

**OFFICE OF THE DISTRICT MAGISTRATE (WEST)**  
**GOVT. OF NCT OF DELHI**  
**PLOT NO.3, SHIVAJI PLACE, RAJA GARDEN, NEW DELHI**  
**Email: patelsdm@nic.in**

No. PA/SDM/PN/2023/47

Dated: 02/01/2023

**Sub: In the matter of Ms. Alka Jain Vs. NDMC & Ors.**

Please find enclosed herewith a Revised Action Taken Report in the matter noted above in Case Execution No. 24/2022 and OA No. 60/2022 in the matter of Ms. Alka Jain Vs. NDMC & Others for kind perusal and further directions please.

The earlier Action Taken Report submitted vide Dispatch No. PA/SDM/PN/2022-23/06 dated 02/01/2023 may be treated as withdrawn.

*Seema*  
2/1/23

(SEEMA GROVER)

TEHSILDAR (PATEL NAGAR)

Copy to:-

1. District Magistrate, Central District.
2. SDM, Civil Line

Ld. P.G.  
02-01-2023

copy to

EA-24/2022 OA 60/2022  
 PL/2022/2  
 4/1/2023



04/23/Jud.  
 04/01/2023

Mr. Bhambhani

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

**ACTION TAKEN REPORT**

A letter No. SDM/KB/2022/6959-61 dated 23/12/2022 was received in West District from SDM (Karol Bagh) of Central District informing about the notice of Hon'ble NGT in the matter of Alka Jain Vs. NDMC & Ors in Case Execution No. 24/2022 and OA No. 60/2022. Vide said letter, it was informed that the property bearing H.No. 420/6, Teacher Lane, Anand Parbat, New Delhi-110005 does not fall under the jurisdiction of District Central and the said address pertains to SDM (Patel Nagar) of District West **(Annexure-I)**.

2. It was reported by the revenue officials that the property, in question is situated under the revenue estate Sidhora Khurd falling under SDM (Civil Lines) of Central District. This observation is supported by several revenue documents like Aksizra of Village Khampur Raya, Award No. 20/88-89 related to property no. 4-5/A, Upper Anand Parbat, Village Sadhora Khurd and copy of the same are enclosed for reference please. However, the said property falls under Police Station Anand Parbat and all police related matters are being dealt by SDM (Patel Nagar) of West District.

3. Keeping in view of the seriousness of the case and after receipt of letter dated 23/12/2022 from SDM (Karol Bagh), immediately a joint inspection was carried out at the site by revenue officials of SDM (Patel Nagar) of District West and SDM (Karol Bagh) & SDM (Civil Lines) of District Central on 29/12/2022.

4. As per joint inspection report, no construction material is lying outside the said property and photographs taken during inspection are attached herewith for reference please. The joint inspection report dated 29/12/2022 along with statement of Sh Mohan Singh R/o H.No. 420/6, Teacher Lane, Anand Parbat and photographs taken from the site are also enclosed as **(Annexure-II)**.

5. It is pertinent to mention here that last proceedings before Hon'ble NGT held on 16/12/2022 was attended by Standing Counsel of the Department and District Magistrate (Central District) **(Annexure-III)** and communication with regard to jurisdiction of the property has been made with West District by SDM (Karol Bagh) vide letter dated 23/12/2022 Immediately afterwards, a joint inspection was carried out and it was found that presently no

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*Seen  
21/1/23*

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construction material is lying outside the said property at H.No. 420/6, Teacher Lane, Anand Parbat, New Delhi. As regard, unauthorized construction/encroachment at the site is concerned, the matter pertains to MCD, Karol Bagh Zone.

6. This report is being issued with the approval of DM (West).



(SEEMA GROVER)  
TEHSILDAR (PATEL NAGAR)

Enclosed Annexures As Above.

Copy to:-

1. District Magistrate, Central District.
2. SDM, Civil Line

ANNEXURE - I

6/6



GOVT OF NCT OF DELHI

OFFICE OF THE SUB DIVISION MAGISTRATE (KAROL BAGH)

OLD PWD OFFICE FLATTED FACTORY COMPLEX, JHANDEWASLAN DELHI

F.No. SDM/KB/2022/6959-61

Dated: 23/12/22

To,

The Divisional Magistrate (West)  
Nehru Nagar Shivaji Palace Plot No.3,  
Vishal Enclave Raja Garden New Delhi-110018.

Subject: In the Matter of Alka Jain Vs NDMC & Ors Case No. Ex No.24/2022 R/o. H.No.420/06, Teacher Lane, Anand Parbat, New Delhi-110005

Sir,

Please find enclosed here with notice of the Hon'ble court of Sh. Arun Kumar Tyagi, case title. Alka Jain vs NDMC & Ors, (Case Reg. No. EX No.24/2022 and OA.No.60/2022), Date of Hearing 12.10.2022 received in this office on 25.11.2022 on the above cited subject cited. In this regard, I am to say that the address of the property bearing No. H.No.420/06, Teacher Lane, Anand Parbat, New Delhi-110005, does not fall under the jurisdiction of District Magistrate Central. The said address pertains to Sub Divisional Magistrate Patel Nagar (District West). Therefore, the same is being forwarded for necessary action at your end.

This issues with the prior approval of DM (Central).

H. Part to put on file

Urgent for

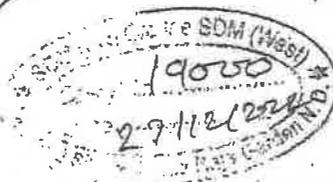
Deputy

Secy

Kumar

23/12/22

(M)



SUB DIVISIONAL MAGISTRATE (KAROL BAGH)



Copy to :-

1. PS TO DM (Central).
2. The Sub Divisional Magistrate Patel Nagar O/o District Magistrate (West) for necessary action and getting in touch with Govt Council.

17/12 441/2022

JOINT SURVEY REPORT, DATED: 29.12.2022

ANNEXURE - II

आज दिनांक 29.12.2022 को आदमानुसार DC साहिबान  
 मध्य जिला, दिल्ली संयुक्त सर्वेक्षण वाकत मकान नं  
 420/06, टीनर लेन, अपर आनन्द पर्वत, मध्य जिला दिल्ली  
 कले हेतु निश्चित किए गए स्थिति. थाना आनन्द पर्वत  
 पर इम्प्लूड्ड। उप मंडल करोल वाग (मध्य जिला) से  
 श्री विजय कुमा पटवारी हाजिर है। उप-मंडल सिविल  
 लार्सन (मध्य जिला) से श्री संतोष कुमा पटवारी हाजिर  
 है व उप-मंडल पेटेल नगर (पश्चिम जिला) से श्री  
 सुरेन्द्र चाव व पटवारी हाजिर है। सभी हाजीर निश्चित  
 स्थिति से मकान नं 420/06 की तालाब कले हुए टीनर  
 कालोनी पहुँचे जहाँ मौजूद कुछ लोगों से पूछताछ के  
 बाद मकान नं 420/06, आनन्द पर्वत पर पहुँचे। मकान पर  
 पहुँचने के बाद वहाँ मौजूद श्री मोहन सिंह पुत्र राम प्रसाद  
 ने स्वयं को मकान नं 420/06 का मालिक बताया और  
 अपने मकान का विवरण पेश किया। श्री मोहन सिंह के  
 मुताबिक मकान के सामने मौजूद गली लगभग 20 फीट चौ.  
 है जिसपर किसी प्रकार का कोई मलना अथवा Building  
 material नहीं डाला हुआ है। जहाँ पर संयुक्त सर्वेक्षण टी  
 ने इसका तसदीक किया कि श्री मोहन सिंह ने अपने मकान  
 के सामने किसी भी प्रकार का कोई मलना अथवा Building  
 material नहीं डाला है व आज जन के आवागमन में  
 कोई अवरोध उत्पन्न नहीं हो रहा है।

रुपक ठु

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श्री मोहन सिंह ने श्रीमती अलका जैन के साथ चल रहे केष जिसका बीबीएन अलका जैन vs. NDMC & Co. है, की पुष्टी की श्री उर्बे बताया कि इन दोनों के बीच छ: (6) केष विभिन्न न्यायलयों में विचाराधीन हैं।

सुपुत्र सर्वक्षण दीप ने यह पाया कि मकान नं 420/6 काला पहाड़, अणु आनन्द पर्वत, मध्य जिला, ग्राम सडौरा रुवर्द का हिस्सा है जोकि मध्य जिला के उप-मंडल सिविल लाईन में पडता है व राजस्व संबंधी सभी मामलों का निपटारा के लिए लक्ष्य है। भूमि अधिग्रहण रिकार्ड व राजस्व रिकार्ड से उपरोक्त कथन की पुष्टि होती है। इसके साथ ही यह भी स्पष्ट है कि थाना आनन्द पर्वत उप-मंडल पटेल नगर, जिला पश्चिम के तहत आता है और पुलिस संबंधी मामलों का निपटारा उप-मंडल दण्डाधिकारी पटेल नगर द्वारा किया जाता है। सुपुत्र सर्वक्षण दीप ने यह भी पाया कि तहसीलदार पटेल नगर द्वारा थाना आनन्द पर्वत क्षेत्र के तहत जाति प्रमाण पत्र, आय प्रमाण पत्र आदि भी जारी किए जाते हैं लेकिन भूमि संबंधी मामलों का निपटारा उप-मंडल सिविल लाईन मध्य जिला द्वारा ही किया जाता है।

इस मामले में श्री मोहन सिंह के उद्योग व मकान नं 420/6 से संबंधित सभी कांटे साथ सलामत हैं। सुपुत्र दीप ने श्रीमती अलका जैन के उद्योग लीज की कांशिश की लेकिन उसके मकान जोकि मोहन सिंह के मकान के सामने हैं पत् ताला लगा हुआ था,

रिपोर्ट संबंधित अधिकारियों को पत्र है।

(विजय कुमार) (सनाथ कल) (सुरेश चंद)
   
 (पटवारी उप-मंडल) (पटवारी उप-मंडल) (पटवारी उप-मंडल)
   
 (कटेल नगर) (सिविल लाईन) (पटेल नगर)

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Statement of Sh. Mohan Singh & Ram Prasad Singh

R/o 420/6, Kala Pahar, Upper Anand Parbat, Central Delhi

In the light of direction passed by the Dy. Commissioner DM (Central) for conducting joint survey wrt property 420/6 situated at Anand Parbat, Delhi, a team of all concerned officials / Patwaris from Distt. Central and Distt. West inspected the subject property and take the statement of owner of the property bearing n. 420/6. The statement is given below:-

मैं श्री मोहन सिंह पुत्रा राम प्रसाद सिंह, पता 420/6, काला पट्टे आनंद पर्वत, सेक्टर दिल्ली 37 50 साल पट्टे बघान करता हूँ कि मैं मकान नं 420/6, आनंद पर्वत का मालिक हूँ 33 वर्ष 12 साल पहले पट्टे मकान 4+3 जो न ल्यां हाल में खरीदा था। मैं व्यवसाय (occupation) से जुद्धरी डील हूँ जोकि 2000 से 2019 तक मैं Building material का काम करता था मिले मैं 2019 में बन्द हो गया था जोकि अतका पैर व बंझका नो श्री वंगव जैत मेरी कर्मी 3 शिफामते विभिन्न कार्यालयों में देते थे मिलते मैं परेशान होकर अपना कारोबार बन्द कर दिया मैं यह भी बघान करता हूँ कि मेरे और अतका पैर के बीच एक मुकदमे विधिक न्यायालयों में विचार चल रहा है। यह मुकदमे में जो मुकदमे अतका पैर ने तर्फ से डाले गए हैं व दो को मेरी तर्फ से डाले गए हैं। मैं यह भी बघान करता हूँ कि श्री वंगव जैत व अतका बंध श्री वंगव जैत दोनों लोगों से अर्बन्ध वपुली का काम करते हैं मिली मुक्ति न होने पर

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करी सुझाने वाला को है। उसका पैर का नटा भी बंधन  
 पैर कावाय से बकील है और लंगो को करी सुझाने से  
 अवैध बगुली के काम के दोनो लिप्त है। मनी विभागा का  
 दोना प सख्त कार्रवाही बानी चाहिए, जिसके लिए कौ  
 करे उपरान्त पत्र दिए है।

युं बड़े ध्यान कता है कि बतमान के पैर कोरि भी  
 अवैध निर्माण नही किया है और न ही कोरि मलबा/  
 Building Material अपने मकान के लागने वाला हुआ है  
 जिससे आग जग का रास्ता अवरोध होता है।

उपरान्त दिए गए ध्यान पूर्णतः सत्य है व मिला भी  
 प्रकृति को बहाल के लिए मैं स्वयं विरतवाए रहूंगा  
 व कानूनी कार्रवाही के लिए तैयार रहूंगा।

②  
 ध्यान कता

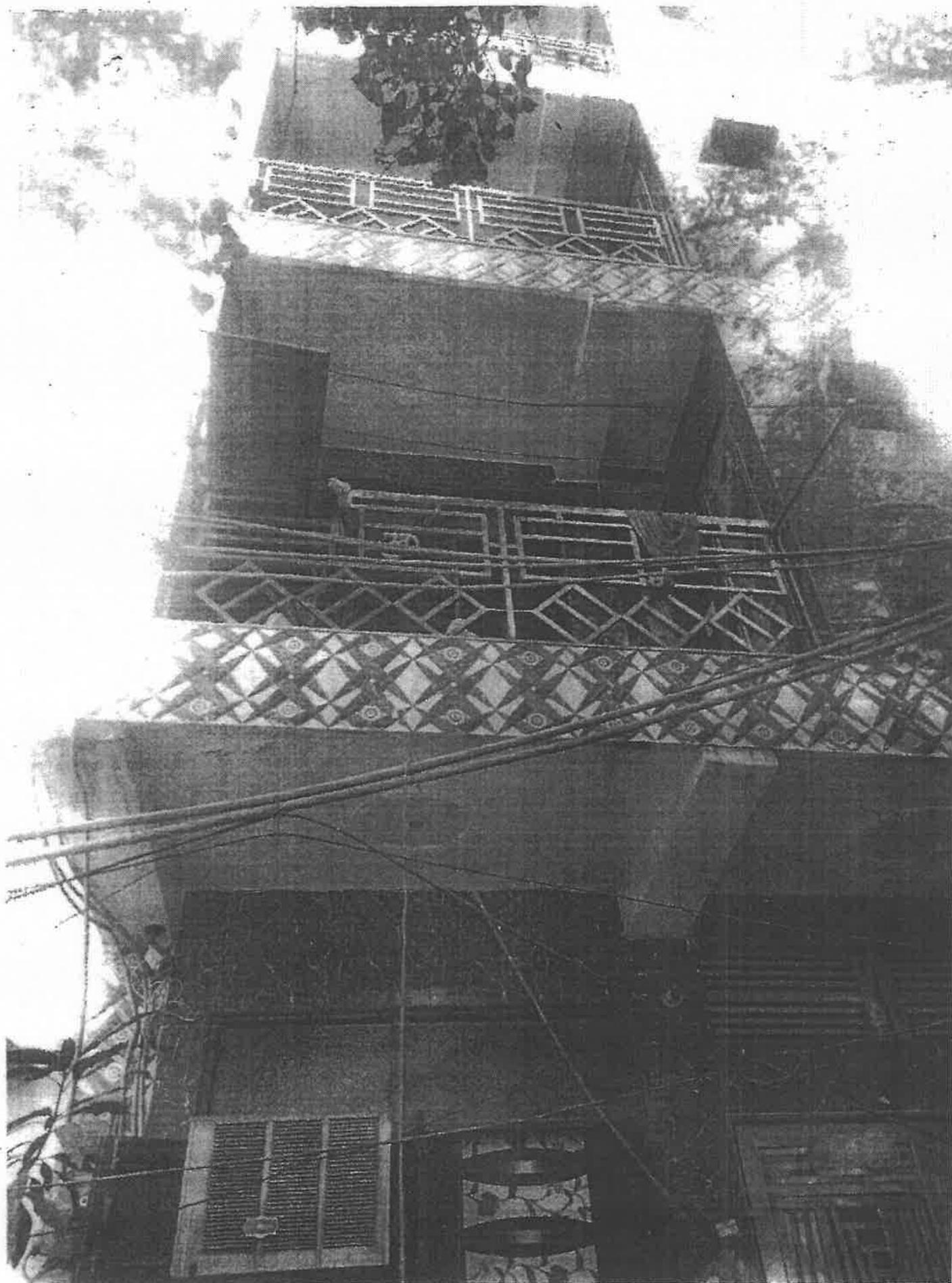
Date: 29.12.2022

माहण सिंह पुत्र रामजय सिंह  
 प्लॉ 420/6, काला पहाड,  
 आंचल आनन्द पर्वत, मधुपूरि जिला  
 फोन नं. 9911585805  
 आंचल नं. 594243251997

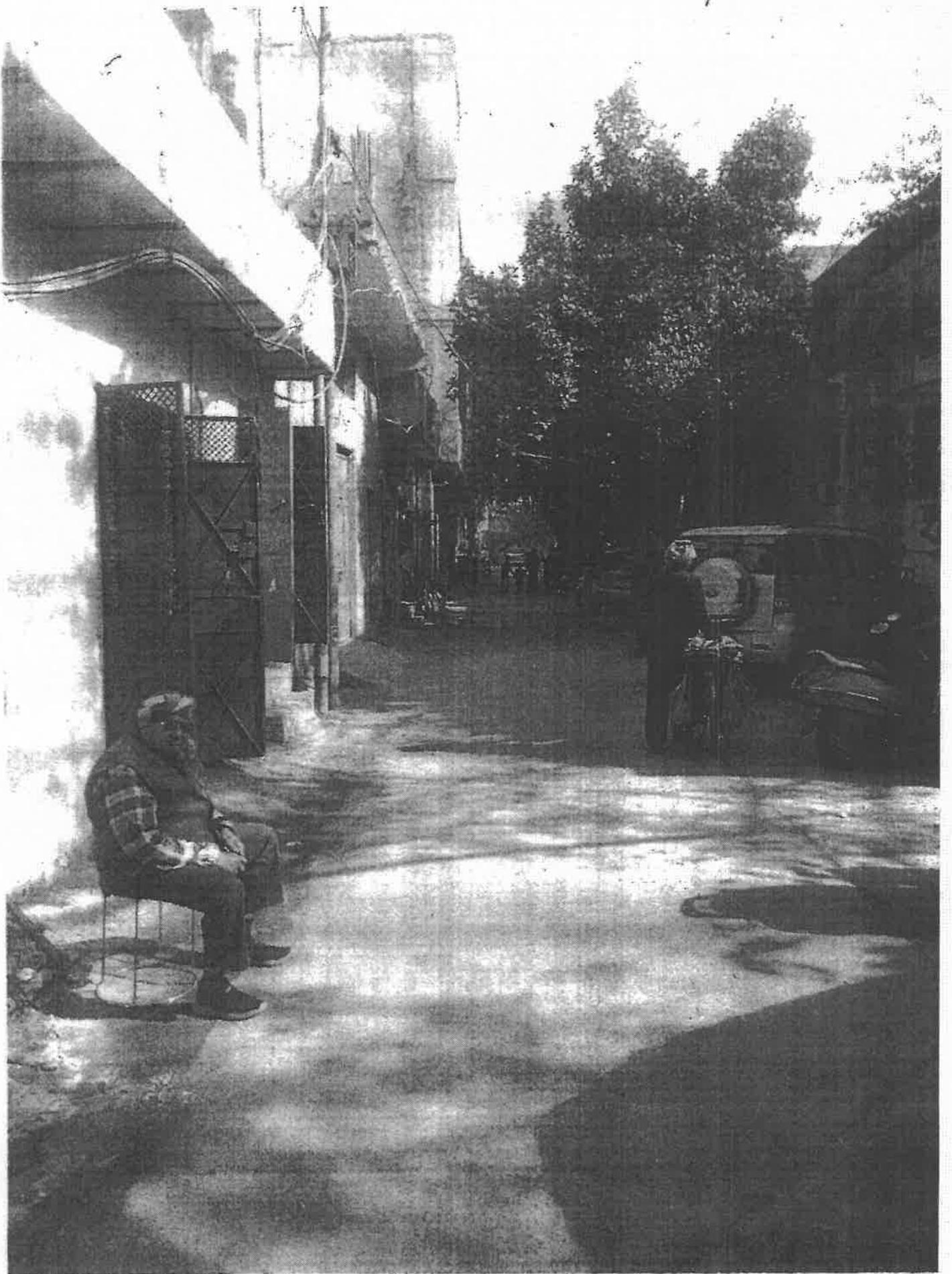
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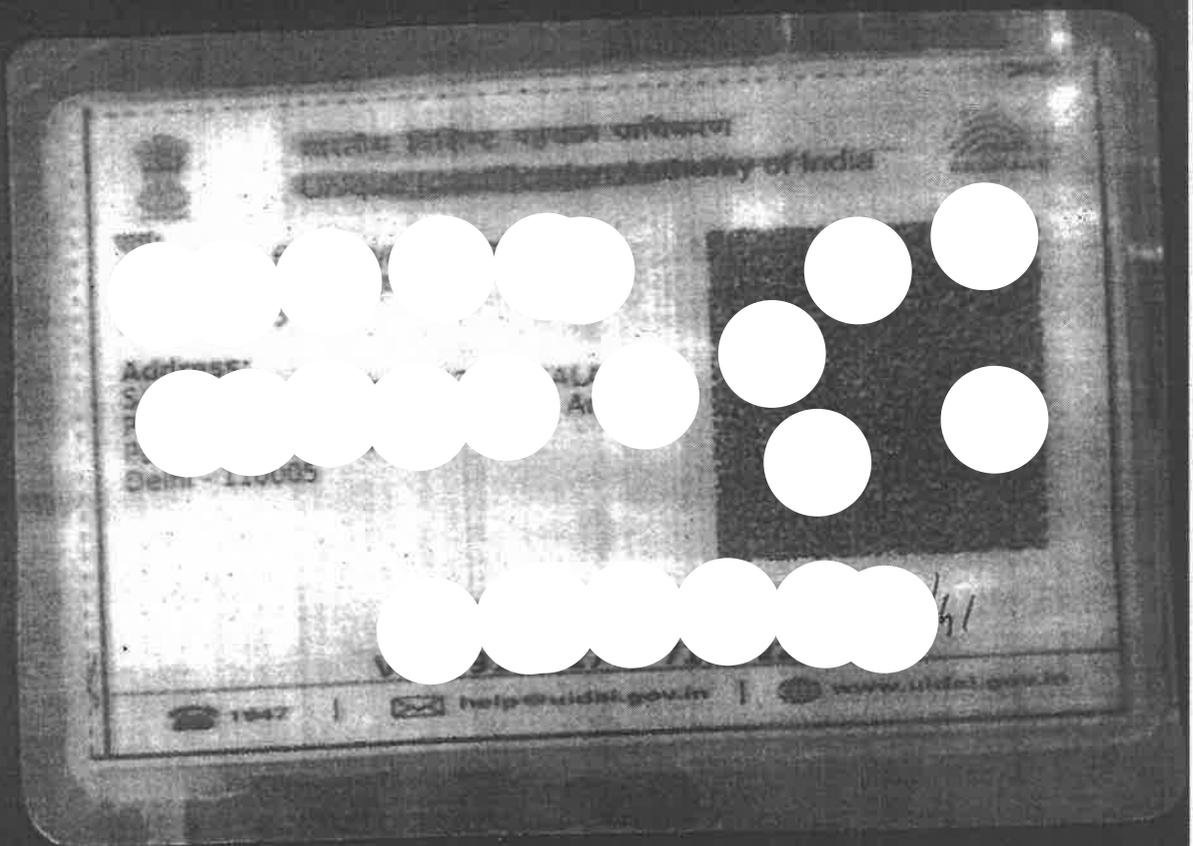


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Annexure - III

6/6



GOVT OF NCT OF DELHI

OFFICE OF THE SUB DIVISION MAGISTRATE (KAROL BAGH)

OLD PWD OFFICE FLATTED FACTORY COMPLEX, JHANDEWASLAN DELHI

F.No. SDM/KB/2022/6959-61

Dated: 23/12/2022

To,

The Divisional Magistrate (West)  
Nehru Nagar Shivaji Palace Plot No.3,  
Vishal Enclave Raja Garden New Delhi-110018.

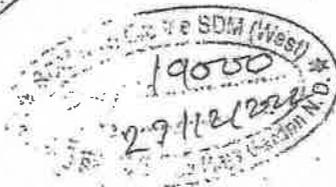
Subject: In the Matter of Alka Jain Vs NDMC & Ors Case No. Ex No.24/2022 R/o. H.No.420/06, Teacher Lane, Anand Parbat, New Delhi-110005

Sir,

Please find enclosed here with notice of the Hon'ble court of Sh. Arun Kumar Tyagi JM case title. Alka Jain vs NDMC & Ors, (Case Reg. No. EX No.24/2022 and OA.No.60/2022), Date of Hearing 12.10.2022 received in this office on 25.11.2022 on the above cited subject cited. In this regard, I am to say that the address of the property bearing No. H.No.420/06, Teacher Lane, Anand Parbat, New Delhi-110005, does not falls under the jurisdiction of District Central. The said address pertain to Sub Divisional Magistrate Patel Nagar (District West) Therefore, the same is being forwarded for necessary action at your end.

This issues with the prior approval of DM (Central).

H. Part put on file

~~19000~~Urgent for  
TejendraKumar Tyagi (JM)  
27/12/22

SUB DIVISIONAL MAGISTRATE (KAROL BAGH)



Copy to :-

1. PS TO DM (Central).
2. The Sub Divisional Magistrate Patel Nagar O/o District Magistrate (West) for necessary action and getting in touch with Govt Council.

5/11

Item No. 4

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Execution Application No. 24/2022

In

Original Application No. 60/2022

Alka Jain

...Applicant

Versus

North Delhi Municipal Corporation &amp; Ors.

...Respondents

Date of hearing: 16.12.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Vikrant Pachnanda and Mr. Mukul Katyal,  
Advocates with Ms. Alka Jain, in person.

Respondents: Ms. Jyoti Mendiratta, Standing Counsel, GNCTD with  
Ms. Sonika, DM (Central), Delhi (through VC).  
Mr. Narender Pal Singh, Advocate for DPCC (through  
VC).  
Ms. Puja Kalra, Advocate for MCD with Mr. Kumar  
Mahendra, Executive Engineer for MCD.

**Application under Section 25 read with Sections 26 and 28 of the  
National Green Tribunal Act 2010.**

**ORDER**

1. The applicant has filed the present Execution Application for execution of order dated 16.02.2022 passed by this Tribunal in O.A No. 60/2022 titled as *Alka Jain Vs. North Delhi Municipal Corporation and Others*.

2. The applicant-Ms. Alka Jain filed the above said Original Application against Mr. Mohan Singh residing at house no. 420/06, Teacher Lane, Upper Anand Parbat, Delhi complaining that he is

E. A. No. 24/2022

Alka Jain Vs. NDMC &amp; Ors.

4/c

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carrying on unauthorized construction and has also kept building material outside his house without taking necessary precautionary measures and the same is causing air pollution.

3. Vide order dated 16.02.2022 passed in above said Original Application, this Tribunal directed the District Magistrate and DCP, Central Zone as well as Commissioner, North Delhi Municipal Corporation to look into the matter and take remedial action within six weeks in accordance with law by following due process and the application was disposed of accordingly.

4. The applicant filed the present execution application claiming that no action has been taken by the above said Authorities in compliance of above said order.

5. Vide order dated 12.09.2022 this Tribunal directed the Member Secretary, DPCC to submit a factual verification and action taken report within six weeks and also directed presence, through Video Conference Facility, of the District Magistrate and Deputy Commissioner of Police, Central Zone and Officer duly authorized by Commissioner, Municipal Corporation of Delhi before this Tribunal.

6. In compliance thereof report of the Joint Committee was filed by DPCC vide email dated 11.10.2022. Copy of Status Report of action taken on behalf of respondent/MCD (North DMC) was sent by DPCC along with its report.

7. In the Status Report, Mr. Rajesh Gupta, Executive Engineer (M)-II, Karol Bagh Zone stated that the Department has taken an encroachment removal action against the building material etc., stacked outside the House No. 420/06, Teacher Lane, Upper Anand Parbat, Central, Delhi on

E. A. No. 24/2022

Alka Jain Vs. NDMC & Ors.

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23.09.2022. During action whatever building material lying was removed completely. The photographs taken during the action were attached with the Status Report as annexure A.

8. The applicant sent photographs of the site taken on 08.10.2022 through email dated 11.10.2022 showing dumping of the construction material on the site in question.

9. In the present case the construction material is stated to have been removed on 23.09.2022 as shown by photographs taken by official of the MCD on that date but subsequently the construction material is stated to be lying there on 08.10.2022 as shown by the photographs taken by the applicant and the same appears to have been again removed as shown by photographs taken by official of the DPCC on 10.10.2022.

10. Ms. Shweta Chauhan, DCP (Central) Delhi and Mr. Deepak Chandra, ACP, Patel Nagar appeared through video conferencing and Ms. Puja Kalra, Advocate appeared on behalf of Municipal Corporation of Delhi with Executive Engineer, MCD who appeared through VC.

11. None appeared on behalf of District Magistrate (Central), Delhi. No application for exemption from appearance was received from the District Magistrate (Central), Delhi. Vide order dated 12.10.2022 costs of Rs. 10,000/- on the District Magistrate, Central Zone which were ordered to be paid to the applicant on the next date of hearing.

12. We interacted with DCP, Central Zone who could not inform us about any action taken in compliance with order dated 16.02.2022 passed by this Tribunal in O.A No. 60/2022 titled as *Alka Jain Vs. North Delhi Municipal Corporation & Others* the Executive Engineer,

E. A. No. 24/2022

Alka Jain Vs. NDMC &amp; Ors.

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MCD could not make any communication to us due to some technical problem on his part.

13. Vide order dated 12.10.2022, presence of the District Magistrate and the DCP (Central Zone) and concerned office/in charge of the concerned branch/division of the MCD was ordered and notice was also ordered to be issued to the respondent no. 4-Project Proponent- Mohan Singh requiring him to file his reply **within three weeks**. The DPCC was directed to verify the facts as to who had dumped the construction/demolition materials on the site in question and take appropriate action for imposition of environmental compensation by issuing notice to the person concern and following due process of law and submit its action taken report within six weeks.

14. In compliance DPCC has filed status report vide email dated 15.12.2022, *inter alia* mentioning therein that show cause notices for imposition of environmental compensation have been issued to M/s. Mohan Singh and M/s. Prem, DCP, Central District, Delhi has also file Action Taken Report vide email dated 14.12.2022. Written submissions have also been filed by the applicant vide email dated 15.12.2022.

15. Mr. Mohan Singh-respondent no. 4, has appeared in person and submitted that he did not store any construction material and did not violate any environmental norms and he seeks time to file reply.

16. Ms. Jyoti Mandratta, Standing Counsel, GNCTD has appeared for respondent no. 3-SDM and District Magistrate (Central), Delhi and seeks time to file reply on their behalf.

17. Reply/response be filed by respondents no. 3 and 4 and the District Magistrate (Central), Delhi **within three weeks** by email at

E. A. No. 24/2022

1/c  
Aika Jain Vs. NDMC & Ors.

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judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF;

18. In the course of hearing we have interacted with Mr. Kumar Mahendra, Executive Engineer for MCD who has undertaken to verify the facts regarding storing of construction material on the road and file report in this regard.

19. Report be filed by Mr. Kumar Mahendra, Executive Engineer for MCD within three weeks by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

20. List for consideration on 16.01.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 16, 2022  
AVT