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

\+ CONT.CAS(C) 1329/2024

RAJENDER SINGH .....Petitioner

Through: None.

versus

EXECUTIVE ENGINEER & ANR. .....Respondents

Through: Mr. Siddharth Gupta, SC for MCD. R-1 to 6.
Ms. Vaishali Gupta, Panel Counsel (Civil), GNCTD.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

O R D E R

% 18.12.2025

1. This hearing has been done through hybrid mode.

2. The present petition under Sections 10, 11 and 12 of the Contempt of Courts Act, 1971 read with Section 151 of the CPC seeks the following prayers: -

> "A. Kindy allowed present contempt petition and allowed to serve summons in the present case upon the Respondent to appear in person and answer the charge against the Respondent.
> B. The Respondent be punished in accordance with the provisions of section 10 and 12 of the Contempt of Courts Act, as respondent had wilfully disobeyed the order dated 20.02.24.
> C. Call the record of the W.P (C) No.14132, titled as Rajender singh vs Municipal Corporation of Delhi.
> D. Cost may also be awarded in favour of the Petitioner and against the Respondent;
> E. Pass any other order as this Hon'ble court considers fit and proper."

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3. *Vide* order dated 20.02.2024 passed in W.P.(C) 14132/2023, learned Single Judge of this Court passed the following directions: -

> "8. The concerned Executive Engineer is directed to expeditiously consider the request of the petitioner for de-sealing of the aforesaid property and pass requisite order/s within a period of two weeks from the date of the receipt of the request in this regard, as already undertaken by the learned counsel for the respondent/MCD."

4. In pursuance of the order dated 04.09.2024 passed by learned Predecessor Bench of this Court, a status report dated 05.10.2024 has been filed on behalf of the MCD, wherein it has been recorded as under: -

> "8. That further this Hon'ble Court vide its order dated 04/09/2024, passed in the instant Contempt Petition, has been pleased to direct mainly the following:-
>
> *"*
>
> *5. Anyhow, after some discussion, it is directed that let a copy of the letter dated 02.04.2024 be supplied to the learned counsel for the petitioner, and a reply thereof be filed with the contemnor. The petitioner along with their counsel shall appear before Mr. B.S. Gupta, Executive Engineer on 06.09.2024 at 11:30 AM for personal hearing.*
> *6. It is expected that the contemnor shall hear the petitioner with an open mind, in a fair and professional manner and take appropriate decision in accordance with law.*
> *7. A Compliance Report be filed before this Court within two weeks thereafter.*
> *8. Re-notify on 11.12.2024."*
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> 9. That pursuant to aforesaid order of this Hon'ble Court, the hearing proceedings could not be conducted on 06/09/2024, in respect of property bearing No. 68, Part of Khasra No. 420/444-1-3/544/1, Village Dera, New Delhi, as the petitioner Shri Rajender Singh was not present and nor any representative on his behalf was present. However, on contacting the counsel of the petitioner Shri Sanjeev Sehgal, it was informed that the hearing could not be attended due to sickness and requested for hearing on 09/09/2024.
> 10. That on granting the necessary hearing on 09/09/2024, the matter has been got examined in light of the submissions made by the petitioner / his counsel and following has been mainly held:

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Whereas the matter has been got examined. The record and documents of the office envisage that the property under reference stands booked on the ground of unauthorized construction for action under the DMC Act-1957 vide File No. 664/UC/B-11/SZ/2021 dated 15.12.2021, in the shape of one room and raising columns and walls in the part of property.

After following due process of law, sealing order was passed by the competent authority, and the property was sealed on 16.06.2022. The demolition action was also taken thereafter on 22.12.2022, subsequent to which it was re-sealed. The very basis of initiation of proceedings under Section 343 and 345-A of the DMC Act-1957 was carrying out the unauthorized construction by the Petitioner on his own, without obtaining prior approval of the. competent authority.

Whereas a Writ Petition (C) No. 101/2022 titled as "Devender Vs South Delhi Municipal corporation & Anr" was filed before the Hon'ble High Court, against the unauthorized construction in the property. The Department had submitted the requisite action taken report before the Hon'ble High Court on 29.11.2022, regarding sealed status property. The Writ Petition was disposed-off by the Hon'ble High Court, vide its orders dated 29.11.2022, with the direction to the M.C.D. to ensure that the requisite action is taken accordance with law preferably within three months.

Whereas the grievances of the Petitioner in the present proceedings are in terms of de-sealing of the property. During the hearing proceedings, the Petitioner was explained in detail as to which laws he has to comply with and documentary requirements to be fulfilled by him and he felt pacified with the discussions held and his grievances having been listened Each of the issues raised by him have been addressed herein under:

1. *Regarding status of Lal Dora, the Petitioner has not submitted any documents regarding La! Dora. However, he was duly informed that it is one of the conditions for getting the existing construction regularized, which need to be within the parameters of Notification dated 17.01.2021 and relevant policy as well as provisions of Master Plan-2021 and Unified Building Bye-Laws-2016.*

2. *The application submitted by the Petitioner on 26.02.2024 for de-sealing was not in consonance of orders dated 20.02.2024 of Hon'ble High Court, and he was*

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informed by the office vide letter dated 02.04.2024, wherein he was conveyed about the requirements to be complied with for the purpose of de-sealing. During the hearing proceedings, he has also been handed over the copies of Notification dated 17.01.2011 containing the regulations for sanction of building plans I regularization of existing construction in respect of properties situated in villages including La! Dora areas, relevant Circular of Town Planning Department, copy of letter dated 02.04.2024 with Affidavit for temporary de-sealing, and he was informed in detail to comply with the same, so that Department could be in a position to consider his application for de-sealing for the very purpose of regularization of existing construction or removal of alleged unauthorized construction, whatever the Petitioner wishes.

3. 3. There is no sanctioned building plan submitted by the Petitioner. Even the de-sealing can be accorded by the competent authority for the purpose of regularization of existing construction or for removal of alleged unauthorized construction.

4. The orders dated 23.08.2024 convey certain allegations against the undersigned for being abuse and gross contempt with regard to directions passed, the same are denied. Moreover, during the course of hearing itself, the Petitioner also denied about any such occasion happened As a matter of fact, his grievances have been listened patiently and he has been guided in right perspective, as per law, with compliances to be carried out for the purpose of de-sealing.

The sum and substance of the matter is that the issue for de-sealing can be resolved only on complying with the observations conveyed to the Petitioner inclusive of bringing the existing construction within the ambit of provisions of Master Plan-2021 and Unified Building Bye-Laws-2016. The Department is willing to extend its support to the Petitioner but within the confines of said Statutes and significantly, at the same time, the orders passed in an other Writ Petition(C) No.101/2022 of Hon'ble High Court prevail, which need to be complied with by the Department.

The Copy of the aforesaid order has also been communicated to the petitioner vide bearing No. D/2056/EE(B)-II/Bldg/SZ/2024 dated

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13/09/2024 and copy the same is also annexed herewith as **Annexure A** for kind reference and perusal of this Hon'ble Court.

11. That as can be observed from the above mention reasoned order that the issue for de-sealing the subject property can be resolved only on complying
with the observations conveyed to the petitioner inclusive of bringing the existing construction within the ambit of provisions of master Plan - 2021 and Unified Bye-Laws 2016. The department is willing to extent his support to the petitioner but within the confines of said Statues and significantly, at the same time, the orders passed in another Writ Petition (C) No. 101/2022 of Hon'ble High Court prevail, which need to be complied with by the department."

5. None appears on behalf of the petitioner.

6. There was no appearance on behalf of the petitioner on the last two dates of hearing as well, *i.e.,* 30.07.2025 and 19.03.2025

7. In these circumstances, the present petition is dismissed in default for non-prosecution and disposed of.

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

AMIT SHARMA, J

DECEMBER 18, 2025*/kr/sg*

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