

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

Original Application No. 1235/2024

**In the matter of:**

News Item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024

**NDOH:- 06.02.2025**

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Filed by

(Delhi Pollution Control Committee)

Dated: 3/2/25

Place: Delhi

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Original Application No. 1235/2024

**In the matter of:**

News Item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024

**REPLY ON BEHALF OF DELHI POLLUTION CONTROL  
COMMITTEE WITH RESPECT TO THE ORDER DATED 16.10.2025.**

I, Dr. BMS Reddy, Sr. Environmental Engineer, Delhi Pollution Control Committee, 2<sup>nd</sup> Floor, Vikas Bhawan-II, Civil Lines, Delhi- 110054, do hereby solemnly affirm and state as under:

1. That, I am working as Sr. Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. That this Hon'ble Tribunal vide Order dated 16.10.2024 pleased to implead the Delhi Pollution Control Committee (hereinafter referred as DPCC) as Respondent No. 1.
3. The matter is related to illegal construction of a highway by the National Highways Authority of India (NHAI) after encroaching upon a protected pond in southwest district of Delhi. This pond is classified as a protected water body under the Delhi Water Bodies Act. As per the news item, NHAI built the Urban



*BMS*

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Extension Road-II over the pond in Goyla Khurd village, which was among the list of over 1,000 ponds to be protected.

4. That, in compliance with order dated 16.10.2024, a joint inspection of the site was carried out on 13.01.2025 by officials of Revenue Department, Delhi Wetland Authority and DPCC. During the inspection it was observed that:

- i. As per the Award and Fard document received from the Revenue Department, land bearing Kh No. 9//29(10-09) on which the alleged pond site is located has been awarded (Award No 06/2008-09/SW) for the purpose of the Construction of 100 Mtr. Road Under Planned Development of Delhi at Goyla Khurd by the revenue department (South-West), Kapashera, New Delhi.
- ii. It is found that NHAI had built highway (flyover) over the pond in Goyla Khurd Village, after handover of the land by DDA to NHAI.
- iii. As per the inputs received from Delhi Wetland Authority, Khasra No. 9//29(10-9) in Goyla Khurd Village is a listed water body under Wetland Authority of Delhi. As per the direction of Hon'ble Delhi High Court in WP(C) No. 9617/2022, Revenue Department has carried out ground truthing of water bodies and as per the report of District South West, Goyla Khurd, Khasra No. 9//29(10-9) is an existing water body.

Copy of the joint inspection report dated 13.01.2025 alongwith Geo-tagged photographs are enclosed herewith as **ANNEXURE-1 (Colly)**.

*Colly*



5. That, DDA representative attended the review meeting taken by Member Secretary, DPCC on 31.01.2025 in which DDA informed that said land was handed over to NHAI on 21.08.2012.
6. That, DDA being the land owning agency may kindly be pleaded as respondent in the present matter by this Hon'ble Tribunal.
7. It is therefore requested to this Hon'ble Tribunal that the reply may kindly be taken on record.

*[Handwritten Signature]*

**DEPONENT**

VERIFICATION :

Verified at New Delhi on this 3 FEB 2025 day of January, 2025 that the contents made in the above-mentioned affidavit are true and correct to the best of my knowledge and from information received by me which I believe to be true and correct and are also nothing material has been suppressed or concealed therein.

*[Handwritten Signature]*

**DEPONENT**

**ATTESTED**  
*[Handwritten Signature]*  
NOTARY PUBLIC  
GOVT. OF NCT OF DELHI

3 FEB 2025



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## Joint Inspection Report

In compliance of the order of Hon'ble NGT regarding "NHAJ has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024. In this regard, joint inspection is carried out by the officials of Revenue Department, Delhi Wetland Authority and Delhi Pollution Control Committee (DPCC) on 13.01.2025 and following observations are made:

1. As per the Award and Fard document (enclosed) received from the Revenue Department the alleged pond site is awarded (Award No 06/2008-09/SW) for the purpose of the Construction of 100 Mtr. Road Under Planned Development of Delhi at Goyla Khurd by the revenue department (South-West), Kapashera, New Delhi.
2. It is found that NHAJ had built highway over the pond in Goyla Khurd Village.
3. As per the inputs received from Delhi Wetland Authority, village Goyla Khurd, Khasra No. 9/29(10-9) is a listed water body under Wetland Authority of Delhi. As per the direction of Hon'ble Delhi High Court in WP(C) No. 9617/2022, Revenue Department has carried out ground truthing of water bodies and as per the report of District South West, Goyla Khurd, Khasra No. 9/29(10-9) is an existing water body.

Approved  
13/01/25  
ANAMALIK  
JEE, DPCC

Rajulala  
(RAJESH ROSHAN)  
OFFICE ASSISTANT  
WETLAND AUTHORITY  
OF DELHI

OFFICE OF THE ADM/LAC (SOUTH-WEST), ROOM NO. 12  
 OLD TERMINAL TAX BLDG, KAPASHERA, NEW DELHI 110037

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### AWARD

Award No:- **06/2008-09/SW**  
 Name of Village: - **GOYLA KHURD**  
 Nature of Acquisition: - **Permanent.**  
 Purpose of Acquisition:- **Construction of 100 Mtr. Road  
 Under Planned Development of Delhi**

Notification: **U/S 4 No.F.9 (88)/2004/L&B/LA/176  
 Dated 07/04/2006**

**U/S 6 No.F.9 (88)/2004/L&B/LA/77-91  
 Dated 04/04/2007**

### INTRODUCTION

The award pertains to acquisition of land in village Goyla Khurd measuring 183 Bighas 10 Biswas land was notified U/S 4 of the Land Acquisition Act 1894 vide notification No-F9 (88)/2004/L&B/LA/176 dated 07/04/2006. Objections were invited from the interested persons/land owners and hearing were accorded to them. As claimed/filled objections by land owners detailed report U/s 5A was prepared and forwarded to Land & Building Deptt vide this office letter No. 8110 dated 26.12.2006 for consideration in that direction. The Land & Building Deptt after considering all the aspects, issued notification U/s 6 vide No-F.9 (88)/2004/L&B/LA/77-91 dated 04/04/2007. The land is required to be taken by the Government at the public expenses for public purpose namely **Construction of 100 Mtr. Road Under Planned Development of Delhi.**

In order to hear the claims of the affected persons, the notices U/S 9 & 10 of LA Act 1894 were issued to the interested persons of village Goyla Khurd to file their claims. The claims filed by the persons in respect of land taken have been discussed under the appropriate heading "Claims".

### TRUE AND CORRECT AREA

As per notification U/s 4 & Section 6 of LA Act 1894 issued for land measuring 183 Bigha 10 Biswa.

The details of land total measuring 183 Bigha 10 Biswas which is awarded in this award is as Khasra No. ~~as specified by U/s of LA Act 1894~~ under

Khasra No.	Area
1/23	0-17
5/2/2	0-18
3	4-10
4/1	1-05
7/1/2	0-15
7/2/1	0-05
8	4-16

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9/1	1-18
12/1/1	1-03
12/2/2	0-17
13	4-18
14/1	0-18
17/1/2	0-07
17/2/2	0-04
18	4-16
19/1	2-05
22/1/2	0-12
22/2/2	1-18
23/1	2-12
23/2	2-04
24	0-04
9// 2/2	3-05
3/1	4-08
8/2	3-05
9/1	1-05
9/2/2	3-04
10/1/1	0-02
10/2/2	0-02
42 min	1-11
29	10-09
20	2-13
21	4-16
22	1-09
11/2	1-01
12	2-06
14// 1/1	4-10
2/1	0-03
10/2	3-12
11/1	2-03
20/2	0-12
15//5/2	3-07
6/1	4-08
7/1	0-02
14/2	1-03
15	4-16
16	4-07
29	0-04
17/1	2-01
24/2	2-14
25	4-16
20//4/2	2-14
5/1&2	4-16
6/1&2	2-08
7/1/1	0-15
7/2/1	0-18
14/2	2-14
15	5-08
16	4-12
17/1	2-14
24/1/1	0-18
24/2	1-16
25	4-16
29	0-04
30// 4/1/1	0-18
4/2	1-16
5	4-16
6	4-16

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7/1	2-14
14/1	2-14
15	4-16
16	3-06
17/1	2-18
8// 16/1	0-18
25/2	2-05
217 min	0-10
<b>Total</b>	<b>183-10</b>

**CLAIM AND EVIDENCE**

Notices U/s 9 & 10 of LA Act were issued to the interested persons/land owners to file claims. In pursuance of Notices u/s 9 & 10 following claims were received in this office:-

S.NO.	NAME OF THE CLAIMANT	KHASRA NO.	CLAIM AMOUNT
1.	Prakash s/o Deep Chand	20//7/2/1,30//4/1/1, 20//17/1,14/2,24/1/1	3 to 4 Crores per Acre
2.	Satpal s/o Deep Chand	Do	3 to 4 Crores per Acre
3.	Inder s/o Deep Chand	Do	3 to 4 Crores per Acre
4.	Sanjeev s/o Banwari Lal	20//7/1/1,6/2,5/1,4/2, 15//24/2,17/1	3 to 4 Crores per Acre
5.	Sajjan Kumar s/o Banwari Lal	Do	3 to 4 Crores per Acre
6.	Gajender s/o Raghbir	Do	3 to 4 Crores per Acre
7.	Bhagwan s/o Raghbir	Do	3 to 4 Crores per Acre
8.	Tri Kumar s/o Jai Narain	Do	3 to 4 Crores per Acre
9.	Kuldeep s/o Raghbir	Do	3 to 4 Crores per Acre
10.	Surender s/o Jai Narain	Do	3 to 4 Crores per Acre
11.	Devender s/o Jai Narain	Do	3 to 4 Crores per Acre
12.	Kripa s/o Mahadev	5//7/2/1,18/1,17/2/2, 17/1/2,14/1	3 to 4 Crores per Acre
13.	Kulbir s/o Raghbir	30//7/1,6,5,4/2,20//2 9,25,24/2,30//17/1, 16,20//16,15,30//15, 14/1	15,000/- Per Sq Yards
14.	Inderjeet s/o Mool Chand	Do	15,000/- Per Sq Yards
15.	Misram s/o Ram Saroop	14//20/2	15,000/- Per Sq Yards
16.	Dharambir Singh & Randhir Singh sons of Hazari Abhinav & Abhishek sons of Satbir Singh	20//6/1,5/2,15//29, 25,16	15,000/- Per Sq Yards
17.	Dalel Singh & Umed Singh	9//8/2,3/1,12	15,000/- Per Sq Yards

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	sons of Ram Singh		Yards
18.	Inder Singh s/o Ram Singh	15/19/1,8,7/1/2,4/1,3, 1/23,5/12/2.13, 12/1/1	15,000/- Per Sq Yards
19.	Rajpal s/o Raghubir	30/17/1,6,5,4/2,20/12 9,25,24/2,30/17/1,1 6,20/16,15,30/15, 14/1	15,000/- Per Sq Yards
20.	Munshi Ram s/o Prabhu Dayal	Do	15,000/- Per Sq Yards
21.	Ajit s/o Mool Chand	Do	15,000/- Per Sq Yards
22.	Rajkumar s/o Mool Chand	Do	15,000/- Per Sq Yards
23.	Jagjit Singh s/o Mool Chand	Do	15,000/- Per Sq Yards
24.	Anand Singh s/o Charan Singh	15/17/1,8/1,5/2,15, 14/2,14/11/1,10/2, 1/1	20,000 Per Sq Yards, 2 lacs for tubewell
25.	Nand Lal s/o Charan Singh	Do	20,000 Per Sq Yards, 2 lacs for tubewell
26.	Kartar Singh, Ranbir Singh , Satvir Singh @ Satbir Singh & Attar Singh Deceased Through Legal Heirs, Sh. Kuldeep Singh & Kulwant Singh All Are Sons Of Sh. Jai Lal	5/24,23/2	5,00,000/- to each co-sharer

#### MARKET VALUE

The land in question, which is to be acquired, is an "Agricultural Land". The market value of the land under acquisition is to be determined with reference to the date of Notification u/s-4 of the Land Acquisition Act, 1984, which is 07/04/2006 in the instant case. For determination of the market value of land the indicative price fixed by the Govt. of NCT of Delhi for agricultural land in Delhi at the rate of Rs. 17,58,400/- (Rs. Seventeen Lakh Fifty Eight Thousand Four Hundred Only) per acre as conveyed by the Dy. Secy (LA), Land & Building Deptt. Vide letter No. F.9 (20)/80/ L&B/LA/6720 dated 30/8/05 should be considered in this case. The indicative price of land has been fixed by taking into consideration various factors in respect of land in NCT of Delhi the sale deeds prior to Notification u/s 4 of LA Act were considered. However to justify the issue the copy of following sale deeds of village Goyla Khurd is considered. The details of some of the Sale Deeds of village Goyla Khurd are as under:-

S. No.	Village	Area	Consideration Amount	Date
1.	Goyla Khurd	1-00	500,000.00	14/03/2006
2.	Goyla Khurd	117 Sq Yd.	300,000.00	29/03/2006

It was, however, seen that the above transaction related to smaller size of plots, which resulted into higher price of the properties. The market value of land measuring 183 Bigha 10 Biswa should be much lesser than the sale price of property measuring 45/50 sq yard. The land being acquired is agricultural land

-N/L

CONTAMINATION CONTROL COMMITTEE  
 ETP Effluent samples failed as per

--high test

measuring 183 bigha 10 bishwa. I am of the view that While keeping in view the sale transactions of the area and also keeping in view the market value of land fixed by the Govt. of Delhi, the appropriate market value of land should be determined @ 17,58,400/- per acre or @ Rs.3, 27,083.33/- (Rupees Three Lakh Twenty Seven Thousand Eighty Three rupees Thirty Three Paise Only) Per Bigha.

#### VALUATION OF STRUCTURES

As per the standing instructions of L & B Deptt. any unauthorised structures on agricultural land need not to be considered for access of compensation while announcement of award u/s 11 of LA Act 1894. Besides the claimants did not submit any sanction plan/approval from the competent department i.e. DDA & MCD as the case may be nor any documental proof in support of their claim of structures.

Therefore, in the light of standing instructions issued by Land & Building time to time the structures on the agricultural land of village Goyla Khurd have been raised in violation of law and are as such liable to be ignored U/s 24(8) of the LA Act.

#### SOLATIUM

30% solatium will be given to the landowners on the market value of the land due to compulsory nature of the acquisition as per Provision laid under section 23(2) of Land Acquisition Act 1894.

#### ADDITIONAL AMOUNT

An additional amount @ 12% per annum on the market value of land U/S 23(1A) of Land Acquisition Act 1894 shall be given to the land owners for the period commencing from the date of notification U/S-4 of LA ACT 1894 to the date of physical possession or Award, whichever is earlier.

#### APPORTIONMENT

Apportionment of the said compensation among all the persons known or believed to be interested in the land of whom, or of whose claims, I have the information, whether or not they have appeared before me, is to be determined as per the Naksha Muntazamin. Where there is a dispute and the same is not settled, the matter shall be referred to the Court of Additional District Judge, Delhi U/S 30-31 of the Land Acquisition Act, 1894.

#### LAND REVENUE

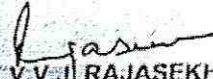
The land revenue will be deducted from the rent roll of the village Goyla Khurd w.e.f taking over the physical possession.


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SUMMARYThe award is summarized as under: -

A) The market value of land measuring 183 Bigha 10 Biswa @ 17,58,400/- Per Acre. @ Rs. 3, 66,333.33 Per Bigha.	Rs: 6,72,22,167.00/-
B) 30% Solatium U/S 23(2)	Rs. 2,01,66,650.00/-
C) Additional amount @ 12% Per annum U/s 23(1A) w.e.f 07/04/2006 TO 30/09/2008 (908 Days).	Rs. 20067198.00/-
<b>Grand Total</b>	<b>Rs: 10,74,56,015.00/-</b> (Rs. Ten Crore Seventy Four Lakh fifty Six Thousand Fifteen Only)

  
 (Y.V.V.J.) RAJASEKHARI  
 LAND ACQUISITION COLLECTOR  
 DISTRICT SOUTH WEST

  
 PR. SECRETARY (Revenue)

Announced in open court



SUMMARY

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<b>Grand Total</b>	<b>Rs: 10,74,56,015.00/-</b> (Rs. Ten Crore Seventy Four Lakh fifty Six Thousand Fifteen Only)

*Y.V.V.J.*  
 (Y.V.V.J.) RAJASEKHAR  
 LAND ACQUISITION COLLECTOR  
 DISTRICT SOUTH WEST

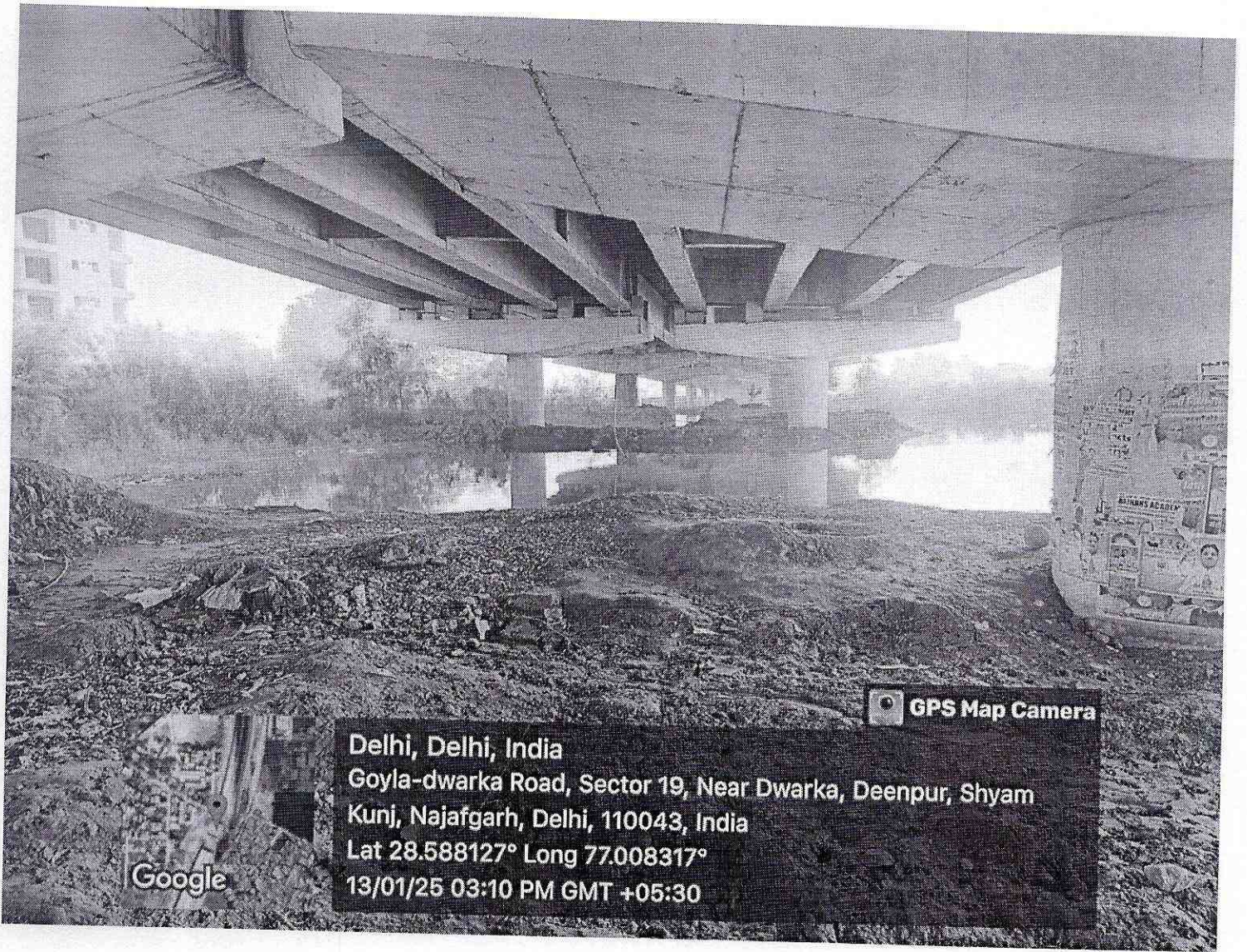
*PR.*  
 PR. SECRETARY (Revenue)

*Announced in open court*

*Y.V.V.J.*

*Announced in  
 open Court on  
 08.10.2008*

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Google

GPS Map Camera

Delhi, Delhi, India  
Goyla-dwarka Road, Sector 19, Near Dwarka, Deenpur, Shyam  
Kunj, Najafgarh, Delhi, 110043, India  
Lat 28.588127° Long 77.008317°  
13/01/25 03:10 PM GMT +05:30

