

**Court No. - 21**

**Case :-** WRIT - C No. - 17175 of 2022

**Petitioner :-** Harit Kisan Kalyan Samiti

**Respondent :-** New Okhla Industrial Development Authority And 2 Others

**Counsel for Petitioner :-** Nitin Chandra Mishra

**Counsel for Respondent :-** C.S.C.,Kaushalendra Nath Singh

**Hon'ble Manoj Kumar Gupta,J.**

**Hon'ble Sameer Jain,J.**

Supplementary affidavit filed today is taken on record.

On oral prayer made by learned counsel for the petitioner that the matter is extremely urgent as it involves demolition, we sent for the record of the case and it is heard in presence of learned counsel for the parties.

Heard Sri Vijay Singh, learned Senior Advocate assisted by Sri Nitin Chandra Mishra, learned counsel for the petitioner; Sri Manish Goel, learned Additional Advocate General for the respondents and Sri Anuj Srivastava, learned counsel for NOIDA. With their consent, this writ petition is being disposed of finally without inviting a formal counter affidavit.

The petitioner is a registered Society and has filed the instant petition espousing the cause of its members. The list of members of the petitioner-Society is given in Annexure-2 to the supplementary affidavit. According to the said list there are 53 members in the petitioner-Society. The petitioner has assailed a public notice dated 8.6.2022 issued by respondent no. 1 i.e New Okhla Industrial Development Authority (in short, 'NOIDA') stating that in the notified area, falling under its jurisdiction, no construction activity is permissible without its approval. Recently a number of illegal constructions have been raised in the development area which is flood plain zone of river Ganga/Hindon and that too without getting any building plan sanctioned. It has been clearly mentioned in the notice that all constructions in the notified area/flood plain zone are illegal and should be removed forthwith, failing which, it would be demolished by the respondent-authority.

Sri Vijay Singh, learned counsel for the petitioner submitted that most of the constructions raised by members of the petitioner-society dates back to the year 2010 and that no impact assessment as provided under the second proviso to paragraph-6(3) of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 has been undertaken so far. Straightaway, the respondent authority has issued the

impugned public notice and is now threatening to demolish the constructions. It is further submitted that the members of the petitioner-society have not been served with any individual notice and merely on basis of impugned public notice, the NOIDA authority is threatening to demolish the constructions.

On the other hand, Sri Manish Goyal, learned Additional Advocate General has invited our attention towards various proceedings and reports submitted before the National Green Tribunal by Yamuna Monitoring Committee and tried to contend that the NOIDA Authority while issuing public notice has acted strictly in accordance with law.

On a query made by Court as to whether there is in existence any individual demolition orders against members of the petitioner society or other persons who are getting affected by the impugned public notice, he admits that there is no individual order in existence. He tried to contend that it is difficult for the authority to identify the actual owner/occupier of the plot/land over which such constructions have been raised, therefore, individual notice/order has not been issued so far. He, however, states that in case, the petitioner-society and its members file objection in pursuance of impugned public notice, treating it to be a show cause notice, the NOIDA Authority will decide the same and will not take any action, till the disposal of the objection.

We are of the opinion that the aforesaid course, if adopted, will sub-serve the ends of justice. We, accordingly, permit the petitioner-society and its members to file objection within **ten days** in pursuance of the impugned public notice, as also agreed to by learned counsel for the petitioner, and in which event, the same shall be decided by respondent no. 2 by means of a speaking order. For a period of **twenty days** from today, the status quo as of date shall be maintained by all the parties.

In case, the petitioner and its members fail to file objection within **ten days** from today, it shall be open to the respondent-authority to proceed further in pursuance of the impugned public notice.

The petition stands **disposed off**, accordingly.

**Order Date :-** 14.6.2022/Ankita

(Sameer Jain,J.)

(Manoj Kumar Gupta,J.)