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

+ **W.P.(C) 52/2024**

**MS. SHASHI GUPTA AND ANR**

..... Petitioner

Through: Mr. Rachit Gupta and Mr. Kuldeep  
Kumar, Advocates along with  
petitioner No.1.

versus

**GOVERNMENT OF NCT OF DELHI AND ORS ..... Respondent**

Through: Mr. Shashi Pratap Singh and Mr.  
Sparsh Agarwal, Advocates for R1 to  
R4.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

**03.01.2024**

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**(The proceeding has been conducted through Hybrid Mode)**

**CM APPL. 181/2024**

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 52/2024 & CM APPL. 180/2024 (stay)**

3. This is a writ petition under Article 226 of the Constitution of India, 1950, whereby the petitioner seeks the following prayers :-

*“(i) Issue a writ of Certiorari or any other appropriate writ or direction, order quashing/set aside the Impugned Notice bearing F. NO 39/DFC(S)/ LAND /CHHATERPUR/2022-23/11432-36 DATED 18.12.2023 issued by the Office of*



*Deputy Conservator of Forests (South), Department of forest & Wildlife, Government of NCT of Delhi;*

*(ii) Issue a writ of Mandamus or any other appropriate writ or direction, order directing the Office of Deputy Conservator of Forests (South), Department of forest & Wildlife, Government of NCT of Delhi to withdraw the Impugned Notice bearing F. NO 39/DFC(S)/ LAND /CHHATERPUR/2022-23/11432-36 DATED 18.12.2023;”*

4. Learned counsel appearing for the petitioner draws attention of this Court to the order dated 28.09.2022 passed by the Co-ordinate Bench of this Court in W.P.(C) 14092/2022, whereby on a petition filed by the similarly circumstanced persons, this Court had passed the following order:-

**“CM APPL. 43035/2022 (Application on behalf of the petitioners under Section 151 CPC seeking exemption from filing legible copy, accurate margin, typed, and original copy of the documents)”**

*Exemption allowed subject to just exceptions.  
The application stands disposed of.*

**W.P.(C) 14092/2022**

*1. The instant petition under Article 226 of the Constitution of India has been filed on behalf of the petitioners seeking inter alia the following reliefs:*

*"(i) Issue a writ of Certiorari or any other appropriate writ or direction, order quashing/set aside the Impugned Notice bearing F. NO. 36/DCF(S)/LAND/CHATTARPUR/202021/ 11148-52 dated 15.09.2022 issued by the Office of Deputy Conservator of Forests (South), Department of forest & Wildlife, Government of NCT of Delhi;*



*(ii) Issue a writ of Mandamus or any other appropriate writ or direction, order directing the Office of Deputy Conservator of Forests (South), Department of forest & Wildlife, Government of NCT of Delhi to withdraw the Impugned Notice bearing F. NO. 36/DCF(S)I LAND/ CHATTARPUR/2020-21/11148-52 dated 15.09.2022;"*

*2. After some length of arguments, learned counsel for the petitioners seeks an innocuous prayer to file an application/detailed representation alongwith a copy of the writ petition before the competent authority.*

*3. Learned counsel appearing on behalf of the respondents has no objection to the innocuous prayer made by the learned counsel for the petitioner.*

*4. Heard learned counsel for the parties and perused the record.*

*5. After perusal of the record, contentions made in the petition as well as the innocuous prayer made on behalf of the petitioners and no objection thereto from the respondents, this Court is inclined to allow the innocuous prayer made on behalf of the petitioners. Accordingly, the matter is referred to the Secretary, Forest Department and he may forward the same to the competent authority for adjudication of the disputes.*

*6. The petitioners are accordingly directed to file an application/detailed representation alongwith a copy of the writ petition and certified copy of this order before the Secretary, Forest Department within four weeks from today. After receiving the said representation, the Secretary, Forest Department is directed to forward it to the competent authority for adjudication of the disputes. The said competent authority is directed to give an opportunity of*



*hearing to the parties and thereafter, pass a speaking/reasoned order in accordance with law expeditiously, preferably within eight weeks.*

*7. It is also directed that both the parties shall maintain status quo till the disposal of the said representation.*

*8. With the aforesaid directions, the petition alongwith the pending application stand disposed of.”*

5. Learned counsel submits that by virtue of the impugned notice, the respondents seek to carry out demolitions in Khasra No. 29 of Village Chattarpur, Tehsil Saket, particularly his property, which is alleged to have been an encroachment and in violation of Section 26 of the Indian Forest Act, 1927.

6. Learned counsel submits that against the said notice, the petitioner had given two representations, which are detailed in nature in respect of the background of how the petitioner came in possession and what are the various provisions of Acts and facts on the basis of which the said notice directing demolition would not withstand the scrutiny of law.

7. Learned counsel submits that the representation dated 28.12.2023 was submitted to the Secretary/Deputy Conservator of Forests on 29.12.2023 and there has been no response thereto.

8. Learned counsel submits that he would be satisfied in case, this Court passes an order similar in nature to the order dated 28.09.2022 passed by this Court in the aforesaid writ petition.

9. Accordingly, respondent No.2-Secretary/Deputy Conservator of Forests is directed to consider the two representations noted above and



dispose of the same in accordance with law within four weeks from the date of receipt of this order.

10. The concerned authority is also directed to give an opportunity of hearing to the petitioner before passing a reasoned order.

11. It is also directed that both parties shall maintain *status quo* qua the impugned notice in respect of the properties of the petitioner alone, till the disposal of the said representations.

12. No unnecessary adjournments shall be taken by the petitioner in respect of the consideration of the aforesaid representations.

13. With the above directions, the present petition alongwith pending application stands disposed of.

14. Order *dasti* under signatures of Court Master.

**TUSHAR RAO GEDELA, J**

**JANUARY 3, 2024**

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