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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 546/2012 & CM APPL. 17255/2015

MAYAPURI IRON MERCHANTS
WELFARE ASSOCIATION

..... Petitioner

Through: None.

versus

ANAND K TIWARI, DIRECTOR REHABILITATION
DELHI URBAN SLUM IMPROVEMENT BOARD Respondent

Through: Mr. Nitin Jain, Advocate for
Mr. Parvinder Chauhan, Advocate for
respondent No.1.

Mr. Amiet Andlay, Advocate for
respondent No.2.

Mr. Ajayh Verma, Advocate with
Mr. Vaibhav Mishra, Advocate for
DDA.

Mr. Mukesh Gupta, Advocate for
SDMC.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

17.10.2016

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At the first call, a proxy counsel had appeared for the petitioner and had prayed for an adjournment.

Mr. Mukesh Gupta, learned counsel for respondent-SDMC had objected to the request for adjournment on the ground that the order in question stood complied with. Mr. Gupta had referred to para 3 of the compliance affidavit dated 07th September, 2015 which reads as under:-

“3. That in terms of directions dated 27.04.2012 in WP(C) No.2489/2012 and order dated 18.03.2015 passed by this Hon’ble Court in the present petition, a joint encroachment removal action from the right of way of roads/lanes adjoining plot No.113 to 121 and E-132 to E-165 Industrial area Mayapuri under the jurisdiction of Police Station Mayapuri was fixed for 27.08.2015 for the remaining area under encroachment as per petition and during action 17 number of temporary structure/jhuggies have been removed from the right of way of E-132 to E-165 Mayapuri Industrial area Phase-II. The malba/debris from the site of removal of encroachment has also been removed. A letter dated 28.08.2015 has been issued to the SHO PS Mayapuri for strict vigil over the area so that area be not re-encroached and in case any person is found re-encroaching the area/grabbing the govt. land the necessary punitive action under relevant rules of IPC may be initiated. Copy of the action taken report is attached herewith as annexure-‘A’, photographs of the action taken are attached herewith as annexure-‘B’ and copy of the letter to SHO Mayapuri dated 28.08.2015 is attached herewith annexure-‘C’.”

Consequently, this Court had asked the proxy counsel for petitioner to obtain instructions from the petitioner’s counsel as to whether the matter had become infructuous. The proxy counsel had stated that he would revert back at the pass over stage.

However, at the pass over stage, none is present for the petitioner.

Since neither any reply affidavit has been filed to the compliance affidavit dated 07th September, 2015 nor the proxy counsel for petitioner is present at the pass over stage, present contempt petition and application are disposed of as satisfied.

MANMOHAN, J

OCTOBER 17, 2016

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