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

+ **CONT.CAS(C) 565/2023**

ARUN ARORA

..... Petitioner

Through: None.

versus

SUB DIVISIONAL MAGISTRATE & ORS.

..... Respondents

Through: Mr. Tushar Sannu, Adv. with Mr. Sahaj Karan Singh, Adv., Mr. Kishan Pal Singh, SI. PS New Ashok Nagar & Mr. Ajay Rana, NAIB Tehsildar – SDM) for R-1 and 4.
Mr. Rahul Kr. Singh, Adv. for R-3.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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18.01.2024

1. None appears for the petitioner when the matter is called out.
2. The present contempt petition has been filed alleging willful disobedience and refusal to obey the order dated 27th May, 2022 passed by this court in *W.P.(C) No. 8580/2022*.
3. The writ petition, *W.P.(C) No. 8580/2022* had been filed seeking directions to the respondents to seal the illegal water supply plant installed on the terrace of property bearing no. B-138, New Ashok Nagar, Delhi-110096.
4. By order dated 27th May, 2022, the aforesaid writ petition was disposed of by recording the statement on behalf of Government of National



Capital Territory of Delhi (“GNCTD”) that the water supply plant had been sealed and the private respondent had been imposed with a penalty of Rs. 1 lac. Further, directions were issued to the respondents to take fresh action, if warranted, with respect to the property in question.

5. Learned counsel appearing for respondent nos. 1 and 4 i.e., Sub-Divisional Magistrate (“SDM”), East Delhi and Station House Officer (“SHO”), Police Station New Ashok Nagar submits that all the machinery in question from the premises of respondent no.3, have already been confiscated and deposited in the Police Station *Malkhana* at New Ashok Nagar.

6. Learned counsel appearing for the respondent nos. 1 and 4 further submits that Challans have been issued by the office of the Sub-Divisional Magistrate, Mayur Vihar vide order dated 23rd May, 2023 and 10th October, 2023. Thus, it is submitted that penalty of Rs. 2 lacs is payable by respondent no.3 under Section 15 read with Rule 5 of the Environment (Protection) Act, 1986.

7. The concerned SDM is at liberty to recover the aforesaid amount of penalty from respondent no.3.

8. This Court notes that in the order dated 30th May, 2023 the submission of respondent no.1 had been recorded that the borewell in the property in question, has been sealed by pouring cement therein.

9. Further, this court also takes note of the fact that the machinery used by respondent no.3 for carrying out the illegal water supply plant installed on the terrace of the property, has also been removed by the respondents on 06th June, 2023.

10. Learned counsel appearing for respondent no.3, on instructions,



submits that the respondent no.3 undertakes not to carry out illegal activity of running any water supply plant from the premises in question.

11. Recording the aforesaid undertaking and with the aforesaid directions, the present contempt petition is disposed of.

MINI PUSHKARNA, J

JANUARY 18, 2024/kr