

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 221 OF 2012 IN SLP(C) No.5062/2009 (FOR PREL. HEARING)

DHAN RAJ & ORS.

Petitioner(s)

VERSUS

AJEET CHOUDHARY

Respondent(s)

Date: 05/09/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Sunil Kumar Chauhan, Adv.  
Mr. Satyendra Kumar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

This Court had disposed of the Special Leave Petition (C)No.5062/2009 in the following terms:

"Delay condoned.

This petition is directed against order dated 22-7-2008 passed by the Learned Single Judge of the Delhi High Court whereby he dismissed the petition filed by the petitioners under Article 227 of the Constitution of India and declined their prayer for temporary injunction.

At the hearing Mr. Jayant Bhushan, Learned Senior Counsel appearing for the petitioners submitted that in view of the stand taken by respondent No.1 that the land allotted to his clients had already been acquired, he has advised them to approach the consolidation authorities for allotment of alternative land. Learned Counsel further submitted that the Court may direct the concerned authority to entertain the application for allotment of alternative land without permitting respondent No.1 to raise an objection of limitation. Learned Counsel then submitted that the suit filed by his clients may be permitted to be withdrawn so that it may not impede consideration of their application for allotment of alternative land.

In the peculiar facts of the case, we accept the request of the Learned Counsel for the petitioners and dispose of the special leave petition in the following terms :-

(1) Civil Suit No.789 of 2002 pending in the court of Civil Judge, Delhi is transferred to this court and is dismissed as withdrawn.

(2) The petitioners are granted liberty to file appropriate application before the consolidation authorities

for allotment of alternative land. If such an application is filed within six weeks from today then respondent No.1 shall not raise the question of limitation.

(3) The concerned authorities shall decide the application for allotment of alternative plot to the petitioners within a period of three months from the date of filing the application."

In furtherance of the direction given by the Court, the petitioners submitted application dated 1.11.2010 to the Consolidation Officer, Tehsil Hauz Khas. The Tehsildar vide his letter dated 31.2.2011 forwarded the petitioners' application to Director (LM), D.D.A. for comments. The latter sent reply dated 19.5.2011 to Tehsildar-cum-Consolidation Officer that alternative land is to be allotted by Land and Building Department and, therefore, he should direct the petitioners to approach the Land and Building Department.

In the contempt petition, the petitioners have not averred that they had approached the Land and Building Department for allotment of alternative land. Therefore, they are not entitled to contend that the non-petitioners have deliberately violated the direction given by the Court.

With the above observations, the contempt petition is dismissed.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master