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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 952/2016 & C.M.No.29628/2016

MADHU SODHI Petitioner

Through Petitioner in person.

versus

PUNEET KUMAR GOEL, COMMISSIONER SDMC & ANR

..... Respondents

Through Mr.Ajjay Aroraa with
Mr.D.K.Puchnanda, Advocates for
EDMC.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **16.08.2016**

Present contempt petition has been filed alleging wilful disobedience of the order dated 04th October, 2010 passed in W.P.(C) 542/2010 whereby a Coordinate Bench of this Court directed the respondent-MCD to take action for demolition of unauthorised construction in property bearing C-462, Defence Colony, New Delhi, unless there is a stay from the Appellate Tribunal, MCD.

The Coordinate Bench of this Court had also permitted the private respondents occupying portions of the aforesaid property to pursue their application for regularisation.

The petitioner, who appears in person, states that officials of North DMC have failed to demolish unauthorised construction in the said property.

A perusal of the order dated 6th June, 2016 passed by the Appellate Tribunal, MCD reveals that the MCD filed a status report stating that the alleged unauthorised construction in question is protected under the National Capital Territory of Delhi Laws (Special Provisions) (Second Amendment) Act, 2014. In view of the said statement, the appellants before the Appellate Tribunal, MCD withdrew their appeal.

In the opinion of this Court, if the petitioner is aggrieved by the order dated 6th June, 2016, she is at liberty to challenge the said order in accordance with law. However, in view the said order, it cannot be held that the respondents herein have committed contempt of Court.

Accordingly, the present contempt petition and the application are dismissed with liberty to the petitioner to file appropriate proceedings in accordance with law. This Court clarifies that it has not expressed any opinion on the merits of the controversy. The rights and contentions of all the parties are left open.

MANMOHAN, J

AUGUST 16, 2016
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