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

+ **CONT.CAS(C) 258/2019**

NIYAMAT ALI & ANR

..... Petitioners

Through: Ms. Maldeep Sidhu, Adv.

versus

GUR KIRPAL SINGH & ORS

..... Respondents

Through: Mr. Sanjoy Ghose, ASC, GNCTD
with Ms.Urvi Mohan, Adv.
Insp. Ajai Pratap, SHO,PS Pul
Pehladpur.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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16.09.2019

1. The petitioner has preferred the present contempt proceedings alleging disobedience of the orders dated 09.01.2018 and 11.04.2018 passed in W.P. (C) No. 7504/2017. The said two orders read as follows:

ORDER DATED 09.01.2018:

“C.M.APPL 30971/2017 (exemption)

Exemption allowed, subject to all just exceptions. The application stands disposed of.

C.M.APPL 30970/2017 (stay)

Reply has not been filed. Till next date of hearing, parties are directed to maintain status quo with regard to title, nature, possession and construction with respect to the subject land.

W.P.(C) 7504/2017

Further time is sought to file counter affidavits. Let the counter affidavits be filed within six weeks. Rejoinder, if

any, be filed within four weeks.
List on 11.04.2018.”

ORDER DATED 11.04.2018:

“Counter affidavits have not been filed by the respondents. Further time is sought. Let the same be filed within four weeks. Rejoinders, if any, be filed within two weeks thereafter.

List on 26.07.2018.

CM.APPL 30970/2017 (stay)

Reply has not been filed. As agreed, the interim order dated 09.01.2018 is confirmed till the disposal of the writ petition. This is subject to variation at the instance of either of the parties.

The application stands disposed of.”

2. The grievance of the petitioner is that despite the aforesaid orders, the respondents have proceeded to carry out demolition on the petitioner’s land which was the subject matter of the aforesaid acquisition. The respondents were called upon to file reply. Respondents have explained that they were not aware of the orders passed in the aforesaid proceedings, since they were not parties to the writ proceedings, and proceeded to act under orders of the NGT to remove enforcement from forest land. Respondents have also tendered their unconditional apology.

3. Ms. Maldeep Sidhu argues that the respondents have acted in a discriminatory manner inasmuch as encroachments made in other forest areas have not been touched, whereas the petitioners, who are original owners of the land and were carrying on their activities, have been discriminated against. This argument cannot form part of the contempt proceedings.

4. We are satisfied with the explanation furnished by the respondents and accept the unconditional apology tendered by the respondent. We therefore, close the aforesaid proceedings by giving liberty to the petitioner to agitate their grievance with regard to discrimination, if any, in appropriate proceedings.

5. The petition stands disposed of.

VIPIN SANGHI, J

SANJEEV NARULA, J

SEPTEMBER 16, 2019

Pallavi