



\$~132

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 327/2024 & CM APPL. 11606/2024**

SUKHINDER BIR SINGH

..... Petitioner

Through: Petitioner in person.

versus

MR GYANESH BHARATI, IAS

..... Respondent

Through: Mr. Kapil Dutta, Adv.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

26.02.2024

%

CM APPL. 11606/2024 (For Exemption)

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

CONT.CAS(C) 327/2024

3. The present petition has been filed alleging willful disobedience of the order dated 22nd November, 2023 passed by Division Bench of this Court in *LPA No. 758/2023*; order dated 26th September, 2023 passed in *CONT. CAS(C) No. 537/2023* and order dated 24th February, 2023 passed in *W.P.(C) No.2427/2023*.
4. It is submitted that despite various directions from this Court, the respondent - Municipal Corporation of Delhi ("MCD") has not carried out the requisite demolition action against the property in question. It is submitted that the excess coverage still exists in the property in question.



5. Per contra, Mr. Kapil Dutta, learned Standing Counsel appearing for the respondent-MCD, appearing on advance notice, submits that the application of the owner/occupier for regularization of the construction in the property in question was rejected by the MCD. Against the said order, an appeal was filed before the Appellate Tribunal MCD, which was also dismissed. Against the said order, the owner/occupier of the property in question has filed an appeal which is pending before the Principal District and Sessions Judge (North-West), Rohini Courts, Delhi.

6. Learned counsel appearing for the respondent has handed over a copy of the orders dated 06th January, 2024 and 09th February, 2024 passed in *MCD Appeal No. 01/2024* pending before the Principal District and Sessions Judge (North-West), Rohini Courts, Delhi. The same are taken on record. He further submits that by order dated 06th January, 2024, the District Court has restrained the MCD from taking any further action against the property in question.

7. This Court has perused the order sheets as handed over by learned counsel appearing for the respondent. Perusal of order dated 06th January, 2024 passed by the District Court clearly shows that the MCD has been restrained by the learned Principal District and Sessions Judge from taking any further action qua the property in question.

8. This Court also notes that the petitioner, who is appearing before the present Court, has already been allowed by the District Court to raise his objections and file relevant documents before the said Court. Further, the next date of the said appeal before the District Court is now 20th March, 2024.

9. In view of the aforesaid fact, it is manifest that the MCD is restrained,



for the time being, from taking any action against the property in question. In view thereof, this Court is of the view that the present petition is not maintainable, as the same has been filed at a premature stage.

10. Accordingly, the present contempt petition is dismissed.

11. However, liberty is granted to the petitioner to revive the present petition, in case his grievance still survives.

MINI PUSHKARNA, J

FEBRUARY 26, 2024/kr