



2024:DHC:333



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

% Judgment delivered on: 12.01.2024

+ **W.P.(C) 500/2024****DEVENDER KUMAR BHANDARI**

..... Petitioner

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Mukesh Kumar Verma and Mr. Rahul Bhandari, Advocates

For the Respondents : Mr. Satyakam, ASC, GNCTD with Mr. Pradyut Kashyap, Advocate

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****(The proceeding has been conducted through Hybrid Mode)****CM APPL. 2275/2024**

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

W.P.(C) 500/2024 & CM APPL. 2276/2024 (stay)

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

“(a) Issue of a writ (s), order (s) or direction (s) in the nature of Certiorari thereby setting-aside/quashing the Notice bearing No. 39/DCF(S)/Land/Chattaprrur/2022-



23/11432-36 dated 18.12.2023 issued by respondent no.2;

(b) Issue an appropriate writ (s), order (s) or direction (s) in the nature of Mandamus thereby directing the respondents to jointly carry out a fresh demarcation in respect of the property of the petitioner bearing No. A-316, measuring 3000 sq. yards comprised in khasra no. 26-29 and 52 situated in Village Chattarpur, New Delhi forming part of unauthorized colony namely 'Dr. Ambedkar Colony, Andheria More, Chattarpur, New Delhi', and also the land comprised in khasra no. 29 of Village Chattarpur, New Delhi, alleged to be the forest land of Village Chattarpur, strictly in accordance with law;

(c) Issue an appropriate writ (s), order (s) or direction (s) in the nature of prohibition thereby restraining the respondents from demolishing and/or taking any coercive action in respect of the above said property of the petitioner bearing No. A-316, measuring 3000 sq. yards comprised in khasra no.26-29 and 52 situated in Village Chattarpur, New Delhi forming part unauthorized colony namely 'Dr. Ambedkar Colony, Andheria More, Chattarpur, New Delhi' and/or dispossessing the Petitioner therefrom.

(d) Issue an appropriate writ (s), order (s) or direction (s) in the nature of Mandamus thereby directing the respondent no.3 to consider and decide the petitioner's application/representation dated 11.01.2024 inter alia raising the preliminary jurisdictional objection/issue whether even Khasra no. 29 of Village Chattarpur is a 'Forest Land', in accordance with law in a time bound manner;”

4. Mr. Verma, learned counsel for the petitioner submits that by virtue of the impugned notice, the respondents seek to carry out



demolition of the property of the petitioner purportedly situated in Khasra No. 29 of Village Chattarpur, Tehsil Saket allegedly on the ground that it is an encroachment and in violation of Section 26 of the Indian Forest Act, 1927.

5. That apart, Mr. Verma submits that the petitioner had submitted a representation dated 18.12.2023 on 11.01.2024 before Forest Settlement Officer/District Magistrate, Saket, which is yet to be responded to.

6. Mr. Mukesh Kumar Verma, learned counsel for the petitioner submits that this Court had in similar petitions bearing W.P.(C) 95/2024 and W.P.(C) 197/2024 disposed of those writ petitions *vide* orders dated 04.01.2024 and 08.01.2024, respectively on identical issues and seeks that similar orders may be passed in the petition.

7. Mr. Verma submits that the squad deployed for the purpose of demolition is already present at the site and would demolish in case urgent directions are not passed by this Court.

8. Learned counsel submits that the petitioner would be satisfied in case the present writ petition is treated as a representation.

9. Mr. Satyakam, learned ASC for GNCTD accepts notice, however, opposes the prayers so made.

10. Though learned ASC has opposed the prayers made in the present petition, however, keeping in view the fact that this Court, under Article 226 of the Constitution of India passed the orders in favour of the petitioner in the aforesaid said, the same ought to be extended to the present petition too, although the caveat being that the present order will only be in respect of the petitioner alone.



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11. Accordingly, the respondent No.3 is directed to consider the present writ petition as a representation and dispose of the same in accordance with law within four weeks of the date of the receipt of this Order.
12. The concerned authority is also directed to afford an opportunity of hearing to the petitioner before passing any reasoned order.
13. 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. No coercive action shall be taken for a period of one week from the date of receipt of the order passed on the representation.
14. No unnecessary adjournments shall be taken by the petitioner in respect of the consideration of the aforesaid representations.
15. With the above directions, the present petition alongwith pending application stands disposed of.
16. Order *Dasti* under signature of Court Master.

TUSHAR RAO GEDELA, J

JANUARY 8, 2024

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