

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 905 OF 2024**

**IN THE MATTER OF:**

VARUN TODI

...APPLICANT

VERSUS

MUNICIPAL CORPORATION OF DELHI & ORS....RESPONDENTS

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Place: - New Delhi

Date: - 11.09.2025

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE STATUS  
REPORT DATED 20.02.2025 FILED BY RESPONDENT NO.1 (MCD)**

**MOST RESPECTFULLY SHOWETH:**

1. That at the very outset, the Applicant most respectfully submits that the Status Report dated 20.02.2025 ("**Status Report**") filed by Respondent No.1 - Municipal Corporation of Delhi ("**MCD**") is misconceived, evasive and contrary to record. The said affidavit seeks to avoid the pointed queries raised by this Hon'ble Tribunal *vide* order dated 08.11.2024 and instead has attempted to camouflage its admitted dereliction of duty.
2. The Applicant submits that far from negating the case of the Applicant, the said status report by way of affidavit contains significant admissions that directly support the case of the Applicant, and therefore, warrant intervention and kind consideration by this Hon'ble Tribunal.

**PARA-WISE REPLY**

3. That the contents of **Para 1** of the Status Report are formal in nature and need no reply. However, it is denied that the deponent has fairly

disclosed the facts of the case or the record of MCD, since the affidavit is selective, evasive and suppresses material aspects.

4. That the contents of **Para 2** are a matter of record as the affidavit purports to be filed pursuant to the order dated 08.11.2024 of this Hon'ble Tribunal. The Applicant submits that despite said order, Respondent No.1 has failed to discharge its obligation to give a full account of the nature of land, its status as public park and the extent of encroachment as discussed hereunder
5. That the contents of **Para 3** merely reproduce the reliefs prayed for by the Applicant in the captioned Original Application ("OA"). The same needs no reply, except to reiterate that the Applicant has approached this Hon'ble Tribunal *bona fide* seeking protection of the environment and restoration of public parks in terms of statutory obligations of MCD. Reliance is placed on the contents of the OA.
6. That the contents of **Para 4** do not merit any response to the extent that they reproduce the directions of this Hon'ble Tribunal dated 08.11.2024, wherein this Hon'ble Tribunal had categorically observed that the reply earlier filed by MCD did not disclose full details of Kaushalya Park, the nature of the land in question or the plea of the Applicant regarding unauthorised occupants. That the present Status Report is equally evasive and fails to answer the queries raised directly.
7. That the contents of **Paras 5 and 6** do not merit any response to the extent that Kaushalya Park is a colony near Hauz Khas, New Delhi and that the approved Layout Plan and Resolution No. 954 dated 11.02.1972

are produced by MCD. However, the very reliance on these documents by MCD itself, which are already annexed by the Applicant in the OA, only affirms the fact that the Layout Plan has statutory binding value upon Respondent No.1 to preserve open spaces as parks. The MCD has therefore re-affirmed the position taken by the Applicant herein.

8. That the contents of **Para 7** also do not merit any response as MCD by its own admission has stated that the Condition No. 3 of Resolution No. 954 required an area of 1070 sq. yds to be reserved for park and open spaces, and the same was handed over to MCD free of cost. This admission alone affirms the Applicant's case that the land stood vested in MCD for public use and any encroachment thereon is wholly illegal.
9. That the contents of **Para 8** again do not merit any response since it is MCD's own admitted position that the subject land of 1070 sq. yds was marked as Portion A in the Layout Plan. The Applicant reiterates that once the said land was dedicated to MCD as a public park, the entire Portion A was impressed with the character of public trust land.
10. That the contents of **Paras 9 - 11** do not merit any response since it admits that out of Portion A, an area of 529.47 sq. yds stands encroached by Respondent No.2, and that the balance is being maintained as park. It is relevant to mention herein that this encroachment is only on an area of 529.47 sq. yds out of the total 1070 sq. yds and as such no explanation has been given by the MCD regarding the remaining land which is also encroached by the Respondent No. 2. That enclosed as Annexure 1 with the present rejoinder are various pictures showing that there is

encroachment on the entire 1070 sq. yds land for which no explanation has been given by MCD.

11. In addition to the aforesaid and without prejudice to the submission above, even as per the orders of the civil court/ High Court, which are being relied upon by MCD, relate to Plot No. 16 and 17. However, the Layout Plan placed on record by MCD does not even refer to Plot No. 16 and 17 and therefore, clearly, the explanation of the MCD is not tenable.
12. That the contents of **Para 12** are denied inasmuch as MCD seeks to contend that Portion B was never handed over to it. It is submitted that once the Layout Plan designated Portion B as open space, the failure of MCD to take over possession is its own institutional lapse and does not detract from the legal character of the land being an open space. The Applicant submits that the plea of non-handover is untenable and MCD ought to be directed to immediately identify the persons in possession of Portion B, and take over the said land and restore it as a public park.
13. That the contents of **Paras 13 and 14** are denied as being wholly misconceived. The reliance on Order dated 30.07.2004 in FAO 82/2004 of the Delhi High Court is misplaced. The said order clearly pertains only to premises Nos. 16/17 Kaushalya Park, and had directed for the maintenance of *status quo* being limited to those premises, pending till the decision of the Ld. Trial court. As stated above, Plot No. Nos. 16/17


Kaushalya Park do not even reflect in the Layout Plan. Furthermore, the said order does not concern the entire 1070 sq. yds or Lawn B.

**PRAYER**

In view of the foregoing, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to allow the prayers as sought by the Applicant.

  
**APPLICANT**

**Through**

  
**Dhruva Vig & Uddhav Khanna**  
**Advocates for the Applicant**

Date:- 11/09/2025  
Place:- New Delhi

R-572, New Rajinder Nagar, New Delhi-110060  
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VERSUS

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...RESPONDENTS

**AFFIDAVIT**

I, Varun Todi, the Original Applicant, S/o Pawan Kumar Todi, R/o, K- 12, 2<sup>nd</sup> Floor, Hauz Khas Enclave, Hauz Khas, Near IIT Flyover, New Delhi- 110016 do hereby solemnly affirm and state as under:

1. That I am the Applicant in the accompanying Original Application and as such I am fully acquainted with the facts and circumstances of the instant case and thus competent to swear this Affidavit.
2. That the contents of the accompanying Rejoinder are all true to my knowledge. The same has been read over to me and understood by me to be true.
3. That the annexures to the accompanying Rejoinder are true copies of their respective originals.

*Notary*  
Identified the deponent who has signed in my presence.

*Varun Todi*  
DEPONENT

**VERIFICATION**

I, the deponent above named, do hereby verify and state that the contents of the foregoing paragraphs of the above affidavit are true and correct to the best of my knowledge and belief and that no part of it is false and nothing material has been concealed therefrom. Verified by me at New Delhi on this \_\_\_\_\_ of \_\_\_\_\_ 2025

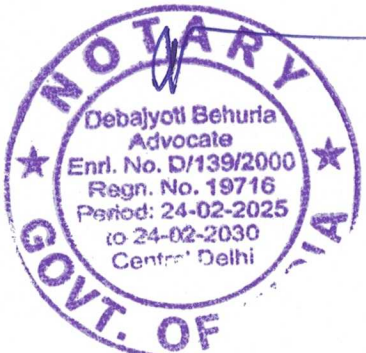
11 SEP 2025

CERTIFIED THAT THE DEPONENT

Sri/Smt/Km..... *Varun Todi*  
S/o, W/o, D/o..... *Pawan Kumar Todi*  
R/o..... *Chowra Khas*

Identified by me at New Delhi on 11 SEP 2025. No. 50  
has solemnly affirmed before me that the contents of the affidavit which have been read & explained to him are true and correct to his knowledge.

*Varun Todi*  
DEPONENT



Notary Public

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**Service of Rejoinder on behalf of Applicant in OA No. 905 of 2024 (Varun Todi vs MCD & Ors.)**

1 message

**Dhruva Vig** <dhruvavig@gmail.com>

11 September 2025 at 19:40

To: pujakalra09@gmail.com

Cc: Bani Dikshit &lt;banidikshit.advocate@gmail.com&gt;, Uddhav Khanna &lt;uddhavkhanna.advocate@gmail.com&gt;, Deepak mehra &lt;mehradeep1997@gmail.com&gt;


Dear Ma'am,

We write on behalf of the Applicant in the above captioned matter. We, on behalf of our client, are filing the Rejoinder in the above matter, in compliance with Order dated 02.09.2025. A copy of the same is attached with this email.

Request you to please treat this email as proof of service.

Regards,  
Dhruva Vig  
Counsel for the Applicant  
+91 98713 87425

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 **Varun Todi vs MCD - Rejoinder on behalf of Applicant (OA-605-2025).pdf**  
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