

\$~17

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

Date of decision: 5th December, 2019

+ W.P.(C) 11103/2017 and CM No.45419/2017

NATIONAL ALLIANCE OF PEOPLE S MOVEMENT AND
ORS Petitioners

Through: Mr. Fidel Sebastian, Adv.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS

..... Respondents

Through: Mr. Sanjeev Sagar, Standing
Counsel with Ms. Nazia Praveen, Adv. for R-1
Mr. Anil soni, CGSC with Mr. Devesh Dubey,
Adv. for R-UOI
Mr. Parvinder Chauhan, Adv. for R-DUSIB

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

05.12.2019

%

D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 11103/2017

1. This Public Interest Litigation has been preferred with the following prayers :

*“a. to quash and set aside the demolition notice dated
5.12.2017 issued by the Rl, DDA;*

b. direct R1, DDA to produce before the Court the complete layout and plan for the so called 80 feet construction of the Yogashram Road connecting outer Ring Road with Maharaja Agrasen Marg;

c. direct R1, DDA to consider the petitioner's alternate plans/objections to the proposed road construction;

d. should the said road construction constitutes an important public purpose and is, hence, unavoidable, direct the respondent no.2 DUSIB to conduct a survey of the affected residents and rehabilitate the same in-situ or within a 5Km of their present location;

e. direct the R3, Police, to provide protection against any demolition to the residents until express order from the Court.

f. for any such other and suitable order/s as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case and in the interest of justice And for this act of kindness petitioners shall every pray."

2. We have heard learned counsel for the petitioner and respondent no.1 at length. It is submitted by counsel for the respondent no.1 that the legality or otherwise of the properties in question which are narrated in this writ petition, are required to be decided by them after inspection of these properties and if these constructions are found to be illegal in nature, the demolition process will be started by the respondent no.1 in accordance with law.

3. In view of the stand taken by the respondent no.1, we see no reason to entertain this writ petition because respondent no.1 will firstly decide the legality or otherwise of the construction as stated hereinabove in accordance with law and after giving an adequate opportunity of being heard to the owner/occupier of the superstructure. If the same is found to be illegal in nature or unauthorised construction, further actions will be initiated by the respondent no.1 for the demolition or such other actions in accordance with law, rules, regulations, Government policy applicable to the facts of the case.

4. With these observations, this petition is hereby disposed of.

CM No.45419/2017 (stay)

1. In view of the disposal of the writ petition, this application stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

DECEMBER 05, 2019/kr