



\$~47

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

+ **W.P.(C) 7955/2024 and CM APPL. 32767/2024**

R.D. RAMNATH COMPANY FAMILY TRUSTPetitioner

Through: Mr. Vedansh Vashisht, Advocate.

versus

SUB DIVISIONAL MAGISTRATE & ORS.Respondents

Through: Mr. G S Oberoi (SC-MCD) with
Mr. Ankur Sharma & Mr. J S Oberoi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **21.01.2026**

1. The status report has been presented by the respondents.
2. Even if any subsisting grievance remains, the remedy for the petitioner, lies not before this Court, but before the jurisdictional Magistrate under Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023).

1. Section 152 of the BNSS, 2023 empowers the District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence. The same is also the view taken by this Court in the case titled as *Sh. Nilabh Sharma vs. Municipal Corporation of Delhi Through its Deputy Commissioner, South Zone & Anr.* in W.P.(C) 11400/2024 dated 20.08.2024. The Court has taken into consideration the erstwhile provisions



of the Cr.P.C. *pari materia* to Section 152, which were in Section 133 of the Cr.P.C.

2. The decisions of the Supreme Court in the case of ***Ratlam v. Vardichan***¹, ***Gobind Singh v. Shanti Sarup***², ***Vipan Kumar v. State of Punjab***³, ***Ajeet Mehta v. State of Rajasthan***⁴, ***Gunturi Varalakshmi vs. State of A.P.***⁵ and ***Surender Kumar Sood v. MCD***⁶ were also considered. In paragraph no.14 of the order dated 20.08.2024, the Court has held as under:-

“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 of the aforesaid, if at all the petitioner's grievance is not mitigated, it shall have liberty to approach the jurisdictional Magistrate by way of proper application and to impress upon the said authority to exercise its power under Section 152 of the BNSS, 2023.

5. On receipt of such an application, let the concerned authority to undertake necessary exercise as required in law and to take the issue to its logical conclusion with due expedition.

6. With the aforesaid observations, the instant petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 21, 2026

Nc/ ksr

¹ (1980) 4 SCC 162

² (1979) 2 SCC 267

³ 2017 SCC OnLine P&H 3420

⁴ 1990 Cri LJ 1956 (Raj)

⁵ 2017 SCC OnLine Hyd 290

⁶ 2006 SCC OnLine Del 158