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

+ W.P.(C) 12729/2019& CM APPL. 52044/2019(Injunction), CM APPL. 26282/2021, CM APPL. 26283/2021interim orders, CM APPL. 35879/2021(Add.Annexure)

MAJOR GENERAL P. S. K. CHAUDARY (RETD.) (NOW DECEASED) THROUGH HIS L.RS. & ANR.Petitioners

Through: Mr. Roshan Lal, Adv. with petitioner no.2 in person.

versus

GOVT. OF N.C.T. OF DELHI AND ANR.Respondents

Through: Ms. Avni Singh, Panel Counsel for GNCTD.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

30.10.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India, seeks the following prayers:-

“a. Issue a writ of Mandamus directing the Respondent not to take any coercive steps against the Petitioners and follow the due process of law.

b. Issue a writ of Mandamus for Injunction against the Respondent, restraining them or their official or anybody working under their control or on orders from demolishing the Impugned Property of the Petitioners.

c. Issue a writ of Mandamus for Injunction against the Respondent, restraining them from sealing the Borewell of the Petitioners and furthermore direct the Respondent to give Petitioners the permission for Ground Water withdrawal.

d. Issue a writ of Mandamus directing the Respondent to present the map of the area including the Impugned Property, when the original allocation of the plots was done in the village Asola, including the Impugned Property.

Any other or further relief as this Hon'ble Court may deem fit in the



facts and circumstances of the case.

Cost of this petition may also be allowed in favour of the Petitioners against the Respondents.

AND FOR THIS THE HUMBLE PETITIONERS SHALL EVER PRAY.”

3. The present petition has been preferred by the petitioners alleging that the boundary wall which was constructed alongside the Khasras owned by the petitioners, was illegally demolished by the respondents. In the counter affidavit, it was stated that the demolition was on account of illegal encroachment on the forest land. However, the same was refuted by the learned counsel for the petitioners.

4. Learned counsel for the petitioner, on instructions of the latter, who is present in Court, submits that the petition may be disposed of on the undertaking of the petitioner, that any boundary wall, which in future, is intended to be constructed, would be with respect to the Khasra numbers which are owned by her, i.e., Khasra nos. 1276 (4-2), 1830/1277 (3-5), 1831/1277(5-2), 1278(0-10), 1279 (1-6) in Village Asola, New Delhi. The ownership of the said Khasras are admitted by SDM, Saket, in para 4 of counter affidavit dated 14.01.2022 by stating as under:

“4. That, as per revenue records "Khasra Girdawari" for the year 2019-20, khasra Nos 1276(4-2), 1830/1277(3-5), 1831/ 1277(5-2), 1278(0-10), 1279 (1-6) situated in the revenue estate of village Asola New Delhi is in the ownership of Major General P.S.K. Choudhary S/o Sheshayya, Mala Choudhary W/o Major General P.S.K Choudhary. Copy of the said Revenue Record is annexed and marked as **ANNEXURE-R1**”

5. It is further pointed out that in the counter affidavit of respondent No.2/DCF (South), it has been recorded that the aforesaid Khasras are not on forest land, and the same is produced as under:-



“2.That the petitioner herein filed this Petition before this Hon'ble Court stating incorrect conspectus of the facts. As per the field inspection by Forest Department encroachment has been done on the forest land at Khasra No. 1300 of village Asola and Khasra no. 496 and 501 of Sahoarpur Village. Further, the land situated at Khasra No. 1830/1277 (35, 1831/1277(5-2), 1278(0-10), 1279 (1-6) in Village Asola, New Delhi is not a Forest land. Copy of the map showing land in question of the Revenue Department submitted to Hon'ble NGT vide Affidavit dated 05.04.2019 by the GNCTD in the matter of Sonya Ghose v. Government of NCT of Delhi as Annexure R-1.”

6. Learned counsel appearing on behalf of the respondents submits that the present petition can be disposed of, on the aforesaid undertaking of the petitioner, that there shall be no unauthorized construction or encroachment on the forest land at Khasra no. 1300 of village Asola and Khasra nos. 496 and 501 of Sahoarpur village. It is further stated that the respondent No. 2/DCF (South) would have no objection with respect to any construction at Khasra no. 1276 (4-2), 1830/1277 (3-5), 1831/1277(5-2), 1278(0-10), 1279 (1-6) in Village Asola, New Delhi, subject to that the same is in accordance with law.

7. In view of the aforesaid undertaking given by the petitioner, the present petition is disposed of with direction that in case, the respondents intend to initiate any proceedings, or take any action with respect to construction on aforesaid Khasras owned by the petitioner, the same shall be taken in accordance with law, with prior notice.

8. Pending application(s), if any, also stands disposed of.

AMIT SHARMA, J

OCTOBER 30, 2025/nk/db