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

+ W.P.(C) 13482/2021 and CM APPL. 33765/2022 (For Dismissal of  
Petition)

PRADEEP AGGARWAL

..... Petitioner

Through: Mr. O.P. Saxena and Mr. Sanjay Verma,  
Advocates with petitioner in person

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Nandita Rao, ASC for GNCTD

Mr. Anupam Srivastava, ASC for GNCTD with

Mr. Ujjawal Malhotra, Advocate

Mr. Virender Mehta and Mr. Abhishek, Advocates  
for respondent No.5

Mr. Akhil Mittal, Standing Counsel for MCD

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

**19.12.2022**

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1. Learned Standing Counsel for respondent No. 2/Corporation while referring to the short-affidavit filed on behalf of the answering respondent submits that the subject land falls under the definition of 'development area' as mandated under the Delhi Development Authority, 1957, hence the concerned authority to take action, if any, is DDA.
2. On the oral request of learned counsel for the petitioner, DDA is impleaded as respondent No. 7 to the array of parties.
3. On the amended memo of parties being filed, notice be issued to the newly impleaded respondent No. 7/DDA by all permissible modes, returnable on 08.02.2023.

1. By way of captioned writ petition, the petitioner had sought initiation of action against the illegal and unauthorized construction stated to be carried out at behest of respondent Nos. 5 and 6 in *Khasra No. 20/12/1 (1-17)* and *20/19 (4-16)* situated at *Village Burari*. It was also claimed that the petitioner has addressed representation(s) to various authorities however, no action has been taken against the unauthorised construction till then.
2. In the petition, it has been stated that the petitioner is the immediate neighbour to the mentioned *Khasras*. It was claimed that the petitioner had purchased his land from one *Narender Kumar*. The site plan as well as sale documents have also been placed on record.
3. While issuing notice in the writ petition on 15.12.2021, this Court directed that in the meantime, no unauthorized construction activity be permitted in the subject area except in accordance with a sanctioned scheme of the Government for creating plotted development or in accordance with a sanctioned building plan, if any.
4. Later, respondent No. 5/*Ram Niwas Gupta* (hereinafter, referred to as '*the respondent*') preferred an application being CM APPL. 33765/2022 seeking dismissal of the writ petition and registration of FIR against the petitioner. A counter-affidavit has also been filed on his behalf. It is stated that the petitioner not only made false and incorrect averments, but also suppressed material facts in the writ petition.
5. While in the petition it has claimed himself only to be a neighbour of the respondent, the records reveal that the petitioner has been known to the answering respondent for the last two decades. Further, there have been not only multiple sale transactions, *inter se*, between them, they have also filed

number of civil and criminal cases against each other apropos the land in question, details of which are extracted herein below:

- (i) CS DJ/613504/2016 – Pradeep Kumar Aggarwal v. Ram Niwas Gupta,
- (ii) CS DJ/617155/2016 – Ram Niwas Gupta v. Pradeep Kumar Aggarwal,
- (iii) CS DJ/47/2020 – Narender Kumar v. Pradeep Aggarwal,
- (iv) CS DJ/647/2020 – Narender Kumar v. Pradeep Aggarwal and Ors., and
- (v) RCA DJ/66/2021 - Pradeep Kumar Aggarwal v. Ram Niwas Gupta & Ors.

6. It has also been brought to the notice of this Court that though the correct address of respondent was well within the knowledge of the petitioner, as apparent from the records of RCA DJ/66/2021, the respondent's address has been incorrectly mentioned as 'BD-12' mentioned in the memo of parties instead of his correct address i.e., 'BD-21'.

7. Alongwith the said application, respondent has also placed a transcript of conversation on record stated to have taken place between the petitioner and one *Vijay* (identified as '*Vijay Kumar Gupta*') on 13.04.2022 and 27.05.2022. On 02.08.2022, noticing the following contents of transcript, it was directed that an enquiry be conducted:-

Pradeep	What you have think approximate figure. My demand is of 50 and you intend to give 25
Vijay	OK, I inform Amit and you have demanded 50 which is negotiable.
Vijay	Your demand is 50 with copy of Girdawar report. Only these are 02 demands of you.

Pradeep	The dispute of 3950 Sq.yds. will run with Ram Niwas in court. I will withdraw the case from the court after discussing with Ved Pal Rana so that I would not face any grievance or you also in future.
Vijay	I will convey message.
Pradeep	I am also agree with it 99%.
Vijay	Payment will be made by them and if you desire, I can arrange meeting and you may final it if deemed fit.
Pradeep	Instead of meeting, I would prefer to discuss specifically on phone. The matter of Court would be seen by me and him; make the balance payment to him or not.

Pradeep	Rakesh knows them well, he has already completed work on his land, he can adjust (expenses). It will be ended with 10/20 thousand only and not expensive expenses. He will not demand 2/4 Lacs
Vijay	They offered you 25 Lakhs but you are demanding 50 Lakhs, it is negotiable or.
Pradeep	Yes
Vijay	It is not fixed (Naa)
Pradeep	No No, negotiable, meeting will arrange.
Vijay	Only you did not file complaint against unauthorized.
Pradeep	My associate, which you know, no complaint will be filed by the side of us. Yes, no call will be made and no obstruction for way will be created from my side. I will also withdraw my

	case from the court after talking with Vedpal Rana.
Pradeep	Judge has also said about unauthorized construction. I will withdraw the case after meeting with Vedpal Rana. If I do not withdraw the case or not filed the complaint, what would be the use of it. "Murge Ki Jaan Gayi Khane Wale to Maja Nahi Aya, Is Ka Faída Kya"
Pradeep	After the withdrawal of that case, final payment will be made. When I received 50% or 70%, case will be withdrawn and only then will take final payment
Vijay	Bhai it is not done like it, the order of High Court will remain pending, what would be the benefit of it?
Vijay	After disconnecting the phone, it came to my mind that the order of High Court will remain pending; anyone may file complaint.
Pradeep	I told that I will discuss with Vedpal Rana and withdraw the case.
Pradeep	When the case of unauthorized construction will be withdrawn.
Vijay	OK, the issue will be ended then.
Pradeep	From my side it will be informed to all dealers that I have withdrawn the case so that you may not face inconvenience while selling the land. You are not giving money to me unnecessarily. "Murge Ki Jaan Gayi Khane Wale to Maja Nahi Aya, Is Ka Faída Kya"
Vijay	OK.

Vijay	Arrangement of Rs. Five Lacs will be made till evening by 05 PM. I will pay Rs. Five Lacs till evening and total amount of Rs.07 Lacs will also be arranged by tomorrow.
Vijay	Seven is required or take five
Pradeep	Rest 13 Lacs
Vijay	According to commitment, Rs. 13 Lacs will be delivered within 3/4 days
Pradeep	I have also made transaction with Ram Niwas twice and you also met Ram Niwas many times. Will pay Rs. 10 Lacs more, but Shyam Sunder could not get the deal materialized. The influential person like Amit also could not done.
Vijay	No doubt in it. You have filed case in High Court and we are being exploited unnecessarily. Ideally between you and Ram Niwas, we have no transaction of give & take, if you are unhappy, tell me.
Pradeep	It is strange that it is difficult for Amit too, to arrange the funds
Vijay	Grievances are going-on, land has been defamed, we cannot see the problems of people

8. Subsequent thereto, a Status Report has been filed on behalf of respondent No. 1/GNCTD wherein it was stated that during the enquiry, voice samples of the petitioner as well as *Vijay Kumar Gupta* were obtained and sent to FSL. Further, a statement of *Vijay Kumar Gupta* was also recorded in which he admitted that the aforesaid conversations were carried between the petitioner and him. He also admitted to recording the said

conversations and submitted a Certificate under Section 65B of the Indian Evidence Act, 1872.

9. On the basis of the enquiry conducted, FIR No. 278/2022 under Section 384 IPC has been registered against the petitioner at P.S. Crime Branch.

10. The Status Report further reveals that *Vijay Kumar Gupta* has 12.5% share in the land in question and the telephonic conversations stated to have taken place between the petitioner and *Vijay Kumar Gupta* relate to the very same land against which directions are sought in the instant petition. On a plain reading of the transcript of the conversations, *ex facie* it appears that:

- (a) A demand of Rs.50 lacs is made by the petitioner,
- (b) Reference is made to proceedings relating to unauthorized construction,
- (c) An order of the High Court, and
- (d) Withdrawal of case of unauthorized construction after discussing the same with the Counsel, who had filed the present petition.

11. Having perused the transcript of conversations as well as entire material placed on record including the averments made in the writ petition, the counter-affidavit filed on behalf of respondent and the Status Report filed on behalf of respondent No. 1, this Court is of the *prima facie* view that the conduct of the petitioner is an attempt to interfere and obstruct the judicial proceedings and administration of justice, constituting criminal contempt, as defined under Section 2(c)(ii) and (iii) of the Contempt of Courts Act, 1971.

12. In terms of Section 18 of the Contempt of Courts Act, 1971, let the present matter be placed before Hon'ble the Chief Justice for reference to the Roster Division Bench.

**MANOJ KUMAR OHRI, J**

**DECEMBER 19, 2022**

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