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

+ **CONT.CAS(C) 1208/2025**

SUNIL KUMAR SHARMA

.....Petitioner

Through: Petitioner through VC.

versus

MAMTA YADAV

.....Respondent

Through: Ms. Neeru Vaid, Standing Counsel
for MCD.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

11.08.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 11 and 12 of the Contempt of Court Act seeks the following prayers:-

“It is, therefore, most respectfully prayed that this Hon 'ble Court may kindly be pleased to initiate contempt proceedings against the respondent being the Head of area where illegal encroachment has been made by the encroachers for intentionally and deliberately disobeying the order dated 18.07.2024 and punish her as per the provisions of law, in the interest of justice.

Any other order and/or direction which this Hon'ble Court may deem fit and proper be also passed in favour of the petitioner and against the respondents, in the interest of justice.”

3. Petitioner, who is a counsel, appears in-person through video conferencing and submits that the order dated 18.07.2024 passed by the Hon'ble Division Bench of this Court in W.P.(C) 9671/2024 has been violated. The said order reads as under:-



“4. Keeping in view the aforesaid, this Court disposes of the present writ petition with a direction to the Deputy Commissioner, MCD of the concerned zone to decide the petitioner's representation dated 27th June, 2024 as expeditiously as possible in accordance with law. If some requisite action is required to be taken, the same shall be taken by the MCD in accordance with law.”

4. Learned Standing Counsel for MCD, who appears on an advance notice, has handed up in Court today a communication dated 06.08.2025, alongwith certain photographs, issued by the MCD to the concerned SHO Police Station, Sabzi Mandi, wherein, it has been recorded as under: -

“As per the directions of the Special Task Force constituted under the orders of Hon'ble Supreme Court of India order dated 24.04.2018 and with reference to minutes of the meeting circulated vide letter No. Addl. Comm (Engg.)/NDMC/2018/D-06 dated 27.04.2018, it has been directed to "remove the encroachments from the government/public roads, streets and pedestrian streets".

A joint temporary encroachment removal action has been taken on 05.08.2025 in the area of Tis Hazari Court gate no 1 to6, Sarai photos, Khanna Market and surrounding areas with the help of police force provided by PS- Subzi Mandi and all the temporary encroachment in the above area has been removed and the area is made encroachment free. The photographs taken before/after action are attached.

Further, Supreme Court of India in WP (C) No. 1699 of 1987 dated 05.05.2006 has issued direction that "We further direct the Delhi Police that whenever hawkers are removed from the non-hawking zones they shall see to it that those areas are not reoccupied by them. We, hereby declare that every Station House Officer shall be held personally responsible if such hawkers reoccupy the areas from which they have been evicted."

It is therefore, requested to direct the concerned beat officer to keep strict vigil at cleared site so that no re-encroachment take place again at cleared site i.e Tis Hazari Court gate no 1 to6 Sarai photos, Khanna Market and surrounding areas.”



5. The photographs annexed with the present petition are of 24.07.2025. In view of the aforesaid communication, it seems that necessary action has been taken.
6. In case of any further grievance, the petitioner will be at liberty to approach the Special Task Force (STF).
7. In view of the above, the present petition is disposed of with the direction that in case the petitioner approaches the STF, in case of any further violation, action in accordance with law be taken.

AMIT SHARMA, J

AUGUST 11, 2025/nk