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

+ **CONT.CAS(C) 1278/2025& CM APPL. 64860/2025**

BALDEV RAJ ARORAPetitioner

Through: **Mr. Rohit Gupta, Advocate.**

versus

MUNICIPAL CORPORATION OF DELHI & ANR.....Respondents

Through: **Mr. Akhil Mittal, Standing Counsel
for MCD.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

04.12.2025

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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 2/12 of the Contempt of Courts Act seeks following prayers:-

“(a) punish the Respondents 1 Contemnors No.1 and 2 for wilful disobedience, non-compliance and acting in breach of the order dated 16.03.2023 passed in WP(C) 9154 of 2019;

(b) pass such other order as deemed appropriate in the interest of justice.”

3. Status report by way of short affidavit has been filed on behalf of the MCD authored by Mr. Tarun Shankar Arya, Executive Engineer (Bldg), Karol Bagh Zone, wherein it has been recorded as under:-

“2. That WP (C) No. 9154/2019 titled as Baldev Raj Arora Vs North DMC & Anr. had been filed seeking directions to the Respondent/ Corporation to remove the encroachment on the Public Land in the front set back of plot no. 25, Shivaji Marg, Najafgarh Road, New Delhi.

3. That a demolition action had been taken on 21.12.2022 upon Property No. 25, Shivaji Marg, Najafgarh Road, New Delhi, wherein the impugned structure leading to the basement in the front set back had been



demolished. The said demolition action on 21.12.2022 had been taken by the department against the structure erected at the entry of basement in the front set back that come under road widening /right off way and being encroachment of public land.

4. That a WP (C) NO. 2204/2024 titled as “Manjeet Kaur and ors. VS Municipal Corporation of Delhi and ors.” had also been filed seeking directions to Municipal Corporation of Delhi to restore status quo ante in respect of the subject property i.e. Property No. 25, Shivaji Marg, Najafgarh Road, New Delhi which was demolished by MCD. During proceedings before the Hon’ble Court it was asked by the petitioner that MCD may be directed to remove the debris or petitioner be permitted to remove the same at the cost of the MCD. The WP(C) NO. 2204/2024 had been disposed of by the Hon’ble Court vide order dated 09.01.2025 granting permission to petitioner to clear the debris lying in the subject property at their own cost. Copy of the order dated 09.01.2025 passed by the Hon’ble Court in WP(C) NO. 2204/2024 is annexed herewith as Annexure-A.

5. That the owner/occupier of the basement of Property No. 25, Shivaji Marg, Najafgarh Road, New Delhi had again opened entry of the basement in the front set back/road widening area and also started construction/repair work in the basement area which comes under set back/road widening area. An illegal tin shed had also been erected at the site. An action against the said opening of basement and illegal tin shed had been taken by the officials of Karol Bagh Zone, Municipal Corporation of Delhi on 19.09.2025 with the help of local police from P.S. Moti Nagar, New Delhi. During action the illegal opening of the basement had been closed and tin shed was removed. The photographs taken during action on 19.09.2025 are annexed herewith as Annexure-B.

6. That two CM Applications No. 67821/2025 for recalling order dated 16.03.2023 and 67822/2025 for impleadment in WP (C) No. 9154/2019 had been filed by one of the Owner/Occupier of the Basement of the property seeking recalling of the order dated 16.03.2023 passed in WP (C) No. 9154/2019. A detailed status report had been filed in WP (C) No. 9154/2019 and both the applications have been disposed of by the Hon’ble Court vide order dated 28.11.2025 with directions to grant hearing to the applicants on 08.12.2025.

7. That deponent says that the aforesaid records are as per the proceedings disposed off or material placed on record after inspection of the property. The contents thereof are true and correct and no part of it is false or concealed therefrom.”



4. Learned counsel appearing on behalf of the occupier of the property submits that the action taken by the MCD was beyond the purview of the order dated 16.03.2023 for which the present petition has been filed. As noted hereinabove, learned Single Judge while disposing of an application for recalling of the order dated 28.11.2025 in CM APPL. 67821/2025 in W.P.(C) 9154/2019 has noted that MCD would be giving an opportunity of hearing to the applicant on 08.12.2025 at 04:00 PM and thereafter a reasoned order would be passed and the applicant would be entitled to take recourse to any remedy which is available in law.
5. In view of the aforesaid status report, learned counsel appearing on behalf of the petitioner does not wish to press the present petition.
6. The present petition is disposed of as not pressed.
7. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

DECEMBER 04, 2025/sn/ah