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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6696/2020**
SUBASH LOHIYA

..... Petitioner
Through: Mr.Sunil Choudhary & Ms.Preeti,
Adv.

versus

GOVERNMENT OF NCT OF DELHI

..... Respondent
Through: Mr.Naushad Ahmed Khan, ASC for
GNCTD.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **21.09.2020**

This petition has been heard through video conferencing.

CM APPL. 23277/2020 (Exemption)

Allowed, subject to all just exceptions

W.P.(C) 6696/2020 & CM APPL. 23276/2020

This petition has been filed by the petitioner challenging the
Demolition Order dated 14.09.2020 by which it has been alleged as under:-

*“Whereas, unauthorized construction/colonization and
plotting was taking place at Khasra No. 1496/1-2 (3-11) &
1825 (4-16) village Aya Nagar, New Delhi.*

*And whereas the undersigned had visited the said
property for inspection and observed that colonization was
taking place by cutting small plots out of large area of land.*

*Therefore, it is for your information that the demolition
of the above has been fixed for 22/09/2020, at Kh. No. 1496/1-
2 (3-11) & 1825 (4-16), village Aya Nagar, New Delhi, for the
removal of unauthorised constructions/colonization and*

plotting.”

The learned counsel for the petitioner submits that on part of the concerned khasra, the petitioner has constructed a school under the name and style of ‘New Golden Era Public School’. He submits that this school has been in operation since atleast 2014 and would be entitled for protection under the provisions of the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.

On the other hand the learned counsel for the respondent, who appears on advance notice, submits that rapid colonisation is taking place in the khasras mentioned in the notice. He further submits that earlier also demolition drive has been carried out by the respondent and various demolition orders have been passed. He submits that complaints have been also made to the police about the unauthorised constructions.

On the specific submission of the petitioner, the learned counsel for the respondent submits that the petitioner shall be granted a hearing for the same, for which purpose the petitioner can appear before the SDM (Mehrauli) on 25.09.2020 at 12:00 p.m. He submits that on hearing the petitioner and considering the documents produced by him, a decision shall be taken by the concerned authority and communicated to the petitioner.

In view of the above statement, the petition is disposed of with the direction that till the time the decision by the concerned authority is communicated to the petitioner and for a period of one week thereafter, the parties shall maintain *status quo* with respect to the school premises. Incase the petitioner is aggrieved of the order passed by the Competent Authority, it shall be open to the petitioner to challenge the same in accordance with law.

It is made clear that this interim protection is confined only to the school premises and not to the entire khasras, that is, Khasra No. 1496/1-2 (3-11) & 1825 (4-16), Village Aya Nagar, New Delhi, that have been mentioned in the Impugned Order. It is also made clear that this Court has not expressed any opinion on the merits of the claims made by the petitioner in the present petition.

NAVIN CHAWLA, J

SEPTEMBER 21, 2020
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