


Sr. No.	Date	Orders
		<p>* IN THE HIGH COURT OF DELHI AT NEW DELHI</p> <p>+ W.P.(C) 5293/2004</p> <p>BHARAT BHUSHAN ..... Petitioner Through Mr.Kamal Mehta, Advocate.</p> <p>versus</p> <p>D.D.A. &amp; ORS. .... Respondent Through Ms.Gita Mittal, Advocate, with Mr.D.P.Dwivedi, Director (Residential Lands).</p> <p><b>CORAM:</b> <b>HON'BLE MR. JUSTICE VIKRAMAJIT SEN</b></p>

**ORDER**  
**08.04.2004**

Pursuant to the hearing held on April 7, 2004, the Respondents have made a physical verification of the persons who are presently in occupation of Plot No.A-2, 'T' Junction, Mangla Puri, Village Palam, New Delhi. The inspection has revealed that the said plot is in the occupation of Shri Pawan Kumar, Shri Bhagwan Dass, Mohd. Abbu Bakkar and Shri Bharat Bhushan who are the Petitioners before me. There appears to be a complication, which is certainly not unsurmountable, in that the mutation has been carried out in the name of Smt. Manno Devi, widow of late Shri Chandgi Ram Barella in the context of this plot. What must be kept in perspective is that the evacuation/demolition of the area has been necessitated because of the construction of the Dwarka/Palam Bazar Flyover. In these circumstances, it appears to be superfluous and unnecessary to go into the question of who the original allottee/lessee may be, since the evacuation/demolition is directed not towards the original lessee but against the occupants of the site. This position

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		<p>appears to have been appreciated by the DDA itself, since its Demolition notice dated 29.3.2004 is directed against the Occupants and not the allottee. In the event of any claim of Smt. Manno Devi she may approach the Civil Court and await its final judgment.</p> <p>The Director (Residential Lands) who is present in Court states that upon the Petitioners providing an Indemnity Bond in favour of the DDA, and producing the Agreement to Sell, Powers of Attorney etc., a joint allotment shall be made in favour of all the Petitioners since a sub-division of the plot in question cannot be recognised by the DDA. The compensation for the structures which are to be demolished shall be paid only to the Petitioners on a prorata basis.</p> <p>This Order has been passed strictly in the facts and circumstances of this case and shall not be treated as a precedent in view of the stated urgency of the project and the fact that the continued presence of the Petitioners will delay the project inordinately. The final decision in regard to the Petitioner's allotment of alternate site shall be taken by the Director within one week from today within which time he may peruse their document of title. The Petitioner to appear before the Director on 12.4.2004.</p> <p>The Petition stands disposed of in the above terms and the interim Orders passed are recalled.</p> <p style="text-align: right;"> VIKRAMAJIT SEN. J</p> <p>APRIL 08, 2004 'ac'</p>