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

+ **W.P.(C) 6402/2023 & CM APPL. 25218/2023**

KANWAR CHAND BAHL

.....Petitioner

Through: Mr. Akshat Gupta, Mr. Ajit, Mr.
Sriram & Ms. Ritika Kumari, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sumit K. Batra & Ms. Priyanka
Jindal, Advs. for GNCTD.

CORAM:

HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

03.12.2025

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1. This petition is filed seeking setting aside of notice dated 26.04.2023 directing vacation and demolition of encroachment in Khasra no. 532 in Village Nebsarai, New Delhi.
2. The petitioner claims to be in possession of the property in question.
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. The petitioner filed response dated 01.05.2023 to the notice.
5. The grievance in the writ petition is that without deciding the objections, the action in pursuance to the impugned notice is being carried out.
6. While issuing notice of motion vide order dated 15.05.2023,



following order was passed:

“W.P.(C) 6402/2023 & CM APPL. 25218/2023

1. The present writ petition has been filed with prayers for setting aside the notice bearing no. 67/dcf(s)/land/nebsarai/2022-23/788 – 93, dated 26.04.2023 issued by the respondent no. 3 that was found pasted on the property of the petitioner.
2. It is the case on behalf of the petitioner that he is in peaceful possession of his property bearing No. W-8/E – 6, Khasra No.561 & 562, Western Avenue, Sainik Farm, New Delhi-110068 since 1990. It is submitted that the petitioner has been duly paying property tax, electricity bill and other utility charges on a regular basis.
3. A notice dated 26.04.2023 was found affixed on the gate of the property of the petitioner, wherein it was alleged that the petitioner was in occupation of Khasra No. 532 which is forest land. By way of the said notice directions have been issued to the petitioner to vacate the forest land within a period of seven days.
4. It is submitted that written representation/reply has been given by the petitioner to the said notice dated 26.04.2023. However, no reply has been received.
5. Ld. Counsel for petitioner has drawn the attention of this Court to the registered Sale Deed dated 28.05.1990 pertaining to the property in question. By referring to the said Sale Deed, it is contended that the property of the petitioner falls in Khasra No. 561 & 562, village Nebsarai, Tehsil Mehrauli, New Delhi and not in Khasra No. 532 qua which notice dated 26.04.2023 has been issued.
6. Issue notice. Notice is accepted by Id. Counsel for respondents.



7. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

8. Considering the submissions made before this Court, it is directed that status quo with respect to possession and construction of the petitioner's property be maintained during the pendency of the present writ petition.

9. Ld. Counsel for respondents submits that a similar matter being *W.P.(C) 6143/2023* is already pending before this Court, wherein similar issue is pending.

10. In view thereof, list the present matter along with *W.P.(C) 6143/2023* on 18.09.2023."

7. Without commenting upon the merits of the case, this petition is disposed of directing the respondent no. 3/ Deputy Conservator of Forest (South) to decide the objections of the petitioner at first instance before proceeding further.

8. The interim protection granted by this Court shall continue till the decision and for two weeks thereafter to enable the petitioner to avail remedies in accordance with law.

9. Needless to say that the petitioner shall be at liberty to avail remedies, if aggrieved of the decision.

AVNEESH JHINGAN, J

DECEMBER 3, 2025

'JK'