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

+ **W.P.(C) 3712/2018 & CM APPL. 14716/2018**

VINAY RAINA AND ORS.

..... Petitioners

Through: **Mr. V.K. Mantoo and Mr. Hem Kumar, Advocates.**

versus

DISTRICT DISASTER MANAGEMENT AUTHORITY

(SOUTH), GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: **Mr. Anuj Aggarwal, ASC, GNCTD with Ms. Arshya Singh, Mr. Yash Upadhyay and Mr. Siddhant Dutt, Advocates along with Mr. Radhey Shyam Meena, SDM, South for R-1 & R-2.**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

08.04.2024

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1. The present petition is filed under Article 226 and 227 of the Constitution for quashing of the notice/order dated 01.02.2018 stated to be issued by the Additional District Magistrate (South), District Disaster Management Authority (South), Government of NCT of Delhi under section 33 of the Disaster Management Act, 2005 whereby the petitioners were directed to vacate their houses.
2. It is stated in the petition that the petitioners are residing in Chattarpur Extension for the last 02 decades along with their families and they received notice/order dated 01.02.2018 under section 33 of the Disaster Management Act, 2005 pasted outside their houses on 26.03.2018.
3. The perusal of the notice reflects that the structure of the properties



bearing nos. B-13/2, B-13/3, B-13/5A, B-67/2 and B-95, Chattarpur Extension, were found standing near high voltage wire of 66 KV. The notices were duly replied. Being aggrieved, the petitioner filed the present petition with the following prayer: -

- A. Set aside the notice/order dated 01.02.2018 issued by Tanvir Ahmad, Additional District Magistrate (South), District Disaster Management Authority (South), Govt. of NCT of Delhi;**
- B. Pass any such further and other orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.**

4. Mr. Anuj Aggarwal, ASC, GNCTD for the respondents on being instructed by Mr. Radhey Shyam Meena, SDM, South stated that it is proposed to withdraw the notice dated 01.02.2018 as it was issued to few residents of the same locality, rather the notices should have been issued to all the residents/occupants of the same locality. Mr. Anuj Aggarwal, ASC, GNCTD for the respondents further stated that necessary steps have already been taken for the withdrawal of the notice dated 01.02.2018. Let the needful be done within 04 weeks.

5. The counsel for the petitioner on the submissions made by Mr. Anuj Aggarwal, ASC, GNCTD for the respondents seeks permission to withdraw the present petition with the liberty to file fresh petition in case of altered circumstances.

6. The respondents shall be at liberty to take appropriate action under the Disaster Management Act, 2005 in accordance with the Rules and Regulations in respect of the subject matter of the present petition. The respondent is also directed to communicate the decision of the withdrawal of



notice dated 01.02.2018 within 02 weeks after withdrawal of the notice dated 01.02.2018.

7. The present petition, along with pending application, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

APRIL 8, 2024
Sk/ak