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

+ **CONT.CAS(C) 68/2023**

ANITA SINGH

.....Petitioner

Through: Mr. Mehmood Pracha, Mr. Sanawar,
Mr. Kshitij Singh, Mr. Kumail Abbas,
Advs. with petitioner in person.

versus

BRIJENDER SINGH DHULL AND ANR.

.....Respondents

Through: Mr. Mohit Mathur, Sr. Adv. with Mr.
Rajiv Bakshi, Advs. with R-1 in
person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
19.12.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 215 of the Constitution of India read with Sections 11 and 12 of the Contempt of Courts Act, seeks the following prayers:-

“a) Allow the present Petition and initiate contempt proceedings against the Proposed Contemnors for wilfully and deliberately disobeying the Orders dated 13.04.2022 and 29.04.2022 of this Hon’ble Court in W.P. (Crl) 1008/2019 under the Contempt of Courts Act, 1971; and

b) punish respondents/contemnors for willful disobedience of the Orders dated 13.04.2022 and 29.04.2022 of this Hon’ble Court in W.P. (Crl) 1008/2019; and/or

c) Pass any other or further Order(s) as this Hon’ble Court may



deem fit and proper in the facts and circumstances of this case;.”

3. Learned counsel appearing on behalf of the petitioner submits that the respondent had filed a W.P(Crl.) 1008/2019 seeking quashing of an FIR initiated on behalf of the petitioner. Learned counsel for the petitioner submits that during that during the pendency of the aforesaid petition, the respondent had raised an issue that the genesis of the complaint is, in fact the unauthorised construction raised by the petitioner herein.

4. In these circumstances, it is pointed out that, the learned Single Judge while hearing the aforesaid petition passed the following order dated 25.03.2022:-

“2. The flat of the respondent is on the first floor whereas the petitioners are residing on the ground floor. The entire dispute seems to have started from some construction/repair/renovation being carried out in Flat No. 202, i.e., the flat of respondent no.2.

3. In the fitness of things and to have a clear picture of the actual cause from where litigations/complaints/proceedings have started between the parties, it is necessary to know the actual ground reality.

4. The Vice-Chairman of DDA is requested to direct the concerned Zonal Engineer of DDA to get both the above noted flats inspected from a Senior Engineer and to point out deviations, if any, made from the original plan and whether the said deviations are permissible under DDA Act and relevant Rules or not.

5. The original plans of these flats be compared with the existing constructions therein and deviation be clearly marked out; photographs of both the properties showing those deviations be also filed on record.

6. Both the parties shall allow unhindered access to the Engineer



and his team to be deputed by the Zonal Engineer of DDA. The concerned SHO shall provide police protection to the Engineer so deputed. The inspection be carried out within one week from the date of receipt of this order.

6.1 Report be submitted in this regard by 07.04.2022.”

5. It is the case of the petitioner that after the directions in the order dated 25.03.2022 were given and following order dated 13.04.2022 was passed:-

“1. The DDA has filed its report. Ms. Kritika Gupta, appeared for the DDA.

2. The violation notice by the DDA officials during inspection of both the flats i.e No. 201 ground floor and 202 have been enumerated in the report.

3. Learned senior counsel appearing for the petitioner submits that the petitioner has not violated any of the building bye-laws or conditions imposed by the DDA, except the one which are permissible and compounding is possible.

4. As per the DDA report, the violations at point No. 1,3,4,5,6,7 and 8 in respect of the flat No. 201 are not permissible as per the DDA policy. However, the changes as mentioned at point No. 2 and 3A are compoundable; in point 4A although it is said that it is permissible but in the present case it is stated to be a case of unauthorised construction. The petitioner is at liberty to either remove these violations or to make submissions in writing as to how the violations mentioned above are not against the DDA policy.

5. In respect of the flat No. 202, it has been mentioned that violations at point No. 1,2,3 & 4 are against the DDA policy and the violations mentioned at point No. 2A, although permissible but in the present case it is a case of unauthorised construction and the violations at point Nos. 5,6&7 are permissible with permission from the DDA.

6. Wherever the violations in the above two cases are



permissible subject to taking permission from DDA, parties are at liberty to take permission from DDA; otherwise parties have to put the flats back in the original shape or they should be ready to explain as to how the violations are not against the DDA policy.

7. Requisite steps be taken within ten days; the Executive Engineer of the DDA, who is present in Court, shall inspect both the premises on 25.04.2022 and submit a report in Court within two days thereafter. The DDA is further requested to place on record the legible maps of the flats with the violations clearly marked as observed during the second inspection.”

(emphasis supplied)

6. Subsequently, the learned Single Judge while hearing the aforesaid petition and after receiving certain reports from DDA passed the following order dated 29.04.2022. Learned counsel for the petitioner relies upon the following observations:-

“1. The second report by DDA has been filed on record. Copies has been supplied to both the sides.

Crl.M.A. 8106/2022

2. This is an application moved on behalf of the present petitioner praying for some time to take appropriate steps in the light of the second report filed by DDA.

2.1 Copy of the same has been supplied.

3. It has been submitted that son of the petitioner is appearing in board examination.

4. In view of this, steps cannot be taken at this stage.

5. Heard. The petitioner is given four weeks from today to take appropriate steps. The Engineer from DDA will verify whether the appropriate steps have been taken or not and file a status report on the next date of hearing.

6. The contesting respondent/ respondent no.2 submits that respondent has already complied with and taken appropriate steps and have also approached DDA for regularization of construction which can be regularized.



7. The counsel for the DDA submits that no such steps have been taken.
8. The necessary steps be taken by both the sides.
9. The DDA shall inspect the property on 30.05.2022 and submit the report before the next date of hearing on 01.06.2022.
10. List this matter on 02.06.2022.
11. It is not necessary for the executive engineer to be present in Court, he may depute any officer to present on his behalf.
12. Interim order to continue till then.”

(emphasis supplied)

7. Learned counsel for the petitioner submits that in terms of order dated 13.04.2022 despite the order by the learned Single Judge, the respondent did not comply with the directions more particularly mentioned in para 6 of the said order. Learned counsel for the petitioner submits that in the meantime the petitioner had also moved an application being Crl.M.A. 8106/2022 seeking appropriate directions whereby further time was sought to comply with the aforesaid directions. It is further pointed out that faced with the aforesaid situation, the petitioner with malafide intention withdrew the petition by moving an application bearing CRL.M.A. 15161/2022, which was allowed by learned Single Judge vide order dated 03.08.2022.

8. In this background, it is submitted that respondent is guilty of willful disobedience of order passed by learned Single Judge inasmuch as he did not comply with the directions as pointed out hereinabove.

9. *Per contra*, learned Senior Counsel appearing on behalf of the respondent submits that after the directions were passed vide order dated 13.04.2022, an application was moved by the respondent bearing CRL.M.A. 8106/2022, which was duly recorded in the order dated 29.04.2022 by the learned Single Judge and the petitioner was given four weeks from the said



date to take appropriate steps. It is pointed out that subsequent thereto, the respondent moved an application before the competent authority on 31.05.2022. It is further submitted that there was no willful disobedience of the aforesaid order and the respondent had, in compliance of the aforesaid directions, applied for regularization of the addition/alteration of his flat. It is further pointed out that with respect to the aforesaid issue of unauthorised construction, the litigations are pending between petitioner and respondent before the concerned courts.

10. Heard the learned counsel for the parties and perused the records.

11. The grievance of the petitioner is that the directions given by the learned Single Judge on 13.04.2022 that necessary steps would be taken by the respondent with respect to violations in his flat were not complied with. It is a matter of the record that post the aforesaid order, the respondent had moved an appropriate application after seeking permission from the concerned Court for extension of time in which he was supposed to do the same.

12. As noted hereinbefore, the learned Single Judge vide order dated 29.04.2022 had permitted the respondent to file the appropriate application which has now been placed on record.

13. In the aforesaid facts and circumstances, this Court does not find willful disobedience of any directions passed by the learned Single Judge.

14. Accordingly, the petition is dismissed and disposed of.

15. Needless to state, that all rights and contentions of the parties are left open.

AMIT SHARMA, J

DECEMBER 19, 2025/nk