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

+ W.P.(C) 10386/2017

DEVINDR KHOSLA

..... Petitioner

Through: Mr Sourabh Malhotra, Advocate.

versus

DISTRICT MAGISTRATE (SOUTH) AND
ANR.

..... Respondents

Through: Mr Satyakam, ASC, GNCTD for R-1
& R-4.

Mr Sanjeev Sabharwal, Standing
Counsel, DDA with Mr Hem Kumar,
Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.11.2017**

CM Nos.42410-42411/2017

1. Allowed, subject to all just exceptions.

W.P.(C) 10386/2017 & CM No.42409/2017

2. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents for restraining them from demolishing the petitioner's shop - premises located in Khasra no.481/2-3, Village Chirag Delhi, Tehsil Hauz Khas, District South, New Delhi.

3. Mr Satyakam, learned ASC who appears for the respondents on advance notice has shown a map of the area in question and it, *prima facie*, appears that the petitioner's shop is located on the Right of Way. Mr Satyakam further submits that the records also bear out that Khasra no.481/3

had been acquired by the DDA and possession was taken over.

4. Learned counsel for the petitioner disputes that the shop in question is located on the Right of Way. He further contends that no prior notice was given to the petitioner in this regard.

5. In the above circumstances, this Court considers it apposite that the petitioner be afforded a hearing by the District Magistrate. The petitioner shall appear before the District Magistrate tomorrow i.e. on 23.11.2017 at 10:30 AM. He would also be at liberty to inspect the records relating to acquisition, which shall be kept at the said office. The District Magistrate shall consider the petitioner's submission and pass a brief order before proceeding to take any precipitate action.

6. The District Magistrate is requested to pass the order tomorrow itself (i.e. on 23.11.2017) unless he is of the view that further deliberations are required.

7. At this stage, learned counsel for the petitioner requests that the petition be disposed of with the aforesaid directions.

8. The petition and pending application are, accordingly, disposed of.

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

VIBHU BAKHRU, J

NOVEMBER 22, 2017

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