

(P)

and placed before this Court. It would appear that only 10 persons out of original petitioners in the High Court whose names have been mentioned in the supplementary affidavit are residing there; of them Nurmahommad Samsuddin and Hakimuddin Karimuddin have converted their huts into commercial units run on the pavement. This road is 80 feet wide with 10 and 8 feet wide foot-paths on two sides of the road. At present 56 persons, obviously including 10 original encroachers are in occupation of hutments erected on the footpaths and whereabouts of 19 original petitioners who have left the area in consideration of money they have accepted, are not known. In their place, others have occupied the huts by making payments.

Shri Dushyant Dave has also further submitted proposals as alternative to the Scheme. Having heard the counsel on both sides, we reserved the case for consideration. At the outset, we express our deep appreciation for the valuable assistance rendered by Shri Dushyant Dave and also for the fair arguments advanced by Shri Arun Jaitley, learned senior counsel appearing for the Corporation.

The questions for consideration are: (1)
whether the respondents are liable to ejectment from