

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

Date of Reserve: 9th February, 2010
Date of Order: 24th February, 2010

CONT. CAS. (C) No. 726/2008

%

24.02.2010

Santosh Sapra

Versus

Manoj Kumar Verma

... Petitioner

Through:

Mr. Rohan Thawani, Advocate

Through:

Mr. Sanjeev Sabharwal,
Standing Counsel for MCD

... Respondents

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

This petition for contempt has been filed by the petitioner alleging gross violation of directions of this Court dated 11th August, 2008.

2. In WP(C) No. 7892/2007, this Court considered Writ Petition filed by the petitioner regarding structural safety of the unauthorized part of some construction which was done in Plot No. F-18, Rajouri Garden, Delhi sought to be regularized and gave following directions:

"It is made clear that while compounding the construction the MCD will carry out inspection of the entire property and satisfy themselves about the structural stability of the entire property and only thereafter regularization shall be done. This exercise shall be carried out within a period of six weeks from today."

3. It is apparent that this Court had directed MCD to do following acts:
 1. To carry out inspection of entire property,
 2. To satisfy themselves about structural stability of the entire property, and
 3. To consider regularization only after ensuring itself about the structural safety.

This exercise was to be carried within six weeks.

4. Mr. B.B.Bajaj, Executive Engineer (Bldg.)-I, West Zone, who was responsible for executing this order filed following status report:

3. *That the owner of front half of the property has already submitted a Structural Safety Certificate along with Regularization Plan from Structural Engineer mentioning that modified structure is safe. The copy of the same is already on record.*

4. *That the additions and alterations made by the owner of the front half portion cannot have any adverse effect on the structural stability of the rear half portion, the property being vertically subdivided and the dividing wall between the front half and back half of the property being undisturbed.”*

5. It is apparent from the status report that MCD had not complied with the order before regularization of the structure. The photographs filed by the petitioner show that the walls were raised even on slanting sun shades and projections in the building. It is under these circumstances that MCD was asked to inspect the building and ensure about the structural safety of the portion sought to be regularized. Structural safety means that MCD was to find out the load bearing capacity of these sunshades and if the sunshades were able to carry the load of the walls erected on them and the goods likely to put on the place and pressure on the sunshades. Instead of carrying out inspection, MCD called a report from the owner of the building himself, who submitted a Structural Safety Report and the MCD washed off of its hands of inspection and doing anything else. It is a clear non compliance and violation of order of the Court.

6. I consider that Mr. B.B.Bajaj, Executive Engineer (Bldg.)-I, West Zone, Delhi is liable for contempt of Court. His action not only shows his contemptuous attitude to the Court but also scant concern for the safety of the lives of the people. If the structures, fragile in nature, are erected on sunshades, which are not meant for bearing load and are not even inspected and regularization is done, it is a clear violation of the order of the Court.

I, therefore hold Mr. B.B.Bajaj guilty of the contempt of Court. He is sentenced to seven days civil imprisonment. He be taken into custody to undergo the punishment. His warrants of arrest be issued.

The petition stands disposed of.

February 24, 2010
vn

SHIV NARAYAN DHINGRA, J.