

**BEFORE THE NATIONAL GREEN TRIBUNAL AT DELHI  
PRINCIPAL BENCH  
ORIGINAL APPLICATION NO. 914/2022**

IN THE MATTER OF:

**KAMLESH JONWAL**

**...PETITIONER**

**VERSUS**

**UDAY PUNJ & ORS.**

**...RESPONDENTS**

N.D.O.H.: 31-07-2024

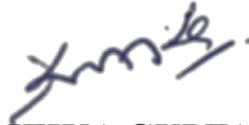
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Dated: 30-07-2024

New Delhi

FILED BY:



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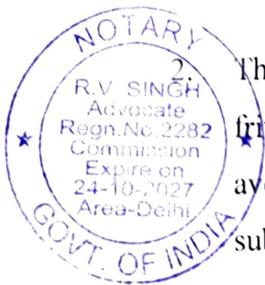
UDAY PUNJ & ORS.

...RESPONDENTS

STATUS REPORT CUM AFFIDAVIT ON BEHALF OF  
RESPONDENT NO. 2/DDA

I, Banarsi Das / o Sh Radhe <sup>Mohar</sup>, Aged about 59 years, working as Dy Dir (New Delhi Zone) office at Delhi Development Authority, INA, Vikas Sadan, New Delhi, do hereby solemnly affirm and state on oath as under: -

1. That I am duly authorised and competent to affirm the present Affidavit on behalf of the Respondent No 2 /DDA, which has been prepared under my instructions. I am fully conversant with the facts and circumstances of the present case on the basis of the records maintained in the office to enable me to file the present Affidavit on behalf of the Respondent No 2/ DDA.



That the Respondent No 2/ DDA disputes and denies as false, frivolous and vexatious all claims, contentions, allegations and averments in the present petition contrary to anything stated or submitted in this Affidavit.

3. That in compliance of Order dated 20-11-2023 passed by the Hon'ble Tribunal in this matter, the Joint Committee conducted a joint site survey of the subject area on 21-11-2023 which included the concerned Revenue Staff of SDM (Vasant Vihar),

AE/SPD-1 (DDA) and Sh. Birender (Habib, Surveyor). After survey of the land, which is subject matter of the case, a TSS plan has been prepared and provided by the Surveyor. The TSS plan duly signed and verified by the Revenue staff of SDM (Vasant Vihar) with respect to the reference point shown by them, Revenue Staff of DDA, AE (DDA) and Surveyor (i.e., duly signed by all members of the Joint Committee) is enclosed herewith as **Annexure R1**.

4. That Joint Committee visited the land in question on 18-04-2024 and took photographs and re-verified the factual position as on date. The report of the Joint Committee duly signed by the officers of DDA, MCD and Revenue Department, GNCTD is annexed herewith as **Annexure R2**.
5. That as per the Status Report dated 13-12-2023 filed by the Respondent No. 2/DDA in the matter, as per TSS plan prepared by the Joint Committee, the position of the land which is the subject matter of case is as follows:

*“Site 01 (Area under Green): This site is adjacent to service road connecting Exit gate (Kaveri Apartment) and Vasant Kunj Road and in the right while going towards Exit gate (Kaveri Apartment). Area measuring 384.88 sqm in Khasra No. 93 and 989.37 sq. in Khasra No. 87 is under Green Belt. Photos of this site is also enclosed.*

*Site 02 (Area under Green): This site is adjacent to service road connecting Exit gate (Kaveri Apartment) and Vasant Kunj road and in the left while going towards Exit gate*



*Boys*

(Kaveri Apartment). Area measuring 1159.648 sqm in Khasra No. 87 is under Green belt. Photos of this site is also enclosed.

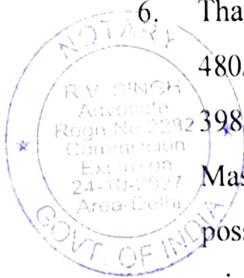
**Site 03 (Area under Pump House, Kaveri apartment):** Area measuring 587.134 sqm is under pump house in Khasra No. 87 min, 88 min & 93 min. Photos of this site is also enclosed.

**Site 04 (Area under Barat Ghar, Kaveri apartment):** Area measuring 1601.024 sqm is under Barat Ghar in Khasra No. 88 min, 89 min and 93 min. Photos of this site is also enclosed.

**Site 05 (Area under DDA market):** Area measuring 1168.020 sqm is under DDA market in Khasra no. 88 min & 89 min. Photos of this site is also enclosed.

**Site 06 (Area proposed for Police Station):** Area measuring 12326.05 sqm in Khasra no. 86 min, 88 min & 67 min is lying vacant at the site and is partly under green. Photos of this site is also enclosed."

6. That as per the land records of the DDA, Khasra No. 480/396/87(3-12), 479/396/87(3-12), 86(9-12), 88(9-17), 398/329/93/2(9-11), 330/93(4-17) and 67(12-03) of Village Masoodpur was acquired vide Award No. 90/80-81 and physical possession of area 08 bigha 02 biswa of Kh.no 67, 398/329/93/2 min(08-09) and 330/93(4-17) was handed over to DDA by LAC/L&B Dept. GNCTD on 29-12-1980 and Khasra no. 480/396/87(3-12), 479/396/87(3-12), 86(9-12), 88(9-17) and 67



POK

min(04-01) was handed over to DDA by LAC/L&B Dept. GNCTD on 21-04-2007. An amount of Rs 17,37,385/- and Rs 10,000,00/- was paid by DDA to L&B Dept. GNCTD against the said award vide cheque no. 908137 & 906691 dated 09-01-1981.

7. That as stated in the earlier submission dated 08-01-2024, it is respectfully stated that –

*“2. The Respondent No. 2/DDA respectfully places the following submissions for the kind consideration of this Hon'ble Tribunal: a. That the land, on which the Barat Ghar, Pump House, Road and Green belt is developed, was taken over physically by the Respondent No. 2/ DDA on 21.04.2007 and 29.12.1980 from the LAC/Land & Building Department, GNCTD. True Copy of possession proceedings dated 04.2007 and 29.12.1980 are enclosed herewith as annexure R1 Colly.*

*b. That the Barat Ghar, the Pump House, Road and the Green belt has been developed by the Respondent No. 2/ DDA after approval of Facilities Plan of Kaveri Apartment by the HUPWCOORDINATION (DDA) in its 284th Screening Committee vide Item no.148 in the year 2009. True Copy of Facilities Plan of Kaveri Apartment is enclosed herewith is Annexure R2.*

*c. That as per said Facilities Plan of Kaveri Apartment:*

*A) total area measuring 3430 sqm was approved for facilities of the Kaveri Apartments, whose further approved area utilization is as under:*



*R.V.S.*

i) total area measuring 1100 sqm was approved for C.S.C (Commercial Shop Centre) and is currently existing as DDA market at site.

ii) total area measuring 1700 sqm was approved for Community Hall and is currently existing as Barat Ghar at the site.

iii) total area measuring 630 sqm was approved for Pump House & UGR and is currently existing as Pump House.

B) total area measuring 3665 sqm was under the Green cover.

C) total area measuring 9360 sqm was under the Road."

Photographs of Barat Ghar, Pump House, Road and Green belt (since 2007 till date) are annexed herewith as **Annexure R3 Colly**.

8. That the green belt on Kaveri Apartments exit gate road, as per record, in 02 patches/ portions, one each on either side of the road, marked as 'A' and 'B' were received by MCD from DDA by way of Handing Over/ Taking Over dated 31-05-2016 for the of purpose maintaining the same as green belt. The inventory register of Handing over/Taking over in this regard showing the said 02 patches portions is already on record. Thus, the protection of the said green belt from encroachment rests with the MCD being custodian of such green belt.
9. That in view of the factual position which has emerged and has been noted down by the Hon'ble NGT in its Orders dated 09-02-2024 and 20-03-2024, the Respondent No. 2/DDA is in the process of filing appropriate application (s), petition (s) before

Rony



the Hon'ble Writ Court to point out the misrepresentation done by the Respondent No. 1 while seeking lapsing of the acquisition award in question by way of WP(C) 6390/2014 before the Hon'ble High Court of Delhi.

*[Handwritten signature]*  
I identified the deponent/Executant who has signed in my presence.

**VERIFICATION:-**

Verified at New Delhi on this 30 JUL 2024 day of July, 2024 that the contents of the above Affidavit are true and correct to the best of my knowledge and based on the official records of the Respondent. No part of it is false and nothing material has been concealed therefrom.

*[Handwritten signature]*

**DEPONENT**

उप निदेशक (भूमि प्रबंधन) / Dy Director (LM)  
नई दिल्ली ज़ोन / New Delhi District  
रॉ. शा. नं. : 303, विकास सदन / DDA, A-303, ~~Area~~ Sadan  
विकास क्षेत्र, नई दिल्ली-110023 / INA, New Delhi-110023

*[Handwritten signature]*

**DEPONENT**

उप निदेशक (भूमि प्रबंधन) / Dy Director (LM)  
नई दिल्ली ज़ोन / New Delhi District  
रॉ. शा. नं. : 303, विकास सदन / DDA, A-303, ~~Area~~ Sadan  
विकास क्षेत्र, नई दिल्ली-110023 / INA, New Delhi-110023



Solemnly affirmed before me read over & explained to the deponent.

*[Handwritten signature]*  
Notary Public, Delhi

30 JUL 2024

811 MAHIPALPUR  
DEHZA MASO

ZOOM LAYOUT

7

REFERENCE POINT-1

REFERENCE POINT-2  
SARHAD MOJA MAHIPALPUR

REFERENCE KHISA

VILLAGE RANGPURI

VILLAGE MASOODPUR

VILLAGE MEHRAULI

GREEN BELT AREA IN  
KHASRA NO 87 IS 069.37Sqm  
& 384.88Sqm in KHASRA NO.93

GREEN BELT AREA IN KHASRA  
NO.87 IS 1199.85sqm

NAVERI APARTMENTS

Legend :-

NAME	DESCRIPTION	NAME	DESCRIPTION
REFERENCE POINT		KHASRA LINE	
BITUMIN ROAD		LAMP POST	
BORE WELL		LEVELS GROUND	
BOUNDARY WALL		MANHOLE	
BUILDING/ ABADI		KHASRA LINE	
CC ROAD		KHASRA NO	

TITLE:-  
TOTAL STATION SURVEY WORK AT VILLAGE  
MASOODPUR

SURVEYOR  
**HABIB SURVEY & DESIGN PVT. LTD.**  
H-45 U.P.S.I.D.C. S.No. C. Greater Noida-201308  
M. 9958788648 Telefax: 0120-4262819

CLIENT  
DELHI DEVELOPMENT AUTHORITY  
SPD-1 DELHI



आज रोज आदेशानुसार पाननीय NDT कोर्ट, फ्र संख्या F.NO.SDM/ 11/2024/371-74 दिनांक 15.04.24 के आदेशानुसार खसरा नम्बर 480/396/87 (3-12), 479/396/87 (3-12), 86 (9-12), 88 (9-17), 67 (4-01) ग्राम - मसूदपुर के संयुक्त सर्वे में D.D.A विभाग से श्री मनोज परवारी L.M. शाखा, व D.D.A Hom. Div-IX से श्रीमती अंजलि Asst. Director, श्री प्रहलाद (S.O) व दिल्ली नगर निगम से श्री मोरम S.O (Homt.), श्री जगमोहन सिंह (NT, MCD) श्री देवेन्द्र सिंह (परवारी, MCD), श्री अमित सिंह (D-Man, MCD) व राजस्व विभाग से श्री अतुल (NT, Vasand vihar), श्री भुवोदा कुमार (परवारी, Vasand vihar) व D.D.A Enys. शाखा की तरफ से TSM/TSS सर्वेयर श्री विरेन्द्र यादव शामिल रहे। D.D.A Enys (SPD-1) से, Election Duty की वजह, AE/SPD-1 मौजूद नहीं मिले।

सभी की उपस्थिति में जो T.S.M सर्वेयर द्वारा नक्शा उपलब्ध कराया गया उसके अनुसार सभी की तराली की गयी। जो दिनांक 20.11.23 को संयुक्त सर्वेक्षण सिफा गया था वह आज दोबारा मौका मिली देखकर निरीक्षण किया गया जो मुताबिक T.S.M/T.S.S नक्शा व राजस्व रिकार्ड अनुसार सुरक्षित पाया गया। भौके के कोटे ग्राफस साथ संलग्न है।

(Binender Yadav)  
HABIB SURVEYOR

*Keer*

18/4/2024

18.04.24

MANOJ TOMER  
PATWARI, LM/ND2, DDA

18/4/24  
*Suresh Kumar*

*Binender Singh*  
18/4/24 MCD

Jagmohan Singh

18/04/24  
-500  
Prabhu Anwar  
ND-1/DDA

18/4/24  
MCD (Homt.)  
*Binender Singh*

Dms  
18-4-2024  
Patwari/MCD  
Derender Singh

*Binender Singh*  
Dman/LEE  
18/4/24

Prabhu?  
Blairton ANJALI SONI  
AD (HOMT. DDA)

18/4/24  
Atul Bhetya NT,  
Vasand vihar.

