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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5992/2018 & CM APPL.23342-23343/2018
NIRMAL SINGH & ORS Petitioners

Through: Mr. Sudhir Nandrajog, Senior
Advocate with Mr. Uopo Singh,
Advs

versus

GOVT OF NCT DELHI & ORS Respondents

Through: Mr. Abhinav Goyal, proxy counsel
on behalf of Mr. Gautam Narayan,
ASC for GNCTD
PSI Sunil, P.S. Fatehpur Beri

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **29.05.2018**

1. Issue notice.
2. Mr. Abhinav Goyal accepts notice on behalf of the respondents.
3. In view of the order that I propose to pass, learned counsel for the respondents says that he does not wish to file a counter affidavit in the matter.
4. At request of the parties, matter is taken up for hearing and final disposal.
5. It is the case of the petitioners that based on an erroneous finding of Special Task Force (STF), appointed by Chief Conservator of Forests (CCF), Department of Forest, Govt. of NCT of Delhi /respondent no. 5, attempts are being made to demolish their properties which are located in Khasra no. 126-127, in village Asola, District South, New Delhi, even though they fall on the western side.

6. According to the petitioners, the Notification dated 24.05.1994 (in short '1994 Notification') speaks only about eastern boundary of village Asola.
7. It is the petitioners' say that if the notification is applied correctly, then, the subject properties will not come within the ambit of the 1994 Notification. In other words, according to the petitioners, the notice dated 03.05.2018 which has triggered apprehension of demolition cannot go beyond the terms of the 1994 Notification.
8. The record shows that the petitioners have already filed a representation with respondent no. 5/CCF, which is, dated 21.05.2018.
9. According to the petitioners, the said representation has not been dealt with as yet.
10. Accordingly, the writ petition is disposed of with a direction to respondent no. 5/CCF to deliberate on the representation filed by the petitioners.
 - (i) For this purpose, a personal hearing will be granted to the petitioners.
 - (ii) The respondent no. 5/CCF will pass a speaking order; a copy of which be furnished on the petitioners.
 - (iii) Pending this exercise, no precipitate action will be taken against the petitioners qua the subject properties.
11. The needful will be done at the earliest, though, not later than 4 weeks from the date of receipt of a copy of this order.
12. *Dasti* under the signatures of Court Master.

RAJIV SHAKDHER, J

MAY 29, 2018/c

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