

780

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

Original Application No. 914/2022

With

Caveat applicant No.20/2022

IN THE MATTER OF:

Kamlesh Jonwal

.....Applicant

Versus

Uday Punj & Anr.

.....Respondents

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DATE: 16/07/2024
PLACE: NEW DELHI

RESPONDENT

BEFORE THE HON'BLE NATIONAL, GREEN TRIBUNAL,
PRINCIPAL, BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 914/2022
WITH
CAVEAT APPLICATION NO. 20/2020

IN THE MATTER OF :-

KAMLESH JONWAL

-----APPLICANT

VERSUS

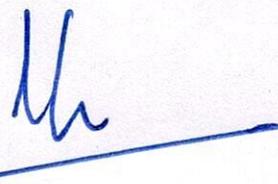
UDAY PUNJ & ORS.

-----RESPONDENT

Letter of Authorization

I, Naresh Kumar, Chief Secretary, New Delhi do hereby authorize Sh. Ajay Kumar Gupta, District Magistrate, New Delhi to appear and file the reply/documents on my behalf before the Hon'ble Green Tribunal in the matter of Kamlesh Jonwal vs UdayPunj original application no. 914/2022 which is listed for 18.07.2024

Date :- 16-07-2024


NARESH KUMAR
Chief Secretary,
New Delhi

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

ORIGINAL APPLICATION NO.914/2022

WITH

CAVEAT APPLICATION NO. 20/2020

IN THE MATTER OF :-

KAMLESH JONWAL

-----APPLICANT

VERSUS

UDAY PUNJ & ORS.

-----RESPONDENT

**STATUS REPORT CUM AFFIDAVIT ON THE BEHALF OF THE
CHIEF SECRETARY, GOVERNMENT OF NCT,**

I, Ajay Kumar Gpts s/o Sh Om Prakash Gpts aged about 56 years,
working as DM New Delhi office at Jam Major House do
hereby solemnly affirm and state on oath as under: -

1. That I am duly authorized and competent to affirm the present affidavit on behalf of the answering respondent which has been prepared under my instruction. I am fully conversant with the facts and circumstances of the present matter on the basis of the records maintained in the office to enable me to file the present affidavit on behalf of the answering respondent.



2. That on the previous date this Hon'ble Tribunal directed the interim directions on the four points. The reply of the interim directions is as under:-.

- (i) The Joint Committee constituted vide order dated 20.11.2023 surveyed the subject land and prepared TSS map/demarcation report. Joint Committee also visited the site in question on 18.04.2024 and took photographs and re-verified the factual position. The Report of the Joint Committee is as **Annexure 'A'**.
- (ii) Pertain to the Respondent no.1 Sh. Uday Punj who has been directed by the Hon'ble Tribunal to file the reply of the status report filed by the DDA and District Magistrate.
- (iii) (a) The possession of the land on which barat ghar, pump house and road were constructed and on which green belt was developed was acquired vide award 90/1980-81 and the possession of the same was handed over to DDA vide possession proceedings dated 21-04-2007(as **Annexure 'B'**) and since then DDA is land owing agency.
(b) Pertains to DDA.
(c) Disciplinary Authority has ordered for enquiry into the matter (as **Annexure 'C'**).



(d) The Land has been acquired and already handed over to DDA. DDA, further handed over to MCD as park. Currently, MCD is maintaining the green belt at Kaveri Apartment.

3. DDA has been requested to protect the acquired land from unauthorized construction and encroachment as the possession continues to be with DDA (as Annexure 'D').

4. That the present short affidavit is submitted accordingly.

[Handwritten Signature]
DEPONENT

[Handwritten Signature]
I identified the Deponent who has signed/thumb impression before me

VERIFICATION: - 16 JUL 2024

Verified at New Delhi on this ___ day of July, 2024 that the contents of the above Affidavit are true and correct to the best of my knowledge and based on the official records of the Respondent. No part of it is false and nothing material has been concealed therefrom.

[Handwritten Signature]
DEPONENT



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI

[Handwritten Signature] NT

IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE
VINOD KUMAR TIWARI, Advocate, Reg. No. 21416/2020
NOTARY PUBLIC (NEW DELHI)

[Handwritten Signature] 207

16 JUL 2024

**SURVEY REPORT OF JOINT COMMITTEE CONSITUTED BY
HON'BLE NATIONAL GREEN TRIBUNAL IN THE MATTER OF OA. NO. 914/2022**

The Hon'ble National Green Tribunal vide its order dated 20/11/2023 in the matter of OA No. 914/2022 titled as Kamlesh Jonwal versus Ujay Punj & Anr. has constituted a joint committee comprising of the officers authorized by Vice Chairman, DDA, District Magistrate, New Delhi District and Commissioner, Municipal Corporation of Delhi to demarcate the land of Kaveri Apartment, D-6, Vasant Kunj, New Delhi and land of respondent no. 1 in the instant matter i.e. Sh. Uday Punj in question.

The Hon'ble NGT has further directed to submit a report specifically mentioning as to whether any part of Kaveri Apartment, Green belt connecting to the end gate of Kaveri Apartment and public facilities drinking water/gas pipelines/sewage etc. fall into the land in question of respondent no. 1. In the present case, subject land is Kaveri Apartment and Khasra nos. 480/396/87 (3-12), 479/396/87 (3-12), 86(9-12), 88(9-17) and 67(4-1) of village Masoodpur.

In compliance of order dated 20/11/2023 passed by Hon'ble NGT, a joint site survey and demarcation of the subject land/area was carried out on 21/11/2023 by duly authorized officers of DDA and Revenue Department i.e. Naib Tehsildar (DDA), Patwari (DDA), A.E./SPO (DDA), Naib Tehsildar (Vasant Vihar sub division), Halqa Patwari (Vasant Vihar Sub-Division), alongwith Sh. Virender, Surveyor of DDA from M/s. Habib Survey Pvt. Ltd. A copy of proceedings dated 21/11/2023 is annexed at Annexure-A.

Further in compliance of the directions of the Hon'ble NGT dated 20.03.2024, a joint visit was again conducted on 18.04.2024 with the duly authorized officers of DDA, MCD and Revenue department to reverify the facts as on date. The facts and the area was again verified and photographs were taken. The officers from DDA viz. Sh. Manoj (Patwari), Ms. Anjali (Asstt. Director), Sh. Prahlad (Section Officer), the officers from MCD Sh. Saurabh (S.O. Horticulture), Sh. Jagmender Singh (Naib Tehsildar), Sh. Devender (Patwari), Sh. Amit Singh (D-man), and from Revenue Department Sh. Atul Bhartiya (Naib Tehsildar Vasant Vihar), Sh. Subodh Kumar (Patwari Vasant Vihar) and TSM/TSS surveyor from DDA were present.

After survey of the subject land in the present case, a TSS Map (Demarcation Report) has been prepared and provided by the Surveyor. The copy of TSS Map w/ demarcation report is duly verified by authorized officers i.e. N.T, DDA, Patwari, DDA and Patwari Vasant Vihar is annexed at Annexure-B. The demarcation/ TSS Map has been prepared khasra number wise. The details of the structures at different khasra nos. are mentioned below:

- 1. Area under Pump House:** Area measuring 587.134 sqm. is under pump house in khasra no.87 min, 88 min & 93 min. photos of this site is also enclosed. Area shown as site No.1 in blue colour.

~~Handwritten mark~~

Handwritten signature and scribbles

06/05/2024
AS (IV) DDA

Handwritten signature

2. **Area under Barat Ghar:** Area measuring 1601.024 sqm is under Barat Ghar in Khasra No.88 min, 89 min and 93 min photos of this site is also enclosed. Area shown as site No. 2 in blue colour.
3. **Area under DDA market:** Area measuring 1168.020 sqm is under DDA Market in khasra no.88 min & 89 min, photos of this site is also enclosed. Area is shown as site no. 3 in blue colour.
4. **Area proposed for Police Station:** Area measuring 12326.05 sqm in khasra no.86 min, 88 min & 67 min is lying vacant at the site and is partly under green.
5. **Kaveri Apartment:** The area of Kaveri Apartment is shown in grey color in TSS Map. Kaveri Apartment falls under Khasra No. 92,93,94,95,96,99,90,65,66,61 and 88.
6. **Area under Green:** This site is adjacent to service road connecting Exit gate (Kaveri Apartment) and Vasant Kunj Road and in the right while going towards Exit gate (Kaveri Apartment). Area measuring 384.88 sqm in Khasra No.93 and 989.37 sq. in Khasra No.87 is under Green Belt. Photos of this site is also enclosed. Area shown in green color and marked as G 1.
7. **Area under Green:** This site is adjacent to service road connecting Exit gate (Kaveri Apartment) and Vasant Kunj Road and in the left while going towards Exit gate (Kaveri Apartment). Area measuring 1159.648 sqm in Khasra No.87 is under Green belt. Photos of this site is also enclosed. Area shown in green color and marked as G 2.

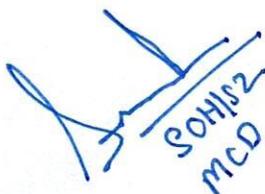
The Respondent no.1 in his reply claimed the land falling in Khasra nos. 480/396/87 (3-12), 479/396/87 (3-12), 86(9-12), 88(9-17) and 67(4-1) of village Masoodpur. However, as per revenue record, the land falling in Khasra nos. 480/396/87 (3-12), 479/396/87 (3-12), 86(9-12), 88(9-17) and 67(4-1) of village Masoodpur had been awarded vide Award 90/1980-81 and possession of the same has been handed over to DDA vide possession proceedings dated 21/04/2007.

~~Subodh~~
(SUBODH KUMAR)
Patwari, Cuv

~~Manoj Tomer~~
MANOJ TOMER
Patwari, DDA

~~Atul Bhatnagar~~
(Atul Bhatnagar)
MT, Cuv

* The green area in above said matter has been handed over to
(under HOPT. Dept.)
MCD on dated 21/05/2016


SOHISH
MCD


Asst. Director
DDA

(PARHLAD)

आज शोध आदेशानुसार माननीय NPT कोर्ट, पत्र संख्या F.NO.SDM/ VV/2024/371-74 दिनांक 15.04.24 के आदेशानुसार खसरा नम्बर 480/396/87 (3-12), 479/396/87 (3-12), 86 (9-12), 88 (9-17), 67 (4-01) ग्राम - मसूदपुर के संयुक्त सर्वे में D.D.A विभाग से श्री मनोज पटवारी L.M. शाखा, व D.D.A Hort. Div-IV से श्रीमती अंजलि Asst. Director, श्री प्रहलाद (S.O) व दिल्ली नगर निगम से श्री सौरभ S.O (Hort.), श्री जगमोहन सिंह (NT, MCD) श्री देवेन्द्र सिंह (पटवारी, MCD), श्री अमित सिंह (D-Man, MCD) व राजस्व विभाग से श्री अतुल (NT, Vasant Vidhan), श्री सुबोध कुमार (पटवारी, Vasant Vidhan) व D.D.A Envs. शाखा की तरफ से TSM/TSS सर्वेयर श्री विरेन्द्र यादव शामिल रहे। D.D.A Envs (SPD-1) से, Election Duty की वजह, AE/SPD-1 मौजूद नहीं मिले।

क्षेत्री की उपस्थिति में जो T.S.M सर्वेयर द्वारा नक्शा उपलब्ध कराया गया उसके अनुसार क्षेत्री की तसल्ली की गयी। जो दिनांक 20.11.23 को संयुक्त सर्वेक्षण किया गया था वह आज दोबारा मौका मिलित देखकर निरीक्षण किया गया जो मुताबिक T.S.M/T.S.S नक्शा व राजस्व रिकार्ड अनुसार दुरुस्त पाया गया। मौके के फोटोग्राफ्स साथ संलग्न हैं।

(Binender Yadav)
HABIB SURVEYOR

18.04.24
MANOJ TOMER
PATWARI, LM/NDZ, DDA

18/4/2024

18/4/24
Suresh Kumar

18/4/24 MCD
Jagmohan Singh

18/04/24
-Sobh
Prabhat A Khosla
no. 18/002

18/4/24
Patwari/MCD
Devender Singh

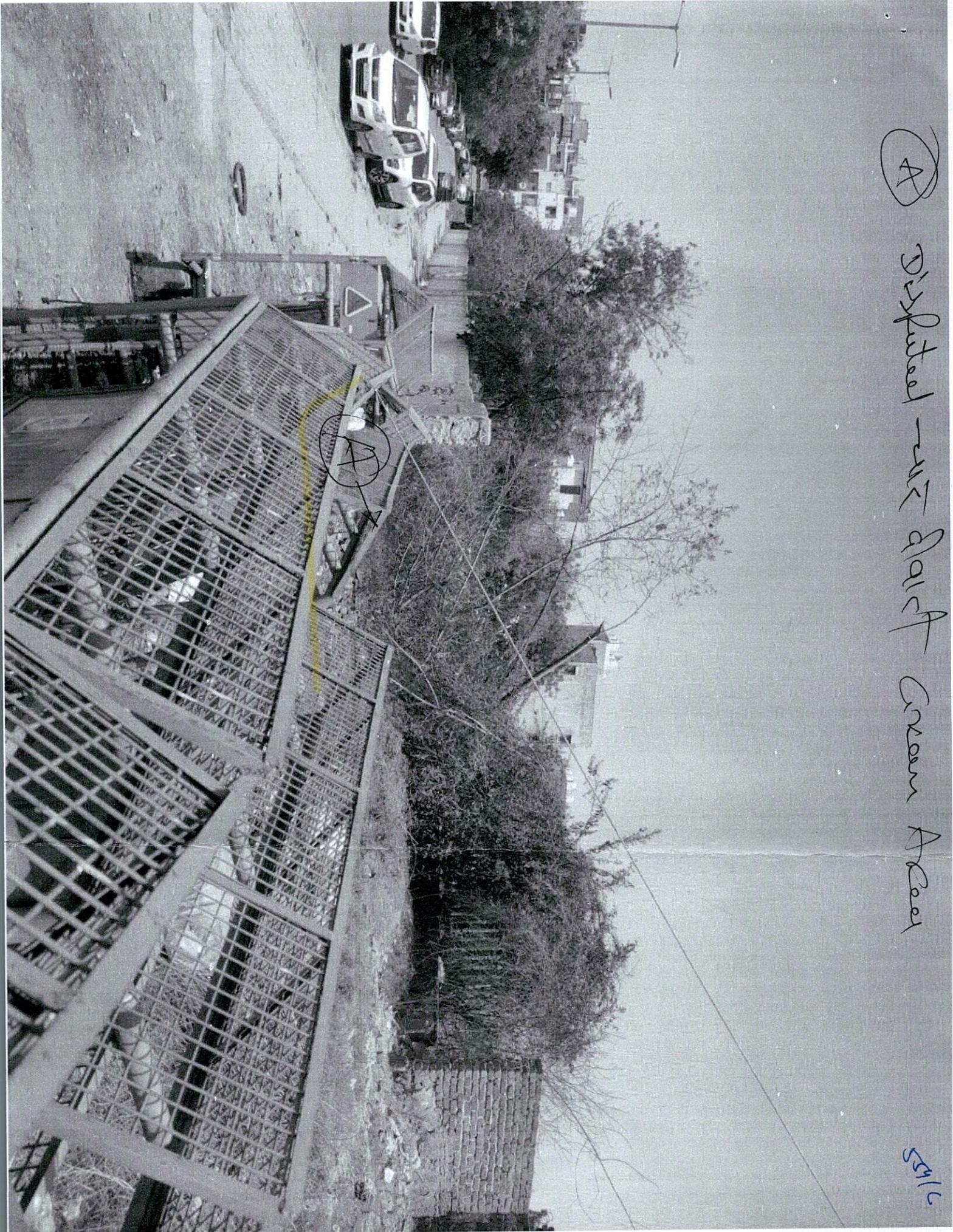
18/4/24
Dman/LEE

Pran?
ANJALI SONI
AD (Hort. DDA)

18/4/24
Atul Khosla NT
Vasant Vidhan

Ⓐ Disputed - air duct Green Area

5/11/0





A 217-Belt Area
 B main road

B

C

5/5/12



A

B

- Green Area

(A)

Lump House
D.D.A.



(A)



A - Mrs. S

A

5/29/75

(A) Complaint D.O.A.

PRIVATE PROPERTY

NO ENTRY OR PASSING IS ALLOWED ON THIS LAND WHICH IS -
 PRIVATE PROPERTY OF
 SHRI UDAY PUNJ AS DECIDED BY THE HONOURABLE DELHI -
 HIGH COURT WRIT PETITION No. 6390 OF 2014 AND UPHHELD BY
 THE HONOURABLE SUPREME COURT IN
 CIVIL APPEAL No. 4544 OF 2016 (SPECIAL LEAVE PETITION
 (C) No. 11996 OF 2015) (INTERIM APPEAL No. 4530 OF 2016 (SPECIAL LEAVE PETITION
 (C) No. 32653/2015))
 RAHUL KHARE, ADVOCATE

(B)



S.M.P.C



Government of NCT of Delhi
OFFICE OF THE SUB-DIVISIONAL MAGISTRATE, VASANT VIHAR
6th Floor, Palika Bhawan, R K Puram, New Delhi

F.NO.SDM/VV/2024/ 371-74

Delhi, dated 15-04-2024

To

The Commissioner, Land Management,
NDZ, DDA, Vikas Sadan, INA, New Delhi

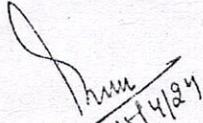
Subject: Joint Survey for verification the factual position in r/o Khasra no. 480/396/87(3-12), 479/396/87(3-12), 86(9-12), 88(9-17) and 67 (4-01) situated in village Masoodpur, New Delhi.

Reference: Order dated 20/03/2024 of Hon'ble NGT in the matter of OA no. 914/2022 titled Kamlesh Jonwal vs. Uday punj & Ors. (copy enclosed).

Sir,

Please see the interim directions issued by the Hon'ble NGT vide order dated 20/03/2024 in the matter cited above vide which the Hon'ble NGT has directed to submit report of joint committee constituted vide order 20/11/2023 to demarcate the land of the Kaveri Apartment and the land of respondent no-1 in question. In this regard, it is to inform that a joint survey has also been conducted by the joint team comprising the officers authorized by DDA and Revenue Department i.e. Sh. Om Prakash (NT DDA), Sh. Sanjay (AE/SPD-I DDA), Sh. Manoj (Patwari DDA), Sh. Virender Yadav (Habib Surveyor), Sh. Ravi Kumar Meena (Patwari DDA), Sh. Atul Bhartiya (NT, Vasant Vihar) and Sh. Yogesh (Patwari Vasant Vihar) on 21/11/2023.

Therefore, it is requested to direct the above mentioned officials to make it convenient to attend the joint visit scheduled on 18/04/2024 at 11:00 AM along with surveyor for verification of factual aspects in respect of joint survey dated 20/11/2023 and TSS map.

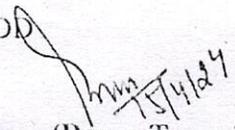

(Reena Toppo)
SDM, Vasant Vihar

Copy to :

1. ADC, Land & Estate, MCD, SPM Civic Centre, New Delhi with the request to depute the concerned officials for the above mentioned survey.
2. Executive Engineer, SPD-I, DDA
3. Assistant Director, Horticulture, South Zone MCD

Copy for information to :

1. PS to District Magistrate New Delhi District for kind information of DM, NDD


(Reena Toppo)
SDM, Vasant Vihar

21/4/07
21/4/07

द्वारा कार्यवाही ज्ञान मसूदा

दिनांक 21/4/2007.

आगवा पत संख्या SW/96/06/Consultant/48
 दिनांक दि 13/4/2007 एवं आदेशानुसार एचडी/एच/एच/एच/एच (घ/प) ज्ञान मसूदा पढ़ना।
 मीके पर महकमा एच/एच की तरफ से श्री धर्मवीर परवारी, महकमा L&B की तरफ से इस्वीर दात, काठनगे, महकमा DDA की तरफ से श्री दया राय, काठनगे, श्री अनंग पाल परवारी, डेप्युटी कमिश्नर काठनगे जेव हींची प्रतीति सहित हाजिर हैं। महकमा पुकिठ जिना घ/प की तरफ से श्री रवीन्द शेवाल ACP राहव बगधु एच/एच एच/एच को राहव श्री सुरेश डंगल मय दात मीके पर हाजिर किये।

मसूदा के अर्द्ध नं 9480-87 द्वारा कार्यवाहीत खण्ड नं 67 गिन (4-1) 388/77 (0-5) 86 (9-12) 479/396/87 (3-12) 480/396/87 (3-12) 392/340/82 (9-5) 88 (9-17) 400/94 गिन (0-19) पर वन लागू-मत को चिन्ता कर कक्षा वाकई लिया गया। कौन कक्षा वाकई, उनी सगधु L&B के नुमाइंदे श्री इस्वीर दात, काठनगे के हवाले किया गया। कौन कक्षा ज्ये का लिये, इस्वीर दात काठनगे ने महकमा DDA के नुमाइंदे श्री दया राय काठनगे के हवाले किया।

मीके पर वाकई कक्षा कार्यवाही के दि फरेवानी केर नही करई।
 R.T.O.

पुथक पुठ का शेषः-

इस प्रकार कंठ का कार्यवाही नुकसाल
 कार्यवाही की एक प्रति हल्का पटवारी को रि-कॉर्ड माल
 देत मज की जायगी

(इश्वरचन्द्र) 21/4/07 (धर्मवीर) (21 जिव कुमार)
 काठुनागे (L&B) पटवारी (LA)/SW NT (LA)/SW

(दिपाराम) 21/4/07 (अनंग पाल)
 काठुनागे (DDA) पटवारी (DDA)

कार्यवाही
 काठुनागे

52, 58, 59, 67, 372/70, 72, 388/77
 5-8 5-15 11 4-01 8-0 4-70 1-5
 78, 392/340/82, 394/340/82, 374/83, 86, 479
 4-6 9-05 6-17 10-18 9-72 396
 480 88, 452/90, 91 A. 6
 396 9-77 5-78 1-05 5. 243-17 नमो नमो
 87 3-12 372

मिथा जा (रहा) 1 नमो नमो 478/394/87/12, 478/396
 386/76 --9 87
 396/329/93, 400/94, 105, 1249, 405 1-07
 1-02 1-19 1-09 98
 1-02 1-19 1-09 98

मिथा जा (रहा) 1 नमो नमो 478/394/87/12, 478/396
 386/76 --9 87
 396/329/93, 400/94, 105, 1249, 405 1-07
 1-02 1-19 1-09 98
 1-02 1-19 1-09 98

मिथा जा (रहा) 1 नमो नमो 478/394/87/12, 478/396
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 396/329/93, 400/94, 105, 1249, 405 1-07
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मिथा जा (रहा) 1 नमो नमो 478/394/87/12, 478/396
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 396/329/93, 400/94, 105, 1249, 405 1-07
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मिथा जा (रहा) 1 नमो नमो 478/394/87/12, 478/396
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 396/329/93, 400/94, 105, 1249, 405 1-07
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मिथा जा (रहा) 1 नमो नमो 478/394/87/12, 478/396
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 396/329/93, 400/94, 105, 1249, 405 1-07
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मिथा जा (रहा) 1 नमो नमो 478/394/87/12, 478/396
 386/76 --9 87
 396/329/93, 400/94, 105, 1249, 405 1-07
 1-02 1-19 1-09 98
 1-02 1-19 1-09 98

314

304

Sol - Kher Singh
N-T(LA)

26
29/12
80

Sol - G. S. Aggarwal
NT(LB)

29-12-80

Sol - Dharam Pal
K.P.(LA)

26
29/12
80

Sol - Ishraj Singh
N.T.(LB)

29/12/80

Sol - Mand Roop Singh
N.S.(LA)

Sol - Raj Bahadur
N-T(DD)

26
29/12
80

Sol - Mathura Dutt
Jama dar(DDA)

29-12-80

Sol - Bhagat Singh
N.T.(Host)

29/12/80

Sol - Bhim Singh
Pasdhan

Handwritten signature

Sol - Niranjan Singh
Patel(DDA)

29/12/80

Sol - Bhagwan Singh

Sol - Mangal Ram

Sol - Mansharam

L.T. Chhote Lalchand

Attested
Handwritten signature
N.T(LA)

29-12-80

802

Confidential

GOVT OF NATIONAL CAPITAL TERRITORY OF
REVENUE DEPARTMENT
(VIGILANCE BRANCH)
5, SHAM NATH MARG, DELHI-110054

Annexure - C

F.14(39)/2024/DIV.COM/VIG./HQ/238-240

Dated: 22/05/2024

To

The Assistant Director (Vigilance),
Directorate of Vigilance,
4th Level, C-Wing, Delhi Secretariat,
I.P. Estate, New Delhi-110002

Sub: Forwarding of Draft Chargesheets against Sh. Vivek Kumar Tripathi, DANICS, the then ADM/LAC and Sh. Surender Yadav, the then Patwari, New Delhi District, Revenue Department, GNCTD- reg.

Sir,

Please refer to your mail dated 14.05.2024 seeking draft chargesheet in r/o Sh. Vivek Kumar Tripathi, DANICS, the then ADM/LAC and Sh. Surender Yadav, the then Patwari, New Delhi District, Revenue Department, GNCTD.

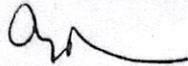
In this regard, I am directed to enclose herewith Draft Chargesheets framed under Rule 14 of CCS (CCA) Rules, 1965 along with copies of requisite documents in r/o following officers/officials:-

1. Sh. Vivek Kumar Tripathi, DANICS, the then ADM/LAC, New Delhi District, Revenue Department, GNCTD.
2. Sh. Surender Yadav, the then Patwari, New Delhi District, Revenue Department, GNCTD.

This issues with the prior approval of the Principal Secretary (Revenue)-cum-Divisional Commissioner, Revenue Department, GNCTD.

Encl: As above.

Yours faithfully,

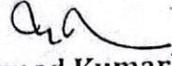

(Pramod Kumar)
SDM Vigilance (HQ)

Dated: 22/05/2024

No.F.14(39)/2024/DIV.COM/VIG/HQ/238-240

Copy for information and necessary action to :-

1. The District Magistrate, District New Delhi, Revenue Department, GNCTD.
2. The District Magistrate, District west, Revenue Department, GNCTD.


(Pramod Kumar)
SDM Vigilance (HQ)

9/2

**OFFICE OF THE DISTRICT MAGISTRATE
(NEW DELHI DISTRICT)
GOVERNMENT OF N.C.T. OF DELHI
12/1, JAM NAGAR HOUSE, NEW DELHI-110011.**

No. F.1/SDM(VV)/2024/093765433/4371-4374

Date: 15.07.2024

To,

The Commissioner,
Land Management, DDA,
Delhi.

Subject: NGT original application No. 914/2022 titled Kamlesh Jonwal Vs Uday Punj Ors. in respect of Award no. 90/80-81.

Sir,

Khasra Nos. 479/396/87 (3-12), 86 (9-12), 88 (9-17), 398/329/93/2 (9-11), 330/93 (4-17), 67 (12-3) of village Masoodpur was acquired with award no. 90/80-81 and the possession of the same was also handed to the DDA (copy enclosed). In a writ petition in the High Court judgment dated 23.02.2015, the award was quashed on the basis of a report by LAC that the possession of the land has not been handed over which is not factually correct as per records. As reported, the matter is already in appeal by DDA against the quashing of the award order of DDA.

In the meantime, a petition was filed in the NGT wherein the factual details have been filed that possession of the acquired land stands handed over to DDA. Hon'ble court has asked for a status from Chief Secretary, Delhi and the Vice Chairman, DDA on the next date of hearing on 18.07.2024.

The land under question is a park adjoining the D-6, Kaveri Apartments, Vasant Kunj, which is reportedly being maintained by MCD presently as green belt at Kaveri Apartments. Since, the possession of the land has never been disturbed, it is humbly requested that the land is duly protected from any unauthorized construction/ encroachment.


Nishant Bodh, DANICS
Addl. District Magistrate
New Delhi District

Copy to:

- 1. PS to Vice Chairman, DDA.**
- 2. PS to ACS/ Divisional Commissioner, Revenue, Delhi.**
- 3. PS to DC, MCD, South Zone, Delhi.**