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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 816/2019, CM APPL. 1652/2025 & 24344/2025

JITENDER JAIN

.....Petitioner

Through: Appearance not given.

versus

UMESH CHAND JAIN & ORS

.....Respondents

Through: Mr. Paras Jain, Advocate for R-2.
Mr. Mukesh Gupta, SC for MCD with
Ms. Madhu Yadav, Ms. Sneha Roy,
Ms. Gurleen Kaur Sron and Mr. S.
Shukla, Advocates for R-4 and 5.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

07.04.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 2, 10, 12 and 13 of the Contempt of Courts Act seeks following prayers:-

“a) the contempt notice may kindly be issued against the contemnors/respondents for contempt of orders dated 24/04/2015 & 27/07/2016 passed by this Hon’ble Court in Writ Petition (C) No.7653 of 2013 and punish them in accordance with law for their illegal, arbitrary and willful noncompliance of this Hon’ble Court's orders and direction dated 24/04/2015 & 27/07/2016 in true letter and spirit;

b) direct the Respondents/contemnors to implement the orders dated 24/04/2015 & 27/07/2016 in true letter and spirit ;

c) pass any other order may also be passed which this Hon’ble Court may deem fit and proper in favor of the petitioner and against the contemnors, in the interest of justice.”

3. *Vide* order dated 24.04.2015 in W.P.(C) 7653/2013 learned Single



Judge passed the following directions:-

“In so far as the office of the Management Committee of the society is concerned, the learned counsel for respondent Nos. 5.7 & 8 states that no specific permission for construction of the management office was taken. He contends that permission for construction of certain number of flats were granted and the office in question is housed in the stilt portion of the building. He states that no such permission for construction of the office is required. Learned counsel for the respondent-corporation disputes this contention. It is apparent from the above that the management office is not a part of the sanctioned development, The learned counsel for the corporation states that a part of the stilt portion of the building, which was meant for parking, has been converted as an office.

In the circumstances, it is apparent that the same is completely unauthorized.

In my view, the contention that the office in the stilt portion is protected under the National Capital Territory of Delhi Laws (Special Provisions) Second Act. 2011 as amended on 29.12.2014 is, without any merit. In the present case, it is the members of the society who have approached this Court pointing out that the stilt portion of their building is being usurped. Thus, the nature of encroachment is materially different from the one as contemplated under the aforesaid Act, The encroachment is on the land allotted to the society itself and since the members of the society are objecting to the same, the nature of lis is entirely different. The corporation would therefore be obliged to assist the members of the society in ensuring that their area is not encroached upon by unauthorised construction.

Thus, in the given circumstances, the respondent-corporation is directed to take necessary action for removal of the said office if respondent Nos. 5, 7 and 8 fail to do so. Let a fresh status report be filed on or before the next date of hearing.

The time provided to the religious committee of the Government of NCT to take a decision is extended by a further period of six weeks. Renotify on 01 .19.2015.

4. Subsequently, the said petition was disposed of *vide* order dated



27.07.2016 by observing as under:-

“The Religious Committee of the Government is represented by respondent no. 1. They have filed a counter affidavit. Their submission that this is a private land and the Religious Committee of the Government of the NCT of Delhi has no say in the aforementioned matter. The stand of respondent no.3 MCD had also been sought for, Respondent no.3 submits before this Court that the aforementioned construction i.e. die religious temples at the site are protected by the National Capital Territory Laws (Special Provisions) Second Act, 2011 as amended in 2014. Submission in the counter affidavit being that these three aforementioned religious structures were built up in the year 1993-95. , These unauthorised constructions being adequately protected under the aforementioned Act up to 31.12.2017; no action can be taken in the aforementioned matter. Attention has been drawn to Section 2 (i) of the said Act as also the definition of "encroachment" and 'unauthorized construction" as contained in Section 2(1)(c) and (j) of the said Act. This Court has additionally been informed that a suit inter se respondent no.5 and respondent nos.2, 3, 6 and 7 is also pending before a competent Civil Court. The petitioners are at liberty to get themselves impleaded in that suit, if they so desire.

This Court is thus of the view that in view of the consistent stand adopted by respondent nos.1 and 3 (the contesting parties) and the stand of respondent no.1 being that the Religious Committee has nothing to do with the aforementioned disputed construction as it on a private land as lilso the stand of the Municipal Corporation which at the cost of repetition is that the National Capital Territory of Delhi Laws-('Special Provisions) Second Act, 2011 protects this site, no further orders can be passed beyond the orders passed by this Court on 24.5.2015. Petition disposed of, in the above terms.”

5. Subsequently, during the pendency of the present proceedings, an affidavit dated 25.01.2020 had been filed on behalf of respondents no. 4 and 5, wherein it has been stated as under:-

“4. That the contempt petition filed by the petitioner against the



answering respondents has become infructuous in as much as, after following due process of law vide U/c File No. 07/UC/C-58/B-I/RZ/2020 Dated 08.01.2020, the u/c of the walls in stilt parking and converting it into the flat (Flat No. B-7/2) has been demolished on 24.01.2020 in execution of the demolition notice dated 15.01.2020 and demolition order passed as per policy on 22.01.2020. A photocopy of the demolition order dated 22.01.2020 and the photographs showing the demolition action taken on 24.01.2020 are annexed herewith as ANNEXURE- R/1 & R/2 respectively.”

6. Photographs had been placed on record. Subsequently, the petitioner took an objection that the said demolition was superficial in nature and thereafter, another set of photographs has been placed on record by the MCD which are reproduced, for the sake of completeness, as under:-



Still Parking Flat No. B-712, Plot No. 14, Aram Vallyah 64HS Col, Sec-13, Rohini



नई दिल्ली, दिल्ली, भारत

C-99, राजापुर, पॉकेट 6, सेक्टर 13, रोहिणी, नई दिल्ली, दिल्ली, 110089, भारत

Lat 28.718782°

Long 77.132139°

29/02/24 03:00 PM GMT +05:30

GPS Map Camera

परामर्श 6
JF (18) P2

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 09/04/2026 at 12:19:36

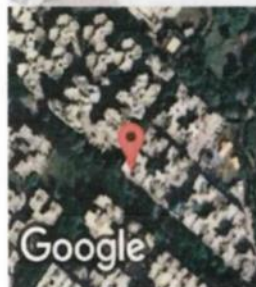


5th Floor Parking Platform B-7 to Platform 14, Atam Vallabh CHS Ltd Sector 13 Rohini

(2)



GPS Map Camera



Google

Delhi, Delhi, भारत

Block-M1, Rajapur, Pocket 14, Sector 13, Rohini, Delhi, 110085,
भारत

Lat 28.720198°

Long 77.132191°

29/02/24 03:00 PM GMT +05:30

Foramant Singh
JBLB/122

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

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7. In view of the above, the directions in terms of order dated 27.07.2016 have been complied with.
8. The present petition is disposed of with directions to MCD to ensure that no further unauthorised construction takes place in the subject premises.
9. Pending application(s), if any, also stands disposed of.
10. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 07, 2026/sn