

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

**O.A. No. 922 / 2024**

**IN THE MATTER OF:**

Residents' Welfare Society, Shyam Kunj, New Delhi

**...Applicant**

AND

Govt. of NCT of Delhi & Ors.

**...Respondents**

**D.O.H. 28.02.2025**

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Place: New Delhi

Dated: 24.02.2025

Filed by:

  
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Versus

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**OBJECTION ON BEHALF OF APPLICANT TO THE STATUS  
REPORT DATED 07.11.2024 OF THE JOINT COMMITTEE**

TO

THE HON'BLE CHAIRMAN

AND HIS COMPANION MEMBERS

OF THE HON'BLE NATIONAL GREEN

TRIBUNAL, NEW DELHI

MOST RESPECTFULLY SHOWETH:

1. That the instant objection is being filed on the behalf of applicant to the Status Report dated 07.11.2024 filed by the Joint Committee before this Hon'ble Tribunal. The contents of said status report show that it is based on the suppression of material facts, documents, Govt. reports and notifications etc. in order to mislead this Hon'ble Tribunal; it does not reflect the true factual status of the natural drain. Moreover, the Joint Committee has not said anything against truthfulness of the allegations made in the O.A. by the applicant which amounts to its deemed acceptance.

2. That the perusal of aforesaid status report of Joint Committee is full of material contradiction and also of material concealment of admitted facts; the instant status report of Joint Committee deliberately contradicts the contents Delhi Govt. Inter-Departmental Report dated 05.10.2028 (Annexure-A4) and also of the two quasis Judicial Orders of the then SDM (Kapashera) dated 05.12.2018 and 12.04.2024 (Annexure-A5 Colly.) which clearly show that natural drain was in existence since time immemorial and is situated on *Gram Sabha* land. The then SDM gave his direction on 05.12.2018 stating therein among other things as under,

**“Now therefore, I, Manoj Kumar Pandey, SDM (Kapashera) hereby direct Sh. Veer Singh S/o Chander Singh r/o H. No. 57, village Goyla Khurd New Delhi, under section 133 (a) of Cr. PC to take immediate note for cleaning /repairing the natural sewage drain existing in the Kh.No.38 & 39 in Village Goyla Khurd and it may also be ensured that a continuous smooth flow of drainage water must be maintained in the natural drain.”**

Later on, another the then SDM (Kapashera) gave direction on 12.04.2024 stating therein among other things as under,

**Whereas, it is observed that there is unauthorised construction / activity /plotting on the agricultural land on the land bearing Kh. No. 38-Min (0-19) situated in the revenue estate of village Goyala Khurd, New Delhi.**

X

X

X

**You, your associates, workmen etc. are hereby restrained from doing any unauthorized activity/construction on the above said land and status quo shall be maintained till further Order. You are further directed to stop/remove the illegal activity/construction/structure within 07 days from the date of issue of this notice.**

The above said material fact was not considered by the Joint Committee in its Report. Unfortunately, there is not a single line about the existence of natural drain in the Joint Committee Report.

3. That as per the *Fard (Annexure-A3 Colly. )* dated 17.02.2007 issued by the revenue department, South-West, Kapashera, New Delhi, the natural drain is situated in Khasra No.38-Min, Goela Khurd village which is a Govt. Land i.e *Sarkar Daulatmadar*. The contents of this document have not been denied nor it has been taken into consideration by the instant Joint Committee rather this document was completely and deliberately ignored in order to help the land grabbers/encroachers on the natural drain. Unfortunately, the earlier stand of predecessor of SDMs about the nature and status of natural drain have been completely misplaced and ignored by the current SDM without any substance / verification of facts. The revenue department has fraudulently muted the natural drain in favour of land grabbers without verifying any ownership documents which have been deliberately placed in instant Status Report of Joint Committee in order to mislead this Hon'ble Tribunal.
4. That the aforesaid Govt. Inter Departmental Inquiry Report dated 05.10.2018 (**Annexure-A4**) consisted of members such as Asst. Engineer MCD (Najafgarh Zone, Asst. Engineer, SW- 2, Delhi Jal Board, Tehsildar (Kapashera), Revenue Department (SW) and Executive Engineer (CD-1) Irrigation and Flood Control Deptt. who personally visited and signed by them. As per the said Report of 2018, total area of the natural drain is approx. 450 meters in length and 15 meters in width; said Inter Departmental Inquiry clearly observed,

**“The existence of the drain could be revealed even from Award 1991 of the year 1964 as a low laying “Dehar”. It means there never any cultivation on this land carried out and it is natural depression / drain to discharge the water from catchment area.”**

The aforesaid Inter Departmental Inquiry of 2018 also observed that the present drain is of natural existence and its existence should not be altered otherwise it would result flood like situation in Goela village and adjoining unauthorized colonies in the event of heavy rain /down pour; the said Committee further suggested that trees and existing shrub on the banks of drain should be declared “deemed forest area” by the Forest Department; it also suggested,

**“Warning Sign Board installed in the land of drain to restrain to any construction or alteration in the drain.”**

The said Committee further recommended,

**“Since, the drain passes through agricultural fields and no cultivation over this land ever and being used for public purpose, the revenue department may consider the drain to declare as “Gram Sabha Land”.**

However, the Status Report of Joint Committee dated 07.11.2024 deliberately ignored the aforesaid Govt. Inter Departmental Inquiry Report 05.10.2018 and did not say anything about it.

5. That the aforesaid status report of Joint Committee is incomplete and unreliable as the separate reports of DPCC and CPCB as both the reports are unsigned ones, without any seal of the Deptt. concerned, without any reference numbers, without date of their preparation; both the reports also not on official letterhead; both the reports have been prepared in their office without visiting site of natural drain and

both the reports have been prepared and placed before this Hon'ble Tribunal in order to mislead the factual status of natural drain.

6. That the aforesaid status report of Joint Committee is also not reliable as the *Halka Patwari* from the O/o District Magistrate (SW) was present at the time of aforesaid visit at the site of natural drain on 03.10.2024 but in the attendance sheet annexed with the Joint Committee Report clearly shows that he was not present there since his name, designation, signature are completely missing. This Prima facie show that the report is misleading and defective and same should not be taken into consideration by this Hon'ble Tribunal.
7. That the aforesaid status report of Joint Committee was prepared in complete violation of Order dated 31.07.2024 of this Hon'ble Tribunal whereby representatives of CPCB, DPCC, DJB and DM (SW) were supposed to visit the natural drain jointly. However, CPCB had not visited the site jointly on 03.10.2024 and it is claimed that it had visited it separately on 19.10.2024 (Saturday). Since the Saturday is non-working day for the Central Govt. Officers hence, the visit of CPCB members seems to be false and incorrect; perhaps it was prepared in the office / at home of the concerned person. Further, the Reference number, name and designation / official seal of the department has not been mentioned anywhere by it. The said visit of CPCB at the site of natural drain is doubtful as none of the representatives of the applicant society was informed or was present at the time of alleged visit of CPCB. It is also not clear from the said report as how many persons present at the time when it visited the natural drain site and that is why said details are missing in status report filed by the Joint Committee.

8. That the aforesaid status report of Joint Committee is false, incorrect and unreliable as the separate report filed by Delhi Jal Board which claims that it was prepared by an official namely, Manoj Kumar Bairwa, ZE- IV(D) – 091 but as per the attendance sheet, signature of said Manoj Kumar Bairwa does not match with the signature as given on separate report of DJB. Further, in attendance sheet designation of said official is AE whereas in the separate report he claims to be ZE. The separate report was prepared on 07.10.2024 whereas the site inspection was done on 03.10.2024 so, there is much difference between the two dates which casts doubt on the report itself. As per attendance sheet, two officials namely, Manoj Kumar Bairwa and Aditya Gautam are claimed to be present at the site visit of drain but the separate report was prepared and signed by only one official and not by two officials who were present. Interestingly, the language and composition of words of the reports submitted by DJB at Para nos. 3, 4 and 5 and the language of the report submitted by DPCC at Para nos. 3, 4 and 5 are exactly same which Prima Facie shows that both the reports of two different departments were prepared by the one person by way of adopting the technology of cutting and pasting. Hence, the status report of Joint Committee is not reliable and the same is liable to be rejected.
9. That the aforesaid status report of Joint Committee is defective and non-reliable one since no separate report has been filed neither by MCD nor is its opinion is reflected in Joint Committee Report though three of its employees were alleged to be present at the time of site visit of natural drain. The status report of Joint Committee is completely silent on this issue; however, as per earlier Report of

Internal Departmental Committee dated 05.10.2018 (**Annexure-A4**), an employee of MCD was present who signed the said Report stating therein that the drain was of its natural character and it should not be encroached upon.

10. That aforesaid status report of Joint Committee is full of contradiction because Orders of the then SDM dated 05.12.2018 and 12.04.2024 (**Annexure-A5 Colly.**) categorically stated that the natural drain is situated in a Govt. land but now the present SDM (Kapshera) has filed Joint Committee Report on 08.11.2024 wherein Revenue Records of land grabbers have been filed showing them as private owners. It is very difficult to understand as to how the present SDM (Kapshera) is taking a different and contradictory stand on the issue of ownership of natural drain. The Orders of SDM dated 05.12.2018 and 12.04.2024 are Quasai Judicial Orders and were passed against the land grabbers the same have not challenged by any person nor it has been withdrawn till date and the same have attained finality. In such situation, instant status report of Joint Committee Report is erroneous. Moreover, SDM (Kapshera) is well aware of the fact that said mutations were made in revenue record in favour of land grabbers are on the basis of un-registered, forged and manufactured Re-Convene Deeds and the details of same are known to revenue officials of (Kapshera). The manufactured Re-conveyance Deeds and mutation based on the same in the revenue records do not carry any legal value. There is a large scale scam in it since the market value of the natural drain is of more than Rs. 200 Crores and that is all kinds manipulation and fraudulent acts are going on to usurp the drain.

11. That the aforesaid status report of Joint Committee is erroneous and misleading since it claims that there exists no drain on the site at present consisted in Khasra no. 38 Min, however, admitted fact is that there existed a natural drain in the said Khasra as per its predecessor SDM orders dated 05.10.2018 and 12.04.2024 Vide (**Annexure-A5 Colly.**). Even the photographs as annexed with instant O.A. as (**Annexure-A2Colly.**),(**Annexure-A6Colly.**)&(**Annexure-A7Colly.**) and the Delhi Govt. Inter-Departmental Report dated 05.10.2018 (**Annexure-A4**) clearly show that there existed a natural drain and same has been covered recently with debris / malba by the land grabbers to give it a different colour. Despite all these government records and documents placed on records, members of Joint Committee made no effort to verify the contents of the same; rather every effort was made with mala fide intention to disregard these documents in order to favour the land grabbers.
12. That the aforesaid status report of Joint Committee is misleading and erroneous as observation made at Para (b) of its report wherein it has been claimed that a sewerage system existed in the adjoining society. However, the fact is that sewerage system is of recent origin of the year 2023 which was constructed on the private land of Shyam Kunj Colony by PWD; it was got constructed by the then local MLA namely, Gulab Singh in order to help the land grabbers; it was got constructed despite the fact that there was already natural drain in existence to meet the needs of Shyam Kunj Colony and other adjoining areas; the said sewerage construction was strongly objected by applicant society. The said sewerage system was constructed by the PWD without any public notice, floating of open tender and

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without the approval of competent authority. The construction of this sewerage system is a matter of grave concern and it is an open example deep rooted corruption in collusion and connivance of the local MLA, land grabbers and concerned Govt. departments; various written complaints were lodged by the applicant society to the concerned authorities but no action was taken. The construction of the sewerage system is also faulty and water logging is rampant in Shyam Kunj during the raining season whereas as long as the natural drain was without encroachment flood like situation never arose in the area.

13. That the aforesaid status report of Joint Committee is non-speaking with regard to the personnel of Govt. Deptt. who are involved doing the illegal acts/encroachment over the natural drain. Not a single word has been averred nor any attempt was made by the said Joint Committee to find out the persons responsible for all these illegal acts; every effort has been made to save the personnel responsible.
14. That the status report is relying on the Google Earth images alleged to have been downloaded by CPCB is also defective one since it talks only about the latest images without supporting any certificate U/S 63 of BSA, 2023 / under Section 65B of Evidence Act. The pictures of earlier period starting from 2018 onwards have not been downloaded and placed in record. The picture no. 12 has been claimed to be of year 2022 and the picture no. 13 is claimed to be of the period 2024. However, with naked eyes it shows both the pictures of the same year and of the same site but the only difference between these two pictures is that the picture no. 13 is the larger size of the picture no. 12; same picture has been placed deliberately showing the two different years and thus both the picture are unreliable in the present

case. It is pertinent to mention here that picture no. 1-11 of Status Report are of the recent origin however, they reflect the recent condition of the encroachment over the natural drain but with mala fide intention the starting point of the drain at page no. 66 and the end point of the drain is reflected at page no. 44 and 89 of the present O.A. have not been considered at all by the Joint Committee. The full view of the drain from its starting point to the end point falling in Sahibi River (Najafgarh Drain) is reflected in page no. 42, 43, 68, 69 of this O.A. which clearly show that there existed a full developed natural drain with the water and green trees on its embankment.

15. That Flood and Irrigation Deptt. had filed its report by way of Affidavit on 25.10.2023 (**Annexure A10**) stating therein at Para No. 4 that the **“possession of this land was never taken by this Deptt. from the date of award, the present status of the land in question is in the position of Gram Sabha.”** whereas the documents filed by the Joint Committee claim that the Flood and Irrigation Deptt. had directed to return the possession of the land to the ex-owners. Thus, there is material contradiction in the records of Irrigation and Flood Control Deptt. Moreover, the policy guidelines and conditions for considering De-notification issued by Delhi Govt. given as (**Annexure A15 Colly.**) and (**Annexure-A16**) of this Original Application (O.A.) were never acted upon and hence, the claim of De-notification as alleged in Joint Committee Report is false, incorrect and illegal and same cannot be looked into by this Tribunal.
16. That the alleged mutation papers of the Status Report are patently illegal and the same are against the settled principles of law as propounded by the Hon'ble Supreme Court of India in the matter of

“Nand Kishor Babu Lal Agarwal Versus State of Maharashtra and Others, Civil Appeal no. 7634/2023 and also in another case titled as “Jitendra Singh versus Ste of MP, 2021 SCC online SC 802.”

17. That the pending Civil Suits at Dwarka Court and Delhi High Court are with regard to other reliefs which are not the subject matter of the present matter and necessary clarification in this regard has already been given at Para no. 32 of this O.A. The instant status report completely ignored the issue of cutting of hundreds of full grown trees such as *Neem, Pipal, Kikar, Pakar, Khair, Ber* and various shrubs etc. of natural drain which was providing fresh oxygen and also helped maintaining low temperature particularly during summer days. Several complaints have been lodged by the applicant society from 2018 onwards which are placed before this Hon’ble Tribunal as **(Annexure A6 Colly.)** but the same was completely ignored.

#### PRAYER

It is, therefore, in the above given facts and circumstances, most respectfully prayed that this Hon’ble Tribunal be pleased to:-

- (1) Grant the relief sought by the applicant society in the present O.A.
- (2) Necessary directions be given as deem fit and proper to protect and preserve the natural drain:
- (3) Initiate Contempt of Court proceedings against the employees / officials who have filed / prepared the instant Status Report of the Joint Committee by suppressing, manipulating and fabricating the Govt. records in order to help the land grabbers;

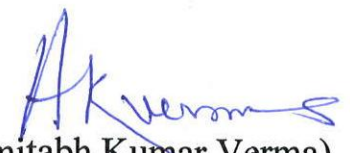
- (4) Reject Status Report dated 07.11.2024 of the Joint Committee;
- (5) Appoint a High Powered Independent Committee of Experts to find out the persons / Govt. employees responsible for the violation of environmental laws in the natural drain;
- (6) Pass any Order/s deem fit and proper in the interest of Applicant.

Place: New Delhi

Dated: 24.02.2025

Through

  
Applicant

  
(Amitabh Kumar Verma)

Counsel for Applicant

Chamber No. 526, Dwarka Court

New Delhi -110075

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PRINCIPAL BENCH, NEW DELHI**

**O.A. No. 922 / 2024**

**IN THE MATTER OF:**

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**...Applicant**

Versus

Govt. of NCT of Delhi & Ors.

**...Respondents**

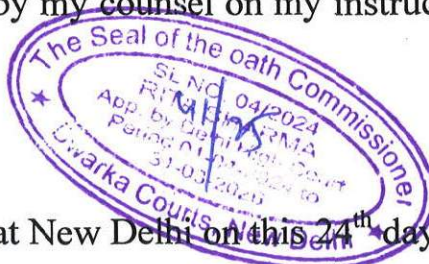
**AFFIDAVIT**

I, Dr. Sunil Kumar Mishra, s/o Late Ram Manohar Mishra, aged about 58 years, r/o House No. C- 6/6, Shyam Kunj, New Delhi- 110071, do hereby solemnly affirm and declare as under:

- 1. That I am the Hon. Secretary of the applicant society in the aforesaid matter and well aware of the facts and circumstances of the case and hence, competent to swear this affidavit. .

That I have read and understood the contents of objection to Status Report of Joint Committee consisting of Para nos. 1 to 19 and the same has been drafted by my counsel on my instruction and the same are true and correct.

**Verification:** Verified at New Delhi on this 24<sup>th</sup> day of February-2025 that the contents of the above Affidavit are true and correct to the best of my own knowledge and no part of it is false and nothing material has been concealed there from.



*Shunil Mishra*  
**Deponent**

*Shunil Mishra*  
**Deponent**

CERTIFIED THAT THE DEPONENT  
 Shri/Smt./M...  
 S/o W/o...  
 R/o...  
 Residing at...  
 has signed...  
 which...  
 are...  
 to the knowledge...  
 Oath Commissioner,  
 RITA SHARMA  
 New Delhi

24 FEB 2025

*I identify the deponent and has signed in my presence*



Rahul Aggarwal <rahul301014@gmail.com>

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**(no subject)**

1 message

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**Rahul Aggarwal** <rahul301014@gmail.com>

24 February 2025 at 13:07

To: csdelhi@nic.in, dcsw@nic.in, "ceifcd@gmail.com" <ceifcd@gmail.com>

Cc: senv@nic.in, ceodelhi.djb@nic.in

Bcc: cp.sanjarora@delhipolice.gov.in, commissioner@mcd.nic.in

sir kindly find the attached objections on behalf of applicant to the status report dt 07.11.2024 of the joint committee..

ADV A K VERMA

M - 8587815809



**RESIDENTS WELFARE SOCIETY SHYAM KUNJ NEW DELHI VS GOVT OF NCT OF DELHI.pdf**

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