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

+ W.P.(C) 3411/2026 and CM APPL. 16383/2026

DINESH CHANGRANI

.....Petitioner

Through: Mr. Riju Mani Talukdar, Advocate.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Pratap Singh (SPC) along with
Ms. Archana Kumar (GP) for R-1 and
2.
Ms. Vaishali Gupta, Advocate for R-1
and 2.
Ms. Kanika Agnihotri, Advocate for
R-3.
Mr. Pravin Bahadur, Mr. Amit
Agarwal, Mr. Aditya P.N. Singh, Mr.
Abhishek S, Advocates for R-5

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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17.03.2026

1. The Petitioner, a resident of Flat No. H-012 in H-Tower of DLF Capital Greens, has filed the present petition under Article 226 of the Constitution of India alleging that certain groups of residents are illegally organizing events, religious functions and gatherings in the stilt and surrounding common areas of the tower by erecting tents, loudspeakers and other structures.
2. The grievance of the petitioner essentially lies within the realm of



public nuisance. The Section 152 of the the Bharatiya Nagrika Suraksha Sanhita, 2023 ('BNSS') deals with such an eventuality where a person can approach the concerned Magistrate for redressal of his grievance.

3. The petitioner seems to have made various complaints to the authorities. However, there does not seem to be any complaint made to the jurisdictional District Magistrate invoking Section 152 of the BNSS.

1. The Court in the case of **Nilabh Sharma v. MCD and Anr.**⁴, has also taken a 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."

4. In view thereof, without commenting on the genuineness of the petitioner's grievance or otherwise, the Court deems it appropriate to dispose of the instant petition, along with pending application, with the following directions:

- (i) Let the petitioner to approach the jurisdictional District Magistrate along with a copy of the order passed today.
- (ii) If the petitioner does so, let his complaint be dealt with by the concerned District Magistrate in accordance with law with due expedition looking at the nature of the grievance and the necessity of its earlier redressal.
- (iii) If the petitioner's grievance is not mitigated, he shall be at liberty to take appropriate recourse in accordance with law.



(iv) All rights and contentions of the parties are left open.

PURUSHAINDR KUMAR KAURAV, J

MARCH 17, 2026

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⁴ Order Dt. 20.08.2024 in W.P. (C) 11400/2024