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

+ **CONT.CAS(C) 116/2022**

BHIM SINGH

..... Petitioner

Through: Mr. Mohit Gupta, Mr. Vishal Saxena,
Ms. Meenakshi Garg, Advocates
(M:9654681238)

versus

MANISH KUMAR GUPTA AND ORS.

..... Respondents

Through: Ms. Mrinalini Sen, SC for DDA
Mr. Rahul Dubey, Advocate for
Respondent No. 2

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

05.01.2024

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1. The present contempt petition has been filed alleging non-compliance of the order dated 22nd October, 2019 passed by Coordinate Bench of this Court in *W.P.(C) 4512/2019*. The order dated 22nd October, 2019 is reproduced as under:

“1. Counsel for the respondent no.1/DDA and respondent no.2 to 5 seek and are granted four weeks to file a counter affidavit in the matter.

1.1 Rejoinder thereto, if, any, be filed before the next date of hearing.

2. List on 14.04.2020.

3. In case there is any unauthorised construction on the subject site, the respondent no.1/DDA will take steps as per law before the next date of hearing.”

2. Pursuant to the aforesaid order dated 22nd October, 2019, compliance affidavit has been filed on behalf of Delhi Development Authority (“DDA”), wherein it is stated as under:



“xxx xxx xxx

2. *I state that in respectful compliance of the directions of this Hon'ble Court, the Respondent/ DDA vide Notice dated 24th March 2022 directed the encroachers/occupiers of the land in question to vacate the plot and cooperate with DDA officials removing the debris/building material from the land in question. True copy of the Notice dated 24th March 2022 issued by the Executive Engineer, SMD-2, Vasant Kunj is annexed herewith as **Annexure 1**.*

3. *I state that thereafter, the encroachers/occupiers of the land in questions themselves removed the debris/building material etc. from the land in question. The photographs of the land in question after removal of the debris/building material are annexed as **Annexure 2**.*
xxx xxx xxxx”

3. Learned Standing Counsel appearing for the DDA submits that the unauthorized construction has already been removed by the DDA.
4. On the other hand, learned counsel for petitioner submits that the debris are still lying on the plot in question and that the same is also utilized by the private respondent no.2.
5. Per contra, learned Standing Counsel for DDA has handed over photographs taken on 26th December, 2023 which show that demolition action has been undertaken by the DDA. The debris have also been removed except few bricks which are lying here and there.
6. Learned counsel appearing for respondent no. 2 submits that he puts a temporary tent at night in order to sleep, as he is staying on the plot in question being the co-owner.
7. Considering the fact that the main writ petition being W.P.(C) 4512/2019 is pending before Coordinate Bench of this Court, wherein substantive submissions made on behalf of the parties are being adjudicated and considering the fact that substantial action for removal of unauthorized encroachment from area in question has already been undertaken by the



DDA, this Court is of the view that no further orders are required to be passed in the present contempt proceedings. No useful purpose would be served in keeping the present contempt petition as pending.

8. In view of the aforesaid, the present contempt petition is disposed of.

9. Needless to say that parties are at liberty to make their appropriate submissions before the court hearing *W.P.(C) 4512/2019*.

MINI PUSHKARNA, J

JANUARY 5, 2024

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