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

+ W.P.(C) 5926/2013 & CM Nos. 13070/2013 & 18677/2014
and Crl. M. A. 17907/2014 & 17911/2014

FRATERNITY AGAINST CORRUPTION (REG. TRUST) Petitioner
Through : Mr Sanjeev Saroha

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents
Through : Ms Sobhana Takiar with Mr Udayan
Khandelwal for R-1/DDA.
Ms Biji Rajesh for Mr Gaurang
Kanth for MCD.
Ms Zubeda Begum with Ms Sana
Ansari for R-6 -8/Delhi Police.
Mr Anurag Ojha with Mr Amit Pajan and
Mr Manish Kaushik for R-9.
Mr Deepak Pathak for R-10/BSES.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **14.01.2015**

We have examined the status report submitted on behalf of the Nodal Steering Committee, pursuant to our directions given on 16.07.2014. The decision taken at the meeting, held by the Nodal Steering Committee (SDMC) on 30.10.2014, is as under:-

“This issue regarding court cases titled Fraternity against Corruption Vs DDA & Ors. WP (C) No. 5926/2013 is pending before the Hon’ble High Court in which Hon’ble Court has directed to file the report from NSC on the representation of petitioner. The representation received from the petitioner which was forwarded to Zonal Authorities for taking necessary action against the properties mentioned in the writ petition/ representation. In this regard, a detailed report has been received in the NSC office on 14.10.2014 from South Zone vide which the details of 6 properties has been submitted. In the report it has been mentioned that all the properties mentioned in the writ petition/ representation are encroachment on the DDA Land. In support to this, the Zonal office has enclosed copy of

revenue record i.e. Khasra- Khatoni etc. which were duly verified by the area Jr. Engineer (Bldg.) and Patwari of Revenue Department in the joint inspection on 12.09.2014. The officials of South Zone have also mentioned in the NSC meeting that the Director (LM), DDA has filed an affidavit before the Hon'ble High Court on 16.01.2014 stating that vide Minutes dated 24.03.2009 and 26.11.2012 of Hon'ble LG inter-alia, it was resolved that unauthorised construction would be stopped by SDMC and DDA will take action against illegal encroachment. In the affidavit, a number of cases related to these properties in which DDA was a party have also been mentioned. In the affidavit, it has been stated that some of the area has been shown as free from encroachment and lying vacant of which possession was taken over by the DDA. On the basis of the submission, made by the South Zone, the NSC resolved that action against these properties will be taken by DDA being the land owning agency. The representation of the petitioner may be forwarded to Director (LM), DDA for taking necessary action at their end as per due process of law. The representation filed by the petitioner is disposed of accordingly with the direction to inform the petitioner also."

The status report also indicates that the decision was communicated to the Director (LM), Delhi Development Authority by virtue of a letter dated 30.10.2014. A copy of the representation, which was moved by the petitioner, was also annexed with that letter. A request was made to the DDA to take necessary action and to file a status report before this Court. The DDA was also informed that the next date was to be 19.11.2014. That date has gone by. There is no response from the DDA. Ms Takiar, the learned counsel appearing on behalf of the DDA, states that she has not received any instructions from the officers with regard to the communication of the said report nor was she aware of the same.

Now, that she has been made aware of the same, we expect that the DDA shall submit a status report with regard to the action taken by it within two weeks from today.

Renotify on 25.03.2015.

BADAR DURREZ AHMED, J

**JANUARY 14, 2015
SR**

SANJEEV SACHDEVA, J