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

+ **W.P.(C) 8895/2024 & CM APPL. 36182/2024 – STAY**

MRS. PRIYANKA ARORA AND ANR Petitioners

Through: **Mr. Ravi Gupta, Sr. Adv. along
with Mr. Ankit Jain, Ms.
Seemab Ali Fatima & Mr.
Aditya Chauhan, Adv.**

versus

DELHI DEVELOPMENT AUTHORITY Respondent

Through **Ms. Shobhana Takiar, SC for
DDA.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **02.07.2024**

CM APPL. 36183/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 8895/2024 & CM APPL. 36182/2024

3. The petitioners are invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking issuance of an appropriate writ for setting aside of the SCN¹ dated 10.06.2024 bearing No. F1(MISC)/PM-UDAY/PC-103-HAUZ KHAS/DDA/570, issued by the respondent.
4. Learned counsel for the respondent/DDA² is present on advance notice.
5. Learned counsel for the petitioners has urged that the premises

¹ Show Cause Notice



in question falls under private land in an unauthorized colony and the respondent, after having satisfied itself with all the aspects of the case, had executed an authorisation slip dated 28.07.2021 in their favour. It is submitted that the impugned SCN dated 10.06.2024 is without any jurisdiction and a complete abuse of process of law inasmuch as the land in question is not excluded in terms of Section 7 (a) of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019. It is, therefore, urged that no proceedings can be initiated by the respondent.

6. Learned counsel for the petitioners has relied on a decision of the Supreme Court in the case of **Union of India v. Vicco Laboratories**³.

7. *Per contra*, learned counsel for the respondent has urged that the property in question is required for widening of Aruna Asaf Ali Road and the petitioners are prematurely assailing the SCN and that they should exhaust their remedies before the competent authority.

8. Having heard the learned counsel for the parties, without delving into the merits of the case, it would be appropriate that the present Writ Petition may be treated as a representation by the petitioners and the same may be considered by the competent authority pursuant to notice dated 10.06.2024 in accordance with law.

9. As notified earlier, the petitioners shall appear for a personal hearing on 05.07.2024 before the competent authority and an appropriate decision thereafter shall be taken within 15 days, in accordance with law, which be duly communicated to the petitioners.

² Delhi Development Authority

³ (2007) 13 SCC 270



In case any adverse orders are passed, the same shall not be executed for a period of 10 days from the date of decision intimated to the petitioners.

10. The present Writ Petition is disposed of without prejudice. The pending application also stands disposed of.

DHARMESH SHARMA, J.

JULY 2, 2024/sm