

\$~A-4

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

+ W.P.(C) 6241/2020

DARSHAN SINGH & ANR.

..... Petitioner

Through Ms.Smita Maan and Mr.Vishal Maan,
Advs.

versus

DELHI DEVELOPMENT AUTHORITY..... Respondent

Through Mr.Rajiv Bansal Sr. Adv,
Ms. Cauveri Birbal Adv and Ms.Parul Panthi Advs

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

14.09.2020

This hearing is conducted through Video Conferencing.

CM No.22298/2020

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 6241/2020 & CM No.22297/2020

1. This Writ Petition is filed by the petitioners seeking to restrain the respondent from demolishing the residential house of the petitioners bearing House No.70 situated in Khasra No.231 and 232 of the Lal Dora Village Abadi land of Village Bamnoli, New Delhi and taking forcible possessing from the petitioners.

2. The case of the petitioners is that petitioners are inhabitants of the said village Bamnoli for the last 70 years and are residing there with their family members. It is stated that DDA has now all of a sudden decided to demolish

the above mentioned residential houses on the pretext that the same is an encroachment over the village Pond/Johar. The petitioner was served with a Show Cause Notice dated 12.3.2020 in this respect under section 30 of the DDA Act to which the petitioners have filed a reply/objection dated 16.03.2020 with all supporting documents.

3. Learned counsel for the petitioner pleads that respondent DDA has threatened to demolish the property without a speaking order or giving a hearing to the petitioners.

4. Learned senior counsel for the respondent relies upon an order of a Co-Ordinate Bench of this Court in WP (C) 4122/1999 titled ***Sh.Rajender vs. Shri Nafe Singh and Ors.*** dated 05.11.2019 where a direction has been passed to DDA to take steps to remove encroachments. It is pleaded that it is pursuant to this direction of the co-ordinate Bench that the DDA is taking appropriate steps.

5. A perusal of the order of this court dated 05.11.2019 in WP(C) 4122/2019 shows that the court has directed the DDA to take action, as per law, with a caveat that before any coercive action is taken principles of natural justice shall be followed. It is manifest that respondent DDA is obliged to follow the principles of natural justice before taking any demolition steps against the property of the petitioners.

6. In these facts, let the respondent/DDA fix a date for personal hearing of the petitioners/Authorised Representative of the petitioners. The hearing may be fixed on or before three weeks from today. In the hearing the petitioners are also permitted to file their written submissions in question. Thereafter DDA may pass a reasoned order within three weeks thereafter. A copy of the reasoned order shall be supplied to the petitioners. No coercive

steps shall be taken against the petitioners till one week after the copy of the reasoned order is received by the petitioners.

7. Nothing further survives in the petition. Petition is disposed of. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

SEPTEMBER 14, 2020/n