



\$~10

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

+ **CONT.CAS(C) 950/2025 & CM APPL. 39077/2025**

RAM CHANDER DHANKAR

.....Petitioner

Through: Mr. Mayank Arora and Mr. Pulkit
Dahiya, Advocates.

versus

ASHWANI KUMAR

.....Respondent

Through: Ms. Theepa Murugesan, SPC with Ms.
Sanya Bhatia, Advocate for
respondent/SHO.
Ms. Harita Mehta, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

%

20.08.2025

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

“i) Commit the Respondents for Contempt of Court for willfully and deliberately flouting the order dated 28.05.2024 so passed by this Hon'ble Court in WP(C) 7882/2024 and punish them in accordance with law;
ii) Direct the Respondents to forthwith comply with the said Order dated 28.05.2024, by taking action against the illegal unauthorized construction, in view of Ld ATMCD's judgment dismissing appeals against demolition order, and file a compliance affidavit at the earliest;
iii) Pass such other and further orders as, in the circumstances, shall be just and appropriate.”

3. The present petition has been filed for violation of the directions passed by a Coordinate Bench of this Court *vide* order dated 28.05.2024 in W.P.(C) 7882/2024 with respect to the unauthorised construction being carried out at Plot No. B-29, Road No. 11, Vasant Kunj Enclave, Vasant Kunj, Delhi-



110070.

4. During the pendency of the present petition an application, CM APPL. 46855/2025, seeking early hearing was preferred by the petitioner which was allowed *vide* order dated 01.08.2025 and following order was passed:-

“5. Learned counsel appearing on behalf of the petitioner submits that unauthorised structure which is being continuously raised lacks structural integrity and poses threat to the safety and well-being of the petitioner and other residents in the vicinity of the property in question, i.e., Plot No. B-29, Road No. 11, Vasant Kunj Enclave.

6. Learned counsel appearing on behalf of the MCD, who appears on advance notice, submits that property has already been booked and demolition action was planned for 07.04.2025, 02.05.2025 and 29.05.2025, however, on account of non-availability of the police force, the demolition action could not be executed. It is pointed out that the next date fixed for demolition is 04.08.2025.

7. In view of the above, a compliance report with respect to action taken on 04.08.2025 be placed on record before the next date of hearing.

8. Needless to state that on a request to the concerned officer, i.e., SHO/Respondent no. 4, the latter shall proceed in accordance with law.

9. List for compliance on 20.08.2025.”

5. Today, learned counsel appearing on behalf of the MCD has handed up in Court today an affidavit/status report on behalf of MCD executed by Mr. Mukesh Kumar Meena, Executive Engineer (Building), Najafgarh Zone, MCD. The said affidavit/status report is taken on record. In the said report, it is stated as under:-

“8. That apart from above, the demolition programme was against fixed by the Department for 04/08/2025 and as per fixed programme two RCC slabs were demolished/cut down at first floor with the help of gas cutter during demolition proceeding.



9. That furthermore, sealing action under Section 345-A of the DMC Act has also been executed by the Department at the impugned property on 11/08/2025, vide Sealing File No.78 dated 01/08/2025. During course of action, property was sealed at 03 points at ground floor (one steel gate at 02 points and adj. Opening at 01 point) property sealed completely. Accordingly, letter for keeping strict watch & ward at impugned property, has also been sent to Police Authority, vide No.EE(B)NGZ/25/D-8/247 dated 13/08/2025.”

6. Learned counsel appearing on behalf of the petitioner confirms the aforesaid position, however, he submits that on a previous occasion as well the said property was sealed by the MCD, and occupiers had broken the seal and therefore, he further prays for a direction for necessary action with regard to the same.

7. In view of the above, the present petition is disposed of with the direction to MCD that no further unauthorised construction be carried out at the aforesaid subject property and so far as breaking of seals is concerned, necessary action shall be taken in accordance with law.

8. The present petition is disposed of with the aforesaid directions.

AMIT SHARMA, J

AUGUST 20, 2025/sn