

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 525/2022

IN THE MATTER OF:

LAXMI

...APPLICANT

VS.

MOEF&CC & ORS.

...RESPONDENTS

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RESPONDENT

Place: New Delhi

Through:

Date: 22.05.2025



SIDDHANT BUXY

Advocate for Respondent No.13 & 14

M: 9650409751

Email: siddhant@vnbchambers.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 525/2022

IN THE MATTER OF:

LAXMI

...APPLICANT

VS.

MOEF&CC & ORS.

...RESPONDENTS

**STATUS REPORT IN COMPLIANCE OF ORDER DATED 26.03.2025 OF
HON'BLE NATIONAL GREEN TRIBUNAL**

I, Ankit Kumar, S/o Sh. Anil Kumar, aged about 38 years, currently posted as Deputy Conservator of Forest (P&M), Department of Forests and Wildlife, Government of NCT of Delhi, state as under:

1. That I am well conversant with facts of the present case and as such am duly authorized and competent to affirm the status report in my official capacity.
2. It is to submit that the present status of report is being filed in continuation of affidavit dated 18.03.2025 of Respondent no. 13 and 14, in the present matter.
3. It is to submit that the status of khasras of village Bhatti which are the subject matter of the present original application i.e, khasra no. 848(6-11), 963(2-08), 969(1-11), 725(19-11), 726(12-04), 729(04-04), 730(02-02), 731(20-06), 956(00-10), 951(07-13), has been obtained from the office of Deputy Conservator of Forest (South) who is also a Respondent No. 3 in the present matter and has been annexed as **Annexure – A1**. The status is as follows:
 - 3.1. The aforesaid lands in Khasra nos. 725, 726, 729 and 731 are forest lands as per the affidavit dated 05.04.2019 filed by the Divisional Commissioner before this Hon'ble Tribunal in O.A. No. 58/2013 titled 'Sonya Ghosh v.



GNCTD & Ors.'. On these lands, no temporary or permanent construction exists and land is open and vacant. However, possession has not yet been taken by the Forest Department because the Hon'ble Delhi High Court has passed an interim order dated 13.12.2021 in CS(OS) No. 658/2021 titled 'Arun Kumar Jain v. Dy. Conservator of Forest & Ors.' to maintain status quo on these lands, and the said status quo order is continuing till date. A copy of the order dated 13.12.2021 passed by the Hon'ble Delhi High Court in CS(OS) No. 658/2021 titled 'Arun Kumar Jain v. Dy. Conservator of Forest & Ors.' is annexed as **Annexure – A2**.

3.2. The aforesaid land in Khasra No. 848 is forest land as per the affidavit dated 05.04.2019 filed by the Divisional Commissioner before this Hon'ble Tribunal in O.A. No. 58/2013 titled 'Sonya Ghosh v. GNCTD & Ors.'. The forest land in this khasra is under encroachment. However, the Hon'ble Delhi High Court has passed an interim order dated 16.10.2018 in W.P. (C) No. 10505/2018 titled 'Anant Raj Ltd. v. Govt. of NCT of Delhi & Ors.' to maintain status quo on these lands, and the said status quo order is continuing till date. A copy of the order dated 16.10.2018 passed by the Hon'ble Delhi High Court in W.P. (C) No. 10505/2018 titled 'Anant Raj Ltd. v. Govt. of NCT of Delhi & Ors.' is annexed as **Annexure – A3**.

3.3. In the aforesaid land in Khasra No. 730, partial land (min khasra) is forest land. These lands are vacant but not in possession of the Forest Department as Tattima proceedings have not been completed yet. Several letters and reminders have been written to the Revenue Department to complete the Tattima proceedings.

3.4. In the aforesaid land in Khasra Nos. 963 and 969, partial land (min khasras) are forest lands, as per the affidavit dated 05.04.2019 filed by the Divisional Commissioner before this Hon'ble Tribunal in O.A. No. 58/2013 titled 'Sonya Ghosh v. GNCTD & Ors.'. Tattima proceedings



have been completed in these lands. The forest land falls inside the Hanslok Ashram and is accessible only through the Ashram. The forest department has removed encroachments from its land and taken possession, as disclosed in the status report dated March 2024 filed by the Respondent No. 3 in the present matter.

3.5. The aforesaid land in Khasra Nos. 951 and 956 are non-forest lands.

4. Further it is to submit that the land records of the above mentioned khasras of village Bhatti have also been received from the concerned SDM by the Deputy Conservator of Forest (South) along with khasra khatoni of the area the said details are **Annexure – A4**.
5. That in respect of the status of Section 20 under Indian Forest Act, 1927 of the Ridge Reserve Forest Area the following is submitted:

• **Southern Ridge**

Phase 1	<ul style="list-style-type: none"> • All the khasras meeting the following criteria were identified in the first phase: free from encroachment, with no pending Tattima proceedings, and no pending litigation before Courts, Forest Settlement Officer (FSO), or Appellate Authority. • Phase-I constitute approximately 3383.23 ha & 54.56% area of Southern Ridge • Final notifications under section 20 in respect of 2 villages have been issued under Phase-I comprising a total area of 96.16 ha. For the balance area of 3287.076 ha in 12 villages the procedure for finalization of proposed notification is ongoing. • Current status: The Revenue Department suggested seeking comments from the DDA regarding the urbanization of 12 villages in the Southern Ridge area (a forested or ecologically sensitive zone in South Delhi).
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	<ul style="list-style-type: none"> • The DDA was asked for its input on the matter and their comments are still awaited However, urbanisation does not change the status of land as forest land. • The modified draft phase-I notification under S. 20 of the Indian Forest Act, 1927 for 3287.076 hectares area in Southern Ridge Reserve Forest has been again submitted through proper channel for kind approval of the Govt. of NCT of Delhi on 03.04.2025, and the process of seeking approval is ongoing.
Phase 2	<ul style="list-style-type: none"> • Those khasras have been identified where there are encroachment, but no litigations are pending before FSO and Appellate Authority, those khasras where Tattima proceedings are not required/pending & those Khasras which were left during phase 1 due to certain reasons are taken up in phase II. • Khasras in Phase-II constitute approximately 1594.52 ha & 25.71% area of Southern Ridge • Current status: The draft notification is being prepared.
Phase 3	<ul style="list-style-type: none"> • All the khasras where rights and concessions are yet to be settled by FSO and Appellate Authority. Those khasras where Tattima proceedings are yet to be completed by Revenue Department, will be taken up for notifications after the completion of all required action by FSO and Revenue Department in due course of time. • Khasras in Phase-III constitute approximately 982.34 ha & 15.8% area of Southern Ridge. • Current status: The file for notification will be moved after completion of Tattima proceedings and Forest Settlement Officer and Appellate Authority cases.



- Status of notification of Northern Ridge, Central Ridge, South Central Ridge and Nanakpura Ridge

Name of Ridge	Status
Northern Ridge	<p><u>Phase I - 123.57 Ha.</u></p> <ul style="list-style-type: none"> • Phase I final notification of Northern Ridge (All the khasras satisfying certain conditions i.e., Free from encroachment; No pending Tattima proceedings; and No pending litigation before Courts, Forest Settlement Officer (FSO) and Appellate Authority) • The file was returned by the Revenue Department raising query regarding <u>khasra numbers proposed</u> in the draft final notification while preliminary notification under section 4 of IFA, 1927 was as per boundary details, stating that this might raise disputes in respect of demarcation. • Current status: The comments of the Revenue Department have been received and the comments of the DDA are awaited. • Letter dated 26.11.2024, DCF(Central) to DDA, for seeking comments/ concurrence on the draft notification of Northern Ridge u/s 20 of IFA, 1927. The file for final notification will be put up after above clarifications. • The demarcation is pending by the Revenue Department and Land Owning i.e., DDA, agency of the ridge area. The draft notification has been prepared by the Department of Forest & Wildlife, GNCTD based boundary description of the Northern Ridge as mentioned in notification dated 24.05.1994 and on the basis of khasra details in respect of revenue villages available with GSDL.



	<p>Phase II- Final notification of Northern Ridge (where there are encroachments have been identified where no litigations are pending before FSO and Appellate Authority, Khasras which were left during phase 1 due to certain reasons and Khasras for which Tattima proceedings are not required) for approximately 7.057 Ha.</p> <ul style="list-style-type: none"> • Current status: The proposal is being prepared and shall be submitted when the proposal of Phase-I is resubmitted.
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Name of Ridge	Total Area (Ha)	Status
Central Ridge	1006.32	<ul style="list-style-type: none"> • Phase 1: Areas under the possession of the Department of Forest and Wildlife, GNCTD on ground after joint demarcation by Revenue Department, L&DO including areas adjudicated by FSO & Hon'ble Supreme Court. The draft notification under section 20, IFA 1927 will be put up for approval of Government. • A preliminary DGPS Survey of Central Ridge has been done by Department of Forests & Wildlife, GNCTD and the Land & Development Office (L&DO). However, Central Ridge Reserve Forest is yet to be demarcated by the Revenue Department as per directions by Hon'ble NGT vide order dated 11.03.2019 in the matter of Sonya Ghosh vs GNCTD & Ors in OA no. 58/2013. • Further, DCF (West) has requested Revenue Department, L&DO & VC DDA vide letter dated 21.02.2025, 24.02.2025 & 25.02.2025 respectively to jointly demarcate the Central Ridge. • Joint DGPS survey along the officials of Revenue Department, L&DO & DDA is under process.



		<ul style="list-style-type: none"> • Phase 2: Remaining areas including land under other departments/ agencies, encroachments (excess area occupied by various institutions, etc.), rest of the areas which may have been left from notification in Phase I Notification as proposed above.
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Name of Ridge	Total Area (Ha)	Status
South Central Ridge	Phase 1- 626 ha.	<ul style="list-style-type: none"> • The file has been returned by the Revenue Department, along with a list of cases pending in the court of FSO/ADM (South District) and a <u>query regarding khasra numbers</u>. As the preliminary notification under Section 4 of the IFA, 1927, does not include information about the khasras; it was only notified by boundary description. • These villages have been urbanized and the land owning agency is the DDA. • The ground demarcation by Revenue Department and DDA has not been completed and the tentative map prepared by the Forest Department of the South-Central Ridge has not been verified/ modified by the DDA, yet, which is essential for final notification under section 20 of IFA, 1927. • Current status: The comments of the Revenue Department and DDA are received. • Vide letter dated 17.01.2025 from DCF (South) to Director LM South Zone DDA, clarification is being sought on comments received from DDA. The reply of the DDA is still awaited in this regard.



		<ul style="list-style-type: none"> A meeting was held on 28.02.2025 under the chairmanship of DCF(West) with L&DO, DDA & Revenue Department regarding Joint demarcation of Nanakpura Ridge and Central Ridge.
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Name of Ridge	Total Area (Ha)	Status
Nanak Pura Ridge	8.3 ha.	<ul style="list-style-type: none"> Demarcation is yet to be done has by the Land owning agency (L&DO and DDA) and Revenue Department. However draft notification has been prepared by Department of Forest & Wildlife, GNCTD, based on khasra details available with GSDL and boundary description as mentioned in notification dated 19.03.1996. The demarcation report (along with khasra details) is required before final proposal for notification. The file with draft notification is under process. Current status: The comments of the Revenue Department & DDA have been received. Layout map of the area is received from L&DO. Further, DCF (West) has written letter on 09.01.2025, to concerned land owning agencies i.e. L&DO, District Magistrate (New Delhi), Commissioner (Land), DDA, regarding the joint survey and demarcation. A meeting was held on 28.02.2025 under the chairmanship of DCF(W) regarding Joint demarcation of Nanakpura and Central Ridge with officials of DDA, L&DO & Revenue Department. Nodal officer for each



		organization is requested for the joint demarcation and further coordination and also the handing over document shall be provided by the office of L&DO and DDA.
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6. Further it is to submit that since hearing dated 26.03.2025 in the present matter, one meeting of the Oversight Committee has been held on 01.04.2025 and minutes of the meeting are annexed as **Annexure- A5**.
7. Furthermore, it is to submit that the issue of final notification of Ridge Reserve Forest under Section 20 of Indian Forest Act, 1927 in compliance with the directions of this Hon'ble Tribunal in judgment dated 15.01.2021 is pending before Court No.1 of this Hon'ble Tribunal in execution applications i.e., E.A. No. 39/2024 in OA No. 58/2013 "Sonya Ghosh Vs. GNCTD & Ors."; E.A. No. 32/2024 in OA No. 10/2024 "Pavit Singh v. GNCTD & Ors." and OA No. 1188/2024.
8. That the above is submitted for kind perusal of the Hon'ble Tribunal and further directions as deemed appropriate by this Hon'ble Tribunal.

Through:

Place: New Delhi

Date: 22.05.2025



RESPONDENT



SIDDHANT BUXY

Advocate for Respondent No.13 & 14

M: 9650409751

Email: siddhant@vnbchambers.com

Annexure - 1

HON'BLE NGT MATTER

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
OFFICE OF DEPUTY CONSERVATOR OF FORESTS (SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI- 110044.

F. No. 61/DCF(S)/Land/22-23/ 843-45

Dated: 22/05/2025

To,

The Deputy Conservator of Forests (P&M)
Department of Forests and Wildlife
GNCTD, 2nd Floor, A -Block
Vikas Bhawan, I.P. Estate
New Delhi-110002.

Sub: Regarding submission of details sought by HQ related to the Hon'ble NGT matter in OA no. 525/2022 "Laxmi vs MoEF&CC".

Sir,

With reference to the Hon'ble NGT matter in OA no. 525/2022 "Laxmi vs MoEF&CC" in which certain details have been sought are enclosed herewith for kind perusal and further necessary.

This issues with the approval of DCF (S).

Ramesh
22/05/25
Range Officer
South Forest Division

Enclosed as above:

Copy to:

1. The Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A -Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.
2. The DCF (S).

Ramesh
22/05/25
Range Officer
South Forest Division

Table for details required w.r.t. Bhatti village in O.A. No. 525/2022

Sl. No.	Khasra No.	Extent of Forest Land (Full or Partial /min)	Total Area (bigha - biswa)	Notified Reserve Forest Area (bigha - biswa)	Status as per Affidavit filed by Divisional Commissioner on 05.04.2019	Is the forest area under the possession of Forest Department or not (either whole or part of it)	Present status of the khasra - encroached or without any encroachment	Action Taken or Proposed Action to remove encroachment	In respect of the min khasra, if tattima is pending, what efforts has been taken by the divisional official for its completion (along with correspondence done with revenue authorities)	Stay / Status Quo Or other court case pending or not (Copy of relevant Court Order / Petition to be enclosed)	Remarks
1.	725	Full	19-11	19-11	As per affidavit, the village wise map submitted in respect of the Southern Ridge indicates that the said khasra is forest land.	Forest area under litigation (Status Quo)	No temporary or permanent construction exists and land is open and vacant and possession of forest land is difficult due to status quo	Khasra under Stay Action Taken is subjected to the Judgment of Hon'ble Court	Not Applicable	Hon'ble High Court of Delhi in the matter of Arun Kumar Jain vs DCF (S) in CS (OS) no. 658/2021 has given Status Quo on land in question. Copy of relevant Court Order is enclosed.	-
2.	726	Full	12-4	12-4							
3.	729	Full	4-4	4-4							
4.	730	Min	5-17	0-02	Min Khasra	Area is not under possession of Department due to non-completion of Tatima	No temporary or permanent construction exists and land is open and vacant and possession of forest land is difficult due to non-completion of Tatima proceedings	Action Taken pertains to SDM (Saket) and possession and protection of forest land is subjected to completion of Tatima Proceedings	Several Letters and reminders have been written to Revenue Department for completion of Tatima proceedings Copy of Letters enclosed	Not Applicable	-
5.	731	Full	20-06	20-06	As per affidavit, the village wise	Forest Area under Litigation/	No temporary or permanent construction	Khasra under Stay Action Taken is	Not Applicable	Hon'ble High Court of Delhi in the matter of	-

Ramendra
24/05/25

Table for details required w.r.t. Bhatti village in O.A. No. 525/2022

					map submitted in respect of the Southern Ridge indicates that the said khasra is forest land.	status quo	exists and land is open and vacant and possession of forest land is difficult due to status quo	subjected to the Judgment of Hon'ble Court		Arun Kumar jain vs DCF (S) in CS (OS) no. 658/2021 has given Status Quo on land in question. Copy of the relevant court order is attached	
6.	751	Non-Forest Land									
7.	756	Non-Forest Land									
8.	848	Full	6-11	6-11	As per affidavit, the village wise map submitted in respect of the Southern Ridge indicates that the said khasra is forest land.	Not under possession of Forest Department	Forest land is under encroachment and under Stay	Khasra under Stay Action Taken is subjected to the Judgment of Hon'ble Court	Not Applicable	The Hon'ble High Court of Delhi in the matter of Anant Raj Ltd vs GNCTD & Others in WPC 10505/2018 has given on status Quo in Land in question.	
9.	951	Non-Forest Land									
10.	954	Min	16-16	8-8	Min Khasra	Yes	No	No action required	No action required	Not Applicable	Tatima Completed and forest land under possession
11.	956	Non-Forest Land									
12.	961	Min	15-07	07-13	Min Khasra	Yes	No	No action required	No action required	Not Applicable	Tatima Completed under possession of
13.	963	Min	12-16	02-08	Min Khasra	Yes	No	No action required	No action required	Not Applicable	Department but
14.	969	Min	02-13	01-11	Min Khasra	Yes	No	No action required	No action required	Not Applicable	falling inside Hanslok Ashram and there is no access to Department except way of Ashram. Plantation and Fencing have been carried out by Department.

Ramesh
22/05/21



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 658/2021**

ARUN KUMAR JAIN Plaintiff
Through: Mr.Ravi Gupta, Sr. Advocate with
Mr.Pankaj Vivek, Mr.Sachin and
Mr.Deepak, Advocates.

versus

DY. CONSERVATOR OF FOREST & ORS. Defendants
Through: Counsel for D-3.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **13.12.2021**

I.A. No.16185/2021

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

CS(OS) 658/2021, I.A. Nos.16184, 16186/2021

3. It is the case of the plaintiff, around the year 1980, 45 Bighas and 16 Biswas situated in Village Bhati was purchased by plaintiff separate sale deeds and these lands were duly mutated/recorded in his name in the Fard Khatoni of Village Bhati, presently forming part of Tehsil Saket, District South, New Delhi.
4. It is stated the plaintiff is an absolute owner and is in possession of suit lands 'A'.
5. It is alleged the plaintiff entered into cultivatory possession of adjoining 40 Bighas and 4 Biswas of Gaon Sabha land of Village Bhati, details of which are mentioned in para 7 of the plaint. This land is termed as suit land 'B' and this cultivatory possession of plaintiff was duly recorded in Khasra Girdawri of years 1981-1983.



6. The plaintiff is contesting a case for above 40 Bighas and 4 Biswas of land for declaration of his bhumidhari rights under Section 85 of the Delhi Land Reforms Act, 1954 since 1990. The site plan depicting the entire land in possession of the plaintiff is annexed with the plaint which shows the 45 Bighas and 16 Biswas of purchased land in orange colour and the 40 Bighas and 4 Biswas of land which is in adverse cultivatory possession of plaintiff in blue stripes.
7. It is alleged on 10.10.2020 some officials of the Forest Department had visited the farm of the plaintiff and tried to close the passage at point 'X' which connects the Bhati Mines road with the farm land of plaintiff.
8. The defendants no. 1 & 2 claim this 40 Bighas and 4 Biswas of land as "ridge" and/or "reserved forest" belonging to Forest Department of GNCT of Delhi and seek to dispossess the plaintiff without due process of law.
9. It is stated this land was never handed over to the Forest Department, GNCTD by the Gaon Sabha Bhati but still the defendants intend to dispossess the plaintiff by use of force and might of State machinery and the suit land B is lying recorded in the name of Gaon Sabha Bhati but the plaintiff has accrued bhumidhari rights for which the case is going on.
10. In the circumstances, issue notice to the defendants.
11. Learned counsel for defendant No.3 has entered appearance. Let written statement/reply be filed within the statutory period with an advance copy to learned counsel for the plaintiff. Replication/rejoinder be filed within four weeks thereafter.
12. None has appeared on behalf of defendants No.1 and 2. Issue notice to defendants No.1 and 2 by all modes returnable before the Joint Registrar on 10.03.2022.



13. In the meanwhile the parties to maintain status quo qua the *possession* of the suit property/land as of today, till the next date of hearing.
14. Compliance of Order 39 Rule 3 CPC be made by plaintiffs within 10 days.
15. Upon completion of service/pleadings, the matter be listed before this Court.
16. Order dasti.

YOGESH KHANNA, J.

DECEMBER 13, 2021

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

+ W.P.(C) 10505/2018, CM APPL.41006/2018 and 43843/2018

ANANT RAJ LTD.

..... Petitioner

Through: Mr. Deepak Khosla, Advocate with
Mr. H.S. Sharma, Mr. Rakesh Kumar
and Mr. Aman Singh, Advocates with
petitioner in person.

versus

GOVT. OF NCT OF DELHI AND ORS.

.... Respondents

Through: Mr. Naushad Ahmad Khan, ASC
(Civil) for GNCTD with Ms. Sana
Naseem, Advocate.

CORAM:**HON'BLE MR. JUSTICE I.S.MEHTA****ORDER**

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01.11.2018

Learned standing counsel has submitted that demarcation report is ready and it is petitioner who has not complied with the order dated 10.10.2018. The petitioner is directed to comply with the order dated 10.10.2018.

Counsel for the petitioner has submitted that he will handover the cheque to the concerned surveyor.

Learned standing counsel submits that the department would return previous cheque by tomorrow itself and a fresh cheque shall be issued by the petitioner.

Petitioner to comply with the previous order dated 16.10.2018.

§31C

Interim order to continue.

List on 26.11.2018.

Copy of this order be given dasti under the signatures of Court Master.

I.S.MEHTA, J

NOVEMBER 01, 2018

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

+ W.P.(C) 10505/2018 & CM APPL.41006/2018, 43843/2018

ANANT RAJ LTD.

..... Petitioner

Through: Mr.Sanjay Jain, Sr. Advocate with
Mr.Pramod Kumar Ahuja,
Mr.Davinder Verma, Mr.H.S.Sharma,
Mr.Deepak Khosla, and Mr.Sohan
Kumar, Advocates

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Naushad Ahmed Khan, ASC
(Civil) GNCTD with Mr.Zahid
Hanief, Advocate.

CORAM:**HON'BLE MR. JUSTICE I.S.MEHTA****ORDER**% **26.11.2018**

Mr.Naushad Ahmed Khan, learned ASC submits that he would be
filing the demarcation report on the next date. Let the same be filed.

List on 04.02.2019.

Interim order to continue.

I.S.MEHTA, J**NOVEMBER 26, 2018***sr*

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

+ W.P.(C) 10505/2018

ANANT RAJ LTD.

.....Petitioner

Through: Mr. Amit Sibbal, Senior Advocate
with Mr. Deepak Khosla, Mr. H.S.
Sharma & Mr. Sohan Kumar,
Advocates

Versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Nemo.

CORAM:**HON'BLE MR. JUSTICE SUNIL GAUR****ORDER**

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16.10.2018**C.M. 43843/2018**

By way of this application, petitioner seeks early hearing of C.M. 41006/2018 and prays for interim orders till the next date of hearing. Advance copy of the application has been supplied to the side opposite but there is no representation on their behalf.

Upon petitioner taking steps, notice of the application be issued to respondents by speed post, returnable on the date fixed i.e. 1st November, 2018. Let the tracking report of speed post and affidavit of service be filed on or before the next date of hearing.

List on the date fixed i.e. 1st November, 2018.

In view of averments made in paragraph No.3 of the application, *status quo*, as of today, in respect of subject property be maintained.

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A copy of this order be given *dasti* under the signatures of Court Master to counsel for petitioner.

SUNIL GAUR, J

OCTOBER 16, 2018

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

+ W.P.(C) 10505/2018

ANANT RAJ LTD.

..... Petitioner

Through Mr.Deepak Khosla, Mr.Somit Khosla
and Mr.Soham Kumar, Advs.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondent

Through Mr.Zahid Hanief, Adv. for
Mr.Naushad Ahmed Khan, ASC, Civil, GNCTD

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **13.11.2019**

Copy of the rejoinder be given to learned counsel for the respondent.

List for arguments on 25.2.2020.

Interim order to continue till then.

JAYANT NATH, J

NOVEMBER 13, 2019

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§-21

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

+ W.P.(C) 10505/2018 & CM APPL.41006/2018, 43843/2018

ANANT RAJ LTD.

..... Petitioner

Through: Mr.Sanjay Jain, Sr. Advocate with
Mr.Pramod Kumar Ahuja,
Mr.Davinder Verma, Mr.H.S.Sharma,
Mr.Deepak Khosla, and Mr.Sohan
Kumar, Advocates

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Naushad Ahmed Khan, ASC
(Civil) GNCTD with Mr.Zahid
Hanief, Advocate.

CORAM:**HON'BLE MR. JUSTICE I.S.MEHTA****ORDER**

%

26.11.2018

Mr.Naushad Ahmed Khan, learned ASC submits that he would be filing the demarcation report on the next date. Let the same be filed.

List on 04.02.2019.

Interim order to continue.

I.S.MEHTA, J**NOVEMBER 26, 2018**

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

+ W.P.(C) 10505/2018, CM APPL.41006/2018 and 43843/2018

ANANT RAJ LTD.

..... Petitioner

Through: Mr. Deepak Khosla, Advocate with
Mr. H.S. Sharma, Mr. Rakesh Kumar
and Mr. Aman Singh, Advocates with
petitioner in person.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Naushad Ahmad Khan, ASC
(Civil) for GNCTD with Ms. Sana
Naseem, Advocate.

CORAM:**HON'BLE MR. JUSTICE I.S.MEHTA****ORDER**

%

01.11.2018

Learned standing counsel has submitted that demarcation report is ready and it is petitioner who has not complied with the order dated 10.10.2018. The petitioner is directed to comply with the order dated 10.10.2018.

Counsel for the petitioner has submitted that he will handover the cheque to the concerned surveyor.

Learned standing counsel submits that the department would return previous cheque by tomorrow itself and a fresh cheque shall be issued by the petitioner.

Petitioner to comply with the previous order dated 16.10.2018

Interim order to continue.

List on 26.11.2018.

Copy of this order be given dasti under the signatures of Court
Master.

I.S.MEHTA, J

NOVEMBER 01, 2018
nd

4/2/2019

A copy of this order be given *dasti* under the signatures of Court Master to counsel for petitioner.

OCTOBER 16, 2018

T.C.
N.K.R.
Court Master
High Court of Delhi
New Delhi

Sd/-
SUNIL GAUR, J

2196
done

18/C

D-5/Writ/Speed Post

CORAM: HON'BLE MR. JUSTICE SUNIL GAUR

9142/S
27-10-18

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY CIVIL ORIGINAL JURISDICTION

CIVIL MISC. PETITION NO. 43843/2018
In CIVIL WRIT PETITION NO. 10505/2018

ANANT RAJ LTD

PETITIONER/S

v/s

GOVT OF NCT OF DELHI AND ORS

RESPONDENTS

To

R-1

Govt. of NCT of Delhi, Acting Through its Chief Secretary, Delhi Secretariat, New Delhi 2

R-2

Sub Divisional Magistrate (Saket), At The Office of Sub-Divisional Magistrate (Saket), M.B. Road, Saket, New Delhi

R-3

District Task Force (South), Through its Chairman, DC South, Office of District Magistrate (South), M.B. Road, Saket, New Delhi

R-4

Monitoring Committee, Formed by Hon'ble Supreme Court, Core 6A, 3rd Floor, India Habitate Centre, Lodhi Road, New Delhi - 110003

R-5

✓ Department of Forests & Wildlife, Govt. of NCT of Delhi, A-Block, 2nd Floor, Vikas Bhawan, I.P. Estate, New Delhi- 110002, Through Additional Principal Chief Conservator of Forests

Whereas the petition enclosed dated 16-10-2018 has been presented in this court in the above noted case by the petitioner and is fixed for hearing on 01-11-2018 at 10.30 A.M.

Should you wish to argue anything against the petition you are at liberty to do so on date fixed for/or any other date to which the case may be postponed either in person or through an advocate of the Court duly instructed. Also take notice that in default of your appearance on the date fixed the case will be decided ex-parte.

Given under my hand and the Seal of the High Court of Delhi, this the 25th Day of October, 2018.

NOTE: Copy of C.M. is enclosed.



[Handwritten Signature]
27/10/18

Administrative Officer (J) (Writs)
For Registrar General

[Handwritten Signature]

8149/DEF(MO)
29/10/18

DCE(P&M)
PA (Legal)
- Forward to DCFCS
for n/a.

30/10/18

31/10/2018
27

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
 — CM APPLICATION NO. OF 2018

IN

WP(C) NO.10505/2018

IN THE MATTER OF:

ANANT RAJ LIMITED

...PETITIONER

VS.

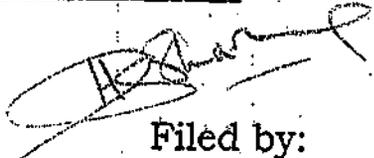
GOVT OF NCT OF DELHI & ORS.

... RESPONDENTS

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S.No	Particulars	Pages	C. Fee
1.	Notice of Motion	1	
2.	Urgent Application	2	Rs. 4.00
3.	Application Under Section 151 CPC for seeking early hearing of the writ petition alongwith supporting Affidavit of the Petitioner/applicant.	3-8	Rs. 3.00
4.	<u>ANNEXURE P-27</u> (colly) Photographs of Revenue Officials doing some marking in the property of the petitioner on 10.10.2018 & 12.10.2018	9-16	
5.	<u>ANNEXURE P-28</u> CD of the action of Revenue Officials at the property of the petitioner on 10.10.2018 & 12.10.2018	17.	

New Delhi
 Dated: 12.10.2018



Filed by:

(H.S. Sharma)
 Advocate

Enrl. No. D-771/1990

Ch. No. 126, New Delhi Courts
 Patiala House, New Delhi - 110001

Mobile No.: 9811734565

E-Mail: hssharma67@gmail.com

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

CM APPLICATION NO. OF 2018

IN

WP(C) NO.10505/2018

IN THE MATTER OF:

ANANT RAJ LIMITED

...PETITIONER

VS.

GOVT OF NCT OF DELHI & ORS.

... RESPONDENTS

NOTICE OF MOTION

To

The Standing Counsel (Civil)
Govt. of NCT of Delhi
High Court of Delhi
New Delhi-110003

Sir,

The enclosed Application under section 151 CPC in the aforesaid matter is being filed on behalf of the Petitioner/Applicant before the Hon'ble High Court of Delhi and the same is likely to be listed on 16.10.2018 or on any date thereafter. Please take notice accordingly.

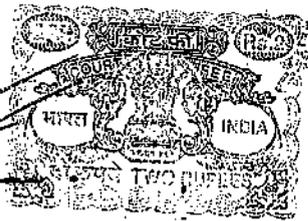
[REQUISITE COPIES OF APPLICATION WITH DOCUMENTS
ENCLOSED HEREWITH]

DATE: 12.10.2018
NEW DELHI

Filed by:

(H.S. Sharma)
Advocate

Chamber No. 126
Patiala House Courts
New Delhi - 110001



IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

CM APPLICATION NO. OF 2018

IN

WP(C) NO.10505/2018

IN THE MATTER OF:

ANANT RAJ LIMITED

...PETITIONER

VS.

GOVT OF NCT OF DELHI & ORS.

... RESPONDENTS

URGENT APPLICATION

To,

The Deputy Registrar

Hon'ble High Court of Delhi.

New Delhi

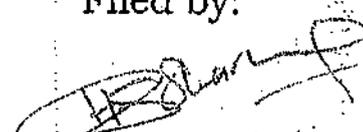
Sir,

May you kindly treat the accompanying Application under section 151 CPC as an urgent one in accordance with the High Court Rules and Orders. The grounds of urgency are:-

"EARLY HEARING OF THE WRIT PETITION HAS BEEN PRAYED FOR ALONGWITH URGENT RELIEF FOR STAY".

DATE: 12.10.2018
NEW DELHI

Filed by:

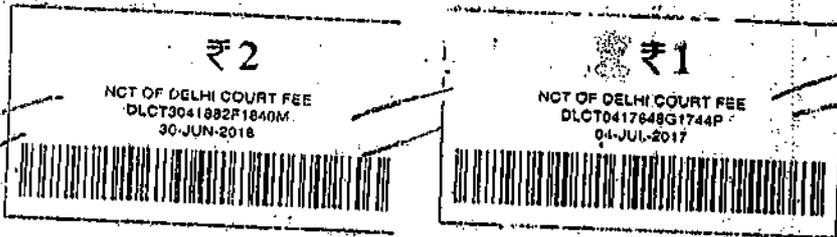

(H.S. Sharma)

Advocate

Chamber No. 126

Patiala House Courts

New Delhi - 110001



IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

CM APPLICATION NO. OF 2018

IN

WP(C) NO.10505/2018

IN THE MATTER OF:

ANANT RAJ LIMITED

... PETITIONER

VS.

GOVT OF NCT OF DELHI & ORS.

... RESPONDENTS

NDOH: 01.11.2018

**APPLICATION UNDER SECTION 151 CPC FOR SEEKING
EARLY HEARING OF THE ABOVE TITLED WRIT
PETITION.**

Most respectfully showeth:

1. The present application is being filed by the Petitioner named hereinabove ("Petitioner/ Applicant") in the above titled Writ petition, which came up for hearing before this Hon'ble Court on 10.10.2018 and this Hon'ble Court was pleased to adjourn the matter for 01.11.2018.
2. That during the course of hearing of the said petition on 10,10.2018, though this Hon'ble Court heard submissions of the Petitioner/ Applicant in detail with respect to the alleged demarcation of the land of the Petitioner/ Applicant. However, no orders were passed in writing on the stay application being CM No.41006/2018, however, this Hon'ble Court directed the Respondents to maintain status quo till next date of hearing.
3. That much to the surprise of the Petitioner/ Applicant, immediately after the above hearing on 10.10.2018, and in contravention of maintaining the

status quo, on 10.10.2018 and 12.10.2018 the Revenue Officials alongwith the officials from Forest Department entered upon the property of the petitioner/applicant which is the subject matter of the present Writ petition and started doing some marking. The Petitioner/ Applicant directed one of its employees who was present there at the said property at that time to take pictures demonstrating this activity. The photographs and CD of the Revenue Officials and the Forest Department Officials doing some marking in the property of the petitioner on 10.10.2018 & 12.10.2018 are annexed herewith and marked as **ANNEXURE-P-27** (colly) and **ANNEXURE-P-28** respectively.

4. That the stand taken by the respondents in the said Writ petition is that they had already conducted the demarcation of the said property whereas in fact no demarcation of the said property of the petitioner/applicant has been conducted by the respondents till date, hence, to fill up this lacuna and to create documents to this effect post facto, the Revenue Officials alongwith Forest Officials went at the property of the petitioner/applicant and started doing some marking which clearly demonstrates the fraudulent nature of the Respondents.
5. That the respondents are adamant to dispossess the petitioner/applicant from his legally owned properties even after observations by this Hon'ble Court on 10.10.2018 to maintain status quo with regard to the subject property.
6. That if the respondents are not restrained by this Hon'ble Court by passing a specific order in this regard not to enter upon the properties of the

petitioner or not to take coercive steps against him, the respondents shall take possession of those properties of the petitioner which are the subject matter of the present Writ and in that eventuality, the present Writ shall become infructuous and a great injustice shall be done against the petitioner/applicant. The very submission of the Petitioner/Applicant is that no fresh demarcation has been conducted after the impugned order dated 21.08.2018.

7. The Respondents without any due regard for the sanctity of this Hon'ble Court are habitually taking the law in their own hands. For example; this Hon'ble Court had granted stay order for three days against the respondents in a Writ petition bearing No.9015 of 2018 titled as "Radha Soami Satsang Beas Vs. Govt. of NCT of Delhi & Ors." while disposing of the said Writ Petition vide order dated 27.08.2018 and during the course of the operation of said stay order dated 27.08.2018, the respondents demolished the properties of Radha Soami Satsang Beas on 28.08.2018 at village Bhati. This shows that the respondents do not bother even for the orders passed by this Hon'ble Court and are adamant to act at their whims and fancy in violation of the orders of this Hon'ble Court.
8. That unless a specific order is passed restraining the respondents from entering upon the property of the petitioner/applicant, the respondents shall not stop themselves from attempting to dispossess the petitioner/applicant from the properties owned by him.

9. That under the above stated facts and circumstances of this case, an early hearing of the above titled Writ petition has become essential and in case the hearing of the said petition is not expedited, the revenue officials are bound to enter upon the properties of the petitioner/applicant on a daily basis and even the risk of fraudulent demarcation remains which would cause irreparable loss and injury which cannot be compensated in any terms whatsoever.

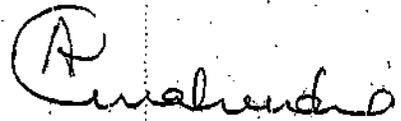
PRAYER

In view of the above stated facts and circumstances, it is therefore, most humbly prayed before this Hon'ble Court that the present application may kindly be allowed and the above titled Writ petition may kindly be expedited and the CM Application bearing No.41006/2018 may kindly be disposed of in terms of the prayer made in the said application, in the interest of justice.

Any other or further relief(s), order(s) or direction(s) may kindly be passed in favour of the petitioner/applicant and against the respondents which this Hon'ble Court may deem fit and proper under the facts and circumstance of this case.

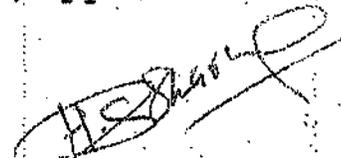
New Delhi

Dated: 12.10.2018



Petitioner/Applicant

Through



H.S. Sharma
Advocate

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

CM APPLICATION NO. OF 2018

IN

WP(C) NO.10505/2018

IN THE MATTER OF:

ANANT RAJ LIMITED

...PETITIONER

VS.

GOVT OF NCT OF DELHI & ORS.

... RESPONDENTS

AFFIDAVIT

I, Mr. Anil Mahindra, S/o Late Sh. K C Mahindra, Age about 52 years, Authorized Signatory of the Petitioner Company having its office at H-65, Connaught Circus, New Delhi-110001, do hereby solemnly affirm and declare as under:

4795/1
2
1. That I am the authorized signatory of the Petitioner company and am competent to swear this affidavit in official capacity and well conversant with the facts of the present case.

2
That the accompanying Application Under Section 151 CPC has been drafted by the counsel for the petitioner company and the same has been read over and explained to me and the same is understood by me in vernacular language and I say that the same is true and correct to the best of my knowledge, information and belief and as per records.

3. That the contents of the accompanying Application may kindly be read as part and parcel of this affidavit and the same are not being reproduced herein for the sake of brevity.

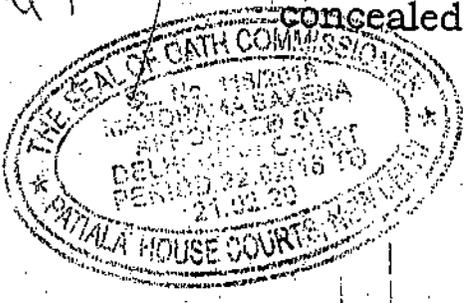
(Signature)

DEPONENT

VERIFICATION

Verified at New Delhi on this 12th day of October, 2018 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

4725/12



A
Mahmud

DEPONENT

CERTIFICATE OF DEPONENT

Name: Amir Mahmud
Age: 52
Address: K. C. Mahabadi
Occupation: M. S. Sharma
Signature: [Handwritten Signature]

I identified the deponent who has signed in my presence

[Handwritten Signature]
Adv.

12 OCT 2018

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

CM. APPL. NO. _____ OF 2023

IN

W.P.(C) 3345 OF 2018

IN THE MATTER OF:

Anant Raj Limited

(Now 'Park Land Construction and Equipments Limited')

...Petitioner

Versus

South Delhi Municipal Corporation

...Respondent

INDEX

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1.	Urgent Application	1
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3.	Application on behalf of the Petitioner under Section 151 of the Code of Civil Procedure, 1908 seeking Permission to Implead Department of Forests and Wildlife as Respondent No. 2 in the present Writ Petition, along with supporting Affidavit.	3-7
4.	Annexure-A: Order dated 01.02.2023 passed by this Hon'ble Court in LPA 675/2016	8-9
5.	Annexure-B: Order dated 05.04.2023 passed by this Hon'ble Court in LPA 675/2016.	10-11
6.	Application on behalf of the Petitioner under Section 151 of the Code of Civil Procedure, 1908 seeking	12-14

	Exemption from filing Certified Copy of the Orders annexed with the Accompanying application, along with supporting Affidavit.	
7.	Proof of Service	15

THROUGH:

Prarthana Singhal

SOHAM KUMAR/PRARTHANA SINGHANIA
 (D/1054/2013) (D/3375/2019)
 CHAMBERS OF SOHAM KUMAR
 ADVOCATES FOR PETITIONER
 E-4, DEFENCE COLONY,
 2ND FLOOR,
 NEW DELHI-110024
 PH. 9818350561/9643156436
[soham@chambersofsohamkumar.com/](mailto:soham@chambersofsohamkumar.com)
prarthana@sandvpartners.com

NEW DELHI

DATE: 16/5/2023

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
 CM. APPL. NO. _____ OF 2023
 IN
 W.P.(C) 3345 OF 2018

IN THE MATTER OF:

Anant Raj Limited
 (Now 'Park Land Construction and Equipments Limited') ...Petitioner

Versus

South Delhi Municipal Corporation ...Respondent

URGENT APPLICATION

To,
 The Registrar,
 Delhi High Court,
 New Delhi.
 Sir,

Kindly treat the accompanying Application as an urgent one as per High Court Rules & Regulations. The grounds of urgency are:

'The matter is listed before this Hon'ble Court on 22.09.2023 for arguments, therefore, it is imperative that the present application be heard on urgent basis so that Department of Forests and Wildlife may be impleaded and amended memo be filed by the Petitioner before the next date'.

THROUGH:

Prarthana Singhania
 SOHAM KUMAR/PRARTHANA SINGHANIA
 (D/1054/2013) (D/3375/2019)
 CHAMBERS OF SOHAM KUMAR
 ADVOCATES FOR PETITIONER
 E-4, DEFENCE COLONY,
 2ND FLOOR,
 NEW DELHI-110024
 PH. 9818350561/9643156436
[soham@chambersofsohamkumar.com/](mailto:soham@chambersofsohamkumar.com)
prarthana@sandvpartners.com

NEW DELHI
 DATE: 10/9/23



IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CM. APPL. NO. _____ OF 2023
IN
W.P.(C) 3345 OF 2018

IN THE MATTER OF:

Anant Raj Limited
(Now 'Park Land Construction and Equipments Limited') ...Petitioner

Versus

South Delhi Municipal Corporation ...Respondent

NOTICE OF MOTION

Sir,

The enclosed Application under Section 151, CPC on behalf of the Petitioner is likely to be listed before the Hon'ble Court on 16/8/23 at 10.30 a.m. in the forenoon, or soon thereafter as may be convenient to the Hon'ble Court. Please take notice accordingly.

THROUGH:

Prarthana Singhania

SOHAM KUMAR/PRARTHANA SINGHANIA
(D/1054/2013) (D/3375/2019)
CHAMBERS OF SOHAM KUMAR
ADVOCATES FOR PETITIONER
E-4, DEFENCE COLONY,
2ND FLOOR,
NEW DELHI-110024
PH. 9818350561/9643156436
[soham@chambersofsohamkumar.com/](mailto:soham@chambersofsohamkumar.com)
prarthana@sandvpartners.com

NEW DELHI

DATE: 16/8/23

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CM. APPL. NO. _____ OF 2023
IN
W.P.(C) 3345 OF 2018

IN THE MATTER OF:

Anant Raj Limited
(Now 'Park Land Construction and Equipments Limited') ...Petitioner

Versus

South Delhi Municipal Corporation ...Respondent

**APPLICATION ON BEHALF OF THE PETITIONER UNDER
SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908
SEEKING PERMISSION TO IMPLEAD THE DEPARTMENT OF
FORESTS AND WILDLIFE AS RESPONDENT NO. 2 IN THE
PRESENT WRIT PETITION**

Most Respectfully Showeth:

1. That the present petition has been filed by the Petitioner herein seeking quashing of Order dated 11.09.2017 and minutes of meeting dated 31.08.2017 rejecting the Petitioner's representation dated 14.09.2016 for sanctioning the building plans for construction of motel on its land measuring 7.15 acres comprised in Khasra Nos. 2033/862 min (1-0), 2034/862 (1-12), 2035/862 (0-19), 853(5-09), 854 min (0-12), 845 min (1-06), 841 (1-14), 842(3-5), 2036/862(0-14), 2037/862(1-0), 2031/862 min

(3-9), 2032/862 (2-14), 2033/862 min (0-16), 845 min (2-09), 854 min (3-13), 855(2-09), 843(2-19) situated in the Revenue Estate of Village Bhatti, New Delhi. The contents of the writ petition are not being repeated herein for the sake of brevity and the same may be read as part and parcel of the present Application.

2. That by way of the present Application, the Petitioner herein seeks leave of this Hon'ble Court to implead the Department of Forests and Wildlife ('DoFW') as Respondent No. 2, the same being the appropriate authority to determine and clarify whether the subject land of the Petitioner falls within the Forest Area/ Regional Park/ Ridge Area or not, in light of the recent developments.
3. That in LPA 675/2016 titled "*South Delhi Municipal Corporation v. M/s. Anant Raj Agencies Private Limited and Ors.*" involving a property in close proximity to the Petitioner's land, an Affidavit was filed by the Deputy Conservator of Forests, South Forest Division, Department of Forests and Wildlife, Government of National Capital Territory of Delhi, stating that the Khasra Numbers of Village Bhatti, Tehsil Saket mentioned therein do not form part of forest land/ Ridge Area, however, since the same was not supported by relevant documents, this Hon'ble Court vide an Order dated 01.02.2023 directed the DoFW to also place on record the documents pertaining to physical verification at the site, demarcation records, geo-reference maps with boundaries and other supporting documents within one week from the date of said Order. A copy of the said Order dated 01.02.2023 passed by this Hon'ble Court in LPA 675/2016 is annexed herewith and marked as **Annexure-A**.

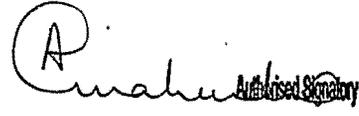
4. That in compliance with the said Order dated 01.02.2023, the Deputy Conservator of Forests filed an Affidavit along with the requisite documents and the Ld. Counsel appearing for the South Delhi Municipal Corporation requested for some time to file reply to the said Affidavit which this Hon'ble Court was pleased to allow vide an Order dated 05.04.2023 and the matter was re-notified for 23.08.2023. A copy of the said Order dated 05.04.2023 passed by this Hon'ble Court in LPA 675/2016 is annexed herewith and marked as **Annexure-B**.
5. Furthermore, the Petitioner is relying upon the Report of the Special Task Force deputing forest officials which was established for the purpose of identification & TSM Survey & Demarcation of Forest Land in Southern Ridge.
6. That since the demarcation records and other documentations pertaining to the land of the Petitioner can only be produced and demonstrated by the DoFW, it is imperative that DoFW be impleaded in the present matter as Respondent No. 2.
7. That the present Application is *bonafide* and in the interest of justice and no prejudice shall be caused to the Respondent No.1 if the same is allowed. However, severe prejudice shall be caused to the Petitioner if the same is not allowed.

PRAYER

That in view of the aforementioned, it is respectfully prayed by the Petitioner herein that this Hon'ble Court may be pleased to:

- A. Allow the present Application and implead the Department of Forests and Wildlife as Respondent No. 2 in the present petition.
- B. Pass any other Orders/ directions as this Hon'ble Court may deem fit and appropriate in the present facts and circumstances.

FOR PARK LAND CONSTRUCTION AND EQUIPMENTS LTD.


 [PETITIONER]

THROUGH:

Prarthana Singhania
 SOHAM KUMAR/PRARTHANA SINGHANIA
 (D/1054/2013) (D/3375/2019)
 CHAMBERS OF SOHAM KUMAR
 ADVOCATES FOR PETITIONER
 E-4, DEFENCE COLONY,
 2ND FLOOR,
 NEW DELHI-110024
 PH. 9818350561/9643156436
soham@chambersofsohamkumar.com/
prarthana@sandvpartners.com

NEW DELHI
 DATE: 18/5/2023

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CM. APPL. NO. _____ OF 2023
IN
W.P.(C) 3345 OF 2018

IN THE MATTER OF:

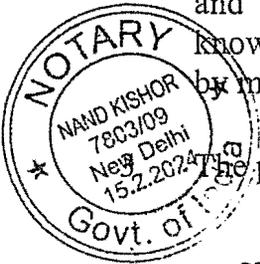
Anant Raj Limited
(Now 'Park Land Construction and Equipments Limited') ...Petitioner
Versus
South Delhi Municipal Corporation ...Respondent

AFFIDAVIT

I, Anil Mahindra, S/o Late Shri K.C. Mahindra, aged about 56 years, R/o D-12, 2nd Floor, Model Town-II, Delhi-110009, do hereby solemnly affirm and declare as under:-

1. That I am the Authorized Representative of Park Land Construction and Equipments Limited in the present case and as such I am competent to swear the present affidavit.
2. That I have gone through the accompanying Application under Section 151 CPC and say that the contents mentioned therein are true and correct to my knowledge and based on the record maintained by me. Legal advice received by me is believed to be correct. Last para is the prayer to this Hon'ble Court.

The present Application has been drafted by my counsel under my instructions.



Read Meo Sept 2/ 2023/2019

VERIFICATION *Deponent's Presence*

I, the above-named deponent, do hereby verify that contents of my above affidavit are true and correct to my personal knowledge and as per record maintained by me. No part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this the 10 day of 3, 2023.

10 AUG 2023

Anil Mahindra
DEPONENT

Anil Mahindra
DEPONENT

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT/EXHIBITANT WHO HAS COMED PERFECTLY TO UNDERSTANDING OF THE MATTER HERE AT NEW DELHI

IDENTITY OF THE DEPONENT WHO HAS SIGNED IN THE AFFIDAVIT NOTARY PUBLIC (NEW DELHI) NAI SUR AGARWAL Advocate

Sur Agarwal (Signature)
10 AUG 2023

10 AUG 2023

8

\$~12

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

+ LPA 675/2016 & CM APPL. 45321/2016

SOUTH DELHI MUNICIPAL CORPORATION Appellant
 Through: Ms. Garima Prasad, Sr. Advocate
 with Ms. Puja Kalra, SC for MCD.

versus

M/S ANANT RAJ AGENCIES PVT LTD & ORS. Respondents
 Through: Mr. Gaurav Sarin, Ms. Charul Sarin
 and Mr. Harish Kumar, Advocates for
 R-1.
 Mr. Anish Dhingra, Advocate for R-
 2/DDA.
 None for R-3.

CORAM:**HON'BLE MR. JUSTICE NAJMI WAZIRI****HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN****ORDER****01.02.2023**

%

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The affidavit filed by Deputy Conservator of Forests (South) is not supported by documents to show that the lands claimed by R-1 belongs to the latter and is not forest land. Let relevant documents, i.e. records pertaining to physical verification at the site, demarcation records, geo-reference maps with boundaries and other supporting documents be filed in a week particularly in terms of the order dated 11.10.2022.
2. None appears for DCF. In the circumstances, Mr. Gautam Narayan, ASC for GNCTD is directed to accept notice to assist the court on the next date. An e-copy of the petition be supplied to him.

Signature Not Verified

Digitally Signed By: KAMLESH KUMAR

Signing Date: 10.02.2023
17:23:47

T-C
 46

3. Other parties, who may wish to file a response to the affidavit, may do so before the next date.
4. List on 06.03.2023.

NAJMI WAZIRI, J

SUDHIR KUMAR JAIN, J

FEBRUARY 1, 2023

At this stage, Mr. Mukesh Sacdeva, Advocate, enters appearance on behalf of R-3. He has been apprised of the order.

NAJMI WAZIRI, J

SUDHIR KUMAR JAIN, J

FEBRUARY 1, 2023

SS

TC
+

Signature Not Verified

Digitally Signed By: KAMLESH
KUMAR

Signing Date: 10.02.2023
17:23:47

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

+ LPA 675/2016 & CM APPL. 45321/2016

SOUTH DELHI MUNICIPAL CORPORATION Appellant

Through: Ms. Garima Prashad, Sr. Advocate
with Ms. Puja Kalra, Standing
Counsel along with Mr. Virendra
Singh, Advocates.

versus

M/S ANANT RAJ AGENCIES PVT LTD Respondent

Through: Mr. Gaurav Sarin, Mr. Charul Sarin
and Mr. Harish Kumar, Advocates for
R-1.

Mr. Sumit Agarwal, Advocate for R-3
along with Mr. Tajuddin, DRO.

Mr. Anish Dhingra and Mr. Aman
Gupta, Advocates for DDA.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% **05.04.2023**

The hearing has been conducted through hybrid mode (physical and virtual hearing).

CM APPL. 11231/2023 (for delay of 22 days in filing affidavit)

1. This application seeks condonation of 22 days' delay in filing of an affidavit.
2. For the reasons mentioned in the application, it is allowed. The delay is

condoned and the affidavit is taken on record.

3. The application stands disposed-off.

LPA 675/2016 & CM APPL. 45321/2016

4. Ms. Garima Prashad, the learned Senior Advocate for the Corporation says that the Corporation would like to file a response to the affidavit filed by the Forest Department. Let it be so done in the next two weeks.

5. List on 23.08.2023.

NAJMI WAZIRI, J

SUDHIR KUMAR JAIN, J

APRIL 5, 2023

RW

TC
+

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CM. APPL. NO. _____ OF 2023
IN
W.P.(C) 3345 OF 2018

IN THE MATTER OF:

Anant Raj Limited

(Now 'Park Land Construction and Equipments Limited') ...Petitioner

Versus

South Delhi Municipal Corporation

...Respondent

APPLICATION ON BEHALF OF THE PETITIONER UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 SEEKING EXEMPTION FROM FILING CERTIFIED COPIES OF THE ORDERS ANNEXED WITH THE APPLICATION SEEKING IMPLEADMENT OF DEPARTMENT OF FOREST AND WILDLIFE AS RESPONDENT NO. 2

Most Respectfully Showeth:

1. That by way of the accompanying Application, the Petitioner is seeking permission to implead the Department of Forests and Wildlife as Respondent No. 2 in the present Writ Petition.
2. The circumstances leading to the filing of the present application has been set out in detail in the present Writ Petition and the accompanying Application and are not being repeated herein for the sake of brevity and the same may be taken as a part and parcel of the present application.

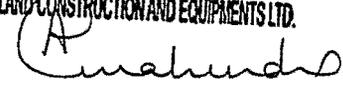
3. The Petitioner respectfully submits that the Petitioner is filing some Orders of this Hon'ble Court along with the application seeking impleadment of Department of Forest and Wildlife as Respondent No. 2, the certified copies of which have not been filed due to the urgency involved.
4. Therefore, the Petitioner prays that exemption may kindly be granted from filing certified copies of the orders annexed with the accompanying application.

PRAYER

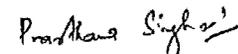
In view of the above, the Petitioner, therefore, prays that this Hon'ble Court may kindly be pleased to:

- a. grant exemption from filing certified copies of Orders annexed with the accompanying Application; and
- b. pass any other order(s) as this Hon'ble Court may deem to be fit and more appropriate in order to grant relief to the Petitioner.

For PARK LAND CONSTRUCTION AND EQUIPMENTS LTD.


[PETITIONER]
Authorized Signatory

THROUGH:



SOHAM KUMAR/PRARTHANA SINGHANIA
(D/1054/2013) (D/3375/2019)
CHAMBERS OF SOHAM KUMAR
ADVOCATES FOR PETITIONER
E-4, DEFENCE COLONY,
2ND FLOOR,
NEW DELHI-110024
PH. 9818350561/9643156436
[soham@chambersofsohamkumar.com/](mailto:soham@chambersofsohamkumar.com)
prarthana@sandvpartners.com

NEW DELHI

10/8/2023

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI
CM. APPL. NO. _____ OF 2023
IN
W.P.(C) 3345 OF 2018

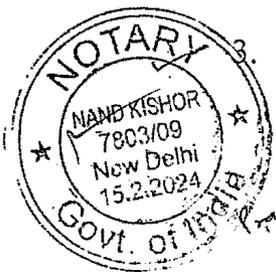
IN THE MATTER OF:

Anant Raj Limited
(Now 'Park Land Construction and Equipments Limited') ...Petitioner
Versus
South Delhi Municipal Corporation ...Respondent

AFFIDAVIT

I, Anil Mahindra, S/o Late Shri K.C. Mahindra, aged about 56 years, R/o D-12, 2nd Floor, Model Town-II, Delhi-110009, do hereby solemnly affirm and declare as under:-

1. That I am the Authorized Representative of Park Land Construction and Equipments Limited in the present case and as such I am competent to swear the present affidavit.
2. That I have gone through the accompanying Application under Section 151 CPC and say that the contents mentioned therein are true and correct to my knowledge and based on the record maintained by me. Legal advice received by me is believed to be correct. Last para is the prayer to this Hon'ble Court.
3. The present Application has been drafted by my counsel under my instructions.



Anant Raj Limited
0133772019
Executant/Deponent
in my Presence

10 AUG 2023

Anant Raj Limited
DEPONENT

VERIFICATION

I, the above-named deponent, do hereby verify that contents of my above affidavit are true and correct to my personal knowledge and as per record maintained by me. No part of it is false and nothing material has been concealed therefrom.
Verified at New Delhi on this the 10 day of Aug, 2023.

Anant Raj Limited
DEPONENT

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE
DEPONENT/EXECUTANT WHO IS SEEMED PERFECTLY TO
UNDERSTAND AFFIDAVIT & DEPOSED BEFORE ME AT NEW DELHI
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS
SIGNED IN MY PRESENCE
NOTARY PUBLIC (NEW DELHI)
NAT
JR AGARWAL Advocate
10 AUG 2023



\$~32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 658/2021**

ARUN KUMAR JAIN Plaintiff
Through: Mr.Ravi Gupta, Sr. Advocate with
Mr.Pankaj Vivek, Mr.Sachin and
Mr.Deepak, Advocates.

versus

DY. CONSERVATOR OF FOREST & ORS. Defendants
Through: Counsel for D-3.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER
13.12.2021

%

I.A. No.16185/2021

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

CS(OS) 658/2021, I.A. Nos.16184, 16186/2021

3. It is the case of the plaintiff, around the year 1980, 45 Bighas and 16 Biswas situated in Village Bhati was purchased by plaintiff separate sale deeds and these lands were duly mutated/recorded in his name in the Fard Khatoni of Village Bhati, presently forming part of Tehsil Saket, District South, New Delhi.
4. It is stated the plaintiff is an absolute owner and is in possession of suit lands 'A'.
5. It is alleged the plaintiff entered into cultivatory possession of adjoining 40 Bighas and 4 Biswas of Gaon Sabha land of Village Bhati, details of which are mentioned in para 7 of the plaint. This land is termed as suit land 'B' and this cultivatory possession of plaintiff was duly recorded in Khasra Girdawri of years 1981-1983.



6. The plaintiff is contesting a case for above 40 Bighas and 4 Biswas of land for declaration of his bhumidhari rights under Section 85 of the Delhi Land Reforms Act, 1954 since 1990. The site plan depicting the entire land in possession of the plaintiff is annexed with the plaint which shows the 45 Bighas and 16 Biswas of purchased land in orange colour and the 40 Bighas and 4 Biswas of land which is in adverse cultivatory possession of plaintiff in blue stripes.
7. It is alleged on 10.10.2020 some officials of the Forest Department had visited the farm of the plaintiff and tried to close the passage at point 'X' which connects the Bhati Mines road with the farm land of plaintiff.
8. The defendants no. 1 & 2 claim this 40 Bighas and 4 Biswas of land as "ridge" and/or "reserved forest" belonging to Forest Department of GNCT of Delhi and seek to dispossess the plaintiff without due process of law.
9. It is stated this land was never handed over to the Forest Department, GNCTD by the Gaon Sabha Bhati but still the defendants intend to dispossess the plaintiff by use of force and might of State machinery and the suit land B is lying recorded in the name of Gaon Sabha Bhati but the plaintiff has accrued bhumidhari rights for which the case is going on.
10. In the circumstances, issue notice to the defendants.
11. Learned counsel for defendant No.3 has entered appearance. Let written statement/reply be filed within the statutory period with an advance copy to learned counsel for the plaintiff. Replication/rejoinder be filed within four weeks thereafter.
12. None has appeared on behalf of defendants No.1 and 2. Issue notice to defendants No.1 and 2 by all modes returnable before the Joint Registrar on 10.03.2022.



13. In the meanwhile the parties to maintain status quo qua the *possession* of the suit property/land as of today, till the next date of hearing.
14. Compliance of Order 39 Rule 3 CPC be made by plaintiffs within 10 days.
15. Upon completion of service/pleadings, the matter be listed before this Court.
16. Order dasti.

YOGESH KHANNA, J.

DECEMBER 13, 2021

VLD

TO BE FILLED BY HAND

LISTING PROFORMA

INSTRUCTIONS: 1. DO NOT WRITE OUTSIDE THE BOXES. 2. WRITE IN BLOCK CAPITAL LETTERS. 3. ONE CHARACTER IN EACH BOX. 4. DO NOT Staple the Sheet.

IN THE HIGH COURT OF DELHI AT NEW DELHI

Case Type: CS (OS) Number: [] OF Year: 2021

IN THE MATTER OF:-

NAME: ARUN KUMAR JAIN

PLAINTIFF / PETITIONER

VS

NAME: D.Y. CONSERVATOR OF FOREST

DEFENDANT / RESPONDENT

1 (a) Case Category []

(b) Case Category []

2 Date of Imugned order [] / [] / []

3 (a) Similar Matter Case Type / Number [] OF []

4 Statute Involved: SUIT FOR PERMANENT INJUNCTION

Criminal Matters - Code/100 to 105

FIR No. [] / []

FIR Date [] / [] / []

Police Station []

Service Matters - Code 500 to 505

Department / Authority / Organization etc. []

Motors Accident Claim Matters - Code 600

Insurance Company []

Lawyers Code

A/220/198(R)

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

MASTER INDEXPART - I

S.N.	Particulars	Pages
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7.	SUIT FOR PERMANENT INJUNCTION	24 - 56
8.	SUPPORTING AFFIDAVIT	57 - 58
9.	CONSOLIDATED e-COURT FEE OF RS. 1,98,600/- + Rs. 1,500/- (ONE TIME PROCESS FEE) = Rs. 2,00,100/-	59

PART-II

S.N	Particulars	Pages
1	INDEX-II	1 - 2
2.	APPLICATION ON BEHALF OF PLAINTIFF UNDER ORDER XXXIX RULES 1 & 2 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 SEEKING EX-PARTE AD-INTERIM INJUNCTION ALONGWITH AFFIDAVIT.	3-15
3.	APPLICATION UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 FOR EXEMPTION FROM FILING CERTIFIED/TRANSLATED/TYPED/ CLEAR COPIES OF DIM / ILLEGIBLE /ORIGINAL AND HAND WRITTEN ANNEXURES AND LESS MARGIN DOCUMENTS ON BEHALF OF THE PLAINTIFF ALONGWITH AFFIDAVIT.	16-20

PART-III

S. N	Particulars	Pages
1	INDEX-III	1
2.	VAKALATNAMA.	2

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S. No.	Details of documents and parties	Documents in power, possession, control, custody of	Original or photocopies, office copies	Mode of execution/ issuance or receipt	Line of custody	Pg. no.

1.	LIST OF DOCUMENTS					1-6
2.	Existing Site Plan of Suit Property.	Plaintiff	Original	Prepared by Draught Man	Plaintiff	7
3.	Copy of the demarcation plan dated 15.12.2011	In possession of Revenue Deptt.	Photocopy	Prepared by Dhyani Consultant Inc.	In possession of Revenue Deptt.	8
4.	Copy of Khasra Girdwari of the years 1980-1981 to 2003-2004 alongwith typed copy.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	9-58
5.	Copy of Khatauni of the years 1984-1985 alongwith typed copy.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	59-71
6.	Copy of Aks Shizra alongwith typed copy.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	72-73
7.	Copy of Field Book of village Bhati alongwith typed copy.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	74-77
8.	Copy of Survey Plan dated 19.05.2018	In possession of Revenue	Photocopy	Prepared by	In possessi	78

	downloaded from the website of Revenue Deptt. Of GNCT of Delhi	Deptt.		Revenue Deptt. GNCT	on of Revenue Deptt.	
9.	Copy of expanded (zoomed in) portion of the said Survey Plan dated 19.05.2018 showing the land of pltf. and adjoining lands.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	79
10.	Copy of map downloaded from website of GSDL and termed as GSDL Map.	In possession of Revenue Deptt.	Photocopy	Online	In possession of Revenue Deptt.	80
11.	Copy of plaint CS (OS) No. 2252/1988 titled "Arun Kumar Jain Vs. G. S. Bhati" alongwith typed copy.	High Court of Delhi	Photocopy	By Plaintiff	High Court of Delhi	81-103
12.	Copy of order dated 04/10/1988 passed in Suit No. 2252/1988 alongwith typed copy.	High Court of Delhi	Photocopy	By High Court	High Court of Delhi	104-105
13	Copy of order dated 24.04.1990 passed in Suit No. 2252/1988 alongwith typed copy.	High Court of Delhi	Photocopy	By High Court	High Court of Delhi	106-109
14.	Copy of order dated 09.05.1990 passed in	High Court of	Photocopy	By High	High Court of	110-111

	Suit No. 1474/1990 alongwith typed copy.	Delhi		Court	Delhi	
15.	Copy of order dated 23.05.1990 passed in Suit No. 1474/1990 alongwith typed copy.	High Court of Delhi	Photocopy	By High Court	High Court of Delhi	112-113
16.	Copy of petition titled "Arun Kumar Jain Vs. G. S. Bhati" filed before SDM/RA Mehrauli, Delhi alongwith typed copy.	SDM/RA Mehrauli, Delhi	Photocopy	By Plaintiff	SDM/RA Mehrauli Delhi	114-121
17.	Certified Copy of Order dated 25.03.2021 passed by Ld. Financial Commissioner, Delhi	Financial Commissioner, Delhi	Certified Copy	By FC Court	Financial Comm. Delhi	122-132
18.	Copy of Notification dated 15/04/1991	Dy. Secretary (Forest) Delhi Administration Delhi	Photocopy	Dy. Secretary (Forest)	Dy. Secretary (Forest) Delhi Adminis tration Delhi	133
19.	Copy of the Notification dated 24.05.1994	Govt. of NCT of Delhi	Photocopy	Lt. Governor, GNCT of Delhi	Govt. of NCT of Delhi	134-135
20.	Copy of Notification dated 02.04.1996 alongwith typed	Govt. of NCT of Delhi	Photocopy	Lt. Governor, GNCT of	Govt. of NCT of	136-182

	copy.			Delhi	Delhi	
21.	Copy of the Demarcation Report dated 16.12.1997 alongwith typed copy.	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Revenue Deptt.	183-188
22.	Copy of Order dated 02.08.1999 passed by the Forest Settlement Officer, Delhi in Case No. 110/obj./95 alongwith typed copy.	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Revenue Deptt.	189-196
23.	Copy of Kabza karyawahi report dt. 12/09/2006 w.r.t. Kh. No. 715 (245-16) Village Bhati, alongwith typed copy.	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Delhi High Court	197-198
24.	Copy of Affidavit of the BDO (S) in WP(C) No. 6199/2007 alongwith typed copy.	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Delhi High Court	199-208
25.	Copy of Affidavit dated 06/08/2012 filed in CCP No. 409/207 alongwith typed copy.	High Court of Delhi	Photocopy	Filed by Defds.	High Court of Delhi	209-214
26.	Copy of Order dated 17.08.2012 passed in Cont. Cas (C) No. 409/2007 alongwith typed copy.	High Court of Delhi	Photocopy	By High Court	High Court of Delhi	215-221
27.	Copy of the Report dated 21.08.2012 regarding possession	Revenue Department	Photocopy	Prepared by Revenue	In possession of	222-226

	handed over to plaintiff alongwith typed copy.			Deptt.	Revenue Deptt.	
28.	Copy of earlier demarcation later on in 2011 upon demarcation by TSM	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Revenue Deptt.	227 -236
29.	Certified Copy of Claim no. 12/2020 titled "Arun Kumar Jain VS. DCF, South & Ors." Filed before Forest Settlement Officer.	Forest Settlement Officer/ADM South	Certified Copy	Prepared by FSO/ADM	In possession of FSO/ADM	237 -246
30.	Certified Copy of Order dated 12.11.2021 passed in Claim No. 12/2020.	Forest Settlement Officer/ADM South	Certified Copy	Prepared by FSO/ADM	In possession of FSO/ADM	247 -248
31.	Affidavits regarding original documents	Plaintiffs	Original	Issued by Plaintiffs	In Court	249
32.	Duplicate set	Plaintiff	Photocopy	Copy	Filed in court	159

THROUGH

PLAINTIFF

PLACE: NEW DELHI

DATED: 27/11 /2021


PANKAJ VIVEK, Advocate

Enr. No. D/276/98(R)

MS. BIDYARANI YUMNAM

Enr. No. D-3287/1999

(Counsels for the Plaintiff)

Office: P-33A (LGF), South Extension-2,

New Delhi 110049

Mobile No. 9811215778

Email: pankajvivek@gmail.com



IN THE HIGH COURT OF DELHI AT NEW DELHI
CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

INDEX

PART - I

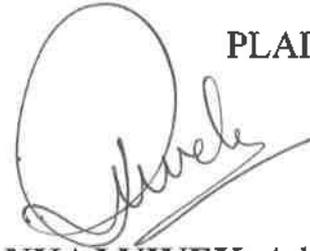
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THROUGH

PLAINTIFF

PLACE: NEW DELHI

DATED: 27/11/2021

PANKAJ VIVEK; Advocate
Enr. No. D/276/98(R)
MS. BIDYARANI YUMNAM
Enr. No. D-3287/1999
(Counsels for the Plaintiff)
Office: P-33A (LGF), South Extension-2,
New Delhi 110049
Mobile No. 9811215778
Email: pankajvivek@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

Name of the matter: Suit for Permanent InjunctionStatutes invoked: Specific Relief Act 1963ADVOCATES: PANKAJ VIVEK

Plaintiff

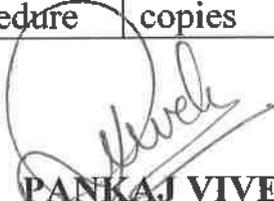
Defendants

INTERLOCUTORY APPLICATIONS {IAS}

S.N.	No. of Year	Filed by PLAINTIFF/Deft	Provision of Laws	Nature of Relief sought	Remarks
1.	IA No ___/21	PLAINTIFF	U/O XXXIX R 1 & 2 of CPC	Ex-parte ad-interim injunction	
2.	IA No ___/21	PLAINTIFF	U/S 151 of the Code of Civil Procedure	Exemption from filing certified copies	

PLAINTIFF

THROUGH

PLACE: NEW DELHI
DATED: 27 / 11 / 2021

PANKAJ VIVEK, Advocate
 Enr. No. D/276/98(R)
MS. BIDYARANI YUMNAM

Enr. No. D-3287/1999

(Counsels for the Plaintiff)

Office: P-33A (LGF), South Extension-2,
New Delhi 110049

Mobile No. 9811215778

Email: pankajvivek@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

URGENT APPLICATION

To,

The Registrar General
High Court of Delhi
New Delhi

Sir,

Kindly treat the accompanying suit as an urgent one and list the same before the Hon'ble High Court for preliminary hearing, as the Plaintiffs are desirous of obtaining urgent directions.

Thanking you.

THROUGH

PLACE: NEW DELHI

DATED: 27/11 /2021

PLAINTIFF

PANKAJ VIVEK, Advocate

Enr. No. D/276/98(R)

MS. BIDYARANI YUMNAM

Enr. No. D-3287/1999

(Counsels for the Plaintiff)

Office: P-33A (LGF), South Extension-2,

New Delhi 110049

Mobile No. 9811215778

Email: pankajvivek@gmail.com

**NOTICE OF MOTION
IN THE HIGH COURT OF DELHI AT NEW DELHI
CS (OS) NO./2021**

TO,

STANDING COUNSELS
DELHI HIGH COURT

1. **DY. CONSERVATOR OF FOREST,**
SOUTH FOREST DIVISION
NEAR KARNI SINGH SHOOTING RANGE,
TUGLAQABAD, NEW DELHI 110066
E-MAIL: dcfwestgnctd@gmail.com
standingcounselgnctd@gmail.com
WHATSAPP NO. 9868250806

2. **CHIEF CONSERVATOR OF FORESTS**
GOVT. OF NCT OF DELHI
'A' BLOCK, 2ND FLOOR,
VIKAS BHAWAN, I.P ESTATE,
NEW DELHI-110002
E-MAIL: cfdelhigovt@gmail.com
standingcounselgnctd@gmail.com
WHATSAPP NO. 9868250806

3. **UNION OF INDIA**
THROUGH THE ADDITIONAL SECRETARY
(DELHI & UT)
MINISTRY OF HOUSING AND URBAN AFFAIRS,
GOVT. OF INDIA, NIRMAN BHAWAN, NEW DELHI
E-Mail: asd-mhua@nic.in, uoidhc@gmail.com
WHATSAPP NO. 011-23384193 **DEFENDANTS**

IN THE MATTER OF:
ARUN KUMAR JAIN

...**PLAINTIFF**

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...**DEFENDANTS**

Sir,

The enclosed Plaint/Suit in the aforesaid matter as being filed on behalf of the Plaintiff and is likely to be listed on or any date, thereafter. Please take notice accordingly.

Delhi
Dated 27/11/2021

THROUGH

APPLICANT/PLAINTIFF



PANKAJ VIVEK, Advocate
Enr. No. D/276/98(R)
MS. BIDYARANI YUMNAM
Enr. No. D-3287/1999
(Counsels for the Plaintiff)
Office: P-33A (LGF), South Extension-2,
New Delhi 110049
Mobile No. 9811215778
Email: pankajvivek@gmail.com

LIST OF DATES AND EVENTS

Around 1980, Kh. No. 716 (12-8), 717 (2-7), 718 (5-17), 719 (2-0), 720 (4-8), 721 (8-1), 722 (2-0), 723 (1-5), 724 (1-3), 727 (3-5) & 728 (3-5) measuring 45 Bighas and 16 Biswas situated in Village Bhati was purchased by plaintiff separate sale deeds and these lands were duly mutated/recorded in his name in the *Fard Khatoni* of Village Bhati, presently forming part of Tehsil Saket, District South, New Delhi. The purchased lands are absolutely owned and possessed by the plaintiff as hereafter referred to as purchased land(s) or as suit lands 'A'.

Around the time of purchase of the lands stated above, plaintiff entered into cultivatory possession of adjoining 40 Bighas and 4 Biswas of Gaon Sabha land which is 10 Bighas out of Kh. No. 715 (245-16), 14 Bighas out of Kh. No. 725 (19-11), 6 Bighas & 4 Biswas out of Kh. No. 726 (12-4), 4 Bighas & 4 Biswas of Kh. No. 729(4-4) and 5 Bighas & 16 Biswas out of Kh. No. 731(20-16) of Village Bhati and continues to be in possession. This land is termed as suit land B in the plaint. The cultivatory possession of plaintiff was duly recorded in *Khasra Girdawri* of years 1981-1983. For this 40 Bighas and 4 Biswas of land plaintiff is contesting a case for declaration of his *bhumidhari* rights under Section 85 of the Delhi Land Reforms Act, 1954 since 1990. The site plan depicting the entire land in possession of the plaintiff in red colour boundary is filed with the plaint. This site plan shows the 45 Bighas and 16 Biswas of purchased land in orange colour and the 40 Bighas and 4 Biswas of land which is in adverse cultivatory possession of plaintiff in blue stripes.

The need for filing this suit arose as on 10.10.2020 some officials of the Forest Department had visited the farm of the plaintiff and tried to close the passage at point 'X' which connects the Bhati Mines road with the farm land of plaintiff. The defendants no. 1 & 2 claim this 40 Bighas and 4 Biswas of land as "ridge" and/or "reserved forest" belonging to Forest Department of GNCT of Delhi and seek to dispossess the plaintiff without due process of law. Although, this land was never handed over to the Forest Department, GNCTD by the Gaon Sabha Bhati but still the defendants intend to dispossess the plaintiff by use of force and might of State machinery. This suit land B is lying recorded in the name of Gaon

Sabha Bhati but the plaintiff has accrued bhumidhari rights for which the case is going on.

That the **list of dates** and facts relating to possession of plaintiff over the 40 Bighas and 4 Biswas of suit land B are as under:

1980: Plaintiff had entered into cultivatory possession of suit land B against the wishes of Gaon Sabha and without taking any permission from it. From 1980 to 1983, the name of plaintiff was recorded as cultivator of the suit land B in the *Khasra Girdawri* of Village Bhati, Delhi. However, due to instructions of senior officers, the *Khasra Girdawri* of Gaon Sabha lands was not filled up by the *Halka Patwari* from 1983 onwards. Yet, the plaintiff continued to cultivate the suit land B continuously and repeatedly applied to the Tehsildar (Mehrauli) for recording his cultivatory possession.

14.09.1988: That in the year 1988, officials of Gaon Sabha Bhati tried to dispossess the plaintiff from the 40 Bighas and 4 Biswas of suit land B, hence in order to protect his settled peaceful cultivatory possession, the plaintiff filed CS (OS) No. 2252/1988 titled as "Arun Kumar Jain vs. Gaon Sabha Bhati" in Delhi High Court on 14.09.1988. The possession of the plaintiff was protected by the status quo order dated 04.10.1988 passed by the Hon'ble High Court. Thereafter, on 24.04.1990 the suit was finally disposed off on the statement of counsel for Delhi Administration/Gaon Sabha to the effect that the plaintiff shall not be dispossessed except by due process of law. The copies of plaint and orders dated 04.10.1988 & 24.04.1990 are filed with the plaint.

09.05.1990: The villagers of adjoining village Fatehpur Beri also had an evil eye upon the lands in question and they tried to dispossess the plaintiff from the suit land B, therefore, the plaintiff had to file CS (OS) No. 1474/1990 titled as "Arun Kumar Jain Vs Bhagwanta & Ors.". On 09.05.1990, the Hon'ble Delhi High court was pleased to pass orders

restraining the defendants Bhagwanta etc. from interfering in peaceful possession of the plaintiff. Since, the defendants in that suit were continuing to disturb the possession of plaintiff, hence he filed IA no. 4165/1990 in CS(OS) No. 1474/1990 which was allowed by this Hon'ble Court on 23.05.1990 thereby permitting the plaintiff to raise/erect a boundary wall around the suit land B; and this Hon'ble Court also directed the SHO of PS Mehrauli to provide protection for that purpose. Copy of the order dated 23.05.1990 is filed with the plaint.

1990: In this manner, the plaintiff was using, cultivating and possessing the suit lands B alongwith the land purchased/owned by him. The Gaon Sabha did not take any steps for recovering possession from the plaintiff within the time prescribed by law, hence by virtue of Section 67 of the Delhi land Reforms Act, 1954, the rights of Gaon Sabha Bhati became extinguished. And the plaintiff became the bhumidhar of the 40 Bighas and 4 Biswas suit land B (recorded in name of Gaon Sabha Bhati) by virtue of cultivation thereof for a period of more than 3 years. The plaintiff then filed a case under Section 85 of the DLR Act in 1990 seeking declaration of his bhumidhari rights which was titled as "Arun Kumar Jain Vs Gaon Sabha Bhati" bearing Case No. 87/RA/90. Copy of the petition in Case No. 87/RA/90 is filed with the plaint. This case was wrongly dismissed in default by order dated 23.05.2002 passed by the Ld. SDM/RA. The restoration application was also dismissed on 07.02.2003. Thereafter, the Appeal No. 09/2003 titled as "Arun Kumar Jain Vs Gaon Sabha Bhati" was also dismissed wrongly. The plaintiff then filed a petition before the Ld. Financial Commissioner, Delhi bearing Case No. 140/2013 titled as "Arun Kumar Jain vs Gaon Sabha Bhati", which has been allowed and case has been remanded back to the Dy. Commissioner/District Magistrate (South) for deciding the appeal on merits of the case. Copy of the order passed by the Ld. Financial

Commissioner on 25.03.2021 and copy of notice received from the court of DM (South) for hearing dated 28.10.2021 is also filed with the plaint. Thus, the Appeal No. 09/2003 of the plaintiff in respect of the case under Section 85 of DLR Act stands revived by order dated 25.03.2021. The said Appeal No. 09/2003 is to be adjudicated in accordance with law on merits. As such, the (40-4) suit land B cannot be treated as uncultivated waste land because it has been converted to cultivated agricultural land.

15.04.1991: Delhi Administration, vide No. F.22(19)/DCF(90-91)/1383-91 dated 15.04.1991, had issued a notification under Section 18 of Wildlife Protection Act, 1972 w.r.t. Kh. Nos. 708, 712, 713, 715, 1895 to 1900, 1903 to 1938 of village Bhati declaring it's intention to make it a Wildlife Sanctuary. Thus, the Khasra No. 715 out of the suit land B came to be notified under Section 18 of the Act but it was never finally declared as a "sanctuary" in accordance with law. The total area of Kh. No. 715 was 245 Bighas and 6 Biswas and plaintiff remained in cultivatory possession of 10 Bighas out of Kh. No. 715 (245-16) of Village Bhati.

24.05.1994: It is also a fact that the proceedings under Sections 6-20 of The Indian Forest Act, 1927 have never been initiated for adjudication of rights of citizens or to acquire the cultivatory rights of plaintiff in respect of suit land B. Yet it is wrongly claimed on basis of a notification dated 24.05.1994 issued under Section 4 of the Indian Forest Act, 1994 that the area is a reserved forest. The notification dated 24.05.1994 bearing no. F.10(42)-1/PA/DCF/93/2012-17(1) was issued under Section 4 of the Indian Forest Act, 1927 signifying the intention of the government for reserving the forest lands and wastelands which were the property of government as "reserved forest". However, this notification did not apply to the Gaon Sabha lands as those lands were not the property of the government. For that reason, the Gaon Sabha lands were not treated as having become vested in government in pursuance to the notification dated

24.05.1994. Copy of the notification is filed with the plaint. Khasra No. 715 (245-16) was wrongly included in this notification but the government realized it's error and treated it as Gaon Sabha land only.

02.04.1996: Thereafter a notification under Section 154 of the Delhi Land Reforms Act, 1954 bearing no. F.1(29)/PA/DC/95 was issued on 02.04.1996 and it was proposed to handover uncultivated surplus lands of Gaon Sabha Bhati to Forest Deptt. for afforestation. Copy of the notification dated 02.04.1996 is filed with the plaint. This notification pertained to only two Khasras out of suit land B viz. Kh. No. 715 (245-16) & 725(19-11) of Village Bhati. The other Kh. No. 726, 729 & 731 were not included in this notification. At the time of issuance of this notification dated 02.04.1996, Section 4 of the Indian Forest Act, 1927 was not invoked by defendants as the Gaon Sabha land was not a property of the government. Since the earlier notification dated 24.05.1994 under Section 4 of the Indian Forest Act, 1927 did not apply to Gaon Sabha lands, therefore the accrued bhumidhari rights of plaintiff in respect of suit land B (lying recorded in name of Gaon Sabha Bhati) were not terminated under the provisions of Indian Forest Act, 1927. Hence, the handover of Gaon Sabha land to the forest department did not have the effect of abolishing of rights acquired by plaintiff; and therefore the handover was with the encumbrances attached to the land.

10.05.1996: The office of Additional District Magistrate (South District) was conferred with the powers of Forest Settlement Officer vide notification no. F.10(42)-1/PA/DC/93/11/181-198 dated 10.05.1996. But the citizens and affected persons were not made aware about their rights to raise claims under Section 6 as no such proclamation has been issued till date inspite of passage of 24 years. The notification under Section 4 dated 24.05.1994 was also not taken to it's logical conclusion as no proclamation under Section 6 of the Act

was ever issued so as to invite the claims and no inquiry under Section 7 of the Act was ever carried out. Hence the bhumidhari & easementary rights acquired by the plaintiff were never abolished/acquired under any legal provision relating the wild life or forests in respect of the suit land B. Thus, the effect of notification dated 24.05.1994 issued under Section 4 of The Indian Forest Act, 1927 is limited to the extent of expressing the intention of the government to reserve the government owned land for forest. And the subsequent notification dated 02.04.1996 was issued in respect of a different category of lands (uncultivated Gaon Sabha lands) under Section 154 of DLR Act, 1954, so it could not be treated as a notification under Section 4 of the Indian Forest Act, 1927. Therefore, it is a matter of fact that the lands notified on 02.04.1996 are not subjected to any notification under Indian Forest Act, 1927 at all.

16.12.1997: After the notification dated 02.04.1996, the Forest Department sought possession of the Gaon Sabha lands but the Gaon Sabha Bhati did not handover possession of the 40 Bighas and 4 Biswas of suit land B to the Forest Department, GNCTD. On 16.12.1997, possession of Kh. No. 715 & 725 of Village Bhati was sought to be delivered to the Forest Department, therefore a demarcation was carried out. In that proceeding it was clearly recorded that the possession of 10 Bighas out of Kh. No. 715 (245-16) and 14 Bighas out of Kh. No. 725(19-11) of Village Bhati was not handed over to the Forest Deptt. Copy of the report dated 16.12.1997 is filed with the plaint.

02.08.1999: That the plaintiff had earlier also filed objections under Section 9 of the Indian Forest Act, 1927 bearing Case No. 110/obj./95 titled as "Arun Kumar Jain vs DCF" on the ground that he was in cultivatory possession of suit land B for which a case for declaration of bhumidhari rights was pending. These objections of plaintiff qua notification of suit land B as were allowed and the then Forest Settlement Officer held that the proceedings in the case be adjourned

sine die till the proceedings in other courts are decided. Thus, the suit land B measuring 40 Bighas and 4 Biswas were excluded from forest/deemed forest. This order continues to remain in force as it has not been varied or revoked.

12.09.2006: During the pendency of the Appeal No. 09/2003 arising out of Case No. 87/RA/90 under Section 85 of DLR Act, the officials of Gaon Sabha and Forest Department came to the property of plaintiff on 12.09.2006 and demolished the entire boundary wall and stated that the possession of Kh. No. 715 of Village Bhati was taken over and handed over to the Forest Deptt.. It was done by wrongly claiming that the purchased land of plaintiff was part and parcel of Kh. No. 715. Kabza Karyawahi Report dated 12.09.2006 is filed with the plaint.

2007: At this time, the plaintiff filed a WP(C) No. 6199/2007 titled as "Arun Kumar Jain VS Union of India" against the dispossession from his land and illegal demolition of structures on private lands. In reply to this petition, a counter affidavit was filed by the then Block Development Officer (South) stating that the demolition programme for 12.09.2006 was fixed to takeover possession of Kh. No. 715 only. It was also stated that earlier, possession of a part of Kh. No. 715 & 725 was taken over; as possession of only 235 Bighas and 16 Biswas out of Kh. No. 715 (245-16) and 5 Bighas and 1 Biswa out of Kh. No. 725 (19-11) was taken over on 16.12.1997. It was specifically admitted that that the possession of 10 Bighas out of Kh. No. 715 (245-16) and 14 Bighas out of Kh. No. 725(19-11) of Village Bhati was not handed over to the Forest Deptt. on 16.12.1997 as there was stay order operating w.r.t. such land in favour of plaintiff. It was reiterated in the counter affidavit that the action taken on 12.09.2006 was only with respect to Kh. No. 715 of Village Bhati. The copy of Counter Affidavit of the BDO (South) filed in WP (C) No. 6199/2007 is filed with the plaint.

- 2007: The plaintiff also filed a Contempt Case (Civil) No. 409/2007 in this Hon'ble Court regarding contempt of the order dated 24.04.1990 in CS (OS) No. 2252/1988. In that contempt case directions were passed for demarcation of the lands of plaintiff.
- 15.11.2011: Accordingly on 15.12.2011 demarcation was carried out and points were fixed thereby demarcating the purchased lands of plaintiff and the adjoining suit land B. And the contempt petition was disposed off on 09.08.2012 by holding that the possession of all the lands be returned to the plaintiff.
- 17.08.2012: However, due to pendency of the case under Section 85 of DLR Act, the order was modified on 17.08.2012 and it was held that the possession of purchased land be returned immediately on the date fixed. Whereas, the 40 Bighas and 4 Biswas of Gaon Sabha land (which is the suit land B) for which case u/s 85 of DLR Act was pending, a direction was issued to the Dy. Commissioner to decide the appeal expeditiously. It was not the case of either the Forest Department or the Gaon Sabha that on 12.09.2006 they had taken over possession of 40 Bighas and 4 Biswas of suit land B i.e. 10 Bighas out of Kh. No. 715 (245-16), 14 Bighas out of Kh. No. 725 (19-11), 6 Bighas & 4 Biswas out of Kh. No. 726 (12-4), 4 Bighas & 4 Biswas of Kh. No. 729(4-4) and 5 Bighas & 16 Biswas out of Kh. No. 731(20-16) of Village Bhati, New Delhi. Rather they contended that possession of only Kh. No. 715 (245-16) was taken over. Copy of the order dated 17.08.2012 is filed with the plaint. The effect of the order dated 17.08.2012 was that the possession of suit land B was treated as *custodia legis* and possession was to be formally handed over to the plaintiff in the event of being declared bhumidhar of suit land B.
- 21.08.2012: The lands of plaintiff comprised in Kh. No. 716, 717, 718, 719, 720, 721, 722, 723, 724, 727 & 728 of Village Bhati, which had been illegally occupied by the Gaon Sabha/Forest Deptt. on 12.09.2006 on pretext of takeover of Kh. No. 715, were formally handed back to plaintiff on 21.08.2012 on

basis of demarcation dated 15.12.2011. Copy of the report of handover of possession is filed with the plaint.

05.11.2020: Due to insistence of defendants to takeover possession of lands on basis of the demarcation dated 05.04.2018, there exists imminent danger to plaintiff as there is threat of demolition & dispossession from purchased land viz. suit land A as well as from the other suit land B. And if the threat of dispossession from suit land B is implemented then the purchased land (suit land A) of plaintiff would become land-locked and will not have any independent access from any road or rasta. Therefore, in order to protect his right to passage, the plaintiff had filed claim no. 12 of 2020 titled as "Arun Kumar Jain vs. DCF" to seek exchange of some of his land with land recorded in name of Forest Department/Gaon Sabha so as to have an access.

12.11.2021: However, there was no power vested in Forest Settlement Officer to exchange the land. And moreover, the Forest Department had clearly objected by claiming that the exchange of forest land was not permissible for non-forest purposes. Hence the plaintiff withdrew that claim petition.

The effect of all the above matters/cases is that the suit land B viz. 40 Bighas and 4 Biswas of land i.e. 10 Bighas out of Kh. No. 715 (245-16), 14 Bighas out of Kh. No. 725 (19-11), 6 Bighas & 4 Biswas out of Kh. No. 726 (12-4), 4 Bighas & 4 Biswas of Kh. No. 729(4-4) and 5 Bighas & 16 Biswas out of Kh. No. 731(20-16) of Village Bhati, New Delhi has been kept out of vesting in Forest Deptt. by virtue of orders passed by the Delhi High Court as well as the order dated 02.08.1999 passed by the then Forest Settlement Officer, Delhi. The portion of suit land B bearing Khasra No. 726, 729 & 731 has not even been placed at disposal of Forest Department. Therefore defendants no. 1 & 2 cannot dispossess the plaintiff from any portion of suit land B. The plaintiff had been cultivating the suit land B and had acquired the bhumidhari rights in this land prior to 1990 which i.e. much before the notification under Section 154 dated 02.04.1996, and such rights are protected by law. Therefore, the so called transfer of any part/parcel of suit land B from Gaon Sabha

to Forest Department, GNCTD is totally illegal and arbitrary as firstly, the suit land B is not uncultivated waste land and secondly, by order dated 02.08.1999 it was directed to be kept out from being declared reserved forest. The Gaon Sabha and its successor i.e. the Forest Department are bound by the orders dated 04.10.1988 & 24.04.1990 (in CS No. 2252/88) and also bound to obey the orders passed by this Hon'ble Court on 09.08.2012 in Cont. Case (Civil) No. 409/2007. The alleged transfer of Kh. No. 715 & 725 out of suit land B by virtue of notification dated 02.04.1996 is of an encumbered land and therefore rights of plaintiff need to be adjudicated before issuing any declaration under the Section 20 of Indian Forest Act, 1927. This act of handover of Gaon Sabha land is otherwise sham and illegal as the notification dated 02.04.1996 was premised on uncultivable lands being made available for afforestation, whereas suit land B is a cultivated land.

25/11/2021: Hence the present suit as the plaintiff has been using the entire farm i.e suit land A i.e. 45 Bighas and 16 Biswas of purchased land and 40 Bighas and 4 Biswas of suit land B for which bhumidhari case is pending as one unit. Therefore, he always had access to Bhati Mines Road from the gate which is marked by plaintiff at point X in the site plan filed with the plaint. The Kh. No.'s 725, 726, 729 & 731 fall between the Bhati Mines Road and purchased lands of plaintiff bearing Kh. No. 716, 717, 718, 719, 720, 721, 723, 724 etc.. Whereas Kh. No. 727 & 728 are situated on both sides of the Bhati Mines Road. The Bhati Mines Road is an interstate highway which connects Delhi to Haryana. Part of this road is built over the purchased land of plaintiff viz. Kh. No. 727 & 728 and partly over Gaon Sabha land. This Bhati Mines Road has the status of a public highway as it has been in continuous use as public road from last 50 years as it was initially used for accessing the Bhati mines for transporting Red Badarpur sand and stones/grit. Now this road is being used by public at large and is being maintained by the government as a public road/highway. The (40-4) of suit land B recorded in name of Gaon Sabha

{though case of plaintiff for declaration of bhumidhari rights is pending} is otherwise being used by plaintiff to access his purchased land viz. suit land A for last 40 years as it provides the only access to Kh. No. 716, 717, 718, 719, 720, 721, 723, 724 etc. owned by the plaintiff. Since the Bhati Mines Road is a public highway, and the plaintiff has acquired easement of necessity by prescription i.e. continuous use of suit land B as passage also for more than 40 years. Therefore, in all eventualities, (40-4) of suit land B is to be treated as a servient holding (if for any reason it is to be separated from holding of plaintiff) to the plaintiff's private purchased land holding (which is dominant heritage). Therefore, the plaintiff shall always be entitled to have access to his purchased land from the (40-4) of suit land B bearing Kh. No. 725, 726, 729 & 731 whether or not he is declared as bhumidhar of the suit land B. As and when, plaintiff is declared as bhumidhar of (40-4) land then obviously entire land holding shall have access from Bhati Mines Road. The case under Section 85 of DLR Act is still pending in appeal w.r.t. suit land 'B'. Village Bhati was never brought under consolidation operations (*Chakbandi*), therefore *rasta* (as is usually provided to each *chak* of land during *chakbandi*) has not been provided for agricultural land holdings in the village. The farm lands of plaintiff are surrounded on all sides by land recorded in name of Gaon Sabha which is now attempted to be handed over to the Forest Department. As a result, the plaintiff can only access his purchased lands after passing (driving and walking) over the suit land B as he has been doing for last more than 40 years. The easementary rights of plaintiff/his predecessors to access their private land by walking or driving over the Gaon Sabha lands have existed for more than 100 years as no separate/exclusive road/passage was provided to the private land holdings.

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) NO...../2021

IN THE MATTER OF:

SH. ARUN KUMAR JAIN **PLAINTIFF****VERSUS****DY. CONSERVATOR OF FOREST & ORS.**..... **DEFENDANTS****MEMO OF PARTIES****SH. ARUN KUMAR JAIN**

S/O SH. A.K. JAIN

R/O HOUSE NO. B-539,

NEW FRIENDS COLONY,

NEW DELHI

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....PLAINTIFF**VERSUS****1. DY. CONSERVATOR OF FOREST,**

SOUTH FOREST DIVISION

NEAR KARNI SINGH SHOOTING RANGE,

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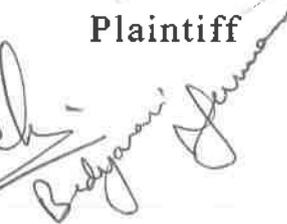
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....DEFENDANTS

SUIT FOR PERMANENT INJUNCTION

Delhi
Dated 25/11/2021

THROUGH



Plaintiff
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MS. BIDYARANI YUMNAM
Enr. No. D-3287/1999
(Counsels for the Plaintiff)
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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) NO...../2021

IN THE MATTER OF:

SH. ARUN KUMAR JAIN

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....DEFENDANTS

SUIT FOR PERMANENT INJUNCTION

TO,

THE HON'BLE CHIEF JUSTICE

AND THE COMPANION JUDGES

OF DELHI HIGH COURT

THE PLAINTIFF ABOVENAMED

MOST RESPECTFULLY SHOWETH:

1. That the plaintiff purchased various agricultural lands in 1980's by way of separate sale deeds and these lands were duly mutated/recorded in his name in the *Fard Khatoni* of Village Bhati, presently forming part of Tehsil Saket, District South, New Delhi. That the

plaintiff is the recorded owner of the following land situated in the urbanized Village Bhati, Tehsil Saket, District South, New Delhi:

Kh. No.	Area
716	(12-8)
717	(2-7)
718	(5-17)
719	(2-0)
720	(4-8)
721	(8-1)
722	(2-0)
723	(1-5)
724	(1-3)
727	(3-5)
728	(3-5)
1149	(0-13)
1197	(0-7)

Total: 46 Bighas and 19 Biswas.

Out of the above lands, the present suit pertains to a part of plaintiff's land holding measuring 45 Bighas and 16 Biswas comprised in Khasra No. 716, 717, 718, 719, 720, 721, 722, 723, 724, 727 & 728 of Village Bhati which is shown in orange colour in the site plan prepared and filed on behalf of plaintiff. The site plan corresponds to the site plan prepared in pursuance to a demarcation carried out by the revenue authorities on

15.12.2011 by TSM Method in compliance of the orders of this Hon'ble Court in Cont. Case (Civil) No. 409/2007 titled as "Arun Kumar Jain Vs. Gaon Sabha Bhati & Ors.". The copy of the said demarcation plan dated 15.12.2011 is filed with the plaint. The copy of *Fard Khatoni*, *Aks Shizra* and Field Book of lands of plaintiff are also filed with the plaint. The purchased lands are absolutely owned and possessed by the plaintiff as hereafter referred to as purchased land(s) or as suit lands 'A'.

2. That around the time of purchase of the lands stated above, plaintiff entered into cultivatory possession of adjoining 40 Bighas and 4 Biswas of Gaon Sabha land in Village Bhati and continues to be in possession. The cultivatory possession of plaintiff was duly recorded in *Khasra Girdawri* of years 1981-1983. For this 40 Bighas and 4 Biswas of land plaintiff is contesting a case for declaration of his *bhumidhari* rights under Section 85 of the Delhi Land Reforms Act, 1954 since 1990. The site plan depicting the entire land in possession of the plaintiff in red colour boundary is filed with the plaint. This site plan shows the purchased land in orange colour and the 40 Bighas and 4 Biswas of land which is in adverse cultivatory possession of plaintiff in blue stripes.

3. That the demarcation dated 15.12.2011 was final and binding upon the defendants as the said demarcation was carried out in presence of officials of the Gaon Sabha Bhati and Forest Department, GNCT under the orders passed by this Hon'ble Court in Cont. Case (Civil) No. 409/2007. Upon urbanization of Village Bhati by way of notification dated 20.11.2019 bearing no. No. F7(128)/ DLB /2019 / 000580156/ 14600-15, the Gaon Sabha Bhati stood dissolved and the lands held by it automatically vested in the Union of India, hence it is impleaded as defendant no. 3 in the suit.
4. That the need to file this suit arose as the Revenue Department, GNCTD carried out a new demarcation in 2018 wherein Gaon Sabha and Forest *Khasras* were filled up with green colour, while the privately owned lands were filled with white colour, and the encroached portions of Gaon Sabha/Forest were marked in red colour. The copy of Survey Plan dated 05/04/2018 prepared by M/s Habib Survey & Design Pvt. Ltd., downloaded from the website of revenue department of GNCT of Delhi is filed with the plaint. An expanded (zoomed in) portion of the said Survey Plan showing the land of plaintiff and adjoining lands is also filed with the plaint for ease of reference.

Though this Survey Plan contains many errors, some of glaring ones affecting the plaintiff are enumerated as under:

- (a) A portion of plaintiff's Kh. No. 721 variously mentioned as portion "be", "ba" or "bey" is being falsely depicted by the defendants as part of Kh. No. 725 of Village Bhati in their Survey Plan dated 05.04.2018. The Field Book of Village Bhati showing the measurements of two portions of Kh. No. 721 is filed with the plaint. Earlier demarcations particularly that dated 15.12.2011 also shows that Kh. No. 721 owned by plaintiff is in two portions including the portion "be", whereas the Survey Plan dated 05.04.2018 wrongly depicts the portion marked as "be" to be part and parcel of Kh. No. 725. The portion referred to as "be", "ba" or "bey" of Kh. No. 721 owned by plaintiff is marked in red criss-cross lines in the site plan filed by plaintiff.
- (b) The Survey Plan dated 05.04.2018 wrongly depicts northern part/portion of Kh. No. 725 in white colour whereas remaining portion of Kh. No. 725 is shown in green colour.
- (c) The Survey Plan dated 05.04.2018 is otherwise erroneous as the location of plaintiff's land is

shifted in comparison to the earlier court ordered TSM demarcation dated 15.12.2011. The location of lands is also at variance as compared to the map downloaded from the website of GSDL. The maps uploaded on GSDL have been prepared by the GSDL in conjunction with the Revenue Department of Delhi. The map downloaded from website of GSDL is filed with the plaint and termed as GSDL Map in the plaint.

5. That presently, the defendants no. 1 & 2 claim this 40 Bighas and 4 Biswas of land as “ridge” and/or “reserved forest” belonging to Forest Department of GNCT of Delhi and seek to dispossess the plaintiff without due process of law. Although, this land was never handed over to the Forest Department, GNCTD by the Gaon Sabha Bhati but still the defendants intend to dispossess the plaintiff by use of force and might of State machinery. This 40 Bighas and 04 Biswas land is hereafter referred to as the suit land B/suit property B and the detailed *Khasrawise* area of 40 Bighas and 4 Biswas of suit land B is detailed hereunder:
- (i) 10 Bighas out of Kh. No. 715 (245-16),
 - (ii) 14 Bighas out of Kh. No. 725 (19-11),
 - (iii) 6 Bighas & 4 Biswas out of Kh. No. 726 (12-4),
 - (iv) 4 Bighas & 4 Biswas of Kh. No. 729(4-4) and

(v) 5 Bighas & 16 Biswas out of Kh. No. 731(20-16)
This suit land B is lying recorded in the name of Gaon Sabha Bhati but the plaintiff has accrued bhumidhari rights for which the case is going on.

6. That the detailed facts relating to possession of plaintiff over the 40 Bighas and 4 Biswas of suit land B are as under:

(i) Plaintiff had entered into cultivatory possession of suit land B against the wishes of Gaon Sabha and without taking any permission from it. From 1980 to 1983, the name of plaintiff was recorded as cultivator of the suit land B in the *Khasra Girdawri* of Village Bhati, Delhi. However, due to instructions of senior officers, the *Khasra Girdawri* of Gaon Sabha lands was not filled up by the *Halka Patwari* from 1983 onwards. Yet, the plaintiff continued to cultivate the suit land B continuously and repeatedly applied to the Tehsildar (Mehrauli) for recording his cultivatory possession.

(ii) That in the year 1988, officials of Gaon Sabha Bhati tried to dispossess the plaintiff from the 40 Bighas and 4 Biswas of suit land B i.e. 10 Bighas out of Kh. No. 715 (245-16), 14 Bighas out of Kh. No. 725 (19-11), 6 Bighas & 4 Biswas out of Kh. No. 726 (12-4), 4 Bighas & 4 Biswas of Kh. No. 729(4-4) and 5

Bighas & 16 Biswas out of Kh. No. 731(20-16) of Village Bhati, New Delhi. Therefore, in order to protect his settled peaceful cultivatory possession, the plaintiff filed CS (OS) No. 2252/1988 titled as "Arun Kumar Jain vs. Gaon Sabha Bhati" in Delhi High Court on 14.09.1988. The possession of the plaintiff was protected by the status quo order dated 04.10.1988 passed by the Hon'ble High Court. Thereafter, on 24.04.1990 the suit was finally disposed off on the statement of counsel for Delhi Administration/Gaon Sabha to the effect that the plaintiff shall not be dispossessed except by due process of law. The copies of plaint and orders dated 04.10.1988 & 24.04.1990 are filed with the plaint.

- (iii) That the villagers of adjoining village Fatehpur Beri also had an evil eye upon the lands in question and they tried to dispossess the plaintiff from the suit land B, therefore, the plaintiff had to file CS (OS) No. 1474/1990 titled as "Arun Kumar Jain Vs Bhagwanta & Ors.". On 09.05.1990, the Hon'ble Delhi High court was pleased to pass orders restraining the defendants Bhagwanta etc. from interfering in peaceful possession of the plaintiff. Copy of order dated 09.05.1990 is filed with the plaint. Since, the defendants in that suit were continuing to disturb the possession of plaintiff,

hence he filed IA no. 4165/1990 in CS(OS) No. 1474/1990 which was allowed by this Hon'ble Court on 23.05.1990 thereby permitting the plaintiff to raise/erect a boundary wall around the suit land B; and this Hon'ble Court also directed the SHO of PS Mehrauli to provide protection for that purpose. Copy of the order dated 23.05.1990 is filed with the plaint.

- (iv) That in this manner, the plaintiff was using, cultivating and possessing the 40 Bighas 4 Biswas of Gaon Sabha land alongwith the 46 Bighas and 19 Biswas land purchased/owned by him. The Gaon Sabha did not take any steps for recovering possession from the plaintiff within the time prescribed by law, hence by virtue of Section 67 of the Delhi land Reforms Act, 1954, the rights of Gaon Sabha Bhati became extinguished. And the plaintiff became the bhumidhar of the 40 Bighas and 4 Biswas suit land B (recorded in name of Gaon Sabha Bhati) by virtue of cultivation thereof for a period of more than 3 years. The plaintiff then filed a case under Section 85 of the DLR Act in 1990 seeking declaration of his bhumidhari rights which was titled as "Arun Kumar Jain Vs Gaon Sabha Bhati" bearing Case No. 87/RA/90. Copy of the petition in Case No. 87/RA/90 is filed with the plaint. This case was

wrongly dismissed in default by order dated 23.05.2002 passed by the Ld. SDM/RA. The restoration application was also dismissed on 07.02.2003. Thereafter, the Appeal No. 09/2003 titled as "Arun Kumar Jain Vs Gaon Sabha Bhati" was also dismissed wrongly. The plaintiff then filed a petition before the Ld. Financial Commissioner, Delhi bearing Case No. 140/2013 titled as "Arun Kumar Jain vs Gaon Sabha Bhati", which has been allowed and case has been remanded back to the Dy. Commissioner/District Magistrate (South) for deciding the appeal on merits of the case. Copy of the order passed by the Ld. Financial Commissioner on 25.03.2021 and copy of notice received from the court of DM (South) for hearing dated 28.10.2021 is also filed with the plaint. Thus, the Appeal No. 09/2003 of the plaintiff in respect of the case under Section 85 of DLR Act stands revived by order dated 25.03.2021. The said Appeal No. 09/2003 is to be adjudicated in accordance with law on merits. As such, the (40-4) suit land B cannot be treated as uncultivated waste land because it has been converted to cultivated agricultural land.

- (v) That the plaintiff has been in continuous possession of the suit land B as he was never dispossessed by the Gaon Sabha Bhati. Gaon Sabha did not file any

case for ejectment of the plaintiff from the land within time prescribed by law inspite of knowledge of hostile and adverse possession of plaintiff, hence the plaintiff had perfected his bhumidhari rights to the land by continuous occupation for more than 3 years. When the plaintiff filed the case under Section 85 of DLR Act, then he had already become bhumidhar by virtue of cultivation for more than 3 years.

- (vi) Delhi Administration, vide No. F.22(19)/DCF(90-91)/1383-91 dated 15.04.1991, had issued a notification under Section 18 of Wildlife Protection Act, 1972 w.r.t. Kh. Nos. 708, 712, 713, 715, 1895 to 1900, 1903 to 1938 of village Bhati declaring it's intention to make it a Wildlife Sanctuary. Thus, the Khasra No. 715 out of the suit land B came to be notified under Section 18 of the Act but it was never finally declared as a "sanctuary" in accordance with law. The total area of Kh. No. 715 was 245 Bighas and 6 Biswas and plaintiff remained in cultivatory possession of 10 Bighas out of Kh. No. 715 (245-16) of Village Bhati.
- (vii) It is also a fact that the proceedings under Sections 6-20 of The Indian Forest Act, 1927 have never been initiated for adjudication of rights of citizens or to acquire the cultivatory rights of

plaintiff in respect of suit land B. Yet it is wrongly claimed on basis of a notification dated 24.05.1994 issued under Section 4 of the Indian Forest Act, 1994 that the area is a reserved forest.

- (viii) The procedure provided in Sections 4 to Section 20 of the Indian Forest Act, 1927 for declaration of suit land B as reserved forest has not been initiated till date as no notification under Section 6 of the Act was ever issued.
- (ix) The notification dated 24.05.1994 bearing no. F.10(42)-1/PA/DCF/93/2012-17(1) was issued under Section 4 of the Indian Forest Act, 1927 signifying the intention of the government for reserving the forest lands and wastelands which were the property of government as "reserved forest". However, this notification did not apply to the Gaon Sabha lands as those lands were not the property of the government. For that reason, the Gaon Sabha lands were not treated as having become vested in government in pursuance to the notification dated 24.05.1994. Copy of the notification is filed with the plaint. Khasra No. 715 (245-16) was wrongly included in this notification but the government realized it's error and treated it as Gaon Sabha land only.
- (x) That thereafter a notification under Section 154 of the Delhi Land Reforms Act, 1954 bearing no.

F.1(29)/PA/DC/95 was issued on 02.04.1996 and it was proposed to handover uncultivated surplus lands of Gaon Sabha Bhati to Forest Deptt. for afforestation. Copy of the notification dated 02.04.1996 is filed with the plaint. This notification pertained to only two Khasras out of suit land B viz. Kh. No. 715 (245-16) & 725(19-11) of Village Bhati. The other Kh. No. 726, 729 & 731 were not included in this notification. At the time of issuance of this notification dated 02.04.1996, Section 4 of the Indian Forest Act, 1927 was not invoked by defendants as the Gaon Sabha land was not a property of the government.

- (xi) Since the earlier notification dated 24.05.1994 under Section 4 of the Indian Forest Act, 1927 did not apply to Gaon Sabha lands, therefore the accrued bhumidhari rights of plaintiff in respect of suit land B (lying recorded in name of Gaon Sabha Bhati) were not terminated under the provisions of Indian Forest Act, 1927. Hence, the handover of Gaon Sabha land to the forest department did not have the effect of abolishing of rights acquired by plaintiff; and therefore the handover was with the encumbrances attached to the land.
- (xii) The office of Additional District Magistrate (South District) was conferred with the powers of

Forest Settlement Officer vide notification no. F.10(42)-1/PA/DC/93/11/181-198 dated 10.05.1996. But the citizens and affected persons were not made aware about their rights to raise claims under Section 6 as no such proclamation has been issued till date inspite of passage of 24 years. The notification under Section 4 dated 24.05.1994 was also not taken to it's logical conclusion as no proclamation under Section 6 of the Act was ever issued so as to invite the claims and no inquiry under Section 7 of the Act was ever carried out. Hence the bhumidhari & easementary rights acquired by the plaintiff were never abolished/acquired under any legal provision relating the wild life or forests in respect of the suit land B.

- (xiii) Thus, the effect of notification dated 24.05.1994 issued under Section 4 of The Indian Forest Act, 1927 is limited to the extent of expressing the intention of the government to reserve the government owned land for forest. And the subsequent notification dated 02.04.1996 was issued in respect of a different category of lands (uncultivated Gaon Sabha lands) under Section 154 of DLR Act, 1954, so it could not be treated as a notification under Section 4 of the Indian Forest Act, 1927. Therefore, it is a matter of fact that the lands

notified on 02.04.1996 are not subjected to any notification under Indian Forest Act, 1927 at all.

- (xiv) That the plaintiff had earlier also filed objections under Section 9 of the Indian Forest Act, 1927 bearing Case No. 110/obj./95 titled as "Arun Kumar Jain vs DCF" on the ground that he was in cultivatory possession of suit land B for which a case for declaration of bhumidhari rights was pending.
- (xv) That after the notification dated 02.04.1996, the Forest Department sought possession of the Gaon Sabha lands but the Gaon Sabha Bhati did not handover possession of the 40 Bighas and 4 Biswas of suit land B to the Forest Department, GNCTD. On 16.12.1997, possession of Kh. No. 715 & 725 of Village Bhati was sought to be delivered to the Forest Department, therefore a demarcation was carried out. In that proceeding it was clearly recorded that the possession of 10 Bighas out of Kh. No. 715 (245-16) and 14 Bighas out of Kh. No. 725(19-11) of Village Bhati was not handed over to the Forest Deptt. Copy of the report dated 16.12.1997 is filed with the plaint.
- (xvi) That the objections of plaintiff qua notification of suit land B as forest contained in Case No. 110/obj./95 titled as "Arun Kumar Jain vs DCF"

were allowed and the then Forest Settlement Officer held that the proceedings in the case be adjourned *sine die* till the proceedings in other courts are decided. The copy of order dated 02.08.1999 passed by the Forest Settlement Officer, Delhi is filed with the plaint. Thus, the suit land B measuring 40 Bighas and 4 Biswas were excluded from forest/deemed forest. This order continues to remain in force as it has not been varied or revoked.

(xvii) That during the pendency of the Appeal No. 09/2003 arising out of Case No. 87/RA/90 under Section 85 of DLR Act, the officials of Gaon Sabha and Forest Department came to the property of plaintiff on 12.09.2006 and demolished the entire boundary wall and stated that the possession of Kh. No. 715 of Village Bhati was taken over and handed over to the Forest Deptt.. It was done by wrongly claiming that the purchased land of plaintiff was part and parcel of Kh. No. 715. Kabza Karyawahi Report dated 12.09.2006 is filed with the plaint.

(xviii) At this time, the plaintiff filed a WP(C) No. 6199/2007 titled as "Arun Kumar Jain VS Union of India" against the dispossession from his land and illegal demolition of structures on private lands. In reply to this petition, a counter affidavit was filed by the then Block Development Officer (South) stating

that the demolition programme for 12.09.2006 was fixed to takeover possession of Kh. No. 715 only. It was also stated that earlier, possession of a part of Kh. No. 715 & 725 was taken over; as possession of only 235 Bighas and 16 Biswas out of Kh. No. 715 (245-16) and 5 Bighas and 1 Biswa out of Kh. No. 725 (19-11) was taken over on 16.12.1997. It was specifically admitted that that the possession of 10 Bighas out of Kh. No. 715 (245-16) and 14 Bighas out of Kh. No. 725(19-11) of Village Bhati was not handed over to the Forest Deptt. on 16.12.1997 as there was stay order operating w.r.t. such land in favour of plaintiff. It was reiterated in the counter affidavit that the action taken on 12.09.2006 was only with respect to Kh. No. 715 of Village Bhati. The copy of Counter Affidavit of the BDO (South) filed in WP (C) No. 6199/2007 is filed with the plaintiff.

- (xix) That thereafter the plaintiff filed a Contempt Case (Civil) No. 409/2007 in this Hon'ble Court regarding contempt of the order dated 24.04.1990 in CS (OS) No. 2252/1988. In that contempt case directions were passed for demarcation of the lands of plaintiff. Accordingly on 15.12.2011 demarcation was carried out and points were fixed thereby demarcating the purchased lands of plaintiff and the

adjoining suit land B. And the contempt petition was disposed off on 09.08.2012 by holding that the possession of all the lands be returned to the plaintiff. However, due to pendency of the case under Section 85 of DLR Act, the order was modified on 17.08.2012 and it was held that the possession of purchased land be returned immediately on the date fixed. Whereas, the 40 Bighas and 4 Biswas of Gaon Sabha land (which is the suit land B) for which case u/s 85 of DLR Act was pending, a direction was issued to the Dy. Commissioner to decide the appeal expeditiously.

(xx) That it was not the case of either the Forest Department or the Gaon Sabha that on 12.09.2006 they had taken over possession of 40 Bighas and 4 Biswas of suit land B i.e. 10 Bighas out of Kh. No. 715 (245-16), 14 Bighas out of Kh. No. 725 (19-11), 6 Bighas & 4 Biswas out of Kh. No. 726 (12-4), 4 Bighas & 4 Biswas of Kh. No. 729(4-4) and 5 Bighas & 16 Biswas out of Kh. No. 731(20-16) of Village Bhati, New Delhi. Rather they contended that possession of only Kh. No. 715 (245-16) was taken over. Copy of the order dated 17.08.2012 is filed with the plaint. The effect of the order dated 17.08.2012 was that the possession of suit land B was treated as *custodia legis* and possession was to

be formally handed over to the plaintiff in the event of being declared bhumidhar of suit land B.

(xxi) That the lands of plaintiff comprised in Kh. No. 716, 717, 718, 719, 720, 721, 722, 723, 724, 727 & 728 of Village Bhati, which had been illegally occupied by the Goan Sabha/Forest Deptt. on 12.09.2006 on pretext of takeover of Kh. No. 715, was thereby formally handed back to plaintiff on 21.08.2012 on basis of demarcation dated 15.12.2011. Copy of the report of handover of possession of Kh. No. 716, 717, 718, 719, 720, 721, 722, 723, 724, 727 & 728 of Village Bhati to plaintiff is filed with the plaint.

(xxii) That the effect of all the above matters/cases is that the suit land B viz. 40 Bighas and 4 Biswas of land i.e. 10 Bighas out of Kh. No. 715 (245-16), 14 Bighas out of Kh. No. 725 (19-11), 6 Bighas & 4 Biswas out of Kh. No. 726 (12-4), 4 Bighas & 4 Biswas of Kh. No. 729(4-4) and 5 Bighas & 16 Biswas out of Kh. No. 731(20-16) of Village Bhati, New Delhi has been kept out of vesting in Forest Deptt. by virtue of orders passed by the Delhi High Court as well as the order dated 02.08.1999 passed by the then Forest Settlement Officer, Delhi. The portion of suit land B bearing Khasra No. 726, 729 & 731 has not even been placed at disposal of Forest

Department. Therefore defendants no. 1 & 2 cannot dispossess the plaintiff from any portion of suit land B.

(xxiii) The plaintiff had been cultivating the suit land B and had acquired the bhumidhari rights in this land prior to 1990 which i.e. much before the notification under Section 154 dated 02.04.1996, and such rights are protected by law. Therefore, the so called transfer of any part/parcel of suit land B from Gaon Sabha to Forest Department, GNCTD is totally illegal and arbitrary as firstly, the suit land B is not uncultivated waste land and secondly, by order dated 02.08.1999 it was directed to be kept out from being declared reserved forest. The Gaon Sabha and its successor i.e. the Forest Department are bound by the orders dated 04.10.1988 & 24.04.1990 (in CS No. 2252/88) and also bound to obey the orders passed by this Hon'ble Court on 09.08.2012 in Cont. Case (Civil) No. 409/2007. The alleged transfer of Kh. No. 715 & 725 out of suit land B by virtue of notification dated 02.04.1996 is of an encumbered land and therefore rights of plaintiff need to be adjudicated before issuing any declaration under the Section 20 of Indian Forest Act, 1927. This act of handover of Gaon Sabha land is otherwise sham and illegal as the notification dated 02.04.1996 was

premised on uncultivable lands being made available for afforestation, whereas suit land B is a cultivated land.

(xxiv) That the earlier demarcations had fixed the location of land of plaintiff in Kh. No. 716, 717, 718, 719, 720, 721, 722, 723, 724, 727 & 728 of Village Bhati as adjoining to the Bhati Mines Road, but later on in 2011 upon demarcation by TSM the location of lands was changed and the net effect was that the land of the plaintiff was shifted eastwards and away from the road. The copies of earlier demarcations are filed with the plaint. Thus, the location of suit land A and suit land B was fixed by way of demarcation dated 15.12.2011. This demarcation was carried out on 15.12.2011 in terms of directions of the Hon'ble High Court in Cont. Case (C) i.e. CCP No. 409/2007. The suit land B is marked in blue stripes on site plan filed with the plaint and the access of plaintiff's land from Bhati Mines road is depicted at point X on the said site plan. The plaintiff and defendants treated the demarcation dated 15.12.2011 as final as the objections of Forest Department, GNCTD were rejected by the Dy. Commissioner (South) and he stated so in his short affidavit dated 06/08/2012 filed in Cont. Case (Civil) No. 409/2007. The Forest

Department accepted the factual position. Copy thereof is filed with the plaint.

(xxv) That, the plaintiff has recently in October, 2020 learnt that in 2018 a new demarcation was carried out by the Revenue Authorities through M/s Habib Survey & Design Pvt. Ltd. which shows that the land of the plaintiff is shifted further away from the Bhati Mines Road. The extract of this demarcation of 05.04.2018 is filed with the plaint. Whereas, the map uploaded by GSDL on it's website shows a different location of the land of the plaintiff in relation to the Bhati Mines Road. Extract of the downloaded map from the website of GSDL is filed with the plaint. This demarcation of 2018 is otherwise incorrect as a western portion of Kh. No. 721 (shown as "be") belonging to the Plaintiff is shown in green colour (meaning thereby that it is Gaon Sabha land allotted to forest department). Whereas, no part of Kh. No. 721 of Village Bhati is recorded in name of Gaon Sabha or Forest Deptt. as entire Kh. No. 721 belongs exclusively to Plaintiff. Such northern portion of Kh. No. 721 is marked in red criss-cross lines by Plaintiff on the site plan filed with the plaint. The copy of Field Book showing the measurements of two portions of Kh. No. 721 is filed with the plaint.

- (xxvi) Due to insistence of defendants to takeover possession of lands on basis of the demarcation dated 05.04.2018, there exists imminent danger to plaintiff as there is threat of demolition & dispossession from purchased land viz. suit land A as well as from the other suit land B. And if the threat of dispossession from suit land B is implemented then the purchased land (suit land A) of plaintiff would become land-locked and will not have any independent access from any road or rasta.
- (xxvii) Therefore, in order to protect his right to passage, the plaintiff had filed claim no. 12 of 2020 titled as "Arun Kumar Jain vs. DCF" to seek exchange of some of his land with land recorded in name of Forest Department/Gaon Sabha so as to have an access. However, there were technical defects in the said claim petition as there was no power vested in Forest Settlement Officer to exchange the land. And moreover, the Forest Department had clearly objected by claiming that the exchange of forest land was not permissible for non-forest purposes. Since, the premise of claim no. 12/2020 was based on exchange of land for non-forest purposes and which was impermissible, hence the plaintiff withdrew that claim petition. Copy of the claim no. 12/2020 and

withdrawal order dated 12/11/ 2021 is filed with the plaintiff.

(xxviii) That the plaintiff has been using the entire farm i.e suit land A i.e. 45 Bighas and 16 Biswas of purchased land and 40 Bighas and 4 Biswas of suit land B for which bhumidhari case is pending as one unit. Therefore, he always had access to Bhati Mines Road from the gate which is marked by plaintiff at point X in the site plan filed with the plaintiff. The Kh. No.'s 725, 726, 729 & 731 fall between the Bhati Mines Road and purchased lands of plaintiff bearing Kh. No. 716, 717, 718, 719, 720, 721, 723, 724 etc.. Whereas Kh. No. 727 & 728 are situated on both sides of the Bhati Mines Road. The Bhati Mines Road is an interstate highway which connects Delhi to Haryana. Part of this road is built over the purchased land of plaintiff viz. Kh. No. 727 & 728 and partly over Gaon Sabha land. This Bhati Mines Road has the status of a public highway as it has been in continuous use as public road from last 50 years as it was initially used for accessing the Bhati mines for transporting Red Badarpur sand and stones/grit. Now this road is being used by public at large and is being maintained by the government as a public road/highway.

(xxix) That the (40-4) of suit land B recorded in name of Gaon Sabha {though case of plaintiff for declaration of bhumidhari rights is pending} is otherwise being used by plaintiff to access his purchased land viz. suit land A for last 40 years as it provides the only access to Kh. No. 716, 717, 718, 719, 720, 721, 723, 724 etc. owned by the plaintiff. Since the Bhati Mines Road is a public highway, and the plaintiff has acquired easement of necessity by prescription i.e. continuous use of suit land B as passage also for more than 40 years. Therefore, in all eventualities, (40-4) of suit land B is to be treated as a servient holding (if for any reason it is to be separated from holding of plaintiff) to the plaintiff's private purchased land holding (which is dominant heritage). Therefore, the plaintiff shall always be entitled to have access to his purchased land from the (40-4) of suit land B bearing Kh. No. 725, 726, 729 & 731 whether or not he is declared as bhumidhar of the suit land B. As and when, plaintiff is declared as bhumidhar of (40-4) land then obviously entire land holding shall have access from Bhati Mines Road. The case under Section 85 of DLR Act is still pending in appeal w.r.t. suit land 'B'.

(xxx) That the Village Bhati was never brought under consolidation operations (*Chakbandi*), therefore *rasta* (as is usually provided to each *chak* of land during *chakbandi*) has not been provided for agricultural land holdings in the village. The farm lands of plaintiff are surrounded on all sides by land recorded in name of Gaon Sabha which is now attempted to be handed over to the Forest Department. As a result, the plaintiff can only access his purchased lands after passing (driving and walking) over the suit land B as he has been doing for last more than 40 years. The easementary rights of plaintiff/his predecessors to access their private land by walking or driving over the Gaon Sabha lands have existed for more than 100 years as no separate/exclusive road/passage was provided to the private land holdings.

(xxxix) That the Gaon Sabha had lost title to the 40 Bighas and 4 Biswas of suit land B much before 1990 and the right of plaintiff to seek declaration of bhumidhari rights had accrued in 1983-84 for which the case under Section 85 of DLR Act was filed in 1990. And that case is already pending in the first appellate court of Collector/DM (South). The suit land B had been brought under cultivation by plaintiff in 1980-81 and therefore, the same could

not have been treated as waste land in 1996 for the purpose of excluding it from the Gaon Sabha and/or for handover of the same to Forest Department. Since, the Gaon Sabha had lost title to the land in terms of Section 67 of DLR Act, hence, the suit land B was wrongly treated as uncultivated waste/surplus Gaon Sabha land in 1996 for the purposes of it's handover to the Forest Department.

(xxxii) That due to the illegal claim of defendant no. 1 & 2 over the suit land B measuring 40 Bighas and 4 Biswas, the plaintiff had earlier also filed objections and the then Forest Settlement Officer had rightly adjourned the proceedings sine die by his order dated 02.08.1999. But now on 10.10.2020 some officials of the Forest Department had visited the farm of the plaintiff and tried to close the passage at point 'X' which connects the Bhati Mines road with the farm land of plaintiff. The order dated 02.08.1999 passed by the then Forest Settlement Officer applies even today and the defendants cannot forcibly evict the plaintiff from (40-4) suit land B till final decision of the case under Section 85 of DLR Act. The plaintiff is also entitled to protect his possession over the suit land B in view of the orders passed by this Hon'ble Court in CS No. 2252/88 and CS No. 1474/90 as the defendants have not taken any

steps in accordance with law for recovering possession from the plaintiff. The suit for ejectment by the Gaon Sabha Bhati under Section 84 of the DLR Act was filed in 1992 i.e. well after expiry of limitation of 3 years despite notice of plaintiff's adverse possession since 1988. But that case is tagged alongwith the case under Section 85 of DLR Act filed by plaintiff. No suit or legal proceeding of any other nature was filed by the defendants to recover possession from the plaintiff at any point of time.

(xxxiii) The notification dated 02.04.1996 only pertains to part of suit land B viz. Kh. No. 715 (245-16), 725(19-11) and 726(12-4). Thus, the defendants have no right whatsoever to dispossess the plaintiff from any land in Kh. No. 729 & 731 of Village Bhati which remains with plaintiff as the order dated 04.10.1990 in CS 2252/88 binds the defendants.

7. That the plaintiff is entitled to the access his purchased lands from Bhati Mines Road and also entitled to relief of perpetual injunction against defendants from threatened dispossession from suit land B measuring 40 Bighas and 4 Biswas. The defendants have no right to dispossess the plaintiff from the portion marked as "be" out of Kh. No. 721 of

Village Bhati. The plaintiff is not required to file any other claim before the Forest Settlement Officer as his claim is adjudicated and order dated 02.08.1999 was already passed in his favour.

8. That the Village Bhati is urbanized village and therefore plaintiff has no other alternative or efficacious remedy. There is no remedy available to the plaintiff under the Indian Forest Act, 1927.
9. That the cause of action for the suit arose on 10.10.2020 when the defendants attempted to dispossess the plaintiff by blocking the gate at point 'X' in the site plan. The cause of action subsists and continues as the threat of dispossession and demolition continues to subsist.
10. That the suit is valued at Rs. 1,01,00,000/- for the relief of injunction from dispossession from suit land A, at Rs. 1,00,00,000/- for relief of injunction qua suit land B and at Rs. 200 for the relief of injunction qua blocking of access/right of passage from Bhati Mines Road; and appropriate court fee of Rs. 1,98,600/- is affixed on the face of the plaint.

11. That the suit property is situate in Village Bhati, Tehsil Saket, Delhi and this Hon'ble Court has pecuniary as well and territorial jurisdiction to hear and decide the suit.
12. That the plaintiff has not filed any other or similar suit on the same cause of action.
13. That the present suit is not a commercial dispute.
14. That the plaintiff has filed all the documents in their power and possession and the documents filed with the plaint are true copies of the respective originals.

PRAYER:

It is therefore most respectfully prayed that in the interests of justice, this Hon'ble Court may kindly be pleased to grant:

- a) A decree of Perpetual injunction in favour of the plaintiff and against the defendants, their officers, agents, employees, etc. thereby restraining them from dispossessing or in any manner restricting the ingress and egress of the plaintiff to and from any part/portion or whole of suit land A of Village

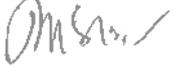
Bhati, Tehsil Saket, New Delhi, particularly land measuring 45 Bighas and 16 Biswas comprised in Khasra No. 716, 717, 718, 719, 720, 721, 722, 723, 724, 727 & 728 of Village Bhati shown in orange colour in the site plan filed by plaintiff; and

- b) A decree of Perpetual injunction in favour of the plaintiff and against the defendants, their officers, agents, employees, etc. thereby restraining them from dispossessing the plaintiff from suit land B viz. 40 Bighas and 4 Biswas of land being 10 Bighas out of Kh. No. 715 (245-16), 14 Bighas out of Kh. No. 725 (19-11), 6 Bighas & 4 Biswas out of Kh. No. 726 (12-4), 4 Bighas & 4 Biswas of Kh. No. 729(4-4) and 5 Bighas & 16 Biswas out of Kh. No. 731(20-16) of Village Bhati, Tehsil Saket, New Delhi as shown in blue stripes in the site plan filed with the plaint; and
- c) A decree of Perpetual injunction in favour of the plaintiff and against the defendants, their officers, agents, employees, etc. thereby prohibiting them from obstructing the passage of plaintiff's men, materials and machines from the Bhati Mines Road built upon Kh. No. 727 & 728 of Village Bhati, Tehsil Saket, New Delhi to the suit lands A & B as depicted in the site plan filed with the plaint;

d) Any other/further and suitable relief may be granted in favour of the Plaintiff in accordance with law.

Delhi
Dated 25/11/2021

THROUGH


Plaintiff

Bidyarani Yumnam

PANKAJ VIVEK, Advocate
Enr. No. D/276/98(R)

MS. BIDYARANI YUMNAM
Enr. No. D-3287/1999

(Counsels for the Plaintiff)

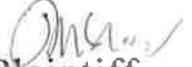
Office: P-33A (LGF), South Extension-2,
New Delhi 110049

Mobile No. 9811215778

Email: pankajvivek@gmail.com

Verification:

Verified at Delhi on this 25th day of November, 2021, that the contents of the Para No.1 to 9. of the plaint are true to my knowledge and those of Para No. 9. to 14. of the Plaint are believed to be true based on information received and believed to be true. The last para is prayer to this Hon'ble Court.


Plaintiff

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

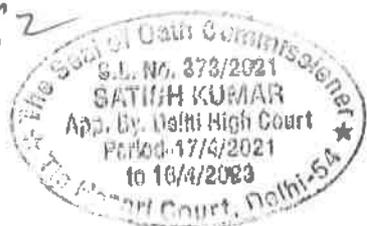
DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

A F F I D A V I T

I, Arun Kumar Jain aged 73 years, S/o Sh. A.K. Jain,
R/o B-539, New Friends Colony, New Delhi, do hereby
solemnly affirm and state as under:

1. That I am Plaintiff in the present case and I am aware of facts and circumstances of the case, hence competent to swear this affidavit.
2. That the contents of the accompanying plaint have been read and understood by me and I say that the same has been drafted by my counsel on my instructions and the facts stated therein are true and correct to my knowledge. The same may be read as



part and parcel of this affidavit as the contents are not being repeated herein for the sake of brevity and in order to avoid repetition.

[Signature]
DEPONENT

Verification

25 NOV 2021

[Signature]

Verified at Delhi on this _____ day of 2021 that the contents of paras 1-2 of the above affidavit are true and correct to my knowledge.

[Signature]
DEPONENT

Identified the deponent/Executer
has Signed in my presence

IDENTIFIED BY THE DEPONENT
Shri/Smt./K... *[Signature]*
Shri/W/O/D...
No. _____
Verified by Shri/Smt. *[Signature]*
has solemnly affirmed that the contents of the affidavit which have been read & explained to him/her are true & correct to his/her knowledge

[Signature]
Jath Commissioner Delhi

25 NOV 2021



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IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

COURT FEES

 	
GOVERNMENT OF NCT OF DELHI e-Court Fee	
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DATE & TIME :	29-OCT-2021 14:15:14
NAMES OF THE ACC/ REGISTERED USER :	SHCIL
LOCATION :	DELHI HIGH COURT
NAME OF LITIGANT :	ARUN KUMAR JAIN
e-COURT RECEIPT NO :	DLCT2933J2152M620
e-COURT FEE AMOUNT :	₹ 200100 (Rupees Two Lakh One Hundred Only)
 DLCT2933J2152M620	
Statutory Alert : The authenticity of this e-Court fee receipt should be verified at www.shcilstamp.com . Any discrepancy in the details on this receipt and as available on the website renders it invalid. In case of any discrepancy please inform the Competent Authority. This receipt is valid only after verification & locking by the Court Official.	

1

IN THE HIGH COURT OF DELHI AT NEW DELHI
CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

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3.	APPLICATION UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 FOR EXEMPTION FROM FILING CERTIFIED/TRANSLATED/TYPED/ CLEAR COPIES OF DIM / ILLEGIBLE /ORIGINAL AND HAND WRITTEN ANNEXURES AND LESS MARGIN DOCUMENTS ON BEHALF OF THE PLAINTIFF ALONGWITH AFFIDAVIT.	16-20
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PLAINTIFF

THROUGH

PLACE: NEW DELHI

DATED: 27/11/2021


PANKAJ VIVEK, Advocate
 Enr. No. D/276/98(R)
MS. BIDYARANI YUMNAM
 Enr. No. D-3287/1999
 (Counsels for the Plaintiff)
 Office: P-33A (LGF), South Extension-2,
 New Delhi 110049
 Mobile No. 9811215778
 Email: pankajvivek@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI

I.A. No. /2021

IN

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

**APPLICATION ON BEHALF OF PLAINTIFF
UNDER ORDER XXXIX RULES 1 & 2 READ
WITH SECTION 151 OF THE CODE OF CIVIL
PROCEDURE, 1908 SEEKING EX-PARTE AD-
INTERIM INJUNCTION**

MOST RESPECTFULLY SHOWETH:

1. That the applicant is the Plaintiff in the present case pending before this Hon'ble Court.
2. That the applicant/plaintiff seeks to refer to and rely upon the detailed facts narrated in the plaint which are not being repeated herein for the sake of brevity and to

avoid repetition. The said facts may be read as part and parcel of this application.

3. That the Gaon Sabha had lost title to the 40 Bighas and 4 Biswas of suit land B much before 1990 and the right of applicant/plaintiff to seek declaration of bhumidhari rights had accrued in 1983-84 for which the case under Section 85 of DLR Act was filed in 1990. And that case is already pending in the first appellate court of Collector/DM (South). The suit land B had been brought under cultivation by plaintiff in 1980-81 and therefore, the same could not have been treated as waste land in 1996 for the purpose of excluding it from the Gaon Sabha and/or for handover of the same to Forest Department. Since, the Gaon Sabha had lost title to the land in terms of Section 67 of DLR Act, hence, the suit land B was wrongly treated as uncultivated waste/surplus Gaon Sabha land in 1996 for the purposes of it's handover to the Forest Department.

4. That due to the illegal claim of defendant no. 1 & 2 over the suit land B measuring 40 Bighas and 4 Biswas, the applicant/plaintiff had earlier also filed objections and the then Forest Settlement Officer had rightly adjourned the proceedings sine die by his order dated 02.08.1999 till adjudication of bhumidhari rights of applicant/plaintiff qua suit land B. But now on 10.10.2020 some officials of the Forest Department had visited the farm of the plaintiff and tried to close the passage at point 'X' which connects the Bhati Mines road with the farm land of plaintiff. The order dated 02.08.1999 passed by the then Forest Settlement Officer applies even today and the defendants cannot forcibly evict the plaintiff from (40-4) suit land B till final decision of the case under Section 85 of DLR Act. The plaintiff is also entitled to protect his possession over the suit land B in view of the orders passed by this Hon'ble Court in CS No. 2252/88 and CS No. 1474/90 as the defendants have not taken any steps in

accordance with law for recovering possession from the plaintiff. The suit for ejection by the Gaon Sabha Bhati under Section 84 of the DLR Act was filed in 1992 i.e. well after expiry of limitation of 3 years despite notice of plaintiff's adverse possession since 1988. But that case is deemed to be pending as it was tagged alongwith the case under Section 85 of DLR Act filed by plaintiff. No suit or legal proceeding of any other nature was filed by the defendants to recover possession from the plaintiff at any point of time.

5. That the notification dated 02.04.1996 only pertains to part of suit land B viz. Kh. No. 715 (245-16), 725(19-11) and 726(12-4), although possession of the portions forming part of suit land B was never handed over to the Forest Department. There is no possession proceedings (Kabza karyawahi) w.r.t. suit land B, where under Forest Department could claim to have been put in possession of those lands. Thus, the defendants have

no right whatsoever to dispossess the plaintiff from any portion of suit land B.

6. That the applicant/plaintiff is lawful owner and in peaceful possession of suit land A, hence the defendants have no right or authority to prevent the applicant/plaintiff from enjoying such land. The threat of closing the gate at point X means that for all practical purposes, applicant/plaintiff would be unable to access his own suit land A.
7. That the plaintiff has been using the entire farm i.e suit land A i.e. 45 Bighas and 16 Biswas of purchased land and 40 Bighas and 4 Biswas of suit land B for which bhumidhari case is pending as one unit. Therefore, he always had access to Bhati Mines Road from the gate which is marked by plaintiff at point X in the site plan filed with the plaint. The Kh. No.'s 725, 726, 729 & 731 fall between the Bhati Mines Road and purchased lands of plaintiff bearing Kh. No. 716, 717, 718, 719, 720, 721, 723, 724 etc.. Whereas Kh. No. 727 & 728 are

situated on both sides of the Bhati Mines Road. The Bhati Mines Road is an interstate highway which connects Delhi to Haryana. Part of this road is built over the purchased land of plaintiff viz. Kh. No. 727 & 728 and partly over Gaon Sabha land. This Bhati Mines Road has the status of a public highway as it has been in continuous use as public road from last 50 years as it was initially used for accessing the Bhati mines for transporting Red Badarpur sand and stones/grit. Now this road is being used by public at large and is being maintained by the government as a public road/highway.

8. That the (40-4) of suit land B recorded in name of Gaon Sabha {though case of plaintiff for declaration of bhumidhari rights is pending} is otherwise being used by plaintiff to access his purchased land viz. suit land A for last 40 years as it provides the only access to Kh. No. 716, 717, 718, 719, 720, 721, 723, 724 etc. owned by the plaintiff. Since the Bhati Mines Road is a public highway, and the plaintiff has acquired easement of

necessity by prescription i.e. continuous use of suit land B as passage also for more than 40 years. Therefore, in all eventualities, (40-4) of suit land B is to be treated as a servient holding (if for any reason it is to be separated from holding of plaintiff) to the plaintiff's private purchased land holding (which is dominant heritage). Therefore, the plaintiff shall always be entitled to have access to his purchased land from the (40-4) of suit land B bearing Kh. No. 725, 726, 729 & 731 whether or not he is declared as bhumidhar of the suit land B. As and when, plaintiff is declared as bhumidhar of (40-4) land then obviously entire land holding shall have access from Bhati Mines Road. The case under Section 85 of DLR Act is still pending in appeal w.r.t. suit land 'B'.

9. That the Village Bhati was never brought under consolidation operations (*Chakbandi*), therefore *rasta* (as is usually provided to each *chak* of land during *chakbandi*) has not been provided for agricultural land holdings in the village. The farm lands of plaintiff are

surrounded on all sides by land recorded in name of Gaon Sabha which is now attempted to be handed over to the Forest Department. As a result, the plaintiff can only access his purchased lands after passing (driving and walking) over the suit land B as he has been doing for last more than 40 years. The easementary rights of plaintiff/his predecessors to access their private land by walking or driving over the Gaon Sabha lands have existed for more than 100 years as no separate/exclusive road/passage was provided to the private land holdings.

10. That the plaintiff is entitled to access his purchased lands from Bhati Mines Road and also entitled to enjoy his own suit land A as well as suit land B measuring 40 Bighas and 4 Biswas.

11. That the threat of dispossession and /or closure of gate at point X is illegal and unwarranted as the applicant/plaintiff is entitled to use and enjoy the entire land without interference from the defendants.



12. That the applicant/plaintiff has a good prima facie case in his favour and balance of convenience lies in his favour.
13. That the applicant/plaintiff shall suffer irreparable loss and harm if he is dispossessed or prevented from using the suit lands during pendency of the suit.

PRAYER

It is therefore most humbly prayed that in the facts and circumstances of the case and in the interest of justice this Hon'ble Court may kindly be pleased to:

- a) pass ex-parte ad-interim injunction in favour of the applicant/plaintiff thereby restraining the defendants, their officers, agents, employees, etc. from closing the gate at point X in the site plan during the pendency of this suit;
- b) restrain the defendants, their officers, agents, employees etc. from interfering in possession of

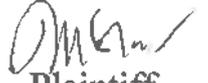
plaintiff in respect of any part/portion or whole of suit land A of Village Bhati, Tehsil Saket, New Delhi, particularly land measuring 45 Bighas and 16 Biswas comprised in Khasra No. 716, 717, 718, 719, 720, 721, 722, 723, 724, 727 & 728 of Village Bhati shown in orange colour in the site plan filed with the plaint during the pendency of the suit; and

- c) restraint the defendants, their officers, agents, employees etc. from interfering in possession of plaintiff in respect of from suit land B viz. 40 Bighas and 4 Biswas of land being 10 Bighas out of Kh. No. 715 (245-16), 14 Bighas out of Kh. No. 725 (19-11), 6 Bighas & 4 Biswas out of Kh. No. 726 (12-4), 4 Bighas & 4 Biswas of Kh. No. 729(4-4) and 5 Bighas & 16 Biswas out of Kh. No. 731(20-16) of Village Bhati, Tehsil Saket, New Delhi as shown in blue stripes in the site plan filed with the plaint during the pendency of the suit; a

Pass such other /further orders as deemed fit and proper in favour of the applicant/plaintiff in the facts and circumstances of the present case.

Delhi
Dated 25/11/2021

THROUGH


Plaintiff




PANKAJ VIVEK, Advocate
Enr. No. D/276/98(R)
MS. BIDYARANI YUMNAM
Enr. No. D-3287/1999
(Counsels for the Plaintiff)
Office: P-33A (LGF), South Extension-2,
New Delhi 110049
Mobile No. 9811215778
Email: pankajvivek@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI

I.A. No. /2021

IN

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

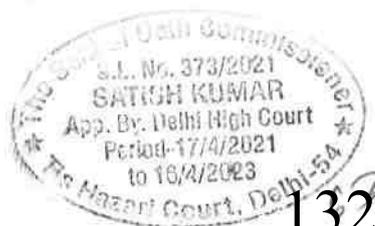
DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

A F F I D A V I T

I, Arun Kumar Jain aged 73 years, S/o Sh. A.K. Jain, R/o B-539, New Friends Colony, New Delhi, do hereby solemnly affirm and state as under:

1. That I am the plaintiff in the present case and fully conversant with the facts of the case and competent to swear this affidavit.
2. That the contents of the application for stay and this affidavit have been read over and translated to me in vernacular, and after having so understood the contents of the plaint, I say that the facts stated therein are true to my knowledge. The contents of the application



15

may be read as part and parcel of the present affidavit as the same are not being repeated herein for the sake of brevity and to avoid unnecessary repetition.

[Signature]

DEPONENT

VERIFICATION

Verified at New Delhi this 25 day of NOV, 2021 that the

[Signature]

contents of paras 1-2 of the above affidavit are true and correct to my knowledge.

[Signature]

DEPONENT

Identified the deponent/Executer as Signed in my presence

CRIMINAL LAW DEPARTMENT
Smt Smt./Km. *[Signature]* Age *[Signature]*
Sta/W/O/Dia *[Signature]*
No. *[Signature]*
Verified by *[Signature]* on 25 NOV 2021
has solemnly affirmed to me at Delhi
On *[Signature]* that the
contents of the affidavit which have been
read & explained to him/her are true &
correct to his/her/knowledge

Delhi Commissioner Delh.

25 NOV 2021



63

IN THE HIGH COURT OF DELHI AT NEW DELHI

I.A. No. /2021

IN

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

APPLICATION UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 FOR EXEMPTION FROM FILING CERTIFIED/TRANSLATED/TYPED/CLEAR COPIES OF DIM / ILLEGIBLE /ORIGINAL AND HAND WRITTEN ANNEXURES AND LESS MARGIN DOCUMENTS ON BEHALF OF THE PLAINTIFF.

Most Respectfully Showeth:

1. That the applicant is the Plaintiff in the present case pending before this Hon'ble Court.

2. That the facts of the above case are not being repeated herein and shall be read as part of this application.
3. That the plaintiff has filing documents which are in their power and possession including original documents. However the plaintiff may be exempted from filing certified/translated/typed/ clear copies of dim / illegible /original and hand written annexures and less margin documents if any at this stage.
4. That the plaintiff undertakes to file the original/certified copies of the documents as and when directed by this Hon'ble Court.

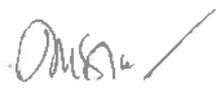
PRAYER

It is therefore most humbly prayed that in the facts and circumstances of the case and in the interest of justice the plaintiff may kindly be exempted from filing certified/translated/typed/ clear copies of dim / illegible /original and hand written annexures and less margin documents if any at this stage.

Pass such other /further orders as deemed fit and proper in favour of the applicant/plaintiff in the facts and circumstances of the present case.

Delhi
Dated 25/11/2021

THROUGH


Plaintiff




PANKAJ VIVEK, Advocate
Enr. No. D/276/98(R)
MS. BIDYARANI YUMNAM
Enr. No. D-3287/1999
(Counsels for the Plaintiff)
Office: P-33A (LGF), South Extension-2,
New Delhi 110049
Mobile No. 9811215778
Email: pankajvivek@gmail.com

IN THE HIGH COURT OF DELHI AT NEW DELHI

I.A. No. /2021

IN

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

A F F I D A V I T

I, Arun Kumar Jain aged 73 years, S/o Sh. A.K. Jain, R/o B-539, New Friends Colony, New Delhi, do hereby solemnly affirm and state as under:

1. That I am the plaintiff in the present case and fully conversant with the facts of the case and competent to swear this affidavit.
2. That the contents of the application for exemption and this affidavit have been read over and translated to me in vernacular, and after having so understood the contents of the plaint, I say that the facts stated therein are true to my knowledge. The contents of



the application may be read as part and parcel of the present affidavit as the same are not being repeated herein for the sake of brevity and to avoid unnecessary repetition.

Amish

DEPONENT

VERIFICATION

25 NOV 2021

Verified at New Delhi this ___ day of, 2021 that

the contents of paras 1-2 of the above affidavit are true and correct to my knowledge.

Amish

Amish

DEPONENT

Identified the deponent/Executer as Signed in my presence

CERTIFIED THAT THE DEPONENT
S/o Sat./Kmr. *Amish* Age *AK 5 ans*
S/o/W/o/D/o *AK 5 ans*
Res. *28 Nov 2021*
Identified by *Satish Kumar*
was solemnly sworn before me at Delhi
on *25 NOV 2021* that the
contents of the affidavit which have been
read & explained to him/her are true &
correct to his/her knowledge



64

SA
Oath Commissioner Delhi

25 NOV 2021

/

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

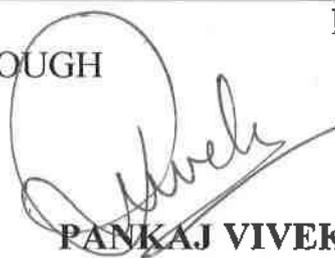
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PLAINTIFF

THROUGH

PLACE: NEW DELHI

DATED: 27/11 /2021


PANKAJ VIVEK, Advocate

Enr. No. D/276/98(R)

MS. BIDYARANI YUMNAM

Enr. No. D-3287/1999

(Counsels for the Plaintiff)

Office: P-33A (LGF), South Extension-2,

New Delhi 110049

Mobile No. 9811215778

Email: pankajvivek@gmail.com

Suit/ Appeal No. _____ JURISDICTION of 2021

In re:- Arun Kumar Jain Plaintiff/Appellant/Petitioner/Complainant

Sy. Conservator of Forests & etc. Defendant/ Respondent/ Accused
KNOW ALL to whom these presents shall come that I/ We Arun Kumar Jain & Co.
A-11 Jang P.O.B-539, New Friends Colony, New Delhi
the above named Plaintiff do hereby appoint

PANKAJ VIVEK, Advocate
Enr. No. D/276/98(R)
P-33A, (LGF),
South Extension Part-II New Delhi- 110049
Mobile: No.'s: 9811215778,
Email: pankajvivek@gmail.com;

Chamber No. K-15
Western Wing
Tis Hazari Court
Delhi -110054

MS. BIDYARANI, Advocate
Enr. No. D-3287/1999

(hereinafter called the advocate/s) to be my/our Advocate(s) in the above noted case & authorize him/them:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

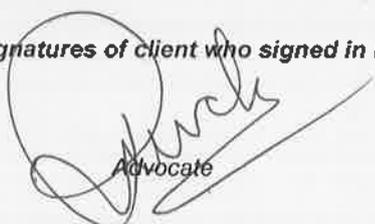
And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 25 day of Nov. 2021.
Accepted subject to the terms of the fees.

Identified the signatures of client who signed in my presence


Advocate
Bidyarani


Advocate


Client(s)



1

IN THE HIGH COURT OF DELHI AT NEW DELHI

CS (OS) NO...../2021

IN THE MATTER OF:

ARUN KUMAR JAIN

...PLAINTIFF

VERSUS

DY. CONSERVATOR OF FORESTS & ORS.

...DEFENDANTS

INDEX
PART-IV

S. No.	Details of documents and parties	Documents in power, possession, control, custody of	Original or photocopies, office copies	Mode of execution/ issuance or receipt	Line of custody	Pg. no.
1.	LIST OF DOCUMENTS				1-6	
2.	Existing Site Plan of Suit Property.	Plaintiff	Original	Prepared by Draught Man	Plaintiff	7
3.	Copy of the demarcation plan dated 15.12.2011	In possession of Revenue Deptt.	Photocopy	Prepared by Dhyani Consultant Inc.	In possession of Revenue Deptt.	8
4.	Copy of Khasra Girdwari of the years 1980-1981 to 2003-2004 alongwith typed copy.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	9-58

5.	Copy of Khatauni of the years 1984-1985 alongwith typed copy.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	59-71
6.	Copy of Aks Shizra alongwith typed copy.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	72-73
7.	Copy of Field Book of village Bhati alongwith typed copy.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	74-77
8.	Copy of Survey Plan dated 19.05.2018 downloaded from the website of Revenue Deptt. Of GNCT of Delhi	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	78
9.	Copy of expanded (zoomed in) portion of the said Survey Plan dated 19.05.2018 showing the land of pltf. and adjoining lands.	In possession of Revenue Deptt.	Photocopy	Prepared by Revenue Deptt. GNCT	In possession of Revenue Deptt.	79
10.	Copy of map downloaded from website of GSDL and termed as GSDL Map.	In possession of Revenue Deptt.	Photocopy	Online	In possession of Revenue Deptt.	80
11.	Copy of plaint CS (OS) No. 2252/1988 titled "Arun Kumar Jain Vs. G. S. Bhati" alongwith typed	High Court of Delhi	Photocopy	By Plaintiff	High Court of Delhi	81-103

	copy.					
12.	Copy of order dated 04/10/1988 passed in Suit No. 2252/1988 alongwith typed copy.	High Court of Delhi	Photocopy	By High Court	High Court of Delhi 104-105	
13	Copy of order dated 24.04.1990 passed in Suit No. 2252/1988 alongwith typed copy.	High Court of Delhi	Photocopy	By High Court	High Court of Delhi 106-109	
14.	Copy of order dated 09.05.1990 passed in Suit No. 1474/1990 alongwith typed copy.	High Court of Delhi	Photocopy	By High Court	High Court of Delhi 110-111	
15.	Copy of order dated 23.05.1990 passed in Suit No. 1474/1990 alongwith typed copy.	High Court of Delhi	Photocopy	By High Court	High Court of Delhi 112-113	
16.	Copy of petition titled "Arun Kumar Jain Vs. G. S. Bhati" filed before SDM/RA Mehrauli, Delhi alongwith typed copy.	SDM/RA Mehrauli, Delhi	Photocopy	By Plaintiff	SDM/RA Mehrauli Delhi 114-121	
17.	Certified Copy of Order dated 25.03.2021 passed by Ld. Financial Commissioner, Delhi	Financial Commissioner, Delhi	Certified Copy	By FC Court	Financial Comm. Delhi 122-132	

18.	Copy of Notification dated 15/04/1991	Dy. Secretary (Forest) Delhi Administration Delhi	Photocopy	Dy. Secretary (Forest)	Dy. Secretary (Forest) Delhi Administration Delhi	133
19.	Copy of the Notification dated 24.05.1994	Govt. of NCT of Delhi	Photocopy	Lt. Governor, GNCT of Delhi	Govt. of NCT of Delhi	134-135
20.	Copy of Notification dated 02.04.1996 alongwith typed copy.	Govt. of NCT of Delhi	Photocopy	Lt. Governor, GNCT of Delhi	Govt. of NCT of Delhi	136-182
21.	Copy of the Demarcation Report dated 16.12.1997 alongwith typed copy.	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Revenue Deptt.	183-188
22.	Copy of Order dated 02.08.1999 passed by the Forest Settlement Officer, Delhi in Case No. 110/obj./95 alongwith typed copy.	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Revenue Deptt.	189-196
23.	Copy of Kabza karyawahi report dt. 12/09/2006 w.r.t. Kh. No. 715 (245-16) Village Bhati, alongwith typed copy.	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Delhi High Court	197-198
24.	Copy of Affidavit of the BDO (S) in WP(C) No. 6199/2007 alongwith typed copy.	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Delhi High Court	199-208

25.	Copy of Affidavit dated 06/08/2012 filed in CCP No. 409/207 alongwith typed copy.	High Court of Delhi	Photocopy	Filed by Defds.	High Court of Delhi	209-214
26.	Copy of Order dated 17.08.2012 passed in Cont. Cas (C) No. 409/2007 alongwith typed copy.	High Court of Delhi	Photocopy	By High Court	High Court of Delhi	215-221
27.	Copy of the Report dated 21.08.2012 regarding possession handed over to plaintiff alongwith typed copy.	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Revenue Deptt.	221-226
28.	Copy of earlier demarcation later on in 2011 upon demarcation by TSM	Revenue Department	Photocopy	Prepared by Revenue Deptt.	In possession of Revenue Deptt.	227-236
29.	Certified Copy of Claim no. 12/2020 titled "Arun Kumar Jain VS. DCF, South & Ors." Filed before Forest Settlement Officer.	Forest Settlement Officer/ADM South	Certified Copy	Prepared by FSO/ADM	In possession of FSO/ADM	237-246
30.	Certified Copy of Order dated 12.11.2021 passed in Claim No. 12/2020.	Forest Settlement Officer/ADM South	Certified Copy	Prepared by FSO/ADM	In possession of FSO/ADM	247-248
31.	Affidavits regarding original documents	Plaintiffs	Original	Issued by Plaintiffs	In Court	249

32.	Duplicate set	Plaintiff	Photocopy	Copy	Filed in court	1-59
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PLAINTIFF

THROUGH

PLACE: NEW DELHI

DATED: 27/11 /2021**PANKAJ VIVEK**, Advocate
Enr. No. D/276/98(R)**MS. BIDYARANI YUMNAM**

Enr. No. D-3287/1999

(Counsels for the Plaintiff)

Office: P-33A (LGF), South Extension-2,
New Delhi 110049

Mobile No. 9811215778

Email: pankajvivek@gmail.com

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
OFFICE OF DEPUTY CONSERVATOR OF FORESTS(SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI- 110044.

F. No. 31/DCF(S)/Notification/IFA-Sec 20/2020-21/ 12473-74

Dated: 18/10/22

To,

The District Magistrate (South-East)
Office of the District Magistrate (South-East)
Old Gargi College Building, 24 National Park Rd,
Lajpat Nagar IV, New Delhi, Delhi 110024.

Sub: Regarding to provide a suitable time to fix a meeting to discuss process of Tattima proceedings on min khasra of Forest Land village-wise in South-east District.

Sir,

Kind attention is drawn towards the meeting of Oversight Committee constituted on the directions of Hon'ble NGT in O.A. 58/2013 in the matter of Sonya Ghosh Vs GNCTD, under the chairmanship of DG (Forest) on 03.10.2022. During this meeting directions were given to Forest Department & Revenue Department to hold a joint meeting to prepare timeline of completion of tattima proceedings on forest land.

Hence, you are hereby requested to give a suitable time so that a meeting can be fixed to discuss status of tattima proceedings and to prepare a schedule to complete the same.

Yours faithfully,

Ghix
18/10/22

Dy. Conservator of Forests
South Forest Division

Copy to:

1. The Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.

Ghix
18/10/22

Dy. Conservator of Forests
South Forest Division

o/c

16/9/22

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
OFFICE OF DEPUTY CONSERVATOR OF FORESTS(SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI- 110044.

F. No. 31/DCF(S)/Notification/IFA-Sec 20/2020-21/ 12471-72

Dated: 18/10/22

To,

The District Magistrate (South)
Office of the District Magistrate (South)
MB Road, Saket
New Delhi- 110017.

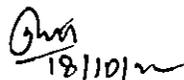
Sub: Regarding to provide a suitable time to fix a meeting to discuss process of Tattima proceedings on min khasra of Forest Land village-wise in South District.

Sir,

Kind attention is drawn towards the meeting of Oversight Committee constituted on the directions of Hon'ble NGT in O.A. 58/2013 in the matter of Sonya Ghosh Vs GNCTD, under the chairmanship of DG (Forest) on 03.10.2022. During this meeting directions were given to Forest Department & Revenue Department to hold a joint meeting to prepare timeline of completion of tattima proceedings on forest land.

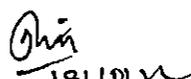
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Yours faithfully,


18/10/22
Dy. Conservator of Forests
South Forest Division

Copy to:

1. The Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.


18/10/22
Dy. Conservator of Forests
South Forest Division

o/c

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
OFFICE OF DEPUTY CONSERVATOR OF FORESTS(SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI- 110044.

F. No. 31/DCF(S)/Notification/IFA-Sec 20/2020-21/ 12337-40

Dated: 14/10/22

To,

The District Magistrate (South-East)
Office of the District Magistrate (South-East)
Old Gargi College Building, 24 National Park Rd,
Lajpat Nagar IV, New Delhi, Delhi 110024.

Sub: Regarding the Tattima proceedings on min khasra of Forest Land village-wise in South & South-east District.

Sir,

Kind attention is drawn towards the Order of Hon'ble NGT dated 15.01.2021 in which there are clear directions to the Revenue Department to complete Tatimma Proceedings on Min khasras on Forest Land in Southern Ridge.

Also, kindly refer to minutes of the meeting held under the Chairmanship of Divisional Commissioner on 1st February 2021, in this meeting it was decided that Sub-divisional Magistrates have been directed to complete all the tatimma proceedings.

Also, in the fifth meeting of oversight committee held on 03.10.2022, a decision was taken and directions were given to Revenue Department to expedite tatimma proceedings on forest land in time bound manner. Also, it was decided that Forest Department will bear all the expenses of ground verification of min khasra on forest land.

Hence, it is requested to expedite the tatimma proceedings on forest land so that the process of section 20 notifications can be move further.

Yours faithfully,

Shik
14/10/22
Dy. Conservator of Forests
South Forest Division

Enclosed as above: List of min khasras.

Copy to:

1. The Principal Chief conservator of Forests/HOD, Department of Forests and Wildlife, GNCTD, 2nd Floor, A -Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.

- 189/e
- 2319
2. The Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.
 3. The Sub-Divisional Magistrate (Kalkaji),


14/10/22
Dy. Conservator of Forests
South Forest Division

List of Min khasras on forest land

SL. No.	Village	Khasra nos. on which Tattima proceeding is required	Area of consolidated forest land	Khasra nos. on which Tattima proceedings have started (Notices have been served by RD)	Khasra nos. on which Tattima proceedings have been completed	Khasra nos. on which Tattima proceedings have been completed but ground demarcation is required	Khasra nos. for which digitization is required
1	Pul Pehladpur	241/2/2	0-12	Yes	No	No	No
2	Tughlakabad	1555	3-0	Yes	No	No	No
		2307/1565	2-7	Yes	No	No	No
		2304/1565	1-19	Yes	No	No	No
		2218/1051	0-8	Yes	No	No	No
		2220/1051	2-9	Yes	No	No	No
		2222/1052	1-1	Yes	No	No	No
		2225/1053	0-14	Yes	No	No	No
		2226/1053	0-19	Yes	No	No	No
		2228/1053	0-9	Yes	No	No	No
		2071/1055	1-7	Yes	No	No	No
		2072/1055	0-3	Yes	No	No	No
		2073/1055	0-1	Yes	No	No	No
		2629/1953/1406	0-17	Yes	No	No	No
		2253/1509	0-4	Yes	No	No	No
		2254/1509	0-6	Yes	No	No	No
		2271/1518	1-2	Yes	No	No	No
		2162/1523	2-4	Yes	No	No	No
		2284/1544	1-1	Yes	No	No	No
		2696/1588	1-2	Yes	No	No	No
		2315/1597	2-19	Yes	No	No	No
2317/1597	2-14	Yes	No	No	No		
2639/742	0-14	Yes	No	No	No		
2209/1046	31-19	Yes	No	No	No		
2178/1594	1-16	Yes	No	No	No		
Total			61- 15				
Total forest area falling on Min khasras in South Forest Division			62-07 Bigha- Biswa				
In ha			5.21 Ha				

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
OFFICE OF DEPUTY CONSERVATOR OF FORESTS(SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI- 110044.

F. No. 31/DCF(S)/Notification/IFA-Sec 20/2020-21/ 12335-30

Dated: 14/10/22

To,

The District Magistrate (South)
 Office of the District Magistrate (South)
 MB Road, Saket
 New Delhi- 110017.

Sub: Regarding the Tattima proceedings on min khasra of Forest Land village-wise in South & South-east District.

Sir,

Kind attention is drawn towards the Order of Hon'ble NGT dated 15.01.2021 in which there are clear directions to the Revenue Department to complete Tatimma Proceedings on Min khasras on Forest Land in Southern Ridge.

Also, kindly refer to minutes of the meeting held under the Chairmanship of Divisional Commissioner on 1st February 2021, in this meeting it was decided that Sub-divisional Magistrates have been directed to complete all the tatimma proceedings.

Also, in the fifth meeting of oversight committee held on 03.10.2022, a decision was taken and directions were given to Revenue Department to expedite tatimma proceedings on forest land in time bound manner. Also, it was decided that Forest Department will bear all the expenses of ground verification of min khasra on forest land.

Hence, it is requested to expedite the tatimma proceedings on forest land so that the process of section 20 notifications can be move further.

Yours faithfully,

Dy. Conservator of Forests
 South Forest Division

Enclosed as above: List of min khasras.

Copy to:

1. The Principal Chief conservator of Forests/HOD, Department of Forests and Wildlife, GNCTD, 2nd Floor, A -Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.

- 156/le
- 2322
2. The Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.
 3. The Sub-divisional magistrate (Saket), MB Road, Saket, New Delhi-110017, for kind information and necessary action.
 4. The Sub-divisional magistrate (Mehrauli), Old Tehsil Building, Mehrauli, New Delhi-110030, for kind information and necessary action.

Bin
14/10/12

Dy. Conservator of Forests
South Forest Division

List of min khasras on forest land

SL. No.	Village	Khasra nos. on which Tattima proceeding is required	Area of consolidated forest land	Khasra nos. on which Tattima proceedings have started (Notices have been served by RD)	Khasra nos. on which Tattima proceedings have been completed	Khasra nos. on which Tattima proceedings have been completed but ground demarcation is required	Khasra nos. for which digitization is required
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Asola	121	13-17	Yes	No	No	No
		253	5-0	Yes	No	No	No
		803	5-8	Yes	No	No	No
		1007	2-0	Yes	No	No	No
		1134	13-13	No	No	No	No
		1246	37-2	Yes	No	No	No
		1876/1310	7-17	Yes	No	No	No
		1454	4-3	No	No	No	No
		1521	14-9	Yes	No	No	No
		1523	20-14	Yes	No	No	No
		1673	2-14	No	No	No	No
		1675	2-7	Yes	No	No	No
		1722	12-8	No	No	No	No
		1723	146-5	Yes	No	No	No
Total			287 - 17				
2	Bhatti	239	20-0	No	No	No	No
		295	1-0	Yes	No	No	No
		328	7-9	No	No	No	No
		378	18-7	Yes	No	No	No
		400	3-16	Yes	No	No	No
		427	6-5	Yes	No	No	No
		459	2-19	Yes	No	No	No
		460	16-0	Yes	No	No	No
		521	0-18	No	No	No	No
		526	16-0	No	No	No	No
		593	9-3	No	No	No	No
		708	117-10	Yes	No	No	No
		712	32-7	No	No	No	No
		730	0-2	Yes	No	No	No
		742	0-4	No	No	No	No
		743	0-2	No	No	No	No
		761	0-2	Yes	No	No	No
		764	23-8	No	No	No	No
		770	1-13	No	No	No	No
		774	35-7	Yes	No	No	No
867	3-0	No	No	No	No		

		931	55-11	No	No	No	No
		954	8-8	Yes	No	No	No
		961	7-13	Yes	No	No	No
		963	2-8	No	No	No	No
		969	1-11	Yes	No	No	No
		1031	3-0	Yes	No	No	No
		1113	2-5	Yes	No	No	No
		1138/2	3-10	Yes	No	No	No
		2076/1276	0-18	Yes	No	No	No
		2078/1278	1-12	Yes	No	No	No
		1293	0-6	No	No	No	No
		1304	3-19	Yes	No	No	No
		1306	25-12	No	No	No	No
		1385	7-9	No	No	No	No
		1474	15-7	Yes	No	No	No
		1476	3-19	No	No	No	No
		1486	48-17	Yes	No	No	No
		1548	3-11	Yes	No	No	No
		1604	5-6	Yes	No	No	No
		1605/2	4-0	Yes	No	No	No
	Total		520 - 14				
3	Chattarpur	28	4-7	No	No	No	No
		30	1-8	No	No	No	No
		115	2-1	No	No	No	No
		128	4-8	No	No	No	No
	Total		12 - 04				
4	Devli	20//22	4-6	No	No	No	No
		61//24	0-6	No	No	No	No
		25	0-19	No	No	No	No
		63	96-8	No	No	No	No
		64	115-4	No	No	No	No
		76//12	0-4	No	No	No	No
		13	4-7	No	No	No	No
		19	4-8	No	No	No	No
		20	3-0	No	No	No	No
		46//4/2	4-13	No	No	No	No
		17	2-8	No	No	No	No
		53//7/3	0-4	No	No	No	No
	Total		236 - 07				
5	Maidangarhi	523	12-2	No	No	No	No
		541	10-0	No	No	No	No
		908/547	11-8	No	No	No	No
		778/330	0-9	No	No	No	No
		1001/424	18-15	No	No	No	No
		569	18-0	No	No	No	No
		687/570	198-12	No	No	No	No
		572	126-5	No	No	No	No
		690/574	68-3	No	No	No	No
		591	13-14	No	No	No	No
		927/602	3-3	No	No	No	No
		936/760/613	1-11	No	No	No	No

		662	92-14	No	No	No	No
Total			578 - 16				
6	Nebsarai	96	4-8	No	No	No	No
		170/2	1-1	No	No	No	No
		420	5-10	No	No	No	No
Total			10- 19				
7	Rajpur Khurd	172	1-00	No	No	No	No
		173	1-1	No	No	No	No
		174	1-0	No	No	No	No
Total			3-1				
	Sahoorpur	364	60-7	Yes	No	No	No
		488	120-0	Yes	No	No	No
Total			180-7				
8	Saidulajaib	157	12-7	No	No	No	No
		201	3-1	No	No	No	No
		296	2-0	No	No	No	No
Total			17-8				
9	Satbari	758	3-8	No	No	No	No
		1021	5-13	No	No	No	No
		1049	5-1	No	No	No	No
Total			14- 02				
10	Ayanagar	13	2-6	Yes	No	No	No
		34	4-6	Yes	No	No	No
		38	4-6	Yes	No	No	No
		43	3-19	Yes	No	No	No
		44	3-16	Yes	No	No	No
		49	3-16	Yes	No	No	No
		50	3-6	Yes	No	No	No
		67	4-16	No	No	No	No
		71	1-6	Yes	No	No	No
		72	2-6	Yes	No	No	No
		83	1-6	Yes	No	No	No
		97	1-10	Yes	No	No	No
		98	3-0	Yes	No	No	No
		111	3-0	Yes	No	No	No
		112	1-0	Yes	No	No	No
		113	3-0	Yes	No	No	No
		114	2-6	Yes	No	No	No
		777	0-16	No	No	No	No
		784	2-14	Yes	No	No	No
		873	1-0	Yes	No	No	No
		891	0-1	Yes	No	No	No
		892	2-0	Yes	No	No	No
		917	1-2	No	No	No	No
927	1-12	No	No	No	No		
928	1-12	No	No	No	No		
929	1-12	No	No	No	No		
930	3-16	No	No	No	No		
1098	4-16	No	No	No	No		
1266	2-10	No	No	No	No		
204	4-12	No	No	No	No		

		1976	4-6	No	No	No	No
		2011	4-14	No	No	No	No
		2041	4-16	No	No	No	No
		2056	4-16	No	No	No	No
		2068	4-16	No	No	No	No
	Total		100-16				
11	Dera Mandi	24//8	1-0	No	No	No	No
		10/1	1-0	Yes	No	No	No
		12	2-8	Yes	No	No	No
		20/1	2-11	Yes	No	No	No
		34//4	3-4	Yes	No	No	No
		37//2/1	1-5	No	No	No	No
		44//20	2-17	No	No	No	No
		56//3	1-6	Yes	No	No	No
		61//25	1-17	Yes	No	No	No
		102//25/2	2-9	Yes	No	No	No
		142//	99-16	No	No	No	No
		143//	116-16	No	No	No	No
		169//3	3-8	No	No	No	No
		7	4-4	No	No	No	No
		14	4-4	No	No	No	No
		17	4-4	No	No	No	No
		24	4-4	No	No	No	No
		170//	83-12	No	No	No	No
		180//	36-16	No	No	No	No
		181//	53-2	No	No	No	No
		182//	79-2	No	No	No	No
		195//	42-17	No	No	No	No
		196//	40-12	No	No	No	No
		203//	85-7	Yes	No	No	No
	Total		675 - 12				
12	Jaunapur	29//13	0-2	No	No	No	No
		42//17	0-4	No	No	No	No
		45//21	0-5	No	No	No	No
		45//22	0-7	No	No	No	No
		46//11	0-13	No	No	No	No
		16	0-6	No	No	No	No
		18	0-1	No	No	No	No
		19	0-8	No	No	No	No
		20	0-18	No	No	No	No
		21	0-5	No	No	No	No
		22	0-7	No	No	No	No
		23	0-1	No	No	No	No
		47//6/1	0-17	No	No	No	No
		23	0-16	Yes	No	No	No
		53//9	2-8	Yes	No	No	No
		57//12		Yes	No	No	No
		74//1/1	2-10	No	No	No	No
		8/1/2	4-13	No	No	No	No
		9/2/2	3-0	No	No	No	No
		10/2	3-4	No	No	No	No

	82//1	0-4	No	No	No	No
	10	0-4	No	No	No	No
	89//2	1-8	Yes	No	No	No
	131	96-11	Yes	No	No	No
	132	46-1	Yes	No	No	No
Total		165 - 13				
Total forest area falling on Min khasras in South Forest Division		2803-06 Bigha Biswa				
In ha		234.54 Ha				

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
OFFICE OF DEPUTY CONSERVATOR OF FORESTS(SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI- 110044.

F. No. 31/DCF(S)/Notification/IFA-Sec 20/2020-21/ 15189-95

Dated: 14/12/22

To,

1. The District Magistrate (South)
Office of the District Magistrate (South)
MB Road, Saket
New Delhi- 110017.
2. The District Magistrate (South-East)
Office of the District Magistrate (South-East)
Old Gargi College Building, 24 National Park Rd,
Lajpat Nagar IV, New Delhi, Delhi 110024.

Sub: Regarding the Tattima proceedings on min khasra of Forest Land village-wise in South & South-east District.

Sir,

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Also, kindly refer to minutes of the meeting held under the Chairmanship of Divisional Commissioner on 1st February 2021, in this meeting it was decided that Sub-divisional Magistrates would complete all the tatimma proceedings in a time bound manner.

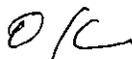
Also, in the fifth meeting of Oversight Committee held on 03.10.2022, directions were given to Revenue Department to expedite tatimma proceedings on forest land in time bound manner. Also, it was decided that Forest Department will bear all the expenses of ground verification of min khasra on forest land.

Hence, it is requested to expedite the tatimma proceedings on forest land so that the process of section 20 notifications under IFA, 1927 can be completed.

Yours faithfully,



Dy. Conservator of Forests
South Forest Division



Copy to:

1. The Principal Chief conservator of Forests/HOD, Department of Forests and Wildlife, GNCTD, 2nd Floor, A –Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.
2. The Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A –Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.
3. The Sub-divisional magistrate (Saket), MB Road, Saket, New Delhi-110017, for kind information and necessary action.
4. The Sub-divisional magistrate (Mehrauli), Old Tehsil Building, Mehrauli, New Delhi-110030, for kind information and necessary action.
5. The Sub-Divisional Magistrate (Kalkaji), Old Gargi College Building, Iajpat Nagar -IV New Delhi -110024, for kind information and necessary action.



**Dy. Conservator of Forests
South Forest Division**



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 658/2021**

ARUN KUMAR JAIN Plaintiff

Through: Mr.Ravi Gupta, Sr. Advocate with
Mr.Pankaj Vivek, Mr.Sachin and
Mr.Deepak, Advocates.

versus

DY. CONSERVATOR OF FOREST & ORS. Defendants

Through: Counsel for D-3.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **13.12.2021**

I.A. No.16185/2021

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

CS(OS) 658/2021, I.A. Nos.16184, 16186/2021

3. It is the case of the plaintiff, around the year 1980, 45 Bighas and 16 Biswas situated in Village Bhati was purchased by plaintiff separate sale deeds and these lands were duly mutated/recorded in his name in the Fard Khatoni of Village Bhati, presently forming part of Tehsil Saket, District South, New Delhi.
4. It is stated the plaintiff is an absolute owner and is in possession of suit lands 'A'.
5. It is alleged the plaintiff entered into cultivatory possession of adjoining 40 Bighas and 4 Biswas of Gaon Sabha land of Village Bhati, details of which are mentioned in para 7 of the plaint. This land is termed as suit land 'B' and this cultivatory possession of plaintiff was duly recorded in Khasra Girdawri of years 1981-1983.



6. The plaintiff is contesting a case for above 40 Bighas and 4 Biswas of land for declaration of his bhumidhari rights under Section 85 of the Delhi Land Reforms Act, 1954 since 1990. The site plan depicting the entire land in possession of the plaintiff is annexed with the plaint which shows the 45 Bighas and 16 Biswas of purchased land in orange colour and the 40 Bighas and 4 Biswas of land which is in adverse cultivatory possession of plaintiff in blue stripes.
7. It is alleged on 10.10.2020 some officials of the Forest Department had visited the farm of the plaintiff and tried to close the passage at point 'X' which connects the Bhati Mines road with the farm land of plaintiff.
8. The defendants no. 1 & 2 claim this 40 Bighas and 4 Biswas of land as "ridge" and/or "reserved forest" belonging to Forest Department of GNCT of Delhi and seek to dispossess the plaintiff without due process of law.
9. It is stated this land was never handed over to the Forest Department, GNCTD by the Gaon Sabha Bhati but still the defendants intend to dispossess the plaintiff by use of force and might of State machinery and the suit land B is lying recorded in the name of Gaon Sabha Bhati but the plaintiff has accrued bhumidhari rights for which the case is going on.
10. In the circumstances, issue notice to the defendants.
11. Learned counsel for defendant No.3 has entered appearance. Let written statement/reply be filed within the statutory period with an advance copy to learned counsel for the plaintiff. Replication/rejoinder be filed within four weeks thereafter.
12. None has appeared on behalf of defendants No.1 and 2. Issue notice to defendants No.1 and 2 by all modes returnable before the Joint Registrar on 10.03.2022.



13. In the meanwhile the parties to maintain status quo qua the *possession* of the suit property/land as of today, till the next date of hearing.
14. Compliance of Order 39 Rule 3 CPC be made by plaintiffs within 10 days.
15. Upon completion of service/pleadings, the matter be listed before this Court.
16. Order dasti.

YOGESH KHANNA, J.

DECEMBER 13, 2021

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

+ W.P.(C) 10505/2018

ANANT RAJ LTD.

.....Petitioner

Through: Mr. Amit Sibbal, Senior Advocate
with Mr. Deepak Khosla, Mr. H.S.
Sharma & Mr. Sohan Kumar,
Advocates

Versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

%

16.10.2018

C.M. 43843/2018

By way of this application, petitioner seeks early hearing of C.M. 41006/2018 and prays for interim orders till the next date of hearing. Advance copy of the application has been supplied to the side opposite but there is no representation on their behalf.

Upon petitioner taking steps, notice of the application be issued to respondents by speed post, returnable on the date fixed i.e. 1st November, 2018. Let the tracking report of speed post and affidavit of service be filed on or before the next date of hearing.

List on the date fixed i.e. 1st November, 2018.

In view of averments made in paragraph No.3 of the application, *status quo*, as of today, in respect of subject property be maintained.

W.P.(C) 10505/2018

Page 1



A copy of this order be given *dasti* under the signatures of Court Master to counsel for petitioner.

SUNIL GAUR, J

OCTOBER 16, 2018

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GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
OFFICE OF DEPUTY CONSERVATOR OF FORESTS(SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI- 110044.

F. No. 61/DCF(S)/Land/Bhatti/2022-23/ 833 - 36

Dated: 20/05/25

To,

The Deputy Conservator of Forests (P&M)
Department of Forests and Wildlife
GNCTD, 2nd Floor, A -Block
Vikas Bhawan, I.P. Estate
New Delhi-110002.

Sub: Order dated 26.03.2025 of the Hon'ble NGT, PB in OA No. 525/2022 "Laxmi vs MoEF&CC & Ors"-regarding.

Ref: F. 1(2689)/Legal/HQ/2024-25/1630-34 dated 06.05.2025.

Sir,

In continuation to earlier reply please find the updated information for letter dated 06.05.2025 and reminder which is given below :-

1. In this matter information is sought for the khasra nos. 725, 726, 729, 730, 731, 848, 956, 951, 963 and 969 in village Bhatti.
2. A detailed area wise description is given below:-

Sl. No.	Khasra no.	Total area (bigha-biswa)	Forest area (bigha-biswa)	Extent of Forest Land	Status as per Sonya Ghosh Affidavit filed on 05.04.2019	Current Status
1.	725	19-11	19-11 (1996 Notification)	Full khasra	As per the affidavit dated 05.04.2019 filed by the Divisional Commissioner, the village-wise map submitted in respect of the Southern Ridge	Hon'ble High Court of Delhi in the matter of Arun Kumar Jain versus Dy. Conservator of Forest (South), CS (OS). No. 658/2021 has
2.	726	12-4	12-4 (1996 Notification)			
3.	729	4-4	4-4 (1994 Notification)			

4.	731	20-06	20-06 (1994 2336 Notification)		indicates that the said khasra is forest land.	given status quo in land in question.
5.	730	5-17	0-02 (1996 Notification)	Partial	Min khasra	Tatima not completed
6.	848	6-11	6-11 (1996 Notification)	Full khasra	As per the affidavit dated 05.04.2019 filed by the Divisional Commissioner, the village-wise map submitted in respect of the Southern Ridge indicates that the said khasra is forest land.	Hon'ble High Court of Delhi in the matter of Anant Raj Ltd versus GNCTD & others, WP(C) 10505/2018 has given Status quo in land in question.
7.	961	15-07	07-13 (1996 Notification)	Partial	Min khasra as per affidaivit	Tatima has been completed by Revenue Department. Falling inside Hanslok Ashram. No direct access to Forest Department.
8.	963	12-16	02-08 (1994 Notification)			
9.	969	02-13	01-11 (1994 Notification)			
10.	954	16-16	08-08 (1996 Notification)	Partial	Min khasra as per affidaivit	Tatima has been completed by Revenue Department.
11.	956	Non-forest Land				
12.	951					
13.	751					
14.	756					

3. Pending FSO case: - Parkland Construction and Equipments Ltd. Versus DCF(S), Case no. 31/2024 - Khasra no. 848, Village Bhatti. **2337**

4. Pending High Court: - 1. Anant Raj Ltd. Versus GNCTD & Ors., WPC/10505/2018 - Khasra no. 848 - **Status quo vide order dated 16.10.2018 - NDOH 21.05.2025.** (copy enclosed).

2. Arun Kumar Jain versus DCF(S), CS(OS) no. 658/2021 - Khasra no. 848, 725, 726, 729, 731 Village Bhatti - **Status Quo vide order dated 13.12.2021 - NDOH 26.08.2025** (copy enclosed).

5. As per records available in this office, Notification no. F.10(42)-I/PA/DCF/93/2012-17(I) dated 24.05.1994, No. F.1(29)PA/DCF/95 dated 02.04.1996 and affidavit filed by Revenue Department on 05.04.2019 in OA no. 58/2013 in the matter of Sonya Ghosh vs GNCTD in which the above mentioned khasra nos. are shown as forest land on map & provides ownership status of the above mentioned khasra nos.

Further, a reply has been received from SDM (Saket) vide letter dated 15.05.2025 (copy enclosed) against the letter dated 25.04.2025 (copy enclosed) which was sent to SDM (Saket) for providing documents related to ownership details of the khasra nos. involved in this matter.

This issues with the approval of DCF (S).

Yours faithfully,



**Range Officer
South Forest Division**

Enclosed as above:

Copy to:

1. The Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A -Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, for kind information.
2. The DCF (South) for kind information.
3. Legal Cell South Forest Division.



**Range Officer
South Forest Division**

2338



**GOVERNMENT OF NCT OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (SAKET),
M.B. ROAD, SAKET, NEW DELHI-110068**

F.No.F.1/(9)/SDM/Saket/Forestmatter/NT/2025/3526

Date: 15/5/25

To,

The Rang Officer,
South Forest Division,
O/o Deputy Conservator of Forests (South)
Near Dr. Karni Singh Shooting Range,
Tughlakabad, New Delhi-44.

Sub:-Regarding ownership Document of the Khasra nos. 725,729,730, 848,954,961,963 and 969 in village Bhatti prior to the year 1994.

Please refer to your office letter no. F. No. 61/DCF(S)/Land/ Bhati/2022-23/323-26 dated 25/04/2025 vide which requested to provide ownership documents related to Khasra nos. 725,729,730,848,954,961,963 and 969 in village Bhatti prior to the year 1994 available in Revenue Records.

In this regard, as per Revenue Record the ownership of the abovementioned Khasra Nos. in village Bhatti prior to the year 1994 is attached as annexure A.

This is for information and further necessary action at your end.

Anita

(ANITA YADAV)

Sub Divisional Magistrate (Saket)

Encl:- As above.

Copy To:

1. The DM (South), MB Road, Saket, New Delhi.
2. The DFC (South), Tughlakabad, New Delhi-44.
3. Guard File.

Khasra No. Village Bhatti	Ownership prior to the year 1994	Remarks
725(19-11)	Gram Shabha (19-11)	As per Khatoni of year 1984-85
729 (4-04)	Gram Shabha (4-04)	As per Khatoni of year 1984-85
730(5-19)	Rajesh Sahgal (1-17)	As per Khatoni of year 1984-85
	Rekha Anand (4-00)	As per Khatoni of year 1984-85
	Gram Shabha (0-2)	As per Khatoni of year 1984-85
848(6-11)	Gram Shabha (6-11)	As per Khatoni of year 1984-85
954(16-16)	Harkrishan Uttam (8-08)	As per Khatoni of year 1984-85
	Gram Shabha (8-08)	As per Khatoni of year 1984-85
961(15-07)	Renu K Uttam (3-04)	As per Khatoni of year 1984-85
	Gram Shabha (7-13)	As per Khatoni of year 1984-85
	Renu K Uttam (4-10)	As per Khatoni of year 1984-85
963(12-16)	Renu K Uttam min (2-00)	As per Khatoni of year 1984-85
	Radha Sawami Satsang Vayas (4-00)	As per Khatoni of year 1984-85
	Gram Shabha (2-08)	As per Khatoni of year 1984-85
	Reshama Uttam min (4-08)	As per Khatoni of year 1984-85
969 (2-17)	Gram Shabha (1-11)	As per Khatoni of year 1984-85
	Radha Sawami Satsang Vayas (1-00)	As per Khatoni of year 1984-85

As per available records
Rajesh Sahgal
15/5/25 (Pat)

Form No. 83
 Khata
 Khata No. of each plot of the Khata

1	2	3	4	5	6	7	8	9	10			
Serial No. of Khata	Name of tenure holder with parentage and residence	Year of Commencement of tenure	Khata No. of each plot of the Khata	Area of each plot in seller's or buyer's bighas or acres	Lease Revenue or Rent payable by the tenure holder	Substance affecting change, if any with No. of order, designation, date of authority passing the order attested by the Office Kgo.	Year	Year	Year	Year	Year	Year
1	श्री. सुभाष चं. 2457-2461, ब्रह्मकुम्भाना. नि. ब. 1157-1158, भा. भा. 1157-1158, भा. भा. 1157-1158	1	239/2	3-5	129/2	...	...	...	...	...	...	...
2	श्री. सुभाष चं. 2457-2461, ब्रह्मकुम्भाना. नि. ब. 1157-1158, भा. भा. 1157-1158, भा. भा. 1157-1158	1	265	2-8	...	...	...	...	...	...	...	...
3	श्री. सुभाष चं. 2457-2461, ब्रह्मकुम्भाना. नि. ब. 1157-1158, भा. भा. 1157-1158, भा. भा. 1157-1158	1	280	1-7	...	...	...	...	...	...	...	...
4	श्री. सुभाष चं. 2457-2461, ब्रह्मकुम्भाना. नि. ब. 1157-1158, भा. भा. 1157-1158, भा. भा. 1157-1158	1	286	...	...	...	...	...	...	...	...	...
5	श्री. सुभाष चं. 2457-2461, ब्रह्मकुम्भाना. नि. ब. 1157-1158, भा. भा. 1157-1158, भा. भा. 1157-1158	1	289/10	7-15

⇒ ०५ शुभार का 3459 का पूरा खाल खाना नं: 80 पर देना

Page-1 Page-2

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1281 प्रमाणित (1281) (1281) 898
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 1281 प्रमाणित (1281) (1281) 929
 1281 प्रमाणित (1281) (1281) 931
 1281 प्रमाणित (1281) (1281) 935
 1281 प्रमाणित (1281) (1281) 961
 1281 प्रमाणित (1281) (1281) 963
 1281 प्रमाणित (1281) (1281) 969
 1281 प्रमाणित (1281) (1281) 1031
 1281 प्रमाणित (1281) (1281) 1035
 1281 प्रमाणित (1281) (1281) 12-15
 1281 प्रमाणित (1281) (1281) 152

रक्षा का दि. 500

2-10
 4-1
 13-9
 75-16
 21-15
 7-13
 2-8
 1-11
 8-8
 10-13
 152

10) 1281 प्रमाणित (1281) (1281) 898
 11) 1281 प्रमाणित (1281) (1281) 917
 12) 1281 प्रमाणित (1281) (1281) 929
 13) 1281 प्रमाणित (1281) (1281) 931
 14) 1281 प्रमाणित (1281) (1281) 935
 15) 1281 प्रमाणित (1281) (1281) 961
 16) 1281 प्रमाणित (1281) (1281) 963
 17) 1281 प्रमाणित (1281) (1281) 969
 18) 1281 प्रमाणित (1281) (1281) 1031
 19) 1281 प्रमाणित (1281) (1281) 1035
 20) 1281 प्रमाणित (1281) (1281) 12-15
 21) 1281 प्रमाणित (1281) (1281) 152

Answer II Page - 2

संयुक्त रिकार्ड संयुक्त दिरली
(द्वितीय नियम 153)
रजिस्टर दाखल खान

तहसील/Tehsil.....

प्लॉट का मूलकृत सूचा हिस्सा Share of Plots Transferred		मूलकृत सूचा हिस्सा युं व्वाटों का Revenue rent of Shares of Plots Transferred		मूलकृत कुनित्वा का नाम व अद्विगत Name and description of persons removed			
क्रमा संख्या S.No.	खाना खदीनी नं० Kbata Kbalanni Number	नम्बर व तारीख Number and date of Order	हिस्सा अंश हो Share, if any	नम्बर खसरी Khasra Number	रकबा Area	मूलकृत सूचा हिस्सा युं व्वाटों का Revenue rent of Shares of Plots Transferred	मूलकृत कुनित्वा का नाम व अद्विगत Name and description of persons removed
1	2	3	4	5	6	7	8
2158	500/म 457/म	1773 94-95		730/म 724/म पार्श्व 1	4-0 10-0 14-0	x x	रसा खानद शो शो शो खानद शो E-202 पुनर शो A अंश 05 फल x
2159	12/म	1672 94-95		688/म पार्श्व 1	1-17 1-17	0-18 0-18	शो रसुप खानद गिरी शो शो H-C गिरी शो S37 गिरी शो शो अंश 05 फल 0x
2160	12/म	1674 94-95		688/म पार्श्व 1	1-16 1-16	0-18 0-18	शो अंश 05 फल 0x

2345

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शुभानुसंधान विभाग, 18, शिव/रस्ता/80, 6-3-91, 1,000, शिव
MOT/CBE-SI-18/DA/Dak/90-63-91-1,000 Regs.

गैन्ड रिकार्ड मैनुअल दिल्ली

(धरिये पियर 183)
फोनकर दारिजल कारिज

परी १११५ 183

उसरी/ Tehsil 21/10/21

क्र. सं. No.	खता खाता No. Khata Number	संख्या व तारीख Number & Date of Order	खता का मुताबिक हुए हिस्सा Share of Plots Transferred			मुताबिक हुए हिस्सा का संदर्भ का भाग / Part of share of Plots Transferred	Name & description of persons removed
			हिस्सा का भाग Shre. If any	संख्या खता Number	खता Area		
1	2	31/2/21		964	0-8	0-5 1/2	8
2	35	11-15		972	0-13	0-8 1/2	9
3	162	21/8/15		965	1-3	2	
4	248			130/2	2-6	0-32 1/2	
5	369			971	18-12	0-94 1/2	
6				974	1-15		
7				978	1-19		
8				971-3	22-6	0-94 1/2	
9				969	1-0		
10				969	5-0		

2348

Annexure - XVIII
 क्रम सं. 193
 काम सं. 1

संज्ञ रिक्त संज्ञान दिवसी
 Ann - 2 (द्विप नियम 153)
 रजिस्टर दाखल खान

तहसील/Tehsil.....

क्रमा संख्या S.No.	खाना खानेची संख्या Khana Khannani Number	संख्या व तारीख Number and date of Order	प्लॉट मधील शेअर हिस्सा Share of Plots Transferred		प्लॉट मधील शेअर हिस्सा मालकाचा हिस्सा Revenue rent of Shares of Plots Transferred	प्लॉट मधील व्यक्तीचा नाव Name and description of person removed	
			हिस्सा संख्या Share. if any	प्लॉट संख्या Khanna Number			
1	2	3	4	5	6	7	
2859 ✓	283	बुधवार 19/01/07		1019	0-8	1-35	श्रीमान देवाना देवान
		जगाय ना		1994962	3-1		श्रीमान देवाना देवान
		(H.K.)		1013	4-6		श्रीमान देवाना देवान
		श्रीमान देवान 120		1021010	2-19		श्रीमान देवाना देवान
		06-07		10201010	2-18		श्रीमान देवाना देवान
		नांदीस		1018	1-18		श्रीमान देवाना देवान
		श्रीमाना		1014	3-7	0-40	श्रीमान देवाना देवान
	238 ✓	20/12/06		1011	3-7	0-40	श्रीमान देवाना देवान
				1046	5-17-10	1-75	श्रीमान देवाना देवान
2860	153	श्रीमान देवाना		269	1-0		श्रीमान देवाना देवान
		नांदीस		188	1-10		श्रीमान देवाना देवान
	150	श्रीमान देवाना		268	3-2		श्रीमान देवाना देवान
	414	श्रीमान देवाना		2021243	3-16		श्रीमान देवाना देवान
		01-10-10		264	4-2		श्रीमान देवाना देवान
		10/01/07		2021243	2-10		श्रीमान देवाना देवान
				190	3-12		श्रीमान देवाना देवान
				191	9-2		श्रीमान देवाना देवान
				187	1-19		श्रीमान देवाना देवान
				187	0-5		श्रीमान देवाना देवान
				187	36-15-10	4-10	श्रीमान देवाना देवान

संख्या 1-18 दिवसी 00-0-3-1-1,600 रजि.
 M/D/C/B/E-SI-18 DA/Dch/90-6-3-91-1,000 Kofs.

Annexure - 5

DEPARTMENT OF FORESTS & WILDLIFE
GOVERNMENT OF NCT OF DELHI
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN
I.P.ESTATE, NEW DELHI-110002

Dated: 22/4/25

F.No.1(2497)/Legal/HQ/20-21/Pt3/779-98

Minutes of the 17th Meeting of the Oversight Committee constituted in compliance with the order of Hon'ble NGT (Principal Bench), New Delhi held on 01.4.2025 at 3:00 pm in the Indira Paryavaran Bhavan, Jorbagh, New Delhi.

The 17th meeting of the Oversight Committee constituted by the Hon'ble NGT, New Delhi in the matter O.A. No. 58/2013 titled (Sonya Ghosh Vs. Govt. of NCT of Delhi) was convened on 01.04.2025 at 3:00 pm under the Chairmanship of the Director General of Forests & Special Secretary, MoEF&CC, Govt. of India. The list of participants is given in **Annexure- A**.

At the outset, the chairman welcomed all the participants in the meeting and expressed concern on non-attendance of the members in the meeting and representations by alternate officers. The Chairman directed that a DO letter be issued to all members, imploring them to attend the meetings of the Oversight Committee regularly in order to fulfill the mandate of the Committee.

[Action: MOEFCC]

Thereafter, a brief presentation on the present status of various agenda items was given by the Department of Forests & Wildlife (DoFW), Government of NCT of Delhi (GNCTD). After detailed deliberations, the following recommendations were made by the Committee;

Agenda 1: Status of encroachment removal from the forest land in the NCT of Delhi.

- a. The details of the Ridge Forest land freed from encroachments, as provided in **Annexure-B**, were placed before the Committee. The Committee noted that there has been no significant progress in the eviction of encroachments since the last report submitted by the GNCTD to the Oversight Committee.
- b. The Committee was informed that encroachment issues were brought to the attention of the Chief Secretary, GNCTD, by the APCCF & HoD, GNCTD, in the NGT matter in OA No. 525/2022 titled as Laxmi vs MoEF&CC & Ors.
- c. The Committee was informed that for the removal of encroachments in the Southern Ridge (South District), a DTF meeting was held on 19.11.2024 by DM (South), and the minutes were received on 10.12.2024, vide which the Forest Department was directed to prepare a phase-wise schedule for encroachment removal. In this regard, the South Forest Division has prepared a schedule plan for approximately 17.90 ha for the villages Saidulajab, Satbari, Chattarpur, Bhatti, and Nebsarai, from 01.04.2025 to 30.05.2025 and has also requested the DCP (South) to provide police forces for coordination in executing the encroachment removal plan, as approved by the DTF.

- d. The Forest Department submitted that the budget allotted for 2025-26 is much less than the budget demanded by the Department. Further, the specific proposal requesting additional allocation of funds for encroachment removal is being placed before the State Government for approval, and the said work will be executed on a priority basis after receipt of funds.
- e. The Committee was informed that for the removal of encroachments in the Southern Ridge (West Forest Division), a DTF meeting was held on 19.12.2024 by DM (New Delhi). However, as per the minutes of the meeting dated 31.12.2024, the encroachment removal was not scheduled due to certain clarifications required from DUSIB regarding specific areas in Rajokari and Rangpuri villages. Also, a meeting of District Task Force under the chairmanship of DM (New Delhi) was held on 13.03.2025. Minutes of the meeting are awaited.
- f. The Committee recommended that DCF (West) and DCF (South) should pursue with DM (New Delhi) and DM (South) to hold regular fortnightly meetings of DTF for encroachment removal in Southern Ridge Reserved Forests.

[Action by: DM(South & New Delhi), DCF (West) & (South)].

Agenda 2: Status of boundary wall construction to protect ridge forest land.

- a. The Committee was informed that due to budget constraints, the department has not been able to undertake any repair or construction of the boundary wall.
- b. The Committee was informed that the file for the allocation of additional funds for construction/repair of 20 km Boundary wall in Southern Ridge and 3.5 km boundary wall in Central Ridge is under submission with the State Government.
- c. The Committee recommended DCF(South) & DCF(West) for assessment of the total length of the boundary wall which requires construction/repair and the budget required for the same.

[Action: DoFW, GNCTD]

Agenda 3: Status of preparation of Working Plans for the Forest Divisions in NCT of Delhi.

- a. The Committee was informed that the proposal for the preparation of the working plan of NCT of Delhi, submitted by the Forest Research Institute (FRI), was approved by the Competent Authority on 30.06.2021. The Part I of the Working Plan was submitted by FRI on 26.09.2024, and Part II is under process. A meeting was held on 06.12.2024 with FRI to provide a comprehensive overview and briefing on the details of the Working Plan. Additionally, the ICFRE-Forest Research Institute, Dehradun, requested an extension for the Working Plan.
- b. The Committee recommended that FRI, Dehradun, and the DoFW, GNCTD, complete the preparation of the Working Plan on priority and hold a separate meeting for its preparation. Furthermore, a brief of this meeting should be presented before the Committee in the next meeting.

[Action: FRI & DoFW, GNCTD].

Agenda Item No. 5 - Section 20 Notification

- a) The committee was informed that the revised draft notification under Section 20 of IFA, 1927, in respect of phase 1 notification of Southern Ridge for the 12 villages, duly vetted by Law Department and Revenue Department and checked by the concerned DCFs is submitted for approval of the Hon'ble Lieutenant Governor, GNCTD.
- b) The committee urged to expedite the process of notification under section-20 of IFA, 1927. Status is placed at **Annexure-C**.
- c) The Committee was informed that out of a total of 239 khasras where tatima is to be completed, the process has been finalized for only 18 khasras.
- d) The issue of respect of conducting tatima proceedings for khasras with multiple divided ownerships was raised by the Forest Department, as the Revenue Department has given comments in proposal of section-20 of IFA, 1927 of Southern Ridge and also recorded in the DTF meeting held under the Chairmanship of DM(New Delhi) dated 31.12.2024 that the villages falling within the Southern Ridge were urbanized and consequently, the DLR Act no longer applies to these villages, and the matter may need to be taken up with the DDA for further necessary action.
- e) However, DDA maintains that only the physical possession of the Gaon Sabha land is handed over to DDA by BDO, Revenue Department, GNCTD, after the urbanization of the villages, and, thus, the complete land records in respect of these villages are still available with the Revenue Department, GNCTD.
- f) Therefore, a resolution in this regard may be provided by the State Government to expedite the tatima proceedings for khasras with multiple divided ownerships, so that the process under Section 20 of the Indian Forest Act, 1927, can be expedited.

[Action: GNCTD].

The meeting ended with a vote of thanks to the Chair and the Participants.



(Ankit Kumar, IFS)
Dy. Conservator of Forests (P&M)

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Dated: 22.4.25

To,

1. Director General, Forest Survey of India, Kaulagarh Road, P.O, IPE Dehradun-248195.