

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. 28.04.2026

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Place: New Delhi

Dated: 23.04.2026

Filed by:


(Amitabh Kumar Verma)

Counsel for Applicant

Chamber No. 526, Dwarka Court

New Delhi -110075

Email ID. amitabhverma_advocate@yahoo.co.in

Mob. 8587815809

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OBJECTION ON BEHALF OF APPLICANT SOCIETY TO THE
SECOND JOINT COMMITTEE REPORT DATED 16.02.2026

TO

THE HON'BLE CHAIRMAN

AND HIS COMPANION MEMBERS

OF THE HON'BLE NATIONAL GREEN

TRIBUNAL, NEW DELHI

MOST RESPECTFULLY SHOWETH:

Objection to Preliminary Submissions:

1. That the first part of preliminary submissions of the aforesaid Joint Committee Report dated 16.02.2026 are nothing new but are only a reference to part of records of the instant O.A. as well as proceedings of this Hon'ble Tribunal . The content of the Second Part / Para of the aforesaid Joint Committee Report appearing at Page No. 452 consisting of point nos. 1 - 4 which are just again reference to the Order dated 31.07.2024 of this Hon'ble Tribunal, however, no point wise reply or even any reply has been given to the said issues and thus, Joint Committee totally failed to verify the said issues.

2. That it is further submitted that there are no major additional revelations in the second Joint Committee Report dated 16.02.2026 in comparison to the first Joint Committee Report dated 07.11.2024. The submissions made in the second Joint Committee Report are the replica of the first Joint Committee Report. Deliberate attempt has been made by the Respondents in both the said Reports to mislead this Hon'ble Tribunal by incorporating all the irrelevant and unfounded documents in order to help the land grabbers / encroachers over the natural drain. This prima facie shows that the officials of the Respondent Departments are collusion and connivance with land grabbers / encroachers with the sole intention to change the nature and character of the natural drain because the current market value of the property of the natural drain as on date is more than two hundred Crores of Rupees.

Para wise Objection to Joint Committee Report:

1. That contents of Para-1 of the observation of the Joint Committee Report dated 16.02.2026 are false and incorrect. The contentions given in the said Para with regard to land in question i.e. Khasra No. 38-Min was recorded in the private persons / parties are devoid of truth as the land was originally recorded in the category of *Sarkar Daulatmadar* as per revenue record dated 17.02.2007 and details of the same has already been filed as Annexure – A3 (Colly.) at Page. No. 46-56 in O.A. It has not been disclosed by the said Report of the Joint Committee as how and when the said land of natural drain was transferred in the name of private persons / parties. The applicant society has already filed objection applications before the concerned SDM / DC regarding the cancellation of mutation of the private persons / parties. It is further submitted that the Hon'ble Supreme Court of India in the matters of '**Balwant Singh Versus Daulat Singh (1997) 7 SCC 137**, '**Suraj Bhan Versus**

Financial Commissioner' (2007) 6 SCC 186, 'H. Lakshmaiah Reddy Versus. L. Venkatesh Reddy, (2015) 14 SCC 784 and 'Jitnder Singh Versus State of M.P.' SLP (civil) No.13146/2021 clearly held that mere mentioning of name in revenue records does not confer the clear ownership title. Moreover, the Report of Delhi Govt. constituted Inter - Departmental Inquiry Committee dated 05.10.2018 which has already been filed as Annexure-A4 (Page Nos. 57-58) with the instant O.A. clearly observed that the said the natural drain was situated on Govt. land. Further, the SDM (Kapashera) had issued notices dated 05.12.2018 and 12.04.2024 to private persons / parties for removal of encroachment from the said land in question / natural drain and the details of the same have already been filed with the present O.A. as Annexure-A5 (Colly.) (Pg 59-63). It is further submitted that the Irrigation and Irrigation & Flood Control (I & FC) Department in its Affidavit dated 25.10.2023 had stated that the land in question / natural drain was never transferred to the said Department after its acquisition / passing of award and the said land is in the possession of the Gram Sabha and as on date the subject land was with revenue department. The said Affidavit of Irrigation & Flood Control (I & FC) department has also been filed as Annexure-A10 (Pg. 111-113) with the present O.A. Now, the question arises when the land of natural drain was never transferred to Irrigation & Flood Control Department then how the said Department can execute alleged Re-Conveyance Deeds as mentioned in the said Joint Committee Report. It is further submitted that averments made in the said Para-1 of the instant Report would show that there is collusion and connivance of the Govt. department officials who are protecting the land grabbers / encroachers of the natural drain in question despite knowing the fact that the said natural drain is situated on a Gram Sabha / Govt. land; the said Report has been filed before this Hon'ble Tribunal in complete contradiction of

the earlier reports / orders of the revenue department itself with regard to status and nature of land of natural drain in question.

2. That contents of Para-2 of the observation of the Joint Committee Report dated 16.02.2026 are false and incorrect. It is further submitted that the Irrigation and Flood Control (I & FC) Department in its Affidavit dated 25.10.2023 had stated that the land in question / natural drain was never transferred to it after its acquisition / passing of award and the said land is in the possession of the Gram Sabha and as on date the subject land was with revenue department. The said Affidavit has also been filed as Annexure-A10 (Pg. 111-113) with the present O.A. It is further submitted that not a single copy of alleged Re-Conveyance Deed has been placed on record along with the Joint Committee Report. Moreover, the Re-Conveyance Deeds in questions are not registered with the Sub-Registrar as per the Indian Registration Act, 1908 and hence, the contents of the said Re-Conveyance Deeds cannot be looked into with regard to approval of the Lt. Governor of Delhi. The Applicant society has already filed detailed objections to the SDM / DC (South-West) against the said Re-Conveyance Deeds and till date, the said matter has not been taken up by the said Govt. officials; even they are not responding to RTI Applications to status of the said complaints with mala fide intentions. The details of the said objections are appearing at Page nos. 95-96, 124-125 of the present O.A. It is a settled law that once a land has been acquired for public purposes, the same cannot be reverted back to its original owners. In this respect, reliance have already been placed as Annexure-A16 (Pg. 160-163) and Annexure-A18 (Colly.) (Pg. 167-220) along with the present O.A.

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3. That contents of Para-3 of the observation of the Joint Committee Report dated 16.02.2026 are false and incorrect. The Objections ~~at~~ raised in aforesaid Para nos. 1 & 2 by the applicant be considered as the Objection of the current Para-3 of the Report.
 4. That contents of Para-4 of the observation of the Joint Committee Report dated 16.02.2026 are false and incorrect. The Joint Committee Report is ill conceived, erroneous and misleading. The photographs showing the existence of natural drain prior to encroachment have not been considered at all and have deliberately not BEEN placed before this Hon'ble Tribunal. Further, the Applicant society has been making written complaints to the concerned SDM / DC (Kapashera) since the starting of the encroachment on natural drain along with current photographs but deliberately no action was taken. The land grabbers were allowed by the local authorities / respondents to encroach upon the natural drain with mala fide intention and that it is now claimed that the natural drain is no longer in existence. The said Photos of existence of natural drain have already been filed along with present O.A as Annexure-A6 (Colly.) at Page nos. 64-74 which pertains to year 2018 and Annexure-A7 (Colly.) at Page nos. 75-90 which pertains to years 2023 onwards. The Report of the Joint Committee, with mala fide intention, refers to current GPS Map of the year February 2026 only of the natural drain; it has deliberately not used the technology of Geo-Spatial Survey working under the Ministry of Science and Technology to trace the original character and nature of the natural drain from the period starting from 2017 onwards to till date as it would expose the falsity of the claim of the Joint Committee Report and it is submitted that this Hon'ble Tribunal be pleased to conduct Geo-Spatial Survey.

5. That contents of Para-5 of the observation of the Joint Committee Report dated 16.02.2026 are false and incorrect. The Objections raised in aforesaid Para no. 4 be considered as the Objection of the current Para-5 of the Report. The Joint Committee is well aware of the admitted facts that the natural drain was in existence prior to its acquisition in the year 1964. Even the Delhi Govt. appointed Inter-Departmental Report dated 08.10.2018 Vide Annexure-A4 (Page 57-58) of this O.A. also states that the natural drain was in existence. Now, the present Report, falsely and with mala fide intention and in order to mislead this Hon'ble Tribunal, claims that it is not sure whether the drain in question is of natural and manmade origin. It is submitted that let the Geo-Spatial Survey of the drain of the last ten years be conducted in order to arrive at just decision in the matter.

6. That contents of Para-6 of the observation of the Joint Committee Report dated 16.02.2026 are false and incorrect. The submissions made in the corresponding Para are irrelevant; they have been made in the said Report in order to confuse and mislead this Hon'ble Tribunal. It is submitted that the said new drain was got constructed by the Respondents in order to favour the land grabbers; further, it is submitted due to construction of said new drain, flood had occurred in the applicant colony in 2025 and water was flowing till knee deep in the area; pumping sets were employed day and night jointly by the Irrigation and Flood Control Department and Public Works Department for pumping out the flood water from the colony. The residents of applicant society had never witnessed such a flood in the area and it all happened due to encroachment on the natural drain; most probably, the same situation is going to repeat in coming rainy season of 2026. This Hon'ble Tribunal had Vide its Order dated 27.11.2025 at Para-4 clearly

held, "A natural storm water drain cannot be closed and substituted with a newly artificially constructed storm water drain. Therefore, the Committee was required to find out the true status of storm water drain as existing in the old record, the present status thereof, the manner of its closing and the persons responsible for the encroachment thereon." It is submitted that the present Joint Committee Report is completely silent on this issue and all kinds of false, incorrect, misleading submissions have been made it amounts to contempt of Court.

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) Reject both the Status Reports dated 07.11.2024 and 16.02.2026 of the Joint Committee being false and incorrect;
- (4) Appoint a High Level Expert Committee of to find out the persons / Govt. employees who are responsible for the violation of environmental laws in the natural drain;
- (5) Pass any Order/s deem fit and proper in the interest of Applicant.

Place: New Delhi

Dated: 23.04.2026

Through


Applicant


(Amitabh Kumar Verma)

Counsel for Applicant
Chamber No. 526, Dwarka Court
New Delhi -110075

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Versus

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...Respondents

AFFIDAVIT

I, Dr. Sunil Kumar Mishra, s/o Late Ram Manohar Mishra, aged about 59 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. .
2. That I have read and understood the contents of objection to Status Report of Joint Committee dated 16.02.2026 and the same has been drafted by my counsel on my instruction and the same are true and correct.

Sunil Kumar Mishra
Deponent

Verification: Verified at New Delhi on this 23rd day of April 2026 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.

Entry No. 08/26 Notary Public

Sunil Kumar Mishra
Deponent



ATTESTED
Sunil Kumar Mishra
NOTARY PUBLIC, DELHI

23 APR 2026

I identify the deponent who has signed in my presence.

Subject SUPPLY OF OBJECTION TO THE REPORT OF JOINT INSPECTION COMMITTEE DATED 16-02-2026, COPY OF I.A. FOR CONDUCTING GEO-SPATIAL SURVEY AND ANOTHER I.A. FOR INITIATION OF CONTEMPT PROCEEDINGS UNDER SECTION 26 AND 28 OF NGT ACT 2010

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To: [csdelhi@nic.in <csdelhi@nic.in>, dcsww@nic.in <dcsww@nic.in>, ceifcd@gmail.com <ceifcd@gmail.com>, ceodelhi.djb@nic.in <ceodelhi.djb@nic.in>, serv@nic.in <serv@nic.in>, cp.sanjayarora@delhipolice.gov.in <cp.sanjayarora@delhipolice.gov.in>, commissioner@mcd.nic.in <commissioner@mcd.nic.in>]

From Amitabh Verma <amitabhverma_advocate@yahoo.co.in>

Date: Thu, 23 Apr 2026 at 12:59 pm

Sir/Madam,
Please find the attached copy of the objection to the reply filed by the joint inspection committee, I.A. for conducting a geo-spatial survey of the natural drain and another I.A. for initiating contempt proceedings under sections 26 and 28 of the NGT Act 2010 on behalf of the applicant society in the pending O.A. No. 922/2024 pending before the National Green Tribunal, Principal Bench, New Delhi.
With regards
Amitabh Kumar Verma
Counsel for Applicant Society

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SUPPLY OF OBJECTION TO THE REPORT OF JOINT INSPECTION COMMITTEE DATED 16-02-2026, COPY OF I.A. FOR CONDUCTING GEO-SPATIAL SURVEY AND ANOTHER I.A. FOR INITIATION OF CONTEMPT PROCEEDINGS UNDER SECTION 26 AND 28 OF NGT ACT 2010

From: Amitabh Verma (amitabhverma_advocate@yahoo.co.in)

To: esdelhi@nic.in; desw@nic.in; ceifcd@gmail.com; ceodelhi.djb@nic.in; senv@nic.in; cp.sanjaynora@delhipolice.gov.in; commissioner@mcd.nic.in

Date: Thursday, 23 April 2026 at 12:59 pm IST

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Please find the attached copy of the objection to the reply filed by the joint inspection committee, I.A. for conducting a geo-spatial survey of the natural drain and another I.A. for initiating contempt proceedings under sections 26 and 28 of the NGT Act 2010 on behalf of the applicant society in the pending O.A. No. 922/2024 pending before the National Green Tribunal, Principal Bench, New Delhi.

With regards

Amitabh Kumar Verma

Counsel for Applicant Society



reply on 922.pdf

3.7 MB



LA for geo survey.pdf

2.2 MB



LA for contempt.pdf

2.6 MB