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

+ **W.P.(C) 1249/2024**

HARI CHAND SHARMA & ANR.

..... Petitioners

Through: **Mr. A.K. Sen, Advocate.**

versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: **Mr. Anupam Srivastava, ASC for
GNCTD with Ms. Sarita Pandey for
R-1 & R-2.**

**Ms. Nikita, Advocate for R-2/Forest
Department.**

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

30.01.2024

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(The proceeding has been conducted through Hybrid Mode)

1. This writ petition is filed under Article 226 of the Constitution of India, *inter alia*, seeking following reliefs: -

“(i) *Issue appropriate Writ(s) or Order(s) or Direction(s) commanding thereby the Respondents not to demolish the property of the petitioner falling in Khasra No.659 (10-06), situated in Village Bhati, Tehsil Saket, New Delhi and not to demolish the boundary wall surrounding the above property.*

(ii) *Issue an appropriate writ/order/directions in the nature of Writ of Mandamus directing the respondents to provide an opportunity of personal hearing to the petitioner before taking any threatened action and further directions to the respondents to provide proper demarcation as well as status of the land being Khasra No.659 (10-06) situated in Village Bhati, New Delhi.*



(iii) Any other Order(s) or Direction(s) as deemed just & fit by this Hon 'ble Court may also be passed in favor of the Petitioner & against the Respondents."

2. Mr. Srivastava, learned ASC for GNCTD gives a statement on behalf of the Deputy Conservator of Forest/ respondent no.2 that there are no proceedings or process issued for demolition of the property of the petitioner. In case, any such demolition is contemplated, the department would issue seven days' notice before that. So far as the respondent no.1 is concerned, Mr. Srivastava submits that no information in regard to that has been received, as such, he will not be able to make a similar statement.
3. Mr. Sen, learned counsel appearing for the petitioners submits that respondents have demolished a portion of their property without issuing any notice.
4. Learned counsel for the petitioner submits that the petitioner has also filed an application before the Tehsildar, New Delhi on 16.01.2024 seeking demarcation of land in khasra Nos.659 min. (5-6) and 659 min. (5-0), Village Bhati, Tehsil Saket, New Delhi, which has not yet been considered by the respondents.
5. After hearing learned counsel for the parties, this Court is of the considered opinion that interests of justice would be subserved in directing the authority/ respondent to consider the aforesaid application dated 16.01.2024 seeking demarcation of khasra Nos.659 min. (5-6) and 659 min. (5-0) village Bhati, New Delhi within four weeks from today. The authority shall also provide an opportunity to the petitioner of personal hearing.
6. The petitioners are permitted to also file any document in support of



their contentions before the authority, which is considering the said application.

7. A reasoned order shall be passed within four weeks from the date of service of this order.

8. In the interregnum, the respondents shall not take any coercive action against the petitioner's property in the said khasra numbers, till the time the application is decided.

9. The writ petition along with pending applications are disposed of.

TUSHAR RAO GEDELA, J

JANUARY 30, 2024/hs