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

+ **W.P.(C) 3744/2025**

JAIVATI & ORS.

.....Petitioners

Through: **Mr. Ajay Harshana, Advocate.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Santosh Kumar, Mr. Devansh Malhotra, Ms. Nidhi and Mr. Vaibhav Mishra, Advocates.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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15.04.2025

1. By way of the present petition, the petitioner seeks that the respondent nos. 1 to 3 be directed to take immediate remedial steps to remove illegal encroachments (running of tea shop/kiosk) set up by respondent nos. 4 to 7 on public land that was acquired by the respondents for the purpose of expanding the highway stretch of Eastern Peripheral Expressway (NE 2) (just before the Kundali-Ghaziabad-Palwal-NE-II) at Palwal District, Haryana.
2. It is submitted that the respondent no.2 had acquired a portion of land owned by the petitioners i.e., Jamaa Bandi-1991-92, Khewat Khatoni Khewat Khatoni- 165 min/178 min, Khusattol No.- 26, Koli No.- 1684-08, Mustatol No.- 27, Kola No.- 20 min, P Vishwa 10 Kita 2, total area admeasuring 8 marla for the purpose of expansion of the Highway. A strip of acquired land between the newly expanded Highway and remaining property of the petitioner is stated to have been illegally encroached by respondent nos. 4 to 7 (by constructing Dhaba and permanent structures), which has not only blocked way of the petitioners to their property but has also adversely affected the



progress of the government project.

3. It is submitted that although the respondent no.2/National Highway Authority of India (NHAI) and respondent no. 3/NCR Eastern Peripheral Expressway Pvt. Ltd. issued a show-cause notice to one of the encroachers in and around the area, no effective action has been taken.

4. It is further submitted that at the request of the petitioners, the respondent no.2 vide letter dated 15.01.2025, had agreed to conduct a joint inspection on 29.01.2025, however, on the said date, concerned official failed to visit the said site for the same.

5. It is the apprehension of the petitioner that the encroachment on the public land has taken place in connivance with NHAI/the concessionaire appointed by the NHAI. Accordingly, it is prayed that directions be issued for removal of the encroachment.

6. Learned counsel for the respondent no.2/NHAI submits that requisite action for removal of encroachment is being taken. It is submitted that NHAI has sent a request letter in this regard to the Deputy Commissioner, Palwal, Haryana; the said communication reads as under:-

“Sub : Tolling, Operation, Maintenance & Transfer of Highways International Competitive Bidding under Single Stage Bidding Process for Project Bundle-Eastern Peripheral Expressway (From Km. 1+000 to Km. 136+000 of NE-2 in the National Capital Region (NCR) (TOT Bundle-7)- Reg.: Encroachment-unauthorized Dhaba's Shop adjacent to Project Expressway ROW, Illegal parking, unauthorized access, damage Government property, inconvenience to commuters and their safety concern on the stretch of Eastern Peripheral Expressway (NE 2) in Palwal District.

Ref: TOT Concessionaire letter no. NcREPE/SPV/Administration/2024-25/169 dated 09.05.2024

Madam/Sir,

Please refer to letter cited at ref. above, vide which TOT Concessionaire i.e. M/s NCR EPE Pvt. Ltd. has submitted to you, the details of



encroachment-unauthorized Dhaba's Shop adjacent to Project Expressway ROW, Illegal parking, unauthorized access, damage Government property, inconvenience to commuters and their safety concern on the stretch of Eastern Periopheral Expressway (NE 2) in Palwal District, which is comprehensive and self-explanatory.

2. In this regard, it is requested to direct the concerned officials for taking necessary action to remove the unauthorised liquor shops in Distt: Palwal adjacent to Project Expressway (NH NE 2). Necessary support can be sought from the TOT Concessionaire in this regard.

3. As the matter pertains to the safety of road users, your cooperation is highly solicited."

7. Learned counsel for respondent no.2/NHAI assures that NHAI shall vigorously follow up the matter with the concerned authorities so as to ensure that the encroachment is removed at the earliest.

8. The above statement by learned counsel for NHAI is taken on record. Let the requisite action, in accordance with law, be taken as expeditiously as possible.

9. The Deputy Commissioner, Palwal, Haryana, is also directed to take requisite action, as may be warranted, pursuant to the aforesaid communication dated 14.05.2024 sent by the NHAI.

10. Let a copy of this order be sent to the Deputy Commissioner, Palwal, Haryana.

11. The petition is disposed of in the above terms.

12. Let a compliance affidavit be filed by the respondents within a period of 12 weeks from today.

SACHIN DATTA, J

APRIL 15, 2025/at