



\$~89

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

+ W.P.(C) 15939/2025 & CM APPL. 65169/2025

KARMESH SHARMA

.....Petitioner

Through: Mr. Varun Mittal, Advocate (M:
9953062629)

versus

MUNICIPAL CORPORATION OF DELHI AND ORS.

.....Respondents

Through: Mr. Kapil Dutta, Mr. Siddharth
Parashar, Advocates for MCD
(M:9811135509)
Mr. Vivek Sharma, Sr. Panel Counsel
with Ms. Prerna Singh, Mr. Aryan
Dev Pandey, Advocates for Delhi
Police (M:9810418275)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

15.10.2025

%

1. The present writ petition has been filed with prayer for directions to the respondents to open the main gate/entrance towards *Maharaja Agarsain Public School, Ashok Vihar Phase-IV, Delhi*, and remove any unlawful barricades or locks placed thereon.
2. Learned counsel for the petitioner submits that the petitioner is aggrieved by the illegal closure of the main entrance gate towards *Maharaja Agarsain Public School, Ashok Vihar Phase-IV, Delhi*, which serves as the primary access point to Nimri Colony and adjacent areas.
3. He submits that the said gate has been locked by the Resident Welfare Association ("RWA"), thereby, restricting ingress and egress of the residents



and general public.

4. It is further submitted that as per the Guidelines dated 25th June, 2007 of the Municipal Corporation of Delhi (“MCD”), the gates can remain closed only during the night hours from 11:00 PM to 5:00 AM, and are required to be manned by watch and ward personnel, at the cost of the RWA.

5. However, it is submitted that the gate in question, which is the subject matter of the present writ petition, has been closed permanently, in gross violation of the said Guidelines of the MCD.

6. Responding to the present writ petition, learned counsel for the respondent no.1-MCD submits that the area in question has been inspected by the concerned Officials of the MCD.

7. It is submitted that the concerned officials of the MCD have already checked their record and they have not found any sanction or permission for installation of the said gate.

8. He, thus, submits that the Department is in the process of issuing a Show Cause Notice to the RWA of the area in regard to installation of the said gate.

9. He submits that the requisite action shall be taken in accordance with law, after hearing the RWA.

10. Considering the submissions made before this Court, it is directed that the MCD shall consider the fact with regard to any permission for the installation of the gate in question. In case there is no permission having been granted for installing the gate in question, requisite action shall be taken by the MCD, in accordance with law.

11. Since, it is the case of the respondent-MCD that they are in the



process of issuing Show Cause Notice to the concerned RWA, it is directed that pending any proceedings before the MCD, the gate in question shall be opened during day time and shall be allowed to be closed only from 11:00 PM in the night to 5:00 AM in the morning, in terms of the Guidelines of the MCD.

12. Further, in case, the gate is closed from 11:00 PM to 5:00 AM, the same shall be manned.

13. For this purpose, directions are issued to the Station House Officer (“SHO”), Police Station-Bharat Nagar, Delhi to ensure that the gate in question is opened during the day time and is closed only at night, in terms of the Guidelines of the MCD.

14. The aforesaid action shall be taken by the SHO, Police Station-Bharat Nagar, forthwith.

15. With the aforesaid directions, the present writ petition, along with pending application, is accordingly disposed of.

MINI PUSHKARNA, J

OCTOBER 15, 2025/au