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SLP(C)No. 10428 OF 2003
ITEM No.23

Court No.10

SECTION XIV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10428/2003

(From the judgement and order dated 21/02/2003 in CW 1377/03
of The HIGH COURT OF DELHI AT N. DELHI)

M. JOSEPH D. CHAND

Petitioner (s)

VERSUS

SURESH KUMAR SAINI @ TARA AND ORS.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for permission to place addl. documents on record)

Date : 09/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P.VENKATARAMA REDDI
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)

Mr. Ranjan Kumar, Adv.

For Respondent (s)Mr. Sanjiv Sen, Adv.

Mr. Rajan Narain,Adv.

UPON hearing counsel the Court made the following

O R D E R

In a writ petition filed by way of Public Interest Litigation before the High Court of Delhi, the respondent herein sought for a direction to the Municipal Corporation of Delhi and

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other Respondents to remove the illegal encroachments and unauthorised constructions made by the owner of Plot No.486, Sunlight Colony Phase-II, New Delhi which according to the writ petitioner is a Government land. He also sought for a direction to carry out a fresh survey in the area in order to remove illegal and unauthorised encroachments. The High Court disposed of the writ petition in the following terms:

"Directions are given to the respondent that if there is encroachment on the Government land that should be removed. Action taken report may be submitted within 3 months."

It appears that subsequent to the disposal of the writ petition Corporation and authorities have carried out survey. It is the grievance of the petitioner that he was not put on notice before a direction has been issued which vitally affects his interest. Having considered the matter, we deem it appropriate and proper to dispose of this SLP with a direction that before any further adverse action is proposed to be taken against the petitioner herein, the competent authority of the Corporation shall give notice and afford opportunity of making representation to the petitioner and after considering the representation, appropriate orders shall be passed by the said authority in accordance with law. Accordingly, the special leave petition is disposed of.

(PAWAN KUMAR)
COURT MASTER

(PREM PRAKASH)
COURT MASTER