



**GOVT OF NCT OF DELHI**  
**OFFICE OF THE SUB DIVISIONAL MAGISTRATE (CIVIL LINES)**  
**KHASRA NO.549, 1<sup>ST</sup> FLOOR, OLD NDPL BUILDING,**  
**BURARI, DELHI-110084**

No.-F/SDM/CL/152 BNSS/2025/ 5312-17

Dated. 10.09.2025

Case No.:

Date: 01.09.2025

In the matter of: Complaint regarding public nuisance

Residents of Sehgal Colony & Court Lane, Civil Lines, Delhi-110054

(through Tehsildar, Civil Lines O/o SDM, Civil Lines)

... Versus ...

Owner/ General Manager/ Project Manager of Construction Co.  
of Property No.- 07, Opp. Police Line, Civil Lines, Delhi-110054

**CONDITIONAL ORDER**

**(UNDER SECTION 152 OF THE BHARATIYA NAGRIK SURAKSHA SANHITA)**

WHEREAS, a horrific incident took place in Property No.-01, Court Lane, Civil Lines, Delhi-110054 on 29.07.2025, where a wall collapsed due to heavy rains, killing two people and seriously injuring two.

AND WHEREAS, on the day of the fatal incident, the tehsildar immediately rushed at the place/spot to investigate the incident and render assistance. During the investigation of the fatal incident, the local residents of Sehgal Colony & Court Lane had also complained about the public nuisance created by the owner of Property No.- 07, Opposite Police Lines, Civil Lines, Delhi-110054, who had erected a temporary dilapidated tin sheet wall structure of about 40 feet high and 60 feet length adjacent to the back street (i.e. Latitude 28.671535° Longitude 77.219909°, Court Lane, Civil Lines, Delhi). This wall is made of thin and sharp edge tin sheets of iron. Each tin sheet is very light in weight, which can fall anywhere anytime in a mild storm and can cause a serious fatal accident.

AND WHEREAS, the residents also complained that serious fatal incident can happen anytime to the passersby school going children, women, senior citizens etc. And the residents of the locality are facing serious threat to life and property and there can be huge loss of life and property.



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**AND WHEREAS**, the tehsildar of this Sub-Division immediately visited the back lane and found that all the things told by the local residents are true. The school going children, women, elderly people keep passing through the back lane (i.e. **Court Lane, Civil Lines, Delhi**) and even vehicles are parked in the lane.

**AND WHEREAS**, the temporary iron tin sheet wall (which is very thin and sharp edge) erected by the property owner may fall down anytime due to heavy rain or strong storm/hurricane.

**AND WHEREAS**, even the tin sheets, being very thin and sharp edge, can fly away in a storm and fall on someone's house or on a passerby, school going children, women, elderly people passing through the back lane may cause huge & heavy loss of life and property and serious accident may also happen, people passing through the back lane may lose their lives also.

**AND WHEREAS**, after going through the facts, the undersigned have gone through the relevant provisions that are reproduced herein below: -

Section. -152 of **Bharatiya Nagarik Suraksha Sanhita, 2023**

(Public nuisances) Conditional order for removal of nuisance

(1) Whenever a District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers

(a) that any unlawful obstruction or nuisance should be removed from any public place or from any way, river or channel which is or may be lawfully used by the public; or

(b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated; or

(c) that the construction of any building, or, the disposal of any substance, as is likely to occasion configuration or explosion, should be prevented or stopped; or

(d) that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary;

or



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(e) that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public; or

(f) that any dangerous animal should be destroyed, confined or otherwise disposed of, such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order-

(i) to remove such obstruction or nuisance; or

(ii) to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation, or to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed; or

(iii) to prevent or stop the construction of such building, or to alter the disposal of such substance; or

(iv) to remove, repair or support such building, tent or structure, or to remove or support such trees; or

(v) to fence such tank, well or excavation; or

(vi) to destroy, confine or dispose of such dangerous animal in the manner provided in the said order, or, if he objects so to do, to appear before himself or some other Executive Magistrate subordinate to him at a time and place to be fixed by the order, and show cause, in the manner hereinafter provided, why the order should not be made absolute.

**AND WHEREAS**, upon preliminary investigation and considering the report of the Tehsildar, Civil Lines, it appears that the said nuisance is causing inconvenience, panic and annoyance to the local residents and it is necessary to take action to remove the nuisance; However, imminent danger is not always a prerequisite for invoking Section 152; likelihood of public nuisance can be sufficient.

**AND WHEREAS**, before the enactment of the Bhartiya Nagrik Suraksha Sanhita, 2023, it was known as the Code of Criminal Procedure, 1973. Now Section 133 of Code of Criminal Procedure has been replaced by Section 152 of the Bhartiya Nagrik Suraksha Sanhita.



The Hon'ble Supreme Court in case titled **Municipal Corporation of Delhi v. Purushottam Dass Jhunjunwala (1983)**: held that:-

*"Section 133 CrPC could be invoked even in the absence of imminent danger if the act complained of is likely to cause a public nuisance. The Court reasoned that the purpose of Section 133 CrPC is to prevent the occurrence of public nuisances, and that it would be futile to wait until a nuisance actually materializes before taking action".*

**State of Rajasthan vs. Prem Phutela (2002)**: In this case, the Supreme Court held that:-

*"Section 133 CrPC can be invoked to remove any public nuisance, even if it is not caused by a specific person. The Court also held that the Magistrate has the power to order the removal of the nuisance at the person's expense, even if the person denies creating the nuisance".*

**Hon'ble Supreme Court in case titled Municipal Council, Ratlam vs. Vardhi Chand, (1980) 4 SCC 162 : AIR 1980 SC 1622 has held that.-**

*'the Magistrate's responsibility under **Section 133** Cr.P.C. is to order removal of nuisance within a time to be fixed in the order. This it was said is a public duty implicit in the public power to be exercised on behalf of the public and pursuant to a public proceeding. It was said that **Section 133** Cr.P.C., permits enforcement of civic rights under the Municipal Law where the neglect had led to a public nuisance. The **Section** permits affirmative action to abate the nuisance on a time bound basis by issuing specific directives. Failure to comply with the directions issued by a Magistrate would be visited with the punishment contemplated by **Section 188** of the Penal Code, 1860 ("**IPC**" - for short). The Municipal or other Executive Authorities are bound by the order under **Section 133** Cr.P.C. and they are to obey the directions of the Sub Divisional Magistrate because disobedience, if it causes obstruction or annoyance or injury to any persons lawfully pursuing their employment is to be punished with simple imprisonment or fine".*

THEREFORE, I, Vijay Singh Malik, Sub-Divisional Magistrate, Sub-Division Civil Lines, District- central, Delhi, hereby direct the said Property Owner/ **Owner/ General Manager/ Project Manager of concerned Construction Co.** ( Respondent),  
to:

To avoid any serious accident, panic and inconvenience to the residents passing through the Lane/Gali (i.e. **Court Lane, Civil Lines, Delhi** Latitude



*[Handwritten signature]*

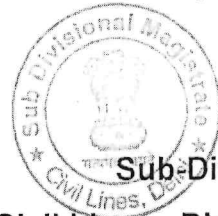
28.671535° Longitude 77.219909°), this temporary tin sheet structure (wall) should be removed immediately within a 15 days from the date of issue of this order.

The owner of the said Property is hereby called upon to appear before me on 19.09.2025 at 3.30 PM in my office to show cause why this order should not be made absolute.

Failure to comply with this order or to appear in person, this conditional order will result in further proceedings as per law.

Let a copy of this order be served to the SHO (Civil Lines), Delhi police to ensure compliance of this order by the respondent. In case of disobedience by the respondents, the SHO (Civil Lines) will get the nuisance removed within 07 days after lapsing of 15 days period given to the respondent from today at the cost and perils of the respondent herein and file compliance report before this court.

Given under my hand & seal of this court on this 10<sup>th</sup> Day of September, 2025.



(Vijay Singh Malik)

Sub-Divisional Magistrate  
Civil Lines, District- Central, Delhi

To,

**Owner/ General Manager/ Project Manager of Construction Co.**

**Property No.-07, Opposite Police Lines, Civil Lines, Delhi-110054**

Copy to.-

1. Dy. Commissioner, Municipal Corporation of Delhi (MCD, Civil Lines Zone) is Building No. 16, Rajpur Road, Civil Lines Zone, Delhi - 110054.
2. PS to Distt. Magistrate, Distt. Central. Daryaganj, Delhi
3. Tehsildar, Civil Lines, Burari- With the instructions to deliver a copy of this order immediately to the **owner/ General Manager/ Project Manager of concerned Construction Co.** of the said property and paste a copy of the order at the above-mentioned address also.
4. The Programmer, NIC, Distt.- Central- with the request to upload the present conditional order on the official website of District- central.
5. SHO, Civil Lines, Delhi- for compliance of the order.