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

+ W.P.(C) 14569/2004

TEK RAM THROUGH LRS & ORS.

.....Petitioners

Through: Mr. Anand Yadav & Ms. Anita
Tomar, Advocates. [M:-
9810126454]

versus

DELHI URBAN SHELTER

IMPROVEMENT BOARD & ANR.

.....Respondents

Through: Mr. Kapil Dutta, Standing Counsel
with Mr. Vansh Luthra, Advocate
for MCD.
Mr. Anuj Chaturvedi, Ms. Harshita
Maheshwari & Ms. Richa Dhawan,
Advocates for R-2/DUSIB.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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19.12.2024

1. The petitioners have filed this writ petition praying for quashing of orders of demolition in respect of their property [WZ-154, Village Madipur, New Delhi-110063] and for a direction against the respondents not to demolish the said property.
2. The original respondents in the writ petition were the Slum and JJ Department, which has since been incorporated as the Delhi Urban Shelter Improvement Board ["DUSIB"]. By an amended memo of parties filed on 22.11.2018, DUSIB and Municipal Corporation of Delhi



[“MCD”] have been arrayed as the respondents in the petition.

3. By an order dated 11.12.2024, it was recorded as follows:-

“1. The petitioners claim to be in possession of property bearing No. WZ-154, forming part of Khasra No. 151/917 Min. in Village Madipur, New Delhi-110063. Their contention is that their family has been settled on the land for more than 100 years, and that the construction of the structure on the land took place prior to 1968. They have filed this writ petition for protection against demolition action proposed by the Municipal Corporation of Delhi [“MCD”]. The petitioners were protected by an order of status quo dated 03.09.2004, which has continued during the pendency of the writ petition.

2. During the pendency of the petition, the Delhi Urban Shelter This is Improvement Board [“DUSIB”] was also impleaded as a respondent.

3. It is submitted by Mr. Anand Yadav, learned counsel for the petitioners, that the relief sought by the petitioners is now statutorily granted, by the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011, which places a moratorium on demolition of any building constructed prior to 2007.

4. Mr. Kapil Dutta, learned Standing Counsel for MCD, is requested to take instructions, as is learned counsel for DUSIB.

5. List on 19.12.2024.”

4. Pursuant to this order, I am informed that the subject property has been inspected on 18.12.2024. A status report dated 19.12.2024 has been handed over by MCD and is taken on record. The photographs of the structures in question are annexed to the said status report.

5. Mr. Kapil Dutta, learned Standing Counsel for MCD and Mr. Anuj Chaturvedi, learned counsel for DUSIB submit that area of the petitioners’ property is admittedly over 800 sq. yards. MCD has carried out an inspection and found that there are several structures on the said property. Learned counsel for respondents state that in these circumstances, they are unable to state categorically as to whether all these structures are protected by the National Capital Territory of Delhi



Laws (Special Provisions) Second Act, 2011 or not.

6. In the course of hearing, however, and having regard to the fact that the petition has been pending in this Court for more than 20 years, learned counsel for the parties submit that the petition may be disposed of with the direction that, if any of the respondents contemplate action against any structure on the property in question, a show cause notice of at least 15 days will be issued to the owners/occupants of the property, and a speaking order will be passed after considering the reply, if any, to the show cause notice. If any demolition order is passed, the same will be communicated to the affected parties and no action will be taken for a period of 15 days, in order to enable the parties to take legal recourse, if so advised. I am of the view that such a course is reasonable, and also in line with the observations of the Supreme Court judgment dated 13.11.2024 in *In Re: Directions in the matter of demolition of structures* [WP (C) 295/2022 and connected matters].

7. As far as the present petitioners are considered, it is made clear that if any notices or orders are to be served upon them, those may be served additionally through Mr. Anand Yadav, learned counsel for the petitioners. All rights and contentions of the parties remain reserved.

8. The writ petition stands disposed of with these directions.

PRATEEK JALAN, J

DECEMBER 19, 2024

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