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

+ **CONT.CAS(C) 1221/2024**

YATIN SHARMA

.....Petitioner

Through: Mr. Prashant Gupta, Advocate.
versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Mr. Siddhant Nath, Standing Counsel
for MCD with Mr. Bhavishya Makhija
and Mr. Amaan Khan, Advocates.
Mr. C.M.Sangwan and Mr. Saksham
Aggarwal, Advocates for R-2.
Mr. Devashish Bhadauria, SPC for
UOI/R-3.
SI Ambika, PS SB Dairy.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

03.09.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 215 of the Constitution of India read with Sections 11/12 of the Contempt of Courts Act seeks following prayers:-

“a) Initiate contempt proceedings and strict legal actions against Respondents No. 1 and 3 through their concerned officials for their failure to perform their duty by not removing the permanent and temporary encroachments made by Respondent No. 2, as per the order passed by the Hon'ble High Court of Delhi on 11/12/2023 in W.P.(C) No. 4315 of 2023,
b) Initiate contempt proceedings, strict & harsh legal actions against Respondent No. 2 for their failure to comply with the order dated 11/12/2023 in W.P.(C) No. 4315 of 2023, passed by the Hon'ble Delhi High Court, despite multiple legal actions and warnings issued by the concerned authorities,
c) Direct Respondent No. 1 and Respondent No. 3 to demolish/remove the



permanent and temporary encroachments made by Respondent No. 2 permanently, without any failure, and assign the responsibility to the concerned SHOs to prevent repeated encroachments by Respondent No. 2,

d) Direct Respondent No. 1 and Respondent No. 3, with the assistance of the concerned authorities, to reconstruct the public roads and footpaths in front of all outlets of Respondent No. 2 that were damaged and encroached upon by them,

e) Direct Respondent No. 1 and 3 to recover the entire cost of reconstructing the said public roads and footpaths from Respondent No. 2,

f) The Court may pass such other and further orders as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case.”

3. Grievance of the petitioner was with regard to the alleged wilful disobedience of the directions contained in order dated 11.12.2023 in W.P.(C) 4315/2023.

4. Learned counsel appearing on behalf of the MCD has placed on record status report dated 01.09.2025 authored by Executive Engineer (M)-I/RZ, MCD, Pitampura Village, Delhi, wherein it has been stated as under:-

“5. That it is pertinent to mention here, that vide letter No. EE(M)L/RZ/2023-2024/D-789 dated 07.12.2023 addressed by MCD to Delhi Police encroachment removal actions were fixed between 18.12.2023 and 20.12.2023 at 7 locations of Bansiwala Sweets in Rohini, Delhi and adjoining localities and accordingly, joint action was taken on 18.12.2023 at Secotr-15, Rohini, Delhi with the assistance of Police Force from PS KNK Marg, Delhi in the shape of removal of counter and temporary encroachment at the said site of an area measuring 12 Sq. Mtr. That on 19.12.2023 action was taken at the location at Sector-13, Rohini, Delhi with the assistance of Police Force from PS Prashant Vihar, Delhi in the shape of removal of temporary counters at the said site of area measuring 70 Sq. Mtr. and at Sector-14, Rohini Delhi in the shape of removal of temporary counters of an area measuring 4 5g. Mtr.

6. That in continuation of the same, another joint action program was taken on 20.12.2023 at Sector-7, Rohini, Delhi with the assistance of Police Force from PS North Rohini, Delhi in the shape of removal of 5 Numbers of counters and temporary encroachment at the said site of area measuring 20 Sq, Mtr.



7. That it is relevant to mention here, that the Public Health Department, Rohini Zone MCD has conducted food hygiene raid at all the outlets of M/s Bansiwala Sweets operating the under the jurisdiction of MCD during the month of May 2025 and all the items of M/s Bansiwala Sweets lying on footpath/ public land has been seized and deposited in the health store, Rohini Zone, MCD. Photographs taken during the said raid are hereby annexed as ANNEXURE-A (colly). That in continuation of the same concerned Police Stations have also been informed about the raid to keep vigil and watch with the request that no such encroachment takes place in future. Copy of the Vigil watch letters all dated 16.05.2025 sent to concerned Police stations are hereby annexed as ANNEXURE-B (colly).
8. That in furtherance of the same for the purpose of removal/ encroachment with the respect to the properties involved in the present matter encroachment removal program has been fixed by Maintenance Division, Rohini Zone, MCD vide letter No. EE(M)I/RZ/2025-26/650 dated 13.06.2025 with date of action fixed for 17.06.2025 and 18.06.2025. A copy of which was also sent by MCD to Delhi Palice for providing adequate Police force for the said encroachment removal programs. Copy of the said letter dated 13.06.2025 is hereby annexed as ANNEXURE-C.
9. That in continuation as per scheduled encroachment removal program, action has been taken on 17.06.2025 at Bansiwala Sweet Shop at Sector-15 Rohini, at Bansiwala Sweet Shop Sector-17 Rohini and at Bansiwala Sweet Shop Sector-11 Rohini respectively alongwith the police force, Police Station- K.N. Katju Marg and Police Station Sector-16 Rohini and Police Station Shahbad Dairy along with Licensing Department of Rohini Zone and demolished encroachment in the shape of Chabutara in front of Sweet Shop at Footpath. Photographs taken during encroachment removal program on 17.06.2025 is annexed as Annexure-D.
10. That in continuation as per scheduled encroachment removal program, action has been taken on 18.06.2025 at Bansiwala Sweet Shop at Sector-13 Rohini, at Bansiwala Sweet Shop Sector-05 Rohini alongwith the police force, Police Station- Prashant Vihar and Police Station Rohini South Sector-03 Rohini along with Licensing Department of Rohini Zone and demolished encroachment in the shape of Chabutara in front of Sweet Shop at Footpath. Photographs taken during encroachment removal program on 18.06.2025 is annexed as Annexure-E.”

5. In view of the above, the present petition is disposed of with the directions that in case of further unauthorized encroachment, the petitioner will be at liberty to approach the concerned STF, which shall act in accordance



with law.

6. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

SEPTEMBER 03, 2025/sn/dj