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

+ **W.P.(C) 2434/2021**

SMT NEELAM TYAGI & ANR.

.....Petitioners

Through: None.

versus

THE GOVT. OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Anupam Srivastava, ASC for
GNCTD with Mr. Vasuh Misra,
Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

16.07.2024

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1. The Petitioners have approached this Court seeking to prevent the demolition of the property bearing No. D-41/1, Gali No. 4, Kh. No. 31/25, Hardev Nagar, Jharoda Majra, Burari, Delhi, admeasuring 84.44 sq. mtr. of Petitioner No. 1, and No. D-42/2 and 42/3, Gali No. 5, Kh. No.31/25, Hardev Nagar, Jharoda Majra, Burari, Delhi, admeasuring 71.07 sq. mtr. owned by Petitioner No. 2.¹

2. The Petitioners claim ownership of the subject properties through Authorization Slips issued to them on 27th January, 2021 by the Delhi Development Authority under the Pradhan Mantri Unauthorized Colonies in Delhi Awas Adhikar Yojana. Their grievance in the present petition pertains to

¹ Collectively, "subject properties."



demolition action initiated by Respondents in respect of the subject properties. They contend that Respondents are precluding the Petitioners from residing in the land rightfully owned by them without any justification, and in contravention of the due process of law. They rely on the notification issued in the Gazette of India by Ministry of Housing and Urban Affairs on 29th October, 2019 titled National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019,² which purportedly covers the subject properties and protects the Petitioners' ownership rights. Further, it is contended that assuming that the Petitioners are unauthorisedly occupying properties in an unauthorized colony, the subject properties cannot be demolished without a notice.

3. On 01st March, 2021, the Respondents' counsel apprised the Court that the subject properties, which belong to the Delhi Flood Control Department, were vacant lands, where no construction had been undertaken. Therefore, he submitted that no demolition could be carried out on vacant land. Considering this statement, the Court issued an interim direction to the following effect:

"7. In the meantime, considering the facts of the present case and the Authorisation Slip, since the land in question is only vacant land, no question of demolition arises. If, however, there is any construction, which the GNCTD intends to demolish, notice shall be given to the occupant concerned, in accordance with the procedure. The Petitioners shall not raise any fresh construction in the subject properties. CM APPL. 7080/2021 is disposed of."

4. The Respondents, in their counter affidavit filed on 01st June, 2021, have stated that pursuant to the above-noted direction, they initiated the

² Bearing G.S.R. 814(E).



demolition process in respect of the subject properties of the Petitioners as they were unauthorisedly occupying government land. In compliance with the order dated 01st March, 2021, they issued a notice to the Petitioners on 17th March, 2021, requiring them to demolish unauthorized structures on the subject properties within seven days from the date of receipt of the notice, failing which, the same shall be carried out by the Respondents. Further, a public notice of 22nd March, 2021 in vernacular language was affixed on the subject properties. However, the Petitioners failed to undertake necessary action. Accordingly, the Respondents carried out the demolition of the structures erected at the subject properties on 30th March, 2021.

5. In addition to the above, the Respondents also allege that the Petitioners are guilty of concealment of material facts inasmuch as they have failed to disclose the litigation history initiated by relatives of the Petitioners with respect to the same lands, which have been decided in Respondents' favour. Further, it is argued that the concerned authorities have duly undertaken demarcation of the area in question, and the subject properties clearly fall within the area of the Respondents. Moreover, counsel for Respondents has handed over copy of an order dated 15th April, 2023, passed by the Delhi Development Authority, forwarded to the Executive Engineer Civil Division, GNCTD under cover letter dated 16th May, 2024, cancelling the authorization slip issued in favour of Petitioner No. 1, which is taken on record.

6. There has been no appearance on behalf of the Petitioners since 19th September, 2023. In the factual background noted above, the Petitioners' claims of ownership, predicated on the authorization slips, cannot sustain.



The subject properties have since been demolished, with prior legal notice. Thus, nothing survives in the present proceedings.

7. In view of the above, the present petition is disposed of along with pending application.

SANJEEV NARULA, J

JULY 16, 2024/ab