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

+ **W.P.(C) 2870/2019 & CM APPL. 28371-28372/2024**

SURESH GARG

..... Petitioner

Through: Mr. Manish Kohli, Ms. Alankrita
Mishra, Advocates
(M:9810055591)

versus

DELHI DEVELOPMENT AUTHORITY AND ORS.

..... Respondents

Through: Ms. Prabhsahay Kaur, SC with Ms.
Pragati Singh, Mr. Bir Inder Singh
Gurm, Advocates (M:8171798389)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **13.05.2024**

CM APPL. 28371/2024

1. The present application has been filed under Order VI Rule 17 read with Section 151 of Code of Civil Procedure, 1908 ("CPC") seeking amendment of the present petition.
2. Issue notice.
3. Notice is accepted by learned counsel for respondent no.1.
4. Let notice be issued to respondent no.2 as per the Memo of Parties.
5. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.
6. Re-notify on 06th August, 2024.
7. The next date of hearing of 24th May, 2024 stands cancelled.



CM APPL. 28372/2024

8. The present application has been filed on behalf of the petitioner seeking interim relief.

9. Ms. Prabhsahay Kaur, learned Standing Counsel for respondent no.1-Delhi Development Authority (“DDA”), appearing on advance notice, submits that the DDA is opposing the present application vehemently. She further submits that the application of the petitioner seeking stay, i.e., *CM APPL. 13331/2019* was dismissed on 20th March, 2019. Against the aforesaid order, the petitioner preferred an appeal being *LPA No. 254/2019*. The Division Bench did not find any ground for interfering with the order dated 20th March, 2019, by which the stay application of the petitioner was dismissed. Thus, the aforesaid appeal was dismissed as withdrawn, vide order dated 12th April, 2019.

10. She further submits that *Review Petition No. 172/2019*, was filed by the petitioner on 15th April, 2019 seeking review of the order dated 20th March, 2019. The said review petition was dismissed by this Court vide order dated 14th February, 2020. Thus, it is submitted that the order dated 20th March, 2019, by which the stay application of the petitioner was dismissed, has attained finality.

11. Learned counsel for DDA submits that pursuant to the demolition drive conducted on 06th December, 2023, physical possession of the said premises has already been taken over by the DDA. She further submits that the additional affidavit with respect to the same has already been filed by the DDA on 15th February, 2024.

12. Accordingly, issue notice to the respondents.

13. Notice is accepted by learned counsel for respondent no.1-DDA. Let



notice be issued to respondent no.2 as per the Memo of Parties.

14. Reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

15. Re-notify on 06th August, 2024.

16. The next date of hearing of 24th May, 2024, stands cancelled.

MINI PUSHKARNA, J

MAY 13, 2024

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