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

+ CM(M) No.843/2017

REMAL DASS DUDEJA Petitioner

Through: Petitioner in person.

versus

COMMISSIONER, MCD & ORS Respondents

Through: Ms. Puja Kalra, Adv. for SDMC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

O R D E R

% **08.08.2017**

CM No.28053/2017 (for exemption) and CM No.28054/2017 (exemption from filing complete Trial Court record).

1. Allowed, subject to just exceptions.
2. The applications stand disposed of.

CM(M) No.843/2017.

3. This petition under Article 227 of the Constitution of India seeks a direction to the Court of Additional Senior Civil Judge (South West), Dwarka Courts, Delhi to advance the date from 14th August, 2017 and to decide the contempt petition being M-97/16 (old No.M-23/13) filed by the petitioner expeditiously and to impose costs of Rs.50,000/- upon the respondents.

4. The grievance of the petitioner appearing in person is that the contempt petition has been pending since 18th July, 2014.

5. Contempt appears to have been averred of the order of disposal of a suit filed by the petitioner for mandatory injunction for demolition of unauthorised construction by recording that the unauthorised construction stood demolished and thus the suit was satisfied.

6. It also appears that the petitioner had preferred W.P.(C) No.680/2014 in this Court for the same relief and which was disposed of vide order dated 31st January, 2014 on the statement of the counsel for the South Delhi Municipal Corporation (SDMC) that the unauthorised construction if any found shall be demolished.

7. The petitioner on enquiry states that the petitioner had filed contempt petition in this Court also but states that it was withdrawn to pursue the contempt petition before the Trial Court.

8. The grievance of the petitioner that the contempt petition before the Trial Court has been pending for an unduly long time is justified.

9. It is deemed expedient to dispose of this petition by requesting the Additional Senior Civil Judge, (South West), Dwarka Courts, Delhi, before whom contempt petition being M-97/16 (old No.M-23/13) is now pending, to dispose of the same expeditiously and latest by end of September, 2017.

10. For issuing such direction, need to issue notice is not felt though the counsel for the respondent SDMC appears on advance notice.

11. The petition is disposed of requesting the Court of Additional Senior Civil Judge, (South West), Dwarka Courts, Delhi to dispose of the contempt petition being M-97/16 (old No.M-23/13) before the end of September, 2017.

Dasti.

RAJIV SAHAI ENDLAW, J

AUGUST 08, 2017

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