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

+ **CONT.CAS(C) 303/2015**

RAM SAJAN & ORS

..... Petitioners

Through Mr.Alamgir, Advocate.

versus

BALWINDER & ORS

..... Respondents

Through Mr.Sanjeev Sabharwal, Standing
Counsel for DDA.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **20.03.2017**

Present contempt petition has been filed alleging wilful disobedience of the order dated 19th December, 2008, wherein this Court had directed that old jhuggis which are not in the alignment of the proposed road would not be demolished.

Learned counsel for the petitioners states that despite the aforesaid order/undertaking, the respondent-DDA has demolished the jhuggis of the petitioners on 27th November, 2014.

A perusal of the paper book reveals that the order dated 19th December, 2008 was an interim order passed in W.P.(C) No.9109/2008. The said writ petition was disposed of vide order dated 14th September, 2012. The said order is reproduced hereinbelow:-

“This court vide order dated 14.11.2011 issued directions to the Director, Land and Management, DDA to file an affidavit within two weeks, placing on record the

present status of the land in question and more particularly steps taken by the DDA to secure land and protect it from the encroachers. This direction was issued as a grievance was made by the petitioner that a private party by the name of Mr. Ram Singh Saini was continuously harassing the jhuggi dwellers and has encroached 70% of the land at Sarai Kale Khan and has carried out unauthorized construction in connivance with and knowledge of the officers of the DDA and the Police, and they have failed to take any action to protect the land and to check the unauthorized construction. An affidavit was filed by the Director, Land and Management, DDA. The Court noticed that land measuring 17 bighas and 5 biswas bearing Khasra No.123/84, 92/2, 93, 94, 96, 97/2, 98/2 and 99 of village Sarai Kale Khan was acquired vide award No.154/86- 87 for the planned development of Delhi and was physically handed over to respondent no.1/DDA by the LandB/LAC on 22.09.1986. The land was then placed at the disposal of the DDA under Section 22(1) of Delhi Development Authority Act and thereafter land was transferred to the Engineering Wing of the DDA on 06.10.1986 for development of group housing.

The Court was dissatisfied with the affidavit filed by the DDA and opportunity was granted to file yet another detailed affidavit. Counsel for the DDA submits that DDA has taken all necessary steps to protect the land in question. Counsel for DDA also submits that in case the petitioner has any grievance he should file a substantive petition and once the writ petition is disposed of no further orders can be passed, as there are no pleadings in the matter with regard to the grievance of the petitioner. I find force in the submission of counsel for the DDA. At this stage, counsel for the petitioner seeks liberty to take appropriate steps to safeguard his interest in accordance with law.

Ordered accordingly. Writ petition stands disposed of.”

In the opinion of this Court, the interim order/undertaking dated 19th December, 2008 would continue only till the disposal of the writ petition and not thereafter, especially when the said order/undertaking had not been made a part of the order dated 14th September, 2012 disposing of the writ petition.

Moreover, admittedly petitioners are encroachers upon land that had been acquired by the government.

It is pertinent to mention that vide order dated 14th September 2012, a Coordinate Bench of this Court had given liberty to the petitioners to take appropriate steps to safeguard their interest in accordance with law. Consequently, if the petitioners had any grievance, they should have filed a separate and independent proceeding in accordance with the aforesaid liberty.

Accordingly, the present contempt petition being bereft of merit is dismissed and the notices issued are discharged.

MANMOHAN, J

MARCH 20, 2017
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