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

+ **CONT.CAS(C) 1319/2024, CM APPL. 48135/2024**

GURINDER SINGH

.....Petitioner

Through: Mr. Kanwal Chaudhary, Adv.

versus

SANDEEP KUMAR & ORS.

.....Respondent

Through: Mr. Aditya Vaibhav Singh, Mr.
Ashutosh K. Tiwari, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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22.08.2024

CM APPL. 48134/2024

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CONT.CAS(C) 1319/2024

1. The applicant-petitioner articulates a grievance that this Court, *vide* its order dated 21.03.2024, directed the respondent-Corporation to issue a reasoned order subsequent to a due and proper consideration of the representations submitted by the petitioner-applicant. The petitioner submits that the respondent-Corporation, in disregard of the Court's order, failed to issue the requisite reasoned order and, notwithstanding such failure, proceeded with the demolition. Based on this, the petitioner-applicant asserts that the respondent-corporation is in contravention of the order dated



21.03.2024, rendering the respondent-Corporation liable for contempt.

2. I have considered the aforesaid submissions and have also perused order dated 21.03.2024, which reads as under:

*“1. Before issuing formal notice in the present petition, it is deemed apposite to direct the MCD to decide the representation of the petitioners dated 23.10.2023 filed at page 97 of the present petition [as also other complaints submitted to the respondent/MCD by the petitioners forming part of Annexure B (colly)] after affording an opportunity of hearing to the petitioners and taking into account the contentions made by the petitioners in the said representation/s.
2. For the aforesaid purpose, let a hearing be granted to the petitioners by the concerned Deputy Commissioner, MCD West Zone, Rajouri Garden, New Delhi, within a period of one week from today, and a reasoned order be passed within a period of three weeks thereafter. Let the same be also placed on record before the next date of hearing.”*

3. The Court is constrained to reject the submissions advanced by the petitioner-applicant.

4. Upon a thorough examination of the order dated 21.03.2024, it is evident that there is no restriction imposed on the respondent from undertaking demolition action. The petitioner's submission that the intent of the order is to ensure that the petitioner is heard, and that no action should be taken by the respondent so long as such a hearing is ongoing, is unfounded.

5. It is trite law that a contempt action can only be initiated when there is a wilful disobedience of specific directions. In analyzing the principles governing the law of contempt, it is essential that contempt proceedings are reserved for instances of wilful disobedience of clear, specific, and unequivocal directions issued by the Court. The mere interpretation or subjective understanding of an order, based on its perceived import or purport, cannot form the basis for such proceedings. The judiciary has



consistently held that contempt jurisdiction is not intended to address ambiguities or to resolve interpretative disputes; rather, it is a potent tool to enforce compliance with explicit judicial mandates.

6. The Supreme Court in ***Sudhir Vasudeva v. M. George Ravishekaran***,¹ has held that the Court in adjudicating a contempt plea should not exceed the confines of the order alleged to have been flouted or delve into matters that have not been addressed or resolved in the judgment or order in question. The relevant portion is extracted hereunder :-

“19. The power vested in the High Courts as well as this Court to punish for contempt is a special and rare power available both under the Constitution as well as the Contempt of Courts Act, 1971. It is a drastic power which, if misdirected, could even curb the liberty of the individual charged with commission of contempt. The very nature of the power casts a sacred duty in the Courts to exercise the same with the greatest of care and caution. This is also necessary as, more often than not, adjudication of a contempt plea involves a process of self-determination of the sweep, meaning and effect of the order in respect of which disobedience is alleged. The Courts must not, therefore, travel beyond the four corners of the order which is alleged to have been flouted or enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged. Only such directions which are explicit in a judgment or order or are plainly self-evident ought to be taken into account for the purpose of consideration as to whether there has been any disobedience or wilful violation of the same. Decided issues cannot be reopened; nor can the plea of equities be considered. The Courts must also ensure that while considering a contempt plea the power available to the Court in other corrective jurisdictions like review or appeal is not trenching upon. No order or direction supplemental to what has been already expressed should be issued by the Court while exercising jurisdiction in the domain of the contempt law; such an exercise is more appropriate in other jurisdictions vested in the Court, as noticed above. The above principles would appear to be the cumulative outcome of the precedents cited at the Bar, namely, Jhareswar Prasad Paul v. Tarak Nath Ganguly [(2002) 5 SCC 352 : 2002 SCC (L&S) 703] , V.M. Manohar Prasad v. N. Ratnam Raju [(2004) 13 SCC 610 : 2006 SCC (L&S) 907] , Bihar Finance Service House Construction Coop. Society

¹ (2014) 3 SCC 373



Ltd. v. Gautam Goswami[(2008) 5 SCC 339] and Union of India v. Subedar Devassy PV [(2006) 1 SCC 613] .”

7. This Court in W.P.(C) 661/2020 titled as ***North Delhi Municipal Corporation And Ors. v. R. S. Meena*** has followed a similar position, wherein, the Court observed that the powers of contempt vested in superior courts impose a fundamental duty to exercise such authority with the utmost care and caution. The Court cannot and must not exceed the confines of the order alleged to have been violated, nor should it address issues that were not explicitly dealt with or resolved in the judgment or order in question. Only those directions that are clearly and unequivocally expressed in the order should be considered when determining whether there has been any disobedience or wilful infraction.

8. Thus, in view of the above, the instant contempt petition stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

AUGUST 22, 2024/KG