
(2023) 03 DEL CK 0233

In the Delhi High Court

Case No : Civil Writ Petition No. 3643 Of 2023, Civil Miscellaneous Application
No. 14118 Of 2023

Gian Deep And Anr

APPELLANT

Vs

Land And Development Office And Ors.

RESPONDENT

Date of Decision : 29-03-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Section 151
Indian Forest Act, 1927 — Section 17

Citation : (2023) 03 DEL CK 0233

Hon'ble Judges : Mini Pushkarna, J

Bench : Single Bench

Advocate : Manish Sharma, Vikas Sharma, Mayank Kamra, Divyam Nandrajog,
Shobhana Takiar, Rakesh Mittal, Ajay Harshana, Yamini Mittal

Final Decision : Disposed Of

Judgement

Mini Pushkarna, J

CM APPL. 14118/2023 (under Section 151 CPC)

1. This is an application under Section 151 CPC for exemption from filing illegible copy of Dim annexures, typed copies as well as original of documents.
2. Allowed, subject to just exceptions. Application is disposed of.

W.P.(C) 3643/2023

3. The present petition has been filed with prayer for directions to the respondents not to demolish the property of the petitioners bearing No. 142, GF, Freedom Fighter Enclave, Neb Sarai, New Delhi and property bearing No. 126-A, Neb Velly, Neb Sarai, Tehsil Saket, New Delhi.

4. By way of the present writ petition, the petitioners claim that by notice dated 18.10.2022, Department of Forests & Wildlife, Government of NCT of Delhi has issued notice wherein it has been directed that all structures will be demolished

and all material found on forest land will be seized as tools of encroachment. It is submitted on behalf of the petitioners that petitioners are the owners of the land in question and have been staying in the said property for a long time. Thus, it is submitted that it is only when notice dated 18.10.2022 was received from the Forest Department that they have come to know that the Forest Department is claiming the said area as part of the forest.

5. Issue notice. Notice is accepted by Id. Counsel for respondents.

6. Id. Counsel for respondent/GNCTD submits that the petitioners are encroachers of the land in question and that the said area belongs to the Forest Department. Thus, it is submitted that notice for demolition has rightly been issued.

7. This Court has heard both the parties.

8. It is noted that with respect to same area, i.e., village Neb Sarai, presently known as Freedom Fighter Enclave, Neb Sarai, New Delhi, this Court has already passed orders with respect to consideration of the case by the concerned officials from the Forest Department. Thus, this Court in the case of Smt. Resham Devi & Anr. Vs. Union of India & Ors., W.P.(C) 3377/2023 and Parnita Singh & Ors. Vs. Union of India & Ors., W.P.(C) 15748/2022, has already passed directions that status quo shall be maintained by the respondents with respect to the properties of the various petitioners till the disposal of the appeal of such petitioners under Section 17 of the Indian Forest Act, 1927.

9. In this case it is noted that petitioners have not approached the Forest Department or filed any appeal before the Forest Settlement Officer as done in the other cases. However, since with respect to the same area, orders to the effect of maintaining status quo have already been passed, it is deemed expedient that such order be passed in the present case also.

10. In view of the fact that petitioners herein have not approached the Forest Department as yet, it is directed that the present writ petition may be considered as representation by the Forest Department. The said representation may be dealt with at the time of disposal of the appeal of the other similarly placed persons under Section 17 of the Indian Forest Act, 1927/other proceedings pending before the Forest Department.

11. Till the representation of the petitioners is disposed of, the respondents are directed to maintain status quo with respect to the properties of the petitioners.

12. With the aforesaid directions, the present writ petition is disposed of.