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

+ **W.P.(C) 5434/2016**

**BRAJENDRA SINGH MANN**

.....Petitioner

Through: Mr. Swastik Singh and Mr. Manish  
B., Advocates.

versus

**DY CONSERVATOR OF FOREST AND ORS**

.....Respondents

Through: Mr. Tushar Sannu, Ms. Palak Gupta  
and Mr. F. Rehman, Advocates for  
GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

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**22.01.2026**

**THE FACTS:**

1. The Petitioner claims that he purchased a plot falling in Khasra No. 25 (4-16), Village Neb Sarai, New Delhi, from one Vidyawati Gusain on 21<sup>st</sup> June, 1989. The asserted title is founded on documents which includes a Special Power of Attorney, General Power of Attorney and a Will. The Petitioner also claims to have been placed in possession pursuant thereto.
2. The Petitioner's grievance arose on 26<sup>th</sup> June, 2008, when officials of Respondent No. 1 allegedly visited the site and informed him that the land in question had been notified as part of the ridge area for creation of reserved forest *vide* notification No. F.1(29)/PA/DC/95 dated 2<sup>nd</sup> April, 1996. The officials indicated that they would take over possession of Plot No. D-194(A), which the Petitioner asserts forms part of the said Khasra.



3. The Petitioner asserts that the said Khasra has been extensively built upon and that a substantial portion of persons (more than 80% of plot-holders) have raised residential constructions long ago. He further claims to have informed the officials that the plot falls within a colony described as “Freedom Fighters Enclave”, which was under consideration for regularisation. However, owing to resistance from neighbouring occupants and local protest, the officials did not take possession at that stage.

4. The Petitioner further states that he subsequently became aware of a notification issued under Section 154 of the Delhi Land Reforms Act, 1954,<sup>1</sup> whereby uncultivated land of the Gaon Sabha falling in the Southern Ridge, including Village Neb Sarai, measuring 466 bighas 10 biswas, was notified for ridge purposes, and that the land comprised in Khasra No. 25 (4-16) was covered by that notification.

5. On approaching the revenue authorities, the Petitioner discovered that proceedings under Section 81 of DLR Act had been instituted against Tara Chand, shown as the recorded bhumidar in the revenue record, in respect of Khasra No. 25 (4-16) in the revenue estate of Village Neb Sarai. It is stated that by order dated 24<sup>th</sup> May, 1994 passed by the Revenue Assistant (South) in Case No. 184/RA/88 titled ***Gaon Sabha Neb Sarai v. Tara Chand***, the recorded bhumidar was directed to reconvert the land to agricultural use within three months, failing which the land was to vest in the Gaon Sabha. It is further stated that upon non-compliance, the land stood vested in the Gaon Sabha with effect from 24<sup>th</sup> August, 1994.

6. The Petitioner contends that neither he, nor any other occupants of plots carved out of the said Khasra number, were ever issued any notice or



intimation at any stage. Despite his possession over the plot, the land was notified for creation of reserved forest without affording the Petitioner any opportunity of hearing.

7. In that backdrop, on 1<sup>st</sup> July, 2008 the Petitioner moved an application before the Forest Settlement Officer/ADM (South) appointed under Notification No. F.10(42)-I/PA/DCF/93/II dated Nil May, 2006 issued by the Secretary (Environment, Forest and Wild Life), Government of NCT of Delhi, to inquire into and determine the existence, nature and extent of alleged rights in respect of land notified for creation of reserved forest.

8. The Petitioner's application was rejected by order dated 2<sup>nd</sup> December, 2009. He thereafter preferred an appeal under Section 17 of the Indian Forest Act, 1927 before the Divisional Commissioner, and then a further appeal under Section 18 before the Lieutenant Governor of Delhi, which was rejected by order dated 2<sup>nd</sup> March, 2016.

9. In these circumstances, the present writ petition has been instituted.

**PETITIONER'S CONTENTIONS:**

10. Counsel for the Petitioner advances several submissions which are summarised as follows:

10.1. The impugned orders passed by the Forest Settlement Officer, the Divisional Commissioner and the Lieutenant Governor are illegal, arbitrary and contrary to settled principles of law. The rejection proceeds on a narrow view of jurisdiction and an undue refusal to examine the substance of the asserted rights.

10.2. The land in question forms part of "Freedom Fighters Enclave", an unauthorised colony under consideration for regularisation, and the

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<sup>1</sup> "DLR Act"



Petitioner has remained in continuous possession of the plot since its purchase in 1989.

10.3. The land is private and the authorities have erred in treating the same as Gaon Sabha land. The inclusion in the ridge/forest is, therefore, unlawful.

10.4. The impugned proceedings were conducted in violation of principles natural justice. In the Section 81 proceedings culminating in vesting, neither the Petitioner, nor other occupants were heard, despite alleged occupation and development. Further, the ridge/forest notification proceeded without any meaningful notice or opportunity to affected occupants.

10.5. The Forest Settlement Officer could not have declined to entertain the Petitioner's claim on the ground of jurisdiction, particularly when the officer was appointed precisely to inquire into claims in respect of land notified for creation of reserved forest.

10.6. The action of the authorities is discriminatory and violative of Article 14 of the Constitution. Similarly situated persons in cases such as *T.C. v. DCF (South)*, *Shankar Sahni v. DCF (South)* and *Azad Kaur v. DCF (South)*, arising out of the same ridge notification dated 2<sup>nd</sup> April, 1996, have been granted relief by the Forest Settlement Officer, whereas the Petitioner's application was rejected without adjudication on merits.

10.7. The Petitioner also relies upon the notification dated 12<sup>th</sup> December, 2007 issued by the Government of NCT of Delhi, to contend that where land is vested in the Gaon Sabha under Section 81 of the DLR Act, but possession has not been taken, shall be treated as private land. The subject plot ought not to be treated as Gaon Sabha/forest land when possession remained with occupants.

10.8. Reliance is placed on the Supreme Court's environmental



jurisprudence in *M.C. Mehta v. Union of India*<sup>2</sup> to submit that the scheme was directed at protecting the ridge, yet it did not authorise a mechanical sweep that converts an already built-up colony into “forest land” without examining whether it is truly “uncultivated surplus Gaon Sabha land” of the kind contemplated in the directions and the consequent notification.

**Respondents’ Contentions:**

11. *Per contra*, counsel for the Respondents opposes the petition on the following grounds:

11.1. The Petitioner lacks locus standi, as the documents relied upon by him, including GPA/SPA/Will, do not confer legal title or ownership rights in the subject land. At the highest, they create an asserted arrangement or a claim of possession that cannot displace statutory vesting and forest notifications.

11.2. Proceedings under Section 81 of the DLR Act were initiated in 1988 against the recorded bhumidar, who duly participated therein. These proceedings culminated in an order directing reconversion of the land to agricultural use, failing which the land stood vested in the Gaon Sabha. The vesting order cannot be collaterally questioned in these proceedings.

11.3. The alleged transfer in favour of the Petitioner took place during pendency of the aforesaid proceedings and, in any event, transfer of rights in such land is restricted under the Delhi Land Reforms Act, 1954.

11.4. Pursuant to directions of the Supreme Court in *M.C. Mehta v. Union of India*, uncultivated surplus Gaon Sabha land falling in the ridge area was notified vide notification dated 2<sup>nd</sup> April, 1996, including the present Khasra number, and the land was placed at the disposal of the Forest Department for

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<sup>2</sup> Writ Petition (C) 4677 of 85



purposes of creation of reserved forest/ridge forest.

11.5. Once a notification is issued under the Indian Forest Act, 1927, Section 5 operates as a bar against acquisition of fresh rights in respect of such land, and the Petitioner has no lawful claim over the notified forest land.

11.6. Khasra No. 25 of Village Neb Sarai is a notified forest land and was handed over to the Forest Department by the Gaon Sabha. Any construction or development claimed by the Petitioner is unauthorised and contrary to the provisions of the Indian Forest Act, 1927.

11.7. The impugned orders are reasoned and call for no interference under Article 226 of the Constitution.

**ANALYSIS:**

12. The controversy, at its core, turns on whether the Petitioner demonstrates a legally cognisable right in the land which could survive the consequences of vesting under the Delhi Land Reforms Act, 1954 and could, thereafter, sustain a claim before the forest settlement authorities against the ridge/forest notification regime.

13. The record reveals that proceedings under Section 81 of the DLR Act, were initiated in the year 1988 against the recorded bhumidar Tara Chand, in Case No. 184/RA/88 titled ***Gaon Sabha Neb Sarai v. Tara Chand*** and culminated in an order dated 24<sup>th</sup> May, 1994, holding as follows:

**“ORDER**

*This order shall dispose of the proceedings u/s 81 of DLR Act. The case was instituted on the basis of the patwari report dated 6.4.88 stating that the land bearing khasra No.: 25 (4-*





16. The Petitioner's emphasis on lack of notice must be examined in this context. The Section 81 proceedings were instituted against the recorded bhumidar. That is the person whom the statute recognises for notice and participation. The Petitioner's claimed entry into the land is derivative and is asserted to have occurred during pendency of those proceedings. In that setting, the argument that the entire vesting consequence must be ignored because the Petitioner did not receive personal notice cannot be accepted, particularly where the vesting order itself remains unchallenged.

17. Once the land is treated as Gaon Sabha land pursuant to a subsisting vesting order, the impugned notification operates on that legal status. The Lieutenant Governor, in the appellate order dated 2<sup>nd</sup> March, 2016, accepted the position that the Delhi Land Reforms Act does not carve out a distinction between "original" Gaon Sabha land and "vested" Gaon Sabha land, and held that, unless the vesting is set aside, the land continues to bear that character, thereby attracting the ridge/forest notification consequences. That approach does not disclose an error of law. The relevant portion of the order reads as under:

**"Order dated 02.03.2016.**  
**(Najeeb Jung, L.G.)**

*This is an appeal under section 18 of the Indian Forest Act (in short called the Forest Act) against the impugned order dated 03.09.2015, passed by the Divisional Commissioner, Govt. of NCT of Delhi, thereby dismissing the appellant's application for de-notification of Khasra No. 25(4-16) of village Neb Sarai.*

*Matter came up for hearing on 03.02.2016. On behalf of the appellant, Counsel stated that one Shri Tara Chand S/o Shri Kacheru R/o Village Neb Sarai, Delhi had been the recorded bhumidar of the land bearing khasra no. 25(4-16) in the revenue estate of village Neb Sarai.*

*He stated that in the year 1985-86 a registered society namely*



*Freedom Fighters Cultural Centre purchased large agricultural land in the said village including the land comprising in khasra no. 25(4-16). He stated that the said society carved out plots on the land and a plot bearing no. D-194 (A) measuring 200 sq. yards had been allotted to one of the members of the society namely Smt. Vidyawati Gusain on 21.12.1986, which was purchased by the appellant on 21.06.1989. Counsel stated that the actual physical possession of the plot had been handed by the allottee to the appellant on the spot and the appellant after raising some temporary structure on the plot had been in continuous possession since then.*

*Counsel for the appellant stated that on 26.06.2008 the officials of the Forest department came to the appellant's plot and informed that they had come to take possession as the land had been notified in ridge area for creation of reserve forest vide notification dated 02.04.1996. He stated that thereafter on enquiry from the revenue department the appellant came to know that the land bearing khasra no. 25 (4-16) had been vested in Gaon Sabha under section 81 of the Delhi Land Reforms Act vide order dated 24.08.1994 passed by the Revenue Assistant (South). Counsel stated that no notice had ever been issued to the appellant or any other occupant of the plot at any point of time and the land had been notified as reserve forest without providing any opportunity of hearing to the appellant. He stated that the appellant approached the ADM (South)/Forest Settlement Officer with an application for de-notification of khasra no. 25(4-16) but the same had been rejected by the ADM vide order dated 02.12.2009 on the ground that he has no jurisdiction to adjudicate the same, He stated that against the said order the appellant filed an appeal before the Divisional Commissioner which was also dismissed vide impugned order dated 03.09.2015.*

*He stated that the notification dated 02.04.1996 stipulates that uncultivated surplus land of Gaon Sabha falling in ridge may be excluded from vesting in Gaon Sabha and made available for the purpose of reserve forest. He stated that the land in question was not an uncultivated surplus land of the Gaon Sabha, instead the same was a part of an unauthorized colony, which is pending consideration for regularization before the Government. Counsel further stated that notification dated 12.12.2007 issued by the Govt. of NCT of Delhi defines that the land vested in Gaon Sabha under section 81 of the DLR Act and whose possession has not been taken over by the Gaon Sabha would be treated as a private land. He stated that the land in question had been vested in Gaon Sabha without any notice and the possession had also not been taken. He stated that the appellant is in possession of the land and therefore it may be construed to be a private land. It was, therefore, prayed that the impugned order may be set-aside and land bearing khasra no. 25(4-16) situated in the revenue estate of village Neb Sarai, Delhi may be de-notified.*



*On behalf of the respondent no. 1/ Forest Department, Counsel stated that the land falling under khasra no. 25 of village Neb Sarai belonging to Gaon Sabha had been notified as Reserve Forest vide notification dated 02.04.1996. She stated that the said land had been handed over to the Forest Department after demarcation by the Revenue Department on 26.09.1996. She stated that the department of Forest & Wild Life has always been in possession of the khasra no. 25 and the fact that some portion of the said khasra no, occupied by some encroachers does not merit the claim for its de-notification. She stated that the demolition is a continuous process and remaining portion of the said khasra no. and other encroached areas will be retrieved.*

*On behalf of the respondent no. 3/ Gaon Sabha, Counsel stated that the land in question had been vested in the Gaon Sabha in 1984 and the vesting order had not been challenged by the recorded owner or the appellant till date.*

*He stated that the Government had declared the land in question as Forest Land belonging to the Gaon Sabha as per the revenue records. He stated that the possession of the land in question had been handed over by the Gaon Sabha to the Forest Department.*

*I have considered the submissions made by both the sides and have also gone through the case file. I am constrained to observe that the Forest Department has not been making sufficient efforts to safe guards its lands which had been notified vide notification dated 02.04.1996. The Forest Department shall endeavour to see that its lands are not encroached and if the same has been encroached, then the Department shall get it removed after following the due procedure of Law. I am in agreement with the observations of the Divisional Commissioner that the Delhi Land Reforms Act, 1954 does not make any distinction between the original Gaon Sabha land or the vested Gaon Sabha land. Until and unless the vesting had been challenged and set aside, the land will remain as a part of the Gaon Sabha land. As the Gaon Sabha lands located in the Ridge were notified as forest land, the appellant in the instant matter has no case as the basic order vesting the land into Gaon Sabha has not been challenged in any Court. The impugned order passed by the Divisional Commissioner is a speaking and reasoned order. I therefore find no ground to interfere with the same. Accordingly the present appeal is rejected.*

*Announced.*

*File be consigned to record.”*

18. The Court also finds no merit in the submission that construction, colonisation, or pendency of regularisation proposals can dilute the statutory



character of notified ridge/forest land. This Court has repeatedly rejected challenges mounted by occupants of unauthorised colonies in ridge areas, holding that colonisation or construction cannot defeat the statutory protection extended to ridge/forest land, and that regularisation schemes exclude areas falling within notified forest.

19. In *Freedom Fighters Social Welfare Association v. Union of India*,<sup>3</sup> the Court, having regard to the object of preservation of the ridge area, held that it is immaterial whether the encroachment was prior to or after issuance of the notification; further it was noted that the Regulations dated 24<sup>th</sup> March, 2008 for regularisation of unauthorised colonies exclude areas falling under notified/reserved forest. The Division Bench in *Shree Hazur Baba Sadhu Singh Ji Maharaj Trust v. Union of India*,<sup>4</sup> further clarified that “uncultivated Gaon Sabha land” cannot be read as “vacant land”, and that the label of an unauthorised colony cannot, by itself, undo the legal character of land notified under the ridge/forest regime.

20. In light of the above, neither the existence of construction nor the plea that the area forms part of an unauthorised colony pending regularisation can be a basis to seek de-notification of land covered under the notification dated 2<sup>nd</sup> April, 1996.

21. The Petitioner’s reliance on certain orders where relief is stated to have been granted by the Forest Settlement Officer does not advance the case. Equality under Article 14 operates on established similarity of material facts and legal status. The Petitioner has not placed the record of those matters to demonstrate parity on essentials such as the revenue status of

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<sup>3</sup> 2011 SCC OnLine Del 1318

<sup>4</sup> 2011 SCC OnLine Del 4710



land, existence or absence of a vesting order, the nature of claim proved, and the evidentiary foundation accepted in those cases. In any event, an erroneous benefit, if shown, does not create an enforceable right to demand repetition.

22. The notification dated 12<sup>th</sup> December, 2007, relied upon by the Petitioner, is pleaded as an administrative measure to treat certain vested lands as private where possession has not been taken. Even assuming such an instruction exists in the form asserted, it cannot be used to override a subsisting vesting order under the DLR Act, or to compel de-notification of land that stands brought under the ridge/forest notification regime.

23. The Petitioner has not shown an enforceable legal right which survives the subsisting revenue vesting consequences and the ridge/forest notification regime, so as to warrant interference under Article 226.

24. The writ petition is dismissed, along with pending applications, if any.

**SANJEEV NARULA, J**

**JANUARY 22, 2026**

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