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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 713/2017**
AJAY CHAWLA & ANR

..... Petitioner

Through: Mr.Satish Pandey, Adv. with
Mr.Rajesh Kumar, Mr.Rajiv Kumar,
Advvs.

versus

P.K.GUPTA COMMISSIONER NDMC & ORS

..... Respondent

Through: Ms.Puja Kalra, Adv. for North MCD
Inspector R.K.Meena with SI Sushil,
P.S.Rajinder Nagar in person
Mr.Amish Dabas, Adv. with
Ms.Shreya S.Dabas, Adv. for R7

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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15.05.2018

The present contempt petition has been filed by the petitioners alleging violation of order dated October 4, 2016 passed in writ petition being W.P.(C) 5163/2016. A status report has been filed by the North Delhi Municipal Corporation, wherein, in para 3 to 6, the following has been stated:-

“3. That regularization file dated 11.08.2016 was filed by the owner / occupier of third floor of property No. 9/19, Old Rajinder Nagar, Delhi which after due consideration was rejected on 29.09.2016. The rejection was duly communicated to the applicant vide No. D/AE(B)/KBZ/2016/184 dated 29.09.2016.

4. That although demolition action, post rejection of

the regularization case, were taken on 03.10.2016, 19.09.2017 and 23.10.2017 but due to stiff resistance comprehensive action could not be effected.

5. That aggrieved by the actions of the Corporation the owner/occupier of third floor of property No. 9/19, Old Rajinder Nagar, Delhi had appealed before the Hon'ble ATMCD against the demolition orders and the rejection of regularization file.

6. That vide order dated 20.11.2017, the Hon'ble ATMCD had restrained the respondent Corporation from taking any further demolition action subject to the condition that the appellant would himself demolish the non-compoundable portion within four weeks and would not occupy the third floor till the property gets regularized. The matter has been posted for further hearing on 16.05.2018. A copy of the order dt. 20.11.2017 is annexed herewith as R-1.

7. That the site has been inspected by the area Junior Engineer (B)/Assistant Engineer(B) and it has been reported that the non-compoundable deviation / excess coverage have not been removed completely”.

In view of the fact that the proceedings are pending before the ATMCD, wherein, the ATMCD has restrained the Corporation from taking any action of demolition, appropriate would it be for the petitioners to seek their intervention before the Appellate Tribunal. The liberty is also with the petitioners to seek revival of this contempt petition, if so advised on the culmination of the proceedings before the Tribunal.

The contempt petition is closed.

V. KAMESWAR RAO, J

MAY 15, 2018/akb