

\$~65

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

+ W.P.(C) 708/2020

SMT. PROMILA

..... Petitioner

Through: Mr.Arun Kaushal, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Shankar Jha, Adv. for R-1.

Mr.Devesh Singh, ASC and

Ms.Sukriti Ghai, Adv. for R-2 and 3.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

%

**20.01.2020**

**CM 2032/2020**

Exemption allowed, subject to all just exceptions.

**WP(C) 708/2020 & CM 2031/2020**

1. The present petition has been filed by the petitioner *inter-alia* seeking an opportunity of being heard by the respondents before any action of demolition is carried out by the respondents against the Samadhi and the house of the petitioner which is stated to be built on Khasra No.171/2 of Village Saidulajb, New Delhi on an area of 2 bigha and 10 biswa. The petitioner claims that the said area is a private property of the petitioner's father-in-law.

2. Relying upon the order dated 22.07.2019 passed by this Court in WP(C) 2503/2017, titled *Corruption Against Society (Regd.) v. Lt. Governor Delhi & Ors*, the learned counsel for the petitioner submits that as

there is a dispute with respect to the land in question being private land as claimed by the petitioner or the Gram Sabha land as claimed by the respondents, the respondents should give an opportunity of hearing to the petitioner before taking any precipitative action.

3. I find merit in the same. The present petition is disposed of directing the respondent no.1 to grant an opportunity of hearing to the petitioner and pass a speaking order before taking any action of demolition on the property claimed to be of the petitioner. The respondents shall consider the contents of the present petition as a representation of the petitioner.

4. Needless to say, if the respondents take a decision against the interest of the petitioner, it would be open to the petitioner to challenge the same in accordance with the law.

5. It is made clear that this Court has not expressed any opinion on the merits of the claim of both the parties.

*Dasti.*

**NAVIN CHAWLA, J**

**JANUARY 20, 2020/Arya**