

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

Date of Reserve: 9th February, 2010

Date of Order: 26th March, 2010

CONT. CAS (C) No. 754/2006 & CM No. 7142-43/07

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26.03.2010

Geeta Gupta

... Petitioner

Through: Mr. N.K.Gupta, Advocate

Versus

Manoj @ Raju & Ors.

... Respondents

Through: Mr. Ajay Verma

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

The petitioner has filed this petition under Section 11 & 12 of the Contempt of Courts Act for initiating contempt action against the respondents for disobeying order dated 31st August, 2005 passed in WP(C) No. 14161/2005. This Court had following directions:

In the meanwhile, MCD would ensure that no authorized construction is carried on in premises bearing No.56812/4B, Pyare Lal Road, Dev Nagar, New Delhi. Respondents no.5 & 6 are restrained from effecting any construction in the said property without obtaining prior sanction from the Municipal Corporation of Delhi.

2. The petitioner alleged that the respondents and MCD had no respect for the Court and in total disregard, disrespect and in violation of Order dated 31st August, 2005 and subsequent order dated 16th September,

2005, construction was completed in entirety and no action was taken by MCD. In reply/counter-affidavit, filed by the MCD with a latest compliance report MCD placed on record photographs showing that the construction made by respondents was demolished by MCD. The photographs show that the substantial part of the roof of second floor, front walls of the first and second floors and *chajjas* of ground floor were demolished by MCD. It was submitted by Counsel for MCD that any demolition of side walls would have resulted into damage to the adjoining properties.

3. I have seen the photographs of the property in question. It would be seen that the property is sandwiched between two constructed properties. One photograph shows the property constructed right upto second floor with a mumty, the other photographs show that the munties over the first floor and second floor have been completely damaged and the same cannot be used. I consider that MCD has done sufficient compliance of the order passed by the Court. Though it seems the construction was made by respondents in defiance of the order but by demolition of the same, they have been made to know that a construction in defiance of the order cannot be allowed to be stand. I think no further action in this petition was necessary. The petition is dismissed.

March 26, 2010
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SHIV NARAYAN DHINGRA, J.