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

+ **W.P.(C) 3190/2024**

RAJ SINGH & ORS

..... Petitioner

Through: Mr. Amrit Singh, Advocate

versus

GOVERNMENT OF NCT OF DELHI & ANR Respondent

Through: Mr. Divyam Nandrajog, Panel
Counsel with Ms. Surbhi Soni,
Advocate

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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04.03.2024

(The proceeding has been conducted through Hybrid Mode)

CM APPL. 13135/2024

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

W.P.(C) 3190/2024 & CM APPL. 13134/2024 (Interim Direction)

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

“i. Issue a Writ of mandamus thereby quash/set aside impugned notice dated 09.02.2024 under Reference F. No. 26/DCF(S)/Land/Ener./ Tughlakabad/2020-21/14505-10 issued by the Respondents directing demolition of the residences of the Petitioners and further issuance of directions restraining any demolition of construction/structure present in the property of the petitioners in pursuance of the impugned notice dated

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09.02.2024;...”

4. Mr. Amrit Singh, learned counsel appearing for the petitioners submits that *vide* the impugned demolition notice dated 09.02.2024, the respondents Forest Department has directed vacation of the forest land within three days, beyond which the threat to remove all structures by demolition, etc. has been extended.

5. According to the notice, the encroachment is in respect of Khasra Nos. 1646 and 1647 of Village Tughlakabad, Tehsil Kalkaji and is notified as Reserve Forest Land as per notification dated 24.05.1994, 02.04.1996 and order of 1988. It also alleges that the land has been encroached by the petitioners, which is a violation under Section 26 of the Indian Forest Act, 1927 and Section 2 of Forest (Conservation) Act, 1980.

6. Learned counsel submits that the petitioners have been residing in the subject area on various sized plots in the Khasra Nos. 1046 and 1047, Village Tughlakabad, near Gurudwara, Sangam Vihar-110080. Mr. Singh submits that the khasra numbers of the plots in which the properties of the petitioners are situated are different from the one which is mentioned in the demolition notice. He submits that in case any such demarcation was done, the petitioners were not aware of the same. He submits that the demolition notice be quashed and set aside.

7. Mr. Divyam Nandrajog, learned Panel Counsel for the respondent Forest Department disputes the aforesaid submissions and categorically asserts that the area specified under the demolition notice is a “Forest Land” and as such the respondents are under obligation to clear the said area.

8. He submits that the NGT in the matter of *Sonya Ghosh vs. Govt of*



NCT of Delhi passed in OA No. 58/2013 *vide* order dated 15.01.2021 had directed that the Forest Land be reclaimed. He submits that the action being undertaken by the respondents is, therefore, under the orders of the learned National Green Tribunal and it cannot be injuncted. He prays that the present petition be dismissed.

9. This Court has considered the arguments of learned counsel for the parties.

10. The petitioners have placed on record certain documents in the nature of Agreement to Sell, General Power of Attorney and Will which are only notarised. Some of the documents are containing blanks and are not filled up.

11. Mr. Nandrajog seriously disputes that veracity, authenticity and the probity of the documents placed on record by the petitioners.

12. The petitioners assert that they are in possession of plots of land, as mentioned in their individual GPA, Will and Agreement to Sell etc. and as such cannot be dispossessed from such area except in accordance with law.

13. They seek parity on the ground that this Court in W.P.(C) 3091/2024 captioned *Pooja Jha vs. Govt of NCT of Delhi & Ors* on 29.02.2024 had granted some protection to similarly situated petitioners for approaching the Civil Court of competent jurisdiction to seek relief thereunder.

14. In view of the above, this Court is of the considered opinion that having regard to the fact that there is an assertion of the petitioners that they are in possession of such portions of land as covered under the documents referred to above, only a limited relief of no coercive action been taken for the two weeks from today is being granted to the petitioners for taking appropriate measures before the Court of competent jurisdiction.



15. Needless to say that this Court has not made any observation on the facts of case and all questions factual, legal as well as on limitation, are left open for the parties.

16. In view of the above, the petition alongwith pending applications stands disposed of.

17. Order *dasti* under signatures of Court Master.

TUSHAR RAO GEDELA, J

MARCH 4, 2024

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