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

+ **CONT.CAS(C) 1361/2016 & C.M.No.47187/2016**

NIHAL AHMED

..... Petitioner

Through Mr.Rajni Kant, Advocate.

versus

DEEPAK MOHAN SAPOLIA & ANR

..... Respondents

Through Mr.Gargan Kanth with Mr.Pushkar
Taimni, Advocates for R-1.
Ms.Biji Rajesh, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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21.12.2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 18th April, 2012 passed in W.P.(C) No.2463/2011, wherein the respondents assured that they will initiate action from time to time “*against these illegal constructions*” in Gandhi Nagar in accordance with law.

It has been averred in the petition that the petitioner filed a contempt case bearing No.854/2013 against the respondents for non-compliance of the aforesaid order and the same was withdrawn vide order dated 24th September, 2014. Thereafter, an application for revival of the said contempt petition was dismissed as withdrawn with liberty to file appropriate proceedings in accordance with law.

Learned counsel for petitioner states that despite sending number of representations to the respondent-EDMC with regard to

new/fresh illegal constructions in Gandhi Nagar, no action has been taken till date.

In the opinion of this Court, the new illegal constructions do not fall within the ambit of the order dated 18th April, 2012 as it recorded an assurance on behalf of the respondents that they would take action in future “*against these illegal constructions*” i.e. the illegal constructions referred to in the writ petition.

In any event, it is admitted that on 3rd June, 2013 the petitioner made a representation against the illegal constructions. Thus, the cause of action arose on 3rd June, 2013.

Section 20 of the Contempt of Courts Act, 1971 reads as under:-

“20. Limitation for actions for contempt. – No Court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

Consequently, the present contempt petition is also barred by limitation. Accordingly, present contempt petition and application are dismissed on both accounts.

MANMOHAN, J

**DECEMBER 21, 2016
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