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

% *Decided on: 17th March, 2023*

+ W.P.(C) 3377/2023 & CM APPLs. 13095/2023 & 13104/2023
SMT RESHAM DEVI & ANR. Petitioners

Through: Mr. S.S. Tripathy with
Mr. Vinod Sahu, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Anurag Ahluwalia, CGSC
with Mr. Kritagya Kait, GP for
respondent no. 1/UOI.
Mr. Avishkar Singhvi with
Mr. Naved Ahamad, Mr. Nipun
Katyal and Mr. Vivek Singh,
Advocates for respondent nos. 2
to 4.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

CM APPL. 13104/2023 (Application under Section 151 CPC on behalf of the petitioners for exemption from filing certified and legible copies of the annexures)

1. This is an application under Section 151 CPC on behalf of the petitioners for exemption from filing certified and legible copies of the annexures.

2. Allowed, subject to just exceptions.

3. Application is disposed of accordingly.

W.P.(C) 3377/2023 & CM APPL. 13095/2023 (Application on behalf of the petitioners under Section 151 CPC for directions to stay of demolition of property bearing no. D-159K and D-1800

situated in Khasra no. 37, Freedom Fighters Enclave, Village Neb Sarai, New Delhi)

4. The present writ petition has been filed with prayer for setting aside the demolition order dated 07.10.2022 issued by respondent no. 3, by virtue of which demolition of the properties bearing no. D-159-K and D-180-0 are scheduled for demolition on 18.03.2023. It is submitted that the said properties are part and parcel of khasra no.37, for which order of stay of demolition has already been granted by this court vide order dated 16.11.2022 in *W.P. (C) No. 15748/2022, Parnita Singh & Ors. Vs. Union of India & Ors.*

5. Issue notice.

6. Notice is accepted by learned counsel appearing for the respondents.

7. Learned counsel appearing for the respondents submits that the petitioners herein cannot be given same protection, as they have failed to approach the Forest Settlement Officer under Section 9 of the Indian Forest Act, 1927. Thus, he submits that only if petitioners are aggrieved by the order of the Forest Settlement Officer under Section 9 of the said Act, that an occasion would arise for filing of appeal under Section 17 of the said Act.

8. I have heard both the parties and with the consent of the parties, I take up the matter for final disposal.

9. This Court notes that by order dated 16.11.2022, similarly placed persons having their properties in Khasra No. 37 of Village Neb Sarai, New Delhi Colony, presently known as Freedom Fighters Enclave, Neb Sarai, New Delhi had approached this Court in *W.P. (C)*

No. 15748/2022. The said writ petition was disposed of by order dated 16.11.2022 with directions and liberty to the said petitioners to file an appeal under Section 17 of the Indian Forest Act, 1927 before the Appellate Authority.

10. By way of the said order, this Court had directed that the Appellate Authority shall dispose of the said appeal after giving opportunity of hearing to the said petitioners, and thereafter pass a detailed and reasoned order in accordance with law. Thus, this Court had directed that till the disposal of the aforesaid appeal, parties are directed to maintain status quo.

11. There is no dispute that the properties of the petitioners herein also fall in khasra no. 37 of Village Neb Sarai, New Delhi, colony presently known as Freedom Fighters Enclave, Neb Sarai, New Delhi. Thus, once this Court has already passed an order with respect to the said khasra number in Village Neb Sarai, New Delhi, similar treatment has to be accorded to similarly placed persons, whose properties are situated in the same khasra number in the same village.

12. In view thereof, directions are issued to the respondents to maintain status quo with respect to the properties of the petitioners till the disposal of the appeal of similarly placed persons under Section 17 of the Indian Forest Act, 1927, in terms of order dated 16.11.2022 passed in W.P.(C) No. 15748/2022.

13. The present writ petition is disposed of with the aforesaid directions.

MINI PUSHKARNA, J

MARCH 17th, 2023/c