

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A No. 594/2019

In the matter of:

Jitender Dhir

...Petitioner

Versus

Union of India & Ors.

...Respondents

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ISHWAR SINGH
Pr. Chief Conservator of Forests
& HoD
Department of Forests & Wildlife
Govt. of NCT of Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL
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**STATUS REPORT IN COMPLIANCE OF ORDER DATED
25.07.2019**

1. The instant status report is being submitted in compliance with the directions of the Hon'ble National green Tribunal in the order passed on 25.07.2019 in O.A No. 594/2019 in the matter of Jitender Dhir versus Union of India & Ors which states "*...Before proceeding further, we consider it necessary to require a factual and action taken report in the matter from Principal Chief Conservator of Forest (HoFF), Delhi...*"

2. It is humbly submitted that the undersigned have inspected the site in question along with the DCF (West), field officials of Forest Department and officials concerned of the Delhi Development Authority (hereinafter referred to as DDA) on 17.08.2019.



ISHWAR SINGH, IFS
Pr. Chief Conservator of Forests & HOD
Department of Forests & Wildlife
Govt. of NCT of Delhi
Vikas Bhawan, I.P. Estate, New Delhi-110002

3. During the inspection, it was observed that the green area is bounded with boundary wall into two patches namely Jassa Singh Park (8.50 Acres) and Maharishi Dayanand Park (11.31 Acres). One underground reservoir in each pocket has been constructed. As per the written reply submitted by the DDA to the Office of DCF (West), the underground reservoirs are stated to have been constructed for irrigation of the green areas. As per the submissions of DDA officials, the underground reservoirs have been constructed by them to replace the use of bore wells with treated water from Delhi Jal Board CEPT in Mayapuri area.

4. The trees in both the pockets are numbered with paints. The number of trees inside Maharishi Dayanand Park (11.31 Acres) is 400 and the number of trees inside Jassa Singh Park (8.50 Acres) is 338.

5. The notification dated 10th April, 1980 stated that the area of Protected Forest in Mayapuri Green area is only 5 Acres. The area of this notified Protected Forest is not demarcated on ground by the DDA. The area is under the functional jurisdiction of DDA and they are responsible for the maintenance and protection of the area. The 5 acres area of Protected Forest is not demarcated on ground by DDA and it is, therefore, not possible to locate the 5 acres Protected Forest on ground out of the total Green area of both the pockets.


 ISHWAR SINGH, IFS
 Pr. Chief Conservator of Forests & HOD
 Department of Forests & Wildlife
 Govt. of NCT of Delhi
 Vikas Bhawan, I.P. Estate, New Delhi-110002

6. As regards the complaint of alleged tree offence, the Deputy Conservator of Forests (West)/ who is also designated as Tree Officer as per the Provisions of the Delhi Tree Preservation Act, 1994(herein after referred as DPTA 1994) has taken cognisance of the matter and after giving sufficient opportunities to the parties, disposed off the matter vide order dated 21.08.2019. It is submitted that necessary action has been taken by the Tree Officer in exercise of the power conferred by the DPTA, 1994. Copy of the order passed by the Tree Officer (West) is annexed herewith and marked as **Annexure-I**.
7. The structures stated as labour camps in the complaint were already removed from the site.
8. It is also submitted that the alleged illegal constructions inside the green area were also examined during the inspection. The size of each underground reservoir is 9.64 m x 10.66 m (102 sqm. Approx.) and is meant for irrigation of the green area. These two reservoirs are basically included in the work relating or ancillary to conservation, development and management of forests and thus not violating the provisions of the Forest (Conservation) Act, 1980.
9. The Dy. Conservator of Forests (West) has made repeated requests to DDA to physically demarcate the 5 acres of Protected Forests on ground by erecting pillars for its identification and protection (**Annexure-II colly**).


ISHWAR SINGH, IFS
Pr. Chief Conservator of Forests & HOD
Department of Forests & Wildlife
Govt. of NCT of Delhi
Vikas Bhawan, I.P. Estate, New Delhi-110002

10. This factual and action taken report is submitted for kind consideration of the Hon'ble National Green Tribunal.



(Ishwar Singh)

**Principal Chief Conservator of
Forests & HoD
Govt. of NCT of Delhi**

ISHWAR SINGH, IFS
Pr. Chief Conservator of Forests & HOD
Department of Forests & Wildlife
Govt. of NCT of Delhi
Vikas Chawan, I.P. Estate, New Delhi-110002

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Annexure-I

GOVT. OF N.C.T. OF DELHI
DEPARTMENT OF FOREST & WILDLIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
WEST FOREST DIVISION: MANDIR LANE: NEW DELHI-60
Ph. No-011-23361879

F.3 (51)/WFD/TCoff/2015-16/ 4636-37

Dated: 21-08-19

ORDER

Whereas this office received a complaint through the mail of the Dy. Conservator of Forest (West) on 22/11/2015 from Sh. Jitender Pal Singh Dhir regarding construction/misuse of Mayapuri Green Belt Protected Forest.

Whereas the I.O from this office inspected the site and reported that 03 nos. of trees were found damaged at the site and construction work of water tank was going on.

Whereas this office issued a notice under DPTA-1994 to the Executive Engineer and Asstt. Engineer of the Delhi Development Authority along with the copy to Sh. Jitender pal Singh Dhir, in exercise of power confirmed under Section-31 of the DPTA-1994 on 01/12/2015, so as to ascertain the actual status of felling of trees at Mayapuri Green Belt. This office also issued restraintment/restraining order on 03/12/2015 to the Dy. Director (Hort.) DDA (North West), Vikas Minar, I.T.O, New Delhi for stopping all the non forestry activities from Mayapuri Green Belt with immediate effect.

Whereas in reply to the notice served to the officials of DDA under DPTA-1994 and the restraintment/restraining order, the Director (Hort.) N/W, DDA, Vikas Minar I.T.O has submitted written statement that the project for providing the UGR and pipe line for the irrigation purpose, is not destroying or affecting any existing tree of the green belt.

And, whereas this office again served the notice to the Director (Hort.) and Dy. Director (Hort.), DDA and Sh. Jitender Pal Singh Dhir, to ascertain the actual status of felling/damage to the trees. The complainant Sh. Jitender Pal Singh Dhir did not appear before the undersigned. The officials of DDA submitted a written statement stating that some very old trees fall in due to natural calamities like thunder storm & heavy rainfall etc. whenever the tree had fallen nearby residents pressing hard for removal of the same. The officials of DDA also informed that Department gathered and auctioned the mixed cut woods and for which the details of auction has also been provided. Documents regarding the auctioning of logs/woods from 2013 to 2016 submitted by DDA showed that the trees have fallen due to storms.

Whereas, after going through the above referred facts and documents submitted by the officials of DDA, I am satisfied with the submission of DDA official that the trees might have fallen due to storms. With this observation, the matter is closed.


21.8.19
DY. CONSERVATOR OF FOREST (WEST)
WEST FOREST DIVISION

To,
The Director (Hort.)
Delhi Development Authority
Vikas Minar, I.T.O, New Delhi

Copy To:

1. Sh. Jitender Pal Singh Dhir, G-8, Rajouri Garden, Mayapuri, New Delhi for information and through his mail-jpsdhir@rediffmail.com.

GOVT OF N.C.T. OF DELHI
DEPARTMENT OF FOREST AND WILDLIFE
OFFICE OF THE DY. CONSERVATOR OF FOREST (WEST)
WEST FOREST DIVISION, MANDIR LANE, NEW DELHI-60

F.294/DCF(W)/Dev./Rithala-500-plantation/2017-18/4356-6^o

Dated:- 16-08-19

To,
The Commissioner (Land Mgt.)
Delhi Development Authority,
Vikas Minar, I.T.O, New Delhi-110002

Sub: Regarding complaint against illegal activities within the Mayapuri Green Belt.

Several complaints are being received in this office regarding illegal Non Forest activities carried out at Mayapuri Green Belt. However, as per records available the 5 Acre of Land was notified as Protected Forest vide Notification No. F.SCO.32(C)/Noti-80-81/6974-81 dated:10-04-1980.

A complaint was lodge regarding construction work inside Mayapuri Green Belt in the Hon'ble N.G.T with O.A. No.594/2019 (Jitender Dhir V/s Union of India). The Hon'ble N.G.T directed the P.C.C.F, GNCTD in the order passed on 25-07-2019 to file an action taken & status report within one month.

This office has undertaken the field inspection in order to ascertain the presence of illegal activities inside Mayapuri Green Belt. However, due to absence of demarcation of 5 Acre of Protected Forest, it is not possible to verify the 5 Acre protected Forest.

In view of this, it is requested you to physically demarcate the 5 Acre Protected forest on ground by erecting pillars/construction of Boundary wall so that the area can be easily identified and protected.

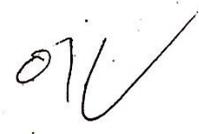
Yours faithfully,


DY.CONSERVATOR OF FOREST (WEST)
(WEST FOREST DIVISION)

Copy to:

1. The PCCF, Department of Forest & Wildlife, 2nd Floor, Vikas Bhawan, IP Estate, New Delhi for kind information.
2. The Chief Conservator of Forest (A), Department of Forest & Wildlife, 2nd Floor, Vikas Bhawan, IP Estate, New Delhi for kind information
3. The Conservator of Forest, Department of Forest & Wildlife, 2nd Floor, Vikas Bhawan, IP Estate, New Delhi for kind information
4. The Pr. Commissioner (Hort.), Delhi Development Authority, Vikas Minar, I.T.O, New Delhi-110002, for necessary action.


DY.CONSERVATOR OF FOREST (WEST)
(WEST FOREST DIVISION)



GOVT OF N.C.T. OF DELHI
DEPARTMENT OF FOREST AND WILDLIFE
OFFICE OF THE DY. CONSERVATOR OF FOREST (WEST)
WEST FOREST DIVISION, MANDIR LANE, NEW DELHI-60

F.3 ()/WFD/TCOFF/2015-16/ 7565-68

Dated :- 18/12/16

ORDER

Vide reference letter no.- F.3()/WFD/TCOFF/2015-16/7232-7235, this office has requested the details of **Mayapuri Green Belt Protected Forest** boundary so as to ascertain the status of non forest activity reported by the complainant.

The requested information has not reached this office till now. It is directed that necessary information may be submitted within a week so as to take necessary action as per Forest Conservation Act, 1980.

lwr
(Dr. R. Gopinath)
DY. CONSERVATOR OF FOREST (WEST)
WEST FOREST DIVISION

To,
The Director (Hort.)
Delhi Development Authority, (North West)
Vikas Minar, I.T.O,
New Delhi-110002.

Copy to:

1. The APCCF, Department of Forest & Wildlife , 2nd Floor, Vikas Bhawan, IP Estate, New Delhi for kind information.
2. The Chief Conservator of Forest, Department of Forest & Wildlife , 2nd Floor, Vikas Bhawan, IP Estate, New Delhi for kind information
3. The Conservator of Forest, Department of Forest & Wildlife , 2nd Floor, Vikas Bhawan, IP Estate, New Delhi for kind information.

Received
7/1/2016
Jhanda Dhis
OK

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GOVT OF N.C.T. OF DELHI
DEPARTMENT OF FOREST AND WILDLIFE
OFFICE OF THE DY. CONSERVATOR OF FOREST (WEST)
WEST FOREST DIVISION, MANDIR LANE, NEW DELHI-60

F.3 ()/WFD/TCOFF/2015-16/7232-7235

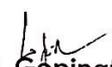
Dated :- 03/12/15

RESTRAINTMENT ORDER

With reference to the complaint received in this office from Sh. Jitender Pal Singh Dhir (Complaint copy enclosed), regarding illegal Non Forest activity carried out at Mayapuri Green Belt without the permission of Department of Forest & Wildlife.

You are therefore hereby directed to stop all Non Forest activities with immediate effect failing which action as deemed fit shall be initiated against you without further notice.

You are also directed to submit the Geocoordinates of 5 Acre area as notified with all the details of the area such as Boundary wall etc.


(Dr. R. Gopinath)
DY. CONSERVATOR OF FOREST (WEST)
WEST FOREST DIVISION

Encl: As above

To,

The Director (Hort.)
Delhi Development Authority, (North West).
Vikas Minar, I.T.O,
New Delhi-110002.

Copy to:

1. The APCCF, Department of Forest & Wildlife, 2nd Floor, Vikas Bhawan, IP Estate, New Delhi for kind information.
2. The Chief Conservator of Forest, Department of Forest & Wildlife, 2nd Floor, Vikas Bhawan, IP Estate, New Delhi for kind information
3. The Conservator of Forest, Department of Forest & Wildlife, 2nd Floor, Vikas Bhawan, IP Estate, New Delhi for kind information

D/C

Received
Jitender Dhir