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

+ **CONT.CAS(C) 1009/2015**

COURT IN ITS OWN MOTION

..... Petitioner

Through: Mr. Chetan Lokur, *Amicus Curiae*

versus

MR. ARUN KUMAR

..... Respondent

Through: Mr. Sanjay Poddar, Senior
Advocate with Mr. Mukesh Gupta,
Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **18.05.2017**

C.Ms.31611/2015 & 5953/2017

The applications are disposed of as infructuous.

CONT.CAS(C) 1009/2015

Status report of 15th May, 2017 filed by respondent reveals that demolition programme was fixed for 25th April, 2017 and before that, *Anila Mishra and Others* had filed appeal No.188/2017 and *Kartar Singh* had filed appeal No.181/2017 before Appellate Tribunal of MCD and had obtained stay of demolition.

In this petition, violation of order of 15th March, 2013 is alleged. Vide aforesaid order, the writ petition was disposed of while taking on record the undertaking of respondent that demolition action is to take place on 19th March, 2013 and further undertaking was given by respondent on behalf of MCD that strict vigil would be kept over the

property in question after demolition action to ensure that no further unauthorized construction takes place on government land and necessary steps will be taken to protect the government land.

Learned *Amicus Curiae* submits that the only endeavour is to ensure that pending appeals are earnestly contested by respondent and if respondents succeed, then the demolition action is promptly taken and the government land is protected.

At this stage, learned senior counsel for respondent points out that the land in question where the demolition action was to take place is a private land and not government land.

Be that as it may. Since the land in question is a subject matter of the aforesaid two pending appeals, therefore, it is deemed appropriate to dispose of this contempt petition with direction to decide aforesaid two appeals expeditiously while making it clear that if the said appeals are dismissed, then respondent shall promptly demolish unauthorized construction in the subject land.

(SUNIL GAUR)
JUDGE

MAY 18, 2017

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