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

+ W.P.(C) 7343/2024

MUKESH PURI

..... Petitioner

Through: Ms. Smita Maan, Mr. Vishal Maan,
Mr. Kartik Dabas, Mr. Jayant
Tewathia and Ms. Shweta Caudhary,
Advocates.

versus

GOVT. OFNCT OF DELHI

..... Respondent

Through: Ms. Aditi Saraswat, Advocate . for
Mr. Jawahar Raja, ASC (Civil)
GNCTD

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

21.05.2024

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(The proceeding has been conducted through Hybrid Mode)

CM APPL. 30667/2024

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7343/2024 & CM APPL. 30666/2024

3. This is a writ petition under Article 226 of the Constitution of India, 1950, seeking *inter alia* the following reliefs:-

“(a) Issue an appropriate writ (s), order (s) or direction (s) in the nature of declaration thereby declaring that the private self-owned and possessed land of the petitioners ad-measuring 1250 sq. yds, comprised in Khasra no. 1498 (1 -05) of Village Rangpuri, New Delhi (also



commonly known as plot no. A-109, Kh. No. 1498, Block A, Vasant Kunj Enclave, New Delhi-110070) as excluded from the Forest Land of Village Rangpuri, Delhi.

(b) Issue an appropriate writ (s), order (s) or direction (s) in the nature of mandamus thereby directing the respondents to issue a necessary & requisite corrigendum excluding the above mentioned private self owned land of the petitioner ad-measuring 1250 sq. yds, comprised in khasra no. 1498 (1-05) of village Rangpuri, New Delhi, from the Notification dated 02.04.1996 issued under Section 6 of the Forest Act, 1927 and also from the alleged survey & demarcation of forest land of village Rangpuri based upon said notification.

(c) Issue an appropriate writ (s), order (s) or direction (s) in the nature of prohibition thereby restraining the respondents from demolishing/forcibly dispossessing and/or taking any coercive action in respect of the above said land/property of the petitioners.”

4. Ms. Maan, learned counsel for the petitioner submits that by virtue of the sale deed dated 30.10.1981, the petitioner had purchased the subject land admeasuring 1250 sq. yds. comprised in Khasra No. 1498 (1-05) of Village Rangpuri, New Delhi. She submits that the petitioner had constructed his house and has been residing there for the past 40 years without any interference from any quarter whatsoever though the colony is an unauthorised colony.

5. She submits that it is only now that the respondent-Forest Department has started reclaiming some portions of the surrounding areas on the strength of the Notification dated 20.01.2022 issued by the GNCT of Delhi in exercise of the powers under Section 20 of the Indian Forest Act, 1927. She submits that though the khasra number



of the petitioner does not fall within the said Notification, however, on further research, the petitioner has been able to lay hands on the Notification of the Revenue Department dated 02.04.1996 issued by the Lt. Governor under Section 154 of the DLR Act, 1954 on misconception that the present khasra No. 1498 whereby the petitioner has constructed his house, is an uncultivated land of Gaon Sabha. On that misconception and error, the khasra of the petitioner has been included in the said Notification.

6. She submits that the petitioner is only seeking rectification/expunging of the reference of Khasra No.1498 to the extent of only the portion belonging to the petitioner.

7. Issue notice.

8. Notice accepted by Ms. Aditi Saraswat, learned counsel for respondents, who seeks and is granted six weeks time to file counter affidavit with an advance copy to learned counsel for the petitioner. Rejoinder, thereto if any, be filed within four weeks, thereafter, with an advance copy to learned counsel for the respondents.

9. List on 04.10.2024 before the Registrar for completion of service.

10. In case the Revenue Department or the Forest Department seeks to undertake any coercive action against the petitioner, it may do so only after taking prior permission of the Court.

TUSHAR RAO GEDELA, J

MAY 21, 2024

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