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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) No.516/2016 & CM No.16681/2016 (for directions)**
SANJIV KUMAR VASHIST @
SANJIV KUMAR SHARMA Petitioner

Through: Petitioner in person.

versus

SHRI PUNEET KUMAR GOYAL, COMMISSIONER
SOUTH DELHI MUNICIPAL CORPORATION
& ANR. Respondents

Through: Mr. Ajay Kumar Arora with Mr.
Kapil Dutta, Advs. for SDMC.
Mr. Sarvesh Bhardwaj, Adv.
Ms. Sahila Lamba, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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06.05.2016

1. This petition is put up before this Bench on account of Justice J.R. Midha being on leave and in accordance with Administrative Order dated 6th May, 2016 of Hon'ble the Chief Justice.

2. Contempt is alleged against the Commissioner of South Delhi Municipal Corporation (SDMC) and against the Station House Officer (SHO), P.S. Malviya Nagar, South District, New Delhi of order dated 24th May, 2013 in W.P.(C) No.2140/2013 filed by the petitioner.

3. On enquiry as to what is the urgency and why can the Roster Judge be not awaited, the petitioner in person states that the unauthorised construction in contravention of the orders of which contempt is averred is going on and needs to be stopped.

4. Mr. Sarvesh Bhardwaj who is alleged to be carrying out unauthorised construction, besides the counsel for the respondent No.1 SDMC and the

counsel for the respondent No.2 SHO, P.S. Malviya Nagar, New Delhi, also appear on advance notice.

5. W.P.(C) No.2140/2013 supra came up first before this Court on 5th April, 2013. Finding that the grievance of the petitioner therein was to unauthorised construction by the said Mr. Sarvesh Bhardwaj in property No.361-B, Chirag Delhi, New Delhi, notice to show cause why the writ petition be not admitted was issued and the respondent No.1 SDMC was directed to inspect the property within ten days and to issue Work Stop Notice if unauthorised construction was found. The respondent No.1 SDMC filed a Status Report to the effect that the property was inspected and had been booked and action for demolition of unauthorised construction therein had been taken. Accordingly, vide order dated 24th May, 2013, recording the statement of the respondent No.1 SDMC that it will ensure that no further unauthorised construction is carried out at the said property, the writ petition was disposed of.

6. The counsel for the respondent No.1 SDMC states that the demolition action with respect to the property was taken on 9th and 16th April, 2013 as also recorded in the order dated 24th May, 2013 and thereafter it came to the notice of the respondent No.1 SDMC on 1st May, 2016 that the said Mr. Sarvesh Bhardwaj has again commenced unauthorised construction and on 2nd May, 2016 itself show cause notice was issued to him not to carry out any unauthorised construction.

7. Mr. Sarvesh Bhardwaj on his part states that he is only carrying out repairs in his property after giving intimation to the respondent No.1 SDMC and is not carrying out any unauthorised construction. It is also his

contention that the petitioner is an extortionist who has filed as many as nine writ petitions in this Court with respect to various properties in Chirag Delhi, New Delhi and obtained orders for demolition of unauthorised construction with respect thereto and accepted monies from the respondents therein for not taking any further action of contempt against them.

8. Needless to state that the petitioner controverts.

9. Both the petitioner and the said Mr. Sarvesh Bhardwaj are professed to be Advocates and the disputes between them appear to be a result of their *inter se* fights, being neighbours.

10. This Court cannot allow its process to be utilised by warring neighbours to settle their personal scores.

11. Even otherwise the respondent No.1 SDMC cannot be expected to for all times to come, year after year keep watch on each and every property with respect to which writ petitions are filed and to be proceeded against for contempt for any unauthorised construction on the said properties at any time in future.

12. Thus no case for entertaining this contempt petition is made out.

13. However the respondent No.2 SHO, P.S. Malviya Nagar, New Delhi is requested to ensure that no unauthorised construction takes place in property No.361-B, Chirag Delhi, New Delhi and if finds any unauthorised construction, to immediately inform the same to the respondent No.1 SDMC and the respondent No.1 SDMC is requested to take action.

14. The respondent No.1 SDMC is also directed to inspect the properties of both the petitioner as well as Mr. Sarvesh Bhardwaj and to have a site

plan of the said properties drawn and to have the said properties photographed and to maintain a record of the same with itself so that in future, unauthorized construction if any can be determined.

15. Both the petitioner and the said Mr. Sarvesh Bhardwaj are directed to deposit Rs.10,000/- each within one week with the respondent No.1 SDMC towards expenses to be so incurred by the respondent No.1 SDMC.

16. If the amount is not deposited, the counsel for the respondent No.1 SDMC is given liberty to inform the Court for appropriate action against both of them.

17. Both the petitioner and Mr. Sarvesh Bhardwaj are also directed to within one month deposit Rs.25,000/- each in the Delhi Police Welfare Fund for involving the Police in their personal disputes.

18. The counsel for the respondent No.2 SHO is also similarly given liberty to mention if the amount is not deposited.

19. The petitioner is also found to be using various names while filing petitions and is directed to in future fill all proceedings in one name only and not to use different names.

Dasti.

RAJIV SAHAI ENDLAW, J.

MAY 06, 2016

20. The counsel for the petitioner and Mr. Sarvesh Bhardwaj have mentioned the matter post lunch and have also called the counsel for the respondent No.1 SDMC to this Court.

21. The petitioner Sanjiv Kumar Vashist @ Sanjiv Kumar Sharma @ S.K. Sharma & Mr. Sarvesh Bhardwaj state that they have realised their folly and apologize for troubling the governmental / municipal agencies and will hereafter live in harmony and not fight with each other and will not make complaints to the agencies against each other and the petitioner withdraws this petition and accordingly they be relieved of the obligation to pay Rs.10,000/- each to the respondent No.1 SDMC and to deposit Rs.25,000/- each in the Delhi Police Welfare Fund.

22. The counsel for the respondent No.1 SDMC has left the matter to the discretion of the Court.

23. The contempt petition is accordingly dismissed as withdrawn.

24. The petitioner Sanjiv Kumar Vashist @ Sanjiv Kumar Sharma @ S.K. Sharma & Mr. Sarvesh Bhardwaj are bound down by their statements and ordered to abide thereby. On this condition, they are relieved of their obligations to make the payments as ordered. However this will not relieve the respondent No.1 SDMC from ensuring that the unauthorised construction if any in the property of both is taken action against and will not relieve the SHO, police station Malviya Nagar from the obligation in law to ensure that no unauthorised construction takes place in the property of either of them.

RAJIV SAHAI ENDLAW, J.

MAY 06, 2016

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