup> May, 2026. The said affidavit also deals with other unauthorised colonies in Delhi as well. The said affidavit is sworn by Mr. Upendra Kumar Tiwari, Under Secretary, Delhi Division, Ministry of Housing and Urban Affairs. The relevant portions of the said affidavit is set out below:

*"5. That in compliance with the direction of this Hon'ble Court, a highlevel. Meeting was convened on 06.04.2026 at 11.30 A.M. at SankalpBhawan, GPOA-II Building, K.G.Marg, New Delhi. Since the Secretary, Ministry of Housing and Urban Affairs was out of station, therefore, the said meeting was chaired by the Additional Secretary (Delhi). The meeting was attended by senior officials from the DDA, MCD, GNCTD and other stakeholder agencies. The issues "whether the action for removal of the unauthorised colonies falling in Zone 'O' would be permissible and whether the provisions of section 3(2)(ii) of the National Capital Territory of Delhi Laws (Special provisions) Second Act, 2011 amended up-to-date i.e. temporary protection upto 31.12.2026 extends to the unauthorised colonies of Zone "O' also or not" were discussed and deliberated upon at length. A true copy of the Minutes of the Meeting held on 06.04.2026 is filed herewith as **Annexure-R-1**.*

*6. That a short affidavit was filed on behalf of the Ministry of Housing and Urban Affairs in compliance with the directions passed by this Hon'ble Court on March 28, 2026.*

*7. That, on 18.04.2026, when the aforesaid matter came up for hearing, this Hon'ble Court was pleased to give direction to Ministry of Housing and Urban Affairs of India to file a fresh Affidavit in this regard. The relevant portion of the Order dated April 18, 2026 passed by this Hon'ble Court in the present case are as follows:*



... ; "12. From the above, it is unclear as to what the Ministry of Housing and Urban Affairs of India is intending to state by way of a clarification. The question raised by the DDA was whether the maintenance of status quo in respect of unauthorized colonies, as per the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011, would extend to colonies falling in Zone 'O' or not. This issue has not been answered by the Ministry of Housing and Urban Affairs of India.

13. In view thereof, let Ms. D. Thara, Additional Secretary (D) who had chaired the said meeting be present on the next date of hearing. A fresh affidavit shall also be filed by the Ministry of Housing and Urban Affairs of India in this regard."

8. That, in specific compliance with the directions passed by this Hon'ble Court on April 18, 2026, the answering respondent submit from the harmonious reading of the relevant para of the 2019 Regulations and the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 amended up to date that there are no contradictions between them. Special Provisions Act gives temporary protection from punitive action for certain unauthorised developments including 'unauthorised colonies' for a period up to 31.12.2026. Provision of the temporary protection for the maintenance of status quo in respect of unauthorized colonies as mentioned in section 3(2)(ii) National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 amended up to date is also applicable to colonies falling in Zone-O till 31.12.2026.

A true copy the document containing relevant extracts of (the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 is annexed as **Annexure-R-2** and the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011



amended up-to-date is filed as **Annexure-R-3** respectively.

9. It is submitted that the 2019 Regulations, facilitates the conferment of ownership rights as pre-requisite for regularisation, to the residents of Unauthorised Colonies on whom the Regulations of 2019 are applicable. However, certain colonies/lands like affluent unauthorised colonies, land falling in Zone-O and Yamuna Flood Plain, amongst many, are in the exclusion category of the 2019 Regulations, no rights are being conferred or recognized in such unauthorised colonies listed in exclusion category including unauthorised colonies falling in Zone-O.

10. Further in the most recent developments, DDA has notified, on 08.04.2026, with the prior approval of the Central Government, a total of 1511 unauthorised colonies(**excluding colonies of Zone-O**) for the purpose of regularisation on "as-is, where-is" basis in the first instance. DDA had also made modifications on 06.04.2026 in the 2019 Regulations through the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) (Amendment) Regulations, 2026, to make GNCTD as the agency instead of DDA for conferment of ownership rights to the residents of unauthorised colonies with insertion of the following new Regulation:

'6A. Purpose, procedure and conditions for regularisation of unauthroised colonies.-(1) On and from the date of commencement of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) (Amendment) Regulations, 2026, the Delhi Development Authority may, after consideration and subject to the purpose and conditions specified in this regulation, by notification, specify from time to time, the unauthorised colonies, comprising of such number



*and location, which are to be regularised.'*

*11. It is pertinent to mention that the Government has extended the protection through the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act 2011 (hereinafter referred to as "Special Provisions Act") and as amended from time-to-time various classes of unauthorized developments to the extent they to the provisions of aforesaid Acts. **Protection from punitive action is available also to the unauthorized colonies of Zone-O till 31.12.2026 under the aforesaid Special Provisions Act.**"*

6. Mr. Chetan Sharma, Id. ASG has appeared along with Ms. Thara, Additional Secretary. After hearing the submissions, it is clear that insofar as the unauthorised colonies in Delhi, are concerned, on 8<sup>th</sup> April, 2026 the said colonies were regularised on *as is where is basis*. However, this does not include colonies in Zone 'O'. Insofar as colonies in Zone 'O' are concerned, the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act 2011 protects the occupants of unauthorised colonies in Zone 'O' till 31<sup>st</sup> December, 2026.

7. On a query from the Court, it is informed that the Government of India is presently in discussion with various Departments including the Government of National Capital Territory of Delhi (hereinafter, 'GNCTD') regarding the manner in which Zone 'O' is to be treated and how the colonies including some villages where there was habitation for several years are to be dealt with. The Additional Secretary also submits that there is discussion in respect of rehabilitation of these villages and residents as well. Since there are approximately 5 to 6 lakhs people living in these 91 colonies, which would translate into at least 1 lakh houses, a detailed strategy would have to



be worked out.

8. Insofar as Zone 'O' is concerned, the same is part of the Yamuna Flood Plains. This Court is of the opinion that the existence of any residential colonies in Zone 'O' would be completely impermissible and would also not be conducive to the environment as also to the river bed area. The MoHUA and other Ministries in the GOI, therefore, need to take an urgent decision in this matter inasmuch as the protection from punitive action exists only till 31<sup>st</sup> December, 2026 for these residents. At this stage, the Additional Secretary submits that no ownership is being granted to the residents of these 91 colonies and no fresh construction is also permissible in this area.

9. The Delhi Development Authority (hereinafter, 'DDA') DDA is the Agency to oversee and ensure that no fresh construction takes place in Zone 'O' including in these colonies even under the garb of repair or renovation.

10. The MoHUA - Government of India shall, accordingly, place before this Court the decision in respect of the 91 colonies in Zone 'O' by the next date of hearing. Let an affidavit by the Ministry of Housing and Urban Affairs be placed on record after holding proper consultations with all the Departments and other stakeholders if required.

11. Ms. Thara, Additional Secretary to continue to join these proceedings either physically or virtually.

12. Mr. Ajay Kadian, Director Land Management, DDA has also presented a status report to show the action which has been taken in respect of Zone 'O'. The said status report states as under:

*"6. That the Answering Respondent has proposed installation of approximately 300 Public Notice Boards in Zone 'O'. Other concerned agencies including MCD, GNCTD, DMRC, I&FC and Forest Department have*



*also been requested to furnish details regarding installation of such boards. The information regarding installation of such boards as obtained from all agencies is as under:*

<i>Sl. No.</i>	<i>Name of Agency</i>	<i>Total of notice boards installed.</i>
<i>1.</i>	<i>DDA</i>	<i>114</i>
<i>2.</i>	<i>MCD</i>	<i>10</i>
<i>3.</i>	<i>DMRC</i>	<i>1</i>
<i>4.</i>	<i>I&amp;FC</i>	<i>51</i>
<i>5.</i>	<i>Forest Department</i>	<i>Floated tender for installing Public Notice Boards.</i>
<i>6.</i>	<i>GNCTD</i>	<i>Information not received</i>
<i>7.</i>	<i>Delhi Police.</i>	<i>Information not received</i>

*7. That in terms of the further directions passed by this Hon'ble Court, joint inspections were conducted by the Answering Respondent along with officers of DDA and officers of MCD in various parts of Zone 'O', as under:*

- a. 27.04.2026-North-East District;*
- b. 04.05.2026-South-East District;*
- c. 08.05.2026-Central District."*

13. The Court has also been handed over a status report by the Municipal Corporation of Delhi (hereinafter, 'MCD') which would show that unauthorised construction is continuing unabated in Zone 'O'. The same is also seen in the status report handed over by Mr. Ajay Kadian. Some photographs showing unauthorised construction have been filed in the Report. The same are in the following areas:

- Jagat Pur Village



- Wazirabad Village
- Ram Ghat, Wazirabad
- New Aruna Nagar (Majnu Ka Tilla)

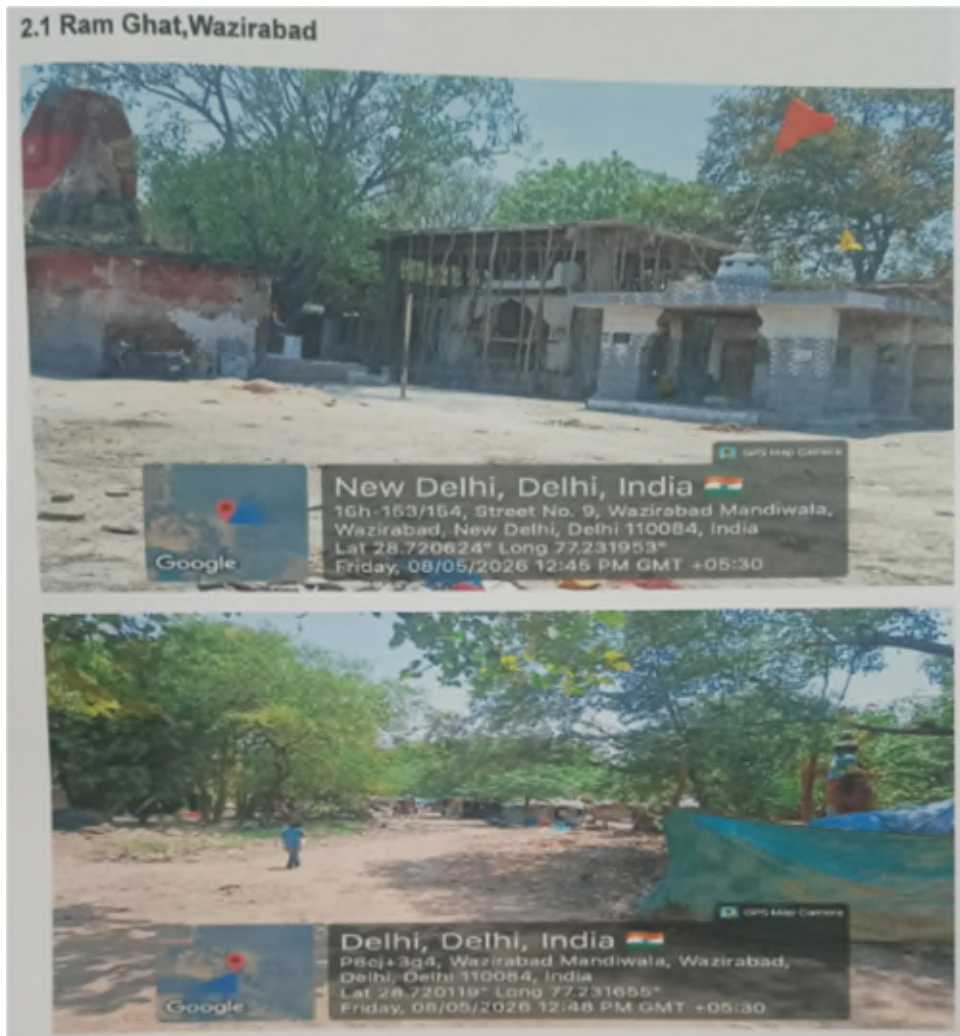
Some of the relevant photographs from the status report handed over by Mr. Ajay Kadian are reproduced herein:

**Jagat Pur Village**





**Ram Ghat, Wazirabad**





**New Aruna Nagar (Majnu Ka Tilla)**





14. Accordingly, let a meeting be held between the officials of the Ministry of Urban Affairs including Ms. Thara, Additional Secretary, officials of the MCD and the DDA and an action taken report shall be placed on record by the next date of hearing showing how further unauthorised construction is stopped and how the unauthorised construction is being demolished. The status report of the DDA *i.e.*, handed over by Mr. Ajay



Kadian be handed over to Mr. Ajjay Arora, Id. Sr. Adv. today itself.

15. From the photographs it is clear that right under the supervision of Engineers of the MCD, the unauthorised construction in Zone `O` which is so freshly made is being carried out. Accordingly, the names of the concerned Executive Engineers of the above areas falling in Zone `O`, shall be placed before the Court on the next date and the said Executive Engineers shall also remain present on the next date of hearing.

16. The Commissioner, MCD shall also call for a report of these properties and place a status report on record as to what action is being taken against the concerned Executive Engineers, Junior Engineers and Assistant Engineers and what action for demolition has been taken by the MCD.

17. The meeting shall be held by the Ministry of Urban Affairs on **8<sup>th</sup> June, 2026** at **11:30 a.m.** in the office of Ms. Thara, Additional Secretary. The Commissioner, MCD shall also participate in the said meeting.

18. List on 25<sup>th</sup> July, 2026.

19. Copy of this order be communicated to the Commissioner, MCD by the Registry.

**PRATHIBA M. SINGH**  
**JUDGE**

**MANMEET PRITAM SINGH ARORA**  
**JUDGE**

**MAY 23, 2026**  
*dj/ck*