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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1933/2023, CM APPL. 67011/2023 & CM APPL.
2848/2024

SHRI VIRENDER SEHRAWAT & ANR.Petitioners

Through: Ms. Kajal Sehrawat, Advocate.

versus

SHRI ALOK TIWARI & ORS.Respondents

Through: Mr. Sanjay Katyal and Ms. K.
Sehgal, Advocates for DDA.
Ms. Sweety Singh, Advocate for
R-4 to 7.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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04.02.2025

1. The petitioners in this contempt petition are arrayed as respondent Nos. 5 and 6 in W.P.(C) 16013/2022. They have filed this petition alleging violation of order dated 14.08.2023 passed in the writ petition. The said order reads as follows:

“Ms. Sweety Singh, learned counsel appearing for respondent Nos. 1 to 4 seeks further time to file counter-affidavit.

2. Mr. Kirti Uppal, learned senior counsel appearing for the petitioner submits that while respondents are delaying further proceedings in the matter, unauthorized construction has been done by the private respondents Nos. 5 and 6.

3. Mr. J K Jain, learned counsel appearing for respondent Nos. 5 and 6 who is present via video-conferencing submits, that they are not undertaking any construction. Mr. Uppal submits that they have photographs which show to the contrary; and that they will file an affidavit enclosing the photographs showing the status of the land.



4. In these circumstances, and since respondents Nos.5 and 6 say they are not undertaking any construction, let status-quo be maintained in relation to construction over the land comprised in Khasra Nos. 365 (4 bigha 14 biswa) and 366 (8 bigha & 11 biswa) situate in Village : Nasirpur, Delhi, till the next date of hearing.

5. Let counter-affidavit be filed within 04 weeks; rejoinder thereto, if any, be filed within 03 weeks, thereafter; with copy to the opposing counsel.

6. Re-notify on 06.11.2023.”

2. In the writ petition, the petitioner has sought removal of alleged encroachers being the respondent Nos. 5 to 8 therein from Gaon Sabha/public land in Village Nasirpur, Delhi. He has also sought demolition of construction existing thereupon at the instance of the said alleged encroachers.

3. The contention of the petitioners in the contempt petition is that the respondents therein are undertaking demolition of the property and constructing a boundary wall.

4. The contempt petitioners have been unrepresented on the last three dates of hearing [12.09.2024, 20.11.2024 and 03.12.2024]. Today Ms. Kajal Sehrawat, learned counsel, appears on behalf of the contempt petitioners.

5. Mr. Sanjeev Sindhvani, learned Senior Counsel for the writ petitioner, draws my attention to an order dated 19.03.2024 passed in the writ petition by which the interim order dated 14.08.2023 [wrongly typed as 14.02.2023] has been clarified. The said order reads as follows:

“7. Mr. Sanjeev Sindhvani, learned Senior Counsel appearing for the petitioner submits that CONT.CAS(C) 1933/2023 appears to have been filed by the private respondents Nos.5 to 8 in the present writ petition without making the present petitioner as a party.”

8. According to Mr. Sindhvani, learned Senior Counsel, ostensibly, it is only to mislead this Court and to conceal the true facts obtaining on



the ground that these measures were undertaken.

9. That apart, learned Senior Counsel submits that the Special Task Force ('STF') by its order dated 21.07.2023 where all the officers of the Revenue Department, the MCD and other concerned Departments were present, it was noted that the DDA had built a boundary wall on the land, which as per the GSDLC map falls under the khasra Nos. 393, 365 and 366 all of which are Gram Sabha lands. The minutes of the meeting also notes that some building material suppliers have broken the wall and stored the building material on DDA land.

10. It is further observed that the DDA had tried to remove those encroachers but faced massive resistance from the locals and incidents of assault were also reported.

11. The DDA subsequently requested for Police Force for assistance in re-building the boundary wall.

12. It is on the basis of the aforesaid observation that this Court had directed impleadment of DDA in the present petition.

13. Ms. Shobhana Takiar, learned Standing Counsel for the DDA is present in Court. She submits that a status report in form of an affidavit shall be filed by the DDA giving the true facts in respect of khasra Nos. 393, 365 and 366, which are stated to be the Gram Sabha lands of Village Nasirpur, Delhi.

14. The same be filed within four weeks from today.

15. The GNCTD, which was hitherto before the official custodian of the land records pertaining to the aforesaid khasra numbers, may furnish the entire land records pertaining to the aforesaid khasra numbers, if not already furnished, to the DDA, within six weeks from today.

16. Keeping in view the aforesaid submissions made by Mr. Sindhwani, learned Senior Counsel and after perusing the records and status report as also the minutes of the meeting dated 21.07.2023, it is made clear that the order of status quo passed on 14.02.2023 by this Court, was purely in respect of constructions which were being carried out in khasra Nos. 365 and 366 and not to the action of demolition or removal of any unauthorised constructions over the Government lands comprising khasra Nos. 365 and 366.

17. The authorities are at liberty to continue removal of such unauthorised constructions and encroachments in accordance with law."

[Emphasis supplied.]



6. Ms. Sehrawat draws my attention to an allegation in the contempt petition that the respondents took the said action on the false pretext that the property falls in Khasra No. 393, Village Nasirpur, Delhi. However, in view of the clarificatory order above, this does not require proceedings in contempt to be initiated, as the clarification is to the effect that unauthorised construction in Khasra Nos. 365 and 366 was also liable to be removed.

7. In view of the said order in the writ petition, by which the order dated 14.08.2023 has been clarified, the allegation in the contempt petition no longer survives. The contempt petition, alongwith the pending applications, is, therefore, disposed of.

PRATEEK JALAN, J

FEBRUARY 4, 2025/MR/AL/