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

+ W.P.(C) 7170/2019 and CM Nos. 29846/2019 & 29847/2019

AMAR VIHAR COLONY INDRA PARK EXTN

WELFARE ASSOCIATION (REGD.)

..... Petitioner

Through: Mr Gaurav Gaur and Mr Vivek Gaur,
Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Ms Anjum Javed, ASC for GNCTD
with Mr Devendra Kumar, Mr Faran
Ahmed and Ms Priti, Advocates for
R-1.
Ms Padma Priya, Advocate for R-2.
Mr Harish V. Shankar, Advocate for
R-4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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12.07.2019

1. The petitioner has filed the present petition, *inter alia*, praying for directions to government agencies to not demolish more than 200 houses at the colony named Amar Vihar at Najafgarh, New Delhi. The petitioner is an association of residents residing in the said colony. The petitioners also claim that the said colony was provisionally recognised for regularisation.
2. The grievance of the petitioner is that the part of the said colony is being demolished for construction of an expressway. In this context, the petitioner seeks the following relief:-

“(i) issue of a writ in the nature of mandamus or any other

order or direction to the respondents thereby directing the respondents to set aside the Public Notice dt. 25.06.2019 i.e. Annexure P-4 and immediate stop the demolition drive, if initiated;”

3. The learned counsel appearing for the respondents points out that insofar as the first relief claimed by the petitioner is concerned, the same is infructuous as the houses have already been demolished. It is also stated that the land in question was acquired by the concerned authorities for public purpose several years ago and the said land is vested with the Government. Plainly, the petitioner or its members would not have any right to continue residing on the said land.

4. It is also pointed out that the Division Bench of this Court has also examined the controversy regarding proceedings undertaken under the National Highways Act, 1956 and had rejected the prayer for interdicting such proceedings in ***Sonu v. Government of NCT and Ors.: W.P.(C) 4697/2017, decided on 08.07.2019.***

5. In view of the above, the petitioner’s prayer to direct that the expressway be constructed on pillars is also unmerited. In any event, the decision as to the manner in which an expressway is to be built rests with the respondents and no interference by this court in such a decision is warranted.

6. In view of the above, the petition and the applications are dismissed.

VIBHU BAKHRU, J

JULY 12, 2019/RK