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

+ **CONT.CAS. (CRL) 6/2024**

COURT ON ITS OWN MOTION

.....Petitioner

Through: None.

versus

DEVINDRA PRATAP MEHLAWAT

.....Respondent

Through: Mr. Anwesh Madhukar, Adv from
DHCLSC. (M:9899866844) with Ms.
Prachi Nirwan and Mr. Devesh
Khanagwal, Advs.

Mr. Sanjay Lao, APP with Insp. Sher
Singh, SHO PS Vasant Vihar.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **08.07.2024**

1. This hearing has been done through hybrid mode.
2. On 31st May, 2024 the learned Single Judge in suit no. **CS(OS) 2558/1997** passed an order wherein it was concluded that the Respondent-Mr. Devindra Pratap Mehlawat has committed criminal contempt. Further, it was directed that the said Respondent is required to show cause as to why action for criminal contempt ought not to be initiated against him. The relevant portion of the order dated 31st May, 2024 is extracted hereunder for reference:

“5. I am of the view that defendant No. 2 is prima facie in contempt of court and his actions amount to lowering the dignity and majesty of the Court.

6. Defendant No. 2 is required to show as to why Criminal contempt proceedings not be initiated against him. Let a reply be filed within 4 weeks. Copy of the



order be served upon Defendant No.2 by SHO, Vasant Vihar and all other parties.

7. The SHO, Vasant Vihar who is present in Court will produce defendant No. 2 on each and every date of hearing.

8. Since the possession of Defendant No.2 in property bearing No. A-52 Vasant Marg, Vasant Vihar, New Delhi-110057 is contrary to the order dated 10.01.2022, in terms of the order dated 15.05.2024, the SHO, Vasant Vihar shall ensure that defendant No. 2 is removed from the property within 48 hours from the receipt of the order. Thereupon, possession is directed to be restored to the Court Receiver.”

3. The present dispute relates to a property bearing No. A-52, Vasant Marg, Vasant Vihar, New Delhi-110057 (*hereinafter, ‘property’*). On 10th January, 2022 it was directed that the Respondent shall hand over the keys of the property to the Court Receiver within 2 weeks from the date of the said order, failing which the Court Receiver may proceed to place a common lock in the premises for its protection. It was further directed that all parties shall make a sincere effort towards the sale of the property. The relevant portion of the order dated 10th January, 2022 is extracted hereunder for a ready reference:

“3. In these circumstances, it is directed that the defendant No.2 shall hand over the keys to the Court Receiver within two weeks, failing which the Court Receiver may proceed to place a common lock in the premises for its protection. All the parties shall make sincere efforts towards the sale of the property in terms of the directions of this court.”

4. The position, which has been recorded by the learned Single Judge on 31st May, 2024, is that the Respondent acted contrary to the order dated 10th



January, 2022.

5. In compliance with the order dated 31st May, 2024, the SHO Vasant Vihar has filed a compliance affidavit and has also produced the Respondent in Court. Presently, the entire property is now in the control of the Receiver.

6. The Respondent/Contemnor who is physically present in Court submits that his main grievance is that despite the order dated 3rd May, 2011, no rental amount has been recovered from the property and the property continues to remain vacant.

7. The Respondent has repeatedly been questioned as to whether he would be engaging the services of a lawyer to which his response is that he cannot afford the services of a lawyer and hence is unable to represent himself.

8. Accordingly, Mr. Anwesh Madhukar, learned Counsel who is present in Court and is on the panel of the DHCLSC is appointed as a lawyer for the Respondent/Contemnor.

9. The electronic copy of this file be provided to Mr. Madhukar, learned Counsel.

10. The matter was passed over in the morning and Mr. Madhukar, learned Counsel has rendered his services to the Respondent.

11. After having understood the matter from the learned Counsel, an unconditional apology has been tendered by the Respondent for his conduct before the Court on 31st May, 2024.

12. Even when queried from the Court, it appears that the main grievance of the Respondent is that despite the receiver having been appointed in 2011, the property has not been put on rent.

13. Considering that the Respondent and other family members have already been deprived of the property, and even the sale is delayed, the



Respondent's conduct on 31st May, 2024 appears to be out of the sheer frustration.

14. The Court is inclined to accept the unconditional apology and discharge the notice issued for criminal contempt. However, it is made clear that the Respondent shall strictly abide by any orders passed by the Court in **CS(OS) 2558/1997**.

15. If the Respondent wishes to seek any relief to ensure that the property is speedily sold, he is free to avail of his remedies in accordance with law before the learned Single Judge.

16. The affidavit of apology on behalf of the Respondent is taken on record.

17. Mr. Madhukar, learned Counsel be paid by the Delhi High Court Legal Services Committee as per the fee schedule for today's appearance.

18. The present contempt petition is disposed of in the above terms.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 8, 2024/dk/rks/pr