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

+ CONT.CAS(C) 578/2020 & CM APPL. 26528/2022, 34040/2023

ROHIT GAHLOT

.....Petitioner

Through: None.

versus

DEV KUMAR EXECUTIVE ENGINEER & ORS.....Respondents

Through: Mr. Mukesh Gupta, Standing Counsel for MCD with Ms. Madhu Yadav, Ms. Sneha Roy, Ms. Gurleen Kaur Sran & Mr. Shishav Shukla, Advs.
Mr. Vikrant N. Goyal, Mr. Yash Basoya, Mr. Inderpreet Singh & Mr. Kunal Dixit, Advs.
Mr. Abhishek Gupta & Mr. Vivek Mangla, Advs. for DDA.
Mr. Gaurav Sarin, Sr. Adv. with Mr. S.K. Rout, Mr. Aman Mehrotra, Mr. Harish Kumar, Mr. Rahul Kumar, Ms. Himani Tatyal, Ms. Alka Singh, Ms. Prabasini & Ms. Parmita Nath, Advs. for applicant in CM APPL. 34040/2023.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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09.04.2026

1. This hearing has been done through hybrid mode.
2. The present petition under Sections 11 and 12 of the Contempt of Courts Act, seeks the following prayers:-

“a) initiate contempt proceedings against the contemnors for not complying with the order dated 27.01.2020 passed in Writ Petition



(Civil) No.991/2020 titled as "Sh. Rohit Gahlot Vs. South Delhi Municipal Corporation And Ors." by Hon'ble Mr. Justice Jayant Nath of this Hon'ble Delhi High Court;

b) also direct the contemnors to reseal the property No.192, Khasra No. 75, Village Arjun Nagar, Safdarjung Enclave, New Delhi and remove the illegal and unauthorized construction raised therein;

c) also direct the Contemnor No.3/SHO of P.S. Safdarjung Enclave, New Delhi to expeditiously take consequential steps pursuant to the FIRs No.41/2020 and 42/2020 registered upon breaking of the seal in the aforesaid property in compliance of the order dated 27.01.2020;

d) Pass any other order or orders which this Hon'ble Court deem fit and proper in the facts and circumstances of the case in favour of the petitioner and against the contemnors.”

3. *Vide* order dated 27.01.2020 in W.P.(C) 991/2020, the learned Single Judge of this Court had passed the following order:-

“By this Writ Petition the petitioner seeks a direction for demolition of unauthorised and illegal construction raised by respondent No.4 at property No.192, Khasra No.75, Village Arjun Nagar, Safdarjung Enclave, New Delhi. Identical petition was listed today titled Shri Sat Parkash Tokas vs. Shri Virender Nath and Ors. being W.P.(C)5848/2018 which also sought similar relief for the property H-192, Arjun Nagar, Safdarjung Enclave, Village Humayun Pur, New Delhi-110029.

I have today disposed of the said Writ Petition being W.P.(C)5848/2018 based on the status report filed by SDMC whereby they have pointed out that the property in question has been sealed. Report also points out that the seals have been broken twice and different FIRs have been registered against the owners. Directions have also been issued by the court to the SHO Safdarjung enclave, New Delhi to expeditiously take consequential steps pursuant to the FIRs registered upon breaking of the seal. The said order will also apply to the present case.



With the above directions, present petition stands disposed of.”

4. Status report by the concerned SHO has been placed on record wherein it has been recorded as under:-

“That During the hearing in the matter on dated 13/10/2020 the Hon'ble court had ordered to submit the status report. During the enquiry into the matter It was found that a case fir no.- 126/2019 dated-15/05/2019 U/s- 188/448 IPC & 461 DMC Act PS- Safdarjung Enclave was registered on the complaint of Dy. Commissioner South Zone, MCD, Green Park,-New Delhi against Sh. Joginder Nath, Owner/builder of property bearing no.- 11-192, Arjun Nagar,. New Delhi and after investigation a charge sheet U/s – 188/448 IPC & 461 DMC Act was against Sh. Joginder Nath before the Id. court and NDOM is Id/Od/2021. Subsequently two other FIRs on the said properly having case fir nos.-41/2020 dated- 06/02/2020 U/s- 188/44S IPC &. 461 DMC Act PS- Safdarjung Enclave and Case fir nos.- 42/2020 dated- 07/02/2020 U/s- 188/448 IPC & 461 DMC Act PS- Safdarjung Enclave were also registered on the complaint of Dy. Commissioner South Zone, MCD, Green Park, New Delhi against Sh. Ranjeet Singh. Builder of property bearing no.- H-192, Arjun Nagar, New Delhi^ Alter the completion of investigation charge sheet was filed against the accused Sh. Ranjeet Singh. In case fir no.- 41/2020 accused Ranjeet Singh was convicted for offence U/s- 188/448 IPC sentenced to pay a fine of Rs. - 600/. In case fir no.- 42/2020 also accused Ranjeet Singh was convicted for offence U/s- 188/448 IPC sentenced to pay a fine of Rs. - 600/-.

That during enquiry it was found that no construction was going on at the said property bearing no.-,H-192.-.Arjun Nagar, New Delhi for the last one year. Statements of locals were also recorded in these regards and they also corroborated the same. No unauthorized construction was allowed at the property bearing no.- H- 192, Arjun Nagar, New Delhi. Order dated- 27/01/2020 of Hoc' Delhi in W.P.(C) 991/2020 was complianced.”

5. Status report dated 04.07.2023 on behalf of the MCD has already been placed on record, in which it has been stated as under:-



“3. That as per record, it is submitted that in response to letter dated 24/11/2022 of the Building Department -I of South Zone/MCD, regarding necessary compliances with the observations, as had already conveyed to the applicant for regularization 1 compounding of existing construction 1 permissible excess coverage/ deviations in respect of subject properties i.e. bearing H-192 and bearing No. 192/1, Arjun Nagar, New Delhi, a reply was received with the department. On examining the same, vide letters dated 22/03/2023, the applicant was asked to submit documents indicating the date of sub-division of the properties with single entity. Copy of the letters sent on 22/03/2023 by the department are annexed herewith as Annexure -A(Colly).

4. That moreover, on receiving no satisfactory response from the notice/applicant to the aforesaid letters dated 22/03/2023 the respective applications 1 proposals under reference for regularization of existing construction of the subject properties have been duly rejected and communicated vide letters No. D/93/AE(Bldg.)/South Zone/2023 and D/941AE(Bldg.)/South Zone/2023 dated 20/04/2023. Copy of the rejection letters are also annexed herewith as Annexure-B(Colly).

5. That on being aggrieved with the aforesaid action of the department, the owner 1 occupier has preferred two separate Appeals bearing No. 304/ATMCD/2023 and 305/ATMCD/2023 titled as "Joginder Nath VS Municipal Corporation of Delhi" before the Hon'ble Appellate Tribunal/MCD. The said appeals are now listed on 02/08/2023.”

6. None appears on behalf of the petitioner.

7. There has been no appearance on behalf of the petitioner on 06.08.2025, 04.12.2025 (appearance of Mr. S.K. Rout and Mr. Aman Mehrotra had been wrongly shown on behalf of the petitioner, as they were the counsels appearing on behalf of the respondents) and 20.02.2026.

8. In view of the above, the present petition is dismissed in default for non-prosecution and disposed of accordingly.



9. Pending application(s), if any, also stands disposed of accordingly.
10. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 09, 2026/nk/db