

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application no. 639/2022

IN THE MATTER OF:

PRITIPAL SHARMA

...APPLICANT

VERSUS

GOVT. OF NCT OF DELHI & ORS.

...RESPONDENTS

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Date:
New Delhi

Filed By:-



Dy. Conservator of Forest (South)

BEFORE THE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:

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...RESPONDENTS

SHORT AFFIDAVIT ON BEHALF OF RESPONDENT NO. 10 I.E.,
DEPUTY CONSERVATOR OF FOREST (SOUTH).

I, Vipul Pandey S/o Gajadhar Pandey, aged about 35 years, presently posted as Dy. Conservator of Forest (South), having office at Department of Forest & Wildlife, Government of National Capital of Delhi, (hereinafter referred to as the 'answering Respondent') and do hereby solemnly affirm and declare as under:

1. That I am currently holding the post of Dy. Conservator of Forest (South) and am competent to depose by way of the present affidavit on behalf of the answering Respondent.
2. That I have gone through the contents of the present application i.e., O.A. no. 639/2022 filed by the applicant and has understood the same and is competent swear this affidavit. It is submitted that everything is prohibited unless specifically allowed.



3. That I have read and understood the contents of the present affidavit and state that the facts stated herein are true and correct to the best of my knowledge on the basis of the records available and/or accessible to me.
4. That it is submitted that the answering Respondent is filing the present short affidavit and craves leave and permission of this Hon'ble Tribunal to file a detailed reply, if so directed by this Hon'ble Tribunal.
5. That it is respectfully submitted that the captioned application is pending before this adjudication and the next date of hearing is 26.07.2024.

PRELIMINARY SUBMISSIONS

1. That the present application has been filed by the applicant inter alia seeking following reliefs:

(a) Direct Respondent no. 1 to 4 to seal the illegally running bore wells located in the plot adjoining House no. GI-2035, Aya Nagar, New Delhi – 110047 and in the plot in the opposite side of the street in front of House no. GI-2038, Aya Nagar, New Delhi – 110047 which are under the ownership of Respondent no. 5 and completely cease operation of Respondent no. 5.

(b) Direct Respondent no. 6 to 9 who are owners of House no. 1031 C1/1 G-I Block in Aya Nagar, Phase 6, New Delhi – 110047 to demolish the construction of ramps and steps along the street in G-I Block built by them and restore the drain and allow it to flow without any obstruction and pollution.



(c) Pass any other order as the Hon'ble tribunal may deem fit and proper in facts and circumstances of the case.

2. That it is submitted that a notification no. F.10(42)-1/PA/DCF/93/2012-17(1) dated 24.05.1994 was issued under Section 4 of the Indian Forest Act, 1927, whereby it was proposed that all forest lands and wastes lands which is the property of the Government be reserved as a "reserved forest". Further submitted that reserve forests are the most restricted forests and are constituted by the State Government on any forest land or wasteland which is the property of the Government. In reserved forests, local people are prohibited, unless specifically allowed by a Forest Officer in the course of the settlement. The copy of the notification no. F.10(42)-1/PA/DCF/93/2012-17(1) dated 24.05.1994 is annexed and marked herewith as **Annexure – A**.
3. That it is important to note here that the Hon'ble Apex Court in *M. C. Mehta v. Union of India, W.P. (C) no. 4677/1985* had categorically observed vide its orders dated 25.01.1996 and 13.03.1996 that the ridge area must be protected and could not be utilised in any way due to the prohibition under the Forest Conservation Act, 1980. The Hon'ble Apex Court further directed the Lieutenant Governor of Delhi to issue the necessary notification to protect the ridge area. The copy of the orders dated 25.01.1996 and 13.03.1996 are annexed and marked herewith as **Annexure – B (Colly.)**.
4. That in compliance of the above mentioned directions passed by the Hon'ble Apex Court, the Lt. Governor on 02.04.1996, issued a notification no. F.1(29)/PA/DC/95 under Section 154 of Delhi Land Reforms Act 1954 and



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declared the Gaon Sabha's land in the Southern Ridge as surplus land and made it available to the Forest Department of the GNCTD.

5. That it is important to note here that the notification dated 02.04.1996 was challenged before this Hon'ble Court in the case titled as ***Bhagat Singh & Ors. v. Union of India & Anr., (2010) SCC OnLine Delhi 2386*** but the same was rejected by the Division Bench of this Hon'ble Court on the ground that the petitioners therein were merely encroachers on Government land who wanted to keep the land from becoming vested in the proper Government authority and maybe even physically stop the Government from regaining custody of it. The petitioners' lack of knowledge of the notification dated 02.04.1996 is the only explanation provided for why it was filed 14 years after it was issued. The relevant portion of the judgment is reproduced herein as under:

"5. We asked the learned counsel for the petitioners to show us the documents by which his forefathers or they came into settled lawful possession of the land in question which belonged to the Gaon Sabha. There is no such document on record. This question was posed as Gaon Sabha land is for the collective enjoyment of the village and there is no right in any individual to occupy the land unless such an allotment is made by the Gaon Sabha. The Gaon Sabha land is thus not meant for individuals for their own enjoyment and the vesting of the land in Gaon Sabha is as per Section 7 of the said Act. The significance of the said Act coming into force was that all lands of common utilities which were owned by the proprietors of villages and which were commonly used by the villagers were vested in the Gaon Sabha and proprietors were divested of their ownership. As per Section 154(1) (vii) of the said Act, all the forest land situated in a Gaon Sabha area shall vest in the Gaon Sabha. The proviso to Section 154(1) of the said Act



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refers really to the uncultivated area situated in Gaon Sabha area and the same being more than the ordinary requirement of the Gaon Sabha may be excluded from vesting in the Gaon Sabha.

6. We are of the considered view that no further exercise was necessary to be carried out by the R-1 and R-2 in case of such Gaon Sabha land which was actually part of 'Ridge' area and it is with the objective of protecting the 'Ridge' area that the land in question which forms part of the 'Ridge' area was declared surplus and was placed at the disposal of the Forest Department of the Govt. of NCT of Delhi for creation of Reserved Forest.

7. In our considered view, the petitioners are only encroachers on Government land who are seeking to prevent vesting of the land in question with the appropriate Government authority and possibly physically preventing the Government from taking over possession of the same. The petition has been filed 14 years after the notification in question was issued and the only reason given in this regard is that the petitioners had no knowledge of the same."

Emphasis Supplied

6. That it is important to note here that the answering respondent was impleaded as Respondent no. 10 at later stage in the present proceedings and since the applicant has not made any averment pertaining to the respondent no. 10, hence the answering respondent do not require to give parawise reply as the averments / reply made by the answering respondent in the preliminary submissions may be read as part and parcel of the present reply. However, the answering respondent undertakes to respond / file the detailed reply in case any specific averments / allegations are made by the applicant against the answering respondent.



7. That it is submitted that the answering respondent was impleaded as Respondent no. 10 vide order dated 18.03.2024, after a report filed by the SDM (Mehrauli) wherein it is mentioned that the land where the illegal bore well was sealed falls in Khasra No. 1978, Village Aya Nagar and ownership of the land falls in the name of Forest Department. That it is pertinent to mention here that the illegal bore well was sealed by the concerned SDM (Mehrauli) in the year 2023 i.e., on 13.04.2023 and the information regarding the illegal bore well was given to the answering respondent in the year 2024 i.e., after a year when the bore well was sealed by the SDM (Mehrauli). It is submitted that the information or intimation was given to the answering respondent only when the issue of illegal extraction of ground water was raised before this Tribunal. Further that no revenue records were checked by the concerned SDM (Mehrauli) at the time of sealing the illegal bore well, it was only after the answering respondent had undertaken the encroachment removal exercise, and during the re-inspection by Revenue Authorities necessitated by filing the present case before this Hon'ble Tribunal. It is pertinent to mention here that after seeing the demolishing waste on the site, it was identified that the illegal bore well exists on the forest land i.e., Kharsa no. 1978 and the concerned SDM (Mehrauli) filed an affidavit before the Hon'ble National Green Tribunal stating that the land on which the illegal bore well exists belongs to the forest department without the due intimation to the Forest Department before filing.
8. That it is further submitted that after receiving the aforesaid information, the office of the undersigned inspected the same and it was found that the land on which the illegal bore well existed belongs to the Forest Department i.e., on Khasra no. 1978, Village Aya Nagar, New Delhi which was duly notified



as a forest land as per the notification passed in the year 1996. Further submitted that the 1996 notification was issued by the Ld. Lieutenant Governor of Govt. of NCT of Delhi in exercise of powers conferred u/s 154 of the Delhi Land Reforms Act, 1954 (8 of 1954) declaring the uncultivated land of Gaon Sabha specified in Column 'III' and Annexure 'A' to 'N', situated in Southern Ridge in respect of Villages mentioned in Column 'II' of table given below as surplus land and lands at the disposal of Forest Department of Government of National Capital Territory of Delhi, wherein under the Annexure I, the Khasra number no. 1978 under Village Aya Nagar was mentioned. The copy of the notification no. F.1(29)/PA/DC/95 dated 02.04.1996 is annexed and marked herewith as **Annexure – C**.

9. That it is submitted that after inspecting the above-mentioned site / Khasra, it was found that there was encroachment on the aforesaid Khasra no. 1978, Village Aya Nagar and the answering respondent has already taken steps for removal of the encroachment on forest land of Khasra no. 1978 in Village Aya Nagar vide notice dated 09.02.2024 & 16.04.2024 wherein it was clearly mentioned that Khasra nos. 1978, 1979, 1980, 1981, 1982 of Village Aya Nagar, Tehsil Mehrauli, is notified as Reserve Forest Land as per the notifications dated 24.05.1994 and 02.04.1996. Further, all the encroachers were directed to vacate the Forest Land as the land was encroached which is a violation under Section 26 of the Indian Forest Act, 1927 and Section 2 of the Forest (Conservation) Act, 1980. The copies of the notice dated 09.02.2024 and 16.02.2024 are annexed and marked herewith as **Annexure – D (Colly.)**.



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10. That thereafter, a joint inspection has also been carried out at Khasra no. 1978, 1979, 1980, 1981 and 1982 of Village Aya Nagar in the presence of SHO Fatehpur Beri, SDM Mehrauli and Range Officer South Forest Division along with Patwari Aya Nagar and SI Aya Nagar Division. It was found that approximately 55 houses are falling in the aforesaid Khasras which are notified as Reserved Forest as per 1996 notification. The copy of the inspection report is annexed and marked herewith as **Annexure – E**.
11. That it is pertinent to mention here that the disputed Khasra no. 1978 is a forest land according to the affidavit filed by the Divisional Commissioner in the matter titled as *Sonya Ghosh v. GNCTD, OA no. 58/2013* before the Hon'ble National Green Tribunal. It is further submitted that there is an encroachment to the extent of 1 Bigha 16 Biswa and the type of encroachment is as *Unauthorised Colony*. After inspecting the same, the answering respondent found that there was encroachment on the aforesaid Khasra no. 1978, Village Aya Nagar and the answering respondent has already taken steps for removing of the encroachment; the answering respondent had already issued various notices as well as letters for removal of encroachment on forest land comprising of Khasra no. 1978, Village Aya Nagar, New Delhi. The copies of the affidavit filed by the Divisional Commissioner along with all the letters and notices issued by the answering respondent are annexed and marked herewith as **Annexure – F (Colly.)**.
12. That it is pertinent to mention here that the Hon'ble High Court of Delhi vide order dated 29.02.2024 disposed of two matters titled as "*Adarsh Enclave Residents Welfare Association (Regd.) versus GNCTD, W.P.(C) no. 3086/2024* and *Devki Devi versus GNCTD & Ors., W.P (C) No.*



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3088/2024" with a direction to the answering respondent / Deputy Conservator of Forest (South) to decide the representation of the petitioners therein with respect to the petitioners' therein property within 6 weeks after receiving the said representation. Further, after considering the submissions made by the parties, the Court had noted that the notice was issued by the answering respondent in respect of Khasra nos. 1978, 1979, 1980, 1981, and 1982 of Revenue Estate of Village Aya Nagar. Further directed the o answering respondent not to take any coercive actions against the property in question until the representation of the petitioners therein is decided. The copies of the order dated 29.02.2024 are annexed and marked herewith as **Annexure – G (Colly.)**.

13. That it is submitted that on 05.04.2024, the answering Respondent received a short representation by Adarsh Enclave Residents Welfare Association (Regd.) to which the answering Respondent directed the Adarsh Enclave Residents Welfare Association (Regd.) to file a detailed representation, however, the same is not filed till date. The copy of the representation is annexed and marked herewith as **Annexure – H**.



That it is pertinent to mention here that due to stay on Khasra no. 1978, the deponent is duty bound to comply with the orders of passed by the Hon'ble High Court and unable to do anything at Khasra no. 1978, Village Aya Nagar, New Delhi.

15. That it is submitted that the deponent has the highest respect and regard for the orders of this Hon'ble Tribunal. The present Status Report along with its

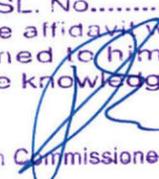
annexure is being placed before this Hon'ble Tribunal for its consideration and further directions, if any.

Identify the Executant/Deponent who has Signed in my Presence


Vipul Pandey, IFS
Dy. Conservator of Forest (South)



CERTIFIED THAT THE DEPONENT
Shri / Smt. / Km. Vipul Pandey
S/o, W/o. D/o.
R/o.
Identified by Adv. Jyotsna Datta
Has solemnly affirmed BEFORE ME at
Delhi on SL. No.
that the contents of the affidavit which
have been & explained to him are
true and correct to the knowledge


Oath Commissioner Delhi

25 JUL 2024

1-2004 06

NSERVATOR OF FOREST

TO 23361876

P. No.

Notification 24/5/1994 Ridge

PART IV

DELHI GAZETTE : EXTRAORDINARY

DEVELOPMENT DEPARTMENT

NOTIFICATIONS

Delhi, the 24th May, 1994

No. F.10(12)-1/PA/DCF/93/2012-17(1)—In pursuance of the provisions of Section-4 of the Indian Forest Act, 1927 (Act No. 16 of 1927) the Lt. Governor, of National Capital Territory of Delhi hereby declares the lands mentioned in Schedule 'A' below as reserved forest.

SCHEDULE 'A'

All forest lands and wastelands which is the property of the government of over which government has proprietary rights in:

I. Northern Ridge in National Capital Territory of Delhi, surrounded on

North by	Jubilee Hall, Govt. Petrol Pump, Masjid, Mall Road.
South by	Crossing of Old G.T. Road and Reni Jhansi Marg, Old Subzi Mandi.
East by	Mall Road, Rajpur Road, Behind MCD Office.
West by	Ice Factory, Malka Ganj, Dhobighat, and University Road.

(Approximate area 87 ha.)

II. Central Ridge in NCT of Delhi, surrounded on

North by	Link Road along Institutional area.
South by	Dhaulakuan Military Farm, Sardar Patel Marg
East by	Mandir Marg, Institutional area and Willingdon Crescent.
West by	Indrapuri Road and Naraina Industrial area.

(Approximate area 864 ha.)

III. South Central Ridge in NCT of Delhi, surrounded on

North by	Qutab Institutional area.
South by	Vasant Kunj, Kishan Ganj.
East by	Aurobindo Marg, Nazarika Bagh.
West by	Jawahar Lal University Road, Vasant Kunj, Mehrouli.

(Approximately area 626 ha.)

IV. Southern Ridge in NCT of Delhi

North by	Power line from Mahipalpur to Sultan Gauri Tomb, Telephone Line from Sultan Pur Ghauri Tomb to crossing of Main Power Line & Road, Western Boundary of Ghatoni, Western boundary of Aya Nagar, Southern Boundary of Junapuri, Southern Boundary of Fatehpur Beri, Eastern Boundary of Asola Village, Eastern Boundary of Shahpur, Eastern Boundary of Chandaniola, Eastern Boundary of Satbari, Eastern Boundary of Maighan Garhi, Southern Boundary of Naib Sarai, South Eastern Boundary of Deoli and Adilabad ruins.
South by	State of Haryana.

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14 06:48 FROM CONSERVATOR OF FOREST

TO 23361676

18/C

F. 21

DELHI GAZETTE : EXTRAORDINARY

West by State of Haryana, Eastern Boundary of
Rajokari, Eastern Boundary of Malikipur,
Kohi & Rangpuri.

(Approximate area 6200 ha.)

संख्या संख्या 10(42)/1/नि.ए./उ.व.स./93/2018-23(II).—भारतीय वन अधिनियम, 1927 (1927 के अधिनियम संख्या 17) की धारा 24 की उपधारा 1 के खंड (ग) के अनुसरण में राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली के उपराज्यपाल प्रतिरिक्त जिला मजिस्ट्रेट (ए.डी.एम.) को राजपत्र की अधिसूचना संख्या एफ. 10(42)/1/नि.ए./उ.व.स./93(1) दिनांक 24 मई, 1994 में वगैरह सीमाओं के भीतर पड़ने वाली भूमि में या उस पर होने वाले वन उत्पाद में या उस पर किसी व्यक्ति के किन्हीं अधिकारों के अस्तित्व स्वल्प एवं विस्तार को निर्धारित करने एवं भारतीय वन अधिनियम, 1927 के अध्याय 2 में दी गई व्यवस्था के अनुसार उसे निचटाने के लिये वन्दोबस्त अधिकारी सहर्ष नियुक्त करते हैं।

राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली के
उपराज्यपाल के आदेश एवं नाम से,

जो. सी. जोशी, उप सचिव

No. F. 10(42)-I/PA/DCF/93/2018-23 (ii).—
In pursuance of the provision of clause (c) of sub-
section (1) of section 4 of the Indian Forest Act,
1927 (Act No. 16 of 1927), the Lt. Governor
of National Capital Territory of Delhi is pleased
to appoint A.D.M. (Revenue) to be the Forest
Settlement Officer to enquire into and determine
the existence, nature and extent of any rights
alleged to exist in favour of any person in or over
any land comprised within such limits, as notified
vide Notification No. 10(42)-IPA/DCF/93(1)

dated 24th May, 1994 or in or over any forest
produce and to deal with the same as provided in
Chapter II of the Indian Forest Act, 1927.

By order and in the name
of the Lt. Governor
National Capital Territory
of Delhi.

G. C. JOSHI, Dy. Sec.

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S U P R E M E C O U R T O F I N D I A

IA No. 18 in
Writ Petition (Civil) No. 4677/85

M.C. MEHTA

Petitioner

VERSUS

UNION OF INDIA & ORS.

Respondent

(With Office Report)

Date : 25/01/96 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KULDIP SINGH
HON'BLE MR. JUSTICE FAIZAN UDDIN

For Petitioner (s) : Mr. M C Mehta, ptr. in person,
Ms. Seema Midha, adv.

: Mr. Ranjit Kumar, adv.
: Mr. Vijay Panjwani, adv.

For Respondents : Mr. K T S Tulsi, ASG
Mr. Ashok K Srivastava, adv.

: Mr. R Venugopal Reddy, Sr. adv.
Mr. Sushma Suri, adv.
Mr. Y P Mahajan, adv.

: Mr. Altaf Ahmad, ASG
Mr. B K Prasad, adv.
Mr. S A Matto, adv.
Mr. S N Sikka, adv.

: Ms. A Subhashini, adv.
Mr. D S Mehra, adv.

For Indian Oil Dealers: Mr. Soli J Sorabji, Sr. adv.
Mr. S K Mehta, adv.
Mr. Dhruv Mehta, adv.
Mr. Fazlin, adv.

For Springdales School: Mr. Jitender Sharma, adv.
Ms. Gunwant Dara, adv.
Mr. P Gaur, adv.

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UPON hearing counsel the Court made the following
O R D E R

Pursuant to this Court's order dated 3.1.1996 various reports asked by this Court have been placed on record. So far as 63 institutions occupying the Ridge area under the authorisation of Ministry of Urban Affairs is concerned, Sh. B L Nimesh Land and Development Officer has filed an affidavit and along with the affidavit list of the institutions in the Central Ridge area has been annexed. Mr. Ramesh Tiwari, the Forest Settlement Officer is present in Court. On our suggestion, he states that he would fix the objections filed by these institutions for hearing within the next week or 10 days and thereafter, he would file a report in this Court. We direct the Land Development Officer to send individual notices to all these 63 institutions indicating that they should appear before the Forest Settlement Officer, in respect of their objections already filed under Section 9 of the Forests Act, at 10.30 AM on 31.1.96. The Forest Settlement Officer shall indicate as to which of the parties are to be heard on that date and for remaining parties he shall give consecutive dates. The Forest Officer shall file its report after hearing objections of each of the parties after 15 days thereafter.

4.

It will be useful to mention that under the Forests Act, two opportunities were given to all those, who are occupying land in the Ridge area, to file objections. One opportunity was given under Sections 4 and 6 of the Act and subsequently, under Section 9 of the Act. The parties who have not filed any objections they cannot be given any further time to file the objections.

RELIGIOUS INSTITUTIONS

Mr. Alphonse has placed on record status report regarding 11 religious institutions on the Ridge. Mr. Alphonse, who is present in Court, states that these religious places are existing in the Ridge area for over a period of 15-20 years. Some of the religious places are operating for the last 40-50 years. We have suggested to Mr. Alphonse to persuade these religious institutions to voluntarily relocate to some other land which may be offered to them along with other facilities regarding the construction of the buildings etc. on the relocated land. The report further indicates that apart from the actual built up area, open area has also been

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cordoned off and taken into possession by various institutions. We direct the DDA through Mr. Alphonse to have the open area retrieved from the religious institutions. We further direct the DDA that so far as the actual operational area under the possession of these religious institutions is concerned, that should be barbed/walled, so that there is no further encroachment. The work must commence within two weeks from today.

CONSTRUCTION AT TODAPUR DASGARH, ISLAM NAGAR, MEHRAULI

Mr. Alphonse has filed an affidavit wherein he has given the assessment of the unauthorised construction in Todapur Dasgarh at Islam Nagar, Mehrauli. It will be useful to reproduce paragraph 2 and 3 of the affidavit which are as under:

"An assessment of unauthorised constructions in Todapur Dasgarh and at Islam Nagar Mehrauli has been made. There are 522 unauthorised structures on encroached DDA land at Todapur Dasgarh. The above structures have come up over the past 20 years. They occupy an area of 12 acres. There are 2800 semi-pucca structures in Islam Nagar Colony occupying an area of 5 acres. As the total population involved in both the colonies together would be over 20,000 if any demolition is attempted, there would be serious law and order problem. Both these colonies are very old, therefore, it will be inhuman to evict them without providing any

*T
C. A. L. Ch.
a. a. a.
Report for
Mr. Alphonse*

*M. J. J.
S. J. J.*

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relocation sites. As per Govt. policy it is not possible to provide any relocation sites to these encroachers as they are not eligible for relocation sites. Considering the above facts, this Hon'ble Court had ordered as follows:-

"DDA shall indicate the vacant area adjoining to the ridge owned by the DDA to be included for the purpose of afforestation in lieu of the area which is occupied by pucca and semi-pucca structures. The area selected should be adjoining to the ridge area."

DDA has located an area of 17.5 hect. of land at Nanak Pura, opposite Nanak Pura Gurudwara, adjacent to the ridge, which can be taken up for compensatory afforestation."

We accept the suggestion that the area of 17.5 hectare of land at Nanak Pura opposite Nanak Pura Gurudwara, adjacent to the Ridge be taken up for compensatory afforestation. We direct the DDA to include this area of 17.5 hectares to the Ridge with immediate effect. Mr. Alphonse states that so far as the area occupied by the two colonies is concerned, the same has already been fenced by the DDA. He says, if there are any gaps, those will be repaired. We direct the DDA and the Forest Settlement Officer to commence the necessary procedure for including the area measuring 17.5 hectares in the Ridge area. We further direct the DDA that

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without waiting for the procedure to be followed for including the area in the Ridge, the work of afforestation be commenced within two weeks from today. Needless to say that while doing afforestation the fencing of the area shall also be done by the DDA.

*Mr. J. P. Singh
for
Sh. A. B. Singh
for
Sh. S. Singh*

ASOLA WILDLIFE SANCTUARY

We have been taken through the report on relocation of jhuggis in Asola Wildlife Sanctuary. We agree with Mr. Khanduri's suggestion that the Ridge Management Committee should consider this report and give its response to this Court within two weeks from today.

GAON SABHA LAND

We have heard learned counsel for NCT, Delhi Administration regarding the Gaon Sabha area forming part of the Ridge. Learned counsel states, that various proposals regarding handing over the Gaon Sabha area (part of the Ridge) to the Forest Department have been examined by a Committee appointed by the Administration.

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Finally, the Committee has taken a decision that a Notification under Section 35 of the Indian Forests Act 1927 be issued. We are of the view that the Notification under Section 35 will not solve the problem which we are facing. The learned counsel states that the Committee was of the view that the provisions of Section 154 of the Delhi Land Reforms Act, 1954 are not attracted because in view of the expression "on the commencement of the Act" in Section 154, power under the proviso to Section 154 could only be exercised at the time of the commencement of the Act and not thereafter. That may be one way of the looking at the Section but since it is for the first time that a Committee has been appointed to examine this aspect and it was never examined earlier by the Delhi Administration at any point of time, we are prima facie of the view that the provisions of Section 154 can even now be invoked especially when it is crystal clear that this area is of no utility to the Gaon Sabha and in any case cannot be permitted to be used by Gaon Sabha for any purpose. This is Ridge area which has to be preserved.

Law Secy to Govt

(53)

No cultivation or any type of construction can be permitted on this area. In this view of the matter, we request the committee to reconsider the question of issuing a notification under the proviso to Section 154 of the Act.

Mr. Khanduri in his affidavit has stated that a suit titled Zile Singh vs. Raj Kumar and Ors. bearing No. 1662/89 is pending before the Court of Sh. Laxman Dass Maul, Additional District Judge, Room No. 8, Tis Hazari Courts. In the suit, it is claimed that the land in dispute is the private property of the father of the plaintiff and the vesting of the land in the Gaon Sabha is illegal. We direct Sh. Laxman Dass Maul, Additional District Judge, Tis Hazari Courts to finally decide the suit pending (initially in the High Court and later on in his Court) for the last about 7 years, within three months from today. Even if it is necessary for him to take day-to-day proceedings, he shall do so. The Additional District Judge shall file a compliance report in this Court after three months.

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10.

It is further stated that some sort of litigation is pending in the Court of Civil Judge, Room No. 268, Tis Hazari initiated by one Jattan Singh, Decree-holder seeking passage through Wildlife Sanctuary. The learned Civil Judge shall send a report to this Court within one week as to what type of suit is pending and what proceedings are being undertaken.

One, Mr. Gurmohan Singh has filed an application against Union of India in the Court of Mr. N N Kaushik, Civil Judge, Tis Hazari Court for issuing directions to restrain them from constructing the boundary wall. The learned Civil Judge shall dispose of the application within four weeks of the receipt of this order and file a report to this Court. If there is no interim stay granted by the Civil Judge, we direct the NCT, Delhi Administration to go ahead with the construction of boundary wall/barbed wire.

Copies of this order shall be communicated by the Ridge Management Board to the Courts concerned.

(55)

11.

WATER RESERVOIRS ON THE RIDGE

We have been taken through the affidavit dated 15.1.96 of Sh. S K Bhasin, Superintending Engineer, the Delhi Water Supply and Sewage Disposal Undertaking (DWS & SDU) regarding the reservoirs and water installations on the Ridge area. We are satisfied that these installations are of public utility purpose and are essential. Mr. Mathur states that he along with Mr. Krishan Mahajan shall inspect the area once again and see if there is any extra area taken over by the Undertaking, the same shall be reconsidered and added to the Ridge.

*Inspected
to be done
W.P. Singh*

HINDU RAO HOSPITAL

We have been taken through the affidavit of Sh. D P Singh, Director, Horticulture, Municipal Corporation, Delhi regarding Hindu Rao Hospital in the Northern Ridge. It is stated in the affidavit that the hospital initially started as a 16 bed small nursing home in 1911 and it has expanded to 980 bed hospital. It is stated that the hospital has 22.50 acres of land under its control. Some

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part of the land is also kept for expansion purposes. We direct the hospital that no further construction shall be made on any of the vacant area around the hospital, which is a part of the Ridge. We request Mr. Mathur and Mr. Krishan Mahajan to inspect the area and file a report in this Court within two weeks indicating whether there is possibility of retrieving any area back to the Ridge from the hospital.

M. Mathur
Krishan Mahajan
...

[Handwritten signature]
 SOUTH CENTRAL RIDGE

Mr. D P Singh has further stated that so far as South Central Ridge is concerned, there were 266 kuchha, semi-pucca, and pucca structures on this site. 1/3 of the area was under unauthorised encroachment. He states that about 7 acres of the land has been retrieved by demolishing unauthorised structures. So far as the remaining 5 acres is concerned, there are 197 structures which are there for a very long time and it may not be possible to demolish the structures without offering some alternative accommodation to the persons who are occupying the area. We request Mr. P C Jain, present in

(57)

13.

Court to kindly visit the area and file a report in this Court within one week as to whether these structures can be demolished, if not, then where these persons can be relocated. Mr. Jain can have the assistance of any authority while doing survey of this area.

List on 22.2.1996.

Kanchan
(Kanchan Jain) 29/11
AR-cum-PS

SUPREME COURT OF INDIA

I.A. No. 18 and 22 in
Writ Petition(Civil) No.4677/85

M.G.MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(For directions and office report)

~~For 20/02/85 these Petitions were called on for hearing today.~~

CORAM :

HON'BLE MR. JUSTICE KULDEEP SINGH
HON'BLE MR. JUSTICE FAIZAN UDDIN

For Petitioner (s) : Mr. M C Mehta, ptr. in person.
Ms. Seema Midha, adv.
: Mr. Ranjit Kumar, adv.
: Mr. Vijay Panjwani, adv.

For Respondents : Mr. K T S Tulsii, ASG
Mr. Ashok K Srivastava, adv.
: Mr. B K Prasad, adv.
Mr. S A Matto, adv.
Mr. S N Sikka, adv.
: Ms. A Subhashini, adv.
Mr. D S Mehra, adv.

For Indian Oil Dealers: Mr. Soli J Sorabji, Sr. adv.
Mr. S K Mehta, adv.
Mr. Dhruv Mehta, adv.
Mr. Fazlin, adv.

For Springdales School: Mr. Jitender Sharma, adv.
Ms. Gunwant Dara, adv.
Mr. P Gaur, adv.
: Mr. Vishal Malik, adv.
Mr. B S Malik, adv.
: Ms. Rachna Gupta, adv.
Mr. Ashok K Srivastava, adv.
: Mr. S N Tendol, adv.

For SD Sabha Laxmi Narayan Temple Trust Birla Mandir : Mr. S Sukumaran, adv. for
M/s. JBD & Co.

For DPCC & NCT : Mr. Swaraj Kaushal, Sr. Adv.
Mrs. H Wahii and Sanjeev Pabbi, Advts.

- DBI : Mr. Gopal Subramaniam, Sr. adv.
M/s. AK Ghosh and M Mishra, advs.
- For Birla Textile : Mr. Kapil Sibal and Mr. HN Salve, Sr. Adv.
M/s. R Karanjawala, S Sukumar and
Malik, Adv.
- For Shriram Industrial Enterprises : Mr. Anil B Divan, Sr. Adv.
M/s. Ravinder Narain, Sumeet Kachwaha,
S Sukumaran, Punita Singh, Adv.
- For DCM Mills, Swatantra Bharat Mills : Mr. Gopal Subramaniam, Sr. Adv.
M/s. Ramji Srinivasan and S Sukumaran, advs.
Mr. Bimal Ray Jad, adv.
- For Delhi Factory Federation General Industries Ltd. : M/s. S Sukumaran and Ramesh Babu, advs.
- For Birla Mandir : Mr. Kapil Sibal, Sr. Adv.
M/s. S Sukumar and Ramesh Babu, Adv.
- For Indian Shaving Products Ltd. : Mr. DA Dave, Sr. Adv.
Ms. Meenakshi Arora, adv.
- For Doaba Alloys, Supreme Steel General Mills, Beeky Sippbreakers and Amkey : Mr. Manoj Swarup, Adv.
: M/s. Deepak Dhingra and AK Mahajan, Adv.
: Ms. Alka Srivastava and AK Srivastava, Adv.
- For Dawar Trader and Sawhney Rubber Inds. : Mr. Piyush, Adv.
: Mr. I S Goyal, adv.
for Ms. Indu Mahotra, adv.
: Ms. Geeta Luthra, adv.
Mr. D N Goburdhan, adv.
: Mr. V B Saharya, adv.
: Mr. R B Misra, adv.
: Mr. R K Maheshwari, adv.
: Mr. R S Suri, adv.
: Mr. Kailash Vaadev, adv.
: Mr. Nidhesh Gupta and Maninder Singh, Adv.
: Mrs. Shiel Sethi, adv.
: Mr. Ranbir Yadav, adv.
: Mr. R Saridharan, adv.
- For Raisina Bengali School. : Mr. Raj Chatterjee, adv.
Mr. G S Chatterjee, adv.
- For B.B.P.S. : Mr. P P Tripathi, adv.
: Mr. R K Jain, Sr. adv.
Mr. Rakesh K Khanna, adv.
: Mr. Sudhir Chandra, Sr. adv.
Mr. Jayant Bhushan, adv.
: Ms. Anu Mohla, adv.

3.

UPON hearing counsel, the Court made the following
O R D E R

I.A. NO. 18

Pursuant to this Court's order dated February 22, 1996 Mr. Ramesh Tiwari, Forest Settlement Officer, has filed report relating to the Central Ridge. Mr. Kapil Sibal, appearing for some of the Institutions, states that a copy of the report be given to him so that he may be in a position to assist this Court. A copy has been supplied to Mr. Sibal in the Court. Mr. Sibal states that he would have zero copies made and give the same to any other counsel who would like to have it. We further direct the Forest Settlement Officer to issue notices to all the Institutions/persons, who are subject matter of his report, indicating that this matter shall be taken up by this Court for further hearing on April 3, 1996.

Mr. KTS Tulsi, learned Additional Solicitor General states that Union of India had undertaken to move the Central Reserve Police Force from the ridge area by May 1996. He states that necessary notifications under Section 4 read with Section 17(1) of the Land Acquisition Act have been issued to acquire alternate land. He further states that some of the land owners have obtained stay orders from the High Court. His apprehension is that because of the stay order the movement of the Force from the ridge area may be delayed. Mr. Tulsi may

(80) 57
(31)

approach the High Court for vacation of the stay order. He can bring to the notice of the High Court that this Court is seized of the matter.

Religious Institutions:

Pursuant to this Court's order dated February 22, 1996 a report has been placed on record by Mr. PC Jain, Consultant (Planning), Delhi Development Authority. Mr. Alphons, who is present in Court states that the report was prepared in consultation with him. It is stated in the report that the fencing of the religious institutions mentioned in the report shall be complete by May 31, 1996. Needless to say that the fencing has to be done keeping in view the order of this Court dated January 25, 1996.

In various orders passed till today in relation to ridge, we have directed Mr. Alphons to file reports in compliance to the said orders. Since Mr. Alphons has been shifted to another seat, we expect this work to be done by his successor in office. We place on record our appreciation for Mr. Alphons for assisting this Court in an efficient manner in dealing with various matters pertaining to ridge.

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ASOLA WILDLIFE SANTUARY:

So far as the question of shifting of jhuggies at Devali Pahari, Balbir Nagar and Indira Nagar to some other place is concerned, various proposals were considered including the one which has been mentioned in para 4 of Mr. DC Khanduri's affidavit. The consensus is that the matter need further consideration. As suggested by Mr. Tiwari, ADM (R), we adjourn the hearing of this matter for 10 days. Meanwhile the proposal to shift these jhuggy dwellers by acquiring a fresh land belonging to Gaon Sabha nearabout may also be considered. ~~the~~

GAON SABHA LAND:

This Court on January 25, 1996 passed the following order:

"We have heard learned counsel for NCT, Delhi Administration regarding the Gaon Sabha area forming part of the Ridge. Learned counsel states that various proposals regarding handing over the Gaon Sabha area (part of the Ridge) to the Forest Department have been examined by a Committee appointed by the Administration. Finally, the Committee has taken a decision that a Notification under Section 35 of the Indian Forests Act, 1927 be issued. We are of the view that the Notification under Section 35 will not solve the problem which we are facing. The learned counsel states that the Committee was of the view that the provisions of Section 154 of the Delhi Land Reforms Act, 1954 are not attracted because in view of the expression "on the commencement of the Act"

6.

in Section 154, power under the proviso to Section 154 could only be exercised at the time of the commencement of the Act and not thereafter. That may be one way of looking at the Section but since it is for the first time that a Committee has been appointed to examine this aspect and it was never examined earlier by the Delhi Administration at any point of time, we are prima facie of the view that the provisions of Section 154 can even now be invoked especially when it is crystal clear that this area is of no utility to the Gaon Sabha and in any case cannot be permitted to be used by Gaon Sabha for any purpose. This is Ridge area which has to be preserved. No cultivation or any type of construction can be permitted on this area. In this view of the matter, we request the committee to reconsider the question of issuing the notification under the proviso to Section 154 of the Act."

Pursuant to the above quoted order, Mr. GS Patnaik, Deputy Commissioner, Delhi has filed affidavit wherein it is stated "that the incorporation of extensive stretches of Gaon Sabha land is a serious matter which necessitates careful deliberation at the level of Council of Ministers and Lt. Governor, Delhi." It is further stated in the affidavit that further four weeks time was required to consider the matter.

We do not agree with Mr. GS Patnaik. In view of the order quoted above, nothing more remains to be done by the NCT, Delhi Administration, except to issue the necessary notification. We direct that the necessary notification be issued within three weeks from today. We further request the Lt. Governor, to have the matter expedited. ~~The land is part of the ridge area. Even though it is not a reserved forest, it happens to be a~~

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(31)
(89)
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forest. This area cannot be utilised in any manner in view of the prohibitions contained under the Forest Conservation Act, 1980. In this view of the matter, issuing of notification is a simple formality to secure the area. We, therefore, reiterate and request the Lt. Governor to have necessary notification issued within time specified by us.

Compliance Report regarding disposal of the application of the plaintiff in the matter titled as "Gurmohan Singh Vs. Union of India". Pursuant to this Court's order dated January 25, 1996, Mr. NK Kaushik has sent his report. He stated that the application of Gurmohan Singh has been dismissed. The Ridge Management Board can now proceed without any hindrance in the matter.

Water Reservoirs on the Ridge (MCO):

We have explained to Mr. Mahajan and Mr. Mathur how to proceed so far as inspection of the water reservoirs is concerned. They may do it keeping in view our oral observation and file a report within one week.

8.

South Central Ridge:

On February 22, 1986 this Court passed the following order:

"A copy of Mr. Jain's report be sent to Mr. Alphonse, Commissioner Land, Delhi Development Authority. Mr. Alphonse shall examine the report and give his response to the report within 10 days from today.

Mr. Jain's report indicates that there are large number of unauthorised occupants who are operating as marble/stone dealers, automobiles workshop etc. According to Mr. Jain, they are admittedly unauthorised. Mr. Alphonse, the Commissioner Lands may examine the question of issuing notices to all these unauthorised persons directing them to stop functioning in the Ridge area. He may issue notices giving them a reasonable time to vacate the premises, failing which they may be removed forcibly from the area. Mr. Saharya to hand over a copy of this order to Mr. Alphonse within two days."

Mr. Jaitley, learned counsel for DOA states that the necessary notices as directed by us were issued to the marble dealers. Mr. Jaitley further states that about 83 automobile workshops are also occupying the ridge area. The DOA may proceed against them in the same manner as it has proceeded under the direction of this Court against the marble dealers case. Mr. Jaitley states that some of the marble dealers have approached the Appellate Tribunal under the Delhi Development Act. We make it clear that no other Court or Tribunal shall entertain any proceeding in this respect because this Court is seized of the matter. If any proceedings have already been initiated, the same shall be stayed.

9.

Mr. Jaitley states that the marble dealers and others to whom notices have been issued or in the process of being issued, may appear before Commissioner Land Management at 2.00 p.m. on 18th, 19th and 20th March, 1996 and explain their difficulties to the Commissioner. We have no doubt that the DDA and all its authorities shall render all possible help to these dealers and other persons who are being removed from the ridge area under the directions of this Court.

I.A. NO.22:

The matter is adjourned to 21st March, 1996 at 2.00 p.m.

Mr. Panjwani states that there are certain hot mixed plants in the area which have not been included in the proceedings. The Central Pollution Control Board may issue notice to these Industries so that they may also be dealt with on 20th March, 1996.

Note prepared by Mr. Gopal Subramaniam be taken on record.

Alka
(ALKA DUDEJA)
STENOGRAPHER

Annexure - C

DELHI GAZETTE, NATIONAL CAPITAL TERRITORY GOVT. : APRIL 4, 1996/CHAITRA 15, 1918

(PART IV)

REVENUE DEPARTMENT

NOTIFICATION

Delhi, the 2nd April, 1996

No. FHC9/PA DC 95.—Whereas the Supreme Court of India in I.A.No. 18 and 22 in Writ Petition (Civil) No. 4677/85 M.C. Mehta V/s Union of India & Others in their orders dated 25-1-96 and 13-3-96 have directed that uncultivated surplus land of Gaon Sabha falling in "Ridge" may be excluded from vesting in Gaon Sabha u/s 154 of the Delhi Land Reforms Act, 1954 and made available for the purpose of creation of Reserved Forest.

Now, therefore, in exercise of powers conferred u/s 154 of the Delhi Land Reforms Act, 1954 (8 of 1954), the Lt. Governor of National Capital Territory of Delhi, hereby declares the uncultivated land of Gaon Sabha specified in Column 'III' and Annexure 'A' to 'N' Annexed hereto, situated in Southern Ridge in respect of Villages mentioned in Column 'II' of table given below as surplus land and excludes the same from vesting in Gaon Sabha and further places the said land at the disposal of Forest Department of Government of National Capital Territory of Delhi.

S. Name of Village Quantum of Gaon Sabha land No. covered in ridge as declared surplus and placed at the disposal of Forest Deptt. for afforestation
(in Bighas & Biswas)

I	II	III
1.	Nebsarai	466-10 (Details at Annexure-'A')
2.	Chatterpur	225-10 („ „ -'B')
3.	Maidangarhi	4263-02 („ „ -'C')
4.	Dera Mandi	9412-05 („ „ -'D')
5.	Asola	8387-06 („ „ -'E')
6.	Pulpehlad	99-04 („ „ -'F')
7.	Devli	5175-06 („ „ -'G')
8.	Rangpuri	1365-05 („ „ -'H')
9.	Ayanagar	4121-02 („ „ -'I')
10.	Rajokri	3106-01 („ „ -'J')
11.	Bhatti	11101-19 („ „ -'K')

I	II	III
12.	Ghitorni	732-14 („ „ -'L')
13.	Saidulazab	65-19 („ „ -'M')
14.	Jonapur	1979-13 („ „ -'N')

Total in Bighas . 50,480-16

or

Total in Acres 10517-10

By order and in the name of the
Lt. Governor of the National
Capital Territory of Delhi.

G.S. PATNAIK, Secy

ANNEXURE-'A' (1 to 2 Pages)

Village NEB Sarai, Tehsil Mehrauli, Delhi,

Gram Sabha Land Under Notified Ridge

Khasra No.	Area
1	1-8
2	3-12
3	5-9
4	4-16
5	5-10
6	4-18
7	4-16
8	4-16
9	4-16
10	4-16
11	2-10
12	4-03
13	4-16
14	4-16
15	4-16
16	4-16
17	4-16
18	4-16
19	2-16
20	5-4
21	1-11
22	6-4
23	4-16
24	4-16
25	4-16
26	6-8
27	6-18
28	4-16
29	2-17
30	5-0
31	3-5

Attested

Financial Officer
Deptt. of Publication
M/o U D Delhi-54

PART IV] DELHI GAZETTE, NATIONAL CAPITAL TERRITORY GOVT. : APRIL 4, 1996/CHAITRA 15, 1918

Kh. No.	Area	1	2
876	4-16	4	4-4
877	4-16	5	3-14
878	4-16	6	3-4
879	4-16	7	7-8
880	2-19	8	9-16
881	5-05	9	6-4
882	5-02	10	5-6
883	2-10	11	4-6
884	2-00	12	3-8
886	4-16	13 min	2-6
887	4-16	14	3-10
888	4-16	15	4-16
889	4-16	16	4-16
894	4-16	17	4-16
899	4-16	18	4-16
893	4-16	19	4-16
989	4-16	20	4-16
1825	4-16	21	4-16
1827	5-00	22	4-16
1477	4-16	123	4-16
1478	4-16	24	4-16
1464	4-16	25	4-16
1419	4-16	26	4-16
1420	4-16	27	4-16
1422	2-10	28	4-16
1506	4-16	29	4-16
1505/1	2-04	30	4-16
1405	4-01	31	4-16
1406	2-19	32	4-16
1407	4-16	33	4-16
1408	4-16	34 min	4-16
1409	2-12	35	4-16
1507	4-16	36	4-16
1508	2-08	37	4-16
1509	2-12	38 min	4-16
1510	4-16	39	4-16
1511	3-16	40	4-16
1387	4-16	41	4-16
1388	4-16	42	2-16
1389	4-16	43 min	3-16
1390/1	4-16	44 min	3-16
		45	4-16
	1365-10	46	4-16
		47	4-16
		48	4-16
		49 min	3-16
		50 min	3-16
		51	4-16
		52	4-16
		53	4-16
		54	4-16
		55	6-16
		56	3-16
		57	4-16

ANNEXURE-1

Gram Sabha Land under Notified Ridge Village
Aya Nagar.

Khasra No.	Area
1	2
1	0-15
2	5-4
3	4-14

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Attested

Asstt. Controil
Dept. of Pul
Civil Lines.

1	2	1	2
58	4-16	120	4-16
59	4-16	121	2-19
60	4-16	122	4-18
61	4-16	123	4-16
62	4-16	124	4-16
63	4-16	125	4-16
64	4-16	130	4-16
65	4-16	131	4-16
66	4-16	132	4-16
67	4-16	133	4-16
68	4-16	163	4-16
69	4-16	164	4-16
70	4-16	165	4-16
71 min	1-6	166	4-16
72 min	2-6	167	2-1
73	4-16	168	3-5
74	4-16	169	4-0
75	4-16	170	4-0
76	4-16	171	4-16
77	5-1	172	5-16
78	2-3	579/2	2-9
79	4-16	599	3-16
80	4-16	600	3-16
81	4-16	601	3-14
82	4-16	602	5-3
83 min	1-6	603	4-16
84 min	4-16	604	4-16
85	4-16	608	4-16
86	4-16	609	4-16
87	4-16	610	5-9
88	4-16	611	5-18
89	3-18	612	4-16
90	5-16	613	4-16
91	4-16	621	4-16
92	4-16	622	4-16
93	4-16	623	6-5
94	4-16	624	4-16
95	4-16	625	4-16
96	4-16	626	4-16
97 min	1-10	652	4-16
98 min	3-0	653	4-16
99	4-16	654	4-16
100	4-16	655	2-10
109	4-16	656	2-18
110	4-16	657	4-16
111 min	3-0	658	4-16
112 min	1-0	659	4-16
113 min	3-0	670	4-16
114 min	2-6	671	4-16
115 min	2-10	672	4-16
115 min	2-6	673	3-9
116	4-16	674	4-2
117	4-16	675	4-16
118	4-16	676	4-16
119	4-16	677	4-16

Attested
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Assit. Controller (Adm.)
Dept. of Publication
Civil Lines, Delhi-54

1	2	1	2
688	4-16	805	4-16
689	4-16	808	7-19
690	4-16	809	2-19
691	4-12	810	4-0
692	5-1	812	4-16
693	4-16	813	4-16
694	4-16	814	4-16
695	4-16	815	4-16
701	4-16	816	4-16
702	4-16	820	4-16
703	4-16	821	4-16
704/2	3-13	822	4-16
705	4-16	823/2	3-14
706	4-16	824	4-16
707	4-16	825	4-16
708	4-16	826	4-16
709	5-9	827	5-3
710	5-9	828	5-5
711	4-16	829	4-19
712	4-16	830	4-16
713	4-16	831	4-16
714	4-16	832/1	3-14
715/4	3-13	833	4-16
716	4-16	834	4-16
717	4-16	840	4-16
718	4-16	841 min	2-0
719	4-16	841 min	2-16
720	2-19	842	4-16
721	5-1	843	4-16
777 min	0-16	848	4-16
779	2-19	849	4-16
781	2-16	850/1	3-11
782	6-8	851/1	3-4
784 min	2-14	856	4-16
785	4-16	857	4-16
786	4-16	858	4-16
787	4-16	859/2	3-14
788	4-16	860	4-16
789/1	4-7	861	4-16
790/2	4-3	862	4-16
791	4-16	863	5-14
792	4-16	864	2-0
793	4-16	865	4-16
794	5-5	866	4-16
795	5-3	867	4-16
796	4-16	868	4-16
797	4-16	869/2	3-19
798	4-16	870/1	4-11
799/2	3-13	871	4-16
800	4-16	872	4-16
801	4-16	873 min	1-0
802	4-16	879	4-16
803	4-16	886	4-16
804	4-16	887/2	1-2

879 DG/96-9

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Attended

Asstt. Controller (Adm)
Deptt. of Publication
Civil Lines, Delhi

1	2	1	2
891/2 min	0-1	952	4-16
892 min	2-0	953	4-16
893	4-16	954	4-16
894	4-16	955	4-16
895/1	3-13	956	4-16
896	4-16	957	4-16
897	4-16	958	4-16
898	4-16	959	4-16
899	4-16	966	4-16
900	4-16	967	4-16
901	5-3	968	4-16
902	4-0	969	4-16
903	4-16	970	4-16
904	4-16	971	4-16
905	4-16	972	4-16
906	4-16	973	4-16
907	4-16	974/2/2	4-1
908	4-16	975/2	4-9
909/1	3-19	976	4-16
910/1	4-10	977	4-16
911	4-16	978	4-16
912	4-16	979	4-16
913/2	3-7	980	4-16
917 min	1-2	981	4-16
918	4-16	982	5-5
919	4-16	983	4-16
924	4-16	984	4-16
928	4-16	985	4-16
926	4-16	986	4-16
927 min	1-12	987	4-16
928 min	1-12	988	4-16
929 min	1-12	989	4-16
930 min	3-16	990/2	3-15
931	4-16	991/1	4-15
932	4-16	992	4-16
933/1	3-13	993	4-16
934	4-16	994	4-16
935	4-16	995	4-16
936	4-16	996	4-16
937	4-16	997	4-16
938	4-16	998	4-16
939	4-16	999	4-16
940	4-16	1006	4-16
941	5-0	1007	4-16
942	3-4	1008	4-16
943	4-16	1009	4-16
944	4-16	1010	4-16
945	4-16	1011	4-16
946	4-16	1012	4-16
947	4-16	1013	4-16
948	4-16	1014	4-16
949	4-16	1015/2	3-4
950/1	3-18	1016	4-16
951/1	4-18	1017	4-16

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Attested

18/3/10
 Asst. Controller (Admn.)
 Deptt. of Publication
 Delhi-64

PART IV]

DELHI GAZETTE, NATIONAL CAPITAL TERRITORY GOVT. : APRIL 4, 1996/CHAITRA 15, 1918

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1	2	1	2
1018	4-16	1092	4-16
1019	4-16	1093	4-16
1020	4-16	1094	4-16
1021	3-9	1095/1	4-14
1022	5-5	1096/2	3-15
1023	4-16	1097	4-16
1024	4-16	1098	4-16
1025	4-16	1099	6-8
1026	4-16	1100/2	3-6
1027/2	3-14	1101	4-16
1028	4-16	1102	4-16
1029	4-16	1103	4-16
1030	4-16	1104	4-16
1031	4-16	1105	4-16
1032	4-16	1106	4-16
1033	4-16	1107	4-16
1034	4-16	1108	4-16
1035	4-16	1109	4-16
1036	4-16	1110	4-16
1047	4-16	1121	4-16
1048	4-16	1122	4-16
1049	4-16	1123	4-16
1050	4-16	1124	4-16
1051	4-16	1125	4-16
1052	4-16	1126	4-16
1053	4-16	1127	4-16
1054	4-16	1128	4-16
1055	4-16	1129	4-16
1056/2	3-14	1130	4-16
1057	4-16	1131/2	3-14
1058	4-16	1132	2-17
1059	4-16	1133/2	3-13
1060	4-16	1134	4-16
1061	2-1	1135	4-16
1062	3-7	1136	4-16
1063	4-16	1137	4-16
1064	4-16	1138	4-16
1065/2	4-10	1139	4-16
1066/1	4-0	1140	4-16
1067	4-16	1141	4-16
1068	4-16	1142	4-16
1069	4-16	1143	4-16
1070	4-16	1154	4-16
1071	4-16	1155	4-16
1072	4-16	1156	4-16
1073	4-16	1157	4-16
1074	4-16	1158	4-16
1075	4-16	1159	4-16
1086	4-16	1160	4-16
1087	4-16	1161	4-1
1088	4-16	1162	4-1
1089	4-16	1163	5-1
1090	4-16	1164	2-1
1091	4-16	1165	4-1
		1166	4-1

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PART IV] DELHI GAZETTE NATIONAL CAPITAL TERRITORY GOVT. : APRIL 4, 1996/CHAITRA 15, 1918.

1	2	1	2
1113	4-16	1250	4-16
1114	4-6	1251	4-16
1115	4-16	1252	4-16
1116	4-16	1270/L	0-0
1117	4-16	1271	1-0
1118	4-16	1272	2-1
1119	4-16	1273	4-0
1120	4-16	1274	4-0
1144	4-16	1275	2-0
1145	4-16	1276	5-0
1146	4-16	1277	3-1
1147	4-16	1278	1-1
1148	4-16	1279	4-1
1149	4-16	1280	4-1
1150	4-16	1281	4-1
1151	4-16	1282	4-1
1152	4-16	1283	4-1
1153	4-16	1284	4-1
1174	4-16	1285	4-1
1175	4-16	1286	4-1
1176	4-16	1287	4-1
1177	4-16	1288	4-1
1178	4-16	1289	4-1
1179	4-16	1290	4-1
1180	4-16	1291	4-1
1181	4-16	1292	4-1
1182	4-16	1293	4-1
1183	4-16	1294	4-1
1201	4-16	1295	4-1
1202	4-16	1296	4-1
1203	4-16	1297	4-1
1204	4-16	1298	4-16
1205	4-16	1299	4-16
1206	4-16	1300	4-1
1207	4-16	1301	4-1
1208/2	4-11	1302	4-1
1209/2	2-17	1303	4-1
1210/2/2	2-09	1304	4-1
1224	4-16	1305	4-1
1225/1	3-18	1306	4-1
1226/2/2	2-09	1307	4-1
1227/2/2	3-15	1308	4-1
1228	4-16	1309	4-1
1229/2/2	4-14	1310	4-1
1230/2	4-10	1311	4-1
1231	4-16	1312	4-1
1232	4-16	1313	4-1
1233	4-16	1314	4-1
1243	4-16	1315	4-1
1244	4-16	1316	4-1
1245	4-16	1317	4-1
1246	4-16	1318	4-1
1247	4-16	1319	4-1
1248	4-16	1320	4-1
1249	4-16	1321	4-1

(65)

Attested

Asstt. Controller
Deptt. of Public
Civil Lines, De

1	2	1	2
1322	4-16	1377 min	4-00
1323	4-16	1378 min	1-00
1324	4-16	1387	4-16
1325	4-16	1388	4-16
1326	4-16	1397	4-16
1327	4-16	1402	4-16
1328	4-16	1403	4-16
1329	4-16	1404	4-16
1330	4-16	1405	4-16
1331	4-16	1406	4-16
1332	4-16	1407	4-16
1333	4-16	1412 min	1-16
1334	4-16	1413 min	1-00
1335	4-16	1414 min	1-00
1336	4-16	1415 min	1-10
1337	4-16	1416 min	1-00
1338	4-16	1417 min	2-00
1339	4-16	1418 min	1-00
1340	4-16	1419 min	1-10
1341	4-16	1420 min	1-10
1342	4-16	1421 min	1-00
1343	4-16	1422 min	1-00
1344	4-16	1423 min	1-00
1345	4-16	1424 min	2-08
1346	4-16	1425 min	1-00
1347	4-16	1427 min	2-06
1348	4-16	1428 min	1-06
1349	4-16	1438 min	1-06
1350	4-16	1439	4-16
1351	4-16	1440	4-16
1352	4-16	1441	4-16
1353	4-16	1442 min	4-00
1354	4-16	1444	1-14
1355	4-16	1593 min	3-10
1356	4-16	1949 min	2-10
1357	4-16	1950 min	2-16
1358	4-16	1951 min	2-16
1359	4-16	1954 min	1-00
1360 min	1-16	1955 min	1-00
1361	4-16	1956 min	1-10
1362	4-16	1957 min	1-10
1363 min	2-00	1958 min	1-00
1364 min	1-10	1959 min	1-10
1365 min	1-06	1960 min	1-16
1366 min	1-16	1961	3-05
1367 min	1-06	1962	6-08
1368 min	1-00	1963	4-16
1369 min	3-00	1964	4-16
1370 min	1-16	1965	4-16
1371 min	2-00	1966	4-16
1372 min	1-00	1967	4-07
1373 min	2-00	1968	2-01
1374 min	1-10	1969	4-16
1375 min	2-00	1970	4-16
1376 min	1-8		

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Attested

Asstt. Controller (Admin.)
Deptt. of Publication
12/12/13

1	2	1	2
1971	4-16	2026	4-16
1972	4-16	2027	3-02
1973	4-16	2028	6-10
1974	1-12	2029	4-16
1975	4-04	2030	4-16
1976	4-06	2031	4-16
1977	4-16	2032	4-16
1978	4-16	2033	4-16
1979	4-16	2034	4-16
1980	4-16	2035	4-16
1981	4-16	2036	4-16
1982	4-16	2037	4-16
1983	4-16	2038	4-16
1984	4-16	2039	4-16
1985	4-16	2040	4-16
1986	4-16	2041	4-16
1987	4-16	2042	4-16
1988	4-16	2043	4-16
1989	4-16	2044	4-16
1990	4-16	2045	4-16
1991	4-16	2046	4-16
1992	4-16	2047	4-16
1993	4-16	2048	4-16
1994	4-16	2049	4-16
1995	4-16	2050	4-16
1996	4-16	2051	4-16
1997	4-16	2052	4-16
1998	4-16	2053	4-16
1999	4-16	2054	4-16
2000	4-16	2055	4-16
2001	4-16	2056	4-16
2002	4-16	2057	4-16
2003	4-16	2058	4-16
2004	4-16	2059	4-16
2005	4-16	2060	4-16
2006	4-16	2061	4-16
2007	4-16	2062	4-16
2008	4-16	2063	1-08
2009	4-16	2064	5-01
2010	4-16	2065	4-16
2011	4-14	2066	4-16
2012	4-09	2067	5-12
2013	4-16	2068	4-16
2014	4-16	2069	4-16
2015	4-16	2070	4-16
2016	4-16	2071	4-16
2017	4-16	2072	4-16
2018	4-16	2073	4-00
2019	4-16	2074	3-03
2020	4-16		
2021	4-16		
2022	4-16		
2023	4-16		
2024	4-16		
2025	4-16		
		TOTAL	1604-16
		GRAND TOTAL	2516-06
			4121-02

Attested
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Asst. Controller (Admin)
Deptt. of Publication
Civil Lines, Delhi-54

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. 65/DCF(S)/Land/Ayanagar/2022-23/ 14492-96

Dated: 9/2/2024

To,

The Deputy Commissioner of Police (South)
Office of the Deputy Commissioner of Police (South)
Mayfair garden,
Hauz Khas, New Delhi- 110016

Sub: Regarding the Police coordination with Forest officials for encroachment removal program on khasra no. 1978, 1979, 1980, 1981 & 1982 in village Ayanagar.

Sir,

Please refer to the Notification no. F.10(42)-I/PA/DCF/93/2012-17(I) dated 24.05.1994 and No. F.1(29)PA/DCF/95 dated 02.04.1996 and affidavit filed by Revenue Department on 05.04.2019 before Hon'ble NGT in the OA no. 58/2013 in the case of Sonya Ghosh Vs GNCTD, khasra no. 1978, 1979, 1980, 1981 & 1982 in village Ayanagar is notified as Reserve Forest under section 4 of Indian Forest Act, 1927 falling in the jurisdiction of South Forest Division, Department of Forests & Wildlife, GNCTD.

Demarcation on ground of said land was completed in the matter of Sonya Ghosh Vs GNCTD before Hon'ble NGT.

As per the direction of Hon'ble NGT dated 15.01.2021, the said land has to be made free from encroachment. In compliance of the order of Hon'ble NGT, Forest Department is conducting a demolition drive on khasra no. 1978, 1979, 1980, 1981 & 1982 in village Ayanagar.

Also, your kind attention is drawn towards order of the Hon'ble High Court of Delhi in CWP no. 4771/93 dated 03.11.1997 which states that **"The Junior Engineers and Station House Officers would be personally responsible for any encroachment or unauthorized structures coming in their jurisdiction."**

Hence, you are hereby requested to provide suitable no. of Police personnel on 26.02.2024, 27.02.2024 and 28.02.2024 (with 2 companies of Police Force and ladies constables) to carry out the encroachment removal program smoothly. Also, joint survey is scheduled on 21.02.2024.

An early action is solicited.

Yours faithfully,

OC


DCF (South)
South Forest Division

Copy to:

1. The District Magistrate, South District, MB Road Saket, New Delhi-110017, for kind information.
2. The Station House Officer, Police Station- Fatehpur Beri, for kind information and necessary action.
3. BSES, Substation Building, Sri Aurobindo Marg, near Red light, Adchini, New Delhi, Delhi 110017, for kind information and has been directed to disconnect existing the electricity connections on khasra no. 1978, 1979, 1980, 1981 & 1982 in village Ayanagar.
4. DRO (South), for kind information and necessary action.


DCF (South)
South Forest Division



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. 65/DCF(S)/Land/Ayanagar/2022-23/ 14759-65

Dated: 16/2/2024

NOTICE

Whereas, in the matter in O.A no. 58/2013 titled Sonya Ghosh Vs GNCT Delhi in the Hon'ble National Green Tribunal, directions were issued vide order dated 15.01.2021 wherein

"... There is urgent need to take necessary steps to protect the Ridge by taking necessary steps ... protection by appropriate measures. ... No non-forest activity is permissible in Ridge area ... We direct that the Delhi Government through the Chief Secretary, Delhi ... actions to be taken by the Delhi Government may include suitable protection by fencing/wall and vigilance. Identification of the remaining area and action plan for removing the encroachments be ensured within next three months. Execution of the action plan will be primarily under the Chief Secretary Delhi, who is also the Chairman of the Ridge Management Board".

Whereas, it is identified that Khasra No. 1978, 1979, 1980, 1981, 1982 of village Ayanagar, Tehsil Mehrauli, is notified as Reserve Forest Land as per Notification dated 24.05.1994 and 02.04.1996. This land has been encroached by you which is a violation under section 26 of the Indian Forest Act, 1927 and section 2 of Forest (Conservation) Act, 1980.

And, therefore all encroachers are directed to vacate the Forest land within 3 days beyond which all structure will be demolished and all material found on forest land will be seized as tools of encroachment. The cost of demolition shall be recovered from the encroachers.

DY. CONSERVATOR OF FORESTS
SOUTH FOREST DIVISION

To,

All encroachers in khasra no. 1978, 1979, 1980, 1981, 1982 village Ayanagar, Tehsil-Mehrauli.

Copy to:

1. The Additional 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.

@/c

2. The Special Commissioner of Police (Legal Cell), Office of the Commissioner of Police, Delhi Police Headquarters, New PHQ Building, Jai Singh Road, New Delhi 110001, for kind information.
3. The District Magistrate, South District, MB Road Saket, New Delhi-110017, for kind information.
4. 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, for kind information.
5. The Station House Officer, Police Station- Fatehpur Beri, for kind information and necessary action.
6. RO (South), for kind information.
7. DRO (AB), for kind information and necessary action.


**DY. CONSERVATOR OF FORESTS
SOUTH FOREST DIVISION**

Report

Today the joint assessment and inspection of Khassa No 1978, 1979, 1980, 1981 and 1982 of Ayanagar village was carried out in the presence of SHO Fatehpur Beri, SDM Mehrauli and Range Officer South Forest Division in presence of Patwari Ayanagar and SI Ayanagar Division. It was assessed that approximately 55 houses are falling in the above said Khassas which are notified Reserve Forest as per 1996 notification. The detailed bifurcation is: 36 houses (complete) & resident, 7 houses (complete & locked) and 12 houses (partial). Other temporary tin structures approximately 20 in number are also present. The report is placed before higher authorities for assessment of requirement of police force during encroachment removal exercise as per directions of Hon'ble NGT in O.A. No 63/2024 titled Pritpal Sharma vs MCD & Ors. and District Task Force Meeting held on 02.04.2024. Report is as per demarcation of Forest Dept.

Fatehsunder
12/04/2024
RANGE OFFICER

SI Ashwani Katar
12/4/24
PS Fatehpur Beri, Delhi

Patwari/nun
12/04/24

809 P/B
12/04/24

Annexure -F (Colly)

1494

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
APPLICATION NO.60 OF 2013

IN THE MATTER OF:

SONYA GHOSH

...APPLICANT

VERSUS

GOVT. OF NCT OF DELHI & ORS.

...RESPONDENTS

NEXT DATE OF HEARING: 05.04.2019

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3.	ANNEXURE 2- COPY OF 19 MAPS ALONG WITH CONSOLIDATED MAP	1507 - 1530
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6.	ANNEXURE R-5- LIST OF COURT CASES	1548 - 1573
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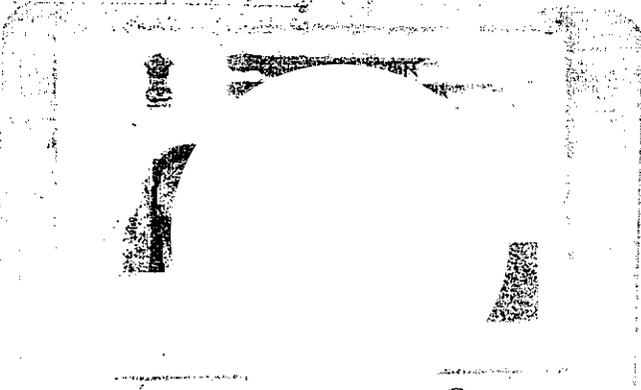
	NUMBERS WHERE TATTIMA PROCEEDINGS INITIATED IN THE COURT OF RA/SDM	
8.	ANNEXURE R-7- LIST OF KHASRA NUMBERS OF PRIVATE AREA NOTIFIED AS FOREST LAND	1579 - 1583
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RESPONDENT

THROUGH

DATE:
PLACE: NEW DELHI

SANJAY DEWAN
ADVOCATE
CHAMBER NO. 167, LAWYERS BLOCK-II
DELHI HIGH COURT
Mob: 9811036782
sdadvocate@rediffmail.com



भारतीय प्रजासत्ताक की ध्वजा

आर्य समाज के अधिका

1496

**BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

IN

ORIGINAL APPLICATION NO-58 of 2013

IN THE MATTER OF :-

Sonya Ghosh

...Applicant

Versus

Government of NCT of Delhi and Others

...Respondent

AFFIDAVIT

I, Rajeev Verma, aged about 52 years being the Divisional Commissioner cum Principal Secretary, Revenue Department, GNCT of Delhi, do hereby solemnly affirm and declare as under:

1. That, this Hon'ble Tribunal was pleased to issue directions vide order dated 11-03-2019 directing therein that "*revenue department shall give a complete detail with regard to the khasra number; the total area and the date when such allotments were made. It shall also show as to whether proper approval, in accordance to law, for allotments of forest land had been obtained or not. For the aforesaid exercise, we once again grant opportunity to revenue department to prepare complete maps of all the villages, if required, separately. They should also give the requisite detail as mentioned above. It is further made clear that in case of failure to prepare a complete and proper*

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map before the next date, would entail the officials of the revenue department with coercive orders, which would include cost etc. the map, as well as, other details on an affidavit of Principal Secretary, Revenue Department may be filed before three days of the next date of hearing".

2. That in compliance to the directions of the Hon'ble Tribunal a detailed joint status report on demarcation and handing over of Forest Land as on 29-03-2019 signed by the Deputy Conservator of Forest (South) and District Magistrate (South) is annexed and marked as **ANNEXURE- 1.**
3. That, the Revenue department and Forest department have conducted joint survey and subsequently with the help of TSM surveyor prepared the TSM survey maps for 19 villages viz. Aya Nagar, Chattarpur, Neb Sarai, Sahoopur, Rajpur khurd, Devli, Asola, Bhati, Maidangarhi, Saidulajab, Satbari, Jaunapur, Dera Mandi, Tughalakabad, Pul Pehlad Pur, Rajokri, Rangpuri, Ghitorni and Mahipalpur. Duly signed Maps by the concerned revenue officials have been handed over to Forest Department. Copies of the said 19 maps along with a consolidated map are marked and annexed as **ANNEXURE-2 (Colly).**
4. That the Revenue Department while preparing the maps have shown separately in different colours the exact status of land. The encroachment free Forest land has been shown in green colour. The land where *Tatima* is not available is shown in green colour with blue

1498

dots. The encroachment on the Forest land has been shown in brown colour strips and lands allotted to the Govt. Departments have been shown in the pattern of stars on the green colour.

5. That, the complete list of allotments has been prepared with the details of khasra numbers, area, date of allotment and the department/agency to which the allotment were made. The list of allotments is annexed and marked as **ANNEXURE-3**. It was found that these allotments post 1994 notification have been made without proper approval in accordance to Law. An inquiry has been ordered with the following terms of reference :

- i. Circumstances in which these allotments have been made without obtaining proper approval in accordance with law;
- ii. Identifying the officers/ officials responsible for above lapse;
- iii. Suggesting further course of action to prevent any such lapse;
- iv. Ascertaining the present status of use of these allotted land parcels and identifying the steps, if any, that may be taken to meet the requirement of law post facto.

Copy of the Order in this regard is at **ANNEXURE-4**.

6. It is further submitted that in cases of land where *Tatima* is not available, the concerned SDMs/RAs have already initiated the process to complete the work.
7. Further, the following directions have been issued to ensure that such deviations/violations of law do not take place in future:

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- i. Deputy Commissioners of Revenue Districts shall ensure that khasra numbers of all notified forest lands are entered in Revenue records immediately.
 - ii. A mandatory reference shall be made to Dy. Conservator of forest concerned with a copy to Principal Chief Conservator of Forest before forwarding any proposal of allotment to check that the proposed land does not fall in notified forest lands. Director (Panchayat) shall not process any case of allotment of Gram Sabha Land unless a certificate that the land does not fall in notified forest area is received from Deputy Commissioners concerned.
 - iii. No mutation of forest land shall be effected. If any application is received in this regard, the Dy. Conservator of Forest shall also be informed with a copy to Principal Chief Conservator of Forest, however, the mutation of forest land shall not be carried out, if any mutation of forest land is done, Tehsildar concerned shall be personally held responsible and disciplinary action shall be taken against her/him as per rules.
8. That, the affidavit as directed by this Hon'ble Tribunal is being submitted before this Hon'ble Tribunal for kind consideration and undersigned assures that the orders passed by this Hon'ble Tribunal shall be complied timely in future.


DEPONENT

1500

VERIFICATION:

I, the deponent above-named, do hereby solemnly affirm and declare that the contents of the present affidavit are true and correct to the best of my knowledge and belief and are based upon the documents available in the Department and nothing material has been concealed there from.

Verified at New Delhi on this _____ day of April, 2019.


DEPONENT

1501

JOINT STATUS REPORT

1. That, this is in support to affidavit and in compliance of directions issued by this Hon'ble Tribunal vide order dated 11-03-2019. The following is submitted before this Hon'ble Tribunal.

Status of Demarcation and handing over of Forest Land as on 29-03-2019:-

S.No	Title	Area (Bigha-Biswa)	Remarks
1	Total area of Ridge/Forest land in Southern Ridge	71310-18	—
2	Total area demarcated with TSM	70941-02	Area notified excess than available in the Revenue Record :- 369-16 Bigha- Biswa i. Tughlakabad:- 294-10 Bigha-Biswa. ii. Pul Pehladpur:- 0-05 Biswa. iii. Rajokari:- 5-0 Bigha- Biswa. iv. Rangpuri:- 15-01 Bigha- Biswa. v. Mahipalpur:- 55-00 Bigha- Biswa.
3	Total area of Forest land handed over to the Forest Department	65453-04	5487-18 Bigha – Biswa area not handed over as explained below:- i. 189-10 Bigha-Biswa area under stay in Court Cases. ii. 1995-13 Bigha-Biswa area under <i>Tattima</i> proceedings in the Court of RA/SDM.

1582-

			iii. The cases to be settled by the Forest Settlement Officer/ ADM:- a. 245-04 Bigha – Biswa private area notified. b. Area allotted to the Govt. Depts:- 3057-11 Bigha-Biswa.
4	The area under stay in court cases	1369-11	The list of Court cases is enclosed as annexure R5 .
	a. Stay after area handed over to the Forest Department	1180-01	--
	b. Stay prior to handing over	189-10	--
5	Area under Min khasra nos. where <i>Tattima</i> proceedings initiated in the RA/SDM Court. (Hence not handed over).	1995-13	The list of Min Khasra nos. is enclosed as annexure R6 .
6	The cases to be settled by Forest Settlement Officer/ ADM:	3672-04	--
	a. The private area notified as Forest land.	245-04	The list of Khasra nos. is annexed as annexure R7 .
	b. The area notified in excess than area available in the Revenue Record	369-16	The list of Khasra nos. is enclosed as annexure R8 .
	c. Area	3057-04	The complete list of

1503

	allotted to the Govt. agencies		allotments to the Government departments/agencies has been prepared with the details of khasra numbers, area, date of allotment and the same is annexed and marked as ANNEXURE-3 .
7	Boundary wall constructed	i. Boundary wall length: - 11196 Meters. ii. Fencing: - 1500 Meters.	The village wise detail is enclosed as annexure R9 .
8	No. of pillar fixed	3794	The village wise details is enclosed as annexure R9 .
9	No. of Geo-Coordinates on the Map	12573	The village wise details is enclosed as annexure R9 .
10	Total area under encroachment	4684-17	i. Village wise list of encroachments are enclosed as annexure R10 to R26 ii. 2368-07 Bigha-Biswa Encroachment removed. The lists of khasra nos. from which encroachment removed are enclosed as annexure R27 iii. The lists of encroachments are forwarded to the Special Task Force (STF) under Chairmanship of Vice-Chairman D.D.A for

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			<p>immediate action and arrangement of necessary Police Force.</p> <p>iv. The religious structures under encroachment are referred to the Religious Committee, Delhi for necessary action.</p>
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1. That, the Revenue department and Forest department have conducted joint survey and subsequently with the help of TSM surveyor prepared the TSM survey maps for 19 villages viz. Asola, Bhati, Chattarpur, Aya Nagar, Maidangarhi, Satbari, Sahoopur, Saidulajab, Neb Sarai, Jaunapur, Dera Mandi, Devli, Rajpur khurd, Tughalakabd, Pul pehlad pur, Rajokri, Rangpuri, Ghitorni and Mahipalpur. Duly signed Maps by the concerned revenue officials have been handed over to Forest Department. Copies of the said 19 maps along with a consolidated map are marked and annexed as **ANNEXURE-2 (Colly)**.
2. That the Revenue Department while preparing the maps have shown separately in different colours the exact status of land. The encroachment free Forest land has been shown in green colour. The land where *Tatima* is not available is shown in green colour with blue dots. The encroachment on the Forest land has been shown in brown colour strips and lands allotted to the Govt. Departments have been shown in the pattern of stars on the green colour.

1525

3. That, the complete list of allotments has been prepared with the details of khasra numbers, area, date of allotment and the department/agency to which the allotment were made. The list of allotments is annexed and marked as **ANNEXURE-3**. It was found that these allotments post 1994 notification have been made without proper approval in accordance to Law. An inquiry has been ordered with the following terms of reference :

- i. Circumstances in which these allotments have been made without obtaining proper approval in accordance with law;
- ii. Identifying the officers/ officials responsible for above lapse;
- iii. Suggesting further course of action to prevent any such lapse;
- iv. Ascertaining the present status of use of these allotted land parcels and identifying the steps, if any, that may be taken to meet the requirement of law post facto.

Copy of the Order in this regard is at **ANNEXURE-4**.

4. It is further submitted that in cases of land where *Tatima* is not available, the concerned SDMs/RAs have already initiated the process to complete the work.
5. Further, the following directions have been issued to ensure that such deviations/violations of law do not take place in future:
 - i. Deputy Commissioners of Revenue Districts shall ensure that khasra numbers of all notified forest lands are entered in Revenue records immediately.

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- ii. A mandatory reference shall be made to Dy. Conservator of forest concerned with a copy to Principal Chief Conservator of Forest before forwarding any proposal of allotment to check that the proposed land does not fall in notified forest lands. Director (Panchayat) shall not process any case of allotment of Gram Sabha Land unless a certificate that the land does not fall in notified forest area is received from Deputy Commissioners concerned.
- iii. No mutation of forest land shall be effected. If any application is received in this regard, the Dy. Conservator of Forest shall also be informed with a copy to Principal Chief Conservator of Forest, however, the mutation of forest land shall not be carried out, if any mutation of forest land is done, Tehsildar concerned shall be personally held responsible and disciplinary action shall be taken against her/him as per rules.


DM (South)
DCF (South)

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1427

FOREST AREA LIST AAYA NAGAR					
S.No.	Khasra No	Area	Area of the Consolidated forest land	Encroachment t As Per Site	Status as Per Site
1	777	4-10	0-16	0-16	Unauthorized colony
2	779	2-19	2-19	1-13	Unauthorized colony
3	781	2-16	2-16	2-16	Unauthorized colony
4	782	6-8	6-8	1-19	Unauthorized colony
5	805	4-16	4-16	0-19	Unauthorized colony
6	843	4-16	4-16	0-12	Unauthorized colony
7	848	4-16	4-16	0-14	Unauthorized colony
8	879	4-16	4-16	0-13	Unauthorized colony
9	886	4-16	4-16	0-08	Unauthorized colony
10	919	4-16	4-16	0-08	Unauthorized colony
11					
12	204	4-16	4-12	4-12	Unauthorized colony
13					
14	206	4-12	4-12	4-12	Unauthorized colony
15	207	2-14	2-14	2-14	Unauthorized colony
16	1354	4-16	4-16	0-08	Unauthorized colony
17	1358	4-16	4-16	1-02	Peer Mazar
18	1359	4-16	4-16	1-16	Peer Mazar
19	1360	4-16	1-16	0-14	Unauthorized colony
20	1361	4-16	4-16	1-07	Unauthorized colony
21	1362	4-16	4-16	0-08	Unauthorized colony
22	1365	4-16	1-6	0-07	Unauthorized colony
23	1366	4-16	1-16	1-00	Unauthorized colony
24	1367	4-16	1-6	1-04	Unauthorized colony
25	1368	4-16	1-0	1-00	Unauthorized colony
26	1369	4-16	3-0	2-17	Unauthorized colony
27	1371	4-16	2-0	0-12	Unauthorized colony
28	1376	4-16	1-0	0-12	Unauthorized colony
29	1377	4-16	4-0	2-14	Unauthorized colony
30	1397	4-16	4-16	0-04	Unauthorized colony

1432

FOREST AREA LIST AAYA NAGAR					
S.No.	Khasra No	Area	Area of the Consolidated forest land	Encroachment As Per Site	Status as Per Site
31	1402	4-16	4-16	2-00	Unauthorized colony
32	1403	4-16	4-16	2-04	Unauthorized colony
33	1404	4-16	4-16	0-06	Unauthorized colony
34	1407	4-16	4-16	0-14	Unauthorized colony
35	1412	4-16	1-16	0-11	Unauthorized colony
36	1413	4-16	1-0	0-04	Unauthorized colony
37	1414	4-16	1-0	0-04	Unauthorized colony
38	1415	4-16	1-10	0-15	Unauthorized colony
39	1417	4-16	2-0	1-00	Unauthorized colony
40	1418	4-16	1-0	1-00	Unauthorized colony
41	1419	4-16	1-10	0-09	Unauthorized colony
42	1420	4-16	1-10	0-04	Unauthorized colony
43	1421	4-16	1-0	0-14	Unauthorized colony
44	1422	4-16	1-0	4-16	Unauthorized colony
45	1423	4-16	1-0	4-16	Unauthorized colony
46	1424	4-16	2-8	2-04	Unauthorized colony
47	1425	4-16	1-0	0-05	Unauthorized colony
48	1427	4-16	2-6	4-16	Unauthorized colony
49	1428	4-16	1-6	4-16	Unauthorized colony
50	1438	4-16	1-6	0-14	Unauthorized colony
51	1440	4-16	4-16	2-00	Unauthorized colony
52	1444	1-14	1-14	1-04	Unauthorized colony
53	1949	4-16	2-10	0-06	Unauthorized colony
54	1954	4-16	1-0	0-03	Unauthorized colony
55	1955	4-16	1-0	0-06	Unauthorized colony
56	1956	4-16	1-10	0-16	Unauthorized colony
57	1957	4-16	1-10	1-04	Unauthorized colony
58	1961	3-5	3-5	0-05	Unauthorized colony

1432

FOREST AREA LIST AAYA NAGAR					
S.No.	Khasra No	Area	Area of the Consolidated forest land	Encroachment t. A. Per Site	Status as Per Site
59	1978	4-16	4-16	1-16	Unauthorized colony
60	1979	4-16	4-16	2-05	Unauthorized colony
61	1980	4-16	4-16	1-09	Unauthorized colony
62	1981	4-16	4-16	0-14	Unauthorized colony
	Total			172-00	



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. 65/DCF(S)/Land/Ayanagar/2022-23/15220-27

Dated: 27.02.2024

NOTICE

Whereas, in the matter in O.A no. 58/2013 titled Sonya Ghosh Vs GNCT Delhi in the Hon'ble National Green Tribunal, directions were issued vide order dated 15.01.2021 wherein

"... There is urgent need to take necessary steps to protect the Ridge by taking necessary steps ... protection by appropriate measures. ... No non-forest activity is permissible in Ridge area ... We direct that the Delhi Government through the Chief Secretary, Delhi ... actions to be taken by the Delhi Government may include suitable protection by fencing/wall and vigilance. Identification of the remaining area and action plan for removing the encroachments be ensured within next three months. Execution of the action plan will be primarily under the Chief Secretary Delhi, who is also the Chairman of the Ridge Management Board".

Whereas, it is identified that Khasra No. 1978, 1979, 1980, 1981, 1982 of village Ayanagar, Tehsil Mehrauli, is notified as Reserve Forest Land as per Notification dated 24.05.1994 and 02.04.1996. This land has been encroached by you which is a violation under section 26 of the Indian Forest Act, 1927 and section 2 of Forest (Conservation) Act, 1980.

And, therefore all encroachers are directed to vacate the Forest land till Morning of 28.02.2024, beyond which all structure will be demolished and all material found on forest land will be seized as tools of encroachment. The cost of demolition shall be recovered from the encroachers.

Bateshinder
27/02/2024

RANGE OFFICER
SOUTH FOREST DIVISION

To,

All encroachers in khasra no. 1978, 1979, 1980, 1981, 1982 village Ayanagar, Tehsil-Mehrauli.

o/c

Copy to:

1. The Additional 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 Special Commissioner of Police (Legal Cell), Office of the Commissioner of Police, Delhi Police Headquarters, New PHQ Building, Jai Singh Road, New Delhi 110001, for kind information.
3. The District Magistrate, South District, MB Road Saket, New Delhi-110017, for kind information.
4. 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, for kind information.
5. The Station House Officer, Police Station- Fatehpur Beri, for kind information and necessary action.
6. RO (South), for kind information.
7. DRO (AB), for kind information and necessary action.

Bakshinder
27/02/2024

**RANGE OFFICER
SOUTH FOREST DIVISION**



OFFICE OF THE SUB DIVISIONAL MAGISTRATE (MEHRAULI)
GOVT. OF NCT OF DELHI.
OLD TEHSIL BUILDING, MEHRAULI, NEW DELHI-110030
E-mail: sdmmehrauli.delhi@nic.in, Contact No.011-26641772

No./F/TEH/MEH/2022/1946-49

Dated: 20/03/2024

To,

Deputy Conservator of Forest,
South Forest Division,
Department of Forest and Wildlife,
Near Dr. Karni Singh Shooting Range,
Tughlakabad, New Delhi-110044.

Sub: -NGT matter, .O.A. No. 63/2024 titled Pritpal Sharma Vs Municipal Corporation & Ors.

With reference to the above mentioned subject, it is to inform you that one bore well of House No. G-1/2038, Village Aya Nagar was sealed on 13/4/23. The land where room is situated is falls in Khasra No. 1978, Village Aya Nagar. As per the land record, the ownership of the land of Khasra No. is 1978, lies with Forest Land. (copy of report of Patwari & Khatauni are enclosed herewith as Annexure-A)

Further, while inspection of the subject land, it is found that the demolition notice of the Forest Department has been issued to the property where the bore well was sealed. It has also been seen around debris of demolished houses. The property in the question is claiming by the Forest Department. The copy of the notice of the Forest Department, is enclosed herewith as Annexure-B.

In view of the above, the illegal bore well is situated on the land of the Forest Department and this matter is also sub judiced before the NGT, therefore, it is requested to take necessary action against the illegal bore well which is situated on the encroached land of Forest Department.

This issues with the approval of the DM (South).

Mahima
20.03.2024
MAHIMA MADAN (IAS)
SDM (MEHRAULI)
District (South)



Encl.-

Annexure-A: The copy of Report of Patwari & Khatauni.

Annexure-B: The copy of the notice of the Forest Department.

Copy for Information and necessary action to :-

1. The District Magistrate (South), M.B. Road, Saket, New Delhi-110068.
2. The Member Secretary, Delhi Pollution Control Committee, 5th Floor, ISBT Building Complex, Kashmiri Gate, Delhi.
3. The Superintending Engineer (South), DJB, Jal Sadan, Lajpat Nagar, New Delhi.

Reminder -II
Urgent 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. 65/DCF(S)/Land/Ayanagar/2022-23/16043-46

Dated: 21/3/24

To,

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

Sub: Regarding encroachment removal program on forest land comprising of khasra no. 1978 in village Ayanagar involved in Court matter in Hon'ble NGT in O.A no. 63/2024 titled as Pritpal Sharma vs Municipal Corporation and ors.

Ref: No./F/THE/MEH/2022/1946-49 dated 20.03.2024

Sir,

As per the SDM (Mehrauli) letter dated 20.03.2024 received in this office in which it is mentioned that an illegal bore well was sealed in House no. G-1/2038, Village Ayanagar on 13.04.2023.

Also, as per this letter House no. G-1/2038, Village Ayanagar falls oin khasra no. 1978 in village Ayanagar which is Notified Forest land as per Notification 1994 and 1996.

As per the directions received during the last meeting of oversight committee under the Chairmanship of DG (Forests) & SS, that encroachment on forest land should be removed by a joint exercise of Forest and Revenue Department with the assistance of Police Force.

Hence, khasra no. 1978 in village Ayanagr can be taken for encroachment removal through District Task Force chaired by DM (South). Alongwith khasra no. 1978, there are some other khasra nos. like 1979, 1980, 1981 and 1982 belongs to Forest Department which are encroached. These khasras may also be taken up for encroachment removal program.

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Besides, this all the necessary arrangement required for smooth demolition activity to be carried out will be provided by Forest Department.

The matter may be taken up at utmost priority in compliance of the various orders of Hon'ble NGT and Hon'ble High Court of Delhi.

Yours faithfully,


DCF (South)
South Forest Division

Copy to:

1. The Additional 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 (Mehrauli), Old Tehsil Building, Mehrauli, New Delhi-110030, for kind information and request to direct concerned Revenue field staff to be present on ground on the date of demolition with Forest Officials.


DCF (South)
South Forest Division



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. 65/DCF(S)/Land/Ayanagar/2022-23/ 117 - 20

Dated: 03/04/24

To,

The Sub-divisional magistrate (Mehrauli),
Old Tehsil Building, Mehrauli,
New Delhi-110030

Sub: Regarding encroachment removal program on forest land comprising of khasra no. 1978 in village Ayanagar involved in Court matter in Hon'ble NGT in O.A no. 63/2024 titled as Pritpal Sharma vs Municipal Corporation and ors.

Ref: No./F/THE/MEH/2022/1946-49 dated 20.03.2024

Sir,

As per the minutes of meeting held under the chairmanship of DM (South)/Chairman DTF on 02.04.2024 and SDM (Mehrauli) letter dated 20.03.2024 received in this office in which it is mentioned that an illegal bore well was sealed in House no. G-1/2038, Village Ayanagar on 13.04.2023.

Also, as per this letter House no. G-1/2038, Village Ayanagar falls oin khasra no. 1978 in village Ayanagar which is Notified Forest land as per Notification 1994 and 1996.

As per the directions received during the last meeting of oversight committee under the Chairmanship of DG (Forests) & SS, that encroachment on forest land should be removed by a joint exercise of Forest and Revenue Department with the assistance of Police Force.

Hence, khasra no. 1978 in village Ayanagr can be taken for encroachment removal through District Task Force chaired by DM (South). Along with khasra no. 1978, there are some other khasra nos. like 1979, 1980, 1981 and 1982 belongs to Forest Department which are encroached. These khasras may also be taken up for encroachment removal program.

During the meeting DM (South) has directed Forest Department to fix a schedule within three days to inspect these khasra nos. for encroachment removal plan.

Hence, you are hereby requested that joint inspection has been scheduled on 08.04.2024 at 10.00 am in Ayanagar. The meeting point will be Arjanganh Metro Station.

The contact no. of Range Officer for liasioning is 70875 01591.

Yours faithfully,


DCF (South)
South Forest Division

Copy to:

1. The Additional 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 District Magistrate (South), Office of the District Magistrate (South), MB Road, Saket, New Delhi – 110017, for kind information.


DCF (South)
South Forest Division



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

% Judgment delivered on: 29.02.2024

+ W.P.(C) 3086/2024

ADARSH ENCLAVE
RESIDENTS WELFARE ASSOCIATION (REGD)

..... Petitioner

versus

GOVERNMENT OF NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sunil Chaudhary and Ms. Preeti Shah, Advocates.

For the Respondent : Ms. Hetu Arora Sethi, ASC for GNCTD.

CORAM:**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****TUSHAR RAO GEDELA, J. (ORAL)****[The proceeding has been conducted through Hybrid mode]****CM APPL. 12736/2024 (for exemption)**

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

W.P.(C) 3086/2024 & CM APPL. 12735/2024 (for interim directions)

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



“a) issue a writ in the nature of prohibition, prohibiting the respondent from taking any action / carry out demolition in the properties of the residents of the petitioner situated in khasra nos. 1383, 1384, 1385 and 1386, khata nos. 232/141, situated in the revenue estate of Village Aya Nagar, New Delhi now known as Adarsh Enclave, Phase-VI, Aya Nagar, New Delhi without following the due process of law;

b) issue a writ in the nature of prohibition, prohibiting the respondent from dispossessing the residents of the Petitioner from their properties/ houses constructed in khasra nos. 1383, 1384, 1385 and 1386, khata nos. 232/141, situated in the revenue estate of Village Aya Nagar, New Delhi now known as Adarsh Enclave, Phase-VI, Aya Nagar, New Delhi, without following the due process of law;

c) issue a writ in the nature of mandamus or direction to the respondent to grant personal hearings to the residents of the petitioner before carrying out any demolition activity further the respondent be directed to conduct proper enquiry and supply the copy of the notice / proceedings / order if any for demolition / vacation of the property to the residents of the petitioner; ”

4. Learned counsel appearing for the petitioner submits that though there is no document on record to show the title as of now, however, the members of the petitioner association, have been in possession of their respective constructed portions from almost 12-15 years.

5. Learned counsel also invites attention of this Court to the Electricity bills indicating the dates of energisation of the electric supply of some of the members of the petitioner association, to indicate the various dates from when the petitioners were in possession of that particular parcels of land, on which they are stated to have made constructions.

6. Learned counsel further submits that the petitioner association



falls within the khasra Nos. 1383, 1384, 1385 and 1386 and khata No. 232/141 situated in the revenue estate of Village Aya Nagar, New Delhi now known as Adarsh Enclave, Phase-VI, Aya Nagar, New Delhi. He submits that no prior notice for carrying out any demolition was ever issued by the respondent – Forest Department and suddenly, without any notices, the Forest Department had commenced carrying out demolitions of some properties of some of the members of the petitioner association.

7. He further submits that even it would be assumed that the land pertained to the Forest Department, though without admitting to the same, the demolitions could not have been carried out without issuing a basic show cause notice before such action is initiated.

8. He submits that the members of the petitioner association must be protected. He further submits that apart from that, there is no report of demarcation nor the petitioners were ever made participants to the demarcation, if even carried out by the department. As such, without demarcation, the Forest Department claiming/ re-claiming the portions of the aforesaid khasra numbers on the basis that it belongs to the Forest Department, would be violation of law.

9. Issue Notice.

10. Notice is accepted by Ms. Hetu Arora Sethi, learned ASC for GNCTD.

11. Learned ASC vehemently refutes the submissions made by the learned counsel for the petitioner. She submits that contrary to what has been submitted, by way of the notices dated 16.02.2024 and 21.02.2024, the notices have been issued to the members of the petitioner association directing them to vacate the area so as to enable the respondent



Department to demolish the properties and re-claim the said khasra numbers.

12. She submits that the said notice was issued in respect of khasra Nos. 1978, 1979, 1980, 1981 and 1982 of Revenue Estate of Village Aya Nagar alone. She submits that so far as the khasra numbers petitioner has referred to in his petition, have not, as of now, been issued notices.

13. She also submits that the said khasra numbers are not Forest Lands, and as such, the Forest Department in any case is not re-claiming the same or nor going to carry out any demolitions.

14. She also submits that there are no title documents showing the rights of the petitioner in respect of the khasra numbers that they are claiming to be a part of.

15. After considering the arguments of the learned counsel for the parties, this Court is of the considered opinion that since the notice pertains only to khasra Nos. 1978, 1979, 1980, 1981 and 1982 of Revenue Estate of Village Aya Nagar read with the admission that so far as khasra Nos. 1383, 1384, 1385 and 1386 and khata No. 232/141 situated in the revenue estate of Village Aya Nagar, New Delhi now known as Adarsh Enclave, Phase-VI, Aya Nagar, New Delhi is concerned, the said land does not belong to the Forest Department, it is *prima facie*, apparent that the question of demolition does not arise.

16. In the considered opinion of this Court, the aforesaid statement should be sufficient to protect the petitioners. However, in case there is any other issue left, the petitioners are at liberty to take appropriate remedies in accordance with law so as to protect their rights.



17. Petitioners are at liberty to approach the Deputy Conservator of Forest with a suitable representation with the relevant documents in their possession. The Deputy Conservator of Forest shall consider the same in accordance with law and pass a reasoned order thereon within six weeks of submissions of such representation, if any.

18. With the aforesaid directions, the present petition along with pending application is disposed of.

19. Order *Dasti* under the signatures of Court Master.

TUSHAR RAO GEDELA, J

FEBRUARY 29, 2024

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

% Judgment delivered on: 29.02.2024

+ W.P.(C) 3088/2024

DEVKI DEVI Petitioner

versus

GOVT. OF NCT OF DELHI & ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Rajesh Yadav, Senior Advocate with Mr. Dhananjay Mehlawat and Ms. Rishika Jain, Advocates.

For the Respondents : Mr. Mohit Bhardwaj, Advocate for R-1, R-2 and R-3.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 12739/2024 (for exemption)

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

W.P.(C) 3088/2024 & CM APPL. 12738/2024 (for interim directions)

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

(a) Issue a writ of Certiorari or any other appropriate writ, order or direction in the nature thereof thereby quashing the Notice dated



27.02.2024 bearing F.No.65/DCF(S)/Land/ Aya Nagar/2022-23/15220-27 issued by the Range Officer, South Forest Division, Respondent No.3, herein.

(b) Issue a writ of Mandamus or any other appropriate writ, order or direction in the nature thereof thereby directing the Respondents not to undertake any action of demolition in respect of property/house of the Petitioner bearing No. 1063, KG-1, G-Block, Phase-6, Adarsh Enclave, Aya Nagar, Aya Nagar Extension, comprised in khasra No. 1383, Village Aya Nagar, New Delhi-110047 and from taking possession of the said property.”

4. Mr. Rajesh Yadav, learned Senior Counsel appearing for the petitioner submits that the petitioner has been in possession of the subject land, i.e., the property bearing House No. 1063, KG-1, G-Block, Phase-6, Adarsh Enclave, Aya Nagar, Aya Nagar Extension, New Delhi-110047 falling within khasra No. 1383 in the revenue estate of Village Aya Nagar, New Delhi.

5. Learned Senior Counsel submits that the petitioner has been in the possession of the said property for the last more than 13 years and has placed on record the documents like GPA affidavit, Will etc., which would indicate the possessory rights of the petitioner over the said piece of land.

6. He further submits that the petitioners have not encroached upon the forest land, and as such, the impending threat of demolition issued by the respondents by way of notices dated 16.02.2024 and 27.02.2024 is absolutely unlawful. He also submits that there has been no demarcation carried out at all by the Forest Department to justify the impending action of demolition. He submits that the area comprising khasra No. 1383 is not of forest land.



7. Learned Senior Counsel also submits that between the property of the petitioner, which falls in the khasra No. 1383 and the Forest Land, there is a contiguous boundary wall, which appears to be of 6 feet height, which has been demarcated long ago.

8. Issue Notice.

9. Notice is accepted by Mr. Mohit Bhardwaj, learned counsel appearing for respondent Nos. 1 to 3.

10. Mr. Bhardwaj, learned counsel appearing for the respondents - Forest Department submits that the khasra No. 1383 is not a forest land and no demolition at all has been proposed on such khasra number. He submits that the demolitions which are sought to be carried out pertain to the land in khasra Nos. 1978, 1979, 1980, 1981 and 1982.

11. Learned counsel further submits that that khasra No. 1981 is adjacent to the khasra No. 1383, which is adjacent in the property of the petitioner and further submits that the petitioner has encroached upon the khasra No. 1981 and the demolition shall be restricted only to that.

12. Keeping in view the statements made by Mr. Rajesh Yadav, learned Senior Counsel appearing for the petitioner as also Mr. Mohit Bhardwaj, learned counsel appearing for the respondent Nos. 1 to 3, the petitioner appears to be protected in respect of the property falling in khasra No. 1383 of the revenue estate of Village Aya Nagar, is concerned. This is ascertainable from the statement of learned counsel for the respondent.

13. The petitioner is permitted to file a detailed representation with the Deputy Commissioner of Forests, if so desired.



14. In case of any action needed to be taken by the Department, it is needless to state that the show cause notice shall be given to the petitioner, not less than seven days.
15. The statement made by Mr. Bhardwaj would also bind the Department.
16. With the aforesaid directions, the present petition along with pending application is disposed of.
17. Order *Dasti* under the signatures of Court Master.

TUSHAR RAO GEDELA, J

FEBRUARY 29, 2024

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To
The Deputy Conservator of Forest
South, Near Dr. Karni Singh Shooting Range,
Tughlakabad, New Delhi-110044

Sub: Representation regarding not to demolish old existing houses constructed as per demarcation done by forest department around 15 years ago which are part of Adarsh Enclave Coloney, Aya Nagar Village, Delhi-110047

Respected Sir,

It is humbly submitted for kind perusal

1. That the affected party under the influence of the aforesaid notice is being represented by the Adarsh Enclave Residents Welfare Association Registered under the Societies Rerestarted Act, 1860 since.
2. That the people who have been notified are settled on the private land according to the demarcation carried out 2008 by the forest department and revenue department situated at Khasra no. 1383, 1384, 1385, and 1386 are in possession of the said land since 13-14 years, however now the forest department has carried another demarcation adopting a new method and the land is to be falling in the area of the residents belongs to khasras numbers as 1978, 1979, 1980, 1981, and 1982.
3. That recent notices have been issued and some demolition was also carried out with the intention to claim land at Aya Nagar by the department of forest as per the claimed new method of demarcation.
4. That the Petitioner association is the Resident's welfare association of the area pertaining to which the above stated action has been carried out by the department and wishes to place on record important facts pertaining to the matter through the present representation.
5. That it is submitted that department of forest had carried out several demarcations after the notification of 1996 pursuant to which the department had floated tenders and constructed boundary walls covering



its land upon expenditure of public and hence the forest department and the residents were in settled possession as per demarcation carried out by the department of revenue and handed over to the forest department in 2008.

6. That since the demarcation were carried out within a span of more than 15 years and no objection was raised over the said demarcations in the interim period and hence these demarcations had become final and absolute in law binding on the forest department and above.

7. That at the time when the previous demarcation was carried out and possession taken over the forest department with the assistance of all concerned departments, It had demolished several private properties and the forest department had obtained its possession after which the final boundary wall was constructed which remains so even as on date.

8. There is no mistake or fault on the part of the residents who have constructed their houses only after the forest department had duly occupied and bounded its entire land and demolishing the houses of the residents with the support of the prosecuting machinery is completely against the principle of natural justice which goes against the interest and rights of the helpless residents who are at the mercy of no one.

9. That the new demarcation upon the demolitions are intended by the forest department is itself contradictory as the TSM method used now overtakes the previous demarcations upon which the forest department had obtained possession of its allocated land and is unilaterally as well as arbitrary in nature

10. That as per the new demarcation carried out by the TSM method the land belonging to its residents as per the forest department itself falls within the already earlier bounded land by the forest department and the area claimed versus the area occupied by the forest department is in actuality the same. On the contrary the forest department has carried plantation on the area under encroachment by the forest department which can be continued to be kept in its possession.

11. That no purpose would be served by demolishing the houses of the

residents as the forest department has neither vacated the adjacent private land in its occupation, nor the houses demolished would be relocated on the said land as the forest department has already carried the plantation on the said land and also bounded the same by stones and mortar.

12. That since the forest department is in occupation of proportionate area no purpose would be served by demolishing the houses of the residents which are in existence for the last more than 15 years and the matter can be easily resolved by the forest department by continuing the occupation of the equivalent land in its possession and in the alternative the houses of the residents be left untouched.

13. That this Hon'ble office has the power and the authority to decide the matter in view of the order dated 29/02/2024 passed by the Hon'ble High Court of Delhi in Writ Petition (C) 3086/2024 in Adarsh Enclave Residents Welfare Association Vs. Government of NCT of Delhi.

14. That another point of consideration for the kind information of the office is that since Aya Nagar is a bordering village the mustil points that are taken as reference points for the purpose of accurate demarcation are difficult to point out even through the TSM method as the bordering villages are affected by the state boundaries which can vary under different circumstances.

In the light of the facts and circumstances this office is respectfully prayed

- a) To consider the demarcation carried out by the revenue department and the possession obtained by the forest department in pursuance of previous demarcations about 15 years ago as final and binding on all.
- b) To consider the **settled possession** of the residents and the Forest Department as on date as final and not carry out demolitions as per the new demarcation report which is contradictory and against the residents in view of their long standing settled possession.
- c) That pass any further order in favor of the residents and in the alternative grant an opportunity to approach any other forum to resolve the issue faced by the residents.

d) in the alternate circumstances, to consider the private land falling in the possession of the forest department as per new demarcation of forest land, and equivalent forest land in possession of residents as settled/exchanged for future purpose

Arun
05/04/2024
RWA Vice President

Bharam
Advisor. of. RWA
Ayaxlagar