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

ORIGINAL APPLICATION NO. 153 OF 2025

IN THE MATTER OF:-

SUMITRA SAINI & ANR.

... APPLICANTS

VERSUS

DELHI DEVELOPMENT
AUTHORITY & ORS.

...RESPONDENTS

**REJOINDER ON BEHALF OF THE APPLICANTS TO COUNTER
AFFIDAVITS/ REPLY FILED BY RESPONDENT NO. 1, 2, 3, 4, 5
AND 6**

MOST RESPECTFULLY SHOWETH:-

The Applicant above named most respectfully showeth as under:-

1. That the Applicant has filed the instant Original Application for revival of the Waterbody Khasra No.20 land measuring 7-17, situated in village Khirki, South Delhi.
2. That the Applicant craves the leaves of the Hon'ble Tribunal to file a details rejoinder in response to the reply filed by the Respondents.

REJOINDER TO THE REPLY FILED BY THE RESPONDENT NO.1

3. That the Respondent No. 1, **Delhi Development Authority** (hereinafter 'DDA') has stated in paragraph 2 at page 372 that the said water body Khasra no. 20, Khirki Village has not been

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acquired by DDA. The Respondent no. 1 "DDA" has further contended in paragraph 3 at page 373 that the possession of the said water body has not been handed over to DDA by the concerned Revenue Authority. In response to the aforesaid submission, it is submitted that the Delhi Development Authority is wrongly stated that the DDA is not the land-owning agency of the Khasra No.20, Village Khirki, Delhi.

4. It is submitted that as per revenue record in the Mehrauli Distt. of South Delhi, the Delhi Development Authority is the land-owning agency of the water body (Johad) Land exists in Khasra No. 20, Khirki Village Delhi admeasuring 07-17 bighas, the same was handed over to the DDA in the year 2008-2010 for developing and revival of the Water body. True copy of the revenue record of Water body Khasra No.20, (Area 7-17) village Khirki, Delhi is already enclosed as **Annexure A-1** with the Original Application @Page 22-23.
5. It is pertinent to mention here that the said land water body Khasra No.20, Village Khirki was handed over to the DDA - Respondent No.1 for revival of the Water Body (Johar), when the MCD and Revenue Department had failed to revive the water body. The MCD-Respondent no.7, has given reply to the RTI dated 21.1.2020, the same was annexed with the Original

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Application as **Annexure A-3 @ Page 26-30**. Wherein, it was specifically stated @ Page-28 that "***The site in question i.e. Khasra No.20, Khirki Village was inspected. The Said land belongs to DDA being Land Owning agency. The list and ownership of water bodies by monitoring committee for water bodies by High court is enclosed which clearly mentioned that the aforesaid water body is under the jurisdiction of DDA and action for revival of Johar has to be taken by DDA.***"

6. It is further submitted that the documents provided by the Respondent No.7-MCD with reply of the RTI @page 29 specifically reflected the DDA ownership of the Khasra no.20, Village Khirki, wherein, DDA's name is mentioned in Column-5 (Land ownership) and Khasra No.20 (area-7-17) in Column-6, Column-8 shows the year of inspection i.e., 26.03.2010 & 05.06.2010, and Column-9 shows the site position, wherein Park exists in an area around 2 Bighas only and rest of the land is encroached upon and the encroachment is required to be removed and the land be developed for the purpose of a water body in the village.
7. It is further submitted that because of that one person, namely Mr. Aman Khan, showed the Water body as Park, the Delhi

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Development Authority cannot escape from their liability and responsibility to revival of the water body. It is duty of the Land-owning agency, to take the proper action and ensure the revival of water body, to stop the all-illegal activity for encroachment the land of water body, to clear the waterbody from illegal parking and dump yard, and to take all action, which are necessary for revival of water body in Khasra no.20, Village Khirki, (south) Delhi.

8. It is submitted that the reliance placed by the respondent is misconceived and does not constitute a valid document of title. It is further submitted that the applicants have already placed on record the relevant revenue documents in the Original Application, which clearly reflects the Delhi Development Authority (DDA) as the land-owning agency. Moreover, Respondent No. 3, the Wetland Authority of Delhi, has also confirmed that the ownership of the land vests in the DDA. In light of these undisputed records, it is apparent that the DDA is attempting to evade its statutory obligation to undertake the revival of the water body and is improperly shifting the responsibility onto the Municipal Corporation of Delhi, thereby causing unwarranted delay without any lawful or reasonable justification.

REJOINDER TO THE REPLY FILED BY THE RESPONDENT NO.2 & 5

1. That the Respondent No. 2 & 5, **the Irrigation and Flood Control Department**, have stated in paragraph 2 @page 67 and paragraph 5 @page 68 that the road in the subject Khasra has existed for years, and that the relaying of the road was carried out on the directions of the MLA, Malviya Nagar, purportedly without knowledge of the pending cases before this Hon'ble Court. In response to the same it is respectfully submitted that the construction of the said road was undertaken by the respondents in collusion with local encroachers with the sole intent of legitimizing their illegal constructions, despite the subsisting status quo order passed by this Hon'ble High Court.
2. It is denied that the road was existing upon the water body, the Respondent have stated such because the Respondent no.2 & 5 are actively connivance with the local encroachers. Therefore, despite the knowledge of the stay order, they constructed the road over the Water Body.
3. It is submitted that the Respondent no.2 & 5 have wrongly stated that the they have no knowledge about the pending cases. In response to the aforesaid contention, it is submitted

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that when the applicants came to know that the road was being constructed by the irrigation Department, GNCTD, they also informed about the Stay order to Mr. Rohit Patel (AE) (Mob.9910115324) and Amit (JE) (Mob.9911645538) and requested them to stop the illegal work and not to construct the road over the water body and also informed that it's a clear violation of the stay order dated 01.08.2022. Thereafter on 14.07.2024, the Applicants approached the Executive Engineer (CD-V), Irrigation & Flood Control, Deptt., GNCTD and gave a written complaint by apprising them about the Order dated 01.08.2022 but the Department did not heed to honour the stay Order dated 01.08.2022 passed by the Hon'ble High Court of Delhi and said that no one stopped us from constructing the road. The copy of the complaint dated 14.07.2024 given to Executive Engineer (CD-V) is already enclosed with the Original Application as **ANNEXURE A-10 @Page 44-45.**

4. It is submitted that the Respondents' claim of being unaware of the Orders passed is incorrect and misleading. The said order was duly communicated to the Area MLA, Mr. Somnath Bharti, with a request to halt the construction. After the inaction of the MLA, further complaints were also lodged with the SHO, Malviya Nagar, and the Executive Engineer (CD-V), Irrigation

and Flood Control Department. These documents are already annexed with the Original Application and are not being reproduced herein for the sake of brevity.

5. It is reiterated that, despite being fully empowered by law to halt the construction, the respondents wilfully and deliberately continued with the same in violation of the Order dated 01.08.2022 passed in W.P.(C) 11400/2022 and the Order dated 07.08.2019 passed in W.P.(C) 9372/2015, solely with the objective of facilitating and legalizing the encroachments upon the water body in collusion with local encroachers with the sole intent of legitimizing their illegal constructions and encroachments.
6. It is further submitted that the SDM, Hauz khas has visited the site and found newly constructed road and other new constructions and has also noted that they will surely write a letter to MCD for taking action upon new constructions made. Report dt.07.01.26 may be called from the office of SDM Hauz Khas.

REJOINDER TO THE REPLY FILED BY THE RESPONDENT NO.3

1. That the Respondent No. 3, the **Wetland Authority of Delhi**, in paragraph 5 @page 416, has stated that Khasra No. 20 is a listed water body with the Wetland Authority of Delhi and is owned by the DDA. Therefore, its management and development falls within the responsibility of the DDA.

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Paragraph 6 @page 416 further acknowledges the detection of encroachments upon the said water body. It is therefore submitted that the Respondent No. 3 concurs with the applicants' contention and has placed the responsibility for the revival and restoration of the water body upon the DDA. Be that as it may, it is the statutory duty of the said respondent to ensure that water bodies are protected and that no prohibited activities are permitted thereon.

2. It is submitted that the report of the Respondent no.3 specifically shows that the Water Body is already encroached in Khasra No.20, Khirki Village, (South Distt.) New Delhi and the Respondent No.3 has filed ground trothing report of Khasra no.20 (7-17), Village khirki @page-426 and also shows the DDA ownership of the said water body situated in Khasra no.20, Village Khirki.
3. It is pertinent to note that as per the reply of the Respondent No.3-Wetland Authority of Delhi, the Authority had already directed the land-owning departments to take several measures towards protection of the Water bodies under their jurisdiction as well as restoration and rejuvenation of water bodies, but all exercise seems only on paper, hence no result came out on the ground. The Wetland Authority of Delhi has

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the details of water bodies exists in Delhi including the water body situated in Khasra no.20, Village Khirki, Delhi but they have not taken any measures, nor taken any action to protect or revive the water body situated in Khasra No.20, Village Khirki.

4. That despite the Order dated 07.08.2019 passed by the Hon'ble High Court of Delhi in Writ Petition(C) No.9372/2015, and the wilful disobedience of the direction passed by Hon'ble High Court of Delhi directing "*...that once the land has been demarcated, all efforts would be made by the respondents to remove the encroachment on the said land and ensure that all steps are taken to revive the said water body.*" The Authority have not taken any affective action for revival of the water body situated in Khasra no.20, Khirki Village.
5. That in their reply, the Respondent No.3 has failed to disclose what action has been taken by the Respondent no.3 for revival of water body when they have admitted that the land of water body is encroached and no water body exist in Khasra no.20, (7-17) Village Khirki.

REJOINDER TO THE REPLY FILED BY THE RESPONDENT NO.4

1. That the Respondent No. 4, **Government of NCT of Delhi** in Paragraph no. 4 @page 79 has stated that the alleged construction

cannot be ascertained without the demarcation process. The respondent is further relying upon the pending case *Panna Lal Saini & Ors v. Divisional Commissioner (Revenue) and Anrs* before the Hon'ble High Court in WPC-11400/2022 wherein the demarcation notice was challenged. In the said case the petitioners have succeeded to mislead the Hon'ble High Court by concealing the fact the survey was already concluded by the revenue department. Despite the completion of the demarcation the petitioner concealed it and wrongfully challenged the demarcation notice and hence obtained the status quo order. It is respectfully submitted that the respondents are intentionally obstructing and delaying the restoration of the waterbody by casting unwarranted doubts on a demarcation exercise that was duly and lawfully conducted in accordance with the prescribed procedure.

2. It is admitted by the Respondent no.4, that as per Revenue record, the area of Khasra no.20, Village Khirki is 07 bigha 17 Biswa. In para 4 of its reply, it is wrongly stated by the Respondent No.4 that the demarcation carried out in the year 2022, was under challenged before the Hon'ble High Court in WPC-11400/2022. It is submitted that the Demarcation Report and Survey Map both were

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finalised on 08.07.2022, and the same are not under challenge before any Court of law. It is pertinent to mention here that the aforesaid Writ Petition no.11400/2022 was only filed in the last week of July, 2022 by challenging the demarcation notice dated 11.06.2022 for carrying out the demarcation proceeding on 13.06.2022, when the family members of the Petitioner were also present on 13.06.2022, and when the demarcation proceeding were carried out. Later on, the demarcation report and Survey Map were finalised on 08.07.2022, however, the petitioners of the said writ, had with malafide intention challenged only the demarcation proceeding in the Last week of July, 2022 by concealing the facts of the finalised demarcation report and the Survey Map on 08.07.2022, and all the Govt. authority are with the collusion of the encroachers of the land of the water body, are not taking action against the encroachers in the garb of the pending Petitions.

3. That the Govt. of NCT is also in the collusion with the Respondent No.6 Delhi Jal Board, therefore, their counsel have claimed that the said land belong to the Govt. of NCT of Delhi, however, as per the Record available on records, the said land was handed over to the DDA for reviving the water body.

4. That the demarcation Report and survey Map dated 08.07.2022 attained finality as are not challenged by the party before any Court of law and there is no disputed fact that the said land falls in Khasra No.20, village Khirki, is a water body. Therefore, it is most important that the Respondents to be directed to do useful for restoration/reviving of the water body.

REJOINDER TO THE REPLY FILED BY THE RESPONDENT NO.6

5. That the Respondent No. 5, Delhi Jal Board (hereinafter "DJB") has, in paragraph 4 @page 90 has placed reliance upon the Order dated 11.10.2023 passed by Hon'ble Delhi Court in the case of *Panna Lal Saini & ors vs. Divisional Commissioner (Revenue) and Anrs (WPC-11400/2022)* wherein Court granted permission to the DJB for the construction of sewer line. It is respectfully submitted that the permission so granted was expressly made subject to the condition that the sewer line shall pass beneath the subject land and shall not prejudice or affect the relief that may ultimately be granted by the Court. The relevant portion of Paragraph 7 of the said Order is reproduced hereinbelow:

"and it is submitted, that in any case, the sewage line will run beneath the subject land and will not affect any relief"

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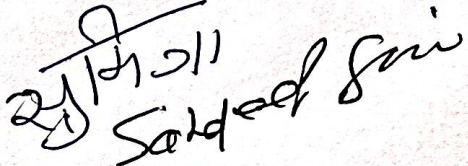
that may be granted to the contesting parties in the writ petition, one way or the other."

Therefore, it is submitted that the construction of the sewer line cannot, and ought not to, be construed as a justification for continued encroachment upon the water body. The encroachment is liable to be removed forthwith and steps for the restoration and revival of the said water body must be undertaken at the earliest.

6. It is submitted that as per the records, the DDA/ the Respondent No.1 (herein), is the land owning agency of the said land, however, the Respondent No.1 (Govt. of NCT of Delhi), showed themselves as land owning agency of Khasra No.20, Village Khirki, Delhi and had given no objection in favour of the respondent no.6 (herein) DJB for laying down the sewer line in Khasra No.20. It is submitted that all the respondents are in collusion of the land encroachers of the Land falls in Khasra No.20, Village Khirki and they are supporting each other to protect the illegal encroachments of the local land grabbers, therefore, have not taking the action for revival of the water body.

It is most respectfully submitted that no respondents disputed that the said land Khasra No.20, Village Khirki is not a land of water body but they are not taking action for revival of the water body on the one

pretext or other. Therefore, it is most respectfully submitted that the Respondents may kindly be directed to take all action for revival of the water body within the time prescribed by this Hon'ble Tribunal.


Sajid Javed
Applicants

Through:-

JUSTICE CRAFT ATTORNEY AND CONSULTANT
YASH VARDHAN KAUSHIK & SHIVAM SINGH
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Date:-15.04.2026
New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH NEW DELHI

ORIGINAL APPLICATION NO. 153 OF 2025

IN THE MATTER OF:-

SUMITRA SAINI & ANR.

... APPLICANTS

VERSUS

DELHI DEVELOPMENT AUTHORITY & ORS.

...RESPONDENTS

AFFIDAVIT

I, Smt. Sumitra Saini, aged about 73 years, wife of Sh. Jai Singh Saini, Resident of H. No. 159, Village Khirki, New Delhi do hereby solemnly affirm and declare as under:-

1. That I am the Applicant No.1 in the above Application and am well conversant with the facts and circumstances of the case, and hence, competent to swear the instant affidavit.
2. I say that I have read and understood the facts stated in the accompanying rejoinder and say that the facts stated therein are true and correct to my knowledge.

That the facts stated herein above are true to my knowledge and no part of it is false and no material has been concealed therefrom.

[Handwritten signature]

DEPONENT

VERIFICATION:

15 APR 2026

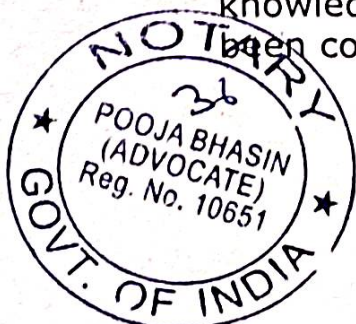
Verified on this day of April, 2026 that the contents of my above affidavit stated Affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed there from.

[Handwritten signature]

DEPONENT

ATTESTED

[Handwritten signature]
NOTARY PUBLIC 15 APR 2026



319242/89243

I identify the deponent who has signed/put T.I. in my presence

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH NEW DELHI ORIGINAL APPLICATION NO. 153 OF 2025

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VERSUS

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...RESPONDENTS

AFFIDAVIT

I, Sandeep Saini, aged about 52 years, son of Sh. Jai Singh Saini, Resident of H. No. 159, Village Khirki, New Delhi do hereby solemnly affirm and declare as under:-

- 1. That I am the Applicant No.2 in the above Application and am well conversant with the facts and circumstances of the case, and hence, competent to swear the instant affidavit.
2. I say that I have read and understood the facts stated in the accompanying rejoinder and say that the facts stated therein are true and correct to my knowledge.
3. That the facts stated herein above are true to my knowledge and no part of it is false and no material has been concealed therefrom.

Sandeep Saini DEPONENT

VERIFICATION:

Verified on this 15 day of April, 2026 that the contents of my above affidavit stated Affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed there from.

Sandeep Saini DEPONENT

ATTESTED

Pooja Bhasin NOTARY PUBLIC 15 APR 2026

612 NO 6240 99463588 identity the deponent who has signed/put T.I in my presence

