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

+ **CONT.CAS(C) 1902/2023**

SRI MANDIR RAKSHA SAMITI

.....Petitioner

Through: Ms. Sana Ansari and Mr. I. Ahmed,
Advts.

versus

SH GYANESH BHARTI & ORS.

.....Respondent

Through: Ms. Monika Arora, CGSC with Ms.
Archana Surve, GP along with Mr.
Subhrodeep Saha, Mr. Prabhat Kumar
and Ms. Anamika Thakur, Advts. for
UOI.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

02.05.2025

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1. Ms. Sana Ansari, Counsel for the petitioner appears and states that no reply has been filed by the respondent.
2. Counsel appears on behalf of the respondent and states that this petition cannot subsist, considering the orders of which compliance is sought, are as under:



1. By way of present petition filed under Article 226 of the Constitution of India, the petitioner seeks directions to respondent No.1 to not to forcibly dispossess the petitioner from the property bearing No. 42 to 43A, situated at Kabari Bazar, Ward No. XIII, Teliwara, Delhi (Measuring Area 309.41 Sq. Yds.).
2. At the outset, Ms. Monica Arora, learned Standing Counsel for respondent No.1 submits that respondent No.1 has postponed the proposed impugned action. She has handed over a communication dated 04.04.2023 issued by the respondent No.1 to SHO, P.S. Sadar Bazar in this regard, the same is taken on record. Learned Standing Counsel submits that in case any action is proposed to be taken the same would be in accordance with law and after serving due notice to the individual occupants.
3. In view of the above submissions of learned counsel for respondent No.1, present petition is disposed of with the directions that in case the petitioner remains aggrieved by any further action of respondent No.1, it shall be at liberty to seek appropriate remedy in accordance with law. Miscellaneous applications are disposed of as infructuous.
3. This submission as part of para 2 extracted above, was made by the respondent at that stage, to withdraw the action which was proposed to be taken, and to take further action 'in accordance with law'.
4. Subsequent thereto, notices were issued under Section 5A (2) of the *Public Premises (Eviction Of Unauthorised Occupants) Act, 1971* ('**PP Act**') on 01st June 2023; thereafter, encroachments had been removed, including that, belonging to the petitioner. These encroachments are on railway land, and therefore, it was necessitated that they be removed.
5. Counsel for the respondent states that the petitioner had already challenged the said proceedings and that the right to initiate appropriate



legal action was given in order dated 11th April 2023.

6. Considering the facts and circumstances above, the Court is of the opinion that this contempt petition cannot subsist. It is for the petitioner to pursue their remedies, in accordance with law, if they are aggrieved with the notice under the PP Act and their subsequent removal.

7. Counsel for the petitioner states that the issuance of notice itself, under the PP Act, was in contempt of the order dated 11th April 2023.

8. The Court does not find merit in this submission, considering the order of 11th April 2023 was clear, since it is stated that the respondent will take steps *in accordance with law*, after serving due notice to the “*individual occupants*”.

9. Petition is, therefore, disposed of.

10. Pending applications, if any, be rendered infructuous.

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

ANISH DAYAL, J

MAY 2, 2025/MK/kp