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

+ **CONT.CAS(C) 861/2025**

AQEEL AHMED

.....Petitioner

Through: Ms. Sana Ansari, Adv. through Vc.
with Mr. I. Ahmed, Adv. along with
the petitioner in-person.

versus

SH. ASHWANI KUMAR & ORS.

.....Respondents

Through: Mr. N. Balraj, SPC for UOI with Ms.
Meghna Rao, Adv. for R-4./D.P.
Mr. Pratap Singh Ahluwalia, Adv. for
MCD. (through VC)
S.I. Pardeep Malik, PS Jamia Nagar.
Mr. Shekhar Dasi, Mr. Ayush Dassi,
Mr. Deepesh Kasana, Mr. Divyansh
Malhotra, Adv. for R-5 to 7.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

11.12.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 seeks the following prayers: -

“(a) Initiate contempt proceedings and action against the contemnors/respondent so that law is not seen to sit back limply while those to defy it go scot free and those who seeks its protection loose hope.

(b) punish the contemnors for committing contempt of order dated 18.05.2023 passed by this Hon'ble Court in W.P.(C) No. 44/2023 titled as "Aqeel Ahmed & Anr. Vs Municipal Corporation of Delhi & Ors." and subsequent orders thereto and further making ambiguous and false statement voluntarily before this Hon'ble



Court.

(c) To pass appropriate order/direction, directing the contemnors/respondents to appear in person before this Hon'ble Court for violating the direction(s) passed vide order dated 18.05.2023.

(d) Costs of this petition to the petitioner;

(e) Any such other or further orders as may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice.”

3. The present petition has been filed for alleged wilful disobedience of an order dated 18.05.2023 in W.P.(C) 44/2023 passed by learned Single Judge of this Court. *Vide* the aforesaid order the following directions were passed: -

““4. A perusal of the proceedings would show that on 05.01.2023 this Court had noted the submissions that unauthorised construction in the shape of basement upto 3rd floor was booked and demolition order passed. Part demolition was also carried out. The petitioner had made a grievance that the construction reached upto 4th floor.

5. Mr. Pratap Singh Ahluwalia, learned counsel for respondent/MCD submits that demolition action would be taken against the entire unauthorised construction/deviation on 01.06.2023.

6. At this stage, learned counsel appearing for respondents No.4 to 6 prays that a copy of the demolition order and demolition notice be supplied to them.

7. Learned counsel for respondent/MCD submits that the entire exercise was carried out after duly serving the respondents.

8. Without going into the aforesaid controversy, let a copy of the demolition order and demolition notice be served on the learned counsel for respondents No.4 to 6.

9. As the demolition action is now scheduled to be taken on 01.06.2023, the answering respondents would be at liberty to approach the learned ATMCD.

10. Learned counsel for respondents No.4 to 6 submits that the answering respondents undertake not to carry out any construction in the subject property, which is not in accordance with law.

11. The undertaking given on behalf of the answering respondents is accepted and taken on record and they are made bound by the same.””



4. In pursuance of the order passed by the learned Predecessor Bench of this Court on 28.05.2025, a status report dated 25.09.2025 has been placed on record which states as under: -

“2. That, so as to comply with the directions of this Hon'ble Court passed on 28.05.2025, site was inspected by the concerned field staff on 11.06.2025. During inspection, it was noticed that the property consists of Basement, Stilt, Ground Floor to Third Floor. At the time of inspection, no fourth floor was found in existence at subject property. Further, it was also noticed that the portion which was demolished by this answering respondent on 08.05.2023 and 01.06.2023, pursuant to demolition proceedings initiated vide U/c file No. 502/B/UC/EE(B)-I/CNZ/2021 dated 26.10.2021 is still lying demolished. During inspection, no new construction was noticed at site. Copy of inspection report dated 11.06.2025 duly signed by the concerned field staff is annexed herewith as **Annexure: A.**

3. That, subsequently the department has noticed that construction at subject property was carried out after getting the building plan sanctioned from MOD vide ID No. 10046616 for construction of a residential building at subject property having provision of Basement, Stilt, Ground Floor to Third Floor, under Saral Scheme. Copy of building plan sanctioned vide ID No. 10046616 is annexed herewith as **Annexure; B.**

4. That, subsequently upon noticing that the Owner/ Builder of the property has already obtained Sanctioned Building Plan for construction at the subject property, considering the same, since no further action is warranted pursuant to the proceedings initiated vide U/c file Nos. 502/B/UC/EE(B)-I/CNZ/2021 dated 26.10.2021 and 118/B/UC/EE(B)-I/CNZ/2022 dated 15.03.2022, upon taking the due approval of the competent authority, which has been accorded on 29.05.2025 the demolition proceedings initiated against the subject property vide U/c file No. 502/B/UC/EE(B)-I/CNZ/2021 dated 26.10.2021 and 118/B/UC/EE(B)-I/CNZ/2022 dated 15.03.2022 were closed.

5. That, so as to ascertain latest factual site position, the subject property has again been inspected by the area field staff. During inspection, no new construction has been noticed and presently construction at subject property is as per the sanctioned building plan obtained. Photographs showing the present status of the property are annexed herewith as **Annexure; C (Colly).**

6. That further it is also relevant to point out here that on being



aggrieved of the aforementioned demolition proceedings the Owner/ Occupier of the property also preferred an appeal before Hon'ble ATMCD vide Appeal No. 337/2023 titled as *Ayaz Mobin Vs MCD*". The said appeal is still pending and now listed for 18.12.2025."

5. Learned counsel for the petitioner disputes the authenticity of the status report; however, nothing has been placed on record to dispute the same.
6. Be that as it may, the present petition is disposed of with the liberty to the petitioner to revive the present petition subject to the outcome of the appeal pending before the learned ATMCD.
7. Pending applications, if any, also stand disposed of.

AMIT SHARMA, J

DECEMBER 11, 2025/kr/ah