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

+ **CONT.CAS(C) 966/2016**

BILLU RAM

..... Petitioner

Through **Mr. N.K. Sahoo, Advocate**

versus

RAJ SEKHAR

..... Respondent

Through **Mr. Sri Harsha Peechara, ASC with
Mr. Mananjay Mishra and Ms. Vidhi Jain,
Advocates for the NDMC along with Mr.
Narayan Kumar, ALO(NDMC)**

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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27.03.2017

Petitioner claims wilful disobedience of the order dated 23.05.2016, more particularly, direction No.2 issued in the aforesaid order. We may note that the petitioner was not a party in the aforesaid LPA wherein the order was so passed. We also note that in para 32 of this contempt petition, an averment has been made that a status quo order was passed by the Court on 13.04.2015 which is being continued. However, copy of this order has not been placed on record by the petitioner. The respondent had placed copy of the order together with its reply as Annexure R-5 in the writ petition (copy seen and returned), original reply is stated to be lying under objection. A bare reading of the order dated 13.04.2015 would show that no interim relief was granted. Counsel for the petitioner does not dispute the fact. Counsel explains that it is apparently an error in the submission.

Learned counsel for the respondent submits that the present petition is not maintainable for the reason that there is no wilful disobedience of any order.

Counsel further submits that having regard to the facts of this case, the directions issued by the Division Bench in the order dated 23.05.2016 would not apply to the petitioner. He further submits that the copy of the survey sought to be relied upon by the petitioner shows that the vending site was shifted from Shivaji Stadium to Palika Bazar, which has been declared as a no-vending no-hawking zone.

At this stage, learned counsel for the petitioner submits that he does not press the contempt petition and would seek appropriate remedy as available in accordance with law. Counsel for the respondent submits that the petitioner should be burdened with cost for making a false averment with regard to the status-quo order. We refrain from imposing any cost but issue a note of caution to the counsel for the petitioner. Counsel must ensure that the averments made in the petition are strictly as per record.

The petition is dismissed as not pressed.

CM.APPL 1556/2017 also stands dismissed.

G.S.SISTANI, J

VINOD GOEL, J

MARCH 27, 2017

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CONT.CAS(C) 966/2016