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

% Judgment delivered on: 22.02.2024

+ **W.P.(C) 2677/2024****RUPINDER SINGH BEDI & ORS. Petitioner**

versus

**DEPARTMENT OF FOREST AND WILDLIFE
& ORS. Respondents****Advocates who appeared in this case:**

For the Petitioner : Mr. Sachit Garga, Mr. Mithu Jain, Mr.
Kunal Rana and Mr. Biswajit,
Advocates

For the Respondent : Mr. Udit Malik, ASC for GNCTD.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T**TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 10936/2024 (Exemption)**

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

W.P.(C) 2677/2024 & CM APPL. 10935/2024

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

*“a. Set aside the Notice of Respondent No. 1 bearing Notice Bearing
F. No. 52/DCF(S)/LAND/ASOLA/2022-23/13524-30 dated*



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30.01.2024 qua the premises of the Petitioner being land and appurtenant buildings at bearing Khasra No. 1427(6-11), 1428(7-9), 1431 MIN (1-0) total Admeasuring About 15 Bighas along with Khasra Numbers 909(0-13), 897(1-5), 898(0-19), 899(3-16), 900(0-9) AND 901(0-16), admeasuring About 7 Bighas And 18 Biswas Situated At Village Asola, Tehsil Mehrauli, New Delhi and/or

b. Declare the Notice of Respondent No. 1 bearing Notice Bearing F. No. 52/DCF(S)/LAND/ ASOLA/2022-23/13524-30 dated 30.01.2024 does not pertain to premises of the Petitioner being land and appurtenant buildings at bearing Khasra No. 1427(6-11), 1428(7-9), 1431 MIN (1-0) total Admeasuring About 15 Bighas along with Khasra Numbers 909(0-13), 897(1-5), 898(0-19), 899(3-16), 900(0-9) AND 901(0-16), admeasuring About 7 Bighas And 18 Biswas Situated At Village Asola, Tehsil Mehrauli, New Delhi and/or

c. Direct the Respondents to expeditiously demarcate the Petitioner's premises by scientific measures like TSM (Total Station Machine) or DGPS (Differential Global Positioning System).

d. Any other order/direction/writ that this Hon'ble Court feels appropriate in the facts and circumstances of this case."

4. Learned counsel for the petitioners submit that the petitioners are challenging the notice dated 30.01.2024 issued by the Deputy Conservator of Forests, South Forest Division in respect of khasra numbers 1424 and 1430 village Asola, Tehsil Saket, New Delhi which is claimed to be a reserved forest land as per the Notification dated 24.05.1994 and 02.04.1996. It is also alleged in the notice that the petitioners have encroached upon the said khasra numbers which is in violation of Section 26 of the Indian Forest Act, 1927 and Section 2 of Forest (Conversation) Act, 1980. Also by way of the said notice, the petitioners have been asked to remove all encroachment on the said khasra numbers.

5. Learned counsel submits that the petitioners are owners of khasra numbers 1427(6-11), 1428(7-9), 1431 MIN (1-0) 909(0-13), 897(1-5),



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898(0-19), 899(3-16), 900(0-9) and 901(0-16) by virtue of registered sale deeds dated 24.02.1994 and 29.03.1994. Learned counsel placed on record the copies of the revenue record from the year 2010 to till 2015 as also the property tax receipt from the year 2021-2022 to till 2023 2024 to submit that the petitioners are in possession of the said property falling within the aforesaid khasra numbers.

6. Learned counsel submits that by virtue of the aforesaid notice, the respondents have carried out large scale demolition of the property of the petitioners despite the fact that they are the registered owners of the said land. The photographs showing large scale demolition and demarcation are placed on record from page 240 onwards.

7. Learned counsel submits that the petitioners had by the letter dated 05.05.2022, in respect of the aforesaid khasra number, made a request to the Tehsildar Saket Sub Division for carrying out the demarcation of the land so as to ensure that the petitioners are able to indicate that they have not encroached upon any land belonging to the forest department, however, no such demarcation process was ever commenced on their instance nor did they receive any response thereto.

8. Issue notice.

9. Notice is accepted by Mr. Udit Malik, learned ASC for GNCTD. Mr. Udit submits that the demarcation process under the orders dated 15.01.2021 of learned National Green Tribunal in O.A. No.58/2013 titled *Sonya Ghosh vs. Govt. of NCT of Delhi & Ors.* has already been carried out and the action taken by the department was in pursuance thereto. He further submits that since the demolition and demarcation has been carried out, in pursuance of the judgment of the learned



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Tribunal, there cannot be any illegality attributed to the action taken by the department.

10. Be that as it may.

11. Since the petitioners were not made a participant in the demarcation proceedings carried out by the department, it is deemed appropriate to direct the respondent to carry out fresh demarcation proceedings in respect of khasra numbers as indicated in the prayer clause of the petition in pursuance to the request dated 05.02.2022. The respondent shall carry out the demarcation proceedings and complete the same within six weeks from the receipt of this order.

12. Petitioners are permitted to participate in such demarcation proceedings. Once the demarcation report is prepared, the petitioners may be furnished the same forthwith.

13. In the meanwhile, the status as obtaining today shall be maintained till such demarcation report is generated and furnished to the petitioners as well as to the learned counsel appearing for the petitioner.

14. The petition is disposed of in the above terms.

15. A copy of this order be given *dasti* under the signatures of Court Master.

TUSHAR RAO GEDELA, J.

FEBRUARY 22, 2024/ms