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

+ **W.P.(C) 15306/2025 and CM APPL. 62749/2025**

ANUBHAV GUPTA

.....Petitioner

Through: Mr. Bibhuti Bhushan Mishra Mr.
Himanshu Mishra, Mr. Dhruv
Chauhan and Ms. Niharika Pun, Adv.

versus

**MUNICIPAL CORPORATION OF DELHI
& ORS.**

.....Respondents

Through: Mr Raghvendra Upadhyay, Ms
Purnima Jain and Mr Swaraj Maurya,
Advocates for R-1.
Mr Kunal Anand, Adv for R-3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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27.01.2026

1. The prayers made in the instant petition is to the following effect:

“1. Issue a writ of mandamus or any other writ order or direction in the nature of mandamus directing Respondent Nos. 1 2 & 3 to restore the subject matter road i.e. Main access Road in C & D Block of Bali Nagar which connects to Raja Garden New Delhi, to its original condition by reconstructing and recarpeting it.

2. Issue a writ of mandamus or any other writ order or direction in the nature of mandamus directing Respondents to remove the debris, stone and soil lying on the subject-matter road which was dug up by the Respondent No 3.

3. Issue a writ of certiorari or any other writ order or direction in the nature of certiorari directing the respondents to place on record the



details of the action taken, if any pursuant to the representations made by the petitioner.

4. Issue a writ of mandamus or any other writ order or direction in the nature of mandamus directing the Respondents to decide the Representation dated 15.09.2025 which has been annexed as ANNEXURE P3, P4, P5 and P6 within a period of 7 days or whatever time deem fit by this Hon'ble Court by way of passing a speaking order after affording an opportunity of being heard to the Petitioner.

5. Issue a writ of mandamus or any other writ order or direction in the nature of mandamus directing the Respondent No. 3 to take immediate corrective actions to stop the sewer over flow in the C & D Block of Bali Nagar near the residence of the Petitioner.

6. Or any other order which this Hon'ble Court may deem fit to pass in the fact and circumstances of the present case."

2. Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (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, to deal with the nature of the grievance raised herein. 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 CR.P.C.

3. In view of the aforesaid, let the petitioner 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.

4. If the grievance of the petitioner is not fully mitigated, thereafter, he shall have the liberty to take appropriate recourse in accordance with law.

5. With the aforesaid directions and liberty, the petition stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 27, 2026

aks/mj