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

+ **W.P.(CRL) 2250/2025**

**MALA & ORS.**

.....Petitioners

Through: Mr. Saha Dev and Mr. Prashant  
Kumar Royal, Advocates.

versus

**STATE OF NCT OF DELHI & ORS.**

.....Respondents

Through: Mr. Amol Sinha, ASC for State with  
Mr. Ashvini Kumar, Mr. Kshitiz Garg  
and Mr. Nitish Dhawan, Advocates  
and SI Manish Tyagi, PS: Kashmiri  
Gate.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

% **22.07.2025**

1. Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 ("BNSS") has been filed on behalf of the Petitioners with the prayer that Respondents be directed to ensure the protection of life and liberty of the Petitioners and also ensure that Petitioner are not being harassed and threatened.
2. Issue Notice.
3. Learned ASC for State appears on advance Notice and accepts Notice.
4. Petitioners have stated that they are in possession of property bearing No.766, Near Vardan House, Chabi Ganj, Kashmere Gate, Delhi-110006 for the last more than eight decades, i.e. before the partition in the year 1947. During the lifetime of their father, namely Pyare Lal in the year 1984, the Government of N.C.T. of Delhi had sent a Notice that the Government would be acquiring the said property, but no action had been taken. Furthermore, it is



claimed that since prior to Independence, i.e. prior to 1947, there has not been any type of hindrance, obstruction or disturbance on the peaceful living of the Petitioners and their ancestors. However, during the period of Corona, i.e. in the year 2020, Respondents Nos.3 and 4 tried to dispossess the Petitioners from the said premises by use of force and money power, but the petitioners with a view to save their life and liberty approached to the Hon'ble Court of Law and filed a Civil Suit against them, which is still pending before the learned District Judge, Tis Hazari Courts, Delhi.

5. It is further submitted that in the month of June, 2025, the officials of the MCD told the Petitioners that the property requires some repairs and the same would be done within 02/03 days. However, Petitioners requested that as this time period is not sufficient for repair work and it would require about 02-03 months. As was required by MCD, Petitioners had filed affidavits/self declarations for any damage and MCD officials ensured that no action would be taken against the property.

6. Thereafter, the Petitioners started collecting repairing materials for the said renovation work, but in the meantime, MCD officials illegally and unlawfully demolished the property without the consent, permission or knowledge of the Petitioners. The Petitioners had been requesting the officials of MCD that they have complied with their orders and are willing to comply with their orders in future and even they have given written undertaking before the MCD office but their request was not adhered to and the property was demolished.

7. The Petitioners have suffered huge monetary loss to the tune of about Rs.20-25 Lakh on account of this unauthorized demolition of the property, as not even the sufficient time was given by the MCD officials to remove the



goods lying in the house.

8. It is further submitted that on 02.07.2025, Respondents Nos.3 to 6 came to the premises and threatened the Petitioners to leave the premises peacefully otherwise they have already lost the property and they would lose their life as well.

9. Petitioners filed a Complaint dated 03.07.2025 to the Commissioner of Police and other Authorities for protection of their life and property, but no action has been taken. Hence, the present Petition has been filed for prayers of their life and liberty to be protected.

**10. Submissions heard and record perused.**

11. From the averments made in the Petition itself, it is evident that property has been demolished by the MCD in the month of June, 2025. Further, allegations are that there are *inter se* disputes between the Petitioners and Respondent Nos.3 and 4 in respect of the title of the property, for which Civil Suit is already pending and no further directions are required to be made in this regard.

12. The next allegation is that Respondent Nos.5 and 6, who were the associates of Respondent Nos.3 and 4, have been extending threats to the Petitioners, for which Complaint dated 03.07.2025 has already been made.

13. It needs no reiteration that the SHO concerned is bound to act in accordance with law. In case, the SHO fails to take any action, Petitioners have the liberty to proceed further in accordance with law.

14. No further directions are warranted and the present Petition along with pending Application, if any, stands disposed of.

**NEENA BANSAL KRISHNA, J.**

**JULY 22, 2025/R**