

IN THE SUPRME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.846/2020  
IN  
C.A.No.8467/2019

JAI SINGH & ANR. Appellant(s)

VERSUS

NORTH DELHI MUNICIPAL CORPORATION Respondent(s)

O R D E R

Applications for directions are allowed.

We have perused the compliance affidavit filed by respondent No.1 as also the application filed to bring on record the letter-note to the learned Solicitor General by the learned counsel for the appellants/applicants. We are satisfied that area has been now completely cleaned. If further sprucing is to be done, we leave it to the appellants to do the needful.

There is another grievance made by learned senior counsel for the appellants that on the road there are some encroachments in terms whereof they are using the wall of the property. Learned senior counsel for the Corporation submits that the area in question is a slum area and if some action has to be taken in this behalf, it is for the appellants to seek help from the concerned authorities.

In the present proceedings, we are of the view that no such direction can be passed and the only direction was to clean the area which had been implemented, and it

is now for the appellants to maintain the area or spruce it up as the appellants want without any obstructions from respondent No.1.

Now the second issue is the *mesne* profits issue. We may also notice that in terms of order dated 01.09.2020, we had culled out the aforesaid aspect as the second grievance to be dealt with in a latter part of that order as under:

"Now turning to the second aspect of *mesne* profits, we are of the view that the same are being determined in pursuance to directions of this Court but the manner of enquiry does not seem to be going in the right direction. It is the Court of the Additional Rent Controller. There is no question of Court fee involved. What is required is that where clear titles are available, material should be filed by the appellant and the respondent to substantiate as to what would be the amount payable for property No.2 and not on the basis of adjacent plots 1 and 3 which already subject matter of dispute. There is also no question of calling for personal income tax returns of the appellants or informing the tax department."

We would now expect the Additional Rent Controller to proceed in terms of our observations which we have made as aforesaid to determine the *mesne* profits.

In view of our aforesaid observations, any direction passed by the Additional Rent Controller contrary to the aforesaid stands set aside.

The application accordingly stands disposed of.

The application for initiating criminal proceedings under Section 340 of the Criminal Procedure Code is closed.

.....J.  
(SANJAY KISHAN KAUL)

.....J.  
(ANIRUDDHA BOSE)

.....J.  
(KRISHNA MURARI)

New Delhi;  
September 15, 2020

