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

% Judgment delivered on: 25.01.2024

+ W.P.(C) 1168/2024 & CM APPLs. 4918-20/2024

M/S SNG TRADING COMPANY PVT. LTD. Petitioner

versus

GOVERNMENT OF NCT OF DELHI
AND ORS.

..... Respondents

Advocates who appeared in this case:For the Petitioner : Mr. Sumit Gehlot, Mr. T. S. Thakran
and Ms. Rukam, Advocates

For the Respondent : Mr. Satyakam, ASC

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]**

1. This a petition under Article 226 of the Constitution of India, 1950 seeking the following reliefs:-

“(a) Issue a Writ of Mandamus or any other, appropriate Writ, order or direction thereby declaring the Demolition Notice dated 17.01.2024 of respondent No. 2 as illegal, null and void and not to take any action under said Demolition Notice and not to take any action of any nature whatsoever under said Demolition Notice qua petitioner and not to dispossess the petitioner from the lands in its possession and occupation and not to reduce its total area/size from 16



Bighas 5 Biswas of Farm No. 6, Golden Gate, Westend Green, situated in the revenue estate of Village Rajokari, Vasant Vihar, New Delhi as per status and the Khasra Nos. [206/1 min (0-17), 206/2 min (2-10), 202 min (1-04), 219 min (0-03), 215 min (1-10), 215 min (1-16), 215 min (1-10), 206/1 (0-07), 206/2 (1-02), 220 min (1-00), 203 (4-06)] mentioned in the title documents/sale deeds and Khatauni, Khasra Girdhwari & Aksh Sizra without following the due process of Law and as directed under Order dated 18.07.2022 passed in W.P. (C) No. 10475/2019 titled as SNG Trading Company Pvt. Ltd. V/s. Govt. of NOT of Delhi, by the Hon'ble High Court of Delhi and against principles of natural justice and the procedure laid down;

- (b) Issue a Writ of Mandamus or Certiorari or any other appropriate Writ or Order or direction quashing the Demolition Notice dated 17.01.2024 qua the petitioner;*
- (c) Issue a Writ of Mandamus or Certiorari or any other appropriate Writ or Order or direction declaring the said Demolition Notice dated 17.01.2024 or in furtherance of the same as null and void and be set aside;*
- (d) Issue a Writ of Mandamus or Certiorari or any other appropriate Writ or Order or direction declaring demarcation conducted in absence of petitioner as illegal, null and void and not binding;*
- (e) Issue a Writ of Mandamus or any other, appropriate Writ, Order or direction directing the respondents to demarcate of land/farm of the petitioner situated in the revenue estate of Village Rajokari, Tehsil Mehrauli, Vasant Vihar, New Delhi following due process of Law;*
- f) Pass an interim order restraining the respondents their officers, servants, agents, employees or attorneys from taking any action against the petitioner under Demolition Notice dated 17.01.2024 or in violation of any rule, laws, bye - laws, regulations etc. in this respect or in violation of Order dated 18.07.2022 passed in W.P. (C) No. 10475/2019;*



- (g) *Pass an order directing the respondents to give compensation to the petitioner for failing to carry out its Constitutional and statutory obligations/duties, resulting in the violation of the fundamental rights of the petitioner;*
- (h) *Pass an order directing the respondents to provide/submit the alleged demarcation report and proceedings of said Forest Land in Village Rajokari, Tehsil Mehrauli, Vasant Vihar, New Delhi;*
- (i) *Issue a Writ of Mandamus or any other, appropriate Writ, Order or direction directing the respondents to consolidate the entire land holdings at Village Rajokari, Tehsil Mehrauli, Vasant Vihar, New Delhi following due process of Law;*
- (j) *For issuance of any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case;*
- (k) *Serving of advance notices upon the respondent No. 1 to 4 may kindly be dispensed with;”*

2. Learned counsel appearing for the petitioner draws attention of this Court to the orders dated 26.09.2019 dated 18.07.2022 placed at pages 197 and 199 of the present petition passed by the Coordinate Bench in W.P.(C) 10478/2019 captioned as ***SNG Trading Company Pvt Ltd (Through its Authorised Person) Vs. GOVT. of NCT OF Delhi Through its Chief Secretary & Ors.***

In the said W.P.(C) a challenge was laid to the notice dated 20.09.2019 of the Deputy Conservator of Forest in regard to the kasra number 1172.

3. By the order dated 26.09.2019 passed by this Court, an interim order was passed which is as under:-

“In case, there is any dispute of the area which is occupied



by the petitioner, a notice will be issued by the respondents giving full details of the alleged encroachment by the petitioner. Till then no demolition shall be carried out by the respondents.”

4. Vide order dated 18.07.2022, this Court on the statement of learned counsel appearing for the respondent had passed the following directions:-

“After some length of arguments, learned counsel appearing on behalf of the petitioner does not press the instant petition and prays that the concerned authority may be directed not to take any coercive action in respect of the property in question without following the procedure prescribed under law.

Learned counsel for the respondent has no objection to the innocuous prayer made on behalf of the petitioner.

Heard learned counsel for the parties and perused the record.

It is an admitted fact that the notice which has been fixed on the wall of the property of the petitioner does not pertain to his property, however, is submitted on behalf of the petitioner that since the notice was fixed on his wall, there was a great apprehension that action might be taken against his property, therefore, the instant petition has been filed. It is submitted on behalf of the respondents that some portion of the forest land has been encroached upon by the petitioner.

Keeping in view the fact that the matter has not been argued on merits as well as the limited prayer made by the petitioner and no objection made thereto by the respondents, the respondents are directed that in case, any action is required to be taken against the property of the petitioner, the same shall be done only after following the



due process of law;

With the aforesaid directions, the writ petition stands disposed of.”

5. Learned counsel appearing for the petitioner submits that despite the aforesaid order, the respondent has not issued any notice in accordance with law as directed in the aforesaid order. Mechanically, the respondent affixed another notice, which is the impugned notice dated 17.01.2024, on an identical issue referring to only Khasra number 1172 of village Rajokari, New Delhi.

6. Learned counsel submits that the petitioner had purchased the subject land vide registered sale deeds which are enclosed with the present petition. He also submits that the khasra numbers mentioned in the registered sale deeds are different and distinct from the one which is mentioned in the impugned order. He also submits that though the khasra numbers do not seem to be same identical however, the apprehension of the petitioner is in respect of any coercive action being undertaken by the respondent, based on the impugned order, pasted on the wall of its property.

7. Mr. Satyakam, learned ASC, GNCTD appearing for the respondents hands over the bench an order 13.03.2021 in case 01/2021 captioned as ***M/s. SNG Trading Company Pvt. Ltd. Vs. Deputy Conservator of Forests (West)*** passed by the Additional District Magistrate / Forests Settlement Officer, Revenue Department District South, Delhi, New Delhi to submit that the petitioner appears to have filed some proceedings before the aforesaid ADM and withdrawn the same *vide* the order dated



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13.03.2021. He submits that neither the order nor the proceedings has been disclosed before this Court amounting to “*suppressio veri suggestio falsi*”. The order dated 13.03.2021 is taken on record.

8. He fairly submits that order of this Court dated 18.07.2022 otherwise binds the department and as such the department would follow the directions.

9. In view of above, the present petition is disposed of with a direction that the respondent shall comply with the directions contained in the order dated 18.07.2022 before initiating any action against the petitioner. The impugned order dated 17.01.2024 shall also be considered in the identical manner.

10. Independent of the aforesaid order, the petitioner is at liberty to approach the respondent seeking fresh demarcation in accordance with law.

11. In view of the aforesaid, the petition and pending applications are disposed of.

TUSHAR RAO GEDELA, J.

JANUARY 25, 2024

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