

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.& ORS.

.....RESPONDENTS

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THROUGH

**VRINDA KAPOOR DEV & VISHAL VAID
SOUMYA SONI**COUNSELS FOR DDA
E 27 BASEMENT, SAKET

NEW DELHI-110017

ENROLMENT NO D 1299/2009

MOB. 9899029387

NEW DELHI
DATED 09/10/2023

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

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KAMAL TANWAR

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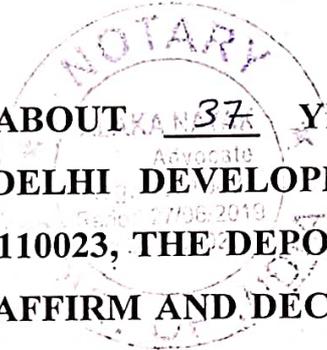
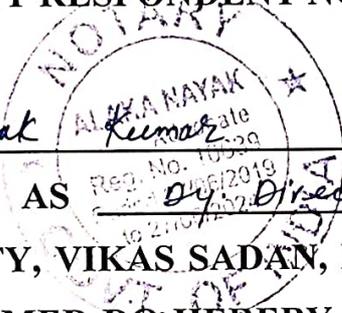
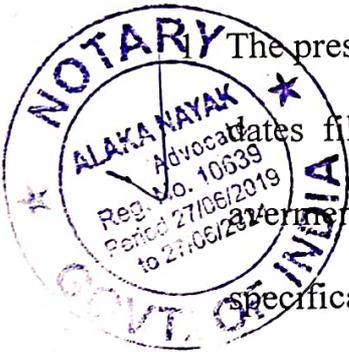
.....RESPONDENTS

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

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

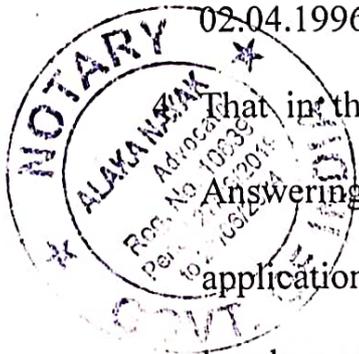
The present Affidavit may be treated as a reply to the Synopsis and List of dates filed by the Petitioner, and it is specifically stated that that all averments as stated by the Petitioner in this petition are totally and specifically denied, unless specifically admitted herein under. I deny each and 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 statues, 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.



[Handwritten signature]

Deputy Director (INVEST-II)
 DEPENDENT
 Delhi Development Authority
 Vikas Sadan, INA, New Delhi-23

[Handwritten signature]
 I identified the deponent who has signed in my presence

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 *[Handwritten name]*

I identified by Shri *[Handwritten name]*
 Has solemnly affirmed before me at

Delhi on 02 AUG 2023
 That the contents of the affidavit which have been read & explained to him are true & correct to his knowledge

[Handwritten signature]

Deputy Director (INVEST-II)
 DEPENDENT
 Delhi Development Authority
 Vikas Sadan, INA, New Delhi-23

NOTARY

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Chandan Kumar <chandanku20@gmail.com>

Proof of service

1 message

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

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