

ITEM NO.815

COURT NO.4

SECTION XIV

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 (C) No. 11246/2023

(Arising out of impugned final judgment and order dated 14-03-2023 in LPA No. 63/2023 passed by the High Court Of Delhi At New Delhi)

KASTURBA NAGAR RESIDENTS WELFARE ASSOCIATION

Petitioner(s)

VERSUS

GOVERNMENT NCT OF DELHI & ORS.

Respondent(s)

(IA No.106817/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.106814/2023-EXEMPTION FROM FILING O.T. and IA No.106816/2023-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.106815/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 22-05-2023 This petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE [VACATION BENCH]
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Kawalpreet Kaur, Adv.
 Mr. Umesh Kumar, Adv.
 Mr. Satya Mitra, AOR

For Respondent(s) Ms. Sunita Ojha, Adv.

UPON mentioning the Court made the following
O R D E R

This matter has been mentioned today, pleading urgency.

It has been submitted on behalf of the petitioner that a large number of their members are being forcibly evicted and their residential houses are being demolished at Kasturba Nagar, Vishwas Nagar, Delhi. We treat this matter on the Board today and notice being given by the learned counsel for the

petitioner to the learned counsel for the respondent-Delhi Development Authority('DDA'), the main agency which is undertaking the demolition exercise. Ms.

Sunita Ojha, has appeared on behalf of the respondent-DDA. She has supported the demolition action, indicating that the Single Judge and the Division Bench of the Delhi High Court have sustained the case of DDA for removal of these residents from their respective dwelling units, primarily on the ground that they were illegal encroachers. The order which is impugned in this petition was passed on 14th March, 2023. We are also apprised by the learned counsel for the petitioner that demolition work has started since 08:00 am today.

So far as the right of the members of the petitioner to reside at their present dwelling places is concerned, we do not interfere with the order of the Delhi High Court. On humanitarian consideration, however, we give them seven days' time to vacate their respective dwelling units. In the event they fail to vacate their respective premises by 29th May 2023, it would be open to the DDA, with the help of such agency they normally seek assistance of, to resume their demolition activities. But till 23rd May 2023, no further demolition shall take place in respect of dwelling units which are subject of the

present proceeding.

We are passing this order at 12:15 pm today. We reiterate our direction that for a period of seven days, no further demolition activity shall be continued. But, so far as the demolitions which have already taken place, the same shall remain effective.

We issue notice limited to the question of rehabilitation of the residents whose dwelling units are in the process of being demolished.

We request Ms. Ojha, learned counsel to orally communicate the substance of this order to her clients by 12:30 pm today itself.

List on 11.07.2023.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(R.S. NARAYANAN)
COURT MASTER (NSH)