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

+ W.P.(C) 5933/2025, CM APPL. 27054/2025 & CM APPL.
27055/2025

NITIN SAXENA

.....Petitioner

Through: Mr. Sandeep Sethi and Mr. Pawanjit Singh Bindra, Sr. Advs. with Mr. Madhu Sudan, Mr. Vikhyat Oberoi, Mr. Ankit Kakkar, Ms. Shreya Vedantika Mehra, Mr. Shivam Prakash, Mr. Ravi Sharma, Ms. Nishita Gupta, Mr. Fazal Haroon and Mr. Sumer Seth, Advs.

versus

THE COMMISSIONER, MUNICIPAL CORPORATION OF DELHI
AND ANR.

.....Respondents

Through: Mr. Ashutosh Gupta, ASC for MCD
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Mr. Piyush Gupta, Mr. Sudhandhu Shara, Mr. Samsul Alam, Mr. Rajendra Kumar Jain, Mr. Karan Bansal, Mr. Inder Mohan Chitkara and Mr. Atishay Jain, Advs. for R-2
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Mr. Amitabh Chaturvedi, Mr. Cheitanaya Madan, Mr. Vikram



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Mr. Azam Khan and Mr. Ashwani
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CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
05.05.2025

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1. The present writ petition has been filed seeking directions to the respondent no.1 to withhold the Special Demolition Program planned for today, i.e., 05th May, 2025, to *Plot Nos. GC-32 and GC-33, G-Block, Hari Nagar, Near Santoshi Mata Mandir, New Delhi*, wherein, the petitioner is the occupant. There is further prayer for restraining respondent no.1 from taking any coercive action in connection with the said properties.
2. Learned Senior Counsel appearing for the petitioner submits that a letter dated 30th April, 2025, was issued by respondent no. 1, i.e., Municipal Corporation of Delhi ("MCD") to the respondent no. 2, i.e., the local police, informing the local police about the said demolition program scheduled for today, which pertained to the properties in question.
3. Learned Senior Counsel appearing for the petitioner draws the attention of this Court to the said letter dated 30th April, 2025, which makes reference to the order passed in *Cont. Cas. (C) 672/2025* for contempt of order dated 14th December, 2023, passed in *W.P.(C) 16008/2023*, i.e., *Gurina Bajaj Versus MCD and Others*.
4. Learned Senior Counsel appearing for the petitioner draws the attention of this Court to the order dated 14th December, 2023, passed in



W.P.(C) 16008/2023, *Gurina Bajaj Versus MCD and Others*, wherein, the following directions were issued:

“xxx xxx xxx

1. The petitioner has approached this Court in respect of unauthorised construction and blocking of a public street by construction of gates and a bridge over a service lane in property bearing No. GC-27, (WZ-204), G Block Hari Nagar, New Delhi. According to the petitioner, the construction has been erected by Mr. Amit Saxena, who is arrayed as respondent No. 2 in the writ petition.

xxx xxx xxx

4. Mr. Akhil Mittal, learned counsel for MCD, has handed over a status report dated 13.12.2023, in which it is stated that the service lane has been obstructed by erection of gates on both sides and by unauthorised construction. It further states that the said gates were removed yesterday i.e. 13.12.2023 and other unauthorised construction in the street will be removed in a demolition action on 27.12.2023.

xxx xxx xxx

6. **Mr. Bindra submits that in the front portion of the area, there are other encroachments in the public street also. Mr. Mittal assures the Court that this area will be inspected and if there is other unauthorised construction, necessary action will be taken in accordance with law.**

7. Mr. Mittal submits that MCD will take action in coordination with the local Station House Officer [“SHO”]. The concerned SHO is directed to render necessary assistance, as may be required for this purpose.

8. **Mr. Bindra submits that the writ petitioner’s property is itself an unauthorised construction. MCD is always at liberty to inspect the said property and take necessary action in accordance with law.**

9. **The writ petition is disposed of with the aforesaid observations.**”

(Emphasis Supplied)

5. By referring to the aforesaid order, learned Senior Counsel appearing for the petitioner submits that the only directions made in the aforesaid writ petition were with respect to removal of the gates on the street and other unauthorized construction existing on the street.



6. Learned Senior Counsel appearing for the petitioner further points to the order dated 13th September, 2024, passed in W.P.(C) 16008/2023, wherein, the application of the petitioner in the said writ petition to restore the said petition, was not allowed.

7. He further draws the attention of this Court to the prayer made in the contempt petition, i.e., *Cont. Cas. (C) 672/2025*, alleging disobedience of order dated 14th December, 2023 passed in W.P.(C) 16008/2023, which is reproduced as under:

“xxx xxx xxx

a) Initiate Contempt proceedings against the Respondent No. 1 for willful and blatant disobedience of the Order dated 14.12.2023 passed by this Hon’ble Court in W.P. (C) No. 16008/2023.

xxx xxx xxx”

(Emphasis Supplied)

8. Thus, learned Senior Counsel appearing for the petitioner submits that the only prayer in the contempt case is with respect to the willful and blatant disobedience of the order dated 14th December, 2023, passed in W.P.(C) 16008/2023, which pertained to only the removal of the gates and unauthorized construction in the street in question.

9. He further draws the attention of this Court to the order dated 30th April, 2025 passed in *Cont. Cas.(C) 672/2025*, wherein, the following order has been passed:

“xxx xxx xxx

5. Mr. Ashutosh Gupta, Counsel for MCD, states without hesitation that the said privately constructed overbridge, at the very least, is completely unauthorized. The dispute, as noted in order dated 14th December 2023, inter se between the petitioner and respondent nos.2 & 3, does not concern the Court as far as unauthorized construction is concerned.



xxx xxx xxx

7. From the photographs which have been appended along with the petition, it seems quite a dismal situation where constructions are being made to connect two parts of the property, across a public thoroughfare. This cannot subsist.

xxx xxx xxx”

(Emphasis Supplied)

10. Learned Senior Counsel appearing for the petitioner further submits that the said petitioner, i.e., Gurina Bajaj, had subsequently filed another writ petition being W.P.(C) 3180/2025, which was dismissed as withdrawn vide order dated 12th March, 2025, in the following manner:

“xxx xxx xxx

6. Mr. Sudhir Nandrajog, learned Senior Counsel, on instructions, from the counsel on record, who is in turn instructed by the Petitioner, **seeks leave to withdraw this writ petition to file a complaint before the Special Task Force (‘STF’) constituted by the Delhi Development Authority vide Notification dated 25.04.2018 under orders of the Supreme Court in M.C. Mehta v. Union of India and Others, (2019) 12 SCC 730 and M.C. Mehta v. Union of India and Others (Sealing Issue, in Re), (2019) 12 SCC 419.**

7. This writ petition is disposed of as withdrawn, with liberty to the Petitioner to ventilate her grievances before the STF. In case the Petitioner makes a complaint before the STF, the same shall be considered in the next meeting of STF, looking at the nature of relief sought. In case of any surviving/further grievance, Petitioner may take recourse to appropriate legal remedies.

xxx xxx xxx”

(Emphasis Supplied)

11. Thus, it is submitted that as far as the unauthorized construction in the property bearing No. GC-32 and GC-33, G-Block, Hari Nagar, Near Santoshi Mata Mandir, New Delhi, which is subject matter of the present writ petition is concerned, the same has been referred to the Special Task



Force (“STF”). He submits that matter with regard to the unauthorized construction in the aforesaid properties is pending with the STF and there is no order by the STF for taking any action against the aforesaid properties in question.

12. At this stage, learned counsel appearing for respondent no.1/Municipal Corporation of Delhi (“MCD”) on instructions, submits that both the properties are adjacent to each other and a private bridge has been constructed for joining the two properties. He submits that the action, which has been fixed for today by the MCD, is only *qua* removal of the private bridge between the two properties in question. He, thus, submits that there is no action planned by the MCD, which is beyond the contours of the order dated 14th December, 2023, passed in the writ proceedings and order dated 30th April, 2025, passed in the contempt proceedings.

13. Learned counsel appearing for MCD has handed copy of Demolition Order dated 15th April, 2025. He submits that the aforesaid Demolition Order is passed after following the due process of law, with respect to the unauthorized construction existing in properties bearing *No. GC-32 and GC-33, G-Block, Hari Nagar, Near Santoshi Mata Mandir, New Delhi*, being the subject matter of the present writ petition. He submits that requisite action against the said unauthorized construction shall be taken by the MCD. However, he submits that the said action shall be taken on some other day, as for today, the action is fixed only with regard to removal of bridge, which exists between the two properties.

14. Learned counsel appearing for one of the co-owners, i.e., Amit Saxena, submits that Demolition Order with respect to the unauthorized construction existing in the properties in question, was pasted on site on 16th



April, 2025.

15. Learned counsel for the co-owner of the property in question also draws the attention of this Court to the order dated 14th December, 2023, and in particular, relies upon paragraphs 3 and 5 of the said order, which is reproduced as under:

“xxx xxx xxx

3. Mr. Bindra and Mr. Sayal both state that there are certain civil disputes with regard to the property in question, but I am of the view that the civil disputes do not detain us in view of the fact that the Municipal Corporation of Delhi [“MCD”] has already commenced action in respect of the disputed property.

xxx xxx xxx

5. Learned counsel for Mr. Amit Saxena and Mr. Nitin Saxena state, without prejudice to their rights and contentions in their inter se civil disputes, that they have no objection to the removal of the gates and the construction on the service lane.

xxx xxx xxx”

(Emphasis Supplied)

16. By referring to the aforesaid order, he submits that there is civil dispute between the parties as regards the ownership of some other properties.

17. Learned Senior Counsel puts in appearance on behalf of the Gurina Bajaj, who had filed the writ petition, i.e., W.P.(C) 16008/2023, pursuant to which petition, demolition action is sought to be taken on behalf of the MCD. He submits that despite the fact that the action sought to be taken by the MCD is pursuant to the petition filed by Gurina Bajaj, she has not been made a party before this Court, in the present proceedings. He further submits that the petitioners are very well aware of the Demolition Order



having been passed, and have not even chosen to file the said Demolition Order before this Court. He further submits that against the order dated 30th April, 2025, passed in *Cont. Cas.(C) 672/2025*, a contempt appeal has also been filed by the petitioner.

18. Responding to the aforesaid, learned Senior Counsel appearing for the petitioner submits that the petitioner was not aware of the Demolition Order having been passed, and he has received a copy of the Demolition Order only now, during the course of the present proceedings. He submits that the petitioner shall take appropriate action for challenging the Demolition Order dated 15th April, 2025, passed by the MCD.

19. Learned Senior Counsel appearing for the petitioner further submits that the petitioner shall withdraw the contempt appeal filed against the order dated 30th April, 2025, as the said contempt appeal would not be maintainable, as no orders of punishment have been passed against the petitioner in the contempt petition.

20. Considering the submissions made before this Court, this Court takes note of the specific submission made by learned counsel appearing for the MCD that the action which is fixed for today, is only with respect to the private bridge in question between the two properties.

21. This Court further takes note of the submission of learned counsel appearing for the MCD, that as far as the action against the properties in question *qua* Demolition Order dated 15th April, 2025, passed by the Building Department, MCD is concerned, the said action shall be fixed on some other date.

22. This Court also takes note of the submission made by learned Senior Counsel appearing for the petitioner that they shall seek their remedies for



challenging the Demolition Order dated 15th April, 2025, in accordance with law by filing a statutory appeal before the Appellate Tribunal: MCD (“ATMCD”).

23. In view of the aforesaid, it is needless to state that any action by the MCD against the unauthorized construction existing in the property of the petitioner, shall be subject to any order that may be passed by the learned ATMCD, in case, an appeal is filed by the petitioner, challenging the Demolition Order dated 15th April, 2025.

24. Noting the aforesaid, no further orders are required to be passed by this Court, in the present proceedings.

25. Accordingly, the present writ petition, along with the pending application, is disposed of.

MINI PUSHKARNA, J

MAY 5, 2025/kr