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

+ **CONT.CAS(C) 620/2024 & CM APPL. 21969-21970/2024**

ROHTASH & ORS.

..... Petitioners

Through: Mr. Sandesh Jha & Mr. Arif Khan,
Advs.

M: 9029640128

Email: adv.skjha95@gmail.com

versus

A.K. SINGH I.A.S. & ORS.

..... Respondents

Through: Mr. Avishkar Singhvi, ASC with Mr.
Vivek Kr. Singh, Mr. Naved Ahmed
& Mr. Shubham Kumar, Advs. for
GNCTD.

M: 9169234098

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kumarshubham2309@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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15.04.2024

CM APPL. 21970/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CM APPL. 21969/2024

3. The present is an application under Section 151 of Code of Civil Procedure, 1908 ("CPC") praying for granting permission to the petitioner to file video clips in the present petition.
4. Since the video clips have already been filed as *Annexure A-3*, the present application is disposed of accordingly.

CONT.CAS(C) 620/2024



5. The present petition has been filed alleging willful disobedience of the judgment dated 23rd January, 2024 passed in *W.P.(C) 980/2024*, wherein the respondents were given specific directions that the respondents would not proceed with any coercive action in respect of petitioners' property, i.e., Khasra No. 1513, Asola Village, Fatehpur Beri, South Delhi, till the disposal of the representation by the Deputy Conservator of Forest.

6. Learned counsel appearing for the petitioners submits that contrary to the aforesaid direction of this Court, the respondents have carried out large scale demolition on 31st January, 2024 in furtherance of the notice dated 06th January, 2024, showing utter disregard to the directions passed by this Court.

7. Per contra, learned Standing Counsel appearing for the respondents disputes the aforesaid submissions. He submits that when the judgment dated 23rd January, 2024 was passed by the Coordinate Bench of this Court, the fact that the demolition action had already taken place on 13th January, 2024 and 14th January, 2024, was suppressed by the petitioner.

8. He further submits that since the matter was listed the very next day after receipt of the advance notice, the respondents were unable to bring this fact to the notice of the Court. He, thus, submits that an application being *CM APPL. No. 20741/2024*, has already been filed before the Coordinate Bench seeking clarification of the judgment dated 23rd January, 2024 passed in *W.P.(C) No. 980/2024*.

9. Learned counsel appearing for the respondents also draws the attention of this Court to the order dated 13th January, 2024 passed in *W.P.(C) No. 588/2024*, which reads as under:



“CM APPL. 2625/2024 (Application for seeking exemption from filing certified copies, fair typed and legible copies)”

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

W.P.(C) 588/2024 & CM APPL. 2626/2024 (Application seeking grant of stay of further demolition of the petitioner’s property)”

3. By way of the present petition, the petitioner has approached this Court against the action of respondent no. 2 in issuing notice dated 06th January, 2024 directing the petitioner to vacate the land bearing Khasra No. 1513, Village Asola, Tehsil Saket, South Delhi, Delhi, stating that the said land has been notified as Reserve Forest Land.

4. It is submitted that notice directs the petitioner and his family to vacate the land within three days, after which their house shall be demolished and all material found on the land shall be seized.

5. It is submitted that the petitioner has inherited the concerned land from his forefathers and he has been living on the said land for decades. The petitioner is in possession of the said land and has been peacefully dwelling in the property since the time of his forefathers.

6. Learned counsel appearing for the petitioner relies upon the Khatauni which has been attached as Annexure P-2. He also relies upon the electricity bills to show that the petitioner has been in occupation of the land in question.

7. Per contra, Ms. Mehak Nakra, learned counsel appearing for the respondents on advance notice submits that the Khatauni on record of the year 1964-65 itself shows Khasra No. 1513, which is the subject matter of the present writ petition, as “Pahar”.

8. Thus, she submits that the said land was always part of public land and was never a private property. She further submits that Khasra No. 1513, Village Asola, Tehsil Saket, is notified as Reserve Forest Land as per Notification dated 24th May, 1994 and 2nd April, 1996. She submits that since the land in question has been encroached by the petitioner, therefore, the notice dated 6th January, 2024 has been issued by the Department of Forests and Wildlife, Government of NCT of Delhi.

9. Issue notice.

10. Notice is accepted by learned counsel appearing for the respondents. Let reply be filed within a period of ten days. Rejoinder thereto, if any, be filed within two days thereafter.

11. Perusal of the documents on record clearly show that the land in question is part of the public land and has never been shown as a private land in the revenue records. The Khatauni of the year 1964-65 that has been filed by the petitioner itself shows the land in question as “Pahar” i.e. part of a mountain range.



12. Further, this Court records the statement on behalf of the respondents that Khasra No. 1513, Village Asola, Tehsil Saket, which is subject matter of the present writ petition, has been notified as Reserve Forest Land by virtue of notification dated 24th May, 1994 and 02nd April, 1996.

13. Further, it is also to be noted that electricity bills do not confer any right, title or interest over any land or property. The petitioner has not placed on record any document to show his ownership over the land in question.

14. Considering the aforesaid, no case is made out for grant of any stay in favour of the petitioner.

15. The application is disposed of.

16. Re-notify on 19th February, 2024.”

10. By relying upon the aforesaid order, learned counsel appearing for the respondents submits that the present matter also relates to the same Khasra No., i.e., Khasra No. 1513, Village Asola, Tehsil Saket, as in the aforesaid order dated 13th January, 2024.

11. He submits that no stay was granted by this Court in the aforesaid petition by taking note of the fact that the area in question has been notified as Reserved Forest Land.

12. Considering the aforesaid submissions made by learned counsel appearing for the respondents, this Court is of the view that when an application for clarification being *CM APPL. No. 20741/2024* is already pending before the Coordinate Bench of this Court, no orders can be passed by this Court in the present proceedings for the time being.

13. Accordingly, the present petition is disposed of. However, liberty is granted to the petitioners to revive the present petition, in case any cause of action still survives.

MINI PUSHKARNA, J

APRIL 15, 2024/kr