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

+ **CONT.CAS(C) 235/2024**

ANILKUMAR

..... Petitioner

Through: Ms. Yashaswi Sk Chocksey, Mr.
Sushant Sagar, Mr. Akash, Advocate
Mob: 9999709988

versus

SH. GYANESH BHARTI AND ORS

..... Respondents

Through: Ms. Puja Kalra, Standing Counsel for
MCD. Mob: 9312839323
Mr. Abhinav Singh, Mr. Swega
Agarwal and Mr. Bhavi Garg,
Advocates for R-3.
Mob: 6396295068
SI Rituraj, P.S. Kalkaji

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

16.02.2024

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1. The present contempt petition has been filed alleging non-compliance of the order dated 10th November, 2023 passed by the Division Bench of this Court in *W.P.(C) 14803/2023*, wherein it had been directed that the goods of the petitioner that had been seized by the Municipal Corporation of Delhi (“MCD”), shall be released within a period of four days.

2. When the present matter was listed on 9th February, 2024, this Court had passed the following order:



“xxx xxx xxx

5. *Learned counsel appearing for the petitioner submits that despite the categorical directions, the goods of the petitioner have not been released.*

6. *Per contra, learned Standing Counsel appearing for the respondent-MCD submits that a letter dated 3rd January, 2024 was written by the Administrative Officer, Central Zone, wherein the petitioner had been directed to appear before the said officer on 5th January, 2024 at 11:00 AM for release of his goods that had been seized by the department during the encroachment removal action. However, it is submitted that the petitioner did not attend the office of the respondent for the purposes of carrying out the formalities for release of his goods.*

7. *In view thereof, with the consent of both the parties, it is directed that the petitioner shall visit the Administrative Officer, Central Zone at his office in Room No. 201, Zonal Office Building, Central Zone, Shiv Mandir Marg, Lajpat Nagar on Monday, i.e., 12th February, 2024 at 11:00 AM.*

8. *It is further directed that the petitioner shall carry out all the formalities and carry his ID proof along with an application and an affidavit in terms of the formalities of the MCD. Further, the petitioner shall also deposit the requisite charges/fees as demanded by the MCD, which are due and payable to the MCD.*

xxx xxx xxx”

3. Today, learned Standing Counsel appearing for the respondent-MCD submits that the petitioner did not approach the concerned officials for the purposes of release of his goods.

4. On the other hand, learned counsel appearing for the petitioner submits that though he had approached the concerned officer for release of his goods, however, the goods that were sought to be handed over to the petitioner, were not of the petitioner.

5. This Court cannot go into disputed questions of facts. Accordingly, the petitioner is granted liberty to approach the concerned official with list of the goods which were actually seized from the petitioner. In case, the



petitioner is aggrieved, he is at liberty to seek remedies, in accordance with law.

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

MINI PUSHKARNA, J

FEBRUARY 16, 2024

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