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

+ CONT.CAS(C) 1786/2023, CM APPL. 9886/2024, CM APPL.
19338/2024&CM APPL. 61633/2025

MAMCHAND

.....Petitioner

Through: Petitioner in person.
Mr. Chandan Kumar Mandal, Amicus
Curiae, (through Vc).

versus

NARENDER KUMAR @ NEERAJ AND OTHERS

.....Respondents

Through: Mr. Bhopal Singh, Advocate along
with R-1 in person.
Mr. Anubhav Gupta, Panel Counsel,
Civil, for GNCTD.

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+ CONT.CAS(C) 1787/2023, CM APPL. 9885/2024, CM APPL.
19336/2024, CM APPL. 73613/2024&CM APPL. 62340/2025

MAMCHAND

.....Petitioner

Through: Petitioner in person.
Mr. Chandan Kumar Mandal, Amicus
Curiae, (through Vc).

versus

NARENDER KUMAR @ NEERAJ AND OTHERS

.....Respondents

Through: Mr. Bhopal Singh, Advocate along
with R-1 in person.
Mr. Anubhav Gupta, Panel Counsel,
Civil, for GNCTD.

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+ CONT.CAS(C) 1791/2023, CM APPL. 9883/2024, CM APPL.
19340/2024, CM APPL. 74106/2024&CM APPL. 62337/2025

MAMCHAND

.....Petitioner

Through: Petitioner in person.
Mr. Chandan Kumar Mandal, Amicus
Curiae, (through Vc).

versus

NARENDER KUMAR @ NEERAJ AND OTHERS

.....Respondents

Through: Mr. Bhopal Singh, Advocate along
with R-1 in person.
Mr. Anubhav Gupta, Panel Counsel,
Civil, for GNCTD.

11

+ CONT.CAS(C) 1792/2023, CM APPL. 9884/2024, CM APPL.
19333/2024, CM APPL. 73615/2024&CM APPL. 62339/2025

MAMCHAND

.....Petitioner

Through: Petitioner in person.
Mr. Chandan Kumar Mandal, Amicus
Curiae, (through Vc).

versus

NARENDER KUMAR @ NEERAJ AND OTHERS

.....Respondents

Through: Mr. Bhopal Singh, Advocate along
with R-1 in person.
Mr. Anubhav Gupta, Panel Counsel,
Civil, for GNCTD.

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+ CONT.CAS(C) 1981/2024, CM APPL. 73732/2024&CM APPL.
73733/2024

MAMCHAND @ MC MAHESH

.....Petitioner

Through: Petitioner in person.



Mr. Chandan Kumar Mandal, Amicus Curiae, (through Vc).

versus

PANKAJ CHAWLA AND OTHERSRespondents

Through: Mr. Bhopal Singh, Advocate along with R-1 in person.
Mr. Anubhav Gupta, Panel C

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+ CONT.CAS(C) 337/2024,CM APPL. 73610/2024, CM APPL. 62336/2025&CM APPL. 62338/2025

MAMCHANDPetitioner

Through: Petitioner in person.
Mr. Chandan Kumar Mandal, Amicus Curiae, (through Vc).

versus

NARENDER KUMAR @ NEERAJ AND OTHERS

.....Respondents

Through: Mr. Bhopal Singh, Advocate along with R-1 in person.
Mr. Anubhav Gupta, Panel Counsel, Civil, for GNCTD.

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+ CONT.CAS(C) 440/2024

MAM CHANDPetitioner

Through: Petitioner in person.
Ms. Bhavi Garg, Amicus Curiae with Mr. Deepak Sood and Ms. Deepika, Advocates.

versus

NARENDER KUMAR @NEERAJ AND OTHERS

.....Respondents

Through: Mr. Bhopal Singh, Advocate along



with R-1 in person.

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+ CONT.CAS(C) 441/2024

MAMCHAND

.....Petitioner

Through: Petitioner in person.
Ms. Bhavi Garg, Amicus Curiae with
Mr. Deepak Sood and Ms. Deepika,
Advocates.

versus

NARENDER KUMAR @ NEERAJ AND OTHERS

.....Respondents

Through: Mr. Bhopal Singh, Advocate along
with R-1 in person.

17

+ CONT.CAS(C) 442/2024

MAM CHAND

.....Petitioner

Through: Petitioner in person.
Ms. Bhavi Garg, Amicus Curiae with
Mr. Deepak Sood and Ms. Deepika,
Advocates.

versus

NARENDER KUMAR @NEERAJ AND OTHERS

.....Respondents

Through: Mr. Bhopal Singh, Advocate along
with R-1 in person.

18

+ CONT.CAS(C) 443/2024

MAM CHAND

.....Petitioner

Through: Petitioner in person.
Ms. Bhavi Garg, Amicus Curiae with
Mr. Deepak Sood and Ms. Deepika,
Advocates.



versus

NARENDER KUMAR @NEERAJ AND OTHERS

.....Respondents

Through: Mr. Bhopal Singh, Advocate along
with R-1 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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01.11.2025

1. This hearing has been done through hybrid mode.
2. The present petitions under Article 215 of the Constitution of India, 1950, read with Section 151 of the CPC and Contempt of Courts Act, 1971, have been filed by the petitioner.
3. These present petitions have been preferred by Mr. Mam Chand, *i.e.*, the 'petitioner' in these petitions, and the same are being disposed of by way of this common order, as the facts and prayers in these matters are substantially common, and certain factual aspects are interlinked and necessary to be considered together for proper adjudication.

BACKGROUND OF THE CASES

4. The petitioner claims to be the husband of late Smt. Neelam Rani, who has since passed away. Late Mr. Virender Kumar, Mr. Narender Kumar @ Neeraj, and Mr. Harish Kumar @ Kakka are sons of late Smt. Neelam Rani. Mr. Harish Kumar @ Kakka and Mr. Narender Kumar @ Neeraj have been arrayed as respondents in some of the petitions. The family members of Mr. Narender Kumar @ Neeraj, namely, Ms. Chanchal (wife of Mr. Narender Kumar) and Mr. Vansh (son of Mr. Narender Kumar), have also been impleaded as respondents in some of the petitions. The legal heirs of late Mr. Virender Kumar, namely, Mr. Piyush (son of Mr. Virender), Ms. Naina



(daughter of Mr. Virender), and Ms. Suman (wife of Mr. Virender), have likewise been impleaded as respondents in some of the petitions. The petitioner claims that the said respondents have forcibly evicted him from property bearing No. A-32, Janta Colony, Raghubir Nagar, New Delhi (hereinafter referred to as the “**subject property**”) and have taken illegal possession of the same. The case of the petitioner is that the subject property was purchased by his father in the year 1955.

5. The case of the petitioner is that he had filed an application under Section 145 of the CrPC before learned SDM, Punjabi Bagh, New Delhi, on 06.11/06.12.1982, and the latter after inspecting the site, admitted the possession of the petitioner in the subject property. Thereafter, in 1985, one Kanwal Nain Aneja filed a suit for possession or in alternative, for recovery of Rs.60,000/- against several defendants including the petitioner herein on 24.05.1985. On 16.09.1994, learned Civil Judge dismissed the suit filed by aforesaid Kanwal Nain Aneja *vide* judgment dated 16.09.1994 in Suit No. 283/1994.

6. In the meanwhile, the petitioner had instituted a suit No. 288/1992 titled as “*Mam Chand v. Kanwal Nain Aneja & Ors.*” seeking permanent injunction wherein, on 03.09.1992, Defendant No.1, *i.e.*, Kanwal Nain Aneja was restrained from interfering in the peaceful possession of the plaintiff/petitioner.

7. It is the case of the petitioner that, despite there being order in suit No. 288/1992 dated 03.09.1992, aforesaid respondents disobeyed the same and forcefully threw out the petitioner from his own house and took the said house in their illegal possession along with all household articles including jewellery, property papers etc., while acting in collusion with the police. The



“31.03.97 Present: Mr. Mamchand, petitioner in person.
Mr. Sumit Pushkarna for counsel for the
respondent.

Meanwhile Mamchand should be given such protection as he may need to ensure peaceful existence.

sd/-
Mahinder Narain
Acting Chief Justice

sd/-
S.K. Mahajan
Judge”

8. It is further the case of the petitioner that in Suit No. 288/1992 instituted by him, learned Civil Court on 25.08.2006, had passed the following order: -



SUIT No.288/92

MAM CHAND Vs. KANWAL NAIN

25.08.2006.

Present Counsels for parties.

Parties in person.

An application U/s 115 of Evidence Act r/w section 151 CPC moved on behalf of plaintiff. Copy supplied. Counsel for defendant undertake to file their WS on NDH after inspecting the case file. It is made clear to the defendants that no further opportunity shall be given to the defendants and they are directed to maintain status quo with respect to the suit property.

Copy of the plaint supplied.

To come up for WS on 02.09.2006.

Sd/-
CJ DELHI
25-8-06

9. Subsequently, the petitioner had filed an eviction petition bearing case No. 205/DCW/2019 on 19.02.2019 before learned District Magistrate (West), under Delhi Maintenance and Welfare of the Parents and Senior Citizens (Amendment) Rules, 2017, against the respondents who were residing at the subject property, seeking their eviction on the ground that the threats and cruel behaviour of the respondents are unbearable, and its has become impossible for the petitioner to reside peacefully and with dignity in the subject property during the twilight years of his life. The said petition was dismissed by learned District Magistrate (West) on the ground of non-maintainability *vide* order dated 13.10.2021. The said order of dismissal was challenged by the petitioner



before learned Divisional Commissioner in Appeal No. 425/2021, and the learned Divisional Commissioner *vide* order dated 08.09.2022 had set aside the order dated 13.10.2021 and directed the respondents to vacate and hand over the possession of the subject property to the petitioner/appellant. Respondents were further restrained and directed not to enter into the subject property without the wishes of the petitioner and not create any hassles in his life.

10. Being aggrieved by the order dated 08.09.2022 passed by learned Divisional Commissioner in Appeal No. 425/2021, respondents preferred a W.P.(C) 14264/2022 titled as “*Narender Kumar @ Neeraj and Ors. and Govt. of NCT of Delhi & Ors.*” wherein *vide* judgment dated 29.11.2023, learned Coordinate Bench of this Court had set aside the order dated 08.09.2022 passed by learned Divisional Commissioner and upheld the order dated 13.10.2021 passed by learned District Magistrate (West).

SUBMISSIONS OF BEHALF OF THE PETITIONER

11. Petitioner, who appears in person, submits that he has been constrained to approach this Court on account of continued and deliberate disobedience of multiple judicial orders and undertaking given before this Court and the Civil Court, by the respondents.

12. It is submitted by the petitioner, that the respondents have not only violated judicial directions but have also breached undertaking furnished before this Court in Crl.Misc.(Main) No. 31/1984 and Crl.Misc.(Main) No. 1854/1986 by their mother, late Smt. Neelam Rani, who had undertaken not to interfere with or dispossess the petitioner from the subject property. According to the petitioner, the continued possession and acts of the



respondents amount to willful and deliberate contempt of Court within the meaning of Section 2(b) of the Contempt of Courts Act, 1971.

13. During the course of hearing, the petitioner further contends that once such a statement is made on oath before a competent Court, the doctrine of estoppel would come into force, and the party making the statement is estopped acting contrary to the same. It was further submitted that giving a declaration before the Court amounts to a decree in terms of Section 2(2) of the CPC, and that civil contempt under Section 2(b) of the Contempt of Courts Act, 1971, encompasses the willful disobedience of a judgment or order.

14. The petitioner, further, placed reliance on Section 8 and 9 of the Oaths Act, 1969, submitting that any deliberate breach of statement made on oath, before a Court, would constitute a contempt, since the statement forms part of the judicial process. It was further contended that the learned *Amicus Curiae* has misinterpreted certain facts before the Court, and that the scope of contempt jurisdiction should be only confined to determining whether there has been disobedience of the judgment or an order, without delving into any ancillary issue.

15. It was further submitted by the petitioner that late Smt. Neelam Rani along with the respondents was earlier residing at property No. A-39, Janta Colony, whereas the subject property was owned and possessed by the petitioner. It was alleged that the respondents have forcibly occupied the subject property, are involved in criminal activities, and have even assaulted the petitioner, which incidents have been reported to the local police. The petitioner contends that despite such complaints, no effective action has been taken by the police authorities.

16. Petitioner further submits that an interim order passed by a Court,



would amount to a decree, since the Court had consciously adjudicated the right of possession. It was further argued that the said interim order continues to operate in law and has never been vacated.

17. It was further submitted that mere physical possession does not constitute possession in the eyes of law, and that only lawful possession can be recognized and protected by the Court. It was further argued that the respondents cannot claim any benefit from their continued physical presence in the premises.

18. With specific reference to Cont.Cas.(C) No. 1781/2023, the petitioner submitted that this Court possesses inherent powers under Section 151 of CPC, to restore possession to the rightful owner in cases where possession has been lost or withheld in violation of judicial orders.

19. Reliance was placed on the following decisions by the petitioner, during the course of arguments: -

- i) Kedar Nath Sinha v. Sahedo Jha & Ors. 1977 CRL L.J. 1174;
- ii) Sudhir Vasudev, Chairman v. M. George Ravishekhar & Ors. (2014) 3 SCC 373;
- iii) Kapildeo Prasad Sah & Ors. v. State of Bihar AIR 1999 SC 3215;
- iv) Shri Mam Chand and Ors. v. Commissioner of Police & Ors., Crl. (Misc) (Main) No. 31/1984 dated 11.03.1985;
- v) Moinder Singh Verma v. The State & Ors. W.P. (Crl.) No. 1188/2003 dated 10.09.2004;
- vi) Kerala State Coir Corp. Ltd. v. Delhi Intercontinental (Hotels) Pvt. Ltd. Civil Revision No. 510/1992;
- vii) Ahibaran Lal v. DDA & Anr. Order dated 19.11.2009 in CM(M) 1643/2007;



- viii) Thakur Singh & Ors. v. Inder Singh AIR 1976 Punjab & Haryana 287;
- ix) Tulsiram Tukaram & Ors. v. Totaram Pandu & Ors. AIR 1938 Bom 465;
- x) M/s Ashok Paper Kamgar Union & Ors. v. Dharam Godha & Ors. AIR 2004 SC 105;
- xi) Vidya Charan Shukla v. Tamil Nadu Olympic Association & Anr. AIR 1991 Madras 323.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

20. Learned counsel appearing on behalf of the respondents submits that the present petitions are not maintainable, and constitutes a repetition of long standing civil disputes concerning the subject property. It is contended that the petitioner has been continuously filing proceedings before various Courts, all based on the same set of facts, and that most of such proceedings have already attained finality.

21. It is further stated that the petitioner had filed an eviction petition bearing case No. 205/DCW/2019, under the provisions of Delhi Maintenance and Welfare of Parents and Senior Citizens (Amendment) Rules, 2017, before the learned District Magistrate (West), seeking eviction of respondents from the subject property.

22. It is submitted that in the said proceedings, the respondents had denied the petitioner's claim of ownership, stating that the petitioner was merely a friend of their deceased father and had been permitted to reside temporarily in the subject property in the year 1982. *Vide* order dated 13.10.2021, the learned District Magistrate (West) dismissed the aforesaid application on the ground of non-maintainability.



23. It was submitted that the appeal preferred by the petitioner, subsequent to dismissal of the aforesaid application, before the Divisional Commissioner (Appellate Authority), was allowed *vide* order dated 08.09.2022, setting aside the order of the learned District Magistrate (West). However, the order dated 08.09.2022 was challenged before this Court in W.P.(C) No. 14264/2022, titled as ‘Narender Kumar @ Neeraj & Ors. v. Govt. of NCT of Delhi & Ors.’.

24. Learned Coordinate Bench of this Court, *vide* judgment dated 29.11.2023, allowed the said Writ, and set aside the appellate order dated 08.09.2022, and restored the original order dated 13.10.2021, passed by the learned District Magistrate (West). The learned Single Judge while disposing the said Writ, observed as under: -

13. This Court has gone through the written submissions filed by the Applicant/Respondent No.3. It has been stated by the Applicant/Respondent No.3 that the documents relied upon by the Petitioners should not be looked into by this Court because these documents have been filed by the Petitioners for the first time in the writ petition.

14. Most of these documents relied upon by the Petitioners do find mention in the Orders of the Forums mentioned above. The documents relied upon by the Petitioners are the documents which have been issued by the authorities and which can be gone into by a Writ Court while entertaining the writ petition.

15. In the facts of the present case and the material on record before this Court indicates that Smt. Neelam Rani is the wife of Sh. Prem Prakash and the same is evident from the death certificate of Smt. Neelam Rani, Ration Card of Smt. Neelam Rani and electoral rolls of the area. In all these documents, it is shown that Smt. Neelam Rani is the wife of Sh. Prem Prakash. **Though, in certain documents Smt. Neelam Rani has shown herself as the wife of the Applicant/Respondent No.3 but in the absence of any proof of marriage, the affidavits cannot be taken into account to come to a categoric conclusion that Petitioners herein are the step children of the Applicant/Respondent No.3 herein.** The relationship between the Applicant/Respondent No.3 and the Petitioners has to be proved only by leading documents and evidence and without such documents



and evidence, the Applicant/Respondent No.3 could not invoke the provisions of Senior Citizens Act. The Appellate Authority was, therefore, wrong in assuming jurisdiction without it being conclusively established that the Petitioners are the step children of the Applicant/Respondent No.3. **The Applicant/Respondent No.3 is basing his case on title of the property in question and seeking eviction of the Petitioners for which purpose, he has to file a suit for eviction.** The provisions of Senior Citizens Act cannot be invoked for the purpose of evicting some person from the property when the person who is in sought to be evicted is not a child of the senior citizen. The Applicant/Respondent No.3 has filed a suit for injunction which has been dismissed for non-prosecution. The only document shown by the Applicant/Respondent No.3 is a Khasra Girdawari to claim the ownership on the property in question. The Applicant/Respondent No.3 has shown certain other documents like letters from various authorities, water and electricity connections etc., which does show that the property in question was in the possession of Applicant/Respondent No.3. However, mere possession cannot establish ownership. The correct remedy for the Applicant/Respondent No.3 is only to file a suit for declaration of title for the purpose of evicting the Petitioners even though they are in the unlawful possession of the property in question and the provisions of Senior Citizens Act cannot be invoked against the persons who are not legally obliged to maintain the Senior Citizen under the provisions of Senior Citizens Act. The application of the Applicant/Respondent No.3 was, therefore, misconceived.

16. It is always open for the Applicant/Respondent No.3 to file an application seeking possession of the property in question and this Court is not expressing any opinion as to whether the Applicant/Respondent No. 3 is the owner of the property in question or not. The findings given by this Court are only limited to the issue as to whether the Applicant/Respondent No. 3 could invoke the provisions of Senior Citizens Act read with the Delhi Maintenance and Welfare of Parents and Senior Citizen Rules, 2009, as amended from time to time, for the purpose of evicting the Petitioners herein who according to the Applicant/Respondent No.3 are the step children inasmuch as the Applicant/Respondent No.3 had married the mother of the Petitioners i.e., Smt. Neelam Rani without there being any conclusive proof.

17. In view of the above, the instant writ petition is allowed and the Order dated 08.09.2022 passed by the Appellate Authority of



Divisional Commissioner is hereby set aside. Pending applications, if any, stand disposed of.

18. After the hearing was concluded and the matter was reserved, the Applicant/Respondent No.3 mentioned the matter by sending an application by post to the High Court address in the name of the Judge praying for dismissal of the writ petition on various grounds. This Court has gone through the said application. The plea taken in the application is not tenable. Though this Court is of the opinion that the process adopted by the Applicant/Respondent No.3 in sending the application by post to the High Court address in the name of the Judge is highly improper. However, considering the age of the Applicant/Respondent No.3, this Court is not inclined to take any action against the Applicant/Respondent No.3 for the said conduct.

(emphasis supplied)

25. Learned Counsel for the respondents further submits that the petitioner's ownership claims have been adjudicated upon and that the petitioner has concealed these material facts while approaching this Court in the present contempt petitions. It was further submitted that the judgment dated 29.11.2023 in W.P.(C) No. 14264/2022 passed by the learned Single Judge of this Court, has not been challenged by the petitioner and has, therefore, attained finality.

26. It is further submitted that the present petitions are an abuse of the process of law, filed with the sole intention to reopen matters already adjudicated.

SUBMISSIONS ON BEHALF OF THE *AMICUS CURIAE*:

27. *Ms. Bhavi Garg*, learned *Amicus Curiae*, has filed detailed written submissions and further assisted this Court. It is submitted by the learned *Amicus* that the present batch of petitions arises out of a long standing property dispute between the petitioner, and the private respondents, who are the sons and legal heirs of Late Smt. Neelam Rani. It is further submitted that



the underlying cause of action in all the petitions is substantially identical and traces its origin to the petitioner's claim of ownership and possession over the subject property, which is the subject matter of earlier litigations.

28. Learned *Amicus* submits that the petitioner has filed multiple petitions, each pertaining to different orders, and some of them date back over four decades, but none of these orders contain a specific or operative direction which can be said to have been disobeyed. It is further pointed out that the petitioner has reproduced portions of orders, decrees and proceedings, from various forums, but none of them confer any clear right of possession or mandate eviction of the respondents from the subject property.

29. The learned *Amicus* further submits that the orders relied upon by the petitioner, including the orders passed in CrI.Misc.(Main) Nos. 31/1984 and 1854/1986, are undertaking or declaration made in the course of criminal proceedings, which cannot be equated with enforceable civil directions. It is further stated that even assuming such undertakings were given, breach of an undertaking in a separate proceeding, decades later, cannot be treated as continuing contempt, unless the same relates to a clear and subsisting judicial decision.

30. It is further pointed out that the petitioner's claim of ownership has been specifically rejected in the proceedings before the learned District Magistrate (West), as well as by this Court in W.P.(C) No. 14264/2022, wherein in judgment dated 29.11.2023, it was observed that "mere possession cannot establish ownership". That judgment dated 29.11.2023 passed by this Court, has attained finality and the petitioner's attempt to invoke contempt jurisdiction in respect of matters already decided amounts to circumventing the decision of this Court.



31. The learned *Amicus* further submits that the Contempt of Courts Act, 1971, does not confer upon this Court the power to adjudicate disputed questions of fact, title or possession, not to execute decrees or restore possession. The jurisdiction under Article 215 of the Constitution, is confined to ensuring compliance of a clear and subsisting judicial order, and the scope of the same cannot be extended to examine the correctness of a judicial order.

32. It is also submitted by the learned *Amicus* that petitioner's reliance on Section 8 and 9 of the Oaths Act, 1961, Section 151 of the CPC and Section 24 of the General Clauses Act, 1897, is wholly misconceived in the context of contempt proceedings. The aforesaid provisions cannot be invoked to transform a past undertaking or interim order into a perpetual decree, particularly when the underlying civil proceedings have been dismissed for non-prosecution or have attained finality.

33. It was further submitted that the petitioner's own pleadings acknowledge that the suit for permanent injunction filed by him before the learned Civil Court was dismissed in default, and therefore, there is no subsisting order capable of enforcement through contempt jurisdiction.

34. In conclusion, the learned *Amicus* submits that the petitioner has failed to establish the existence of any specific, operative and continuing direction, which has been willfully disobeyed. In her considered view, the petitions are not maintainable and deserve to be dismissed.

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

36. This Court will deal with individual contempt petitions.

CONT.CAS(C) 1786/2023

37. The present petition has been filed with the following prayers:-

“In view of the aforesaid facts and circumstances, it is therefore, most



respectfully prayed that this Hon'ble Court may kindly be pleased to allow the present application/petition and punished to the respondents as per Article 215 of Constitution of India read with section 151 of CPC and Contempt of Court Act 1971 take action against the respondents who disobeyed the order/decreed/inspection order passed by SDM, Punjabi Bagh, Delhi dated 06.11.1982 & 06.12.1982, judgment decree passed by civil court in suit No.283/1994 dated 16-9-94 titled as 'Kanwal Nain Aneja Versus Mam Chand and Others punished to the contemnors and give direction to contemnors to implement judgment and decree and evict from House No.A-32, Janta Colony, near Tagore Garden, New Delhi-110027 and give protection to the all properties of the petitioner and his family members and direct the contemnors to pay a sum of Rs. 14 lakhs per month since the day of taken the illegal custody of the property of the petitioner and return the household articles, jewelleries and property papers and also give directions to the contemnors No. 9 to 14 to prevent to the contemnors No.1 to 8 about 500 meters from the house of the petitioner and his properties, in the interest of justice.

Pass any other and further order which this HonTale Court deem fit and proper in the facts and circumstances of the case in favour of the petitioners and against the respondents.”

38. This Court has perused the judgment dated 16.09.1994 passed by learned Civil Judge in Suit No. 283/94 titled '*Shri Kanwal Nain Aneja vs. Shri Mam Chand & Ors.*'. It is pertinent to note that defendant No. 2 in the suit, *i.e.*, Smt. Neelam Rani, was the mother of respondent No. 1, *i.e.*, Mr. Narender Kumar @ Neeraj and respondent No. 2, *i.e.*, Mr. Harish Kumar @ Kaka, and the other defendants in the suit were Virender Kumar (defendant No.3), Shri Jagan Nath Sharma, (defendant No.4) and Shri Om Prakash, since deceased through his LR's. (defendant No.5). The aforesaid suit was filed on behalf of the plaintiff, Kanwal Nain Aneja, for possession of the subject property, or in alternative, for recovery of Rs. 60,000/-. A perusal of the aforesaid judgment rendered by learned Civil Judge would reflect that issues framed in the said suit are as under:-



“ISSUES:

No.1. Whether the pltf. had pur-chased the suit property from the deft. No. 4, as alleged in the plaint and had come in possession thereof and deft. No. 4 had purchased the same from deft. No. 5?

No.2. Whether the deft. No. 1 took forcible possession of the suit property as alleged in the plaint?

No.3: Whether the pltf. has no locus-standi to file the present suit as alleged by the defts. No. 1,2 & 3?

No. 4 Whether the suit has been properly valued for the purposes of court-fee and jurisdiction?

No.5 Whether the suit property is not identifiable as alleged by the defts. No. 1, 2 & 3 in preliminary objection No. 3 of the... if so, what effect.

No. 6 Whether the plaintiff is entitled to a decree of possession against defts. No. 1, 2 & 3 or in the alternative a decree in the sum of Rs. 66000/- against defts. No. 4 and 5 as prayed?

No.7. Relief.

(emphasis supplied)

39. The findings with respect to the aforesaid issues are as under:-

“16. Similarly, the sale of the property by deft. No.5 in favour of the deft. no. 4 by virtue of the agreement to sell Ex. PW2/5 will Ex. PW2/6 and receipt Ex. PW2/7, will not pass the valid title in favour of the deft. No.4 and, consequently, the deft. No.4 is devoid of any valid title in his favour, and so he could not have passed on a valid title in the property in suit in favour of the plaintiff.

17. The plaintiff, in his testimony, has stated that the possession of the suit property was handed over to him by defendant No.4 on 20.7.82. Defendant no. 4 also corroborated this version of the plaintiff whereas, on the other-hand, the deft. No.1, Shri Mam Chand, while appearing as D/W1 made a statement in the court, but he has not stated, even, a single word against the taking of the possession by the plaintiff, as stated by the plaintiff & corroborated by deft. No.4.



Otherwise, also his testimony could not have been taken into consideration because he did not make himself available for the purposes of cross-examination, which was deferred.

18. It means that from the oral testimony the plaintiff has been able to prove that he came in possession of the suit property on 20.7.82 and the same was delivered to him by deft. No.4.

19. This issue stands disposed of accordingly.”

40. The findings with respect to issue No. 2 are as under:-

“20. This issue relates to the requirement of the proof that deft. No.1 took forcible possession of the suit property on 22.7.82.

21. I have already mentioned that the plaintiff is able to prove that the possession of the suit property was handed over to him by the deft. No. 4 on 20.7.82. In his statement, he has stated on oath that on 22.7.82, the deft. No. 1 had taken over the forcible possession of the property by breaking open his locks.

22. No evidence contrary to this, either oral or documentary, has been produced on record by the defendants. Rather I find that even in his statement (which of course cannot, be read by the court as he has not been available for cross-examination) but still I find that the deft. No.1 has not stated a word, even orally, to rebut this evidence of the plaintiff.

23. Accordingly, it is held that the deft. No. 1 took forcible possession of the suit property from the plaintiff on 22.7.82. This issue is decided in favour of the plaintiff and against the defendants.”

41. The findings with respect to issue No.5 are as under:-

“29. In order to prove this issue, the defendants No. 1, 2 & 3 were required to prove that the property was not identifiable, as alleged by them in their preliminary objection No. 3 of the written statement.

30. I may mention here that the statement of the deft. No. 1, who appeared as D/W 1, is of no use to the court as the same cannot be read



by the court because this witness did not present himself for cross-examination by the plaintiff. Otherwise also I find that no such evidence has been proved on record by the deft. No. 1 to 3 which may show that the property is not identifiable. Accordingly, this issue is decided against No. 1, 2 & 3.”

42. The findings with respect to issue No. 6 are as under: -

“31. I shall deal with this issue in two parts, the first-part is whether or not the plaintiff is entitled to a decree of possession against the defts. No. 1, 2 & 3.

32. For deciding this point, I shall like to refer to my findings on issues No. 1 & 2, wherein I have held that no valid title in respect of the suit property had passed in favour of the plaintiff and further that the possession of the suit property was handed over to the plaintiff by deft No. 4 on 20.7.82; later on, the plaintiff was dispossessed by the deft, no. 1; and the same as occupied by deft's No. 1, 2 & 3 after 22.7.82. The pltf's suit for possession against deft. No. 1 to 3 is not maintainable because he is unable to establish his title over the suit property. In this view of mine, I am supported by 1966 (3-C) S.C.R. 214.”

43. A perusal of the aforesaid order, relied upon by the petitioner, would reflect that the suit filed on behalf of the plaintiff, Shri Kanwal Nain Aneja, was dismissed as the learned Civil Judge came to a finding that present petitioner, who was arrayed as defendant No. 1, had taken forcible possession of the subject property. However, since the plaintiff could not establish his title over the subject property, the suit filed by him was dismissed. It is pertinent to note that the possession with respect to the subject property was also held to be with defendant No. 2 (late Smt. Neelam Rani).

44. Thus, there is no disobedience or non compliance, so far as the order dated 16.09.1994 in Suit No. 283/94 passed by the learned Civil Judge is concerned. The orders dated 06.11.1982 and 06.12.1982 passed by learned



SDM, Punjabi Bagh, have not been placed on record, and therefore, the prayer with respect to the aforesaid orders cannot be adjudicated.

45. In these circumstances, the present petition is devoid of any merits and the same is dismissed and disposed of accordingly.

46. Pending application(s), if any, also stand disposed of.

CONT.CAS(C) 1791/2023

47. The present petition has been filed with the following prayers:-

“In view of the aforesaid facts and circumstances, it is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to allow the present application / petition and punished to the respondents as per Article 215 of Constitution of India read with section 151 of CPC and Contempt of Court Act 1971 take action against the respondents who disobeyed the order / decree / inspection order passed by SDM, Punjabi Bagh, Delhi dated 06.11.-.1982 & 06.12.1982, status quo/eviction order/decreed, dated 25.08.2006 passed by Civil Court in Suit No.288/ 1992, titled as "Mam Chand Versus Kanwal Nain Aneja and Associates" or in alternative to direct the respondents to comply the said order passed by the Hon 'ble Court and evict the respondents No. 1 to 8 from the house of the petitioner i.e. House bearing No.A-32, Janta Colony, Near Tagore Garden, Raghubir Nagar, New Delhi-110027 and further passed an order thereby directing the respondents No. 9 to 14 to compliance the said order, and give direction to the contemnors No. 1 to 8 to pay a sum of Rs.14,00,000/- per month as a damages since they illegally custody of house as well as household articles of the petitioner and return the household articles, jewelleries and property papers and also give directions to. the contemnors No. 9 to 14 to prevent the contemnors No. 1 to 8 about 500 meters from the house of the petitioner and his properties, in the interest of justice.

Pass any other and further order which this Hon'ble Court deem fit and proper in the facts and circumstances of the case in favour of the petitioners and against the respondents.”

48. In the present petition, the petitioner claims disobedience of an order dated 25.08.2006 passed by the learned Civil Judge, in Suit No. 288/1992,



which reads as under:-

“An application U/s 115 of Evidence Act r/w section 151 CPC moved on behalf of plaintiff. Copy supplied. Counsel for defendant undertake to file their WS on NDH after inspecting the case file. It is made clear to the defendants that no further opportunity shall be given to the defendants and they are directed to maintain status quo with respect to the suit property.

Copy of the plaint supplied.

To come up for WS on 02.09.2006.”

49. Learned counsel appearing on behalf of the respondents have submitted that the aforesaid suit was finally dismissed in default for non-prosecution, *vide* order dated 28.10.2016 passed by the learned Civil Judge, which reads as under:-

“At 2:00 PM

Present: None for the plaintiff despite repeated calls since morning.

It is already 2:20 P.M. It is revealed on record that the plaintiff has failed to put up appearance before the Court after 31.08.2016 and has not come forward to prosecute the present suit by himself or through any pleader. Even the previous cost imposed upon the plaintiff by the Court remains unpaid till date.

In view of the aforesaid facts and circumstances, the Court is constrained to observe that the plaintiff appears to be no longer interested in pursuing the present suit anymore. Hence the present suit is hereby dismissed in default for non appearance and non-prosecution.

File be consigned to Record Room as per rules.”

50. Learned counsel for the respondents further points out that *vide* order of the same date, *i.e.*, 28.10.2016, the learned Civil Judge had also dismissed the contempt application filed by the petitioner in the aforesaid suit by observing as under:-

“At 2:00 PM

Present: None for the plaintiff despite repeated calls since morning.



It is already 2:20 P.M. It is revealed on record that the plaintiff has failed to put up appearance before the Court after 31.08.2016 and has not come forward to prosecute the present petition by himself or through any pleader. Even the previous cost imposed upon the petitioner by the Court remains unpaid till date.

In view of the aforesaid facts and circumstances, the Court is constrained to observe that the petitioner appears to be no longer interested in pursuing the present petition further. Hence the present petition is hereby dismissed in default for non appearance and non-prosecution.

File be consigned to Record Room as per rules.”

51. During the course of hearing, the petitioner confirms the aforesaid fact, that he had filed for initiation of contempt proceedings in the aforesaid suit.

52. In these circumstances, since the main suit along with application for contempt itself had been dismissed in default for non-prosecution, the present contempt petition filed by the petitioner would not be maintainable.

53. In view of the above, the petition is dismissed and disposed of accordingly.

54. Pending application(s), if any, also stand disposed of.

CONT.CAS(C) 1787/2023

55. The present petition has been filed with the following prayers:-

“In view of the aforesaid facts and circumstances, it is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to allow the present application / petition and punished to the respondents as per Article 215 of Constitution of India read with section 151 of CPC and Contempt of Court Act 1971 take action against the respondents who disobeyed the order / decree / inspection order passed by SDM, Punjabi Bagh, Delhi dated 06.11-1982 & 06.12.1982, restraining order / judgment / decree dated 03.09.1992, passed by Civil Court in suit No.288/1992, case titled as "Mam Chand Versus Kanwal Nain Aneja and Associates" or in alternative to direct the respondents to comply the said order passed by the Hon'ble Court and evict the respondents No. 1



to 8 from the house of the petitioner i.e. House bearing No.A-32, Janta Colony, Near Tagore Garden, Raghubir Nagar, New Delhi-110027 and give direction to the contemnors No. 1 to 8 to pay a sum of Rs. 14,00,000/- per month as a damages since they illegally custody of house as well as household articles of the petitioner and return the household articles, jewelleryes, in the interest of justice.

Pass any other and further order which this Hon'ble Court deem fit and proper in the facts and circumstances of the case in favour of the petitioners and against the respondents.”

56. The aforesaid prayer is exactly similar to the prayer made in previous contempt petition, *i.e.*, Cont.Cas(C) No. 1786/2023, except for a prayer seeking compliance of order dated 03.09.1992 in Civil Suit No. 288/1992, passed by the learned Civil Judge, which reads as under: -

3.9.92

File taken up on the app. moved by the plaintiff. Defendant No.1 restrained from interfering in the peaceful possession of the plaintiff.

ATTESTED

Sd/-

57. It is pertinent to note that late Smt. Neelam Rani, late Mr. Narender Kumar, Mr. Virender Kumar (respondent herein), Mr. Harish Kumar @ Kakka (respondent herein), along with Sh. Kanwal Nain Aneja (defendant no. 1 therein) and several other defendants, were impleaded in the said suit by the petitioner. However, the said order restrained only Sh. Kanwal Nain Aneja, from interfering with the petitioner's peaceful possession of the subject property, who is not made a party in the present petition. Even otherwise, the aforesaid suit was dismissed in default for non-prosecution, *vide* order dated 28.10.2016, as already noted hereinbefore in Cont.Cas.(C) No. 1791/2023.

58. In view of the above, the present petition is dismissed and disposed of



accordingly.

59. Pending application(s), if any, also stand disposed of.

CONT.CAS(C) 1792/2023

60. The present petition has been filed with the following prayers:

“In view of the aforesaid facts and circumstances, it is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to allow the present application / petition and punished to the respondents as per Article 215 of Constitution of India read with section 151 of CPC and Contempt of Court Act 1971 take action against the respondents who disobeyed the order / decree / inspection order passed by SDM, Punjabi Bagh, Delhi dated 06.11.1982 & 06.12.1982, and order dated 31.03.1997 passed by the Double Bench-1, in Civil Writ Petition No.4637/1996, or in alternative to direct the respondents to comply the said order passed by the Hon'ble Court and evict the respondents No. 1 to 8 from the house of the petitioner i.e. House bearing No.A- 32, Janta Colony, Near Tagore Garden, Raghubir Nagar, New Delhi-110027 and further passed an order thereby directing the respondents No.9 to 14 to comply the protection order dated 31.03.1997 passed by Honhble Delhi High Court Double Bench-1, in Civil Writ No.4637/1996 and give protection to the petitioner and his family members and all his properties as mentioned in the said order, and give direction to the contemnors No.1 to 8 to pay a sum of Rs. 14,00,000/- per month as a damages since they illegally custody of house as well as household articles of the petitioner and return the household articles, jewelleryes and property papers and also give directions to the contemnors No.9 to 14 to prevent to the contemnors No.1 to 8 about 500 meters from the house of the petitioner and his properties, in the interest of justice.

Pass any other and further order which this Hon'ble Court deem fit and proper in the facts and circumstances of the case in favour of the petitioners and against the respondents.”

61. Reliance has been placed by the petitioner on an order dated 31.03.1997 passed by the learned Division Bench in C.W. 4637/96, which reads as under:

-

“Mr. Adarsh Goel be given report prepared the (text illegible).cell along with the letter sent to the Hon’ble the Chief Justice.



Renotify on 8.4.1997.

Meanwhile Mamchand be given such protection as he may need to ensure peaceful existence.”

62. Nothing has been placed on record by the petitioner to demonstrate that during the subsistence of the aforesaid interim order, any violation thereof was ever brought to the notice of the Court. Apart from that, even the period of limitation would run against the petitioner. The only submission on behalf of the petitioner is that since an interim order was passed, the same would continue to subsist until expressly vacated, and therefore, the present petition would be maintainable. The aforesaid submission on behalf of the petitioner is misconceived. The petition on being dismissed, any interim order passed in such proceedings would merge with the final order.

63. In these circumstances, this petition is also not maintainable. The same is dismissed and disposed of accordingly.

64. Pending application(s), if any, also stand disposed of.

CONT.CAS(C) 1981/2024

65. The present petition has been filed with the following prayers:-

“It is, therefore, most respectfully prayed that this Hon’ble Court may kindly be pleased to allow the contempt petition of the petitioner and initiate contempt proceeding against the contemnors / respondents, as per Hon’ble Supreme Court of India held in 1995 RLR, Page 1 who prepared a false and fabricated documents i.e. Copy of the sale deed made on 06.09.2014 registered date 27.12.2014 and Form apply for petitioner for certified copy of the sale deed dated 31.03.1992 and report of Sub-Registrar-1, Kashmere Gate, Delhi (Annexure-A), Copy of written statement (Annexure-B), Vakalatnama of Shri Deepak Gupta (Annexure-C), Vakalatnama of Shri Gaurav Shanker (Annexure-D) and rely on the same and stopped to the contemnors not rely on false and fabricated . sale deed, documents, and not interfere in plot No. B-244, Janta Colony, Near Tagore Garden, New Delhi-110027 in any manner and give direction to the police registered the case against the contemnors, who continuously playing fraud, prepared a false and



fabricated documents, in the interest of justice .

Pass any other and further order which this Hon'ble Court deem fit and proper in the facts and circumstances of the case in favour of the petitioner and against the contemnors.”

66. For the purpose of the present petition, the petitioner relies upon the judgment of the Hon'ble Supreme Court reported in 1995, Rajdhani Law Reporter (SC) 1 titled 'Chander Shashi vs. Anil Kumar' where it was held that filing of forged and fabricated documents in Court proceedings would amount to contempt of Courts, within the meaning of Section 2(c) of the Contempt of Courts Act, 1971. However, it is pertinent to note that apart from averments made in the petition that the documents as referred to in the aforesaid prayer are forged and fabricated, there is no finding given by any Court of law or agency to the said effect.

67. In these circumstances, the aforesaid prayer is misconceived and not maintainable.

68. The present petition is dismissed and disposed of accordingly.

69. Pending application(s), if any, also stand disposed of.

CONT.CAS(C) 337/2024

70. The present petition has been filed with the following prayers:-

“In view of the aforesaid facts and circumstances, it is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to allow the present application/petition and punished to the respondents as per section 2, 10 and 12 of Contempt of Courts Act, or in alternative to direct the respondents to comply the said order passed by this Hon'ble Court, order dt. 2-5-2023, 22-5-2023 in WP(C) No. 14264/22 in the interest of justice.

Pass any other and further order which this Hon'ble Court deem fit and proper in the facts and circumstances of the case in favour of the petitioners and against the respondents.”



71. For the purposes of the present petition, the petitioner alleges non-compliance of orders dated 02.05.2023 and 22.05.2023 passed by learned Single Judge of this Court in W.P. (C) No. 14264/2022, with regard to payment of Rs. 15.000/- to be made to the petitioner during the pendency of the aforesaid writ petition.

72. Learned counsel appearing on behalf of the respondents draws the attention of this Court to Cont.Cas(C) No. 1606/2023 filed by the petitioner for disobedience of the aforesaid orders, which was disposed of by the learned Single Judge of this Court *vide* an order dated 18.12.2023, which reads as under:-

1. In compliance of the order dated 16.11.2023 passed by this Court, a sum of Rs.55,000/- has been paid to the Petitioner in Court today.
2. In view of the above, nothing survives in the instant contempt petition. The contempt notices stand discharged.
3. The petition is disposed of along with pending application(s), if any.”

73. In view of the above, it is apparent that the orders dated 02.05.2023 and 22.05.2023 passed in W.P.(C) No. 14264/2022 stands satisfied. The present petition is thus completely misconceived, as it seeks compliance of orders for which the petitioner had earlier preferred a contempt petition, which was disposed of as pointed out hereinabove. The present petition ought to be dismissed with cost, however, considering the fact that the petitioner, who appears in-person, is a senior citizen, this Court is not imposing any cost.

74. In view of the above, the present petition is dismissed and disposed of.



75. Pending application(s), if any, also stand disposed of.

CONT.CAS(C) 440/2024

76. The present petition has been filed with the following prayers:-

“Under the facts and circumstances of the present case, it is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to initiate contempt proceedings against the contemnors who prepared the documents after GAV undertaking/ declaration in Crl. Misc. (Main) No. 31/1984 dated 06.01.21984, in Crl. Misc (M) No. 1854/1986 dated 25.11.1986 and after passed judgment dated 11.03.1985 in Cr. Misc. (Main) No. 31/1984 passed by the Hon'ble Delhi High Court and judgment dated 16.09.1994 vide Suit No. 283/1994 of Civil Court etc. mentioned above and during pendency of litigations, vide Suit No. 288/1992 and after status quo / eviction order dated 25.08.2006 in Suit No. 288/1992 passed by Civil Court, Tis Hazari Courts, Delhi, the contemnors prepared false and fabricated documents and obtained in collusion with Government Department Officers, i.e. electricity connection, ration card, passport, death certificate of Neelam, voter list the contemnors knowing, intentionally, deliberately rely on the said false, and frivolous documents and the documents i.e. electricity connection, ration card, passport, death certificate of Neelam, voter list treated nullity and give direction to concerned authority to remove the contemnors from the house No. A-32, Janta Colony, Raghbir Nagar, New Delhi-110027 of the petitioner and give direction to the electricity department and water department for removing/ disconnecting the electricity connection and water connection from the house, of the petitioner i.e. A-32, Janta Colony, Raghbir Nagar, New Delhi-110027.

Any other order/directon/ relief(s) which this Hon'ble Court may deem fit and proper be passed In favour of the petitioner and against the respondents/ contemnors. In the Interest of justice.”

77. The prayer in the present petition is again similar in nature to prayers made in Cont.Cas(C) No. 1981/2024.

78. As this Court had already observed that there has been no finding given by any Court or agency of false and fabricated documents, this petition is also not maintainable. The petition is dismissed and disposed of accordingly.

79. Pending application(s), if any, also stand disposed of.



CONT.CAS(C) 441/2024

80. The present petition has been filed with the following prayers:-

“Under the facts and circumstances of the present case, it is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to initiate contempt proceedings against the contemnors for violation of the judgment of Hon'ble Delhi High Court dated 11.03.1985 in Crl misc. (main) No. 31/1984 and evict to contemnors No. 1 to 8 from the house No. A-32, Janta Colony Near Tagore Garden, New Delhi-110027 and handover the possession to the petitioner with household articles of the petitioner and maintain the possession of the petitioner, in the interest of Justice.

Any other order/direction/ relief(s) which this Hon'ble Court may deem fit and proper be passed in favour of the petitioner and against the respondents/ contemnors, in the interest of justice.”

81. In the present petition, the petitioner has claimed violation of a judgment dated 11.03.1985 in Crl.Misc(M) No. 31/84 passed by the learned Single Judge of this Court.

82. A perusal of the judgment would reflect that it was rendered while disposing of a petition under Section 482 of the Code of Criminal Procedure, preferred by the petitioners therein, including the present petitioner, for quashing of proceedings under Section 107/150 of the Code of Criminal Procedure. The learned Single Judge disposed the said petition with the following observations:

“11. The summons issued in the instant case which were not only in a form not warranted by law but which were also benefit of all necessary details mentioned above in my view, amount to an abuse of process of the court and the very object of the safeguards provided in Sections 111 to 114 of the code against arbitrary action and undue harassment of a citizen is frustrated. The petitioner has approached this Court to prevent the abuse of process of the court at the threshold and there is no reason why his grievance be not addressed. Denial of appropriate relief to the petitioners, in the instant case, may tend to encourage the Executive Magistrates to persist in their wrongful act by ignoring the specific provisions of law which are mandatory in nature.



Surely, they cannot be permitted to devise their own procedure in security proceedings which undoubtedly curtail the right of liberty and freedom of movement of the subjects.

12. As for the prayer of the petitioners that a direction be made to the Rajouri Garden police to register a case under Sections 379/380/506/34 IPC against respondent no.5 to 10, it has been noticed above that according to the Station House Officer, Police Station Rajouri Garden, the case was not registered for a variety of reasons. He denies that the petitioners ever reported at the police station for lodging a report to this effect. So, it cannot be taken for granted that whatever the petitioners say must be a gospel truth and secondly, the contention of the SHO is that petitioner no.1 being a notorious land grabber it was not considered advisable to register a case without first verifying the facts. I do not think there is any merit in this contention in view of the plain language of section 154 of the Code which lays down in no uncertain terms that the substance of every information, whether oral or written, relating to the commission of a cognizable offence shall be entered in a book to be kept by such police officer as may be prescribed by the Government in this behalf. So, all that the concerned police officer has to see at that stage is whether the first information imparted to him by the complainant discloses commission of a cognizable offence or not and it is not necessary that there must be complete or satisfactory proof or evidence in relation to the commission of that offence. So, the action of Rajouri Garden police in not registering a case on the information given by the petitioners, if any, was highly improper and not warranted by law. All the same, three courses were open to the complainant for seeking redress in this behalf. In the first instance, he could complain to the Superintendent of the Police Station to record the information, as contemplated in Sub-section (1) of Section 145. Secondly, he could approach the concerned Metropolitan Magistrate for a direction in this behalf under Section 156 (3) of the Code. However, there is nothing on record to suggest that the petitioners ever approached the Magistrate with such a request. Lastly, the petitioners could well file a complaint against the culprits before the concerned Metropolitan Magistrate as contemplated in Section 190 of the Code. They do not appear to have taken recourse to any of these alternative remedies. **Hence, it will not be a sound exercise of the discretion vesting in this Court to direct the Rajouri Garden police to register a case and investigate the matter on the basis of the complaints sent by petitioner no.1 to them by post, more so when the SHO has already indicated in his mind in this behalf, viz that**



according to the inquiry made by a notice official there could not theft of the belongings of the petitioners as petitioner no.1 had left quarter No. 784, Four storeyed, Raghbir Nagar, several years ago when he eloped with petitioner no.2 and since then only Jagat Singh and his companions have been in unauthorized occupation of the said quarter. Hence no useful purpose would be served by issuing a direction of the nature prayed for at this belated stage.

13. The upshot of the whole discussion, therefore, is that the impugned summons must be quashed as being illegal and invalid. Consequently, the subsequent proceedings before the Executive Magistrate must also be quashed as being without jurisdiction. This petition is accordingly allowed and the impugned summons as well as the proceedings pending before respondent no.2 are quashed.”

(emphasis supplied)

83. A perusal of the aforesaid judgment would reflect that the proceedings under Section 107/150 of the Code of Criminal Procedure was quashed, however, there was no further direction given to any person/authority, non-compliance for which the present petition has been filed.

84. In view of the above, the present petition is also dismissed and disposed of accordingly.

85. Pending application(s), if any, also stand disposed of.

CONT.CAS(C) 442/2024

86. The present petition has been filed with the following prayers:

“It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to initiate contempt proceedings against the contemnors for violation of the undertaking/ declaration given by Neelam Rani, mother of contemnors No. 1 to 8 before the Hon'ble High Court of Delhi, in criminal misc. (main) No. 1854/1986 dated 25.11.1986, titled as Mam Chand and Others Vs. Commissioner of Police & Ors. and also Initiated proceedings against the contemnors No. 9&10 who disregard the statement mentioned above and to give directions to the contemnors to do regard statement / undertaking /



declaration given by Neelam Rani W/o Shrl Mam Chand and evict the house No. A-32, Janta Colony Near Tagore Garden, New Delhi-110027 and handover the possession to the petitioner with household articles of the petitioner. In the Interest of justice.

Any other order/direction/ relief(s) which this Hon'ble Court may deem fit and proper be passed In favour of the petitioner and against , the respondents/ contemnors. In the Interest of justice.”

87. The petitioner has relied upon certain averments made by late Smt. Neelam Rani in CrI.Misc.M. No. 1854/1986, who was arrayed as petitioner No. 2 therein. In the said petition, the following relief(s) were sought:-

“It is therefore, respectfully prayed that the orders and proceedings in the case no. u/s 107/151 Cr.P.C./titled “State vs. Neelam and others” fixed for 28.11.1986 and the proceedings u/s 107/150 Cr.P.C./in case titled “State vs. Mam Chand & Ors.” fixed for 9.12.1986, before the A.C.P. (Hq) P.S: Rajouri Garden, New Delhi be kindly ordered to be quashed and set aside.

Such other or further relief which your Lordships may deemed fit and proper as well as costs of the present petition be kindly also allowed in favour of the petitioners.”

88. As per the record, petitioner No. 2 in CrI.Misc.M. No. 1854/1986, was late Smt. Neelam Rani.

89. A perusal of the averments made in the CrI.Misc.M. No. 1854/1986 would reflect that the same were made by late Smt. Neelam Rani, *i.e.*, petitioner No. 2 therein, in context of the subject matter of the said petition. However, it is pertinent to note that late Smt. Neelam Rani, has since passed away and averments made by her in the said proceedings, cannot be attributed to the present respondents in contempt proceedings.

90. In view of the above, the present petition is not maintainable. The same is dismissed and disposed of accordingly.

91. Pending application(s), if any, also stand disposed of.



CONT.CAS(C) 443/2024

92. The present petition has been filed seeking the following prayers:

“Under the facts and circumstances of the present case, it is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to initiate contempt proceedings against the contemnors for violation of the undertaking/declaration given by Neelam Rani, mother of contemnors No. 1 to 8 before the Hon'ble High Court of Delhi, in criminal misc. (main) No. 31/1984 dated 06.01.1984, titled as Mam Chand and Others VS. Commissioner of Police & Ors. and also initiated proceedings against the contemnors No. 9&10 who disregard the statement mentioned above on 13.10.2021 and to give directions to the contemnors to do regard statement / undertaking / declaration given by Neelam Rani W/o Shri Mam Chand and evict the house No. A- 32, Janta Colony Near Tagore Garden, New Delhi- 110027 and handover the possession to the petitioner with household articles of the petitioner, in the interest of justice.

Any other order/direction/ relief(s) which this Hon'ble Court may deem fit and proper be passed in favour of the petitioner and against the respondents/ contemnors, in the interest of justice.”

93. The petitioner has relied upon certain averments made by late Smt. Neelam Rani in CrI.Misc.M. No. 31/1984, who was arrayed as petitioner No. 2 therein. In the said petition, the following relief(s) were sought:-

“It is, therefore, most respectfully prayed that the orders and proceedings in case No. 5/84-J, Criminal-1, titled “State vs. Mam Chand etc.” before Shri Sajan Singh, Executive Magistrate, Moti Nagar (West), New Delhi be kindly ordered to be quashed and set aside and the Rajouri Garden Police be kindly directed to register a case under Section 379/380/34 IPC against the Respondent no. 5.

Such other or further orders or directions as this Hon'ble Court may deem fit and proper be kindly also passed in favour of the petitioners and against the respondents.”

94. The aforesaid petition was preferred by the petitioner alongwith late Smt. Neelam Rani for quashing of proceedings under Section 107/150 of the Code of Criminal Procedure, was disposed of by learned Single Judge *vide*



judgment dated 11.03.1985. The relevant portion thereof has already been reproduced hereinbefore in Cont.Cas.(C) No. 441/2024.

95. A perusal of the averments made in CrI.Misc.M. No. 31/1984 would reflect that the same is again with respect to certain statements made by late Smt. Neelam Rani, *i.e.*, petitioner No. 2 therein, who has since passed away and averments made by her in the said proceedings, cannot be attributed to the present respondents in a contempt proceedings.

96. In view of the above, the petition is dismissed and disposed of accordingly.

97. Pending application(s), if any, also stand disposed of.

98. The prayers as pointed out hereinbefore in all the contempt petitions are common to the extent of seeking eviction of the respondents from the subject property, thereby getting the possession as well as damages to the tune of Rs. 14,00,000/- per month, on account of alleged illegal possession of his property as well as household articles including jewellery and property papers. This Court has not made any observations with regard to the merit of the petitioner's claim with respect to the subject property.

99. Needless to state, that the observations made by this Court while disposing of the aforesaid contempt petitions is only limited with respect to the issue of initiation of proceedings under the Contempt of Courts Act, 1971.

100. Captioned petitions are dismissed and disposed of in the aforesaid terms.

101. Order be uploaded on the website of this Court.

AMIT SHARMA, J

NOVEMBER 1, 2025/nk/db