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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 14.08.2018

CONT.CAS(C) 291/2018

SUMAN K MANHAS

..... Petitioner

versus

RANVIR SINGH , COMMISSIONER, EDMC Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. K.L. Manhas, Advocate

For the Respondent : Mr. Ajjay Aroraa and Mr. Kapil Dutta, Advocates

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

CM APPL.32267/2018 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

CONT.CAS.(C) 291/2018, CM APPL.32266/2018 (Directions) & CM APPL.25957/2018 (Directions)

1. The present contempt petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 prays as follows:-

“In view of the above facts and circumstances, the Hon’ble Court may graciously be pleased to initiate contempt of Court proceedings against the respondent/contemnor for willfully disobeying and defying its order dated 06.03.2018 passed in W.P.(C) No.2083/2018 and/or pass any other appropriate order, as deemed proper in the interest of justice, fairness and enquiry, by awarding appropriate cost of this litigation to the petitioner.”

2. The contempt petition was predicated on the failure of the Commissioner, East Delhi Municipal Corporation, respondent herein, to comply with the directions issued by this Court vide order dated 06.03.2018 in W.P.(C) 2083/2018, titled as ‘*Mrs. Suman K. Manhas vs. Commissioner, EDMC and Others.*’

3. It would be profitable to extract the directions, in order dated 06.03.2018, to appreciate the violation thereof, alleged in the present proceedings. The same are extracted hereunder:-

“ Learned counsel appearing on behalf of the petitioner limits the prayer in the present petition to a direction to the concerned municipal corporation to take appropriate action, in accordance with law, on his complaint alleging unauthorized construction being carried out by respondent No.4 in his flat.

Mr. Ajay Arora, learned counsel appearing on behalf of EDMC states that on the complaint made by the petitioner in this behalf, the municipal corporation shall take all necessary steps to inspect the subject

property and thereafter take action, if warranted, in accordance with law.

Directed accordingly.

The writ petition is disposed of with the aforesaid directions. The pending applications also stand disposed of.”

4. A plain reading of the above directions clearly reflects that the East Delhi Municipal Corporation had been directed to inspect the subject property and thereafter take action, if warranted, in accordance with law.

5. A perusal of the status report filed, albeit belatedly on behalf of the respondent, reflects that the construction existing in the subject property is not unauthorized, and, therefore, no action in accordance with law, is warranted.

6. In that view of the matter, no violation of the directions of this Court by the EDMC is made out and resultantly, no further directions are required to be passed in the present proceedings. The petition is accordingly disposed of. The pending applications also stand disposed of.

7. The date already fixed i.e. 07.09.2018.

SIDDHARTH MRIDUL
(JUDGE)

AUGUST 14, 2018

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