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

+ **CONT.CAS(C) 790/2017**

ASHISH KUMAR & ANR

..... Petitioners

Through Mr. Purushottam Sharma Tripathi,
Advocate

versus

UDAI PRATAP SINGH & ORS

..... Respondents

Through Mr. Bhagvan Swarup Shukla, CGSC with
Mr. Kamaldeep, Advocate for UOI.
Mr. Yeeshu Jain, Standing Counsel with
Ms. Jyoti Tyagi, Advocates for
L&B/LAC.
Mr. Rajiv Bansal, Senior Advocate with
Mr. Dhruv Tamta, Ms. Kanika Singhal
and Ms. Vasudha Trivedi, Advocates for
DDA.
Mr. Sudhir Nandrajog, Senior Advocate
with Ms. Mini Pushkarna, Standing
Counsel with Ms. Anushruti and Ms.
Vasundhara Nayyar, Advocates for
respondent no.5/DUSIB.
Mr. Sumit K. Bara, Advocate for
respondent no.6.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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18.01.2018

This is a petition under Article 215 of the Constitution of India read with Section 2(B), Section 12 and Section 10 of the Contempt of Courts Act, 1971 filed by one Ashish Kumar and Vivek Aggarwal, both claiming to be licensees of Plot nos.KN/B-25 and KN/B-26, measuring 200 sq. yards each, comprised in

Khasra no.706/606/364, Village Chowkri Mubarikabad, Anad Parbat, New Delhi of M/s. Ramjas Foundation. The petitioners allege violation of an interim order passed in CM.APPL 11659/2015 in W.P.3386/2014 dated 06.07.2015 titled *Ramjas Foundation v. Union of India & Ors.* The relevant portion of the order dated 06.07.2015, reads as under:

“CM.APPL 11659/2015

This application has been filed on behalf of the DDA, wherein it is alleged that unauthorised construction is going on in the subject land. Several police reports have been made with regard to the same. Learned counsel for the writ petitioner states that no construction activities are being carried out on their part and in any event, there is a status quo order and it is open to the DDA to maintain status quo. Any unauthorised construction carried out may be dealt with in accordance with law by the DDA. This order will be without prejudice to the rights and contentions of the parties on the merits of the matter.

The application stands disposed of.”

It is the complaint of the petitioners that despite the order dated 06.07.2015, unauthorised construction has been carried out by Delhi Urban Shelter Improvement Board(DUSIB).

The counsel appearing for the respondents submit that the present contempt petition is not maintainable as the petitioners are not a party in the writ petition, where the interim order was granted. Secondly, the petitioners cannot claim better title than the original owner being Ramjas Foundation.

We may also note that in the writ petition where the interim order has been passed, the DDA has been directed to maintain status quo and further the Court has observed that any unauthorised construction carried out will be dealt with by the DDA in accordance with law and further a rider has been put that the order would be without prejudice to the rights and contentions of the parties on the merits of the matter.

In the light of the above observations, we find that the present contempt

petition filed by the petitioners is not maintainable. Even otherwise, the interest of the owners stands protected. We make it clear that in case the petitioners wish to seek any other relief that may be available to them, they would seek the same in accordance with law.

The contempt petition is dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 18, 2018

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