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

% Judgment delivered on: 29.02.2024

+ **W.P.(C) 3088/2024****DEVKI DEVI**

..... Petitioner

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Rajesh Yadav, Senior Advocate
with Mr. Dhananjay Mehlawat and Ms.
Rishika Jain, Advocates.

For the Respondents : Mr. Mohit Bhardwaj, Advocate for R-
1, R-2 and R-3.

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 12739/2024 (for exemption)**

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

W.P.(C) 3088/2024 & CM APPL. 12738/2024 (for interim directions)

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

(a) Issue a writ of Certiorari or any other appropriate writ, order or direction in the nature thereof thereby quashing the Notice dated



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27.02.2024 bearing F.No.65/DCF(S)/Land/ Aya Nagar/2022-23/15220-27 issued by the Range Officer, South Forest Division, Respondent No.3, herein.

(b) Issue a writ of Mandamus or any other appropriate writ, order or direction in the nature thereof thereby directing the Respondents not to undertake any action of demolition in respect of property/house of the Petitioner bearing No. 1063, KG-1, G-Block, Phase-6, Adarsh Enclave, Aya Nagar, Aya Nagar Extension, comprised in khasra No. 1383, Village Aya Nagar, New Delhi-110047 and from taking possession of the said property."

4. Mr. Rajesh Yadav, learned Senior Counsel appearing for the petitioner submits that the petitioner has been in possession of the subject land, i.e., the property bearing House No. 1063, KG-1, G-Block, Phase-6, Adarsh Enclave, Aya Nagar, Aya Nagar Extension, New Delhi-110047 falling within khasra No. 1383 in the revenue estate of Village Aya Nagar, New Delhi.

5. Learned Senior Counsel submits that the petitioner has been in the possession of the said property for the last more than 13 years and has placed on record the documents like GPA affidavit, Will etc., which would indicate the possessory rights of the petitioner over the said piece of land.

6. He further submits that the petitioners have not encroached upon the forest land, and as such, the impending threat of demolition issued by the respondents by way of notices dated 16.02.2024 and 27.02.2024 is absolutely unlawful. He also submits that there has been no demarcation carried out at all by the Forest Department to justify the impending action of demolition. He submits that the area comprising khasra No. 1383 is not of forest land.



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7. Learned Senior Counsel also submits that between the property of the petitioner, which falls in the khasra No. 1383 and the Forest Land, there is a contiguous boundary wall, which appears to be of 6 feet height, which has been demarcated long ago.

8. Issue Notice.

9. Notice is accepted by Mr. Mohit Bhardwaj, learned counsel appearing for respondent Nos. 1 to 3.

10. Mr. Bhardwaj, learned counsel appearing for the respondents - Forest Department submits that the khasra No. 1383 is not a forest land and no demolition at all has been proposed on such khasra number. He submits that the demolitions which are sought to be carried out pertain to the land in khasra Nos. 1978, 1979, 1980, 1981 and 1982.

11. Learned counsel further submits that that khasra No. 1981 is adjacent to the khasra No. 1383, which is adjacent in the property of the petitioner and further submits that the petitioner has encroached upon the khasra No. 1981 and the demolition shall be restricted only to that.

12. Keeping in view the statements made by Mr. Rajesh Yadav, learned Senior Counsel appearing for the petitioner as also Mr. Mohit Bhardwaj, learned counsel appearing for the respondent Nos. 1 to 3, the petitioner appears to be protected in respect of the property falling in khasra No. 1383 of the revenue estate of Village Aya Nagar, is concerned. This is ascertainable from the statement of learned counsel for the respondent.

13. The petitioner is permitted to file a detailed representation with the Deputy Commissioner of Forests, if so desired.



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14. In case of any action needed to be taken by the Department, it is needless to state that the show cause notice shall be given to the petitioner, not less than seven days.
15. The statement made by Mr. Bhardwaj would also bind the Department.
16. With the aforesaid directions, the present petition along with pending application is disposed of.
17. Order *Dasti* under the signatures of Court Master.

TUSHAR RAO GEDELA, J

FEBRUARY 29, 2024

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