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

+ **CONT.CAS(C) 292/2019**

**PURAN SINGH YADAV & ORS** ..... Petitioners

Through: Mr. Ashutosh Dubey, Advocate

versus

**R K AGGARWAL** ..... Respondent

Through: Mr. R.Y. Kalia, Advocate

Mr. Arjun Pant, Advocate for DDA.

Ms. Renu Gupta, Standing Counsel, Nr.DMC.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MS. JUSTICE ASHA MENON**

**ORDER**

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**08.01.2020**

1. The present petition has been filed by the petitioners (appellants in LPA 186/2018) praying *inter alia* that the respondent herein (respondent No.3 in the appeal) be punished for violating the order dated 23.07.2018, passed in the appeal.

2. Vide order dated 23.07.2018, the Division Bench had disposed of an application filed by the petitioners herein (CM APPL. 13769/2018), praying *inter alia* that a Local Commissioner be appointed to visit the premises where as per them, unauthorised construction was being undertaken by the respondent on land situated in Khasra No.79, village Shakurpur. The Division Bench had allowed the application and appointed a Local Commissioner to visit the site, take photographs and examine as to whether

any construction activity was being undertaken there. The Local Commissioner was also directed to record in his report whether he found bricks, grit, cement etc. placed at the site. On perusing the order dated 23.07.2018, we find that no contempt proceedings are maintainable against the respondent as the said order was given effect to and the Local Commissioner had filed his report.

3. At this stage, learned counsel for the petitioners states that due to a *bonafide* error, the order referred to in the title of the petition, the body of the petition as also in the prayer clause, is recorded as 23.07.2018, whereas the petitioners were actually pointing out violation of the order dated 10.04.2018 by the respondent whereby, the parties were directed to maintain *status quo* with regard to the construction and possession of the premises.

4. Even if we accept the aforesaid submission made by learned counsel for the petitioners that due to a *bonafide* error, the date mentioned in the petition as also the title and the prayer clause ought to be read as order dated 10.04.2018, it does not take their case any further when the Local Commissioner has clearly stated in his report dated 23.10.2018, that he noticed that the area in question was protected by corrugated sheets and was being used by the children in the area as a playground.

5. Learned counsel for the petitioners refers to the construction material that the Local Commissioner had noticed was lying next to the subject property including bricks, grit, sand etc. covered with a green sheet.

6. Counsel for the respondent asserts that the said material does not belong to his client but he is not in a position to state how the said material was found lying near to the subject land.

7. The North Delhi Municipal Corporation (Nr.DMC) impleaded as respondent No.1 in LPA 186/2018, is represented through a counsel. Learned counsel for the Nr.DMC is directed to ensure that the material lying near the property in question, under the occupation of the respondent, is removed forthwith at his expense and after the site is cleared, it is inspected with photographs taken and placed on its record to show the status of the construction on the land. If there is no construction there even as on date and the land has only been enclosed with corrugated sheets, then the Nr.DMC shall inform the local police about the said status and convey that no further construction is permitted at the site until the order dated 10.04.2018 passed in LPA 186/2018 is altered or varied in the pending writ petition.

8. The present petition is disposed of.

**HIMA KOHLI, J**

**ASHA MENON, J**

**JANUARY 08, 2020**

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