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

+ **CONT.CAS(C) 1129/2024**

ANIL KUMAR SEHGAL

.....Petitioner

Through: Mr. Sanjeev Sahay, Ms. Shagun and
Mr. Archit Rajput, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
& ORS.

.....Respondents

Through: Mr. Ashutosh Gupta, Additional
Standing Counsel with Mr. Vipin Kumar, Ex.
Engineer (B)/WZ.

+ **W.P.(C) 4844/2024**

ANIL KUMAR SEHGAL

.....Petitioner

Through: Mr. Sanjeev Sahay, Ms. Shagun and
Mr. Archit Rajput, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI
& ANR.

.....Respondents

Through: Ms. Shilpa Ohri, Additional Standing
Counsel for MCD.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.01.2025

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CONT.CAS(C) 1129/2024

1. This contempt petition is preferred on behalf of the Petitioner alleging wilful and deliberate disobedience of the order passed by this Court on 03.04.2024 wherein the Court had recorded the submission made by the



counsel on behalf of Respondent No. 1, on instructions, that MCD has not yet booked/taken any action *qua* the temporary tin shed constructed by the Petitioner which is the subject matter of W.P.(C) 4844/2024 and that if and when any action is proposed to be taken, prior notice shall be given to the Petitioner and he will be afforded opportunity of hearing, as per applicable procedure. The statement was taken on record.

2. By this petition, Petitioner urges that after the order was passed by the Court, Respondents *mala fide* issued a show cause notice dated 08.04.2024 under Sections 344(1) and 343 of the Delhi Municipal Corporation Act, 1957 (1957 Act) directing the Petitioner to submit his reply within 3 days as to why demolition order under Section 343 be not passed in respect of the temporary tin shed constructed in the open backyard of Petitioner's house. This notice was never personally served upon the Petitioner and was affixed on the outside wall of Petitioner's house on 10.04.2024, which is evident from the photographs on record. On seeing the notice on 10.04.2024, Petitioner immediately wrote a letter on 12.04.2024 to the Respondents to provide all necessary documents to file an effective reply but the documents were never furnished.

3. It is further stated in the petition that on 15.04.2024, Petitioner sent another letter seeking documents to reply to the show cause notice followed by a letter dated 19.04.2024 but again the documents were not supplied. On 24.04.2024, Petitioner received a letter dated 16.04.2024 through post from the Respondents, wherein instead of supplying the documents, seven days' time was granted to file reply to the show cause notice dated 08.04.2024. as per the Petitioner, the *mala fide* intent of the Respondents was writ large from the fact that letter dated 16.04.2024 calling upon the Petitioner to file a



reply in seven days was dispatched only on 22.04.2024 and was admittedly received by the Petitioner on 24.04.2024 when the seven days' period was over.

4. Learned counsel submits that every effort was made to violate the undertaking given to the Court on 03.04.2024. Neither the show cause notice was personally served on the Petitioner nor the requisite documents were furnished. Deliberately the letter dated 16.04.2024 was dispatched only on 22.04.2024 to make sure that Petitioner is unable to respond and defend his case. Additionally, Respondents have completely violated the assurance that before any action is proposed against the Petitioner, opportunity of hearing will be afforded, which was admittedly not done.

5. Learned counsel for MCD fairly and candidly submits that personal hearing was not granted to the Petitioner due to inadvertence and oversight and there was no *mala fide* intent in doing so. It is submitted that Respondents have the highest regard for the orders of this Court and cannot flout them deliberately. On instructions, learned counsel states that an affidavit tendering unconditional apology will be filed by Mr. Surinder Singh, AE (B) and it is assured that the officials will be more careful in future.

6. There is substance in the contentions raised on behalf of the Petitioner that the undertaking given to this Court has not been complied with in letter and spirit. Learned counsel submits that the concerned official is apologetic and wishes to tender an unconditional apology, which may be accepted. Let an affidavit tendering unconditional apology be filed within three weeks with an assurance to be careful in future in compliance with Court orders.

7. This contempt petition is disposed of. In case, the apology affidavit is



not tendered, it will be open to the Petitioner to seek revival of the petition.

W.P.(C) 4844/2024 and CM APPL. 19826/2024 and 60943/2024

8. In continuation of order dated 03.04.2024, it is directed that Petitioner will be called for a personal hearing on 17.02.2025 at 02:00 PM by the concerned AE who is currently stated to be Mr. N.S. Meena. After hearing the Petitioner, an order will be passed with respect to the alleged unauthorized construction and communicated to the Petitioner, who will be at liberty to take recourse to appropriate legal remedies, if aggrieved.

9. Writ petition is disposed of in the aforesaid terms.

10. Pending applications stand disposed of.

JYOTI SINGH, J

JANUARY 29, 2025/jg/shivam