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

Original Application No. 339/2023

**In the matter of:**

Deepti Gupta

Applicant

Vs.

Ministry of Environment and Forest and Climate Change & Ors.

Respondent(s)

**DOCUMENTS ON BEHALF OF STATE OF HARYANA IN  
COMPLIANCE OF ORDER DATED 19.07.2024**

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Engineer-in- Chief  
Irrigation and Water Resources Department  
Haryana, Chandigarh

Dated: 31.07.2024

484

O.A. No. 339/2023- titled as "Deepti Gupta Vs. Ministry of Environment and Forests and Climate Change and Others".

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From: hod special (hodspecial@yahoo.com)

To: csdelhi@nic.in

Date: Friday 19 April, 2024 at 08:32 pm IST

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Please find herewith the minutes of meeting O.A. No. 339/2023- titled as "Deepti Gupta Vs. Ministry of Environment and Forests and Climate Change and Others".

[Yahoo Mail: Search, organise, conquer](#)



Minutes O.A. No. 339 of 2023.pdf  
414.1kB



Letter OA No 339.pdf  
284.2kB

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From

The Additional Chief Secretary to Govt. Haryana  
Irrigation & Water Resources Department

To

The Chief Secretary to Government of NCT of Delhi  
New Delhi

Memo No. 101/9A

Dated 19.04.2024

**Subject: O.A No. 339 of 2023 titled as Deepti Gupta Vs. Ministry of Environment & Forest and Climate Change and others.**

Kindly refer to the subject noted above.

The above mentioned matter has been discussed in detail in a meeting chaired by the Chief Secretary, Haryana with the officers of the Environment, Forests & Climate Change Department, Irrigation & Water Resources Department and Revenue & Disaster Management Department on 18.04.2024 with reference to the decisions taken in the meeting held by the Chief Secretary Govt. of NCT of Delhi on 28.03.2024. The record of discussion of the said meeting on 28.03.2024 cannot be considered to be appropriate so far as they relate to the State of Haryana. The deliberations held in the meeting chaired by the Chief Secretary, Haryana on 18.04.2024 are enclosed herewith for your kind perusal wherein the complete justification has been given with regard to the position of the State of Haryana.

You are, therefore, requested that while preparing the action taken report of the Joint Committee, to be submitted to the Hon'ble NGT, position of the State of Haryana as expressed in the minutes of the meeting held on 18.04.2024 may please be incorporated suitably as the State of Haryana is not in a position to amend/alter/edit the minutes of the meeting held on 28.03.2024 being a hard/pdf copy.



Engineer-in-Chief-I&WR  
for Addl. Chief Secretary to Govt. Haryana  
Irrigation & Water Resources Department

**Minutes of the Meeting held on 18.04.2024 at 11:00 AM in Chief Secretary's Committee Room, 4<sup>th</sup> Floor, Haryana Civil Secretariat under the Chairmanship of Chief Secretary, Haryana in compliance of orders passed by Hon'ble NGT on 14.02.2024 in O.A. No. 339/2023- titled as "Deepti Gupta Vs. Ministry of Environment and Forests and Climate Change and Others".**

List of participants is annexed as **Annexure-A**.

A meeting was held under the Chairmanship of Chief Secretary, Haryana to deliberate upon the order of Hon'ble NGT passed on 14.02.2024 in O.A. No. 339/2023 titled as "Deepti Gupta Vs. Ministry of Environment and Forests and Climate Change and Others" vide which a Joint Committee comprising of duly authorized and empowered representatives of (i) Chief Secretary, Government of NCT of Delhi, (ii) Chief Secretary, Government of Haryana, (iii) Vice Chairman, DDA was constituted and the following officers themselves-Engineer-in Chief, Irrigation and Water Resource Department, Government of Haryana, Commissioner, Municipal Corporation of Delhi, Chief Executive Officer, Delhi Jal Board, Chief Executive Officer, Delhi Urban Shelter Improvement Board and Member Secretary, DPCC to look into the grievances made in the application, observations made in the report of the Joint Committee and to take appropriate remedial action. The Joint Committee may co-opt any expert or other officer concerned and may also appoint a sub-committee of officers. The requisite remedial measures be taken by taking into consideration all relevant aspects including the aspects as to whether the land in question which has been encroached upon under JJ Cluster has been notified as forest area by Government of Haryana, as to whether the encroachers are liable to be removed without any rehabilitation/resettlement at some other place or whether they are entitled to the benefit of rehabilitation policy of Government of Haryana and Government of NCT of Delhi and the remedial measures required to protect the canal and to ensure compliance with the Solid Waste Management Rules, 2016 and the Water (Prevention and Control of Pollution) Act, 1974. The Joint Committee was

directed to submit its Action Taken Report and the respondents No. 1, 5 to 16 were directed to file their responses.

In pursuance thereto, the Chief Secretary, Government of NCT of Delhi convened a meeting on 28.03.2024 with the officers of concerned department including the officers of Water Resources Department, Haryana for ensuring compliance of the aforesaid orders of the Hon'ble National Green Tribunal. Wherein, the matter regarding (i) discharge of Sewage coming out of Jhuggi Cluster, Open Defecation into the open green area adjacent to Block CA, Shalimar Bagh Delhi which have become sewage pond, and (ii) Jhuggi Cluster is established and propagated on land belonging to Haryana which is adjacent to fresh water canal, which is now abandoned and is being used to dump part of sewage of Jhuggi Cluster. The said meeting was attended by Sh. Birender Singh, EIC-Irrigation and Water Resources Department, Haryana. The Delhi Pollution Control Committee vide email dated 15.04.2024 has conveyed a copy of minutes of the meeting dated 15.04.2024 held under the Chairmanship of Chief Secretary Govt. of NCT of Delhi. The decision taken in the said meeting are as under:-

1. *A joint survey shall be conducted by DUSIB and Delhi Jal Board for internal drainage system for the said jhuggi cluster and to workout connectivity of sewage generated from jhuggi cluster to DJB sewerage system within one month.*
2. *Delhi Jal Board, shall connect all the outfalls of Sewerage and wastewater of Jhuggi cluster to the nearby Sewage Treatment Plant and ensure 100% treatment of sewage and wastewater through Decentralized Sewage Treatment Plants (DSTPs) and the same shall be completed within three months*
3. *Representative of Government of Haryana assured to grant 'No Objection Certificate' on priority whenever it is requested to by DUSIB and DJB for laying new sewer line or by reconstruction of*

*existing for proper disposal of domestic waste water being generated from JJ cluster.*

4. *Representative of Haryana Government was also requested to submit information as the Protected Forest notified by them on 6th March, 1972 and action to be taken as per rule and court orders.*
5. *Irrigation and Water Resources Department, Government of Haryana and Delhi Urban Shelter Improvement Board Govt. of NCT of Delhi (DUSIB) shall conduct a survey for the details of encroached area in question, number of JJ dwellers at present and to find actual number of eligible JJ dwellers for rehabilitation. DUSIB shall prepare a detailed action plan including estimated expenditure to be incurred for rehabilitation of eligible jhuggi dwellers and shall submit the said plan to Haryana Government within three months (03 months).*
6. *After realization of the fund from Government of Haryana, DUSIB shall take action for rehabilitation of all eligible jhuggies and vacate the encroached land in question.*
7. *Irrigation and Water Resources Department, Govt. of Haryana is requested to bear all the expenditure incurred during rehabilitation being a land owning agency (i.e. Government of Haryana) as per DUSIB policy.*
8. *Delhi Urban Shelter Improvement Board (DUSIB), Govt. of NCT of Delhi and Government of Haryana shall take all necessary measures to protect further encroachment in and around the said site in order to protect the said canal.*
9. *Irrigation and Water Resources Department, Govt. of Haryana agreed to one time exercise of cleaning up the canal at the earliest and thereafter Municipal Corporation of Delhi shall remove all the municipal solid waste near the said site and drain and shall maintain the local cleanliness in future.*

The PCCF informed that the State Govt. vide notification dated 06.03.1972 notified the land in question as protected forest under the provisions of Section 29 of the Indian Forest Act, 1927. He further informed that the Jhuggi dwellers have encroached upon the said land. He has further informed that as per provisions of the Forest (Conservation) Act, 1980, no forest land can be used for any non-forest purpose and it cannot be assigned by way of lease or otherwise to any person or to authority or corporation etc. without prior approval of the Central Government. Therefore, NOC cannot be given to DUSIB for the construction of fresh Jan Suvidha Complex/Toilets.

EIC-Irrigation explained that the State of Haryana will not pay any funds to the Govt. of NCT of Delhi for rehabilitation of JJ Cluster as it is the responsibility of Delhi Govt. to remove the encroachment. Similarly, the State of Haryana would not be a party to survey the encroached land in question with any agency of NCT of Delhi. He further submitted that the State Govt. of Haryana while filing reply before NGT has undertaken to grant NOC for laying sewer lines as per Haryana Govt. Policy. Therefore, the State Govt. may consider the grant of this NOC in terms of Policy of the State Government. He also informed that the internal clearance of the portion of canal, as a onetime measure may be considered by the State of Haryana and thereafter, it will be responsibility of DUSIB to remove solid and liquid waste of this JJ cluster regularly, till the removal of encroachment from the protected forest.

After due deliberations the following decisions were taken:-

1. The Forest Department shall initiate the prosecution against the encroachers before the competent Court of law.
2. The Irrigation and Water Resources Department being land owning agency shall take suitable action under PP Act for eviction of encroachers from this land.

3. Since, the encroached land is protected forest, the State of Haryana shall not be a party to the survey of the encroached land with any agency of Govt. of NCT of Delhi, and hence no cost of survey of slums or rehabilitation of slum dwellers can be borne by the State of Haryana.
4. The State of Haryana shall not give any NOC to DUSIB or DJB for construction of additional Jan Suvidha Kainders/Toilets as that will amount to further encroachment of the protected forest land. However, NOC can be considered for laying sewer lines from the shortest possible route connecting the nearby drainage system on a temporary system to facilitate the shifting of slum dwellers.
5. The Irrigation and Water Resources Department, Haryana would undertake internal clearance of the portion of this canal as a onetime measure. The Govt. of NCT of Delhi is requested to make arrangements for dustbins, waste collecting equipments so that the canal is not polluted further.
6. The State of Haryana has already filed a reply dated 20.12.2023 before NGT in response the order dated 02.11.2023 passed by NGT. In case Hon'ble NGT further directs the State Govt. to file any response/report the same shall be filed.
7. The Counsel for the State of Haryana shall be instructed to brief the Hon'ble NGT in the above terms.
8. A copy of minutes of this meeting be also forwarded to the Chief Secretary Govt. of NCT of Delhi to mention the position of the State of Haryana accordingly in the Joint Committee's Report.

Meeting ended with a vote of thank to all the participants.

**Annexure-A****List of Participants**

1	Sh. T.V. S.N. Prasad IAS	Chief Secretary, Haryana (In Chair)
2	Sh. Anurag Rastogi, IAS	ACS, Finance & Planning (Irrigation & WRD Link Officer-I) through VC
3	Sh. Anand Mohan Sharan, IAS	ACS, Environment, Forest & Wildlife Department
4	Sh. Pankaj Goyal	P C C F (HOFF)
5	Sh. Suresh Dalal	P C C F (Forestry)
6	Sh. Birender Singh	EIC, HoD (S)/I&WRD
7	Sh. J.P. Singh	Senior Environmental Engineer
8	Sh. Anil Bhardwaj	District Attorney office of CS
9	Sh. Tarun Agarwal	SE, Delhi/I&WRD

## पब्लिक नोटिस

सर्व झुग्गी निवासी, शालीमार बाग व हैदरपुल पुल पर आपके द्वारा/ मातहत दवारा/ नुमायन्दों दवारा दिल्ली सब ब्रांच/दिल्ली टेल नहर (शालीमार बाग व हैदरपुल पुल) के साथ लगती वन विभाग, हरियाणा की नोटिफाईड फॉरेस्ट पर अवैद्य रूप से झुग्गी/झोपड़ी का निर्माण व कब्जा किया हुआ है। इस भूमि में किसी भी प्रकार का छेड़छाड़, वृक्ष कटाई, चारदीवारी, भवन निर्माण या किसी भी प्रकार के गैर-वानिकी कार्य करना कानून संगत नहीं है। इसलिए आप द्वारा किया गया निर्माण अवैद्य निर्माण की श्रेणी में आता है। आप द्वारा इस तरह FCA-1980 व भारतीय वन अधिनियम-1927 की, उल्लंघना की गई है।

अतः आपको नोटिस जारी करते हुए निर्देश दिए जाते हैं कि आप तुरन्त वन भूमि पर किए गए सभी तरह के अवैद्य निर्माण/कार्य को नोटिस की तिथि के 15 दिन के अन्दर-अन्दर उसे पुनः अपनी वास्तविक स्थिति में बहाल करें। यदि आपके पास इस निर्माण से सम्बन्धित किसी तरह के वैध सरकारी दस्तावेज हैं तो उन्हें वन मण्डल कार्यालय, सोनीपत में प्रस्तुत करें। अगर आप द्वारा अवैद्य निर्माण/कार्य नहीं हटाया गया तो आपके खिलाफ नियमानुसार कार्यवाही अमल में लाते हुए बिना किसी आगामी सूचना के इस अवैद्य निर्माण को ध्वस्त कर दिया जायेगा। जिस पर आने वाले खर्च की वसूली भी आपसे की जायेगी।

दिनांक: 20/04/2024

  
Block Forest Officer  
Bawana (Sonipat)

C-E / yws (S)  
Bair  
29/4/24

**OFFICE OF**  
**Dy. Conservator of FOREST, SONEPAT**  
**Forest Department, Government of Haryana**

Gohana road, Near Aapada Bhavan, Sonapat, Phone/Fax – 0130-2222933, E-mail- [dfosonipat@yahoo.co.in](mailto:dfosonipat@yahoo.co.in)

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No. 191

Date: 22/04/24

To  
Deputy Commissioner (North West),  
Office of District Magistrate,  
Kanjhawala, Delhi (Phone-011-25953785, E-Mail-dcnwenic.in)

Subject: Regarding removal of encroachment from **Forest Area** of Delhi Tail  
(Delhi Sub-Branch) at RD 59000 to 59300 (near CA Block, Shalimar  
Bagh, Delhi).

Sir,

You are aware that the Forest Area mentioned in above noted subject has been encroached and a jhuggi cluster has come up in violation of section-29/ 32 of Indian Forest Act, 1927 (IFA) and section-2 of Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980 (VSSA). The offence is punishable under section 33 of the Indian Forest Act, 1927 (IFA) and section 3A of the Van (Sanrakshanevam Samvardhan) Adhiniyam, 1980 (VSSA).

The subject area of Canal named Delhi Tail on either side of flowing water course is a Protected Forest notified by the State Government of Haryana vide Notification No. S.O.44/C.A.16/27/S.29/72 Dated 6<sup>th</sup> March, 1972. The said Notification has been made by the State Government of Haryana under provision of section-29 of the Indian Forest Act. The Section-29 of IFA is reproduced as under –

- (1) The State Government may, by notification in the Official gazette, declare the provision of this Chapter applicable to any forest-land or waste-land which, is not included in a reserve forest but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of forest produce of which the Government is entitled.

- (2) The forest-land and waste-land comprised in any such notification shall be called as a "protected forest"

The Indian Forest Act is a Central Act and its Section-29 empowers a State Government to notify any land as Protected Forest which is in its ownership. That the land of Delhi Tail Canal is under the ownership of the State of Haryana (in Irrigation Department) and hence, this Government is the competent Government to make notification of the subject area as Protected Forest.

Further that, the Canal is running in territory of NCT Delhi. The Canal was constructed by the State of Haryana to meet water requirements of Delhi long years ago.

It is brought into your kind notice that the Hon'ble Supreme Court vide its Order dated 23.07.2021 in the matter of Municipal Corporation, Faridabad versus Khori Gaon Residents Association & Others (in SLP No. 7220-7221/2017) has directed the State Government of Haryana for removal of all unauthorized structures on forest lands (copy enclosed). The relevant portion of the said Order of Hon'ble Apex Court is reproduced as under –

*'Needless to observe that the direction to remove all unauthorized structures standing on the forest land applies to "all" unauthorized structures without any exception.....'*

It becomes amply clear that the above said two Forest Laws and the Order of the Hon'ble Supreme Court require removal/eviction of the encroachment from the forest land without any exception. Further, it is pertinent to mention here that for evicting encroachment from forest land no rehabilitation policy is applicable.

It is also pertinent to mention here that the Forest Area under encroachment is falling in area of NCT, Delhi and therefore, the authorities for Law and Order and other State Instruments mandated to prevent unlawful activities including encroachments. In view of this stated position, the responsibility for evicting the encroachment rest with the government of NCT, Delhi and the role and responsibility of the relevant authorities of State Government of Haryana is to provide the needful assistance to the authorities of NCT, Delhi.

It is brought into your kind attention that earlier also the authorities of Irrigation Department, Government of Haryana have been requesting your office for removal of encroachments from subject land. One such communication of Executive Engineer dated 26.09.2016 is enclosed herewith. The requests of authorities of Haryana Government have so far remained pending at your end probably for reason and belief that the evicted persons will have to be rehabilitated under the rehabilitation policy of Government of NCT, Delhi. It has already been explained above that the rehabilitation policy is not applicable for encroachments in this case because the subject land under encroachment is a Forest Land.

It is therefore requested to remove the subject noted encroachments from Forest Land so that the above said Order of Hón'ble Supreme Court dated 23.07.2021 is complied with.

Your's faithfully,

  
(Deputy Conservator of Forest) *mc*

No - 192 - 193

Dated - 22/04/24 Sonipat.

A copy of above is forwarded to the following for information and necessary action.

1. The Principal Chief Conservator of Forest (HoFF), Haryana, Panchkula.
2. Sh. Birender Singh, EIC, Irrigation and Water Resources Department, Haryana, Chandigarh.

  
(Deputy Conservator of Forest) *mc*  
Sonipat.



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**IRRIGATION & WATER RESOURCES DEPARTMENT, HARYANA**  
**OFFICE OF THE EXECUTIVE ENGINEER, DELHI WATER SERVICES DIVISION,**  
**3-SHAM NATH MARG, DELHI-110054, PH: 011-23968809, Email- xen-wsdel.irr@gov.in**

**Court Case/Most Urgent**

No. 1380 - 83 / 109-G

Dated: 23 / 04 / 2024

To

The Legal Cell,  
Haryana Bhawan,  
New Delhi.

**Subject:- Request for engagement of Advocate for filing of petitions under PP Act- reg.**

A meeting was held under the Chairmanship of Worthy Chief Secretary, Haryana on 18.04.2024 in compliance of orders passed by Hon'ble NGT on 14.02.2024 in O.A. No. 339/2023 titled as Deepti Gupta Vs MOEF & Others. Minutes of said meeting are enclosed. As per decision of Worthy Chief Secretary, Haryana; I&WRD being land owning agency is to take suitable action under PP Act for eviction of encroachers from this land. It is, therefore, requested to appoint an Advocate for this matter so that petitions can be filed before Competent Court of Law as per applicability of PP Act in this matter.

An urgent action is requested.

DA/As above  
(7 No. Pages)

  
Executive Engineer, 23/4/2024  
Delhi Water Services Division,  
3-Sham Nath Marg, Delhi - 110054

Letter 06.03.2019

Copy to:

1. The Superintending Engineer, YWS Circle, Delhi for kind information please.
2. SDO, Delhi W.S. Sub Division, Delhi for information and necessary action.
3. SDO, Liaison & Estate Sub Division, Delhi for information and necessary action.

From

The Advocate General, Haryana,  
Chandigarh.

To

District Attorney  
Haryana Legal Cell, Haryana Bhawan  
New Delhi

Memo. No. Spl-II

Dated Chandigarh, the 28.04.2024

**Subject: Revised Allocation of cases to the Law Officers/Advocates.**

In reference to your Memo No. 355/DA/HLC/2024, dated 23-04-2024, I am directed to inform you that the allocation of the below mentioned fresh case is made to the Law Officers/Advocates as under:-

Sl. No.	Case No.	Title	Nature of cases	Department	Remarks
1.	O. A. No. 339 of 2023 ( 100339 ) <i>NGT Court New Delhi</i>	Deepthi Gupta Vs Ministry of Environment & Forest and Climate Change and others	Civil	Irrigation & water Resources Department Haryana	<b>Sh. Lokesh Sinhal,</b> <b>Sr Addl. AG with</b> <b>Sh. Rahul</b> <b>Khurana,</b> <b>Advocate</b>

Sd/-

Private Secretary to,

Advocate General, Haryana



IRRIGATION & WATER RESOURCES DEPARTMENT, HARYANA  
OFFICE OF THE EXECUTIVE ENGINEER, DELHI WATER SERVICES DIVISION,  
3-SHAM NATH MARG, DELHI-110054, PH: 011-23968809, Email- xen-wsdel.irr@gov.in

No. 2614 / 1109-67

Dated: 19 / 07/2024

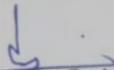
To

The Executive Engineer/C-11,  
Delhi Urban Shelter Improvement Board,  
Govt. of N.C.T. of Delhi  
Rana Pratap Bagh, Delhi-110007

**Subject:-** Request for providing list of residents with house numbers residing in JJ Cluster, CA Block situated on Delhi Sub Branch, Shalimar Bagh.

This is in continuation to this office letter No. 1287-89/1-W Dated 18.04.2024. In this regard, it is submitted that OA No. 339/2023 is pending before Hon'ble NGT which is regarding pollution from subject cited JJ Cluster. Therefore, list of residents is required for taking further action in this matter. You are requested to provide the same at the earliest as basic civic amenities to the cluster are provided by DUSIB.

This is for your kind information and further necessary action please.

  
Executive Engineer,  
Delhi Water Services Division,  
Delhi.