



\$~40 to 54

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

40

+ W.P.(C) 4687/2025 & CM APPLs. 21630/2025, 21631/2025
MEENAKSHI KAPOORPetitioner

versus

GOVT. OF NCT OF DELHIRespondent

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+ W.P.(C) 4689/2025 & CM APPLs. 21633/2025, 21634/2025
NASEEM BANO ANSARIPetitioner

versus

GOVT OF NCT OF DELHIRespondent

42

+ W.P.(C) 4690/2025 & CM APPLs. 21635/2025, 21636/2025
VINESH LATAPetitioner

versus

GOVT OF NCT OF DELHIRespondent

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+ W.P.(C) 4691/2025 & CM APPLs. 21637/2025, 21638/2025
LAXMI DEVIPetitioner

versus

GOVT OF NCT OF DELHIRespondent

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+ W.P.(C) 4692/2025 & CM APPLs. 21639/2025, 21640/2025
KALPANA GULATIPetitioner



versus

GOVT OF NCT OF DELHI

.....Respondent

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+ W.P.(C) 4693/2025 & CM APPLs. 21641/2025, 21642/2025
NAND KISHOR MEENA

.....Petitioner

versus

GOVT OF NCT OF DELHI

.....Respondent

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+ W.P.(C) 4694/2025 & CM APPLs. 21643/2025, 21644/2025
PREM WATI

.....Petitioner

versus

GOVT OF NCT OF DELHI

.....Respondent

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+ W.P.(C) 4695/2025 & CM APPLs. 21645/2025, 21646/2025
BC SARKAR

.....Petitioner

versus

GOVT OF NCT OF DELHI

.....Respondent

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+ W.P.(C) 4696/2025 & CM APPLs. 21647/2025, 21648/2025
YATANDER MALIK

.....Petitioner

versus

GOVT OF NCT OF DELHI

.....Respondent



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+ W.P.(C) 4697/2025 & CM APPLs. 21649/2025, 21650/2025
VIRMATIPetitioner

versus

GOVERNMENT OF NCT OF DELHIRespondent

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+ W.P.(C) 4698/2025 & CM APPLs. 21651/2025, 21652/2025
AMBUJAKSHBHARDAWAJPetitioner

versus

GOVT OF NCT OF DELHIRespondent

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+ W.P.(C) 4699/2025 & CM APPLs. 21653/2025, 21654/2025
ANUJ GARG AND ANRPetitioners

versus

GOVT OF NCT OF DELHIRespondent

52
+ W.P.(C) 4700/2025 & CM APPLs. 21655/2025, 21656/2025
NELLIE DEVPetitioner

versus

GOVERNMENT OF NCT OF DELHIRespondent

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+ W.P.(C) 4701/2025 & CM APPLs. 21657/2025, 21658/2025
RACHNA BHARDAWAJPetitioner

versus



GOVERNMENT OF NCT OF DELHI

.....Respondent

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+ W.P.(C) 4704/2025 & CM APPLs. 21661/2025, 21662/2025
PRABHA SHARMA

.....Petitioner

versus

GOVT OF NCT OF DELHI

.....Respondent

Appearance: Mr. Asheesh Jain, Senior Advocate with Mr. Abhishek Kukkar and Mr. Kunal Choudhary, Advocates for petitioner in Item Nos. 40 to 54.
Mr. Manashwy Jha, Panel Counsel (Civil) for GNCTD in Item Nos. 40 to 54.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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15.04.2025

1. The petitioners in this batch of petitions challenge a common Demolition Notice dated 27.03.2025, wherein Khasra No. 209 of Village Saidulajab, Tehsil Saket, has been identified as forest land in terms of a notification dated 02.04.1996. It is contended that the said land has been encroached by the petitioners in the form of an illegally constructed unauthorised structures, contrary to the Indian Forest Act, 1927 and Forest (Conservation) Act, 1980.

2. Mr. Asheesh Jain, learned Senior Counsel for the petitioners, *inter alia*, contends that the land of all the petitioners in this batch of petitions falls outside Khasra No. 209 and the impugned demolition notice has erroneously been affixed on their property. He relies upon title documents filed by the petitioners, in support of their claim of ownership over the



subject property. Mr. Jain submits that the respondents are required to correctly demarcate the property, to identify the properties which fall within Khasra No. 209, before taking any coercive action.

3. Mr. Jain also relies upon an order of a co-ordinate Bench dated 28.08.2024 in W.P.(C) No. 11872/2024 [*Sanjay Kumar Chauhan vs. Govt. of NCT of Delhi*], in which also a demolition notice issued by the Office of Deputy Conservator of Forest (South) was challenged. As in the present case, there also, the demolition notice was predicated upon order dated 15.01.2021 of the National Green Tribunal in O.A. No.58/2013 [*Sonya Ghosh v. Govt. of NCT of Delhi*].

4. The submissions made before the Court, and the order of the Court, read as follows:

“7. Ms. Mehak Nakra, ASC for Respondent, states that the Petitioner first ought to approach the Forest Settlement Officer under the Indian Forest Act, 1927, for redressal of their grievances. She submits that the exercise of determining whether the land lawfully belongs to Petitioner or falls under the notified Reserved Forest Area, is an exercise that cannot be undertaken in the present proceedings.

8. Counsel for Petitioner states that they are agreeable to approach the Forest Settlement Officer, however, considering the fact that the demolition action has partly been carried out by the Respondent, the Petitioner must be afforded time till the matter is considered by the Forest Settlement Officer.

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

(i) Petitioner is directed to approach the Forest Settlement Officer by filing an appropriate application under the Indian Forest Act, 1927 and enclosing therewith the demarcation report dated 23rd September, 2005, for the purpose of identifying the encroachments, if any, within one week from today.



(ii) Till such time the Forest Settlement Officer finally decides application so preferred by the Petitioner, no further action shall be undertaken by Respondent under the impugned demolition notice dated 08th August, 2022.

10. It is clarified that this interim protection is only granted to allow the Petitioner to avail alternate remedies and the same does not reflect Court's opinion on the merits of the case. All rights and contentions of the parties are left open."

5. Mr. Manashwy Jha, learned counsel for the respondent – Government of National Capital Territory of Delhi ["GNCTD"], who appears on advance notice, submits that the demarcation has, in fact, been done and the demarcation report will be supplied to the petitioners, through their counsel on record, within a period of one week.

6. The petition was passed over to enable Mr. Jha to take instructions as to whether the present petitions may also be disposed of in terms of aforesaid order dated 28.08.2020. Although the impugned demolition notice in the present case requires the noticees to submit their claims before the Office of the Deputy Conservator of Forest (South), Mr. Jha has taken instructions, and submits that as in the earlier case, the petitioners' representation should be made before the Additional District Magistrate (South), who is also the Forest Settlement Officer.

7. Having regard to the aforesaid submissions, the petitions are disposed of, with the following directions:

- (a) The demarcation report of the land in question be supplied to the petitioners, through their counsel, within one week from today.
- (b) The petitioners may file applications under the Indian Forest Act, 1927, before the Additional District Magistrate/Forest Settlement Officer within a period of three weeks thereafter.



- (c) The Forest Settlement Officer will dispose of the petitioners' applications in accordance with law, by way of a speaking order.
- (d) Until the applications are disposed of, the respondents are directed not to take any further action in terms of the impugned demolition notice.
8. It is made clear that this Court has not adjudicated upon the rights and contentions of the parties on merits, which remain reserved.
9. All pending applications also stand disposed of.

PRATEEK JALAN, J

APRIL 15, 2025

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