

Vaskar Saha Vs. Manish Gupta

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Court : Delhi

Decided On : Dec-01-2014

Judge : V.K.Shali

Appellant : Vaskar Saha

Respondent : Manish Gupta

Advocate for Def. : Ms. Mini Pushkarna, Ms. Namrata Mukim, Ms. Yoothica Pallavi

Advocate for Pet/Ap. : Mr. Prateek Tushar Mohanty

Judgement :

* HIGH COURT OF DELHI AT NEW DELHI + Cont. Cas (C) No.853/2014 Decided on :

1. t December, 2014 VASKAR SAHA Through: Petitioner Mr. Prateek Tushar Mohanty, Advocate. Versus MANISH GUPTA Through: Respondent Ms. Mini Pushkarna, SC with Ms. Namrata Mukim & Ms. Yoothica Pallavi, Advocates for the SDMC. CORAM: HONBLE MR. JUSTICE V.K. SHALI V.K. SHALI, J.

(ORAL) 1. This is a contempt petition filed by the petitioner against the respondent/SDMC on account of the alleged wilful disobedience of the order dated 1.7.2014.

2. I have heard the learned counsel for the petitioner and have also gone through the order in question.

3. By virtue of the said order, respondent/SDMC was directed to take action against the illegal construction of Property No.B-1/173, Second Floor, Janak Puri, New Delhi-110058. The grievance of the petitioner was that the owner of the aforesaid property in question has raised unauthorized construction. The respondent had booked the aforesaid property on 3.6.2014 and passed a demolition order on 26.6.2014. A work stoppage notice was also purported to have been given to the owner of the property on 12.6.2014 pursuant to which the owner of the said flat had applied through the respondent for the purpose of regularization of the alleged unauthorized construction. It has been stated in the order itself that the application of the owner of the said flat for regularization of the alleged unauthorized construction was also rejected on 26.6.2014 itself. It was assured to the court that an appropriate action will be taken against the unauthorized construction raised by the owner of the property.

4. The grievance of the petitioner is that the respondent has not carried out that assurance given to the court by removing the unauthorized construction.

5. Ms. Mini Pushkarna, the learned counsel for the respondent is present in response to an advance copy having been served and has stated that a writ petition bearing No.6857/2014 has been filed by the owner of the said flat, which is pending adjudication before this court and is listed on 23.1.2015. In the said writ petition, the owner of the said flat had prayed the court that his regularization plan, which has been filed afresh with the respondent, be considered by the respondent/MCD. Accordingly, it is contended that no action for contempt is made out against the respondent.

6. I feel that there is some merit in the contention of the learned counsel for the respondent. No action for contempt is called for against the respondent at this stage as action has already been taken by booking the unauthorized construction and passing a demolition order. Accordingly, the petition is totally misconceived and the same is dismissed. V.K. SHALI, J.

DECEMBER01 2014 AA

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