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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 739/2011

VISHWA PRAKASH JOHRI

..... Petitioners

Through: Mr. Rakesh Makhija, Adv. with
Mr. Vishal Bansal, Mr. Gaurav,
Mr. Abhishek, Advs.

versus

K.S. MEHRA, MCD & ANR

..... Respondents

Through: Ms. Mini Pushkarna, Adv. with Mr.
Rajesh Singh, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

21.10.2011

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1. The present petition is filed by the petitioner praying *inter alia* that contempt of court proceedings be initiated against the respondents for willful non-compliance of the order dated 12.07.2011 passed in **W.P.(C) No.4078/2011** filed by the petitioner.

2. In the aforesaid petition, the petitioner had sought directions to the respondent/MCD to take steps to stop the illegal and unauthorized construction being carried out at property bearing No.C-471, Johri Kunj Gali, Basti Nanak Chand, Kotla Mubarak Pur, New Delhi – 110 003.

3. In view of the submission made by counsel for the respondent/MCD in the aforesaid petition that a demolition order dated

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file and no page is missing.

10.6.2011 had been passed in respect of the subject premises and action of demolition was being contemplated by the respondent, the said petition was disposed of with a direction to the respondent/MCD to ensure that the unauthorized construction was removed at the earliest.

4. Counsel for the petitioner states that some cosmetic demolition action was undertaken by the respondent/MCD on 15.07.2011, however since there is ongoing unauthorized construction being carried out at the site, the petitioner has been compelled to file the present contempt petition.

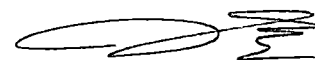
5. Counsel for the respondent/MCD, who appears on advance copy, hands over a copy of the compliance report dated 21.10.2011 which is taken on record. As per the averments made in the compliance report, it is stated that a demolition action in respect of the subject premises was undertaken on 15.07.2011, by demolishing the RCC roof and cutting it down at three places, upto the first floor and that follow up demolition action was slated for 08.09.2011, 12.10.2011 and 18.10.2011 but the same could not be undertaken on those dates due to the non-availability of the police force. Subsequently, a sealing show cause notice dated 14.10.2011 was issued and when no reply was received, a vacation notice dated 18.10.2011 was issued and a

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sealing order dated 19.10.2011 came to be passed. Thereafter, the respondent/MCD proceeded to take demolition action in respect of the first floor of the subject premises and the rest of the property was sealed at 7 points. Photocopies of the relevant documents and photographs of the demolition and sealing action are enclosed with the compliance report. Counsel for the respondent/MCD states that even though the sealing action has already taken place, further action contemplated by MCD shall also be undertaken.

6. In view of the above, this Court is satisfied that compliances have been made by the respondent/MCD by undertaking demolition action and sealing action on the subject premises. Respondents shall further ensure that the seals are not tampered with and no further unauthorized construction is undertaken at the subject premises. It is also directed that the remaining demolition action be undertaken by the respondent/MCD in a time bound manner preferably within a period of 6 weeks from today, and an affidavit in that regard shall be filed in the present proceedings.

The petition is disposed of.



HIMA KOHLI,J

OCTOBER 21, 2011
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