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

+ **W.P.(C) 3347/2026 and CM APPL. 16144/2026**

MANISH KUMAR & ORS.

.....Petitioners

Through: Mr. Rajjesh K Singh, Vishal Sharma
and Mr. Varun Thakur Advocates.

versus

**GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI &
ORS.**

.....Respondents

Through: Mr. Nitin Kumar, GNCTD Panel
Counsel (Civil) for R-1.
Mr. Madhav Krishna Dubey, Sr.
Panel Counsel for R-3 and 5.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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17.03.2026

1. The present petition seeks the removal of a purportedly illegal iron gate, barricade and other hurdles like chains as well as small hut which was constructed/installed after the purported encroachment on public land/road which is commonly used by the residents of the vicinity of Ramesh Park, Laxmi Nagar, Delhi.
2. The submissions made in the petition are strongly opposed by learned counsel who appears for respondent no.4. He submits that the entire petition is bereft of merit.
3. The Court, however, finds that if the petitioners have any grievance,



they have remedy under Section 152 of the Bharatiya Nagrika Suraksha Sanhita, 2023 ('BNSS') to approach the jurisdictional District Magistrate.

4. Prima facie, the allegation relates to public nuisance. This Court in the case of *Nilabh Sharma v. MCD and Anr.*¹, has taken the similar position. The relevant portion of the decision is extracted below, for reference:

"14. It is thus discernible from the aforesaid discussion that the concerned magistrate under Section 152 of BNSS, 2023 has the power to remove public nuisance in circumstances which warrant exercise of such powers. Therefore, in the instant case, the petitioner can duly approach the magistrate to ventilate his grievance rather than directly invoking writ jurisdiction under Article 226 of the Constitution of India."

5. For all the aforesaid reasons, instant petition stands disposed. However, liberty is granted to the petitioner to approach the concerned District Magistrate under Section 152 of the BNSS. If the petitioners do so, let their complaint be dealt with in accordance with law after extending the opportunity of hearing to all the concerned stakeholders with due expedition.

6. If the petitioners grievance is not fully mitigated, they shall be at liberty to take appropriate recourse in accordance with law.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 17, 2026

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¹ Order Dt. 20.08.2024 in W.P. (C) 11400/2024