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

+ **CONT.CAS(C) 1329/2025**

GAUTAM GUPTA

.....Petitioner

Through: Mr. Vikas Tomar, Adv.

versus

**COMMISSIONER, MUNICIPAL
CORPORATION OF DELHI & ORS.**

.....Respondents

Through: Ms. Suruchi Mittal, SPC For
UOI/R-2.

Mr. Siddharth Sharma, Ms.

Aishwarya Srivastava, Advs. for R-3.

Mr. Puneet Yadav, SC for MCI.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.10.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 10, 11 and 12 of the Contempt of Courts Act, 1971 seeks the following prayers: -

“(a) initiate contempt of Court proceeding against the Respondents/ Contemnors No. 1 to 3 for willfully and deliberately disobeying Order dated 22.08.2025 passed by Hon’ble Court in W.P.C. 12761 of 2025, titled as “Gautam Gupta vs. Municipal Corporation of Delhi & Ors” and punish the Respondents accordance with law;

(b) pass orders/direction, directing Respondent No. 1 for immediate sealing of the front portion of the First Floor of M-5, Hauz Khas, New Delhi till appropriate action is taken by the Respondent No. 1 so that no further illegal and unauthorized construction can be done in the said premises by the Respondent No. 3 and further restrain the Respondent No. 3 from parting with possession of the premises to any third party.

(c) Pass any other or further order (s) as this Hon’ble Court may



deem fit and proper in the facts and circumstances of the present case.”

3. Learned counsel appearing on behalf of the petitioner submits that *vide* order dated 22.08.2055 in W.P.(C) 12761/2025, the following directions were passed by Coordinate Bench of this Court: -

“5. Respondent no. 6, as well as his father, Mr. Ram Bhagat Tayal categorically submit before this Court that they shall not carry out any unauthorized construction and that any construction that is required to be carried out by them, shall only be done so after taking due permission in accordance with law.

6. The aforesaid statement is taken note of.

7. Accordingly, the MCD is held bound to take action against the property in question, in case there is any unauthorized construction existing in the property, in accordance with law, after following due procedure and in a time bound manner, preferably within a period of three months from today.

8. Further respondent no. 6 is directed not to carry out any unauthorized construction in the property in question.

9. It is clarified that any construction to be carried out by respondent no. 6, shall be carried out only after due permission from the requisite authorities, in accordance with law.”

4. Thereafter, *vide* order dated 01.09.2025, the respondent no. 3 was directed to file an affidavit with regard to the nature of work being carried out by them in the subject property.

5. On the last date of hearing *i.e.* 15.09.2025, status report was filed on behalf of the MCD in which it was recorded as under: -

“9. That so as to ascertain the status of the subject property *i.e.* bearing No. M - 5, Hauz Khas, New Delhi, the same has been got inspected through area field staff of Building Department -I of South Zone-MCD and also referred to the record maintained 'and available with the department.

On inspection and referring to the record, the status of action as initiated/taken by the Building Department -I of South Zone - MCD is detailed herein below:



i. As per record, this property is booked for unauthorized construction vide D/c file No. 180/UC/B-I/SZ/2025 dated 19/08/2025 in the shape of construction 1 installation 1 erection of iron staircase in front and side set back and deviation against regularization plan vide File No. 26/RZN/B/SZ/2019 dated 14/11/2019 from Basement to Third floor (property existing & occupied), for taking the necessary demolition action u/s 343/344 of DMC Act. The mandatory Show Cause Notice vide serial No. 21976 dated 19/08/2025 has also been issued to the owner 1 occupier with directions to immediately stop the. unauthorized construction work and to submit their reply within 15 days as to why orders of demolition order as required u/s 343 of the Act should not be passed in respect of the unauthorized construction already carried out and the unauthorized construction, if any, carried out after the issuance of the Show Cause Notice. The copy of Show Cause Notice as issued in this regard is annexed herewith as **Annexure -A.**

ii. Furthermore, a letter dated 22/08/2025 u/s 344 (2) of the DMC Act - 1957 has also been sent to SHO, PS. Hauz Khas, New Delhi with the request that the said unauthorized construction be stopped immediately and workmen present at site 1 property in question be removed and construction material including the tools, machinery, etc. be seized. Copy of letter as sent in this regard is also annexed as **Annexure - B.**

iii. Further, in response to the aforesaid Show Cause Notice, a reply has been received with the department vide dated 29/08/2025 from one Sh. Ram Bhagat Tayal with certain submissions and contentions in his favour. On examining and considering the same, in the interest of justice, an opportunity of personal hearing has been extended to Sh. Ram Bhagat Tayal for 17/09/2025. The copy of reply as received and copy of the hearing letter sent in this regard are annexed herewith as **Annexure -C (Colly).**

6. Further, *vide* order dated 15.09.2025, MCD was directed to respond to the claims made by the respondent no. 3 and file an updated status report before the next date of hearing.

7. Status report in pursuance of the order dated 15.09.2025 has been handed up in the Court today and the same has been taken on record. In the



said status report, it has been recorded as under: -

“6. That further pursuant to the directions passed by this Hon'ble Court, on receiving the affidavit filed and considering the claim of the respondent No. 3, so as to ascertain the status of current activities being undertaken at the premises in question, the same has been got inspected through area field staff of Building Department -I of South Zone - MCD on 01/10/2025 and on inspection the following permissible activities have been noticed at site:

- a. Renovation work i.e. false ceiling, Glass partition work and wooden work inside the Ground floor and First floor.
 - b. Fixing of Scaffolding for beautification of front elevation.
- The photographs, taken during the aforesaid inspection of the subject property, are also annexed herewith as **Annexure -C (Colly)**.

7. That further it is also relevant to state here that the petitioner herein has also filed a new Writ Petition bearing No. WPC No. 14234/2025 titled as "Gautam Gupta VS SHO & Ors.", wherein, this Hon'ble High Court on considering the submissions made by the petitioner, directed for impleadment of Municipal Corporation of Delhi (MCD) as respondent No. 4 in terms of its order dated 16/09/2025 and further also directed that till next date of hearing no commercial activity shall be commenced by the Respondent No. 3 from the premises in question. However, this Hon'ble Court vide its order dated 26/09/2025 passed in CM Appl. 61417/2025, modified the said order to the extent of permitting the Respondent No. 3 & 5 therein from letting out of the property for lawful purposes and for permissible use. The said matter is now listed for 09/10/2025. The copy of the order dated 16/09/2025 and 26/09/2025 passed by this Hon'ble Court are annexed herewith as Annexure - D (Colly).”

(emphasis supplied)

8. Perusal of the order dated 16.09.2025 passed in W.P.(C) 14234/2025 reflects that the subject matter of the said writ petition is the alleged unauthorised construction by the respondent no. 3.

9. Since the aforesaid issue is pending adjudication before the learned Single Judge of this Court, the present petition is disposed of with the



directions that respondent no. 3 shall not carry out any unauthorised construction under the garb of internal repairs.

AMIT SHARMA, J

OCTOBER 08, 2025/kr/sg