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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2674/2025 & CRL.M.A. 25230/2025,
CRL.M.A. 25231/2025, CRL.M.A. 25232/2025

RAM NIWAS PATARWAL & ANR.Petitioners

Through: Mr. Anil Kumar Singhal,
Ms. Mayra Singhal, Mr.
Aditya Kapoor, Ms.
Komal Sharma,
Advocates.

versus

GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Sanjeev Bhandari,
ASC for the State with Mr.
Arjit Sharma, Ms. Sakshi
Jha, Advocates.

Mr. Amol Sinha, ASC for
the State with Mr. Kshitiz
Garg, Mr. Ashvini Kumar,
Mr. Nitish Dhawan and
Ms. Sanskriti Nimbekar,
Advocates.

SI Satyender Gulia, PS
Safdarjung Enclave.

Mr. P.S.Singh, CGSC with
Mr. Ashutosh Bharti and
Ms. Minakshi Singh,
Advocates for UOI.

Ms. Akanksha Gupta,
Advocate for MCD.

Mr. Ravi Gupta, Senior
Advocate with Mr. Manav
Goyal, Ms. Muskaan
Mehra, Ms. Pragya Dahiya
and Ms. Amrita Sony,
Advocates for R-6.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

28.08.2025

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1. The petitioner is aggrieved by the continuation of the proceedings before the Sub-Divisional Magistrate (**'SDM'**) under Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**'BNSS'**).
2. The learned counsel for the petitioners submits that the dispute between the parties purely relates to the alleged nuisance over the alleged unauthorised construction in the property, of which some portion is owned by the parties.
3. The learned counsel for the petitioners submits that the SDM only has jurisdiction in regard to the nuisance being created in a public place. He submits that when admittedly the alleged nuisance is being carried out not in an area owned by the Government, no order can be passed by the SDM.
4. Issue notice.
5. The learned counsels appearing on behalf of the respondents accept notice.
6. The learned senior counsel for Respondent No. 6 submits that the complainants are senior citizens and that the complaint had been made seeking protection in terms of Section 21/22 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for which the concerned adjudicating authority is the SDM. He submits that reference was made to Section 152 of the BNSS, on being advised.
7. He submits that no prejudice is caused to the petitioner if the nomenclature is given by the SDM to the proceedings as under Section 152 of the BNSS and that the SDM has decided to call the report from the police in regard to the nuisance being created. He submits that, in effect, the complaint was filed in regard to the senior citizens being harassed for which the SDM



has jurisdiction.

8. The record indicates that the parties have participated in the proceedings before the SDM and the matter is listed today for further orders.

9. It is also informed that the arguments have also been advanced in regard to the jurisdiction of the SDM to entertain the petition. Concededly, no order to the detriment of the petitioners has been passed till date.

10. In view of the above this Court does not consider it apposite to impede the SDM to proceed further in the proceedings. The present petition is pre-mature and is disposed of with liberty to the petitioners to file appropriate proceeding in case any grievance remains in future.

11. Pending applications also stand disposed of.

AMIT MAHAJAN, J

AUGUST 28, 2025

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