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

+ **CONT.CAS(C) 1546/2025**

DEEPA RASTOGI

.....Petitioner

Through: Mr. Azad Bansala, Advocate.

versus

SHRI ASHWANI KUMAR

.....Respondent

Through: Mr. Arjun Mahaja, SC for MCD with
Ms. Apoorv Upmanyu and Mr. Harsh
Vashisht, Advocates.

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 Sections 11 and 12 of the Contempt of Courts Act, 1971 seeks the following prayers:

“A. Initiate contempt proceeding against the alleged contemnors for willfully and deliberately disobeying of order dated 28.10.2024 passed by this Hon’ble Court in W.P.(C) No. 15162 of 2024 and punish them in accordance with law;
B. Pass such other order(s) as this Hon’ble Court may deem fit and proper in the interest of justice.”

3. Vide order dated 28.10.2024 learned Single Judge of this Court passed the following directions:-

“3. Mr. Bansala submits, at this stage, that the petitioner would be satisfied with a direction upon MCD to take a decision in accordance with law within a specified timeframe.

4. Mr. Arjun Mahajan, learned counsel for MCD, who appears on advance notice, states that the writ petition will be treated as a representation to MCD, and a decision will be taken thereupon, within a period of two weeks from today.



5. It is made clear that the decision is to be made by MCD in accordance with law, and this Court has not made any observations on the contents of the writ petition. This order is passed without prejudice to the rights and contentions of the owners/occupants of the property, if any.

6. The writ petition is disposed of in these terms.”

4. Learned counsel for the petitioner submits that the construction of the building in question, is of early 1940s and the same is situated in a densely populated area of Chandani Chowk.

5. It is pointed out that the building in question is in a dilapidated condition and has become inevitable since 2016.

6. Status report has been handed up in Court today and the same is taken on record authored by Mr. Ajay Kumar Jain, Executive Engineer, (M)-II, City SP Zone, MCD, Tourist Camp, JLN Marg, New Delhi, wherein it has been recorded as under:-

“4. That it is submitted that upon inspection of the property No. 1738 to 1741 and 1742(Part), Mangal Building-I, Jogdhian Colony, Bhagirathi Palace, Chadni Chowk, Delhi-110006 an Advisory for Dangerous Building was issued to the owner/occupier on 09.06.2022. However despite issuance said advisory the owner/occupier failed to carry out any necessary repair of the subject property. Copy of the advisory dated 09.06.2022 is annexed herewith as Annexure-A.

5. That it is submitted that recently the subject property was again inspected on 14.11.2025 and as the property was still found in dangerous condition accordingly, notices dated 01.12.2025 under section 348 & 349 of the DMC Act 1957 have been issued in respect of the subject property thereby directing the owner/occupier to demolish/vacate the property within 07 days failing which appropriate action under section 348 (4) & 349 will be taken by the respondent. Copies of notices dated 01.12.2025 is annexed herewith as Annexure-B(Colly).

6. That it is submitted that further action in the matter will be taken as per law in due course of time.”

7. In view of the aforesaid, learned counsel for the petitioner does not wish



to press the present petition at this stage with liberty to revive the present petition in case of non-compliance.

8. Accordingly, the present petition is disposed of with liberty to the petitioners as aforesaid.

9. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

DECEMBER 04, 2025/sn/ah