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

+ **W.P.(C) 6143/2023 & CM APPL. 24200/2023**

SAM MATHEWS

.....Petitioner

Through: Mr. Ashish Tanwar, Adv.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Avni Singh & Mr. Vaibhav
Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

03.12.2025

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1. This petition is filed seeking quashing of notice dated 26.04.2023 directing vacation and demolition of encroachment.
2. The facts pleaded are that the petitioner is a permanent resident of House No. XL-9-37 situated in Khasra No.-529 Nebsarai, New Delhi.
3. The respondents claim the land in question to be forest land. The impugned notice was issued acting upon the report of the Special Task Force that there are encroachments in Khasra no. 532.
4. While issuing notice of motion vide order dated 10.05.2023, following order was passed:

“W.P.(C) 6143/2023 and CM APPL. 24200/2023

3. The present writ petition has been filed with prayer for declaring the notice dated 26.04.2023 issued by the Department of Forests and Wildlife, Government NCT of Delhi regarding encroachments in Khasra No. 532 in village Nebsarai, New Delhi against the petitioner, as illegal and malafide on the ground that the petitioner is residing at



House No. XL-9-37 in Khasra No. 529, Nebsarai, New Delhi.

4. It is the case on behalf of the petitioner that he is the permanent resident of House No. XL-9-37, situated in Khasra No. 529, Nebsarai, New Delhi for the past almost 18 years. It is submitted that on 28.04.2023, a notice dated 26.04.2023 was pasted by the officials of respondent No. 1 at his house. It is submitted that the impugned notice specifies with respect to taking action on the land of the forest, which constitutes encroachment in Khasra No. 532. However, learned counsel for the petitioner submits that the notice has wrongly been served upon the petitioner as the residence of the petitioner does not fall in Khasra No. 532.

5. Attention of this Court has been drawn to the Agreement to Sell as well as the Aadhaar Card, which shows that the residence of the petitioner is in Khasra No. 529. Learned counsel for the petitioner has also drawn the attention of this Court to the Demarcation Report, which shows the demarcation of the forest land. By reference to the said demarcation report, it is submitted that Khasra No. 529 does not form part of the demarcated forest land. Learned counsel for the petitioner has also relied upon copy of the site plan, which shows the demarcated area under the Forest Department. By reference to the said site plan, it is submitted that the area where the residence of the petitioner is existing i.e. Khasra No. 529, is not part of the demarcated forest land. He submits that the officials of the Forest Department have been visiting the residence of the petitioner for undertaking demolition action. Despite the petitioner showing the requisite documents that the residence of the petitioner does not fall in the demarcated area of forest, respondents have not relented in any manner. Thus, the petitioner has been constrained to file the present writ petition.

6. Issue notice.

7. Notice is accepted by learned counsel for the respondents.



8. Learned counsel for the respondents submits that she may be granted some time to ascertain whether the notice has been issued to the petitioner mistakenly or whether the residence of the petitioner is actually situated in Khasra No. 532 in village Nebsarai, New Delhi, which is forest land.

9. Let reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

10. Considering the submissions made before this Court, it is directed that no coercive action be taken against the property of the petitioner bearing No. XL-9-37 situated in Khasra No. 529, Nebsarai, New Delhi – 110068 till the next date of hearing.

11. List on 18.09.2023.”

5. Considering that the petitioner filed this writ petition without filing a response to the notice and the factual aspects needs to be gone into. This petition is disposed of with the direction to the petitioner to file objections to the notice within four weeks from today and the respondent no. 1/ The Deputy Conservator of Forests (South), Department of Forest and Wildlife shall decide the objections before proceeding further.

6. The interim protection granted by this Court shall continue till the matter is decided by the respondent and two weeks thereafter to enable the petitioner to avail remedies if required.

7. It is clarified that on failure of the petitioner to file objections within four weeks, interim order shall stand vacated automatically without reference to the Court.

AVNEESH JHINGAN, J

DECEMBER 3, 2025/‘JK’