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

% ***Date of Decision:10th January, 2025***

+ **CONT.CAS(C) 1851/2023 & CM APPL. 34197/2024
HABIB AHMAD**

.....Petitioner

Through: Mr. A.K. Dey, Advocate along with
petitioner.

versus

THE COMMISSIONER MCD AND ORS

.....Respondent

Through: Mr. Kapil Dutta and Mr. Vansh
Luthra, Advocates for R-1/MCD.
Ms. Juhi Arora, Advocate for R-6 & 9.
Insp. Puneet Bharti, SI Satyapreet,
P.S. Kalindi Kunj.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner seeks initiation of contempt proceedings against respondents for wilful disobedience of the directions contained in order dated 03.05.2023 passed by Coordinate Bench of this Court in W.P.(C) 15160/2022.
2. The petitioner therein had raised grievance with respect to the unauthorized construction and encroachment of Government land i.e. Plot No. 516, Khasra No. 631 Block-E, Khadda Colony, Near Umar Masjid, Jaitpur Extension Part-II, New Delhi.
3. A status report was taken from MCD and thereafter the above said writ petition was disposed of while observing as under:-

“3. In view of the above, it is directed that no coercive action be taken against the subject property by the Corporation/respondent Nos. 1 to 3



for a period of four weeks from today to enable respondent No. 6 to approach ATMCD by way of an appeal. It is made clear that continuation of interim protection thereafter shall be subject to orders of the ATMCD in an appeal filed, if any.

4. Needless to state that Corporation/respondent Nos. 1 to 3 shall take the requisite action against the unauthorised construction which shall be subject to outcome of the appeal to be filed by the respondent No. 6 before the ATMCD, if any.

5. Petition is disposed of in the above terms”.

4. Quite apparently, the right of respondent No.6 therein i.e. Naushad Alam was protected and he was permitted to avail remedy, if any, by approaching Appellate Tribunal, MCD.

5. As per the status report submitted on record by MCD, it becomes evident that Naushad Alam had filed an appeal before the learned Presiding Officer, Appellate Tribunal , MCD.

6. Said appeal was, eventually, dismissed on 02.02.2024 and Naushad Alam has now filed appeal against the above said order which has been registered as Appeal No.6/2024 and such appeal is pending adjudication before learned Principal District & Sessions Judge, South-East District, Saket Courts.

7. Various orders passed by learned Principal District & Sessions Judge, in the above said appeal, have also been placed on record which go on to show that there is stay in the matter and the next date of hearing is 21.01.2025.

8. The copy of such status report along with the copies of such orders and photographs etc. have been, reportedly, sent to the learned counsel for petitioner on his e-mail.

9. A spare set of the status report has also been supplied to learned counsel for the petitioner during the course of hearing and he submits that in view of the above, at the moment, he does not press the present contempt



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petition. He, however, seeks permission to file the petition again, in case, after the dismissal of the above said appeal, the MCD does not take any further action as directed in order dated 03.05.2023.

10. The present petition is disposed of in aforesaid terms.

11. Liberty, as prayed, is granted.

12. In view of the above, there is no requirement of adjudicating the application moved by respondent No.9 whereby he seeks deletion of his name from the array of parties.

(MANOJ JAIN)
JUDGE

JANUARY 10, 2025/ss