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

% Judgment delivered on: 31.05.2017

+ **W.P.(C) 5225/2017**

PALVINDER KAUR & ORS. Petitioners

versus

UNION OF INDIA & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Amiy Shukla and Mr. Shakti Vardhan, Advocates.

For the Respondent : Mr Ajay Digpaul, CGSC with Ms. Madhuri Dhingra, Adv. for UOI
Dr. RAjeshwar Rao and Mr. Gyanendra Chaturvedi, Advs. for R-2.
Ms. Madhu Gupta and Mr. Sumit Gupta, Advs. for R-3/NHAI

**CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT
31.05.2017**

SANJEEV SACHDEVA, J. (ORAL)

CM No. 22199/2017 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5225/2017 & CM No. 22200/2017

1. The petitioners impugn the action of the respondents in seeking to demolish the houses of E and F Blocks of Pandav Nagar belonging to the petitioners.

2. The petitioners also impugn the notice dated 19.05.2017 issued by the Ministry of Road Transport & Highways requiring the petitioners to demolish unauthorized properties and if desirous seeks rehabilitation.

3. Learned counsel for the petitioners submits that the petitioners are not unauthorized occupants on the National Highways land but are residents and owners of the land in E and F Blocks of Pandav Nagar which is a regularized colony.

4. Learned counsel for appearing for National Highways Authority of India submits that petitioner no. 1 has already filed a representation in terms of Section 26(2) of the National Highways (Land and Traffic) Act, 2002 and hearing in the said petition is fixed for the first week of June, 2017. She submits that in case the other petitioners also make a representation within three days, the authority shall consider the same in accordance with law. She further submits that till the authority takes a decision on the representations, no demolition action would be carried out.

5. In view of the above, the writ petition is disposed of permitting the other petitioners to also make a representation to the appropriate authority in terms of Section 26(2) within a period of three days from today.

6. On such a representation being made, the appropriate authority shall consider the same in accordance with the law, grant an opportunity of a hearing and pass a speaking order.

7. In case the appropriate authority rejects the representation, the order of rejection shall be communicated to the respective applicants. Further, for a period of one week of the communication of the rejection order, no demolition action shall be taken.

8. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

MAY 31, 2017
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