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

\+ CONT.CAS(C) 651/2024

SANDEEP KAUR AND ORS. .....Petitioners

versus

GOVT. OF NCT OF DELHI AND ORS .....Respondents

With

W.P.(C) 2209/2023, W.P.(C) 5126/2023, W.P.(C) 131/2024

For Petitioners: Mr. Harshvardhan Sharma, Mr. Samarth Vikram Singh and Mr. Shashwat, Advocates in Item No. 16.

Mr. S. Kr. Roshan, Ms. Sanskriti S. and Mr. Neelesh Mani Tripathi, Advocates in Item No. 17.

For Respondents: Ms. Avni Singh, Panel Counsel (GNCTD) with Mr. Vaibhav Sharma, Advocate for GNCTD in Item No. 15 to 18.

Ms. Vaishali Gupta, Panel Counsel (Civil), GNCTD in Item No. 17.

Mr. Abhinav Sharma, Advocate for R-6 in Item No. 16.

Ms. Shobhana Takiar, SC with Ms. Chand Chopra and Mr. Kuljeet Singh, Advocates for DDA in Item Nos. 15 to 17.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **22.07.2026**

The Controversy

1. These petitions arise from competing claims over parcels of land stated to fall within Khasra Nos. 141, 142 and 143 of the revenue estate of Village Chhatarpur, Delhi. The Petitioners claim protection on the basis of pattas stated to have been issued by the Gaon Sabha in the year 1985 under the Twenty Point Programme. The Forest Department, on the other hand,

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asserts that the land forms part of the notified and demarcated forest area of the Southern Ridge.

2. Since the factual foundation and the issues arising in these matters substantially overlap, these writ petitions and the connected contempt petition are being decided by this common order.

The Claims

3. Anar Devi, the Petitioner in W.P.(C) 2209/2023, relies upon a Patta Certificate dated 2nd June, 1985 in respect of Plot No. 676, measuring 100 sq. yards, stated to have been carved out of Khasra No. 142. She alleges that her structure was partially demolished without notice and seeks a declaration that the demolition was unlawful, protection against dispossession, and permission to restore the construction that existed prior to the demolition.

4. Kishan Singh, the Petitioner in W.P.(C) 5126/2023, seeks parity with other allottees under the Twenty Point Programme and a declaration that he is the patta holder of Plot Nos. 686 and 675 in Khasra Nos. 142 and 143. The Patta Certificate annexed to that petition, however, appears to refer to Plot No. 687. The description of the land in the prayer clause, the pleadings and the document relied upon is not consistent. The Petitioner also claims prolonged residence at the site, although the address disclosed in the affidavit accompanying the petition is at Ballabgarh, Faridabad.

5. W.P.(C) 131/2024 has been instituted by eight Petitioners claiming different plots, including Plot Nos. 665, 688, 674, 672, 667, 671 and 689. The pleadings describe some of these plots as falling collectively within Khasra Nos. 141, 142 and 143, without identifying the particular khasra in which each plot is situated. Plot No. 674 is claimed twice, while the Special Power of Attorney executed by one of the alleged allottees refers instead to

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Plot No. 673.

6. Sandeep Kaur, Petitioner No. 1 in W.P.(C) 131/2024, does not rely upon a patta issued in her own name. She has instituted the proceedings on the strength of Special Powers of Attorney ["*SPAs*"] executed by different persons in October 2023. Those instruments purport, *inter alia*, to authorise her to institute proceedings and, in certain cases, to have the property transferred to herself, her nominee or a third party.

7. On 5th January, 2024, while issuing notice in W.P.(C) 131/2024, this Court directed the Respondents to verify the Patta Certificates. Having regard to the assertion that the Petitioners had been occupying the land for nearly four decades, the Court further directed that no coercive action be taken against them until the next date of hearing.

8. CONT.CAS(C) 651/2024 alleges breach of the aforesaid order. The Petitioners claim that officials of the Forest Department and the police visited the site on different dates in January and February 2024, damaged household articles, obstructed access to the premises, and threatened them with dispossession.

Submissions

9. Counsel appearing for the Petitioners contend that the pattas were issued under a welfare scheme prior to the forest notifications. It is submitted that the allotments were never cancelled and that the Petitioners, or their predecessors, have remained in settled possession for several decades. It is further submitted that the Petitioners are lawful allottees under the Twenty Point Programme and not encroachers, and that the subsequent forest notifications cannot defeat rights which had already accrued in their favour. Reliance is also placed upon a layout stated to have been prepared

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by the Minor Irrigation Department in 1995, depicting 799 or, according to some Petitioners, 806 residential sites, as well as other governmental records relied upon to demonstrate long-standing occupation. In W.P.(C.) 2209/2023, reliance is also placed upon an order dated 19th September, 2011, which, according to the Petitioner, recognised or converted the leasehold rights into perpetual rights.

10. The Petitioners further contend that the Forest Department could not have undertaken demolition or dispossession without issuing individual notices and identifying the particular plots by a lawful demarcation exercise. They also allege that the Respondents have selectively proceeded against only some of the allottees under the Twenty Point Programme, while leaving other similarly situated allottees untouched.

11. Counsel appearing for the Respondents dispute the validity, subsistence and, in some cases, the authenticity of the documents relied upon by the Petitioners. It is submitted that the pattas were limited grants which did not confer ownership and had, in any event, expired by efflux of time. It is further submitted that no enforceable rights survived after the forest notifications, no claims were preferred in accordance with the procedure prescribed under the Indian Forest Act, 1927 ["*Forest Act*"] and the notifications have consequently attained finality. The Respondents also contend that Government records or identity documents relied upon by the Petitioners do not confer title over forest land.

12. The Forest Department relies upon the order dated 3rd November, 1987, passed under Section 160 of the Delhi Land Reforms Act, 1954 read with Rule 168 of the Delhi Land Reforms Rules, 1954, by which land including Khasra Nos. 141, 142 and 143 was reserved for "*the maintenance*

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and development of forests and trees or any other work of public utility". Reliance is also placed upon the notification dated 24th May, 1994 issued under Section 4 of the Forest Act, as well as decisions of the Supreme Court and the National Green Tribunal emphasising protection of forest land and removal of encroachments. The Respondents further dispute the Petitioners' possession over the land and contend that the land continues to remain in the possession of the Forest Department.

13. During the hearing, counsel for the Respondents also placed before the Court an order dated 1st June, 2026 passed by the Forest Settlement Officer ["*FSO*"] in ***Smt. Billo and 32 Others v. Deputy Conservator of Forest, South***[1]. The applicants therein had also claimed allotments made in 1985 under the Twenty Point Programme over land falling in Khasra Nos. 133, 142 and 143. Their claims for verification and exclusion of the land from the forest record were dismissed.

Analysis

14. The first question is whether the Petitioners have established a subsisting right capable of being protected in the exercise of jurisdiction under Article 226 of the Constitution. The answer must be in the negative.

15. The pattas produced before the Court do not confer ownership. They describe the allottee as an "*Assami*" and stipulate that the land shall be "*held on lease for the period of fifteen years*". The instruments further prohibit sale, gift, mortgage, exchange or any other mode of parting with possession. A right of "*re-entry*" is reserved in favour of the Gaon Sabha in the event of breach of the statutory provisions or the conditions of allotment.

16. Thus, even assuming the pattas to be genuine, the grants were, on

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their express terms, limited in duration. The fifteen-year period would have expired around the year 2000. Although, in W.P.(C) 131/2024, reliance is placed upon an alleged order dated 19th September, 2011 to contend that the leasehold rights stood converted into perpetual rights, the said order has not been placed on record. The Respondents have disputed the said averment in their Counter Affidavit, and no Rejoinder has been filed thereto. In the absence of the alleged order or any other material substantiating the plea, this Court is unable to accept that contention.

17. The submission that the pattas were never cancelled does not carry the Petitioners' case any further. A grant made for a defined period does not become perpetual merely because a separate order of cancellation was not passed. The Petitioners have failed to establish any legal foundation on which the rights can be said to have survived beyond the stipulated term.

18. The claims founded upon the SPAs suffer from an additional infirmity. A power of attorney is an instrument of agency. It does not, by itself, convey title or create any interest in immovable property. More importantly, an attorney cannot acquire or assert a right greater than that possessed by the principal. Clauses in the SPAs authorising transfer to the attorney, a nominee or a third party cannot override the express prohibition against transfer contained in the original pattas.

19. There are also material uncertainties concerning the identity of the properties. In W.P.(C) 5126/2023, the plots mentioned in the prayer clause do not correspond with the plot appearing in the Patta Certificate. In W.P.(C) 131/2024, one plot is claimed twice, another claim is supported by an instrument referring to a different plot number, and several plots are

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[1] Case No. 14/2026 to 25/2026 & 27/2026 to 47/2026.

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stated to fall generally within Khasra Nos. 141, 142 and 143, without any precise correlation. The basis on which Sandeep Kaur claims rights over the property is also not clearly pleaded or established.

20. These are not minor discrepancies capable of being overlooked in proceedings under Article 226. Their resolution would require comparison of the original allotment records, the relevant revenue records, the layout relied upon by the Petitioners, the Total Station Method survey, the forest demarcation records and the position at site. The Court would also be required to determine questions relating to succession, possession, the authenticity of the documents and the effect of the conditions contained in each individual grant.

21. Such questions cannot appropriately be resolved in proceedings under Article 226. In ***Sohan Lal v. Union of India & Anr.***[2], the Supreme Court declined to enquire into the merits of the rival claims of title to the property in dispute, observing that doing so would mean entering into "*a field of investigation which is more appropriate for a civil court in a properly constituted suit*". The Court further observed that where the relief sought would, in substance, require a declaration of title and recovery of possession, it would, in effect, amount to passing a decree in favour of one party. The same principle applies here, where the relief sought requires substantial adjudication of rival claims over land claimed by the State to form part of the forest area.

22. The statutory scheme cannot also be ignored. Chapter II of the Forest Act prescribes a complete procedure for the constitution of a reserved forest. Once the State Government decides to constitute any land as a reserved

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forest, it is required to issue a notification under Section 4 specifying, as nearly as possible, the situation and limits of the land and appointing a FSO "*to inquire into and determine the existence, nature and extent of any rights alleged to exist*" in or over such land or the forest produce thereof. Upon such notification, the FSO is required to issue a proclamation inviting claims, conduct an inquiry into the claims preferred as well as rights ascertainable from the Government records, and determine the claims in the manner provided under the Act. The Act, thus, establishes a specialised statutory mechanism for the investigation and determination of competing claims before a notification declaring the forest to be reserved is issued.

23. In ***State of U.P. v. Dy. Director of Consolidation & Ors.***[3], the Supreme Court, while examining the scheme of Chapter II of the Forest Act, held that it constitutes a complete code for the determination of rights claimed over land proposed to be constituted as a reserved forest. Noting that the FSO exercises powers of a civil court and that his orders are subject to appeal and revision under the Act, the Court held that claims relating to such land are required to be pursued within the statutory framework of the Forest Act and that, upon completion of the statutory process, the resultant notification attains finality in accordance with the Act.

24. In the present case, the Respondents rely upon the notification dated 24th May, 1994 issued under Section 4 of the Forest Act and dispute the Petitioners' claim that the plots in question fall outside the notified forest area. The Petitioners, on the other hand, assert pre-existing rights under the pattas issued in 1985. Resolution of these competing claims would

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[2] (1957) 1 SCC 439.
[3] (1996) 5 SCC 194.

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necessarily require examination of the statutory proceedings under the Forest Act, the extent and location of the notified forest area, and the rival claims regarding the identity and location of the plots in question.

25. In these circumstances, the Court is unable to identify with certainty the land in respect of which relief is sought. The imprecision in the Petitioners' own pleadings, coupled with the disputes concerning the location and identity of the land claimed, precludes the grant of any plot-specific relief in the exercise of writ jurisdiction.

26. The layout attributed to the Minor Irrigation Department does not alter this conclusion. At best, it may indicate that a plotted layout existed at a particular point in time. It does not establish that each Petitioner was lawfully allotted the plot now claimed, the plot lies at the location asserted, or the limited tenure created in 1985 continues to subsist. Likewise, a response furnished under the Right to Information Act, 2005 indicating that no record of cancellation is available does not amount to an adjudication of title or subsisting rights.

27. Long possession, even if asserted over several decades, cannot by itself furnish a basis for granting relief in respect of forest or other public land. In ***Jagpal Singh & Ors. v. State of Punjab & Ors.***[4], the Supreme Court observed that long duration of unauthorised occupation or the expenditure incurred in raising constructions cannot justify condoning or regularising illegal occupation of public land. This Court is conscious that the Petitioners do not assert a case of unauthorised occupation but claim to trace their rights to pattas issued under the Twenty Point Programme. Nevertheless, once the term of the grants has expired and no enforceable right has been established,

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the mere duration of occupation cannot substitute the legal entitlement which must form the foundation of the relief sought.

28. During the pendency of these petitions, the FSO, by order dated 1st June, 2026 in ***Smt. Billo,*** adjudicated claims asserted by other persons claiming rights under Twenty Point Programme allotments in respect of land falling in the same khasras. The present Petitioners were not parties to those proceedings and, therefore, the said order neither binds them nor has this Court relied upon the findings recorded therein for deciding the merits of their claims. At the same time, the fact that such claims have been adjudicated by the FSO reinforces the conclusion that disputes concerning the validity of allotments, pre-existing rights, forest boundaries and the effect of the statutory notifications are matters falling within the statutory mechanism under the Forest Act and cannot appropriately be adjudicated for the first time in these writ petitions.

29. For the aforesaid reasons, the Petitioners have failed to establish any present and enforceable right entitling them to the reliefs claimed in these writ petitions. Nothing observed in this order shall, however, be construed as returning any conclusive finding on the authenticity of the pattas, the validity of the original allotments or the precise identity and boundaries of the plots claimed by the Petitioners.

The Contempt Petition

30. The question is whether the order dated 5th January, 2024 has been wilfully disobeyed. The petition must, therefore, be examined within the confines of the protection granted by the said order.

31. The Petitioners allege that officials of the Forest Department and the

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[4] (2011) 11 SCC 396.

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police damaged household articles, interfered with their access to the property and acted in breach of the order dated 5th January, 2024. The Status Report filed by the concerned SHO records that, upon reaching the site on 1st February, 2024 pursuant to PCR calls, no construction activity was found and nothing was found to indicate that Sandeep Kaur was residing at the site. It further records that the Forest Beat Officer present at the spot stated that two newly created entry points into the forest land had been closed.

32. The Forest Department, in its Counter Affidavit, denies having undertaken any demolition and alleges that Sandeep Kaur repeatedly attempted to encroach upon the forest land and damaged the departmental portacabin. In support of its stand, it relies upon the ground report dated 6th August, 2024 and photographs of the site. However, those materials relate to a later point of time and do not conclusively establish the physical condition of the site on the dates when the alleged acts constituting contempt are stated to have occurred.

33. The rival versions cannot be reconciled without first determining the location and extent of the Petitioners' possession, the boundaries of the forest land, and whether the alleged obstruction related to the possession protected by the order dated 5th January, 2024 or to subsequently created access routes or other acts outside the scope of that order.

34. Such an enquiry falls outside the scope of contempt jurisdiction. As observed by the Supreme Court in ***Jhareswar Prasad Paul & Anr. v. Tarak Nath Ganguly & Ors.***[5], the Court exercising contempt jurisdiction has to consider the direction contained in the order alleged to have been violated and is not entitled to enter into questions which have not been dealt with and

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decided therein. Similarly, in ***Midnapore Peoples' Coop. Bank Ltd. & Ors. v. Chunilal Nanda & Ors.***[6], the same principle was reiterated that, while exercising contempt jurisdiction, the Court may determine whether contempt has been committed and matters incidental thereto, but it is not appropriate to adjudicate or decide issues relating to the merits of the dispute between the parties.

35. In the present case, determining whether the order dated 5th January, 2024 has been wilfully disobeyed would necessarily require adjudication of those disputed questions, which cannot appropriately be undertaken in contempt proceedings. In any event, the material placed on record discloses competing versions of the events, and the precise act alleged to constitute wilful disobedience cannot be identified with the degree of certainty required for the exercise of contempt jurisdiction. No case for initiating contempt proceedings is, therefore, made out.

Conclusion & Directions

36. For the reasons recorded above, the petitions are disposed of in the following terms:

i. W.P.(C) 2209/2023, W.P.(C) 5126/2023 and W.P.(C) 131/2024 are dismissed.

ii. The Petitioners shall remain at liberty to pursue such remedy as may be available to them under the Forest Act or before any other competent forum. All questions concerning maintainability, limitation and the effect of the statutory notifications are left open. This order shall not be construed as condoning any delay or directing any authority to reopen proceedings that

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[5] (2002) 5 SCC 352.
[6] (2006) 5 SCC 399.

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have otherwise attained finality.

iii. The Respondents shall remain at liberty to take action for the protection and restoration of forest land, in accordance with law. Any action against a particular structure or occupant shall be preceded by proper identification and authenticated demarcation of the site concerned, wherever required in law.

iv. The interim order dated 5th January, 2024 in W.P.(C) 131/2024, and all other interim orders operating in these proceedings, stand vacated.

v. In order to afford the Petitioners a limited opportunity to avail an appropriate remedy, the Respondents shall not take any coercive action solely on the strength of this order for a period of two weeks from today. During this period, the Petitioners shall not undertake any construction or reconstruction, alter the nature of the land, create third party rights, enlarge the area under their occupation, open any passage or obstruct the Forest or Revenue authorities in the discharge of their statutory duties. Upon expiry of the said period, the Respondents shall be at liberty to proceed in accordance with law.

vi. CONT.CAS(C) 651/2024 is dismissed and the notices issued therein are discharged. The dismissal of the contempt petition shall not be construed as affirming the case of either party regarding possession, boundaries or the alleged acts constituting contempt.

37. All pending applications also stand disposed of.

SANJEEV NARULA, J

JULY 22, 2026/as

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