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

+ W.P.(C) 5926/2013

FRATERNITY AGAINST CORRUPTION (REG. TRUST) Petitioner
Through: Mr Sunder Khatri, Adv.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondents

Through: Ms Shobhana Takiar, Adv. for DDA.
Ms Biji Rajesh, Adv. for Mr Gaurang Kanth, Adv. for
SDMC.
Mr Atul Kumar Singh, Adv. for D.J.B.
Mr Satyakam, Adv.
Mr Deepak Pathak, Adv. for BSES, RPL.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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06.04.2016

Despite this court clearly directing that joint action be taken by the Superintending Engineer, South Delhi Municipal Corporation (South Zone) and the Director (LM), DDA (and we had also permitted them to take police help), the action as directed has not been taken. The action pertains to the three properties referred in our order dated 28.10.2015. According to the DDA the land belongs to them and has been entrusted to them by the Central Government. The land is also required for the purpose of widening of Aruna Asaf Ali Road and for green belt. The excuse that sought to be set up by the learned counsel for the South Delhi Municipal Corporation is that police help was not available on 04.04.2016 on which date the action was supposed to be taken in respect of property no. 111/9 (to the extent of 700 Sq. Yds). This submission is not supported by any document. Insofar as property no. 76/9 is concerned, it has been submitted by the learned counsel for the South Delhi Municipal Corporation that a speaking order has been passed by the Assistant Engineer (Building), South Zone, under section 343 read

with 491 of the Delhi MCD Act whereby it has been recorded that though the construction is unauthorised, the same is protected under the Delhi Laws (Special Provisions) Second Amendment 2014 and the protection is available till 31.12.2017. However, the speaking order indicates that the protection is only available to the extent the land is not required for the purposes of widening of Aruna Asaf Ali Road and for green belt. The learned counsel for the DDA shall clearly indicate the extent of land required insofar as the property no. 76/9 is concerned for the said public purpose. No action has also been taken with regard to land comprising khasra no. 1222. We are giving two weeks further time to the respondents to take the joint action as contemplated, subject to the directions given above.

Renotify on 25.05.2016.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

APRIL 06, 2016

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