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

+ **CONT.CAS(C) 541/2022&CM APPL. 52033/2023**

SHRI RAJEEV TYAGI

.....Petitioner

Through: Mr. N.S. Dalal, Mr. Devesh Pratap Singh, Ms. Nidhi Dalal, Mr. Alok Kumar, Ms. Rachana Dalal & Mr. Karan Mann, Advs.

versus

SHRI NARESH KUMAR & ORS.

.....Respondents

Through: Mr. Raghuvendra Upadhyay, Ms. Purnima Jain, Mr. Madhur & Ms. Nandini Singh, Advs. for R-1 & 2.
Mr. Siddhant Nath, SC, Mr. Bhavishya Makhija & Mr. Aman Khan, Advs. for MCD.
Mr. Daleep Dhyani, Mr. Rambir Chauhan & Ms. Lakshita Sharma, Advs. for R-6.
Mr. Ashutosh Kaushik, Mr. S.N. Meena, Mr. Yash Sharma & Mr. Aakash Mohan, Advs. for R-7/DDA.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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13.11.2025

1. This hearing has been done through hybrid mode.
2. The present petition under Section 2, 10 & 12 of the Contempt of Court Act read with Article 215 of the Constitution of India, seeks the following prayers: -

- (i) Initiate contempt proceedings against the Respondents/Contemnors for intentional, deliberate and willful disobedience and violation of the Order dated 09.09.2021 passed by this Hon'ble Court in the aforesaid Writ Petition;
- (ii) Pass any such other or further orders as this Hon'ble Court may



deem fit and proper on the facts and in the circumstances of the case, in favour of the Petitioner and against the Respondents/Contemnors.”

3. The present petition was filed alleging willful disobedience of the order dated 09.09.2021 in W.P. (C) No. 6389/2021 passed by this Court, wherein it was directed as under: -

6. In the meantime, respondents shall ensure that no unauthorized construction activity or plotted development is permitted in the subject land till the next date of hearing, except in accordance with the permissions/sanctions, if any, granted by the concerned authorities.”

4. During the pendency of the present proceedings, a status report was filed on behalf of the MCD, wherein it was stated that part demolition action was carried out on 16.09.2025. However, during the course of the said proceedings, an order dated 24.12.2021 passed in CS No. 407/2021 titled as “*Jay Prakash vs. SDM*” passed by the learned ADJ-01 (Central) was brought to the notice of the MCD’s team, wherein the defendant therein (SDM) had stated that they had no intention to carry out any demolition activity with respect to the suit property, and the Court had consequently restrained them from carrying out any demolition.

5. In view of the aforesaid, DDA was directed to file an updated status report. The status report dated 11.11.2025 authored by Mr. S.N. Meena, Deputy Director (LM), DDA, has been placed on record which reads as under:

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“6. That pursuant to the show cause notice dated 10.03.2025, a sealing-cum-demolition order dated 19.05.2025 was issued whereby the owner/ occupier of the subject property was directed to demolish the construction on the property within 15 days from the order dated 19.05.2025.



7. That it is submitted pursuant to the issuance of the sealingcum-demolition order dated 19.05.2025, a demolition drive was fixed on 02.09.2025. Vide letter dated 29.08.2025, request was sent to the DCP, North District, Delhi for providing police force during the demolition drive on 02.09.2025. A copy of the letter dated 29.08.2025 sent to the DCP, North District requesting for police force is annexed herewith as Annexure R7-A.

8. That on the said date i.e. 02.09.2025, the demolition was carried out on some portion of the land; however, demolition could not be conducted/ concluded on the entire land since many people obstructed the demolition drive and produced a copy of order dated 24.12.2021 vide which, the defendants in CS No. 407/2021 i.e. Jai Prakash Vs. SDM before ADJ 01 (Central), THC, Delhi were restrained from carrying out any demolition at the subject premises. A copy of the order dated 24.12.2021 in CS No. 407/2021 i.e. Jai Prakash Vs. SDM before ADJ 01 (Central), THC, Delhi is Annexed herewith as Annexure R7- B. Therefore the, demolition drive could not be concluded on the said date. It is pertinent to mention that in the aforesaid Civil Suit, DDA was initially not a defendant and subsequently DDA was impleaded as a Defendant in the said Civil Suit. A copy of the photographs showing the demolition drive on 02.09.2025 is annexed herewith as Annexure R7-C.

9. That the DDA has filed an application for vacation of the stay order dated 24.12.2021 passed in CS No. 407/2021 i.e. Jai Prakash Vs. SDM before ADJ 01 (Central), THC, Delhi. The application/ matter is listed before the Ld. Trial Court on 02.12.2025. A copy of the application for vacation of stay filed before the Ld. District Court along with proof of filing is annexed herewith as Annexure R7-D (Colly).

10. That it is further submitted that the instant matter/ encroachment/ unauthorised construction is continually being discussed in the meetings of the STF. Copy of the 151st Meeting of the STF dated 30.10.2025 along with Action Taken Report is Annexed herewith as Annexure R7-E (Colly).

11. That it is further submitted that the sealing-cum-demolition order dated 19.05.2025 was challenged by certain persons/



encroachers before the Ld. Appellate Tribunal MCD/DDA in A. No. 681/2025. Vide order dated 30.10.2025, the Ld. ATMCD/DDA has set aside the sealing-cum-demolition order dated 19.05.2025 and has directed DDA to pass a speaking order after giving due opportunity to the appellants in the aforesaid Appeal before the ATMCD to file their replies and being heard. The speaking order has been directed to be passed within a period of 8 weeks after the Appellants appear before the Quasi-Judicial Authority on 18.11.2025 at 2 pm. A copy of the order dated 30.10.2025 is annexed herewith as Annexure R7-F.

12. That now DDA has to pass a speaking order after giving due opportunity to the appellants in the aforesaid Appeal before the ATMCD to file their replies and being heard. The speaking order has to be passed within a period of 8 weeks after the Appellants appear before the Quasi-Judicial Authority on 18.11.2025 at 2 pm.

13. That in view of the above, it is submitted that the action on the identified area where the unauthorized construction has been noticed, is being taken in accordance with law and the extant procedure.”

6. It is further pointed out that W.P. (C) No. 6389/2021, in which the aforesaid interim order dated 09.09.2021 was passed, has since been disposed of by the learned Single Judge. Learned Single Judge, *vide* order dated 09.10.2025 in W.P.(C) 6389/2021, passed the following directions: -

“8. Accordingly, it is directed that the DDA shall take further action against the unauthorized construction existing/being carried out, on the land in question, after identification of such unauthorized construction. For this purpose, the Revenue Department, GNCTD is directed to carry out the demarcation process in the area in question in order to identify the khasra numbers of the aforesaid area, so that requisite action can be taken by the DDA/concerned authority, against any unauthorized construction that has been carried out therein. Let the aforesaid exercise be carried out by the DDA expeditiously, preferably, within a period of eight weeks from today.

9. Upon identification of the specific khasra numbers, requisite action against such unauthorized construction shall be carried out by the DDA/other concerned authorities.



10. As regards the Demolition Order already passed by the DDA, it is directed that in case there is no stay granted by the ATMCD, the DDA is enjoined upon to take requisite action against the unauthorized construction, within a time bound manner.”

7. In view of the above facts and circumstances, the present petition is disposed of with a direction that the application filed by the DDA, seeking vacation of the stay, shall be diligently pursued by it, while duly bringing to the notice of the concerned Court the orders passed by this Court as well as those passed by the learned Single Judge in W.P.(C) 6389/2021.

8. Liberty is granted to the petitioner to revive the present petition, subject to the outcome of the speaking order passed by the MCD, in terms of the order dated 09.10.2025 passed in W.P. (C) No. 6389/2021.

9. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

NOVEMBER 13, 2025/ng