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

+ W.P.(C) 12404/2021, CM APPL. 39006/2021

DR. SANJEEV KUMAR GARG & ANR.Petitioners

Through: Mr. Akshat Gupta and Mr. Sriram,
Advocates.

versus

GNCTD & ORS.Respondents

Through: Mr. Raghvendra Upadhyay, Panel
Counsel for GNCTD with
Ms. Purnima Jain and Mr. Ankit
Jaiswal, Advocates.

+ W.P.(C) 12423/2021, CM APPL. 39071/2021, CM APPL.
40941/2021

DHANANJAI SINGH JAMWALPetitioner

Through: Mr. Ajit Sharma, Advocate.

versus

GNCTD & ORS.Respondents

Through: Ms. Vaishali Gupta, Panel Counsel
for GNCTD.

+ W.P.(C) 12430/2021, CM APPL. 39085/2021, CM APPL. 854/2022
CM APPL. 54141-54142/2022.

AKBAR AHMADPetitioner

Through: Mr. Nizam Pasha, Mr. Sidharth
Kaushik and Mr. Madhav Deepak,
Advocates.

versus



DEPUTY CONSERVATOR OF FORESTS & ORS.Respondents
Through: Ms. Vaishali Gupta, Panel Counsel
for GNCTD.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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21.01.2026

1. These petitions are directed against order dated 25th October, 2021, whereby the Department of Forests & Wildlife issued demolition notices to the Petitioners on the allegation that they had encroached upon forest land, granting them seven days' time to vacate the premises, failing which their residential structures were liable to be demolished.
2. On 29th October, 2021, upon considering the submissions advanced on behalf of the Petitioners, this Court granted them interim protection, restraining the Respondents from carrying out any demolition or eviction action pursuant to the impugned notices. The said interim protection was extended from time to time. Subsequently, on 26th November, 2021, this Court passed the following order:

*“These petitions were heard by the Court and interim orders of protection made in light of the apprehension of imminent eviction. From the affidavits which have been filed on behalf of the State respondents, the Court is apprised that the entire exercise of identification and safeguarding of forest land was undertaken by the respondents pursuant to the directions issued by the National Green Tribunal in the matter of **Sonya Ghosh Versus Government of NCT of Delhi and Others**.*

Mr. Satyakam, who appears for the respondents, however, draws the attention of the Court to challenges to the demarcation undertaken in 2017 and 2019 as are raised and urged by the petitioners in the affidavits in rejoinder which have been filed. Learned counsel in his usual fairness suggested that in order to allay all such doubts, the respondents are willing to undertake an exercise of verification by demarcation so that the veracity of the doubts that are raised may be duly evaluated and the entire controversy laid to rest. The aforesaid suggestion as mooted is accepted by



learned counsels appearing for the petitioners.

In view of the aforesaid, this Court is of the considered view that the suggestion as put forth would merit acceptance. Accordingly, the claims of the petitioners as raised in this batch and which also relate to the actual location of their respective properties or parts thereof existing on khasras which are asserted to be part of forest land may be duly verified by way of demarcation in order that the controversy raised in these writ petitions may be finally laid to rest. The aforesaid exercise shall be undertaken at the cost of the petitioners. The exercise may be completed within a period of four weeks from today and a status report drawn by the respondents in this respect. The report may be circulated amongst parties on or before the next date fixed.

List this matter on 07.01.2022.”

3. In terms of the aforesaid directions, demarcation was required to be carried out at the cost of the Petitioners, within a stipulated time frame, and a status report was to be filed by the Respondents before this Court. The interim orders have continued to operate in favour of the Petitioners, restraining the Respondents from taking any action pursuant to the impugned notices. However, despite the lapse of more than four years, the demarcation exercise has not been concluded.

4. Counsel for the Respondent draws the attention of this Court to the order dated 14th May, 2024, which reads as follows:

“1. On behalf of the respondents it is submitted that though the demarcation proceedings vide the order dated 13.03.2024 has already commenced and concluded, however, the report has not been finalised as yet. The learned counsel also submits that the payment towards the said demarcation proceedings has not yet been made by the petitioner. Subject to such payment, the demarcation report would be prepared and finalized.

2. Mr. Pasha, learned counsel for the petitioner submits that the petitioners are willing to make the payment as soon as they are informed of the amount.

3. The petitioner is at liberty to approach the office of the SDM, Saket, where he would be informed of the amount to be paid.

4. The petitioner shall appear before the concerned Officer in the office of the SDM, Saket, on 16.05.2024 at 11:00 a.m., where the amount to be paid for the demarcation proceedings shall be conveyed. The petitioner may deposit the said amount within one week thereafter.



5. *Consequent thereto, the demarcation report may be prepared and furnished to the petitioner as also be filed before this Court under the cover of an affidavit before the next date of hearing.*

6. *Mr. Ajit Sharma and Mr. Pasha appearing in W.P.(C) 12423/2021 jointly submit on instructions, that the submission of respondents that demarcation proceedings have been carried out appears to be incorrect since the petitioners were never informed nor involved in the same.*

7. *Be that as it may.*

8. *List on 23.10.2024.*

9. *Dasti.”*

5. Placing reliance on the aforesaid order, counsel for the Respondents submits that the demarcation proceedings could not be brought to fruition owing to lack of cooperation on the part of the Petitioners, particularly in relation to the payment of the requisite charges and participation in the demarcation process. On the other hand, counsel for the Petitioners dispute this assertion and submit that the Petitioners have consistently remained present whenever called upon for demarcation, and that the delay cannot be attributed to them. They further submit that the Petitioners are willing to extend full cooperation to ensure completion of the process of demarcation.

6. Having considered the rival submissions and the prolonged pendency of the matter, this Court is of the view that no useful purpose would be served by keeping the proceedings pending any further. Accordingly, the petitions are disposed of with the following directions:

- i. The Petitioners shall fully cooperate in the demarcation proceedings and appear as and when directed by the concerned SDM.
- ii. For this purpose, the Petitioners shall next appear in the office of the concerned SDM, Saket, on 27th January, 2026 at 11.00 A.M.
- iii. The SDM shall conclude the demarcation proceedings positively within a period of six weeks from today and furnish a report thereof to the



Petitioners.

iv. In the event the demarcation report reveals that the Petitioners are encroaching upon public or forest land, the Respondents shall be at liberty to initiate appropriate proceedings, in accordance with law. Needless to state, the Petitioners shall also be at liberty to avail appropriate remedies, if so advised.

v. In the meantime, the impugned order dated 25th October, 2021 shall remain in abeyance. In the event the demarcation report discloses any additional encroachment, or an encroachment not specified in the impugned notices, fresh notices shall be issued to the Petitioners granting them one week's time to take appropriate steps.

7. With the above directions, the present petitions are disposed of along with pending applications.

8. The Court has not commented on the merits of the Petitioners' contentions. All right and contentions of the parties are left open.

SANJEEV NARULA, J

JANUARY 21, 2026

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