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

+ **W.P.(C) 425/2025 & CM APPL. 80029/2025**

ASHOK KUMAR YADAV

.....Petitioner

Through: Mr. Ravin Rao, Mr. Pallav Gupta, Mr. Ayan Sharma, Ms. Jannat Garg, Ms. Sheena Munjal and Ms. Simran Shokeen, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.....Respondents

Through: Ms. Beenashaw Soni, SC for MCD with Ms. Mansi Jain and Ms. Ann Joseph, Advs. for MCD.
Mr. Abhinav Sharma, Advocate for respondent no.2/PWD with Mr. Supinder Singh Exe/PWD and Mr. Suresh Kumar AE/PWD.
Mr. Dhananjai Rana, CGSC for respondent no.3/Delhi Police.
Mr. Pardeep Gupta, Adv with Mr. Parinav Gupta, Adv and Ms. Mansi Gupta, Advocates for applicants.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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18.12.2025

1. Since detailed order passed on 11th March 2025 was not complied with, despite chances being given to all three agencies viz., Municipal Corporation of Delhi ('**MCD**'), Public Works Department ('**PWD**') and Delhi Police, this



Court, on 08th September 2025, considered initiation of contempt proceedings against the highest officers of these organisations.

2. On the said date, respective counsels assured the Court that the issue would be examined seriously and that effective compliance with the Court's order dated 11th March 2025 would be duly reported.

3. However, thereafter, there has hardly been any progress made in the matter although the matter was listed before this Court subsequently on 11th September 2025 and 20th November 2025.

4. Even today, when the matter is listed before this Court, we hardly see any satisfactory progress in the matter.

5. The pleadings, if perused, show that none of respondents have placed on record an affidavit demonstrating that the orders of this Court have been complied in true letters and spirit.

6. During the course of hearing, counsel appearing for concerned SDM has passed on certain papers, however, the authenticity of the same cannot be established as neither they are certified to be true nor is there any supporting affidavit along with said documents.

7. The affidavit of MCD and Executive Engineer, PWD, though, reflects colourful pictures; however, after careful perusal of the same and also the contents of the affidavit, we can make out that there is lack of dedication in the matter of removal of encroachment and unauthorised construction. Though it is claimed that the concerned SDM has engaged a private agency for the purpose of carrying out demarcation of the existing road, and such act is likely to take some time, however, we are unable to accept the said contention, for want of any affidavit to that effect.

8. We can also see that unauthorised construction is also carried out on



the drains, which were constructed by the local authorities. All three authorities, including MCD, PWD and Delhi Police, have turned a blind eye to the same. Such illegal and unauthorised construction is at the cost of the public inconvenience, as we are informed that that there is heavy vehicular traffic including that of heavy vehicles. The leftover width is hardly sufficient to smooth flow of traffic. The illegal and unauthorised vendors, illegal parking on the road is adding to the suffering of commuters and public at large.

9. In such an eventuality, it was expected of all the three agencies to carry out the work of removal of unauthorised construction and structures with utmost dedication.

10. Since we have observed that there is a lack of such dedication, and the concerned SDM has also till date not placed on record an affidavit of the demarcation being carried out or steps for carrying out such demarcation being taken, we deem it appropriate to saddle cost of Rs. 25,000/- (*Twenty-Five Thousand*) on the SDM to be recovered from his salary to be deposited within a period of 12 weeks, with the DHCLSC.

11. As prayed, we permit concerned SDM to place on record an affidavit in this matter and steps taken by it in the matter of implementation of orders of this Court within period of four weeks.

12. Similarly, as prayed, we grant MCD, Delhi Police so also PWD, last opportunity to file their affidavit disclosing the steps taken on day-to-day basis in the matter of not only removal of unauthorised construction but also maintaining the very width that was originally existing.

13. Let the entire exercise of filing their respective affidavits be placed on record within a period of four weeks from today.

14. List on 22nd January 2026.



15. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

DECEMBER 18, 2025/RK/bp