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

+ CONT.CAS(C) 115/2018

CHARAN SINGH AND ANR Petitioners
Through: Mr. Lakshay Sawhney, Adv.

versus

NARESH KUMAR CHAIRMAN NDMC
AND ORS Respondents
Through: Mr. Vivek Aggarwal, Standing
counsel with Mr. Rajender Aggarwal,
Adv. for R1.
Mr. Anjum Javed, ASC with Mr.
Devendra Kumar, Adv. with SHO,
Mr. V.K.P. Singh Yadav and SI-
Rajesh Kumar, PS-Kotla
Mubarakpur/R4.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **27.02.2018**

Present contempt petition has been filed by the petitioners with the following prayers:

“In the light of the aforesaid, it is most respectfully prayed that this Hon’ble Court may kindly be pleased to:-

(i) initiate Contempt proceedings against the Respondents for breach and disobedience of Order dated 22.04.2009 read with Order dated 11.09.2009 passed by this Hon’ble Court in Writ Petition (Civil) no. 5987/2007 titled ‘Badan Singh & Ors. V. DCP (South): Delhi & Ors.’ and punish the Respondents in respect thereof in accordance with law.

(ii) permit the petitioners to peacefully carry on their business at their respective tehebazari site, without any interference / hindrance by the Respondents;

(iii) pass such other or further order(s) as this Hon'ble Court may deem fit and proper, in the interest of justice.

It is the submission of the learned counsel for the respondent No.1, that the petitioners were removed as they tried to encroach upon the public land adjacent to the 6' x 4' area allotted to them and also due to the VIP movement, which fact is disputed by the counsel for the petitioners. Learned counsel for the respondent No. 1 also states they had called upon the petitioners to come and occupy the allotted Tehbazari sites of 6' x 4', but they have not come forward for the same, which aspect is also denied by the learned counsel for the petitioners.

Be that as it may, to put quietus to the controversy, the concerned officer of the New Delhi Municipal Council shall be present at the site tomorrow morning at 10 AM to ensure, the petitioners are allowed to squat at their allotted sites.

Learned counsel for the petitioners state, petitioners shall only occupy the sites allotted to them, i.e., 6 x 4.

Learned counsel for the petitioners state, respondents have removed the articles of petitioner No. 1 and taken possession thereof. Learned counsel appearing for the respondent no.1 on instruction states, there are some articles which are lying and the same shall be returned/released, if identified by the petitioner no.1 tomorrow. The statement is taken on record.

In view of above, the petition is disposed of.

CM No. 6364/2018 (for direction)

In view of the order passed in the writ petition, instant application has become infructuous and disposed of as such.

V. KAMESWAR RAO, J

FEBRUARY 27, 2018/jg