

ITEM NO.39

COURT NO.4

SECTION PIL-W

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

CONMT.PET.(C) No. 335/2021 in W.P.(C) No. 4677/1985

SULTANA SHAHEEN

Petitioner(s)

VERSUS

DURGA SHANKAR MISHRA & ANR.

Respondent(s)

[TO BE TAKEN UP AT 12.00 NOON]
(IA No. 69491/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 133610/2024 - EX-PARTE STAY, IA No. 133609/2024 - INTERVENTION APPLICATION)

Date : 07-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. Guru Krishna Kumar, Sr. Adv. (A.C.)
Mr. Anitha Shenoy, Sr. Adv.
Ms. Srishti Agnihotri, AOR

For Petitioner(s) : Mr. Shishir Pinaki, AOR

For Respondent(s) : Ms. Aishwarya Bhai, A.S.G.
Mr. Atul Kumar, AOR
Ms. Sweety Singh, Adv.
Mr. Rahul Pandey, Adv.
Mr. Ashutosh Upadhyay, Adv.
Mr. Sudipta Singha Roy, Adv.
Mr. Harsh Kumar, Adv.
Ms. Diksha Joshi, Adv.

Ms. Sujeeta Srivastava, AOR

Mr. Rajat Aneja, Adv.
Mr. Ajay Saroya, Adv.
Ms. Radhika Gupta, AOR

Mr. Kailash Vasdev, Sr. Adv.
Mr. Nitin Mishra, AOR
Mr. Ishaan Sharma, Adv.

Mr. Praveen Swarup, AOR
Mr. Praveen Swarup, Adv.
Mr. Devesh Maurya, Adv.
Ms. Pareena Swarup, Adv.
Mr. Ravi Kumar, Adv.
Mr. Saurabh Rohilla, Adv.
Mr. Virender Kumar Sharma, Adv.

Mr. Atul Kumar, AOR
Ms. Sweety Singh, Adv.
Mr. Sudipta Singha Roy, Adv.
Mr. Ashutosh Upadhyay, Adv.
Mr. Harsh Kumar, Adv.

Mr. Divyanshu Kumar Srivastava, AOR
Mr. Saurabh Pandey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have perused order dated 24th April, 2018 (Annexure 'P-1'). Affidavit of Mr. Ajay Kadian dated 20th March, 2025 filed by Delhi Development Authority (DDA) shows that order of demarcation was passed by this Court of land falling in Khasra No.279 admeasuring a total of 34 bighas 8 biswa in Village Okhla. The demarcation has been completed. The demarcation shows that the area of Khasra No.279 of Village Okhla is 34 bighas and 8 biswa. Area of 13 bigha and 14 biswa is vacant. Hence, no action is required. As regards, area of 11 bigha 11 biswa, it is stated that it

falls inside the boundary of Uttar Pradesh Irrigation Department and hence, no action is required. Then what remains is illegal construction on 9 bigha and 3 biswa. Out of 9 bigha and 3 biswa, it is stated that DDA is in possession of area of 5 bigha and 15 biswa. Out of which, area of 3 bigha and 5 biswa is covered by the PM-UDAY Scheme under the National Capital Territory of Delhi (Recognition of Property Rights to Residents in Unauthorised Colonies) Regulations, 2019, and an area of 2 bigha and 10 biswa falls outside the purview of PM-Uday Scheme.

We, therefore, direct DDA to take action of demolition in accordance with law in respect of the unauthorised structures of area of 2 bigha 10 biswa. The DDA shall file a compliance affidavit within a period of three months from today. We make it clear that when we say due process of law before demolishing any structure at least 15 days notice shall be served upon the concerned persons.

As regards area of 3 bigha and 8 biswa, the possession of which has not been handed over to DDA, it is stated that an area of 1 bigha and 8 biswa falls inside the boundary covered by PM-UDAY Scheme and remaining area is outside the purview of PM-UDAY Scheme.

We direct the State Government to take action of demolition of illegal structures in relation to the area outside the area of 2 bigha 8 biswa which is not covered by PM-Uday Scheme in accordance with law. We are issuing this direction to the State Government as possession of area of 2 bigha has not been handed over to DDA. When we say due process of law, we make it clear that at least 15 days' advance notice shall be served on all the occupants before taking any action of demolition. Both DDA and State Government to file affidavit of compliance within three months. We also make it clear that those occupants who are aggrieved by notices of demolition are free to adopt appropriate proceedings in accordance with law.

Learned counsel appearing for the petitioner states that the petitioner does not desire to prosecute the petition any further. We, therefore, make it clear that the petition will continue as a *suo moto* petition and not a petition filed by the petitioner. We also direct both the State Government and the DDA to ensure that in none of the notices, the name of the petitioner is mentioned. When we say affidavit of compliance to be filed within three months, it is obvious that both the authorities must state precise timelines within which the action of demolition will be completed. While carrying out demolition, it is

needless to add that the police machinery will render all possible assistance to both the State Government and the DDA.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)