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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11554/2024 & CM APPLs. 47935/2024, 47936/2024**
MAHESH KUMARPetitioner

Through: Mr. Abhishek and Mr. Himanshu
Panwar, Advocates.

versus

GOVT OF NCT OF DELHIRespondent
Through: Mr. Prashant Manchanda, ASC with
Ms. Nancy Shah and Mr. Rohan
Pratap, Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
21.08.2024

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1. The Petitioner asserts that he is the owner of a plot of land admeasuring 550 sq. yards, described as property No. C-47, falling in Khasra No. 216 min at Village Chhatarpur, New Delhi¹. On this land, Petitioner has constructed a multi-storey building wherein he has been residing with his family for more than 20 years.

2. To substantiate their ownership over the Subject Property, the Petitioner has submitted various documents, collectively marked 'Annexure P-2', which includes Agreement to Sell, General Power of Attorney, Affidavit, Will, Possession Letter, Receipt, etc., all dated 31st May, 2018. Despite the Subject Property being located in an unauthorized colony—a status for which regularization has been pending since 2004—the Petitioner



maintains that these documents incontrovertibly establish his ownership.

3. The immediate concern of the Petitioner that has prompted them to file the instant petition is the demolition notice dated 8th August, 2024² issued by the Respondent– Government of NCT of Delhi (GNCTD), Department of Forest & Wildlife. The Impugned Notice reads as under:

**“GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FOREST & WILDLIFE
OFFICE OF DEPUTY CONSERVATOR OF FOREST(SOUTH)
NEAR DR. KA.RNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI-110044**

F.NO.39/DCF(S)/Land/Chhatarpur/2022-23/3567-72

08/08/2024

NOTICE

Whereas in the matter in OA No. 58/2013 titled Sonya Ghosh Vs GNCT Delhi in 08/08/2024 the Hon'ble National Green Tribunal, directions were issued vide order dated 15.01.2021 wherein

“There is urgent need to take necessary measures to protect the Ridge by taking necessary steps... protection by appropriate measures ...No non forest activity is permissible in Ridge area... We direct that the Delhi Government through Chief Secretary Delhi ... actions to be taken by the Delhi Government may include suitable protection by fencing wall and vigilance. Identification of the remaining area and action plan for removing the encroachments be ensured within next three months. Execution of the action plan will be primarily under the Chief Secretary Delhi who is also the Chairman of the Ridge Management Board.”

Whereas it is identified that Khasra No. 205 of Village Chhatarpur Tehsil Saket is notified as Reserve Forest Land as per Notification F.10(42)-I/PA/DCF/93/2012-17(I) dated 24.5.1994, No, F.I(29)PA/DCF/95 dated 02.04.1996. This land has been encroached by you which is a violation UNDER Section 26of the Indian Forest Act 1927.

And therefore, all encroachers are directed to vacate the Forest land within 7 days beyond which all structures will be demolished and all material found on forest land will be seized as tools of encroachment. The

¹ “Subject Property”

² “Impugned Notice”



cost of demolition shall be recovered from the encroacher found at the site.”

*DY. CONSERVATOR OF FORESTS
SOUTH FOREST DIVISION*

*To,
All encroachers in Khasra No. 205, Village Chhatarpur, Tehsil Saket.”*

4. This notice is a direct consequence of orders from the National Green Tribunal (NGT) in OA No. 58/2013 titled ‘**Sonya Ghosh Vs GNCT Delhi**’, mandating stringent measures to protect the Ridge area from non-forest activities. The Impugned Notice explicitly identifies Khasra No. 205, Village Chhatarpur, to be encroaching upon reserve forest land, as notified under notifications dated 24th May, 1994 and 02nd April, 1996, and alleges violation of Section 26 of the Indian Forest Act, 1927. Accordingly, the Deputy Conservator of Forests, South Forest Division, has found the Petitioner to be encroaching on Reserve Forest Land as designated in the aforementioned notifications.

5. The Petitioner, on the other hand, asserts that the Subject Property falls in Khasra No. 216 min and not in Khasra No. 205, which has been identified to be Reserve Forest Land. However, as acknowledged by the counsel for Petitioner, there is no demarcation report which could identify the boundaries of the Subject Property.

6. Moreover, the Court notes that the Respondent has issued the Impugned Notice pursuant to the orders of the NGT. It is understood that the NGT, as a matter of practice, constitutes a Monitoring Committee, which is also in place in terms of the directions issued in OA No. 58/2013. Given the



fact that the Petitioner's assertions are predicated on factual discrepancies regarding land demarcation, it would be appropriate if they approach the NGT or the Settlement-officer under Indian Forest Act, 1927, for redressal of their grievances. Such an exercise cannot be undertaken in the present proceedings.

7. Counsel for Petitioner states that they are agreeable to approach the NGT, however, considering the imminent threat, they must be afforded protection till such time that the NGT takes up the matter for consideration.

8. In light of the above, the present petition is disposed of with the following directions:

8.1. The Petitioner is directed to approach the NGT under appropriate proceedings to urge the grievances raised in the petition.

8.2. To enable the Petitioner to pursue their legal remedies, it is directed that for a period of ten days from today, the Impugned Notice dated 8th August, 2024, shall not be given effect to. It is however clarified that this interim measure is granted solely to allow the Petitioner sufficient time to seek redress through the alternate remedies and does not reflect the Court's opinion on the merits of the case or the contentions urged by the Petitioner.

9. All rights and contentions of the parties are left open.

10. With the above directions, the petition, along with pending applications, is disposed of.

SANJEEV NARULA, J

AUGUST 21, 2024/as