



2024:DHC:4505



\$~98

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

% Judgment delivered on: 27.05.2024

+ **W.P.(C) 7666/2024 & CM APPL. 31929/2024 (Interim Relief)****RANJIT SINGH & ORS** Petitioner

versus

GOVT. OF NCT OF DELHI & ANR Respondents**Advocates who appeared in this case:**For the Petitioner : Mr. A.K. Sen and Mr. Deepak Bidhuri,
AdvocatesFor the Respondent : Mr. Anupam Srivastava, ASC for
GNCTD with Ms. Anushka Bhatnagar
and Mr. Narendra Kumar, Advocates
for R-1 & 2.**CORAM:****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 31930/2024**

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

W.P.(C) 7666/2024 with CM APPL. 31929/2024

3. This is a writ petition under Article 226 of the Constitution of



2024:DHC:4505



India, *inter-alia*, seeking orders against the respondents, their officials, employees or agents from demolishing the boundary wall surrounding the land in khasra nos.360, 444 min, 499, 1228, 1234, 1235, 1236, 1237, 1238 of the land belonging to the petitioners situated in Village Asola, Tehsil Saket, New Delhi.

4. Mr. Sen, learned counsel appearing on behalf of the petitioners submits that the land comprising the aforesaid khasra numbers belonging to the petitioners admeasures 9 bighas and 16 biswas and is situated in the revenue estate of village Asola, Teshil Saket, New Delhi. Learned counsel submits that the right and title over the land in terms of the Khatauni and Khasra Girdawari have already been placed on record.

5. According to the petitioners, the petitioners have been in cultivatory possession of the said land for the last many decades. It is only in the last week of April, 2024 that the officials of respondent no.2 visited the property of the petitioners and are alleged to have threatened demolition of the existing norms and take over the possession of the land, on the basis of the claim that the same is part of the forest land.

6. Soon thereafter on 29.04.2024, the petitioners through the petitioner no.3 submitted an application with the SDM, Saket, as well as the District Magistrate (South) seeking demarcation of their land. It is submitted that despite such application, the officials had not taken any steps for demarcation of the land of the petitioners. Learned counsel submits that in case such demarcation is carried out, the issue as to whether the subject land belongs to the petitioners or to forest department would become clear.

7. Issue notice.



8. Notice is accepted by Mr. Srivastava, learned Additional Standing Counsel for GNCTD/respondent nos.1 & 2. Mr. Srivastava has handed over the bench an abstract of the map of the village indicating the khasra no.1274, which according to Mr. Srivastava, belongs to the forest department. He submits by pointing out at the lower portion of the said abstract of the map that the land of the petitioners comprises of khasra no.1234 and abuts the khasra no.1274 belonging to the respondent forest department. He submits that it is only when the respondents sought asserting their portion of land and raising pillars for erecting a boundary, that the petitioners obstructed such official duty and broke the pillars and created a lot of ruckus which lead to the respondents registering a complaint with the local police on 24.05.2024. The abstract of the site plan as also the complaint dated 24.05.2024 is taken on record.

9. After hearing the parties, it appears that there is no dispute in regard to the ownership of the petitioners on khasra no.1234 and equally there cannot be any dispute with respect to the ownership of the khasra no.1274, which apparently belongs to the forest department. However, since the controversy cannot be resolved unless there is a demarcation report, it would be appropriate to direct such demarcation.

10. Mr. Srivastava, learned ASC, GNCTD submits that the abstract of the site plan of village Asola, which has been handed to this Court today, was based on the demarcation carried out in year 2018. Mr. Sen, learned counsel for the petitioners disputes the same and submits that they were never informed of such proceedings and as such, the same is not binding upon the petitioners.

11. To obviate the divergence in the versions of both parties, it would



2024:DHC:4505



be appropriate that the respondents are directed to carry out the demarcation qua the land of the petitioners in the aforesaid khasra numbers. Since the petitioners have already moved an application on 29.04.2024, the appropriate Authority shall initiate proceedings for commencement of the demarcation proceedings. The petitioners shall deposit such charges within two weeks from today. The said charges shall be intimated to the petitioners by 31.05.2024 by the officials of the forest department. Upon receiving such information, the petitioners are at liberty to deposit the said amount within two weeks thereafter.

12. Once the amounts are deposited, the Competent Authority of the respondent department is directed to commence the demarcation proceedings as indicated above. Once the demarcation proceedings are over, the report shall be furnished to the petitioners forthwith. The petitioners would be at liberty to take remedial measures, should the need arise to challenge the demarcation report, in accordance with law.

13. In the meanwhile, the forest department are temporarily permitted to place only the pillars on their land subject to the outcome of the demarcation proceedings. The respondents shall voluntarily remove the pillars so placed if they are found existing in the area falling within the khasra numbers belonging to the petitioners.

14. The petition is disposed of in the above terms with no order as to costs.

TUSHAR RAO GEDELA, J

MAY 27, 2024

kct