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

+ **CONT.CAS(C) 1205/2025&CM APPL. 48990/2025**

S. S. JAIN VERMA SABHA

.....Petitioner

Through: Mr. Sanjay Jain, Sr. Adv. with Ms. Seema Bengani, Mr. Kartik Jain, Ms. Harshita Sukhija & Mr. Nishank Tripathi, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ANRRespondents

Through: Ms. Shobhna Takiar, Standing Counsel for DDA with Mr. Kuljeet Singh, Adv.
Mr. Kushagra Kumar, SPC for R-2

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **03.09.2025**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 2 (b), 11 and 12 of the Contempt of Courts Act, 1971 read with Section 151 of the CPC seeks the following prayers:-

“(a) Initiate contempt proceeding against the alleged contemnor for willfully and deliberately disobeying the judgement & order dated 09.10.2023 L.P.A. No. 686/2023.

(b) Pass any other or further order/s as this Hon’ ble Court may deem fit and proper in the facts and circumstance of the case.”

3. *Vide* order dated 09.10.2023, the learned Division Bench in LPA 686/2023 made the following observations:-

“3. This Court has carefully gone into the order passed by the learned Single Judge and the fact remains that the learned



Single Judge observed in the impugned order that the Appellant has been placed in possession of the plot in-question and no ground is made out for an alternative plot. Liberty was granted to the Appellant-society to initiate legal action in accordance with law. At this juncture, Mr. Sanjay Jain, learned Senior Counsel, has fairly stated before this Court that a large number of complaints have already been lodged with the police regarding the obstruction being created by the local public as well as an elected representative of the public in respect to the Appellant's use of the plot in-question.

4. In the considered opinion of this Court, in case of any law-and-order problem preventing the Appellant-society from carrying out any construction activity on the plot in-question, they are certainly free to submit a complaint to the police. In case such a complaint is preferred in the matter, the police shall take appropriate action, in accordance with law, in order to safeguard the Appellant's right in the said plot. Accordingly, no ground for interference with the impugned order is made out."

4. Learned Senior Counsel appearing on behalf of the petitioner submits that in pursuance of the aforesaid order, a representation was made to the Delhi Police and on 29.11.2024, a joint inspection was carried out. A joint inspection report was made wherein it has been recorded as under:-

"In reference to letter No. F 7A (7)01 /IL/ 1926 dated 26.11.2024 issued by Dy. Director (IL) DDA, the joint site inspection for identification of Plot No. R- 1 allotted to S. S. Jain Verma Sabha (Regd.) for construction of Jain Sthanak (Temple) at Karkardooma Village has been carried out along with officials of Planning Department, AE/ EMD-5, Delhi Police, Representative of S. S. Jain Verma Sabha (Regd.) and Survey Branch (LD) on 29.11.2024 at 11.30 A.M. the religious Plot No. R- 1 and all the corners of Plot No. R- 1 has been identified and shown to all the concerned officials present at the time of inspection, it was also found that a temple named Shri Shri Shanti Navgrah Mandir already exists at site (Rough Sketch Plan of site enclosed). The u



/r site exists adjacent to already built-up Aam Admi Polyclinic (Govt. Dispensary) and opposite to Metro Pillar No. 11. As per Planning Department Plan available in file F7A(7)/2001/IL at Page-56/C, the land use of site u /r is Residential and use premises is Religious i.e. Plot No. R- 1 , R-2 and R-3 . Further, as per available record in file F7A(7)/2001/IL at Page 56/C, the physical possession of Plot R- 1 marked red 'ABCD' measuring 287 Sqm at Karkardooma village (TYA) has already been handed over by DDA to President and General Secretary of Sh. S. S. Jain Sabha (Regd.) on 22.12.2003 for construction of Jain Temple. During handing over of site to President and General Secretary of Sh. S. S. Jain Sabha (Regd.), the site u/r was free from encroachment. (Copy of Possession Plan Enclosed). Also, it is pertinent to mention that religious Plot No. R-2 and religious Plot R-3 shown in the possession plan at Page 56/C are lying vacant at site. The ownership status and litigation status of site u/r may be provided by LM Department.”

5. Learned Senior Counsel appearing on behalf of the petitioner submits that *vide* legal notice dated 28.05.2025, the petitioner made the following demands:-

“You are hereby called upon to take immediate and appropriate steps to comply with the directions issued by the Hon 'ble Court, and to forthwith hand over the peaceful possession of the allotted plot to the Petitioner, failing which the Petitioner shall be constrained to proceed with the present contempt petition before the Hon 'ble High Court of Delhi at your sole risk , cost, and legal consequences.”

6. A perusal of the order dated 09.10.2023, reflects that it is clearly recorded that in para 3 thereof that the petitioner had been placed in possession of the plot in question and therefore there is no ground made out for an alternative plot. It was further observed by the learned Division Bench that in case the petitioner/society has any law and order issue preventing from



carrying out any construction activity on the plot in question they are free to submit a complaint to the police, who in turn, can take appropriate action in accordance with law.

7. The aforesaid directions do not relate to the petitioner's demand for getting possession of the land by way of removing encroachment by the DDA. The aforesaid would be a separate cause of action, for which the petitioner would be at liberty to initiate appropriate proceedings in accordance with law, if so available, before the court of competent jurisdiction.

8. In view of the above, the present petition is disposed of in the aforesaid terms.

AMIT SHARMA, J

SEPTEMBER 3, 2025/nk/dj