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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 74/2016 & CM APPL. 1121/2018, CM APPL. 23633/2018, CM APPL. 41508/2018**

SANDEEP

..... Petitioner

Through: Petitioner in person (through VC)
versus

MANOJ KUMAR & ORS

..... Respondents

Through: Mr Mukesh Gupta, Standing Counsel
for MCD with Mr. Raghav Gupta and
Mr. Ishant Sehrawat, Advs.
Mr. Navdeep, JE-MCD

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

19.01.2024

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1. The present contempt petition has been filed alleging disobedience of the order dated 02nd July, 2015 passed in *W.P.(C) 8893/2014*, wherein the court had directed the respondents to remove unauthorized construction as well as encroachment on public streets and public lands from the village Old Chandrawal.
2. Learned Standing Counsel for Municipal Corporation of Delhi (“MCD”) has handed over copy of various orders passed in *CONT.CAS.(C) No. 688/2021*. He submits that the petitioner herein has subsequently filed another contempt petition, as aforesaid, seeking compliance of the directions passed by this Court in order dated 02nd July, 2015 in *W.P.(C) 8893/2014*, which is similar to the prayer sought in the present contempt proceedings.
3. He further points out that the present contempt petition has been filed



by one Mr. Sandeep, whereas the original writ petition, compliance of which is sought in the present proceedings, had been filed by one Sh. Dinesh Kumar.

4. He further submits that MCD has taken extensive action time and again and that 7-8 Status Reports and Action Taken Reports (“ATRs”) have been filed on behalf of MCD.

5. Learned Standing Counsel for MCD has additionally handed over a latest Status Report dated 18th January, 2024. By way of the said Status Report, MCD has filed a table showing demolition action taken by the MCD in the unauthorized construction in various properties.

6. Mr. Sandeep, petitioner-in-person does not dispute the fact that he has already filed another contempt petition. Therefore, he submits that he has no objection if the present contempt petition is disposed of.

7. This Court has heard learned counsel for the parties and perused the record.

8. Perusal of the order dated 20th September, 2021 passed in *CONT.CAS.(C) No. 688/2021* categorically shows that the petitioner herein has already preferred a contempt petition subsequently for compliance of the same order, which is the subject matter of the present proceedings. Relevant portion of the order dated 20th September, 2021 passed in *CONT.CAS.(C) No. 688/2021* reads as under:

“1. In terms of this court’s directions dated 02.07.2015 in W.P.(C) 8893/2014, the respondents were to be held liable. The said order directed as under: -

“
...

18. The NrDMC is thus directed to, within a period of one month from today, designate a post, the incumbent whereof would be personally liable for non-compliance of



the direction hereunder issued and to inform the petitioners of the same and to otherwise publically announce the said post in the village, to enable all concerned to approach the incumbent of the said post with the complaints of any unauthorized construction having taken place after 1st June, 2014 or of any encroachment of common areas/ passages/streets or of any unauthorized construction or encroachment being carried out now. The said official, without any complaint also, shall visit the village from time to time, preferably every fortnight, to verify any construction/ encroachment work going on. The Station House Officer (SHO), Police Station-Civil Lines, Delhi stated to be having jurisdiction over the locality is also directed to instruct the Beat Constable and other police official visiting/patrolling the said locality to immediately report any construction/encroachment activity found to the said official of the NrDMC.

19. The NrDMC is again directed to ensure that unauthorised construction / encroachment, if any taken place after 1st June, 2014 is booked and the action in accordance with law is taken with respect thereto and if ultimately found to be unauthorized to be demolished/removed. It is also directed to remove any encroachments of common areas/passages/streets. It is yet further directed to ensure that no unauthorized construction or encroachment takes place hereafter. The persons against whom NrDMC so takes action would of course be entitled to remedies available to them in law and which remedies shall be adjudicated by the fora concerned without being influenced by anything contained herein.

20. It is made clear that any resident of the village shall be entitled to invoke contempt jurisdiction of this Court with respect to any noncompliance by the NrDMC and its official aforesaid of the said directions.

... ”

xxx xxx xxx ”

(Emphasis Supplied)

9. Further, this Court also takes note of the various ATRs and Status Reports filed on behalf of MCD.

10. In view of the aforesaid, it is clear that no further orders are required



to be passed in the present contempt petition.

11. Accordingly, the present contempt petition is disposed of along with pending applications.

JANUARY 19, 2024
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MINI PUSHKARNA, J