

BEFORE THE NATIONAL GREEN TRIBUNAL AT NEW DELHI

ORIGINAL APPLICATION NO. 66/2023

**IN THE MATTER OF: -**

KAMAL TANWAR

.....PETITIONER

VERSUS

M.O.E.F. &amp; ORS.

.....RESPONDENTS

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THROUGH

 *Vrinda Kapoor***VRINDA KAPOOR DEV & VISHAL VAID  
SAUMYA SONI**COUNSELS FOR DDA  
E 27 BASEMENT, SAKET  
NEW DELHI-110017ENROLMENT NO D 1299/2009  
MOB. 9899029387NEW DELHI  
DATED 11/10/2023

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI  
ORIGINAL APPLICATION No. 66 OF 2023

IN THE MATTER OF: -

KAMAL TANWAR

.....PETITIONER

VERSUS

M.O.E.F.& ORS.

.....RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF DELHI DEVELOPMENT  
AUTHORITY RESPONDENT NO. 5

I Deepak Kumar, AGED ABOUT 37 YEARS,  
WORKING AS Dy. Director, LM/52, DELHI DEVELOPMENT  
AUTHORITY, VIKAS SADAN, NEW DELHI-110023, THE DEPONENT  
ABOVE NAMED DO HEREBY SOLEMNLY AFFIRM AND DECLARE  
AS UNDER:-

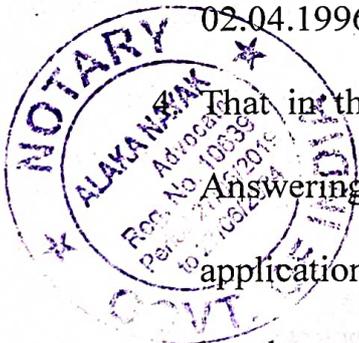
The present Affidavit may be treated as a reply to the Synopsis and List of dates filed by the Petitioner, and it is specifically stated that that all statements as stated by the Petitioner in this petition are totally and specifically denied, unless specifically admitted herein under. I deny each and every assertion made in the said Petition, save and except those that have been specifically admitted.

2. The present short counter-affidavit on behalf of the answering Respondent and reserving my right to file a detailed counter- affidavit and/ or advance

arguments on the rights and obligations created under the various statutes, if the case so warrants.

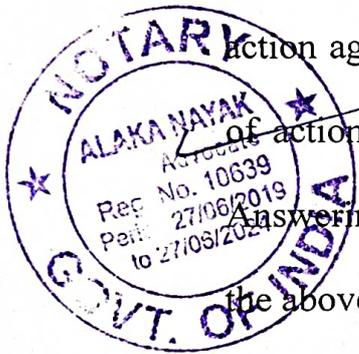
3. That the Petitioner has filed the above application to investigate and issue necessary orders for protection of the reserved forest land and environment which is allegedly being encroached upon by the developers with the assistance of the officials of respondents no 1-5 and issue order of mandamus directing the Respondents to demolish the construction on forest land comprising of Khasra no. 37, 138, 139, 140, 141 & 142 of Village Chhatarpur, Delhi on the assumption that the encroachment on the suit forest property was in violation of notification F-10(42)-I/PA/DC/93/2012-17(I) dated 24.05.1994 & NO.F.I(29)-PA/DCF/95 dated 02.04.1996.

That in the plaint, no cause of action has been made out against the Answering Respondent. It is stated that on a mere perusal of the application, the bald averments against the Answering Respondent are baseless and do not give rise to any of the alleged grievances of the Petitioner. It is relevant to state that the said suit forest land comes under the jurisdiction of respondents 1-4 as the forest department is the land owning agency and has the decision making power pertaining to removal of encroachment etc. This is supported by the report of Special Task Force (STF) as per the duties assigned vide CCF's order no. F.8(118)PA/CF/RUC/Pt.-IV/7709-7723 dated 28.02.2012 on



identification, Total Station Method (TSM) Survey and demarcation of forest land in southern ridge in respect of Chhatarpur Village (Total area of the village: 8758 bigha 4 biswa) of southern revenue district is annexed herein as **ANNEXURE R1**. That the investigation with respect to the alleged unauthorised construction is to be conducted by the respondents no 1-4 and answering department has no role to play and hence, there is no cause of action against the Respondent No. 5.

5. That the Petitioner has by clever drafting created an illusion of cause of action against the Answering Respondent. No valid and subsisting cause



of action has been made out against the Answering Respondent as the Answering Respondent has no role in the said suit forest land. In view of the above, it is most humbly prayed that this Hon'ble Tribunal may kindly

be pleased to direct that the names of the Answering Respondent may kindly be deleted from the array of the parties.

*Alaka Nayak*  
I identified the deponent who has signed in my presence

Deputy Director (LIVESTOCK)  
Delhi Development Authority  
Vikas Sadan, INA, New Delhi-23

**VERIFICATION**

Verified on this 02 AUG 2023 day of August 2023 at New Delhi that the

contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom

S/o, W/o R/o .....  
.....

I identified by Shri / Smt. ....  
.....

Has solemnly affirmed before me at  
Delhi on 02 AUG 2023 at .....

That the contents of the affidavit which have been read & explained to him are true & correct to his knowledge

*Dr. Anurag Kumar*  
.....  
NOTARY

Deputy Director (LIVESTOCK)  
Delhi Development Authority  
Vikas Sadan, INA, New Delhi-23

CONFIDENTIAL

**CAMP OFFICE OF THE SPECIAL TASK FORCE**  
**(SURVEY & DEMARCATION OF SOUTHERN RIDGE)**  
**HAUZ RANI CITY FOREST, M.B.ROAD, SAKET, NEW DELHI**

REPORT OF SPECIAL TASK FORCE (STF) AS PER THE DUTIES ASSIGNED VIDE CCF's ORDER NO. F.8(118)PA/CF/RUC/Pt.-IV/7709-7723 DATED 28/2/2012 ON IDENTIFICATION, TOTAL STATION METHOD (TSM) SURVEY AND DEMARCATION OF FOREST LAND IN SOUTHERN RIDGE IN RESPECT OF CHHATARPUR VILLAGE ( TOTAL AREA OF THE VILLAGE :8758 BIGHA 4 BISWA) OF THE SOUTH REVENUE DISTRICT

**1. Background:**

- Pursuant to the decision taken during the meeting held on 2/2/2012 under Chairmanship of Divisional Commissioner, GNCTD and subsequent CCF's order No. F.8(118)/PA/CF/RUC/Pt.-IV/7709-7723 dated 28/2/2012 a Special Task Force was created for the purpose of identification & TSM Survey & Demarcation of Forest Land in Southern Ridge. Duties and Responsibilities of the Special Task Force(STF) is outlined in the above order dated 28/2/2012. Kanungo & Patwari were posted vide SDM-I(HQ) Order no. F.7/Top/Trf/GA/Estt/DC/07/Pt. File/222 dated 7/2/2012 & Even No. 288 dated 16/2/2012. Forest Officials were deputed vide DCF(HQ) Order No. 8(328)/Forest Land/Plg/2011-12/1204-25 dated 16/2/2012. A HUB has been created at Hauz Rani City Forest from where the Special Task Force is operating.

**2. Methodology adopted:**

- Copy of Masavi of Chhatarpur Village was obtained by Special Task Force (STF) from the Sadar Kanoongo Office at Tis Hazari. Copy of Field Book, Khasra Girdawari, Khatauni / Zamabandi & Sizra was obtained from the South Revenue District.
- Information relating Forest Land as per the Notifications for Protected Forests, Reserved Forests & Other relating Orders and Notifications from the revenue records of Chhatarpur Village were segregated at one place by the revenue officials of STF.
- Mapage Infrastructure Pvt. Ltd., 9/57, Eklavya Vihar, SEC-9, Vasundhara, Gahaziabad TSM Survey team has assisted the STF in carrying out the assigned work for Chhatarpur Village.
- With the help of the TSM survey team the Masavi of the village was digitized. For digitization the measurements & the angles shown in the Masawi were scrupulously followed. Subsequently all the Khasra No. were shown on the same.
- For the purpose of Geo-refrencing & Field Verification/ Ground Truthing of the Digitized Map the members of the STF along with the TSM Survey team carried out an extensive exercise in the Field. TSM Machine and Differential GPS were used in the field to pick up the reference points. Reference points/lines were identified by Halqua Patwari & Field Kanungo of Chhatarpur Village & members of STF. No survey pillar either of Revenue or of Survey of India could be located in the field despite best of efforts but members of STF putting up their best of the field knowledge of the various landmarks/points and linking them with various landmarks/points shown in the masawi carried

out the ground truthing. The digitized map & georeferenced map were reverified to impart it the required accuracy.

- Segregated information from the revenue records regarding the Forest Land were shown/fed against the corresponding khasras in the digitized geo-referenced map of the Village.

### 3. Information on Forest Land vide Revenue Department Notification dated 2/4/1996:

- Persuant to the Orders of Hon'ble Supreme Court of India in IA No. 18 & 22 in Writ Petition (Civil) No. 4677/85 M. C. Mehta V/s Union of India & Others in their order dated 25-1-96 and 13-3-96 directing for excluding the Uncultivated Surplus land of Gaon Sabha falling in "Ridge" from vesting in Gaon Sabha u/s 154 of the Delhi Land Reforms Act, 1954 and to make available for the purpose of creation of Reserved Forests, vide Revenue Department Notification dated 2<sup>nd</sup> April, 1996 total 50,480 Bigha 16 Biswa ( 10517 Acre 10 Biswa ) of 14 Villages mentioned therein were excluded from vesting in Gaon Sabha and were placed at the disposal of the Forest Department of which 225 Bigha 10 Biswa were of Chhatarpur village of South Revenue District.
- Details in respect of the above 225 Bigha 10 Biswa are as follows:

Khasra No	Area		Remarks
	Bigha	Biswa	
138	5	14	
139	4	16	
140	4	16	
141	4	16	
146	6	04	
147	4	16	
148	4	16	
149	4	16	
150	4	16	
151	5	08	
152	4	16	
153	4	16	
154	4	16	
155	4	16	

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Moshorny

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156	4	16	
157	4	16	
160	7	18	
161	6	02	
162	4	16	
163	4	16	
164	3	11	
167	7	00	
168	4	16	
169	4	02	
170	7	00	
171	4	16	
172	4	12	
173	7	04	
174	4	16	
175	4	16	
176	4	16	
177	5	00	
178	2	18	
187	3	03	
197	5	10	
204	6	12	
205	5	06	
208	4	07	
209	5	19	
210	2	12	

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211	7	18	
225	4	17	
226	4	16	
230	5	17	
Total	225	10	

**4. Information on Forest Land Vide Delhi Administration (Revenue Department) Order No. F. 33(8)/87/S.K. /Rev./5949 dated 3/11/1987**

- In exercise of the powers conferred under Section 160 of DLR Act 1954 ( Act No. 8 of 1954) read with Rule 160 of DLR Rules 1954 the Administrator of the Union Territory of Delhi hereby directed the Gaon Panchayat of Village Chhattarpur to reserve the land of the said village consisting of the area specified in the table given below for the works of public utility for purposes of the said act.
- The administrator further directed that the Gaon Panchayat while discharging its duties under Section 156 of the said act, shall place the aforesaid land at the disposal of the Development Commissioner, Delhi for the maintenance and development of Forest and Trees or any other work of public utility for the purposes of the said act which may be specified by the administrator from time to time.
- The administrator also directed that the Dy Commissioner, Delhi shall ensure that the aforesaid directions are fully carried out and complied with by the said Gaon Panchayat.

• **List of the khasra are as follows**

Khasra No	Area		Remarks
	Bigha	Biswa	
28	4	07	
29	4	16	
30	1	08	
31	0	06	
36	2	18	
37	4	16	

*Handwritten signature*  
 H.P.F.C.  
 M. Sharma

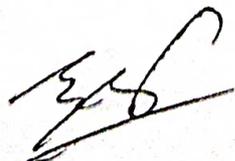
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59	7	01	
89	4	16	
90	4	16	
95	4	16	
96	4	16	
98	5	04	
99	4	16	
100	4	16	
101	4	16	
102	3	18	
103	5	19	
104	7	04	
105	4	16	
106	4	16	
107	4	16	
108	7	08	
109	4	16	
110	4	16	
111	4	16	
112	4	16	
113	4	16	
114	4	02	
115	2	01	
116	5	12	
120	6	16	
121	5	18	

  
 CHD/CA ✓  
 MASHURRY ✓  
 ✓



122	5	00	
123	4	02	
125	4	16	
127	3	04	
128	4	08	
129	4	16	
130	4	16	
131	4	16	
132	4	16	
133	8	02	
134	4	16	
135	4	16	
136	4	16	
137	6	14	
138	5	14	
139	4	16	
140	4	16	
141	4	16	
142	4	16	142/1(2-06) MCD Road
143	4	16	143/1(2-10) MCD Road
144	4	00	144/1(2-0) MCD Road
145	3	18	145/1(0-08) MCD Road
146	6	04	
147	4	16	
148	4	16	
149	4	16	

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*[Handwritten signature]*

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*[Handwritten signature]*

575	2	03	2	03	-	-	2	03	
581	0	17	0	17	-	-	0	17	
609	0	02	0	02	-	-	0	02	
619/67	0	11	0	11	-	-	0	11	
621	2	15	2	15	-	-	2	15	
654	2	00	2	00	-	-	2	00	
838	5	08	5	08	-	-	5	08	
845	1	08	1	08	-	-	1	08	
847	1	12	1	12	-	-	1	12	
937	4	12	4	12	-	-	4	12	
895/1/2	3	13	3	13	-	-	3	13	
1022	0	18	0	18	-	-	0	18	
1377	5	08	5	08	-	-	5	08	
1445	0	7	0	7	-	-	0	7	
Total	600	10	588	04	225	10	594	04	

**8. Morphological Ridge:** One of the duties and responsibilities assigned to the STF vide order dated 28/2/2012 is to identify Morphological Ridge. In absence of any expertise with any member to identify Morphological Ridge the STF is unable to do so. However since DSSDI has digitized the boundary of Morphological Ridge based on a map of CSI on scale 1:250000 which may be superimposed by DSSDI with this Digitized Geo-referenced Map showing forest boundary prepared by the STF.

**9. Preparation of Digitized Geo Referenced Map with Boundary of Forest Land of Chhattarpur Village:**

- The Digitized Geo referenced Map of the village gives Latitude -Longitude of each point. Copy of the same is with the annexed CD.
- Hard Copies of 5 types of Maps of the above Geo-referenced digitized maps showing (i) Digitised & Geo referenced Masavi (ii) Showing Forest Land Covered Under order dated 3/11/1987 (iii) Showing Forest Land Covered Under Notification dated 2/4/1996 (iv) Showing Consolidated Forest Land of the Chhattarpur Village covered under all the

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ADFG  
Mishra

11/02

notification & orders (v) Forest Land of Chhattarpur with Google Image is Annexed with this report.

10. Report submitted for authentication of the Digitized and Geo-referenced map of the Chhattarpur Village showing Forest Land & its boundary by the concerned authorities of South Revenue District & South Forest Division and subsequent updation by DSSDI.



Rakesh Kumar  
Patwari



Leeladhar Sharma  
Patwari



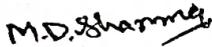
Devi Ram  
Kanoongo



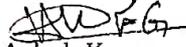
Sanjay Solanki  
Patwari



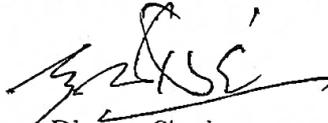
Ram Khilari  
Patwari



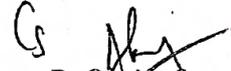
M. D. Sharma  
Kanoongo



Ashok Kumar  
Forest Guard



Dharam Singh  
Dy. Range Office



R. Gopinath  
ACF

No. F.13/STF/HUB/S&D/SR/12/104-119

Dated 25/7/2012

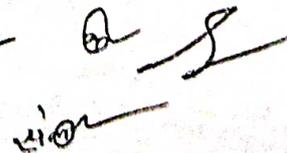
Copy along with five maps & CD having digitized map with forest boundary to:

1. Dy. Commissioner (Revenue), District South, GNCTD, M. B. Road, Saket, New Delhi
2. Divisional Forest Officer, South Forest Division, Dept. of Forest & Wildlife, GNCTD, Tuglaqabad, Near Karni Singh Shooting Range, New Delhi

Copy also to:

1. Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, New Delhi
2. Principal Secretary & Divisional Commissioner, 5- Shamnath Marg, Delhi
3. Principal Secretary (Environment & Forests), 6th Floor, Delhi Secretariat, New Delhi
4. Development Commissioner, 9-Rajpur Road, Delhi-54
5. Addl. Principal Chief Conservator of Forests, Dept. Of Forest & Wildlife, GNCTD, New Delhi
6. Chief Conservator of Forests, Dept. of Forest & Wildlife, GNCTD, New Delhi
7. Conservator of Forests, Dept. of Forest & Wildlife, GNCTD, New Delhi
8. Additional District Magistrate (South)&Forest Settlement Officer, M.B.Road,Saket,New Delhi
9. Director (Panchayat), Old Civil Supply Buildings, Tis Hazari, Delhi-54
10. Project Director, DSSDI, Survey of India, Pushpa Bhawan, New Delhi
11. Chief Engineer, Zone-1, I&FCD,GNCTD, ISBT, Kashmere Gate, Delhi
12. Sub-Divisional Magistrate (Hauz Khas), GNCTD, Old Tehsil Building, Mehrauli, New Delhi
13. Executive Engineer, CD-V, I&FCD, GNCTD, Saidullajai, New Delhi
14. Tehsildar (Hauz Khas),Old Tehsil Building, Mehrauli, New Delhi











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Chandan Kumar <chandanku20@gmail.com>

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**Proof of service**

1 message

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**Chandan Kumar** <chandanku20@gmail.com>  
To: Yadav Kaushal <ADVOSC338@gmail.com>  
Cc: Vrinda Kapoor <vrinda@acelegal.in>

Mon, Oct 9, 2023 at 2:29 PM

Respected sir

Plz find attached

Thanks & regards  
Chandan kumar clerk  
MS. VRINDA KAPOOR ADVOCATE

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 **DocScanner Oct 9, 2023 1-57 PM.pdf**  
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