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

+ W.P.(C) No.5214/2018 & C.M. APPL. No.20205/2018

BELA ESTATE MAZDOOR BASTI SAMITI Petitioners

Through: Mr. Choudhary Ali Zia Kabir with
Ms. Anupradha Singh and Mr. Y.
Asewla Pongen, Advocates.

versus

DELHI URBAN SHELTER

IMPROVEMENT BOARD AND ORS.

.... Respondents

Through: Mr. Parvinder Chauhan with Mr.
Nitin Jain, Advocates for R-1/DUSIB.
Mr. Sanjeev Sabharwal, Standing
Counsel, Advocate for R-2/DDA.
Ms. Anju Aggarwal, ASC with Ms.
Deboshree Mukherjee, Advocate for
R-3 & R-4.
Ms. Anju Gupta with Mr. Roshan Lal
Goel, Advocates for R-5/ UOI.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER
14.05.2018

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1. The members of petitioner Samiti are said to be the residents of JJ cluster which is described as Bela Estate. It is averred that this JJ cluster is on the western bank of river Yamuna and comprises of sub-areas, namely, China Colony, Bela Gaon, Malla Gaon, Moolchand Basti and Kanchan Puri.

2. It is further averred that its members have been living in this area for the past 70 years and it comprises more than 700 houses. It is submitted that most of the residents have been residing in the subject area prior to 01.01.2015, which is, one of the requirements of 2015 DUSIB Policy.

3. The petitioner Samiti is, presently, aggrieved by the notice which is appended as Annexure P-5 to the instant writ petition. This notice is annexed at page 132 of the paper-book. A perusal of the said notice would show that no date is given therein. The notice, broadly, says that the encroachment from Yamuna Flood Plain should be removed by 12.12.2017. The reference is also given in the notice to the orders of this Court and the National Green Tribunal. The date of the orders is, however, not adverted to in the notice.

3.1 The assertions in the writ petition and the interlocutory application seem to suggest that the Members of the petitioner Samiti apprehend immediate demolition of their hutment.

4. Issue notice.

5. Mr. Chauhan accepts notice on behalf of respondent no.1/ DUSIB, while Mr. Sanjeev Sabharwal accepts notice on behalf of respondent no.2/ DDA. Ms. Anju Aggarwal accepts notice on behalf of respondent nos.3 and 4. Likewise, Mr. Anju Gupta accepts notice on behalf of respondent no.5.

6. The counter affidavits be filed within two weeks. Rejoinder thereto, if any, be filed before the next date of hearing.

7. In the meanwhile, the respondents will maintain status quo as to the possession.

8. Renotify the matter on 20.07.2018.
9. *Dasti* under the signatures of the Court Master.

RAJIV SHAKDHER, J

MAY 14, 2018

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