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

+ **W.P.(C) 15210/2024**

MR. MAHESH CHAND SHARMA & ORS.Petitioners

Through: Mr. Amit Kumar Singh and Mr. Rohit
Rexwal, Advocates.

Versus

GOVT. OF NCT OF DELHI & ORS.Respondents

Through: Mr. Shiven Varma, Advocate for
GNCTD for R1, R2

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.10.2024

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1. This writ petition has been preferred under Article 226 of the Constitution of India on behalf of the Petitioners seeking a writ of mandamus to the Respondents to reinstate the peaceful possession of the Petitioners' property ad-measuring around 699.965 sq. yds. forming part of the larger plot of the petitioners of Khasra Numbers 569, 571, 1794/606, 1795/606, 754, 755, 756, 757, 758, 759, 760, 761 & 763 of revenue estate of Village Asola, near Chhatarpur, New Delhi and to declare the order dated 20.01.2024 as illegal whereby Petitioners have been sought to be dispossessed despite the property being duly registered in their name.

2. Learned counsel for the Petitioners submits that Petitioner No.1 purchased 02 Bigha land in Khasra No. 754 situated in Revenue Estate of Village Asola, New Delhi by a Registered Sale Deed on 22.01.1992 and his father purchased 02 Bigha 09 Biswa land adjoining Petitioner No.1's land in



Khasra No. 755 on the same date. Petitioner Nos.1's father later purchased 02 Bigha 17 Biswa in Khasra No. 756 on 16.07.1993. It is further averred that some colonisers were developing a farmland around the land of the Petitioners and Petitioners' plots were allegedly causing hindrance in the process of development. As an amicable settlement, Petitioner No.1 and his brother vide three separate registered sale deeds all dated 16.10.2017, transferred 105 Biswas out of their 146 Biswa to the colonisers and simultaneously the colonisers transferred 105 Biswa land to Petitioner No.1 and his brother vide two separate registered sale deeds.

3. It is averred that on 16.10.2017, Petitioner No.1 and his brother executed a registered gift deed in favour of Petitioner No. 1's wife namely, Mrs. Lata Sharma for the remaining 41 Biswa of their land and subsequent thereto, Petitioners remained the owners and allegedly in possession of 7.6 Bigha land, though consisting of different adjoining khasras but in a manner that the entire land remained one single unit. Pursuant to an order dated 15.01.2021, passed by National Green Tribunal in OA No.58/2013, in case titled **Sonya Ghosh v. GNCTD, Delhi**, Respondent No.3/Deputy Conservator of Forests (South) held a District Task Force meeting on 05.12.2023 and consequent to minutes drawn on 19.12.2023, directions were given to the Forest Department to make schedule for removal of encroachments on forest land in various parts of Delhi.

4. As per averments in the writ petition, on 20.01.2024, officials of Respondent No.2/District Magistrate (South) along with police officials allegedly removed some encroachments in village Asola, Chhatarpur, where Petitioners' land is situated and without any prior notice or intimation, dispossessed the Petitioners from their land and fenced the land with barbed



wires.

5. Aggrieved by the illegal action of the Respondents of dispossessing the Petitioners from their land, of which they are allegedly the lawful owners, legal notice dated 06.07.2024 was sent to Respondents No.2 and 3 calling upon them to restore the possession of the land to the Petitioners, however, there was no response and compelled by the circumstances, Petitioners have approached this Court.

6. Issue notice.

7. Mr. Shiven Varma, learned counsel accepts notice on behalf of the Respondents No.1 and 2 and on instructions, submits that the present writ petition will be treated as a representation along with the legal notice dated 06.07.2024 and grievances raised by the Petitioners shall be examined.

8. Accordingly, without entering into the merits of the case, this writ petition is disposed of at this stage, directing Respondents No.1 and 2 to treat this writ petition as a representation and look into the grievances ventilated by the Petitioners. Decision shall be taken by the said Respondents within a period of four weeks from the date of receipt of this order and needless to state that while taking the decision, the Competent Authority shall take into consideration the documents relied upon by the Petitioners including the Registered Sale Deeds etc. in their favour. In case, the decision is in favour of the Petitioners, steps will be taken to restore the possession forthwith. If for any justified reason, the decision is otherwise, a reasoned and speaking order shall be passed, which shall be communicated to the Petitioners within one week from the date of the decision and Petitioners shall be at liberty to take recourse to legal remedies, if so advised.



9. Writ petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

OCTOBER 29, 2024/shivam/jg