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

+ **W.P.(C) 4190/2024**

RAJ KUMAR JAJODIA

.....Petitioner

Through: Mr. Sourabh Gupta, Mr. Puneet
Yadav and Mr. Vasdev, Advocates

versus

GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Divyam Nandrajog, Panel
Counsel with Mr. Aman Wasan and
Mr. Fateh Singh Bhullar, Advocates

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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26.07.2024

CM APPL. 23001/2024

1. This is an application filed on behalf of applicant/respondent-GNCT of Delhi under Section 151 CPC, 1908 seeking recall of the order dated 19.03.2024 passed by this Court in W.P.(C) 4190/2024 whereby directions were passed to the applicant/respondent to consider the aforesaid writ petition as a representation by the Deputy Conservator of Forests to decide in a time bound manner, simultaneously granting interim protection till the decision thereon was reached.

2. Mr. Divyam Nandrajog, learned counsel appearing for the GNCT of Delhi as also the Deputy Conservator of Forests submits that, according to his instructions, the Annexure A-1, which is purportedly the demolition



notice dated 16.03.2024, stated to have been issued by the Government of NCT of Delhi, Department of Forests and Wildlife, is a fake and a forged document.

3. He submits that this Court had disposed of the writ petition by its judgment dated 19.03.2024 directing the Deputy Conservator of Forests to treat the writ petition as a representation and dispose of the same in accordance with law in a time bound manner. He submits that the entire edifice of the judgment was based on this aforesaid fabricated notice dated 16.03.2024. He submits that the applicant had also filed complaints in respect of the aforestated fake and fabricated notice on 17.03.2024, 22.03.2024 and 01.04.2024. He submits that the said writ petition was disposed of on 19.03.2024, which was subsequent to the first complaint filed by the applicant/Deputy Conservator of Forests with the Police Authorities.

4. On the aforesaid basis, Mr. Nandrajog urges this Court to either set aside the judgment dated 19.03.2024 or pass clarificatory directions.

5. *Per Contra*, Mr. Sourabh Gupta, learned counsel appearing for the non-applicant/petitioner refutes the allegations of fabrication of any document, much less the impugned notice dated 16.03.2024. He invites attention of this Court to the prayers which were sought from this Court in the writ petition. He submits that the writ petition infact sought protection only in respect of the petitioner's property on Khasra No. 1515 min (2-10) in Village Asola, Tehsil Saket, New Delhi and forming part of Farm House as 12A CRB Marg, Regency Farms, Bhatti Kalan, Delhi – 110074 and other ancillary directions.

6. He submits that the petitioner has never committed any act of forgery or fabrication of any document whatsoever.



7. He also invites attention of this Court to the very same complaint that Mr. Nandrajog had referred, which is the complaint dated 22.03.2024 submitted by the Deputy Conservator of Forests with the SHO, P.S. Maidan Garhi, Shani Dham Road, Asola. He submits that in the said complaint, the applicant/Deputy Conservator of Forests has categorically admitted that Khasra No. 1510 in Village Asola does not pertain to the Forests Department. In that view of the matter, he submits that the submissions averred in the application are meritless. He prays that the application be dismissed.

8. This Court has heard the arguments of Mr. Nandrajog as also Mr. Gupta, learned counsel for the respective parties.

9. It is relevant to note the prayers sought by the petitioner in the main writ petition. The same are as under:-

“a) Issue of a writ, order or direction in the nature of certiorari thereby quashing the Notice bearing F.NO. 52/DSF(S)/LAND/ASOLA/2022/23/ dated 16.03.2024 issued by the Respondent No.2 directing to vacate property of the Petitioner comprised in Khasra 1510 min (2-10) in Village Asola, Tehsil Saket also forming part of farmhouse as 12A CRB Marg, Regency Farms, Bhatti Kalan, Delhi - 110074 as Reserve Forest Land and directing to vacate the said land;

b) Issue an appropriate writ (s), order (s) or direction (s) in the nature of prohibition thereby restraining the Respondent from demolishing and/or taking any coercive action in respect of the above said private property of the Petitioner comprised in above said Khasra no.1510 min. (2-10) and/or dispossessing the Petitioner therefrom.”

10. This Court notes that in the prayer clause the petitioner had originally sought protection in respect of his property in Khasra No. 1510 min(2-10) in Village Asola, Tehsil Saket and had not sought any kind of prayer in respect of Khasra No. 1506. It appears that Khasra No. 1506 has been asserted to be



the land belonging to the Deputy Conservator of Forests and the same has also been stated by the applicant in the instant application.

11. So far as the allegation of fabrication of the impugned notice dated 16.03.2024 is concerned, this Court notes from the complaint dated 22.03.2024 that the Deputy Conservator of Forests had themselves verified that fake notices were pasted by some miscreants with nefarious and malafide intentions in various locations around Guruji Ashram to facilitate extortion etc.

12. It has also been informed by Mr. Gupta, learned counsel for the non-applicant/petitioner that the property of the non-applicant/petitioner is adjacent to the said Guruji Ashram.

13. Since the controversy has arisen in respect of the alleged fabrication of the said demolition notice dated 16.03.2024, this Court deems it apposite to extract the complaint dated 22.03.2024 in full as under:-

“F. No. 52/DCF(S)/Land/Asola/2022-23/ 16191-93 Dated: 22.03.2024

*To,
The Station House Officer
PS- Maidangarhi
Shanidhani road
Asola.*

Sub: To register FIR against the offenders for circulating fake notices for demolition on kharsa nos. 1506 and 1510 in village Asola.

Sir,

This is to inform that a fake notice dated 16.03.2024 for demolition on kharsa nos. 1506, 1510 in village Asola have been found circulated and pasted on 17.03.2024 on various locations around Guruji Ashram with malafide & nefarious intentions. In this regard it is to inform that cheating & forging of Govt. Notice & signature of Govt. Servant is punishable offence.

Also, a petition has been received in this office in the mailer of Raj Kumar Jajodia vs Govt, of NCT of Delhi before Hon'ble High Court of



Delhi in which it is mentioned that Forest Department had issued notices for demolition on khasra no. 1506 and 1510 in village Asola on 16.03.2024. However, khasra no. 1510 in village Asola does not pertain to Forest Department.

In this regard, it is to mention that no such notice have been issued by this office. These notices are totally fake and a complaint was already been registered in PS- Maidangarhi on 17.03.2024 to investigate into the matter and identify the offenders. It seems that the purpose of circulating such notices is to make extortion from local public in the name of Forest Department.

These notices have been found fake due to:

- 1. Date of signature is 06.01.2024 and date of notice issued is 16.03.2024.*
- 2. Different fonts of khasra numbers shows that the document has been edited at later stage.*
- 3. Notice was issued without any dispatch numbers.*

Hence, you are hereby requested to identify and lodge FIR against the offenders under sections 415, 416, 420, 463, 464, 471, 484, 485 of IPC at the earliest so that review application could be filed in the matter of Raj Kumar Jajodia vs. Govt. of NCT of Delhi as only 6 weeks time has been granted by Hon'ble High Court of Delhi.

Also an action taken report shall be submitted within one week in compliance of this letter."

(Emphasis Supplied)

14. It is apparent from the perusal of the contents of the aforesaid complaint that the officers themselves are convinced that the miscreants have taken law into their hands and pasted fake and fabricated demolition notice dated 16.03.2024. Since the aforesaid complaint is *in seisin* of the Station House Officer, P.S. Maidan Garhi, this Court would not enter into the merits of the said complaints and leave it for the Police Authorities to take the complaints to its logical conclusion.

15. In any case, once the applicants/respondents have admitted in the said



complaint that Khasra No. 1510 in Village Asola does not pertain to the Forests Department, the directions passed by this Court on 19.03.2024 for treating the writ petition as representation would become infructuous. Keeping in view the aforesaid admitted position, the grievances with which the petitioner had approached this Court by way of writ petition gets dissipated. In pursuance thereto, the direction to Deputy Conservator of Forests to treat the aforesaid writ petition as a representation within a time bound manner also becomes infructuous.

16. In that view of the matter, the application is disposed of in above terms.

TUSHAR RAO GEDELA, J

JULY 26, 2024

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