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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1438/2024

BRIJ MOHAN MAHAJAN AND ANR

.....Petitioners

Through: Mr. Abhinav Mukherjee, Sr. Adv.
with Ms. Archita Nigam, Mr.
Sumit Gehlot, Mr. Manoranjan
Nayak, Mr. T.S. Thakraon,
Advocates.

versus

GOVT OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Arjun Basra, Advocate for Ms.
Hetu Arora, ASC, GNCTD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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09.01.2025

1. The petitioners have filed this contempt petition alleging wilful defiance and violation of an order dated 21.01.2019 in W.P.(C) 13528/2018.
2. The writ petition is directed against a demolition notice dated 12.11.2018, issued by the respondent No. 2, for removal of encroachment from G.S. Nala (Village Rajokri), pursuant to an order of the National Green Tribunal in O.A. 488/2017. Khasra Nos. mentioned in the demolition notice are Khasra Nos. 177/2, 179 and 329/1, 329/2, 329/3 and 329/4 of G.S. Nala (Village Rajokri).
3. Alongwith the writ petition, the petitioners relied upon a copy of the *aks sizra* of the land claimed by them, including Khasra No. 291. A copy of the said document has been filed as Annexure-3 to the contempt



petition.

4. By the interim order dated 21.01.2019, it was directed that no coercive steps will be taken pertaining to the recorded land, but it was made clear that the order will not come in the way with regard to encroachment, if any, carried out by the parties.

5. I have heard Mr. Abhinav Mukherjee, learned Senior Counsel for the petitioners, and Mr. Arjun Basra, learned counsel for the respondents-contemnor.

6. The allegation in this contempt petition is not that the respondents have, in fact, taken any coercive steps in respect of any part of the land claimed by the petitioners, including Khasra No. 291. Instead, the petitioners apprehend that such action may be taken on the basis of an alleged *aks sizra*, which is part of the respondents' record. A certified copy of the same has been placed as Annexure-4 to the contempt petition.

7. Mr. Mukherjee submits that the said document shows a *nala* running through Khasra No. 291. It is the apprehension of the petitioners that this is an interpolated document, and intended to lay the basis for coercive action against the petitioner's property. He submitted that a violation of the interim order would be committed by the respondents, suggesting that the construction in Khasra No. 291 is, in fact, an encroachment and not protected by the interim order.

8. The contention of the petitioners with regard to the status of their property remains to be adjudicated in the writ petition. At this stage, I do not consider it appropriate to institute proceedings in contempt. There is no allegation of any coercive steps having been taken in respect of any land, whether on the basis of the plan relied upon by the petitioners or the



allegedly interpolated plan. In fact, the respondents have not even placed the latter plan in their counter affidavit to the writ petition. The position of the petitioners, therefore, is not that any violation of the interim order has been committed, but that a violation may be committed relying upon an interpolated document, which the respondents do not even rely upon in their response to the writ petition.

9. On these facts, I do not consider this a fit case to proceed in contempt.

10. The contempt petition is, therefore, dismissed.

11. All rights and contentions of the parties in the writ petition are left open. In the event there is an imminent threat to the property of the petitioners, the petitioners will remain at liberty to take appropriate proceedings, including by filing of fresh contempt proceedings at that stage.

PRATEEK JALAN, J

JANUARY 9, 2025
'Bhupi/AD'/'