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

+ **CONT.CAS(C) 895/2023 & CM APPL. 11642/2026**

DILIP SHARMA

.....Petitioner

Through: Ms. Rupali Panwar, Mr. Vishal Arun Mishra, Mr. Shubham Gupta, Mr. Avinash Kumar Singh, Mr. Yash Sharma, Advs.

versus

SH. PRADEEP KUMAR, DEPUTY COMMISSIONER MCD

.....Respondent

Through: Mr. Divya Prakash Pande, Standing Counsel for MCD.

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+ **W.P.(C) 15098/2022 & CM APPL. 11855/2026**

DILIP SHARMA AND ANR

.....Petitioners

Through: Ms. Rupali Panwar, Mr. Vishal Arun Mishra, Mr. Shubham Gupta, Mr. Avinash Kumar Singh, Mr. Yash Sharma, Advs.

versus

STATE OF NCT DELHI AND ORS

.....Respondents

Through:

Ms. Astha Gupta, Advocate for R-1 to 4.

Mr. Divya Prakash Pande, Standing Counsel for MCD.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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22.04.2026



1. The present cases relates to the removal of garbage from Geetanjali Enclave, Baba Haridas, Jhadoda area, Delhi (*hereinafter referred to as 'the concerned area'*). The contempt proceedings have arisen from non-compliance of this Court's order dated 21.02.2023. The relevant portion of the order is as follows:

"3. The grievance of the Petitioner is that despite the Id. Counsel for MCD making a statement on the last date of hearing that a concessionaire has been appointed for lifting of the garbage from the Geetanjali Enclave, Baba Haridas, Jhadoda area, no action has been taken.

4. Let a copy of this application along with today's order be served upon Mr. Mohit Bhardwaj, Id. Counsel for the MCD and GNCTD.

5. It is made clear that if the action for removal of the garbage is not taken by the concerned concessionaire within a period of two weeks, adverse action would be liable to be taken by the Court"

2. This Court finds that the Municipal Corporation of Delhi (*hereinafter referred to as 'MCD'*) is vested with adequate statutory powers to deal with such a grievance. Even assuming, it is a private land, where the garbage is being dumped, the same however cannot be a reason not to take appropriate action, if it is causing public nuisance. The MCD must therefore keep in mind its power vested under the provisions of Section 433 of the Delhi Municipal Corporation Act, 1957.

3. This Court, on 10.05.2023, had taken note of the ground reality and had thereby directed the MCD to file an affidavit explaining the steps taken in terms of the order dated 21.02.2023 (for removal of garbage, by the concerned concessionaire). Thereafter, certain compliance affidavits were placed before the Court that do not seem to resolve the issue at all.

4. Even pursuant to the last directions, the affidavit of one Mr. Rajesh



Kumar Asija, Assistant Commissioner, Najafgarh Zone, Municipal Corporation of Delhi, was placed on record. Incontestably, even this affidavit would not redress the issue at hand. The action of merely sealing some parts of the concerned area cannot be seen as a complete resolution of the nuisance herein.

5. The Court also finds that under Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the concerned District Magistrate is specially empowered to investigate the aspect of public nuisances and take corrective measures.

6. In view of the aforesaid, the Court deems it appropriate to direct the MCD and the concerned District Magistrate to undertake a joint exercise, and to ensure a complete resolution of the public nuisance. If, according to their opinion, any other affected parties are to be heard, they shall be at liberty to extend an opportunity of hearing.

7. In any case, the issue in hand must be adequately redressed within a period of three months from the date of receipt of a copy of the order passed today.

8. With the aforesaid directions, the present petition, as well as pending proceedings, stands dismissed.

9. If the grievance of the petitioner is not fully mitigated within the aforesaid time, he shall be at liberty to take appropriate recourse in accordance with law.

PURUSHAINDR KUMAR KAURAV, J

APRIL 22, 2026/P