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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 103/2024 & CM APPL. 3956/2024**
MOHD ASLAM Petitioner

Through: Mr. Jatin Teotia and Mr. Mohd.
Salman, Advs. M: 9899491172

versus

GYANESH BHARTI AND ORS. Respondents

Through: Mr. Abhinav Garg, Panel Counsel
GNCTD and Mr. Mihir and Mr.
Nishant, Advs.
Mr. Ajjay Aroraa, SC MCD with Mr.
Kapil Dutta, Mr. Vansh Luthra & Ms.
Simran Arora, Advs.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **22.01.2024**

CM APPL. 3956/2024

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 103/2024

3. The present contempt petition has been filed alleging willful disobedience of the order dated 03rd March, 2017 passed by this Court in *W.P.(C) No. 1936/2017*. The said petition had been filed with a prayer for stopping illegal and unauthorized construction in property bearing no. House No. 2249, Gali Chamari Wali, Bazar Chitli Qaber, Turkman Gate,



Delhi-110006.

4. The said writ petition was disposed of vide order dated 03rd March, 2017, wherein the Court had noted that the respondent-Municipal Corporation of Delhi (“MCD”) had already initiated action against the aforesaid unauthorized construction.

5. It is submitted that the unauthorized construction that was being raised in the year 2017, was stopped and illegal construction was also demolished.

6. It is the case of the petitioner that now again on 28th December, 2023, after a period of five years, unauthorized construction has started in the aforesaid property. Thus, the present contempt petition has been filed.

7. Mr. Kapil Dutta, learned Standing Counsel appearing for the respondent no.1 on advance notice submits that the present contempt petition is not maintainable. He submits that order dated 03rd March, 2017 passed in *W.P.(C) No. 1936/2017* was duly complied with and requisite action had been taken by the MCD. Nevertheless, the MCD has already initiated action against the unauthorized construction in the aforesaid property and demolition order has also been passed. He further submits that demolition action is now fixed for 23rd January, 2024.

8. Having heard learned counsel for the parties, this Court is of the view that the present contempt petition is totally misplaced and is not maintainable.

9. Perusal of the record clearly shows that the order dated 03rd March, 2017 passed by this Court in *W.P.(C) No. 1936/2017* had been duly complied with by the MCD. The MCD had taken requisite action and the illegal construction was demolished at that point of time.



10. The fresh construction now being raised in the aforesaid property, which is stated to be unauthorized and illegal, is a fresh cause of action.

11. Be that as it may, since the MCD has already taken cognizance of the matter and has already passed the demolition order against the unauthorized construction and the demolition action is already fixed for 23rd January, 2024, this Court directs the MCD to take the requisite action within a time bound manner expeditiously, preferably within a period of two months from today.

12. With the aforesaid directions, the present contempt petition is disposed of.

MINI PUSHKARNA, J

JANUARY 22, 2024/kr