



\$~10

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

+ **W.P.(CRL) 1874/2023, CRL.M.A. 17325/2023**

MUNICIPAL CORPORATION OF DELHI

.....Petitioner

Through: Mr. Pritish Sabharwal and
Mr. Sanjeet Kumar, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC for State
with Mr. Arjit Sharma and Ms. Sakshi
Jha, Advocates.
SI Satyapreet, PS-Kalindi Kunj.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

16.12.2025

1. An FIR bearing No. 419/2020 was registered on 17th October, 2020, on a complaint lodged by the Deputy Commissioner under Sections 448/188 of the Indian Penal Code, 1860 and Section 461 of the Delhi Municipal Corporation Act, 1957.¹

2. During the course of the said proceedings, the Trial Court, while noting that several prosecutions under the DMC Act were resulting in acquittals on account of procedural lapses, including defective charge-sheets and improper sanctions, proceeded to issue directions delineating the procedure to be followed in prosecutions under the DMC Act. In that

¹ "DMC Act"



context, the Trial Court directed the ALO to place on record Standard Operating Procedures² and issued notice to the Commissioner, MCD seeking a response and an action-taken report.

3. The grievance of the Petitioner is that the Trial Court exceeded its jurisdiction in issuing directions for formulation of SOPs, which are beyond the scope of the proceedings as well as the remit of the Trial Court. It is contended that the Trial Court failed to appreciate that, in cases of wholly unauthorised construction or encroachment on municipal land, the MCD already follows a settled practice of lodging FIRs and simultaneously intimating other civic agencies, including the Delhi Jal Board and the electricity distribution companies, not to provide services. It is urged that such practice is in consonance with the directions issued by the Division Bench in *Kalyan Sanstha Social Welfare Organisation Vs. Union of India & Ors.*³

4. Mr. Prithish Sabharwal, counsel for the Petitioner, submits that the observations made by the Trial Court may be treated as non-binding. He further states that, irrespective, the MCD is examining the formulation of appropriate SOPs in accordance with the provisions of the DMC Act.

5. Having considered the aforementioned submissions and in light of the statement made on behalf of the Petitioner, It is clarified that the directions issued by the Trial Court in the impugned order, insofar as they relate to the formulation of SOPs and require the Commissioner, MCD to ensure compliance therewith, shall not be construed as binding directions, and only as suggestions of the Court. The remaining observations and directions

² “SOPs”

³ WP(C) No. 4582/2003



contained in the impugned order are left undisturbed.

6. With the above directions, the petition is disposed of.

SANJEEV NARULA, J

DECEMBER 16, 2025

nk