

\$~48

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

+ **W.P.(C) 6803/2017**

PALVINDER KAUR AND ORS

..... Petitioners

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

versus

UOI AND ANR.

..... Respondents

Through: Ms Gunjan Sinha Jain, Advocate for
NHAI.
Mr Nirvikar Verma, Advocate for R-
1.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

11.08.2017

CM No.28341/2017

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 6803/2017 & CM No. 28342/2017

3. The petitioners - thirty six in number- are residents of house located in Pandav Nagar, E & F Block. The petitioners have filed the present petition, *inter alia*, praying as under:-

- “a) Issue appropriate Writ, order or direction to the Respondents restraining them to demolish the houses of Pandav Nagar E and F Block of petitioners herein and holding thereby that any act of vacation or demolition of the same is

illegal under Section 24 (2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

- b) Issue appropriate Writ, order or direction to the Respondents quashing the Impugned Notice dated 29.07.2017 and 01.08.2017 sent by Ministry of Road Transport and Highways.”

4. It is seen that the orders annexed with the petition relate to Smt. Palvinder Kaur (petitioner no.1), Shri Rakesh Kumar (petitioner no.8) and Smt. Umar Jahan (petitioner no.32). The orders of eviction regarding other petitioners have not been annexed with the petition. However, Ms Jain, learned counsel for the respondents states that similar orders have also been passed by the Highway Administrator NHAI in respect of petitioner nos.2, 4 to 6, 7, 9, 10, 12, 14 to 17, 19, 20, 23, 24, 26, 28, 31 & 34. The Highway Administrator had ordered the said petitioners to demolish the dwelling units and vacate the land in question within a period of seven days and has further cautioned that failure to do so will invite penalty under Section 26(6) of the Control of National Highways (Land and Traffic) Act, 2002.

5. The learned counsel for the petitioners submits that the petitioners have been occupying the land in question since several years and acquisition proceedings, if any, has elapsed by virtue of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

6. However, a careful examination of the records indicate that NHAI is not seeking to evict the petitioners from the land claimed to be owned by

them but from the land, which was acquired way back in 1966. The dispute between the parties is, essentially, one of demarcation of the lands acquired and those owned by the petitioners. It is apparent that the petitioners are occupying the properties, which had already been acquired earlier and the records available with them relate to other lands.

7. This court has also examined the demarcation map as produced by the respondents and it is apparent that some of the properties occupied by the petitioners fall within the land acquired by the respondent. In view of the above, no relief can be granted to the petitioners.

8. Although, this Court is not inclined to interfere in this petition, however, keeping in view that the petitioners have been occupying the properties in question since several years it will be apposite if the petitioners are granted further time to voluntarily demolish the constructed units and handover the premises to the concerned authority. Accordingly, it is directed that the petitioners would do so within a period of four weeks from today.

9. It is seen that the petitioners are also entitled to compensation for relocation as per the package announced by the respondents which has to be computed on the basis of ₹32,000/- per square metre. Given the situation that the petitioners are in, it is understandable that they would require the compensation on an urgent basis. Accordingly, it is directed that the concerned authority shall process their application for such compensation as expeditiously as possible and in any event within a period of six weeks from the application being made by the respective petitioners.

10. The petition and the application are disposed of with the said observations.

11. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

AUGUST 11, 2017
MK