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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3761/2025 & CRL.M.A. 33882/2025**
DR BHIM RAO AMBEDKAR SAMAJ KALYAN SAMITI

.....Petitioner

Through: Mr. Raj Kumar Chandiwal and Ms.
Natasha Rani, Advocates.

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Anand V. Khatri, ASC (Crl.) for
State.

SI Narender Singh, P.S. Kanjhawala.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

17.11.2025

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1. The Petitioner is a registered society, presently functioning as the Residents Welfare Association¹ of village Karala, Delhi. It asserts that for the last 20–25 years, it has been maintaining and looking after two village chaupals in Harijan Mohalla, Karala, which are public buildings used by local residents for community purposes. When the structures became dilapidated, repairs and renovation were carried out first by the Government of National Capital Territory of Delhi², and later, upon further deterioration, by Rohini Maintenance Division of the Delhi Development Authority³. During the recent renovation, the Petitioner claims that certain persons with criminal background, acting in the name of an unregistered body styled as “*Julaha Samaj Panchayat Karala*”, started illegally collecting money from

¹ “RWA”

² “GNCTD”



the public through forged slips, put their own locks on the chaupals, and obstructed the renovation work. Petitioner raised RTI query whether the said society was registered with the office of the SDM/Registrar. In response, the Office of the Registrar of Society informed the Petitioner that no such information was available.

2. Alleging cheating and unlawful occupation of a public building, the petitioner lodged multiple complaints: first to the District Magistrate, North West District, Kanjhawala, Delhi on 8th May, 2021; then to the SHO, P.S. Kanjhawala on 17th May, 2025; and thereafter to the DCP, Rohini District, Delhi-85 on 26th May, 2025, but no effective action was taken. The Executive Engineer, Rohini Maintenance Division, DDA, also wrote to the SDM, Kanjhawala, North West District, complaining of illegal slips, nuisance, and obstruction by “Julaha Samaj Panchayat” and requesting that the chaupal be handed over to the RWA. The petitioner has since filed a complaint under Sections 152 and 161 BNSS, 2023 seeking an order for removal of nuisance, unlawful obstruction and illegal possession from Bhim Rao Ambedkar Chaupal, village Karala, which remains pending without action. The present writ petition is filed in these circumstances.

3. Mr. Anand V. Khatri, ASC (Crl.), submits that the controversy is essentially a dispute between two rival groups claiming control over the same public space, both acting through their respective societies. He states that kalandra proceedings have already been drawn up against members of both sides to maintain public order. Beyond this, questions of alleged illegal occupation or entitlement to manage the chaupal are, in the nature of a civil/administrative dispute, and do not warrant further criminal action by

³ “DDA”



the State.

4. The Court has considered the rival submissions and the material placed on record. The grievance pressed in the present petition essentially concerns: (i) an *inter se* dispute between two rival associations claiming control over village chaupals; and (ii) an allegation that the rival group is illegally collecting money from residents by issuing slips in the name of an unregistered society. These issues turn on disputed questions of fact and competing claims over use and possession of public/community property, which are not amenable to adjudication in the present writ proceedings.

5. Insofar as the prayer for registration of an FIR is concerned, the legal position is settled. Where an aggrieved person alleges commission of a cognizable offence and complains of police inaction, the statutory framework contained in the Bharatiya Nagarik Suraksha Sanhita, 2023⁴ provides efficacious remedies of approach to senior police officers and, if still aggrieved, recourse to the jurisdiction of the Magistrate seeking appropriate directions for investigation. The Supreme Court has repeatedly held that such complaints ought ordinarily to be pursued through the procedure under the Code of Criminal Procedure, 1973/ Bharatiya Nagarik Suraksha Sanhita, 2023, rather than through writ petitions seeking a mandamus for registration of an FIR. In the present case, the petitioner society has already lodged complaints with the SHO and the DCP and has also invoked the Magistrate's jurisdiction by filing proceedings under Sections 152 and 161 of the BNSS, which remain pending. In these circumstances, this Court sees no justification to bypass or duplicate the statutory mechanism.



6. The relief seeking restoration of possession and control of the chaupals to the Petitioner society, cannot be granted in a criminal writ petition. Questions as to which body is entitled to manage or occupy a public building, whether any person is in “illegal possession”, and whether any resolution or arrangement in favour of one Association prevails over another, are matters that fall either within the domain of the concerned civic/land-owning authority or, if necessary, the civil court. A writ petition under Article 226 of the Constitution, framed as one for criminal directions, is not an appropriate mechanism to adjudicate or enforce these competing claims.

7. On basis of the record, it is not possible to record any finding of such inaction or dereliction on the part of the State authorities as would warrant exercise of this Court’s extraordinary writ jurisdiction. The petitioner has already set in motion proceedings before the competent Magistrate under Sections 152 and 161 BNSS, and it is open to the petitioner to pursue those proceedings, or to avail such other civil or statutory remedies as may be available in law, including before the concerned District Magistrate/DDA or the civil court, if so advised.

8. In view of the above, no ground is made out for interference. The petition is, accordingly, dismissed, with liberty to the petitioner society to pursue its pending proceedings and other appropriate remedies, in accordance with law, if so advised.

SANJEEV NARULA, J

NOVEMBER 17, 2025/as

⁴ “BNSS”