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

+ **W.P.(C) 6698/2023**

HASMAT ALI

.....Petitioner

Through: Mr. Alamgir, Advocate.

versus

THE COMMISSIONER , MCD AND ORS.Respondents

Through: Mr. Udit Gupta, Advocate for R-1/
MCD with Dr. Rajiv Nayan, Assistant
Commissioner, MCD (Central Zone).
Mr. Niraj Kumar, Sr. Central Govt.
Counsel with Mr. Chaitanya Kumar,
Advocate for R-3 & 4.
Insp. O.P. Thakur, SHO (PS: Jamia
Nagar),
Insp. Sanjeev Kumar, Special Cell.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **17.03.2026**

1. The present writ petition has been filed seeking the following relief:

- a) issue appropriate writ, orders or directions the respondent no. 1 to 4 as well as 5 to immediately remove the garbage/wastages in the sealed building bearing no. 151-C, Gali No.9, Zakir Nagar, Okhla, New Delhi as the smells were spreading in the area of the petitioner/gali nearby the sealed building and the neighbourers and peoples are badly affected specially old and ailing persons as well as children are facing day to day health problems due sealed the said building since 2001 till date; and



2. On the last date of hearing, it has been noted that the subject building has been sealed by the Special Cell, Delhi Police, since 2001.
3. In the order passed on 15th July, 2025, Delhi Police was directed to prepare a comprehensive plan in order to maintain the subject building, so that the problem of throwing of garbage inside the premises of the subject building is stopped. Till date, no comprehensive plan has been filed by the Delhi Police.
4. In view thereof, the Station House Officer ('SHO') of the concerned Police Station, as well as the concerned official of the respondents no.1 and 2/ MCD, were asked to be present in Court today.
5. The SHO who is present in person in Court submits that garbage in the subject building is coming from the building of the petitioner.
6. Counsel appearing on behalf of the respondents no.1 and 2/ MCD, submits that since the subject building is a private property, the respondents no.1 and 2/ MCD is not under an obligation to clear the garbage from the same.
7. It may not be possible to pinpoint as to what is the source of garbage in the subject building. However, it is an admitted position that the subject building has been sealed by the Delhi Police and Delhi Police is in constructive possession and custody of the subject building. Therefore, the responsibility of maintenance and upkeep of the subject building would be that of Delhi Police.
8. Accordingly, after hearing counsel for the parties, the only viable solution would be that the garbage which is accumulated in the subject building be cleared by the Delhi Police by engaging a private contractor.
- 8.1. For the aforesaid purpose, if the building is required to be de-sealed



temporarily, let the same be done. After clearing of the garbage, the building may be re-sealed.

9. Going forward, so that no garbage is accumulated in the subject building, a direction is issued to the petitioner to ensure that no garbage from the petitioner's building is thrown in the subject building.

10. The present writ petition is disposed of with the aforesaid directions.

AMIT BANSAL, J

MARCH 17, 2026

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