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

Date of Decision: 20.01.2020

+ CONT.CAS(C) 464/2018

DUGGAL COLONY RESIDENT WELFARE
ASSOCIATION (REGD)

..... Petitioner

Through: Ms.Neelam Rathore & Ms. Pooja
Sharma, Advs.

versus

GOVERNMENT OF DELHI & ORS

..... Respondents

Through: Ms. Hetu Arora Sethi, ASC with
Mr. Siddanth Agarwal, Adv. for R-2
Mr. Ajjay Aroraa, Mr. Kapil Dutta & Mr. Anuj
Bhargava, Advs. for South DMC
Mr. Sahil Ghei, Adv. for Mr.Sumeet Pushkarna,
Adv. for DJB
IO/SI Avdhesh Dixit, PS Neb Sarai
Mr. Ajay Goel, Adv. for R-8
Mr. Subro Sanyal, Adv. with Mr. Ashwani Kumar,
Adv. for R-6, R-9 & R10.
Ms. Garima Verma & Mr. Manish Kashyap, Advs.
for R-7 & R-11

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N. PATEL, Chief Justice (Oral)**

1. This contempt petition has been preferred for the alleged breach of an order dated 27th April, 2018 passed by this Court in W.P.(C) 3655/2018 (Annexure-A).

2. Having heard the counsel for both sides and looking to the facts and circumstances of the case, it appears that this Court had passed an order dated 27th April, 2018 in W.P.(C) 3655/2018, para 5 thereof reads as under:

“5. The respondent no.2 shall physically inspect the properties detailed in the writ petition and the area in question and shall ensure that no construction is carried out in violation of law. A status report shall be filed by the respondent no.2 before the next date. The respondent no.2 shall proceed in the matter in accordance with law.”

3. It further appears from the facts of the case that at Jawahar Park there are illegal constructions as alleged by this petitioner and while finally disposing of W.P.(C) 3655/2018 *vide* judgment and order dated 20th March, 2019 by this Court, it appears that the whole matter was sent to the Special Task Force constituted under the directions of Hon’ble Supreme Court and therefore the legality or otherwise of the construction in question was to be decided by the said Special Task Force in accordance with law, rules, regulations and Government policy applicable to the facts of the present case after giving an adequate opportunity of being heard to the owners/occupiers of the premises in question, final decision was taken.

4. Much has been argued out by the counsel for petitioner in the contempt petition that no action has been initiated by the respondents nor by the Special Task Force for the removal of the alleged illegal constructions and the construction was going on and now it is in the shape of 5-6 floors.

5. Learned counsel appearing for the respondents No.6 to 11 have submitted that the legality or otherwise of the construction is yet to be

decided in accordance with law and they will represent before the Special Task Force in this regard.

6. In view of the aforesaid facts and circumstances of the case, it appears that the respondents have yet to decide the legality or otherwise of the constructions in question. In contempt proceedings, we are in no position to opine thereon. We, therefore, further direct the respondents No.1 and 2 to take a decision about the legality or otherwise of the constructions in question in accordance with law, rules, regulations and Government policy applicable to the facts of the present case after giving an adequate opportunity of being heard to respondents No.6 to 11 and also to the owners/occupiers of the constructions in question. If there is any illegality in the constructions, the same shall be demolished in accordance with law by the concerned respondent authorities after giving an adequate opportunity of being heard to the concerned stakeholder of the property in question. The petitioner will also be heard by the concerned respondents while taking the aforesaid decisions.

7. With the aforesaid observation, this petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 20, 2020

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