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

+ **W.P.(C) 9476/2025**

TAROUNI CONSTRUCTION & FINANCE (P.) LTD.

.....Petitioner

Through: Mr. Sacchin Puri, Sr. Adv. with Mr. D. Hasija, Ms. Prachi Hasija, Ms. Nitya Sachdeva, Ms. Aashna Bhola, Ms. Mehak Ghaloth and Mr. Sonu Kumar, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & OTHERS

.....Respondents

Through: Ms. Prabhsahay Kaur, Standing Counsel with Mr. Aditya Verma, Ms. Harshita Rai, Ms. Kavya Shukla and Mr. Vikas, Advs. for R-1/DDA. Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha, Mr. M.S. Akhtar and Mr. Divakar Kapil, Advs. for R-2, 3 and 4.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

10.07.2025

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1. The present petition has been filed seeking following relief:

“(i) issue an appropriate writ, order or direction to the respondents not to demolish or interfere in the peaceful and settled possession of the total property, being land admeasuring 5 Bighas 5 Biswas comprised in various khasras i.e. khasra No.1442, 1443, both of village Chattarpur, New Delhi and khasra No.120, 121, 122 and



123, all of village Satbari, New Delhi which includes the property in question comprised in Khasra No.120, admeasuring 2 Bighas, situated in the Revenue Village Satbari, New Delhi without adopting the due course of law as has been directed by the Hon'ble Supreme Court of India;

(ii) during the pendency of the above captioned writ petition, restrain the respondents from entering/ visiting I demolishing the existing structures and boundary walls of the land admeasuring 5 Bighas 5 Biswas comprised in various khasras i.e. khasra No.1442, 1443, both of village Chattarpur, New Delhi and khasra No.120, 121, 122 and 123, all of village Satbari, New Delhi which includes the property in question comprised in Khasra No.120, admeasuring 2 Bighas, situated in the Revenue Village Satbari, New Delhi without adopting the due course of law as has been directed by the Hon'ble Supreme Court of India;"

2. Mr. Sacchin Puri, learned senior counsel appearing on behalf of the petitioner submits that the DDA is taking action of demolition against the properties mentioned in the prayer clause without giving any notice to the owners of the properties.

3. He places reliance on the decision of the Hon'ble Supreme Court in ***Directions in the Matter of Demolition of Structures, In Re, 2025 (5) SCC 1***, more particularly to paras 94 to 94.10 to contend that it is obligatory on part of the DDA to give 15 days' notice before resorting to demolition action. The paras reads as under:

"94. At the outset, we clarify that these directions will not be applicable if there is an unauthorised structure in any public place such as road, street, footpath, abutting railway line or any river body or water bodies and also to cases where there is an order for demolition made by a court of law.



A. Notice

94.1. *No demolition should be carried out without a prior show-cause notice returnable either in accordance with the time provided by the local municipal laws or within 15 days' time from the date of service of such notice, whichever is later.*

94.2. *The notice shall be served upon the owner/occupier by a registered post A.D. Additionally, the notice shall also be affixed conspicuously on the outer portion of the structure in question.*

94.3. *The time of 15 days, stated herein above, shall start from the date of receipt of the said notice.*

94.4. *To prevent any allegation of backdating, we direct that as soon as the show-cause notice is duly served, intimation thereof shall be sent to the office of Collector/District Magistrate of the district digitally by email and an auto generated reply acknowledging receipt of the mail should also be issued from the office of the Collector/District Magistrate. The Collector/DM shall designate a Nodal Officer and also assign an email address and communicate the same to all the municipal and other authorities in charge of building regulations and demolition within one month from today.*

94.5. *The notice shall contain the details regarding:*

- (a) The nature of the unauthorised construction.*
- (b) The details of the specific violation and the grounds of demolition.*
- (c) A list of documents that the noticee is required to furnish along with his reply.*
- (d) The notice should also specify the date on which the personal hearing is fixed and the designated authority before whom the hearing will take place.*

94.6. *Every municipal/local authority shall assign a designated digital portal, within 3 months from today wherein details regarding service/pasting of the notice, the reply, the show-cause notice and the order passed thereon would be available.*



B. Personal hearing

94.7. The designated authority shall give an opportunity of personal hearing to the person concerned.

94.8. The minutes of such a hearing shall also be recorded.”

C. Final order

94.9. Upon hearing, the designated authority shall pass a final order.

94.10. The final order shall contain:

(a) The contentions of the noticee, and if the designated authority disagrees with the same, the reasons thereof.

(b) As to whether the unauthorised construction is compoundable, if it is not so, the reasons therefor.

(c) If the designated authority finds that only part of the construction is unauthorised/non-compoundable, then the details thereof.

(d) As to why the extreme step of demolition is the only option available and other options like compounding and demolishing only part of the property are not available.”

(emphasis supplied)

4. However, Ms. Prabhsahay Kaur, learned counsel for the respondent submits that the present writ petition is not maintainable inasmuch as the challenge of the petitioner to the acquisition, under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, has already been dismissed and the said fact has been concealed in the present petition.

5. However, without prejudice to her said submission, Ms. Kaur, on instructions, submits that a notice in terms of the above quoted decision will be given to the affected parties today itself and the personal hearing will also be afforded to them in terms of the judgment. The statement is taken on record and the respondent shall remain bound by the same.

6. She further submits that the writ petition has been filed seeking relief



with regard to the property situated in two different villages i.e. Chattarpur and Satbari, New Delhi. She clarifies that no action is contemplated against any property in village Chattarpur, and the demolition action of DDA is confined only to village Satbari, New Delhi.

7. It is also submitted by Ms. Kaur that though DDA will be issuing notice to the parties, however, the problem which DDA faces is that the officials of the DDA are not being permitted to affix the notice outside the properties constructed on DDA land. Let DDA serve notice by all possible modes in terms of the decision in *Directions in the Matter of Demolition of Structures* (supra)

8. In view of the above, Mr. Puri does not wish to pursue the present petition any further. The petition is dismissed as withdrawn with liberty to the petitioner to avail the remedy as available under law in case the petitioner is aggrieved by the speaking order passed by the respondent/DDA.

9. It is also directed that no coercive action be taken by the respondent till expiry of one week after the date of speaking order.

VIKAS MAHAJAN, J

JULY 10, 2025
N.S. ASWAL