

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 153/2025

IN THE MATTER OF:

Sumitra Saini & Anr.

... Applicant(s)

Vs

Delhi Development Authority & Ors.

... Respondent(s)

I N D E X

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FILED BY:

NEW DELHI

DATED: 13.08.2025

(JYOTI MENDIRATTA)

Advocate for the GNCT of Delhi

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH : NEW DELHI.

Original Application No.153/2025

IN THE MATTER OF :

Sumitra Saini & Anr. Vs. Delhi Development Authority & Ors.

AFFIDAVIT ON BEHALF OF GNCTD
(RESPONDENT NO.4)

I, Dr. Mukesh Kumar, S/o Indraj Singh, aged about 40 years presently working as SDM, Hauz Khas, Government of NCT of Delhi, having office at M.B. Road, Saket, New Delhi, do hereby solemnly affirm and state as under:

1. That I am working as SDM, Hauz Khas, Government of NCT of Delhi and as such, in my official capacity, competent to swear the present affidavit on behalf of Respondent No.4, Government of NCT of Delhi. I am fully conversant with the facts of the present case on the basis of information derived from the official records maintained in the regular course.
2. That this Hon'ble Tribunal has directed respondents vide order dated 17.04.2025 to file an reply/response by way of an affidavit.
3. That as per Khasra gidawari, the area of Khasra No.20, Village Khirki, is 07 bigha 17 biswa and class of land is mentioned as *Gair mumkin Johad* (copy of Khasra Girdwari for the year 2013-16 is attached as **Annexure-I**).



4. It is respectfully submitted that the extent of construction that has been allegedly carried out at the water body cannot be ascertained without demarcation of Khasra No.20. Some demarcations of Khasra No.20, Village Khirki, New Delhi, have been carried out earlier by this department. Further, on the complaint received through Hon'ble Committee on Petitions, Delhi Legislative Assembly, to ascertain quantum and extension of encroachment, a fresh demarcation was also carried out recently in the year 2022 which was challenged before Hon'ble High Court of Delhi in the matter of Panna Lal Saini & Ors. Vs. Divisional Commissioner (Revenue) & Anrs. WP(C) 11400/2022 seeking following relief:-

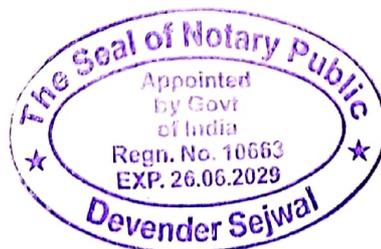
“Issue a writ, order or direction in the nature of Certiorari thereby setting aside/quashing the notice dated 10.06.2022, as well as all subsequent proceedings carried out pursuant to the aforesaid notice, seeking to carry out fresh demarcation of Khasra No.20, situated in Village Khirki, New Delhi, despite the fact that the issue in relation to earlier demarcations was already Sub-judice before court of law and any attempt to carry out fresh demarcation is abuse of power by the respondents as well as an attempt to overreach the orders passed by the courts as well as to lower the majesty of the court of law and violative of rule of law.”



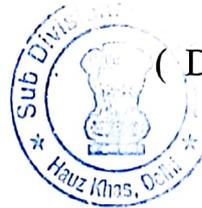
5. That Hon'ble High Court in the above stated matter vide order dated 01.08.2022 has directed to the parties to maintain *status quo* with respect to the property in question till next date of hearing and the aforesaid order to maintain status quo with respect to the property in question was continued by Hon'ble Delhi High Court from time to time. The next date of hearing in this matter is fixed for **27.11.2025**. Copy of Hon'ble High Court order dated 01.08.2022 in this matter is attached as **Annexure-II**.

[Handwritten signature]

6. That besides above another matter in respect of removal of encroachment and unauthorized construction over the Khasra No.20, Village Khirki is also pending in Hon'ble High Court of Delhi titled as Sanjeev Saini vs. MCD & Others WP(C) No.3538. The next date of hearing in this matter is 17.09.2025. Copy of order dated 21.03.2025 of Hon'ble High Court in this matter is attached as **Annexure-III.**
7. That it is respectfully submitted that by virtue of Notification No. F.9(2)/66/Law/ Corpn. dated 28.05.1966, Village Khirki is declared to be urbanized and therefore it can no longer be classified as village body land and hence the provisions of Land Reforms Act and the provisions of Land Revenue Act are not at all applicable.
8. That Hon'ble Supreme Court in "*Mohinder Singh (Dead) Through Lrs. & Anr. V. Narain Singh & Others, Civil Appeal No. 3828 of 2017*" has held by judgement dated 14.03.2023 that once a notification has been published in exercise of power under Section 507(a) of the Delhi Municipal Corporation Act, 1957, the provisions of the Act, 1954 cease to apply.
9. That Hon'ble Delhi High Court in its Judgment in the matter of "*Kamaljeet Bajwa & Ors. v. Government of NCT of Delhi & Ors., LPA 609/2022*" has adopted the aforesaid reasoning and has held that Revenue Department does not have any power to carry out demarcation of an urbanized village.



10. That in these circumstances, it is prayed that the answering Respondent is ready and shall abide by any directions as may be issued by this Hon'ble Court in this regard.



Mukesh
(Dr. Mukesh Kumar)
SDM (Hauz Khas)



ATTESTED
[Signature]
NOTARY PUBLIC

13 AUG 2025

Photocopy Khasra Girdawari with Khurki 2003-2016

Khasra Girdawari

Village

Tahsil

82

District Delhi

Form No. 11

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A-1

कॉम नं 11
Form No. 11

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खसरा गिरदावरी
Khasra Girdawari

गांव
Village रिसवा

तहसील
Tahsil रिसवा

जिला दिल्ली
District Delhi (20)

खसरा नं Khasra No.	संश्लेष में मालिक का नाम और जमाबन्दी का नंबर Owner with Short and Jamabandi No.	संश्लेष में कاشتकार का नाम और खताुनी का नंबर व लगान Cultivator with rent written short with Khatauni No.	क्षेत्रफल Area	फिजली जमाबन्दी के अनुसार जमीन किस Class of Land according to Last Jamabandi	शावनी और हाड़ी 20-Kharif and 20 Rabi		शावनी और हाड़ी 20-Kharif and 20 Rabi		शावनी और हाड़ी 20-Kharif and 20 Rabi		शावनी और हाड़ी 20-Kharif and 20 Rabi					
					शावनी फसल Kharif Crop.	हाड़ी फसल Rabi Crop.	शावनी फसल Kharif Crop.	हाड़ी फसल Rabi Crop.	शावनी फसल Kharif Crop.	हाड़ी फसल Rabi Crop.	शावनी फसल Kharif Crop.	हाड़ी फसल Rabi Crop.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
17	वसु सिंह कौरा मुन्दूजी खेवट नं 101	बाबूलाल पुत्र सहासिंह 1/2 भाग सहासिंह पुत्र काल 1/2 भाग	1-5	जे.मु. आबादी	जे.मु. आबादी 1-5	जे.मु. आबादी 1-5	X	जे.मु. आबादी 1-5	जे.मु. आबादी 1-5	X	जे.मु. आबादी 1-5	जे.मु. आबादी 1-5	X			
18	रही भुद्री मुन्दूजी खेवट नं 111	मकवूजी मालकान वाशिन्द गाम देह	2-0	जे.मु. मकान व मन्दिर	जे.मु. मकान व मन्दिर 2-0	जे.मु. मकान व मन्दिर 2-0	X	जे.मु. मकान व मन्दिर 2-0	जे.मु. मकान व मन्दिर 2-0	X	जे.मु. मकान व मन्दिर 2-0	जे.मु. मकान व मन्दिर 2-0	X			
19	वसु कौरा मुन्दूजी खेवट नं 107	मकवूजी मालकान	2-6	"	जे.मु. मकान व मन्दिर 2-6	जे.मु. मकान व मन्दिर 2-6	X	जे.मु. मकान व मन्दिर 2-6	जे.मु. मकान व मन्दिर 2-6	X	जे.मु. मकान व मन्दिर 2-6	जे.मु. मकान व मन्दिर 2-6	X			

मालकीय कारन व लगान का इन्तकाल
Changes of rights Possession and Rent

12/01/2022

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दी. मि.		नत्सु सिंह वैरा मुन्दुजा खबर नं० 118	नत्सु सिंह कर्ण सिंह विस्मयम समभाग	1-3	गै. मु. आबादी	गै. मु. आबादी 1-3													
दी. मि.		उपरोक्त	जयनारायण जयकिशन जगदीश प्रसाद बालकिशन पुत्रगण अंतर समभाग	1-3	गै. मु. आबादी	गै. मु. आबादी 1-3													

Indial
12/8/2015



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 11400/2022

PANNA LAL SAINI & ORS

..... Petitioner

Through: Mr. Rajiv Kumar Ghawana and
Mr. Neelaksh Sharma, Advocates

versus

DIVISIONAL COMMISSIONER (REVENUE) AND ANR

..... Respondent

Through: Mr. Rishikesh Kumar, ASC(GNCTD)
with Ms. Sheenu Priya and Mr.
Muhammad Zaid, Advocates

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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01.08.2022

CM APPL. 33553/2022

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(C) 11400/2022 & CM APPL. 33552/2022 (Stay)

1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioners seeking following relief:-

“a) Issue a writ, order or direction in the nature of Certiorari thereby setting side /quashing the notice dated 10.06.2022, as well as all subsequent proceedings carried out pursuant to the aforesaid notice, seeking to carry out fresh demarcation of Khasra No. 20 situated in Village Khirki, New Delhi despite the fact that the issue in relation to



earlier demarcations was already Sub- Judge before court of law and any attempt to carry out fresh demarcation is abuse of power by the respondents as well as an attempt to overreach the orders passed by the courts as well as to lower the majesty of the court of law and violative of rule of law;...”

2. Heard.
3. Mr. Rishikesh Kumar, learned ASC appears on advance notice on behalf of respondents and seeks time to file the counter affidavit. Let the same be filed within four weeks.
4. List on 17th October 2022.
5. The parties are directed to maintain status quo with respect to the property in question till the next date of hearing.

CHANDRA DHARI SINGH, J

AUGUST 1, 2022

Aj/MS



' A-III '

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 3538/2025, CM APPL. 16571/2025 & CM APPL.
16572/2025

SANJEEV SAINI

.....Petitioner

Through: Mr. Pawan Kumar, Adv.
M: 9599553147

versus

MUNICIPAL CORPORATION OF DELHI & ORS.Respondents

Through: Mr. Sagar Kumar, Adv. for R-1.
M: 7054160914
Ms. Shobhana Takiar, SC for R-2.
M: 9810962950
Ms. Neha Rastogi, SPC with Mr.
Animesh Rastogi, Mr. Vibhav Singh
and Mr. Rajat Dubey, Advs. for R-3.
M: 7289869290

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
21.03.2025

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1. The present petition has been filed for issuing directions to the respondent nos. 1 and 2 to carry out appropriate demolition action upon the structures raised illegally and unauthorizedly, covering the part of the water body.

2. There is a further prayer for directions to the respondent no.3 to



construction that has been carried out over the said water body.

12. Let the requisite Status Report/Affidavit be filed by the respondent nos. 1, 2 and 4 within a period of two weeks, from today.
13. Re-notify on 16th April, 2025.

MINI PUSHKARNA, J

MARCH 21, 2025/kr