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

+ **W.P.(C) 6442/2017**

NAVEEN ARORA & ANR.

..... Petitioners

Through Mr R.S. Suri, Senior Advovcate with
Mr Rohit K. Aggarwal, Ms Rekha Dwedi,
Mr Shubhaya, Advocates.

versus

GOVERNMENT OF NCT DELHI & ORS.

..... Respondents

Through Mr Santosh Kr Tripathi, ASC with
GNCTD for R1 to R4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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31.07.2017

CM 26693/2017

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioners have filed the present petition, *inter alia*, impugning a show cause notice dated 17.07.2017 issued by the Deputy Conservator of Forests (South) calling upon the petitioners to remove the unauthorized occupation in Khasra no. 487 of village Neb Sarai, D-18, Indira Enclave. The learned counsel for the petitioners submits that the aforesaid notice has been issued without affording the petitioners any opportunity of being heard

or to present their case; which is that the petitioners' property in question does not fall within Khasra no. 487 but 485.

4. Admittedly, the Khasra no. 487 is forest land and, therefore, no encroachment on the said land is permissible. Thus, the essence of the dispute in the present petition is whether the petitioners' property D-18, Indira Enclave falls in Khasra No. 485 as claimed by them or in Khasra no. 487 as is contended by the respondents.

5. The learned counsel for the petitioners has already drawn the attention of this Court to the survey report furnished earlier which supports the petitioners' view. However, the subsequent demarcation report dated 06.07.2016 indicates that part of the petitioners' property falls within Khasra no. 487.

6. In view of the aforesaid dispute, the respondents are directed to get a fresh survey done by Total Station Method (TSM) as expeditiously as possible to clearly demarcate Khasra no. 487. The report shall also clearly mark out portion of the constructed properties that fall within the said Khasra. The petitioners would also be given notice of the said proceedings. Both the parties would be bound down by the said report and no further controversy in this regard would be entertained. Needless to mention that the respondents would be at liberty to recover the land falling within Khasra no. 487 without any further obstruction from the petitioners.

7. The petition and the pending application are disposed of with the aforesaid directions.

8. In the meanwhile, no coercive steps will be taken in respect of the petitioners' property.

JULY 31, 2017
pkv

VIBHU BAKHRU, J