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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 686/2022, CM APPL. 29019/2022 & CM APPL.
29021/2022 (Delay)

SMT. BALWANT KAUR

.....Petitioner

Through: Mr. Ankit Sharma, Adv. (through
VC).

versus

MANISH KUMAR GUPTA & ORS.

.....Respondents

Through: Mr. Mayank Bamniyal, Adv. for DDA
(through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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03.12.2025

1. This hearing has been done through hybrid mode.
2. The present petition under Section 12 of the Contempt of Courts Act, 1971, has been filed seeking the following prayers: -

“A. Initiate contempt proceedings against the Respondent no.1, respondent no.2 and respondent no.3 for their willful disobedience.

and

B. Issue appropriate directions for the compliance of the judgment dated 29.05.2009 passed by this Hon'ble Court in the connected Writ Petition (civil) No. 16845/2006 in the case title Pritpal Singh and ors. versus Union of Indian;

And

C. Pass any other Order(s)/ Direction(s) that this Hon'ble Court may deem fit and proper in the present facts and circumstances.”

3. *Vide* common judgment dated 29.05.2009 in W.P.(C)s 16833-16845 of 2006, learned Division Bench of this Court had passed the following



directions: -

“36. Under the circumstances, the writ petitions are disposed of with the following reliefs to the petitioners:

(a) The land to be acquired, under the impugned notification shall be confined to that portion which is required for construction of the road in Sector 16, Rohini, alone. This shall be restricted to the area shown in blue in the Annexure to the letter dated 4th April, 2006 sent by Mr. Pritam Singh, Deputy Director (NL-1), DDA to the Deputy Secretary (LA), Land & Building Department, Vikas Bhawan, New Delhi. With regard to the remaining portions of the land, the said notifications are quashed.

(b) The petitioners shall be entitled to costs of Rs. 11,000/-.”

4. The petitioner herein, was petitioner No. 8 in the aforesaid writ petition. The grievance of the petitioner is that in non-compliance/disobedience of the aforesaid judgment dated 29.05.2009 passed in W.P.(C) 16845 of 2006, the respondents have demolished the back wall of the petitioner’s property/house.

5. The respondents/DDA has filed an affidavit dated 19.11.2024 authored by Uttam Chand Meena, Superintending Engineer DDA, Rohini, Civil Circle-03, Zonal Office Building, Madhuban Chowk, Rohini, Delhi-110085, stating as under: -

“6. It is most humbly stated that the Hon’ble High Court in its final judgment and order dated 25.02.2009 had partially allowed the Writ Petition by restricting the impugned notifications to acquire only those portions which was required for construction of the road in Sector 16, Rohini the required and undertake the required development.

7. That on 30.06.2010, in accordance with the final judgment and order dated 25.02.2009 of the Hon’ble High Court, the answering Respondent carried out possession proceedings and undertook the demolition proceedings for development of the road only on the



land required, as mandated by the judgment and final order of the Hon'ble High Court. A copy of the Possession Proceedings alongwith its Translated copy are annexed herewith as **ANNEXURE A-1.**

8. It is submitted that the answering Respondent carried out demolition on 30.08.2019 in the Khasra No. 77 and 78 and not in the Khasra no. 55/2 of Village Samaypur, Delhi- 110042, as is wrongly being averred by the Petitioner. It is further stated that the said subject land having Khasra No. 55/2 had neither been taken into possession by the answering 9. defendant during the proceedings on 30.08.2019 nor was demolished by the answering defendant on the aforesaid date. The demolition proceedings were carried out on Khasra No. 77 and 78 which were part of the different valid award and the same was not the part of the land involved in the judgment and order dated 25.02.2009 by the Hon'ble High Court of Delhi.

9. The aforesaid fact has also been brought to the notice of the Hon'ble Court by the answering Respondent in an earlier matter filed by the Petitioner titled as '*Balwant Kaur Vs. DDA*', CS No. 519/19, in the Hon'ble Court of Ms. Kiran Gupta, L.D. ADJ-03, Rohini Court, Delhi. The Petitioner has misrepresented to the Hon'ble Court that the demolition was carried out on 30.08.2019 and the same was falling in the Khasra no. 55//2.

10. It is most emphatically stated that the answering Respondent had acted as per law and none of the action by it was beyond the scope of law.

11 Thus, it is evident from the aforementioned facts that the Respondent/DDA has not shown any disregard to the orders of this Hon'ble Court. In its capacity, there is no act on the part of DDA which shows wilful or deliberate contempt or violation of the judgement dated 29.05.2009. Furthermore, DDA stands bound by the orders of this Hon'ble Court and shall continue to abide by all the orders of this Hon'ble Court."

6. During the pendency of the present petition, the petitioner has placed on record a copy of suit, CS No. 519/2019, filed before learned District &



Sessions Judge seeking permanent, mandatory injunction and declaration against the respondent/DDA in respect of property measuring 8 biswas in Khasra No. 55/2 situated in Village Samaypur, Delhi, against the arbitrary action of the defendant/DDA.

7. Learned counsel for the petitioner submits that the respondents in wilful disobedience of the directions passed by learned Division Bench *vide* the aforesaid judgment dated 29.05.2009 have demolished the back wall of the petitioner's house and had taken forcible possession of 105 sq. yards of her land under the garb of the demolition action carried out on 30.08.2019 and handed over the same to the third party. It is submitted that the respondents in connivance with one Prabha had encroached upon the land of the petitioner. Said Prabha had filed a suit, **CS No. 308/2017**, before learned District Judge, Rohini, seeking possession and mandatory injunction for the said plot of land. The respondents had unlawfully encroached and demolished the petitioner's property on 30.08.2019 and handed over the 55 sq.yards of petitioner's land to said Prabha and immediately on recovery of the possession of petitioner's land, the suit filed by said Prabha was withdrawn. It is the case of the petitioner the land of the petitioner was encroached by the respondents and they were acting in collusion with said Prabha.

8. *Per contra*, learned counsel for the respondents/DDA submits that the demolition action was carried out for the development of road on the subject land in pursuance of the judgment passed by learned Division Bench. It is submitted that the demolition action was done in Khasra Nos. 77 & 78 situated in Village Samaypur, Delhi, on 30.08.2019. It is submitted that the possession of the subject land in Khasra No. 55/2 was not taken by respondents/DDA and the said demolition proceedings were carried out on Khasra Nos. 77 & 78



which were part of different valid award and the same was not part of the land involved in W.P.(C) 16845 of 2006.

9. It is pertinent to note that after carrying out of alleged demolition by the respondents on 30.08.2019, the petitioner had filed a civil suit, **CS No. 519/2019**, titled as **“Smt. Balwant Kaur v. DDA”** seeking the following reliefs: -

“(a) Pass a decree of mandatory injunction in favour of the plaintiff and against the defendants interalia directing them not to undertake the demolition work in the suit property of the plaintiff and rebuilt the same at the earliest ;

(b) Direct the defendant to restore the property of the plaintiff in its original condition of pre- demolition

In alternatively, a compensation for a sum of Rs. 5 Lakhs may be awarded in favour of the plaintiff or against the defendant.

(c) Declare the act of the defendant is illegal and without any basis and declare the suit property has already been released from the alleged acquisition proceedings, the plaintiff is lawful owner of the suit property;

(d) Award the cost of the suit in favour of the plaintiff;

(e) Pass any order, relief or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case in favour of the plaintiff and against the defendants.”

10. The present petition is also accompanied by an application, **CM APPL. 29021/2022**, under Section 5 of the Limitation Act 1963, seeking condonation of delay of 639 days in filing of the contempt petition. The only ground urged by the petitioner for condonation of delay is by relying on the judgment of Hon'ble Supreme Court in **In Re: Cognizance for Extension of Limitation**, whereby, the limitation period from 15.03.2020 to 28.02.2022 was suspended,



on account of pandemic situation due to the spread of novel *corona virus* in the country.

11. As pointed out hereinbefore, the petitioner had filed the aforesaid Civil Suit, **CS 519/2019**, on 30.09.2019, *i.e.*, after the demolition action was carried out by the respondents and no justification has been shown as to why the present proceedings were not initiated contemporaneously.

12. In view of the aforesaid, no grounds are made out for condonation of delay in filing the present contempt petition and the application seeking condonation of delay is dismissed and disposed of accordingly.

13. In any case, the respondent has taken a specific stand that demolition was not carried out in Khasra No. 55/2 and, therefore, the same becomes a disputed question of fact which will be determined by the Court of competent jurisdiction in Suit proceedings filed at the instance of the present petitioner.

14. In view of the aforesaid, the present petition is dismissed and disposed of.

15. Pending applications, if any, also stand disposed of accordingly.

16. Needless to state that, nothing mentioned hereinabove, is an opinion on the merits of the case and any observations made are herein only for the purpose of the present petition.

17. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

DECEMBER 3, 2025/nk/kr/ns