

\$~On Mentioning

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

+ W.P.(C) 3137/2017

TRIVENDRA CHAUHAN AND ORS

..... Petitioners

Through: Ms Amiy Shukla and Mr Shakti
Vardhan, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms Gunjan Sinha Jain, Advocate for
R-4/NHAI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **03.08.2017**

This matter has been taken up on mentioning by Ms Jain, the learned counsel appearing for the NHAI. She points out that there is a typographical error in the order dated 31.07.2017 whereby the abovementioned petition was disposed of. It is pointed out that in third paragraph of the said order, the Khasra number has been mentioned as 32/1 whereas the correct Khasra number is 37/1. In view of the above, the third paragraph of the order dated 31.07.2017 is rectified to read as under:-

“3. Ms Jain, learned counsel appearing for NHAI states that as far as the petitioners who are occupying the land located in Khasra no. 37/2 are concerned, no action is contemplated for recovery of the land occupied by them; however there are 13 petitioners who are occupying land that falls in land bearing Khasra no.37/1. These are petitioner nos. 2 to 6, 9, 13, 14, 15, 17, 21, 31 and 33. She states that in respect of

the aforementioned 13 petitioners, NHAI would be initiating the necessary action in accordance with law to evict the said petitioners from the land encroached upon by them. She states that in terms of the Control of National Highways (Land and Traffic) Act, 2002, the Highway Administrator is required to give a notice under Section 26 (2) of the said Act before initiating such action and this procedure would also be followed in respect of the said petitioners. In the aforesaid circumstances, the present petition is disposed of with the direction that in the event the respondents require to take any action against any of the petitioners, they shall do so only in accordance with law and in accordance with the principles of natural justice. The petitioners would also be given a fair opportunity of being heard and in the event the Highway Administrator decides to evict the petitioners, it shall give them at least seven days prior notice before initiating any coercive action.”

VIBHU BAKHRU, J

AUGUST 03, 2017
MK