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

+ W.P.(C) 9357/2025 & CM APPL. 39578/2025, CM APPL. 39579/2025, CM APPL. 39580/2025

SCINDIA POTTERIES AND SERVICES PRIVATE LIMITED

.....Petitioner

Through: Mr. Anirban Bhattacharya, Mr. Apoorv Agarwal, Ms. Divya Verma, Mr. Rajeev Chkarborty, Ms. Manini Shah, Advocates (M:9354012801)

versus

NEW DELHI MUNICIPAL COUNCIL

.....Respondent

Through: Mr. Abhinav Bajaj, ASC with Mr. Mayank Bamniyal, Mr. Saksham Ojha, Ms. Geetashi Chandna, Advocates (M:9910161609)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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08.07.2025

CM APPL. 39579/2025, CM APPL. 39580/2025 (For Exemptions)

1. Exemptions allowed, subject to all just exceptions.
2. Applications are disposed of.

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3. The present writ petition has been filed seeking issuance of directions to the New Delhi Municipal Council ("NDMC") to forthwith restrain, cease and desist all unauthorised civil works, specifically, the laying of potable water pipelines, currently being undertaken within the petitioner's privately-owned land located at *Scindia Potteries Compound, Sarojini Nagar, New Delhi-110023*.

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4. It is the contention of learned counsel for the petitioner that the subject land, admeasuring approximately 30 acres, is a privately owned property and lawfully possessed by the petitioner Company by virtue of a registered Perpetual Lease Deed dated 18th January, 1921, granted by the Secretary of State for India in favour of Development Corporation of India Limited (“DCIL”), followed by a Deed of Indenture dated 01st February, 1923, whereby, the property was transferred in favour of the petitioner Company.

5. Thus, it is submitted that the so-called beneficiaries of the aforesaid infrastructure are known illegal occupants against whom the petitioner has already initiated and succeeded in multiple eviction proceedings.

6. It is further submitted that the respondent in a prior Action Taken Report, has expressly acknowledged that the land in question belongs to the petitioner. Thus, learned counsel for the petitioner submits that laying of the said pipelines, is not only *ultra vires* the statutory framework, but is also in gross violations of the rights of the petitioner.

7. *Per contra*, learned counsel for respondent-NDMC has drawn the attention of this Court to the order dated 25th July, 2023, passed in W.P.(C) 11411/2019, titled as “*Hastakla Sangthan Samiti and Ors. Versus The Union of India and Ors.*”

8. By referring to the aforesaid order, learned counsel for the respondent-NDMC submits that every action being undertaken by the respondent, are pursuant to the aforesaid order of this Court.

9. Learned counsel for the respondent - NDMC has also handed over a copy of the order dated 25th April, 2025 passed in CONT. CAS(C) 435/2025, titled as “*Hastakla Sang Than Samiti & Anr. Versus New Delhi Municipal*



Council, to submit that certain directions have been reiterated to provide potable water to the residents of the area in question, which falls within the private land of the petitioner.

10. Having heard learned counsels for the parties, this Court notes that vide order dated 25th July, 2023, passed in W.P.(C) 11411/2019, titled as “Hastakla Sangthan Samiti and Ors. Versus The Union of India and Ors.”, this Court had held as follows:

“1. The petitioner no.1, which claims to be a registered society, has filed this writ petition for the provision of basic amenities such as drinking water, sewerage, sanitation etc., in a “Jhuggi Jhopri” cluster area falling under Khasra No. 436, Village Arak Pur Mochi, Ring Road, Sarojini Nagar, New Delhi and for provision of BPL Ration Card, old age pension and other facilities to its members.

2. Mr. Vijay Pal Singh, learned counsel for the petitioners, submits that the only issues which now require consideration in the writ petition are with regard to provision of toilets and potable water.

3. By the order dated 27.03.2023, as far as these two aspects are concerned, it was directed as follows:

“1. Learned ASC for MCD submits that the Status Report has been placed on record as per which, in response to the request to provide more temporary toilets, the matter was discussed with Swachhta Division. The site plan has also been sent to Chief Architect Department for preparation of architectural drawing for construction of an additional toilet to JJ Cluster. It is also informed that a temporary van will be provided at the site.

2. Learned counsel for the petitioner submits that no such temporary van facility has been provided.

3. Learned ASC seeks some time to obtain instructions in this regard and file the compliance report. **He also submits that looking at the fact that summer is approaching; it will be ensured that there is no scarcity of potable drinking water.**

4. It is directed that necessary steps be taken to provide 10 seats temporary van within one week from today. The respondents would also ensure that proper hygiene and maintenance is taken



care of.

5. List for compliance on 25.07.2023.

6. In the meantime, action taken report be also filed.”

4. Mr. Singh states that a mobile toilet van has been provided by NDMC, however, according to him, it is not functioning. Mr. Gaurave Bhargava, learned counsel for the respondent No. 4 - North Delhi Municipal Council [“NDMC”], submits that he has been instructed that the mobile toilets are functioning. Be that as it may, NDMC is directed to inspect the mobile toilet van which has been provided at the site and to ensure that it is in working condition within three days from today.

5. As far as potable water is concerned, Mr. Singh submits that water has been supplied but is not available regularly. The NDMC is directed to ensure that supply of potable water is also made in the same way as to other localities.

6. It is contended by learned counsel for the respondent No 5 - M/s Scindia Potteries and Services Pvt. Ltd. that the land has been leased to respondent No. 5, and the present writ petition is an attempt by the members of the petitioner no.1 to entrench themselves in possession of various parts of the land in question. He states that respondent No. 5 has already filed civil proceedings for eviction in which certain orders have passed. Appeals remain pending before this Court and conditional interim orders have been granted therein.

7. It is made clear that the orders passed in this writ petition will not prejudice the civil proceedings between the petitioner and its members and respondent No. 5, in any way. The orders for provision of basic facilities are on the basis that the petitioners factually reside in the land in question, and in furtherance of their constitutional guarantees. Mr. Vijay Pal Singh, learned counsel for the petitioner, accepts that they are not entitled to claim any special equities arising therefrom in the civil proceedings, which will be decided on its own merits.

8. Mr. Thakur Virender Pratap Singh Charak, learned counsel for the Union of India, disputes that the land in question remains validly leased to respondent No. 5. He submits that the respondent No. 3 - Land and Development Officer [“L&DO”] has resumed possession of the property. Learned counsel for the respondent No. 5 disputes this position. Be that as it may, this too is not the subject matter of the



present petition. The rights and contentions of the L&DO and respondent No. 5 are left to be agitated in appropriate proceedings.

9. The petition, alongwith pending application, stand disposed of with these observations.”

(Emphasis Supplied)

11. Perusal of the aforesaid order shows that the petitioner herein was present at the time of passing of the aforesaid order dated 25th July, 2023, passed in W.P.(C) 11411/2019. It is only after hearing learned counsel for the petitioner herein, the Court had noted that the order for provision of providing basic facilities was on the basis that the petitioners therein, were factually residing in the land in question, and in furtherance of their constitutional guarantees.

12. The Court had further clarified in the aforesaid order, that the orders passed in the said writ petition will not prejudice the civil proceedings initiated by the petitioner herein in the present case.

13. Thus, when specific orders have already been passed by predecessor bench in previous proceedings, in presence of the petitioner herein, there is no occasion for this Court to entertain the present writ petition, wherein, substantive plea raised is virtually in the nature of appeal against the said order dated 25th July, 2023 passed by the predecessor bench of this Court.

14. Further, this Court takes note of the fact that *vide* order dated 25th April, 2025 passed in CONT. CAS(C) 435/2025, titled as “*Hastakla Sang Than Samiti & Anr. Versus New Delhi Municipal Council*”, the Contempt Court has directed as follows:

“xxx xxx xxx

*9. As regards provision of **potable water**, status report filed on behalf of Executive Engineer (W/S) which states that the water in the area is provided through common stand post/hydrant. At each hydrant, around 10 to 25 families cater for their daily*



water uses. A proposal has been prepared to provide individual water connection to each household under the AMRUT 2.0 Scheme. The said Hastkala Sangathan Samiti has also been considered in the said scheme of providing individual water connection.

10. Accordingly, it is stated in the report that water connection in each household shall be provided through recently awarded work under AMRUT 2.0 Scheme, and will be commenced on or before 30th April, 2025.

xxx xxx xxx”

15. Thus, it is seen that action taken by the respondent-NDMC to provide potable water in the area in question, is pursuant to the directions issued by this Court. Thus, this Court is not inclined to issue notice in the present writ petition.

16. At this stage, learned counsel for the petitioner submits that he shall take clarification of the orders passed by this Court in *W.P.(C) 11411/2019*, as well as in *CONT. CAS(C) 435/2025*.

17. Accordingly, at request, re-notify on 25th September, 2025.

MINI PUSHKARNA, J

JULY 8, 2025

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