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

\+ W.P.(C) 1588/2016 & CMs No.6852/2016 (for stay) & 38080/2018 (for condonation of 80 days delay in filing response to demarcation report)

AIRPORTS AUTHORITY OF INDIA ..... Petitioner

Through: Mr. K.K. Rai, Sr. Adv. with Mr. Digvijay Rai, Mr. Anshul Rai and Mr. Kustubh Singh, Advs.

Versus

DELHI DEVELOPMENT AUTHORITY & ORS ..... Respondents

Through: Mr. Pawan Mathur, Adv. for DDA.
Mr. Naushad Ahmed Khan, Adv. for R-2/GNCTD.
Mr. Roshan Lal Goel and Ms. Anju Gupta, Advs. for R-3&4.
Mr. Nikhil Mehra, Adv. for R-5.

CORAM:
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

O R D E R

% 05.10.2018

1. This order is in continuation of the earlier order dated 17th September, 2018.

2. The senior counsel for the petitioner Airports Authority of India (AAI), on enquiry states that he will be making the requisite application in W.P.(C) No.4369/2013 and subject to the interim order in force in this petition being extended till the petitioner is able to make such an application, this petition can be disposed of.

3. The counsel for the respondents No.3&4 Union of India states that Land & Development Office (L&DO) is the owner of the land on which the boundary wall is constructed; that the said land was leased out to the

petitioner AAI under certain terms and conditions; that the petitioner AAI has violated the said terms and conditions. He states that time be given for filing a detailed affidavit.

4. The counsel for the respondent No.5 Mohan Singh Market Automobile Workshop Welfare Association (Regd.) states that as per the documents filed by L&DO in W.P.(C) No.4369/2013, the wall is illegal and an encroachment on public land.

5. Since the threatened demolition impugned in this petition is in pursuance to the order dated 27th May, 2015 in W.P.(C) No.4369/2013, it is expedient that all the questions which have arisen are adjudicated therein only and not by way of a separate petition, inasmuch as, as long as the order dated 27th May, 2015 in W.P.(C) No.4369/2013 remains, by an order in another proceeding, the effect of the order in W.P.(C) No.4369/2013 cannot be nullified. It is therefore deemed expedient that the documents and the affidavit which the respondents No.3&4 Union of India wants to file, are also filed in pursuance to application, if any filed by petitioner AAI in W.P.(C) No.4369/2013 only.

6. This petition is disposed of in terms of above but the interim order in force in this petition shall continue till 29th October, 2018. Unless there is any order in any other proceeding, the interim order in force in this proceeding shall automatically lapse on 29th October, 2018.

RAJIV SAHAI ENDLAW, J.

OCTOBER 05, 2018
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