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

\+ W.P.(C) 2506/2018 & C.M. Appl. No.10404/2018

RAJ SINGH & ORS

..... Petitioners

Through Mr.Tushant, Advocate.

versus

GOVT OF NCT OF DELHI

..... Respondent

Through Mr. Anupam Srivastava, ASC with Ms. Shreya Mehta, Adv.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% 02.05.2018

1 The substantive prayers made in the writ petition are as follow:-

"a. Admit the writ petition;

b. Pass a writ / order / direction in the nature of mandamus thereby directing the respondent not to take any action qua the property of the petitioners bearing no.F-335, khasra no.326 village Lado Sarai, New Delhi by demolishing the same, without affording opportunity of being heard;

2 On the previous date i.e. 16.03.2018 notice was issued in the petition and while issuing notice following order was passed:-

" The petitioners' only apprehension is that coercive measures may be taken against the subject property without hearing them. Learned counsel for the petitioners says that if such a step is taken

then it will be contrary to the order of the Division Bench dated 24.2.2015, passed in LPA No.694/2014.

3. It appears that the petitioners have filed objections with the SDM/RA, Saket, New Delhi. A copy of the objections is appended as Annexure P-8 at page 76 of the paper book.

4. Learned counsel for the petitioners says, albeit, based on the revenue record that petitioners are the owners of the property which is located in Khasra No.326, Village Lado Sarai, District Delhi. For this purpose, my attention has been drawn to Annexure P-2 at pages 31 to 34 of the paper book. The petitioners claim that their predecessor in interest is, one, Mr. Risal Singh, son of Mohar Chand.

5. While entries in the revenue record do not establish title, the petitioners may have something to say qua the aspect concerning their right to be heard before any coercive measures are taken qua the subject property.

6. Issue notice. Mr. Anupam Srivastava, ASC accepts notice on behalf of the respondent.

7. Mr. Anupam will revert with instructions.

8. Renotify the matter on 2.5.2018.

9. In case the instructions are received to resist the petition, the counter affidavit will be filed before the next date of hearing.

10. Till the next date of hearing, no coercive measure will be taken against the petitioners.

11. Dasti."

3 Mr. Anupam Srivastava, ASC who appears on behalf of the respondent has stated that a decision has been taken to grant personal

hearing to the petitioners on 09.05.2018 at 11:00 AM. Copy of the affidavit has been placed before me.

4 Petitioners' counsel has also been furnished a copy of the said notice which is dated 01.05.2018.

5 In these circumstances, in my view, nothing survives in the petition as the limited prayer of the petitioners is that they be heard in the matter.

6 In view of the decision taken by the SDM, Saket, no further orders are called for in the petition.

7 The writ petition is accordingly closed.

8 All pending applications shall also stand closed.

RAJIV SHAKDHER, J

MAY 02, 2018
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