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

+ W.P.(C) 5244/2017

USHA BALODI & ORS

..... Petitioners

Through : Mr.Salman Khurshid, Sr. Adv. with
Mr.Vikramaditya Singh, Ms.Azra
Rehman and Ms.Alisha Panda, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr.Vivek Goyal, Adv. for respondent
no.1.
Ms.Madhu Sweta and Mr.Sumit Gupta,
Adv. for respondent no.2.
Mr.Sanjeev Sabharwal, Adv. for
respondent no.3/DDA.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

% **07.06.2017**

CM APPL. 22272/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 5244/2017 & CM APPL. 22271/2017 (STAY)

By the present writ petition, the petitioners seek a writ of mandamus directing respondents no.1 and 2 to withdraw the impugned notice dated 19.5.2017 issued under Sections 26(2) of the Control of National Highways (Land and Traffic) Act, 2002.

Mr.Khurshid, learned senior counsel appearing on behalf of the petitioners, submits that the petitioners are the residents and owners of the land situated in the C and E Blocks of Pandav Nagar, Delhi, which the respondents are seeking to demolish, on account of expansion of National Highway 24. Counsel further submits that the petitioners are not unauthorised occupants

on the National Highways land in question but they are the residents and owners of the land in question, which is a regularised colony.

Learned counsel for the respondents enter appearance on an advance copy. Learned counsel for respondent no.2 submits that in an identical matter, being WP(C) 5225/2017, pertaining to the same area, a Single Judge of this Court, vide order dated 31.5.2017, has disposed of the writ petition granting leave to the petitioners to make a representation. Counsel further submits that the representations of the petitioners herein are pending and till the representations of the petitioners are decided no demolition action would be carried out.

In view of the stand taken by learned counsel for respondent no.2, the petitioners are allowed to make a representation, if not already made, within three days from today. On such a representation being made, the appropriate authority shall consider the same in accordance with law, grant an opportunity of hearing and thereafter pass a speaking order. In case the appropriate authority rejects the representations of the petitioners, the order of rejection shall be communicated to the respective applicants. Further, for a period of one week from the date of communication of the rejection order, no demolition action shall be carried out by the respondents.

Writ petition stands disposed of in view of above.

DASTI to the parties.

G.S.SISTANI, J
(VACATION JUDGE)

JUNE 07, 2017 msr