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

+ **W.P.(C) 4759/2020**

RAJ KUMAR

..... Petitioner

Through: Mr.Kapil Gupta, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Ms.Shobhana Takiar, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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30.07.2020

This hearing has been held by video conferencing.

CM No.17176/2020 (Exemption)

Allowed, subject to all just exceptions.

Court fee, if payable, shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.

W.P.(C) 4759/2020 & CM No. 17175/2020 (Stay)

1. This petition has been filed challenging the notice no.201 dated 28.07.2020 issued by the respondent nos.2 and 3 *inter-alia* directing the petitioner to remove all the additional encroachments within two days, failing which action for removal shall be taken.
2. The Impugned Notice records that the construction has been carried out over the land in Khasra No.1778, Village Aya Nagar, New Delhi, which

was not allotted for grant of plots under the 20-Point Program Scheme.

3. On the other hand, it is the case of the petitioner that the construction is on the plot bearing No.199 ad-measuring 120 sq. yds in Khasra No.1804, Aya Nagar, New Delhi.

4. The learned counsel for the respondents, who appears on advance notice, submits that the Impugned Notice be treated as a Show Cause Notice to the petitioner and the petitioner may be directed to file a reply thereto.

5. The submission of the learned counsel for the respondents is accepted. The Impugned Notice shall be treated as a Show Cause Notice to the petitioner. The petitioner may file his response thereto within a period of ten days from today. The same shall be considered by the respondents in accordance with law after granting an opportunity of hearing to the petitioner.

6. Needless to state, if the petitioner is aggrieved of the decision so taken by the respondents, it shall be open to the petitioner to challenge the same in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner.

7. Till such adjudication by the respondents on the Show Cause Notice and for a period of one week thereafter, the respondents shall not take any action against the petitioner or the construction.

8. The petition is disposed of in the above terms.

9. A copy of the order be provided to the learned counsels on the e-mail address provided.

NAVIN CHAWLA, J

JULY 30, 2020/Arya