

(2018) 03 DEL CK 0113
In the Delhi High Court
Case No : W.P.(C) 7676 Of 2015

Puja Buildwell Pvt Ltd

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 16-03-2018

Acts Referred:

Citation : (2018) 03 DEL CK 0113

Hon'ble Judges : REKHA PALLI

Bench : Single Bench

Advocate : Mr.Aman Nandrajog, Ms.Suparna Srivastava, Ms.Sanjna Dua,
Mr.Satyakam

Final Decision : Disposed Of

Judgement

S. No,Khasra No. and Area,Name of the owner,Remarks

1.,1724 (59-6),Forest Department,"1 . About (6-0) is lying
situated inside the

boundary of Shri Ram

Singh Sehrawat Note-

Stay order dated

13.08.2004 passed by the

Honâ??ble High Court in

CWP No.13422/2004.

2. Radha Krishan Mandir

lying constructed in the

area measuring about (3-

0).

3. Remaining 50- 6 under
the boundary of Forest
Department, passage and
vacant land.

2.,1728 (131-16),Forest Department,"Lying vacant at the site.

Note- Stay order granted
by Honâ??ble High
Court is lying recorded at
report no.242 dated
25.09.97 in Khasra
Girdawari.

3.,1729 (5-12)

1730 (3-14)

Â 1731 (2-14)

1732 (3-4)

Â 1733 (3-7) (18-11)",Private,"1. Khasra No.1729 min to
1733 min, total area (12-0)
is situated inside the
boundary of Ram Singh
Sehrawat.

2. 1729 to 1732 min (6-11)

belongs to Ustad Hafiz

Ali, is lying vacant

on the East of these Khasras.,,,

Protection of forest land from encroachers and restoration of already encroached
Forest land are the duty of the respondent no.2. On detection of,,,

encroachment inside Forest land and Wild Life Sanctuary, decisions to retrieve
forest land was taken at the Secretary level in the month of April 2014.",,,

After completing all ground verification through Total Station Method (TSM)
survey on the basis of reference points shown by Revenue staffs, the are",,,

of encroached Forest lands in three villages, namely Asola, namely Asola, Maidangarhi, Sahoorpur and Bhatti were identified. On the basis of TSM",,,

survey maps, detection of area of encroached forest land was done. The TSM survey maps for Asola showing the boundaries of Khasra no. 1724",,,

1728, 1677, 1763 etc., is annexed herewith and marked as Annexure I.",,,

After completing the physical identification through TSM survey on the ground, DCF (S) issued notices to illegal occupants of Forest Khasras, namely",,,

Khasra nos. 1724, 1728, 1677 and 1763. The notices issued to illegal occupants of these Khasras are annexed herewith and marked as Annexure II.",,,

The notices were issued to individuals as well as in leading News paper. The notice issued in New paper is annexed herewith and marked as",,,

Annexure III.",,,

Thus unauthorized structures lying inside Khasra no. 1724, 1728, 1763 and 1677 were removed starting from 21.04.2014 onwards. Precautions were",,,

taken to identify the boundary of Forest Land and Demolition drive was carried out after giving prior notice to the encroachers. No private lands were",,,

taken over. Only encroachments identified through the abovementioned TSM survey were demolished. During the demolition drive, road passing",,,

through Khasra no. 1728 was destroyed for which no private person has a right to claim.",,,

7. Thus, the position which emerges from the record, is that the petitioner is the owner of 12 bighas land situated in Khasra Nos. 1729-1733 in village",,,

Asola, whereas (6-11) bighas of land in the said khasras belongs to one Ustad Hafiz Ali which was found to be lying vacant at the time of",,,

demarcation and only 6 bighas land owned by the Forest Department in Khasra No. 1724 which was found to be in the boundary of the petitioner",,,

predecessor. In view of the categorical stand taken by the respondents, that they do not propose to demolish any property constructed by the petitioner",,,

on land found to be won by his predecessor in the aforesaid four Khasra Nos. 1729-1733, I find that the present petition is wholly, without any cause",,,

of action as the respondents are not trying to interfere with the possession of land owned by the petitioner.",,,

8. However, in case, the respondents seek to tinker with the demarcation already finalised in October, 2004, the petitioner would be at liberty, to",,,

challenge any subsequent demarcation, by taking appropriate steps in

accordance with law.",,,

9. The petition is disposed of in the above terms.,,,