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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 997/2024

SAVITRI DAVI

.....Petitioner

Through: None

versus

YASH CHAUDHARY

.....Respondent

Through: Mr. Sanjay Kumar Pathak (SC) along
with Mrs. K.K. Kiran Pathak, Mr.
Sunil Kumar Jha, Mr. Mohd. Sueb
Akhtar, Mr. Devakar Kapil, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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06.01.2026

1. None appears for the petitioner.
2. An affidavit has been filed by the concerned Sub-Divisional Magistrate, pursuant to the directions contained in the order dated 06.05.2025 averring as under:-

4. That at the outset, the answering respondent tenders sincerest unqualified unconditional apology to this Hon'ble Court for inadvertent, unintentional and non-deliberate delay in compliance of the order dated 09.08.2023 passed by this Hon'ble Court in L.P.A. No. 77/2023. It is humbly submitted that the answering respondent has highest regards for this Hon'ble Court and also for each and every order or direction passed by this Hon'ble Court.

5. That it is humbly submitted that far from violating or disobeying any order passed by this Hon'ble Court, the answering respondent cannot even think of violating or disobeying, much less wilfully or knowingly or intentionally violating or disobeying any order or direction passed by this Hon'ble Court nor the answering respondent intends to violate or disobey any order or direction passed by this Hon'ble Court.

6. That the aforesaid LPA No. 77/2023 was disposed of vide order dated 09.08.2023 remanding the matter to Recommendation Committee to pass a fresh order in terms of the Scheme, 1961 that too by furnishing all minute details in respect of the house, if any owned by the Appellant (petitioner herein).



7. That it is humbly submitted the status of the aforesaid order dated 09.08.2023 in respect of its acceptance or challenge to the same could not be received from the Legal Wing of the Land and Building Department, Govt. of NCT of Delhi and thus, the file could not be processed which had resulted in delay in compliance of the order dated 09.08.2023. Upon receipt of the contempt petition, vide letter dated 12.03.2025 a request was made to the Legal Advisor-cum-Standing Counsel (L&B)/ Govt of NCT of Delhi to provide present status of the above order and for issuing BTF for defending the matter. In the meantime, the Land Department had opined and requested to of order dated 09.08.2023. True copy of the letter dated 12.03.2025 is annexed herewith as **ANNEXURE R-1**.

8. That to comply with the aforesaid order dated 09.08.2023 for consideration and disposal of the application of the applicant vide letter dated 08.04.2025, the Tehsildar (Narela) was directed to provide Patwari report in detail along with I.D. Proof of witnesses and along with details of residential property with photographs and total area of residential property of the applicant in village Barwala within 3 days.

9. That the Tehsildar provided the patwari report along-with photographs of residential property of Smt. Savitri Devi in which it had been mentioned that the applicant is residing with family at H. No. 340, Village Barwala, Delhi, which falls in Old Lai Dora of the year 1908-09 of Village Barwala, Delhi. As per the statements of two witnesses, namely, Sh. Vijender S/o Sh. Omprakash, H. No. 242, Village Barwala, Delhi and Sh. B.S. Barwala S/o Sh. Prem Singh, H. No. 114, Village Barwala, Delhi, applicant Smt. Savitri Devi W/o Sh. Jai kishan is residing at H. No. 340, Village Barwala, Delhi. The above said house is 100 Sq. Yards, which is situated in old Lai Dora village in the year 1908-09 under Kh. No. 87/1 (Abadi Deh).

10. That thereafter, the meeting of the Recommendation Committee was fixed on 02.05.2025. A notice of the said meeting of the recommendation committee was sent to the applicant on 24.04.2025 for personal hearing. In response to the hearing notice, the applicant-Smt. Savitri Devi along with her son Sh. Pradeep were present in the meeting held on 02.05.2025 and were heard. Smt. Savitri Devi submitted that she is residing in H. No. 340, Village Barwala, Delhi which is 100 Sq. Yards in old Lal Dora of the said Village.

11. That as stated above, in compliance of Hon'ble High Court Order dated 09.08.2023 the case of Smt. Savitri Devi W/o JaiKishan R/o H. No. 340, VPO Barwala, Delhi was placed before the Recommendation Committee on 02.05.2025. Upon perusal of the record and after hearing the applicant, the Recommendation Committee had observed that an application was received on 15.05.2006 vide file no. F.33(90)/533/06/L&B/ALT (Snty. No. 4879) from Smt. Savitri Devi W/o Jai Kishan R/o H. No. 340, VPO Barwala Delhi for allotment of alternative plot in lieu of her 1/3rd share in the acquired land in Khasra No. 11/21/2 (2-07), 11/22 (4-16), 48/18(4-16), 48/19(4-16), 48/22(4-16), 48/23(4-16) total (26 Bigha -13 Biswa) of village Barwala vide



Award No. 12/2005-06. The compensation of the acquired land was paid to the applicant Smt. Savitri Devi on 21.10.2005 and a payment certificate No. 2409 dated 26.04.2006 was issued by the Land Acquisition Collector, (North-West), Kanjhawala, Delhi.

12. That the recommendation committee further observed that the applicant Smt. Savitri Devi W/o Sh. Jai Kishan in her affidavits dated 23.08.2006 and 23.05.2018 had declared that she and her family including dependent relations and unmarried children do not own any plot/ flat// house in territory of Delhi except in village abadi Barwala and she is at residing at H. No. 340, VPO Barwala, Delhi. The Committee observed that applicant had a residential property/ shelter over her head at the time of acquisition of her land at present.

13. That besides considering the factual matrix, the recommendation committee had also considered the judgment of Hon'ble Supreme Court in the case of Civil Appeal Nos. 8289-90/2010: Delhi Development Authority Vs. Jai Singh Kanwar wherein it had been held that the object of the scheme is that when the land owned by a person is taken away in entirety and he is left without any house or plot, he should be allotted a plot. The Scheme, therefore, provided that only a person who does not own a house/residential plot/flat will be entitled to apply. The committee also considered the judgment passed in WP(C) No. 12306/15 titled as Surinder Singh Mann Vs. Govt, of NCT of Delhi decided on 25.08.2017 and the legal opinion received from the Land and Building Department, Govt, of NCT of Delhi from which it is clear that the person who owned any shelter over their head whether it is in the village abadi, Lai Dora, extended Lai Dora/urbanized village or urban area are not entitled for allotment of alternative plot.

14. That in view of the above legal position, as per Tehsildar report, affidavit dated 23.08.2006 and 23.05.2018 and as per her statement given before recommendation committee during the personal hearing that the applicant Smt. Savitri Devi W/o Sh. Jai Kishan is having own house in village Barwala, Delhi, the Recommendation Committee has held that the applicant is not entitled for alternative plot. Therefore, the Recommendation Committee has rejected the application of the applicant and said decision was also communicated to the applicant vide order/letter dated 05.05.2025.

15. That it is humbly submitted that the receipt of order/letter dated 05.05.2025 is not disputed by the applicant/petitioner in as much as against the order/letter dated 05.05.2025, the petitioner has taken recourse to her legal remedy by challenging the same by way of W.P.(C) No. 14178/2025 titled Savitri Devi Vs. Govt, of NCT of Delhi & Anr. which is pending adjudication before the roster bench.

16. That it is humbly submitted that mere delay in compliance of the order without any wilful, deliberate or contumacious intent does not amount to contempt of Court. Reference may kindly be made to the latest judgment of the Hon'ble Supreme Court in the case of A.K. Jayaprakash (D) Thr. Lrs. Vs S.S. Malikaijuna: (2025) SCC Online SC 1732 wherein it has been held that



delay in complying with its orders, without any wilful or contumacious intent, does not amount to contempt of court. The Hon'ble Supreme Court has clarified that contempt jurisdiction cannot be invoked merely on account of delay unless the breach is intentional deliberate. Relevant paras 15 to 18 of the aforesaid judgment of the Hon'ble Supreme Court is reproduced below for ready reference:-

“15. There is equally no dispute that the amount was not paid within the period of three months. In fact, letters annexed to the contempt petitions show that the payments commenced in 2019, well beyond the timeline fixed by this Court.

16. The question that arises for consideration is whether the delayed compliance constitutes wilful disobedience so as to attract the jurisdiction of this Court under the Contempt of Courts Act, 1971.

17. In *Ashok Paper Kamgar Union v. Dharam Godhal*, this Court has held that contempt jurisdiction is intended to uphold the majesty of law and not to settle personal grievances. Similarly, in *Rama Narang v. Ramesh Narang*², in a case of civil contempt, the breach must be deliberate and intentional.

18. Tested on the anvil of the above principles, we find that although the Bank did not effect payment within the time permitted by this Court, the material placed on record do not demonstrate that the delay in compliance was borne out of any wilful or contumacious intent. The explanation tendered refers to administrative hurdles post-merger and retrieval of records dating back over three decades. While such circumstances cannot justify laxity in complying with orders of this Court, the element of *mens rea*, essential for sustaining a charge of civil contempt, cannot be inferred merely from the factum of delay.”

17. That it is reiterated that the answering respondent has highest regard for this Hon'ble Court and for the orders/ directions passed by this Hon'ble Court and far from violating any order or directions passed by this Hon'ble Court, the answering respondent cannot even think of violating the same



much less then violating such order or direction wilfully or knowingly or deliberately. It is humbly submitted that there has never been any intention of the answering respondent to defy any order or direction passed by this Hon'ble Court or to delay the compliance of the order/direction. From the compliance affidavit filed by SDM (Narela) on behalf of the respondent and the present reply affidavit, it is evident there was no non compliance and/ or wilful or deliberate disobedience by the respondent of the order dated 09.08.2023. However, it humbly submitted that the delay in compliance of the order has occasioned in the circumstances beyond the control of the answering respondent and the same is neither wilful nor intentional or deliberate but has occurred due to aforesaid reasons. The inconvenience caused to this Hon'ble Court is deeply regretted.

18. That it is humbly submitted that in view of the fact that the order dated 09.08.2023 passed in LPA No. 77/2023 by the Division Bench of this Hon'ble Court has already been complied with by the respondent and the petitioner has already taken recourse to her legal remedy by filing W.P.(C)14178/2025 titled Savitri Devi Vs. Govt. of NCT of Delhi & Anr., it would be in the interest of justice that the show cause notice issued in the present petition answering respondent may be dropped/ withdrawn and the present contempt proceedings may be dismissed/ disposed of by this Hon'ble Court. It is prayed accordingly.

3. Considering the aforesaid and taking note of the fact that the directions contained in the order dated 09.08.2023 stands complied with (against which the petitioner has already taken recourse by filing W.P (C) 14178/2025), no further orders are required to be passed in the present proceedings.

4. Accordingly, the present petition is disposed of.

SACHIN DATTA, J

JANUARY 6, 2026/uk