

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: October 10, 2018

+ **W.P.(C) 9952/2018 & C.M. 38765/2018**

SUSHILA AND ORS. Petitioners

Through: Mr. Sunil Chaudhary, Advocate

Versus

GOVERNMENT OF NCT OF DELHI Respondent

Through: Mr. Devesh Singh, Addl. Standing
Counsel (Civil) with Ms. Sukriti
Ghai & Ms. Urvashi Tripathi,
Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of Notice of 13th September, 2018 is sought in this petition. In addition, prohibition on demolition of property situated in *Khasra* Nos. 1389 & 1390, situated in Block-G, Phase-VI, in the revenue estate of village Aya Nagar, New Delhi is also sought.
2. Response to this petition by way of Status Report has been filed by respondent.
3. Although it is the case of respondent that the subject land has not been urbanized but *The Delhi Municipal Corporation (Amendment) Act, 2011*, includes the village in question within its ambit.
4. Without going into this aspect, it is deemed appropriate to direct respondent to proceed further in pursuance to Notice of 13th September, 2018 in the light of *The Delhi Municipal Corporation (Amendment) Act, 2011* and Annexure-1 appended to the Status Report filed by respondent, which reveals that the function of special task force and other land

owning agencies is to protect and recover the encroached public land on priority while keeping in view the provisions of the *National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014*, which *inter alia* provides for *status quo* in respect of certain unauthorized constructions with a cut off date of 1st June, 2014.

5. During the course of hearing, counsel for petitioner had apprised this Court that the aforesaid enactment of 2014 continues to operate.

6. In light of the aforesaid, this petition is disposed of with permission to petitioners to give a short reply within a period of two weeks to the impugned Notice of 13th September, 2018 to SDM, Mehrauli, New Delhi, who shall proceed further in light of *The Delhi Municipal Corporation (Amendment) Act, 2011* and *National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014*. If impugned Notice of 13th September, 2018 is sought to be implemented by SDM, Mehrauli, then a speaking response be given to counsel for petitioners two weeks prior to implementing of impugned Notice, so that petitioners may avail of the remedies, as available in law, if need be. Till it is so done, *status quo* as of today, in respect of subject land be maintained.

7. With aforesaid directions, this petition and pending application are accordingly disposed of.

A copy of this order be given *dasti* to counsel for the parties.

(SUNIL GAUR)
JUDGE

OCTOBER 10, 2018

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