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

+ **W.P.(C) 10896/2019 & CM APPL. 45076/2019**

YOGESH SAROHA & ORS

.....Petitioners

Through: Mr. Davender Kumar, Mr. Aslam Shah, Mr. Mehul Gupta, Mr. Nimisha Jaiswal and Ms. Pooja Kushwaha, Advocates.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Rishikesh Kumar, ASC, GNCTD with Ms. Sheenu Priya, Mr. Atik Gill, Mr. Sudhir Kumar Shukla and Mr. Sudhir, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

24.10.2024

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1. This writ petition has been preferred on behalf of the Petitioners under Articles 226 and 227 of the Constitution of India seeking the following relief:-

“i) to issue a writ of certiorari for calling of the records of the case from the respondent and writ of mandamus thereby directing the respondents to denotify the land of Khasra No.32(4-16), 33 (4-16) &34 (4-06) of Village Neb Sarai, New Delhi Colony presently known as Freedom Fighters Enclave, Neb Sarai, Delhi more specifically marked as red in the site plan annexed with the present petition from ridge area as mentioned in Gazette Notification NO.F.1(29)/PA/DC95, Delhi Gazette, National Capital Territory, Government Dated 02/04/1996 and to do necessary revenue corrections in this regard in the revenue records;”

2. Learned counsel appearing on behalf of the Respondents points out that against the order of the Forest Settlement Officer/ADM, an appeal is pending before the Divisional Commissioner which is the Appellate Authority under Section 17 of the Indian Forest Act, 1927 and the Petitioners have resorted to a parallel remedy.



3. Learned counsel for the Petitioners, however, submits that on 22.10.2019, this Court had protected the Petitioners and granted an order of *status quo* regarding the land and building of the Petitioners and the *status quo* order continues.

4. Since the Appellate Authority under the act is seized of the matter, in my view, it would be appropriate to dispose of this writ petition with a direction to the Divisional Commissioner to dispose of the pending appeal as expeditiously as possible and not later than eight weeks from the date of the receipt of the order. The decision will be taken by a reasoned and speaking order, which shall be communicated to the Petitioners within a week thereafter, who will be at liberty to take recourse to legal remedies in case of any surviving grievance.

5. Since an interim order operates in favour of the Petitioners since 27.10.2024, it is directed that the order shall continue till the decision of the Divisional Commissioner and for a further period of two weeks to enable them to take recourse to legal remedies, in case, the decision of the Appellate Authority is against the Petitioners.

6. Writ petition is disposed of along with pending application in the aforesaid terms observing that this Court has neither expressed nor entered into the merits of the case. It is open to the Divisional Commissioner to decide the appeal in accordance with law.

JYOTI SINGH, J

OCTOBER 24, 2024/shivam