



2025:DHC:6143



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 28.07.2025

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W.P.(CRL) 2214/2024, CRL.M.A. 21651/2024 & CRL.M.A. 21649/2024

MOHD TAZEEM

.....Petitioner

Through: Mr. Shahzeb Ahmed, Advocate
(through videoconferencing).

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: None for R-1 & 3.

SI Akashdeep, PS Jamia Nagar.

Mr. Sharique Hussain, Advocate for
R-2.**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The petitioner has assailed order dated 04.12.2023 passed by the learned Trial Magistrate in case titled '*State vs. Mohd. Tazeem*'. None is present for State (*respondent no.1*) and MCD (*respondent no.3*). I have heard learned counsel for petitioner and learned counsel for BSES RPL (*respondent no.2*).

2. It appears that on the allegation of an unauthorized construction activity on 4th floor of the subject premises, prosecution was commenced against the present petitioner, in the course whereof the learned Trial Magistrate passed the impugned order. It would be apposite to extract the impugned order, which is as follows:

"JLO submits that according to the report the property was found



locked so it could not be determined whether electricity and water supply connection have been disconnected on the said property or not.

He submits that notice have been issued to the Vice President, BSES and ACE (M)-11 South Delhi Jal Board requesting to disconnect the water and electricity supply. He has supplied copy of the same. The same is taken on record.

Issue notice to Sh. Subhash Chand Gaur , Assitant Vice President VRBP BSES Sub Station Building, Adchini Aurbindo Marg, New Delhi to apprise the court whether electricity connection of the property no. 04, Main Road, Zakri Nagar (corner property), Jamia Nagar, New Delhi has been disconnected in compliance with Order of Hon'ble Delhi High Court in Kalyan Sansthan Social Welfare Organization Vs. Union of India.

Issue notice to B.C.Patel, ACE (M)-11 South Delhi Jal Board, to apprise the court whether water supply connection of the property no. 04, Main Road, Zalai Nagar (corner property), Jamia Nagar, New Delhi has been disconnected in compliance with Order of Hon'ble Delhi High Court in Kalyan Sansthan Social Welfare Organization Vs. Union of India.

Copy of the notice issued to both B.C.Patel and Subhash Chand Gaur be sent alongwith process.

Be put up for 28.03.2024."

3. Learned counsel for petitioner, after taking me through the impugned order contends that the judgment in the case of *Kalyan Sansthan Social Welfare Organization*, referred to in the impugned order is not applicable to the case of the present petitioner, therefore, the impugned order is not sustainable in the eyes of law.

4. But despite repeatedly being called upon, learned counsel for petitioner does not address as to what is his *locus standi* to challenge the impugned order.

5. By way of the impugned order, what was done by the learned Trial Magistrate is only issuance of notice to BSES authority and South Delhi Jal Board to apprise the Trial Court as to whether the electricity and water



supply has been disconnected at the subject premises. Nothing else was directed in the impugned order. That being so, even if assumingly possible to challenge the issuance of notice, it is only the BSES or South Delhi Jal Board who can challenge that order. The petitioner, facing trial has no *locus standi* to challenge the impugned order whereby the Trial Court has only sought necessary information from the said two authorities.

6. Whether or not the judicial precedents referred to in the impugned order are applicable, would have to be examined only in a case if relying upon those precedents some substantive order was passed. That is not the present case.

7. The impugned order is merely procedural order. Merely because after receiving notice, the concerned authorities or either of them disconnected the supply of electricity and/or water at the unauthorizedly being constructed 4th floor, the order issuing notice to the authorities to disclose the status cannot be assailed in these proceedings.

8. The petition, being devoid of merit is dismissed and the interim order dated 25.07.2024 is vacated with immediate effect. The pending applications also stand disposed of.

**GIRISH KATHPALIA
(JUDGE)**

JULY 28, 2025/DR