



\$~33

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

% **Date of decision: 14th August, 2024**

+ **CONT.CAS(C) 668/2019**

M/S IMPERIAL PROMOTER PVT LTD.Petitioner
Through: Mr. Azhar Alam, Advocate.

versus

R M SINGHARE MAGISTRATE SUB DIVISIONAL
MEHRAULIRespondent

Through: Mr. Santosh Kumar Tripathi,
SC for GNCTD with Mr.
Pradyumn Rao, Mr. Kartik
Sharma and Mr. Rishabh
Srivastava, Advocates.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

DHARMESH SHARMA, J. (ORAL)

1. The petitioner is seeking initiation of contempt proceedings against the respondents for the alleged wilful disobedience of the directions of this Court, contained in the order dated 31.01.2019 in LPA¹ No. 66 of 2019 by the Division Bench of this Court, whereby the order dated 23.01.2019 passed by the learned Single Judge in WP (C) No. 1743/2018 was challenged by the petitioner.

2. Having heard the learned counsels for the parties and on perusal of the Court, the essence of the matter is that the petitioner sought a restraining order against the respondents to prevent any coercive

¹Letters Patent Appeal



action concerning its properties², asserting that they were not located in a forest area. The learned Single Judge *vide* order dated 23.01.2019, found that the controversy primarily related to the demarcation of land and if the land occupied by the petitioner fell within a notified forest area, the respondents would be at liberty to take necessary action to carry out demolition and remove any encroachment from the forest land. Accordingly, the concerned SDM³, was directed to conduct a proper survey and carry out the demarcation exercise with regard to the properties in question to determine whether or not they were located on forest land.

3. The said order was challenged by the petitioner in LPA and the Division Bench *vide* order dated 21.01.2019 passed the following directions:

“LPA 66/2019 & CM APPL. 4711/2019 (stay)”

Having heard learned counsel for the parties, we are of the considered view that the demarcation as ordered by the Court can be carried out. However, in case the appellant has any grievance with regard to the demarcation and the findings recorded in the demarcation before taking any coercive action against the appellant all process of law should be followed and the statutory remedies and rights available to the appellant should be directed to be enforced.

With the aforesaid clarification, the appeal stands disposed of.

The pending application also stands disposed of accordingly.

Dasti under the signatures of the Court Master.”

4. In the said backdrop, the petitioner approaches this Court alleging that on 24.07.2019, the contemnors along with the other Revenue Officials came to the premises of the petitioner with

²Falling in Khasra Nos. 1273, 1275 and 1276 in revenue estate of village Asola, Tehsil Mehrauli, New Delhi.

³Sub Divisional Magistrate



Bulldozers and informed its Director that they are going to demolish the entire construction done on their premises. It is alleged that despite showing the orders of this Court, the officials of the respondents demolished the boundary walls of the premises of the petitioner at three places and threatened to come back again to carry out further demolition.

5. A short affidavit of respondents No. 2, 5 and 6, viz., Revenue Department, Government of NCT of Delhi dated 05.03.2020, has been filed and *inter alia* it is submitted that the Revenue Department had carried out demolition drive against the encroachers and removed the encroachment over the forest department, *Gaon Sabha* and *Sarkar Daulat Madaar*. It is specifically deposed that no coercive action has been taken against the petitioner with respect to land falling in *Khasra* No. 1273, 1275 and 1276 of Village Asola. Additionally, it is pointed out that aforesaid *khasra* numbers of the petitioner are existing on the boundary lines of village Sahoorpur and village Asola.

6. During the course of arguments, it was pointed out that the area in question was urbanized as of 25.09.2020, prior to the filing of the respondents' short affidavit. Although the respondents have not filed an affidavit regarding the demarcation of the land in question in accordance with the Court's order dated 06.11.2023 and 26.04.2023, and the right to file such an affidavit has been closed, the situation that undeniably emerges is that the petitioner has already approached the Competent Authority for demarcation of its land under the provisions of the Delhi Land Revenue Act, 1954. A decision has been made, which has led the petitioner to file an appeal before the Divisional



Commissioner.

7. In view of the above, it manifestly appears that the petitioner is pursuing an aimless, ill-motivated and overzealous remedy against the respondents without any cause of action. There are shown no foundational facts for initiating the contempt proceedings against the respondents. The present contempt petition is, therefore, dismissed.

8. The petitioner shall be at liberty to pursue its remedy for demarcation of its land before the competent authority in accordance with law.

DHARMESH SHARMA, J.

AUGUST 14, 2024

Sadiq