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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1139/2024

SH. ANIL KUMAR

.....Petitioner

Through: Mr. Nishant Nain, Ms. Charu Sharma,
Mr. Bittu Kumar, Advs.

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Through: Mr. Manu Chaturvedi, Standing
Counsel for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.11.2025

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

“a) Initiate contempt proceedings against the Respondent/Contemnor for wilful disobedience and gross violation of the order dated 09.04.2024 passed by this Hon'ble Court in W.P. No. 4934/2024.

b) Pass an order/direction to the Respondents to restore the possession of the subject premises to the Petitioner and/or

b) Direct the MCD to take immediate and appropriate action against the unauthorized construction at property bearing No. 76-A, Khasra No. 32, admeasuring 61 sq. yards, in compliance with the order

c) Pass any other order(s) as this Hon'ble Court may deem fit and



proper in the facts and circumstances of the case in favour of the Petitioner and against the Respondents.”

3. *Vide* order dated 09.04.2024 in W.P.(C) 4934/2024, the learned Single Judge of this Court had passed the following directions:-

“1. The present petition raises a grievance as regards the unauthorized construction at property bearing No. 76-A, Khasra No.32, admeasuring 61 sq. yards.

2. After some hearing, respective counsel for the parties are in agreement that the property shall be inspected by the MCD in presence of the petitioner on 12.04.2024 at 02.00 PM

3. In case any unauthorized construction/illegal encroachment is found, appropriate . action in accordance with law shall be taken by the MCD.

4. In case there is any deficiency in the action taken by the MCD, the petitioner shall be at liberty to avail appropriate legal remedies.

5. With the aforesaid directions, the present petition is disposed of.”

4. Status report dated 11.12.2024 authored by Arun Kumar, Executive Engineer (BLDG)-1 of South Sone, Municipal Corporation of Delhi, Green Park, New Delhi, has been placed on record wherein, it has been stated as under:-

“9. That in light of the aforesaid directions, so as to ascertain the status of the property in question i.e. bearing No. 76-A, Khasra No. 32, admeasuring 61 Sq. Yards. Basant Village, New Delhi, the area field staff of Building Department-I of South Zone I answering Respondent / MCD tried to inspect the same for 12/04/2024 in presence of the petitioner, but the same could not be materialized due to stiff resistance faced at site. However, finally the site in question has been got inspected on 13/05/2024 with the assistance of police in presence of petitioner. **During the said inspection no new construction I unauthorized construction activity has been**



noticed at site. However, during said inspection a small temporary structure / jhuggi has been noticed by the area field staff. Further to ascertain the exact status of the land as per revenue record, request have also been made to the SDM, Vasant Vihar, New Delhi vide letters dated 12/07/2024 and 22/07/2024. The copy of the letters dated 12/07/2024 and 22/07/2024 as sent to the SDM and the photographs as taken during the aforesaid inspection are annexed herewith as **Annexure-A (Colly)**.

10. That further it is also relevant to state here that pursuant to the order dated 09/04/2024 as passed by this Hon'ble Court in WP (C) No. 4939/2024, a letter has also been sent to SHO, Vasant Vihar, New Delhi vide bearing No. D/581/EE(B)-1/Bldg./SZ/2024 dated 09/07/2024 with the request to issue appropriate instructions to the concerned official so as to ensure that no construction work is carried out at site and in case any such instance is noticed, necessary action as per law be initiated against the violators. Copy of the letter dated 09/07/2024 is annexed herewith as **Annexure -B.**

11. That it is also relevant to state here that on receiving a response dated 03/08/2024 from SDM office Vasant Vihar, the Building Department -1 of South Zone - MCD has again sent a letter dated 09/12/2024 to the SDM, Vasant Vihar, New Delhi with the request for joint survey of the land I site alongwith Revenue Record so that the exact status of land I site in question be ascertained. The Copy of the letter dated 09/12/2024 as sent to SDM in this regard is annexed herewith as Annexure -C. 12/07/2024 and 22/07/2024 as sent to SDM and the photographs as taken during the aforesaid inspection are annexed herewith as Annexure -C.”

(emphasis supplied)

5. Copy of the status report has been supplied to learned counsel for the petitioner. Nothing has been placed on record to contradict/controvert the aforesaid statement made by the MCD despite opportunity.

6. The order of the learned Single Judge directed the MCD to take a joint inspection alongwith the petitioner, which has been done and for the encroachment necessary communication has been sent to the SDM and the same shall be pursued and acted upon in accordance with law.



7. No further directions are called for.
8. The petition is disposed of with liberty to the petitioner to take appropriate steps in accordance with law before the Court of competent jurisdiction/appropriate forum including the office of SDM.
9. Pending application, if any, also stands disposed of.

AMIT SHARMA, J

NOVEMBER 20, 2025/nk