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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 15th October, 2026***# **CNR No. DLHC010105882026**+ **CONT.CAS(C) 452/2026****SAMAST JAWALA HERI GAON RESIDENTS WELFARE ASSOCIATION (REGD.)**

At WZ-67, Jawala Heri, New Delhi-110063

Through Its General Secretary

Sh. Devender Kumar

.....Petitioner

Through: Mr. Pankaj Tomar, Adv.

versus

1. SH. SANDEEP KUMAR

Deputy Commissioner

Municipal Corporation of Delhi

Keshav Puram Zone

Delhi-1100352.

.....Respondent No.1

2. SH. RAJPAL MEENA

Station House Officer

P.S. Paschim Vihar (East)

New Delhi-110063

...Respondent No. 2

Through: Ms. Anju Tyagi, SPC with Ms. Archana Kumari, G. P. for Delhi Police.

Mr. Manu Chaturvedi, Standing Counsel for MCD.

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. Contempt Petition (Civil) under Sections 11 and 12 of the Contempt of Courts Act, 1971, has been filed on behalf of the Petitioner for initiation



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of contempt proceedings for wilful and deliberate disobedience of the Order dated 06.08.2025 in W.P.(C) No. 11732/2025.

2. It is submitted in the petition that the Petitioner, Residents Welfare Association (Regd.), had filed W.P.(C) No. 11732/2025 complaining of large-scale illegal encroachments and unauthorised permanent construction on the internal road—from Shop No. 14, Sarbati Extension, to House No. 19, and from Kumar Sweets to House No. 52-B—as well as on Phirni Road and the adjoining streets of Jawala Heri Village and Market, Delhi. It was alleged that the encroachments had narrowed the surrounding roads into alleys, gravely endangering public safety and obstructing emergency services. The Petition was disposed of by the Division Bench *vide* Order dated 06.08.2025 by observing as under:-

“2. For redressal of his grievances the petitioner has already approached the Administrative Reforms and Public Grievances Department as is apparent from a perusal of the complaint, which is said to have been received on 25.03.2025 and has been enclosed as Annexure P-6.

3. Accordingly, without expressing any opinion as to the issue raised in this petition, we dispose of this writ petition with a direction to the competent authority of the respondent to look into the said complaint and take appropriate decision and action which may be warranted under law with expedition.”

3. The aforesaid Petition was disposed of with the direction to the competent authority of the respondent, to take appropriate action as warranted under law, with expedition.

4. Pursuant to these directions on 12.11.2025, a joint anti-encroachment drive was conducted by the officials of Municipal Corporation of Delhi and Delhi Police and the unauthorised permanent encroachments were removed from Dilip Singh Park till Haryana Dairy on Phirni Road, Jawala Heri



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Village. This action was widely acknowledged by local residents.

5. However, shockingly and in complete disregard for the authority of this Hon'ble Court, the same encroachers, with impunity and without fear of the law, once again reoccupied the very same public road by raising permanent and semi-permanent structures at the identical locations from which the encroachments had been removed by the concerned authorities.

6. It is claimed that the re-encroachment is not accidental or temporary but is deliberate, organised and structural in nature, clearly demonstrating that the Respondents have failed to ensure compliance with the judicial mandate and have allowed the situation to revert to complete illegality.

7. Aggrieved by the said wilful defiance, the Petitioner had lodged a detailed complaint dated 08.01.2026 before the Deputy Commissioner of Police, Delhi, through the Public Grievance Monitoring System of the Hon'ble Chief Minister's Office, Delhi, bearing ID No. DEL/2026187815.

8. Instead of taking any coercive or preventive action, the Police authorities merely recorded a perfunctory "final action," stating that the matter had been enquired into by the ACP, Paschim Vihar, and that the Petitioner had informed the MCD, thereby washing their hands of their statutory and court-mandated responsibilities.

9. The Petitioner further alleged that this amounted to a conscious abdication of duty, as the Police are under a clear obligation to prevent the recurrence of illegal acts, particularly when such acts violate a judicial order. It is further stated that an identical complaint dated 08.01.2026 was submitted to the Commissioner, MCD, through the Public Grievance system, bearing ID No. DEL/2026186031, but the MCD failed to demolish the fresh structures, initiate prosecution, impose penalties, or take sealing



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action.

10. The Petitioner then submitted Written Complaint dated 27.01.2026, drawing attention to the encroachments and seeking strict penal and preventive action against the encroachers. However, it is alleged that the Respondents took no action. The Petitioner further claimed that the Respondents' silence and inaction emboldened the encroachers, who continued to violate the law and judicial directions openly and fearlessly, thereby rendering the Order dated 06.08.2025 meaningless and ineffective. Hence, the Contempt Petition was filed, seeking punishment of the Respondents under the Contempt of Courts Act.

11. The Status Report has been filed on behalf of the Municipal Corporation Delhi, wherein it has been explained, that upon receipt of the Petitioner's complaint regarding the re-encroachments, a Letter dated 20.04.2026 has been sent to the SHO, PS Paschim Vihar (East), Delhi, for taking the necessary action. The same be taken on record.

12. Along with the Status Report, photographs and various letters are filed along with the Standing Order No. L&O/81/2022 detailing the responsibility of the Police regarding unauthorised construction and encroachment on the Government land. It is submitted that the Zonal Assistant Engineers (Building), have been legally empowered to sign and issue letters to the Police Authorities under Section 344 (2) of DMC Act.

13. Thereafter, the SHO to whom the letter is addressed, has to take immediate action to stop the construction, remove the workmen and seize the construction material, including tools and machinery. Further, the MCD is mandated to depute staff to take over the seized goods during the operation, after which the goods were to be deposited with the J.E. (Store).



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14. However, if it is not practically possible for the Police Officer in-Charge to give advance intimation to the MCD authorities, the Police Officer shall, after the seizure of the goods, intimate the MCD authorities for taking over the said goods. Further, for any violation of DMC Act, it is required to be intimated to the concerned Municipal Officer by the Officer-in-charge of the Police Station as per Section 475 of the Act.

15. **It was submitted on behalf of the Respondent No. 1 that** all encroachments in the area had been removed on 12.11.2025, a fact admitted by the Petitioner in the Writ Petition, wherein it had also stated that the Respondents' action was applauded. It was further submitted that the encroachers had again encroached upon the market area and that action had already has been initiated.

16. **Respondent No. 2, the SHO, P.S. Paschim Vihar East, stated** in his Status Report that the identification of encroachments, determination of the ownership or municipal status of the land, and removal or demolition of unauthorised structures, fall within the jurisdiction of the competent civic authority, in accordance with law. It was further stated that 11 FIRs had been registered against the encroachers between 02.03.2026 and 04.10.2026, the details of which were set out in the Status Report. The Status Report also stated that P.S. Paschim Vihar East had been taking continuous and sustained action, in accordance with law, against incidents involving the market area.

17. **Learned counsel for the Delhi Police** also submitted that action is being taken, pursuant to the letter received from the MCD.

Submissions heard and the record perused.

18. It is evident from the averments in the Petition itself that, pursuant to



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the Order dated 06.08.2025, the Respondents undertook a joint anti-encroachment drive on 12.11.2025 and completely removed the encroachments, a fact acknowledged by the Petitioner itself.

19. Pursuant to the subsequent encroachments, which have been made again, the Respondents/MCD and the Delhi Police are taking action in accordance with law. It cannot be overlooked that this is a recurring issue requiring redress, whenever encroachers reappear at the sites. It cannot be said that the Respondents wilfully or contumaciously disobeyed the Court's directions; however, the Respondents have already initiated steps for removal of the encroachments.

20. No further directions are merited in the present Contempt Petition, which is hereby disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

OCTOBER 15, 2026/RS