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

+ **W.P.(C) 12988/2025 & CM APPL. 53167/2025**

UDA AGARWAL

.....Petitioner

Through: Mr. Tarun Gulia, Mr. Ajay
Awasthi, Mr. Prabh S. Singh,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Manashwy Jha, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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26.08.2025

1. The petitioner claims to be the owner in possession of land measuring 5 *Bighas 3 Biswas* comprised in *Khasra No. 1556 min (1-17), 1557 (1-15), 1559 (1-11), situated in the revenue estate of Village Bhati, Tehsil Hauz Khas, Mehrauli, New Delhi.*
2. The petitioner assails a notice dated 07.08.2025 issued by the Sub-Divisional Magistrate ["SDM"], Saket, contending that the subject land is forest land which has been encroached upon and directing the encroachers to vacate the land within fifteen days.
3. The contention of the petitioner is that his land does not fall within the Khasra numbers mentioned in the impugned notice, being *Khasra Nos. 1333 and 1555, Village Bhati, New Delhi*, but notice has been served upon the petitioner through a member of his staff on 13.08.2025. Mr.



Tarun Gulia, learned counsel for the petitioner, submits that the respondents must correctly demarcate the subject land and identify the properties which fall within *Khasra Nos. 1333 and 1555* before taking any coercive action.

4. Reference is made to an order of a coordinate Bench dated 28.08.2024 in a similar case in W.P.(C) No. 11872/2024 [Sanjay Kumar Chauhan vs. Govt. of NCT of Delhi], in which a demolition notice issued by the Office of Deputy Conservator of Forest (South) was challenged. 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. The said order was relied upon in a batch of petitions (W.P.(C) 4687/2025 & connected matters), wherein a similar plea was raised against an order of the SDM. The said petitions were disposed of on 15.04.2025, with the following directions:

“7.

(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.”

6. Mr. Manashwy Jha, learned counsel for the Government of the National Capital Territory of Delhi, submits, upon instructions, that the present petition may also be disposed of with similar directions.

7. The writ petition, alongwith the pending application, is disposed of, directing the petitioner to file applications in terms of the provisions of the Indian Forest Act, 1927, before the ADM/Forest Settlement Officer [“FSO”] within a period of three weeks. Until the FSO disposes of the application, the respondents are directed not to take any further action in terms of the impugned notice dated 07.08.2025.

8. The respondents may conduct demarcation if they consider it necessary in accordance with law.

PRATEEK JALAN, J

AUGUST 26, 2025

‘Bhupi/JM’/