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

+ **W.P.(C) 3992/2024**

BRAHAM SINGH

..... Petitioner

Through: Mr. D Hasija and Ms. Prachi Hasija,
Advocates

versus

GOVT OF NCT OF DELHI AND ORS

..... Respondent

Through: Mr. Udit Malik, ASC for GNCTD.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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15.03.2024

(The proceeding has been conducted through Hybrid Mode)

CM APPL. 16325/2024

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

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

“(i) issue an appropriate writ, order or direction to the respondents not to interfere in the peaceful and settled possession of the petitioner in property comprised in Khasra No.839 and 852, admeasuring 955 Sq. Yds., situated in the Revenue Village Aya Nagar, New Delhi- 110047.

(ii) issue an appropriate writ, order or direction against the persons/officials of the respondents who have been visiting the property of the petitioner being Khasra No.839 and 852,

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admeasuring 955 Sq. Yds., respectively, situated in the Revenue Village Aya Nagar, New Delhi - 110047, illegally and unauthorizedly, without any permission or order.

(iii) during the pendency of the above captioned writ petition, restrain the officials / persons of the respondents No.2 and 4 from entering/ visiting / demolishing the existing structures and boundary walls of the property of the petitioner being Khasra No.839 and 852, admeasuring 955 Sq Yds situated in the Revenue Village Aya Nagar, New Delhi – 110047;”

4. Learned counsel appearing for the petitioner submits that the petitioner had approached this Court previously by way of W.P(C) 16433/2023 wherein by order dated 19.12.2023, this Court had issued notice and simultaneously restrained the respondents from taking any demolition action or any coercive steps in relation to subject land coloured in Pink/Red in the demarcation plan, which was appended thereto as Annexure P-2, till the next date of hearing. The said petition was in respect of 364 square yards of land in Khasra No. 817 at Revenue Estate of Village Aya Nagar, New Delhi.

5. Learned counsel submits that upon the respondents violating the said order dated 19.12.2023, the petitioner had filed a contempt petition bearing Cont.Cas(C) 232/2024 whereby by order dated 08.02.2024, this Court had issued notice and also directed that the officials of the respondents would not visit the said property except after taking permission from this Court.

6. Learned counsel for the petitioner submits that now, in respect of the other portion of the property comprised in Khasra nos. 839 and 852, the respondent-Forest Department is intending to demolish the property built up on such land. He submits that at the time when the previous writ petition



was filed, the respondent had not done any demolition in respect of the property, which is subject matter of the present case and as such, the petitioner had not preferred any writ petition thereagainst.

7. He also submits that no particular notice for demolition has been issued to the petitioner in this regard, yet the respondents are threatening to demolish the portion of the said property with JCB Machines, etc. He also refers to the document at Annexure P-16, which is a letter dated 25.10.2023 issued by Deputy Conservator of Forest to the SDM, Mehrauli in regard to the joint conducting of the demarcation exercise on Forest Land comprising Khasra Nos. 816, 840 and 851 and the non-forest land in Khasra No.817, 839 and 852 in Village Aya Nagar.

8. On the strength of this document, learned counsel submits that the said demarcation is yet to take place and once the demarcation is completed, it is possible that the respondent-department would find that the property of the petitioner falls in the non-forest land in Khasra No. 817, 839 and 852 of Village Aya Nagar.

9. Be that as it may.

10. It is observed that the title documents, on the basis whereof, the present writ petition has been filed are Agreement to Sell, Affidavit, Receipt and General Power of Attorney, which are not registered and as such, *prima facie*, not title documents in the eyes of law. It is no more *res integra* particularly in view of the judgment of the Supreme Court in ***Suraj Lamp & Industries Pvt. Ltd vs. State of Haryana and Anr*** reported in (2012) 1 SCC 656 as also reiterated in ***Shakeel Ahmed vs. Syed Akhlaq Hussain*** reported in 2023 SCC OnLine SC 1526 that the conveyance in the interest of a land is conveyed only by way of registered documents.



11. In any case, this Court is neither commenting on the viability of the documents nor the possessory rights of the petitioner.
12. Issue notice.
13. Mr. Udit Malik, learned ASC for respondent accepts notice who may seek instructions in this regard.
14. List on 19.03.2024.
15. In the meantime, no coercive action may be taken against the subject property of the petitioner till 19.03.2024.
16. Order *dasti* under signatures of Court Master.

TUSHAR RAO GEDELA, J

MARCH 15, 2024

Adj