

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

IN

O.A. No. 1387/2024

IN THE MATTER OF:-

KISHORI LAL

...PETITIONER

VERSUS

GOVERNMENT OF NCT OF DELHI & ORS

...RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 SDM

KAPASHERA.

I, Harshit Saini S/o Sh. Rajendra Kumar Saini aged about 34 years, presently posted as SDM/RA having its office at DC Office Kapashera on the basis of official records maintained by the Govt. of NCT of Delhi do hereby solemnly affirm and declare as under:

1. In pursuant to direction of Hon'ble NGT court order dated 19/03/2025 and 18/04/2025 were issued to carry out the joint inspection by the team consisting the representatives of Revenue Department, Forest Department GNCT of Delhi, Delhi Jal Board and DDA to ensure expediate



remedial action and uniformity in reply in respect of issues of encroachment extraction of ground water and afore station raised in application 1387/2024.

2. That the aforesaid inspection is carried out on 19/04/2025 in pursuant to inspection notice dated 18/04/2025. At the time of inspection the representatives of Forest Department GNCT of Delhi, Delhi Jal Board, DDA and Revenue Department were present and they have visited the land in question situated in village Kharkhari Jatmal. Copy of inspection report Annexed at **Annexure 'A'**.
3. That no any irregularity have been observed during inspection except Khasra No. 4//5, 12, 13, 14, 15, 17, 18, 19 in which a play ground was found which is surrounded by fresh plantation. Further, Road, Toilet and Samadhi was found at Khasra No. 15//3 and 8. The Forest Department revealed that the aforesaid structure had been existed since the time of possession and they have taken over the charge on "**As and where basis**". Further, the extent of residential encroachment in Khasra No. 15//3 can be ascertained after demarcation of aforesaid land.
4. That borewell was found in Khasra No. 8//13 which is adjutant to Khasra No. 8//18. Further, notice for borewell was issued by Executive Magistrate/Tehsildar. However, same doesn't falls under the land in question.



5. That in view of above report and the notification of the urbanization of the village Kharkhari Jatmal no action on the part of Revenue Department is required therefore, it is requested that kindly remove Revenue Department from the array of the respondent.


DEPONENT

VERIFICATION

Verified at New Delhi on this _19_ th day of April, 2025 that the contents of the above affidavit are true and correct; no part of it is false and nothing material has been concealed there from.


DEPONENT

JOINT INSPECTION REPORT DATED 19TH APRIL 2025

In pursuance of the direction of Hon'ble NGT in the matter OA No 1387/2024 titled Kishori Lal Vs GNCTD & Ors, a joint inspection was carried out on 19th April 2025 in Kharkari Jatmal village in the presence of representative of Revenue department, Forest Department, DJB and DDA. In accordance to the direction issued vide order dated 22.02.2025 & subsequent order dated 19.03.2025, 18.04.2025.

During the inspection the following representative was present :-

- Pardeep Kumar Mishra, Tehsildar, Revenue Department
- Vicky Dagar, Range Officer, Forest Department
- Naresh Gulia, DRO, Forest Department
- Rohit Nehra, Forester
- Rajesh, Forester
- Mandeep, Beat incharge
- Manjeet, Beat incharge
- Sonu, Patwari, DDA
- Sandeep Singh, LA, DDA
- Anurag Yadav, Engg, DDA
- Manoj, DJB

During inspection aforesaid mentioned official/officer visited the Khasra No mentioned in aforesaid case. The photograph of aforesaid khasra is attached for ready reference. Further the following observations have been revealed during the said inspection:-

Khasra No	Issue raised in OA	Observations
8/18 as mentioned in OA but as per revenue record same may be treated as 8//18.	<ol style="list-style-type: none"> 1. Half of land is illegally cultivated by land mafia 2. An unauthorised tubewell has been installed water for irrigation and sale, violating water conservative laws. 3. Despite repated complains Forest Department has failed to removed the encroachment. 	<p>No such incident of illegal cultivation has been reported. The area is intact within the boundary of Forest Department and Most of the area is covered with old plantation and only area of measuring approx 400 sqm is covered with fresh plantation which was done has been done by the Forest Department in previous plantation drive held in February 2025. Further no borewell has been found in forest land. (A borewell was found in Khasra No 8/13 which is adjacent to 8/18. Notice in this regard has been issued to the concerned</p>

[Signature]
19/04/25
Teh (KH)

[Signature]
19/04/25
D.R.O Forest

[Signature]
Vicky
19/04/25
RFO, Forest
19/04/25
DDA - Patwar LM, DDA

[Signature]
19/04/25

15/2 as mentioned in OA but as per revenue record same may be treated as 15//2	<ol style="list-style-type: none"> 1. Entirely under illegal cultivation. 2. No tree have been planted and the absence of boundary wall has laid to present encroachment. 	<p>violator. Copy enclosed.)</p> <p>The area is intact under the boundary from East and North side. However wire fencing has been done in West and South side of aforesaid Khasra.</p> <p>The area is fully covered with plantation done by the Forest Department.</p>
15/3 & 15/8 as mentioned in OA but as per revenue record same may be treated as 15//3 & 15//8	<ol style="list-style-type: none"> 1. Unauthorised residential and commercial structures have been done on the said plot. 2. Encroacher have erected permanent building violating the forest conservation act 1980. 	<p>Road, Toilet and Samadhi had been built on Khasra No 15/3 & 15/8 before handover of the said land to the Forest Department and Forest department has taken charge of aforesaid land on as and where basis. As regard unauthorised commercial and residential structure it is important to bring into the knowledge that same can be ascertain after demarcation of aforesaid land after direction of Hon'ble Court.</p>
19/2 as mentioned in OA but as per revenue record same may be treated as 19//2	<ol style="list-style-type: none"> 1. Previously planted uprooted by the encroacher 2. The land is used for illegal animal husbandry with cattle rearing facility established on the plot. 	<p>The encroachment removal drive has been already done by the Forest Department and fresh plantation has been done. (photo attached)</p>
4/5, 4/12, 13,14,15,17,18,19 as mentioned in OA but as per revenue record same may be treated as 4//5, 4//12,13,14,15,17,18,19.	<ol style="list-style-type: none"> 1. Tree were planted on 8/02/2018 as the part of aforestation. 2. None of the tree survived today due to uprooting by the encroacher and neglect by the Forest Department. 	<p>During visit a playground was found and surrounding area is covered with fresh plantation except in Khasra No 4/5 which is fully covered with old plantation. Recently Local people assembled at the ground and opposed the plantation drive carried out by the Forest Drive on 16.04.2025. During today's inspection the inspection team faced the resistance the local residents.</p> <p>Inspite of aforesaid situation forest department has deputed their official to keep</p>

[Signature]
19/04/25
Teh (KH)

[Signature]
19/04/25
D.R.O Forest

[Signature]
19/04/25
RFO Forest

[Signature]
19/04/25
Patwari (KH) Forest

		vigil at the ground for 24X7 for protection of fresh and old plantation.	
--	--	--	--

Conclusion:- During the inspection it was observed that Forest Department is conducting plantation drive on regular intervals as per procedures and norms. Further demarcation is required to ascertain the encroachment in Khasra 15/3 and 15/8.


19/04/25
Teh (KH)


19/04/25
D.R.O. Forest

Licky
19/04/25
RFO, Forest


AE DSB
Pawan / LM / DSB

Anil
19/04/25
DPA

ATTENDANCE SHEET

66

NGT Matter (village - Kharkhari Satmal)

①	Vicky Dagar, RFO, Forest Dept		7838296644	Vicky
②	Naresh Gupta, D.A.O.	"	9990372307	Nare
③	Rohit Nehra (Forester)	"	9560203422	Rohit
④	Rajesh Forester	- do -	800453139	Rajesh
⑤	Mandeep	forester		Mandeep
⑥	Manjeet	Forest		Manjeet
⑦	Somy	Patwar/AM/SWL/DDA	8287789024	Somy
⑧	Sandeep Singh	LA/SWL/DDA	9419992329	Sandeep Singh
⑨	Anurag Yadav	evgg/DDA	896090823	Anurag
⑩	Manoj K Sharma	DSB	9150888215	Manoj