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

% ***Date of Decision: 23rd January, 2025***

+ **CONT.CAS(C) 84/2025 & CM APPL. 4197/2025**

MS PREETI

.....Petitioner

Through: **Mr. Arun Kumar Verma, Advocate**
(Through VC)

versus

SHRI ASHWINI KUMAR

.....Respondent

Through: **Mr. Prithish Sabharwal, Advocate for**
MCD

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 4197/2025 (exemption)

Exemption allowed, subject to all just exceptions.

CONT.CAS(C) 84/2025

1. Petitioner has sought initiation of contempt proceedings on the ground that respondents have wilfully disobeyed the specific directions contained in order dated 12.08.2024 passed by learned Division Bench of this Court in W.P. (C) No. 8771/2024.

2. Paras 4 to 7 of the aforesaid order read as under: -

“4. Mr. Sabharwal, on instructions, states that MCD is proposing to issue a fresh show-cause notice to respondent no.5 during the course of the day. He further states that after giving an opportunity of hearing to respondent no.5, a detailed order shall be passed. The said statements by Mr. Sabharwal are taken on record and MCD is held bound by the same.

5. It is clarified that if respondent no.5 is aggrieved by the order proposed to be passed by the MCD, respondent no.5 shall be at liberty to file appropriate proceedings in accordance with law.



6. In the event any such proceeding is filed by respondent no.5, the same shall be decided in accordance with law and on merits. The rights and contentions of all the parties are left open.

7. With the aforesaid direction, the present writ petition stands disposed of.”

3. It is submitted by learned counsel for petitioner that the construction is complete and no action has been taken by the MCD.
4. Mr. Pritish Sabharwal, learned Standing Counsel for MCD appears on advance notice and submits that as per the instructions, which he has received from the Corporation, fresh show cause notice was, in fact, issued to respondent no. 5 in the aforesaid writ petition and he was also given an opportunity of hearing and since necessary rectification was carried out by the concerned owner/occupier/builder in terms of the Building Byelaws, there was no requirement of further proceedings in the matter as there was nothing which could have suggested any unauthorized construction.
5. Such statement is taken on record.
6. In view of the above, there is no purpose in continuing with the present contempt petition. Same is accordingly disposed of.
7. Needless to say, petitioner would be at liberty to take recourse to any other action as may be permissible under law.

(MANOJ JAIN)
JUDGE

JANUARY 23, 2025/dr