

**RSA No. 437 of 2018 a/w RSA Nos. 4331 of 2013,
RSA No. 55 of 2015, RSA Nos. 121, 198 and 278
of 2016 and RSA No. 22 of 2018, CMPMO No. 456/2015**

04.10.2019. Present: Mr. Rajneesh K. Lal, Advocate, for the appellant(s)/petitioners, in RSA No. 437 of 2018, 278 of 2016 and CMPMO No. 456 of 2015.

Mr. Satyen Vaidya, Senior Advocate with Mr. Vivek Sharma, Advocate, for the appellant, in RSA No. 55 of 2015.

Mr. Bimal Gupta, Senior Advocate with Ms. Kusum Chaudhary, Advocate, for the appellant, in RSA No. 4331 of 2013.

Mr. Janesh Mahajan, Advocate, for the appellant, in RSA No. 22 of 2018.

Mr. Shashi Shirshoo, Central Government Counsel, for the appellants/respondents- Cantonment Board., in respective cases.

Mr. Lalit K. Sehgal, Advocate, for the respondent, in RSA No. 198 of 2016.

Mr. Ajay Sharma, Senior Advocate with Mr. Ajay Thakur, Advocate, for respondents, in RSA No.121 of 2016.

Status report by way of affidavit on behalf of respondents No. 1 and 3 in compliance to the orders passed by this Court on 05.07.2019 has been filed in the open Court, made part of the case file. A perusal of the status report goes to indicate that the elected members of the Cantonment Board are creating hindrance in the implementation of the orders, as is evident from the following:

“Although the elected members supported the removal of encroachments, they were opposed to the implementation from the Executive on the question of unauthorized constructions and additional floors. While planning for and while carrying out the removal of unauthorized constructions, certain elected members of the Cantonment Board tried to delay the operation of

*demolition of unauthorized additional floors by selectively interpreting the provisions of Land Policy and bye-laws and bringing/mobilizing the local public of Subathu area and were pressurizing the undersigned to stop/delay the drive on multiple occasions. They were also making repeated representations not to take action against such cases and were instead directing the undersigned to take permission from the board for allowing composition before proceeding for demolition in each such case. Their representations and Board resolution No.45 dated 20.09.2019 in this regard are attached as **Annexure-E1, E2 & E3** respectively to include their role and views regarding the executive action.”*

2. Therefore, let the following elected members of the Cantonment Board show cause as to why they should not be prosecuted and punished under the Contempt of Courts' Act for violating the orders which were passed by this Court on 05.07.2019.

1.Sh. Sunit Gill	Elected Member.
2. Sh.Anil Kumar Gupta	-do-
3. Sh. Manish Gupta	-do-
4. Smt.Arita Sharma	-do-
5. Smt. Shakun Chauhan	-do-

3. In the meanwhile, the elected, nominated or any other official(s) of the Cantonment Board are directed to ensure that they fully cooperate and render all assistance in carrying out the orders of the Court or else they shall be deemed to have committed/aggravated the contempt.

List on **01.11.2019**.

Copy dasti.

4th October 2019.
(krt)

(Tarlok Singh Chauhan)
Judge