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

+ **CONT.CAS(C) 1664/2025**

GAURAV JAIN & ANR.

.....Petitioners

Through: Mr. Vinay Rathi, Ms. Shreya Paliwal,
Advts. along with petitioners in person.

versus

MUNICIPAL CORPORATION OF DELHI & ANR.

.....Respondents

Through: Mr. Vikas Chopra, SC for MCD with
Mr. Neeraj Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

07.11.2025

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

“a. Try the present petition as Civil contempt thereby issuing direction for civil imprisonment to the officials, associates, employees of respondent thereby violating the directions passed by this Hon’ble Court vide order dated 29.08.2025;

b. Issue directions thereby imposing costs upon respondent no.1 & 2;

c. Issue directions to Respondent nos. 1 & 2 to take regularize the subject property as per directions contained in order dated 29.08.2025;

Pass any further order as may deem fit and proper.”

3. Learned counsel appearing on behalf of the petitioners submits that *vide* order dated 29.08.2025 in W.P.(C) 6606/2025, learned Single Judge of this Court had passed the following directions: -



“27. Considering the fact that the title dispute between the petitioners in W.P.(C) 6606/2025 and W.P.(C) 8458/2025 is pending before the Civil Judge, the MCD, for the time being, shall not go into the issue of ownership for the purposes of regularization of the construction in property in question.”

4. It is noted that the learned Single Judge while passing the aforesaid order had also observed as under: -

“15. This Court further takes note of the submission made by learned counsel for the petitioners in W.P.(C) 8458/2025 that the petitioners are ready to remove the excess coverage and demolish the non-compoundable portions of the property by themselves.

16. Accordingly, liberty is granted to the petitioners in W.P.(C) 8458/2025 to bring their property within the norms of the Building Bye Laws. Further, the petitioners in W.P.(C) 8458/2025 shall remove the non-compoundable deviations and excess coverage by themselves.

17. Let the needful be done by the said petitioners in W.P.(C) 8458/2025, within a period of four weeks from today.

18. After four weeks, the petitioners in W.P.(C) 8458/2025 shall duly intimate the MCD, as regards the demolition action undertaken by the petitioners on their own.

19. The MCD shall inspect the property in question after four weeks, in order to assess whether the excess coverage and non-compoundable deviations have been removed by the petitioners in W.P.(C) 8458/2025.

20. In case, the MCD finds that there exists further unauthorized construction existing in the property in question, the MCD shall point out the same to the petitioners in W.P.(C) 8458/2025, who shall remove the said unauthorized construction.”

5. Learned counsel appearing on behalf of the petitioners fairly admits that the steps which were to be taken by the petitioners in terms of para 15 of the aforesaid order, have not yet been taken.

6. In view of the above, learned counsel appearing on behalf of the petitioners seeks leave of this Court to withdraw the present petition, with



liberty to file the same afresh, at appropriate stage in accordance with law, in terms of the directions given *vide* aforesaid order.

7. Leave and liberty granted.
8. The present petition is dismissed as withdrawn and disposed of.
9. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

NOVEMBER 7, 2025/kr/db