

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**NEW DELHI****Original Application No. 03/2023****IN THE MATTER OF:****MANISH KUMAR****.....APPLICANT****VERSUS****GOVT. OF NCT OF DELHI****.....RESPONDENT****I N D E X**

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FILED THROUGH**ADVOCATE FOR THE RESPONDENT****DATE:**

IN THE HON'BLE NATIONAL GREEN TRIBUNAL NEW DELHI
Original Application No. 03/2023

IN THE MATTER OF:

MANISH KUMAR

.....APPLICANT

VERSUS

GOVT. OF NCT OF DELHI

.....RESPONDENT

SUBMISSION/ACTION TAKEN REPORT ON BEHALF OF DISTRICT MAGISTRATE (SOUTH) BEFORE THIS HON'BLE TRIBUNAL.

1. That Hon'ble Tribunal had pleased to issued direction vide dated 08.12.2023 directing therein that which is reproduced as under:
"11....DDA and District Magistrate, South Delhi shall also file their response".
2. In this regard, it is humbly submitted that in CONT. CAS (C) 458/2013 titled as Vinod Kumar Jain Vs DM Sopolia&Ors regarding identification of encroachment, its removal and restoration of the Johad (Water Body) at K.No.1168 (New)/1672 (Old) in the Revenue Estate of Village Mehrauli, Delhi, same is pending before the Hon'ble High Court and fixed for hearing on 01.02.2024.
3. The brief background and status of the case are as under:
 - a. That the Hon'ble Court constituted a Committee vide order dated 14th January, 2015 comprising (1) the then SDM (Mehrauli) Sh. OnkarMalhotra (2) Mr. V.K. Bhatia, SE-II /SZ and (3) Mr. Suresh Kumar, Dy. Director /CM/SW 2/DDA with the direction that *" It is directed that a joint action would be taken by the said team for ensuring that any encroachment/unauthorized construction on the water body in question is cleared within a period of eight weeks from today. It is directed that all necessary police assistance would be granted to the aforesaid team. It is further directed that SDM (Mehrauli) shall also ensure that a fresh demarcation is carried out to*



demarcate the area of the pond/water body in question. It is necessary that physical evidence on ground, as to the extent of the water body, be also taken into account while conducting the demarcation.

- b. *It is further directed that the joint team shall ensure the protection of the water body in question and any encroachment thereon is removed irrespective of the Khasra in which the pond/water body is situated. The joint team shall act uninfluenced by any demarcation done in the past. The joint team shall also examine the petitioner's contention that the water body in question measures approximately 17 bighas and part of the same has already been illegally filled up. If the joint team is persuaded by the said contention, it shall also ensure that any construction carried out on the water body by filling up the same is also removed.* **(copy of the order dated 14th January, 2015 is enclosed herewith as Annexure -A)**

4. That it is humbly submitted that, vide order dated 3rd April, 2018 the constitution of the committee converted to designation instead of the Individual Officers i.e. (1) SDM (Mehrauli) (2) Superintending Engineer - II/SZ for SDMC and (3) Dy. Director/LM/SW2/DDA. **(copy of Order Dated 3rd April, 2018 is enclosed herewith as Annexure – 'B')**
5. That in compliance of the Directions of the Hon'ble Court a fresh demarcation process of Khasra No. 1168 (New)/1672 (Old) /the Water Body has been carried out with the identification of the reference points on 05/09/2023 **(copy of the proceedings dated 05/09/2023 enclosed as Annexure – 'C')**.
6. That a demarcation report has been furnished by the Surveyor in this regard the Ground Truthing/Nishandehi/Marking in accordance with the Demarcation Report was scheduled for 09/11/2023. Also to hear the objections received from the Objectors a meeting was held on 23/01/2024. **(copy of Notice dated 01/11/2023 & 15/01/2024 is enclosed herewith as Annexure –'D' and 'E')**
7. The remaining process of Ground Truthing/Nishandehi/Marking in the matter will resume after disposing of the objections, so received, for fair, transparent and natural justice to all the aggrieved.



8. Based on the above facts, a report/reply is being submitted for kind consideration before this Hon'ble Tribunal. Undersigned assures that the orders/directions passed by this Hon'ble Commission shall be complied timely with in toto and spirit.



M. Chaitanya Prasad
**(Mekala Chaitanya Prasad, IAS,
DM (SOUTH))**

MEKALA CHAITANYA PRASAD, IAS
District Magistrate (South)
District South
Govt. of NCT of Delhi
M.B. Road, Saket, New Delhi

IN THE HIGH COURT OF DELHI AT NEW DELHI

CONT.CAS(C) 458/2013

VINOD KUMAR JAIN Petitioner

Through Mr Arvind Sah, Advocate.

versus

DM SOPOLIA and ORS Respondents

Through Ms Shobhana Takiar, Advocate for

R1 with Patwari.

Mr Ajay Verma, Advocate for DDA

with Mr A.K. Pandit, Chief Engineer,

DDA.

Mr Ajay Arora and Mr Kapil Dutta,

Advocates with Mr Uday Kumar, DC

(South Zone) SDMC.

Ms Zubeda Begum, St. Counsel for

GNCTD for Respondent (Delhi

Police).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

14.01.2015

The present petition has been filed, inter alia, seeking that the action for contempt be initiated against the respondents for violation of orders passed by this Court in W.P. (C) 3502/2000, whereby it was directed that encroachment on water bodies be removed and the water bodies be protected.

The learned counsel appearing for DDA submitted that South Delhi Municipal Corporation would be the responsible body for removing any encroachment on the water body in question, namely, the water body situated at village Kishan Garh falling in Khasra No. 1672 (old)/Khasra No. 1168 (new). Learned counsel for the petitioner states that the said water body measures 17 bighas, however, the affidavit filed on behalf of the DDA indicates the same to be measuring 12 bighas.

The learned counsel for the parties have drawn the attention of this Court to the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011 as subsequently amended by the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014. A plain reading of the said Act indicates that the subject matter of that enactment is encroachment and unauthorized occupation of land and unauthorized construction. Thus, the protection to encroachment/unauthorized construction afforded by the said enactment does not extend to water bodies.

The learned counsel for the petitioner has also referred to the decision of the Supreme Court in Hinch Lal Tiwari v. Kamala Devi and ors: 2001 Supp (1) SCR 23, whereby the Supreme Court had pointed out that the resources of the community such as tanks, ponds, water channels, pathways etc. are necessary to maintain the ecological balance. Protection of such resources would be an integral facet of Article 21 of the Constitution of India. The relevant extract of the said decision reads as under:-

?It is important to notice that the material resources of the community like forests, tanks ponds, hillock, mountain etc. are nature?s bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under

Article 21 of the Constitution. The Government, including the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites.?

It is well settled principle that a statute must be interpreted to further the legislative intent. It can hardly be contended that the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011, as subsequently amended in December, 2014 by the National Capital Territory of Delhi Laws (Special Provisions) Second (Amendment) Act, 2014, was intended to protect encroachment and unauthorized usurpation of water bodies, which are essential for existence of life in the villages.

The plain language of Section 3(1) of the said Act read with Section 2(c) indicates that only encroachment on certain lands is protected. In the context of the said Act, the word ?land? would not include water bodies, ponds or tanks.

The learned counsel appearing for DDA, SDMC as well as respondent No.1 are ad-idem that it must be their priority to protect the water body in question.

There is some confusion as to the body responsible for protection of the said water body; the SDMC states that the land owning agency, namely, DDA shall take the requisite steps, while DDA insists that the same be taken by the SDMC. In the given circumstances, I deem it appropriate to direct that a joint team be constituted, by one officer each nominated by DDA, SDMC and SDM (South), to take expeditious steps with respect to the water body in question. The learned counsel for the said parties have nominated the following persons for constituting the said team:

1. Mr Onkar Malhotra, SDM (Mehrauli)
2. Mr V.K. Bhatia, SE-II/SZ for SDMC
3. Mr Suresh Kumar, Dy. Dire/CM/SW2/DDA

It is directed that a joint action would be taken by the said team for ensuring that any encroachment/unauthorized construction on the water body in question is cleared within a period of eight weeks from today. It is directed that all necessary police assistance would be granted to the aforesaid team. It is further directed that SDM (Mehrauli) shall also ensure that a fresh demarcation is carried out to demarcate the area of the pond/water body in question. It is necessary that physical evidence on ground, as to the extent of the water body, be also taken into account while conducting the demarcation.

It is further directed that the joint team shall ensure the

protection of the water body in question and any encroachment thereon is removed irrespective of the Khasra in which the pond/water body is situated. The joint team shall act uninfluenced by any demarcation done in the past.

The joint team shall also examine the petitioner's contention that the water body in question measures approximately 17 bighas and part of the same has already been illegally filled up. If the joint team is persuaded by the said contention, it shall also ensure that any construction carried out on the water body by filling up the same is also removed.

In view of the above, the learned counsel for the petitioner does not wish to press the present petition and the same is discharged.

Order dasti under the signature of Court Master.

VIBHU BAKHRU, J

JANUARY 14, 2015

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + CONT.CAS(C) 458/2013, CM Nos. 14036/2015 & 30146-
 30147/2017
 VINOD KUMAR JAIN

..... Petitioner

Through: Mr. Arvind Sah, Adv.

versus

DM SOPOLIA & ORS

..... Respondent

Through: Mr. Siddharth Dutta, Adv. for R-1 &
 2
 Mr. Ajay Verma, Sr. Standing
 Counsel with Ms. Diviani Khanna,
 Adv. for DDA
 Mr. Ajjay Aroraa, Adv. for SDMC

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****ORDER**

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03.04.2018

1. On the last date of hearing i.e August 31, 2017, this Court while adjourning the matter had observed that Mr. Arvind Sah, learned counsel for the petitioner shall assist the Committee to identify the properties, which do not enjoy the protection of the National Capital Territory of Delhi Laws (Special Provisions) Second Amendment Act, 2011. The Committee was required to file a status report on the action taken thereof.
2. Mr. Sah would submit, on September 20, 2017, the petitioner has sent a communication to the Members of the Committee identifying three properties being 11-B/9, Khasra No. 1168, Kishangarh, Mehrauli, New Delhi; 11/9, Kishangarh, Mehrauli and 11/9, Kishangarh Mehrauli, New

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Delhi as the properties which falls within the water body. According to him, the said properties continue to be sealed but no action has been taken to demolish the same. According to him, it appears further construction has been made.

3. A status report has been filed today by the SDMC, wherein in paras 3 & 4, the following has been stated:-

"3. That in compliance of orders of this Hon'ble Court, then SDM (Mehrauli), initiated a demolition drive on 30/8/2017 in Village Kishan Garh Drive wherein illegal construction in property belonging to Sh. Jai Bhagwan S/o Sh. Hukum, 13/9, Kishan Garh, New Delhi & Sh. R.K. Budhwar, 9C/9, 2nd and 3rd Floor, Near site of Johad, Kishangarh, New Delhi were demolished under the supervision of my predecessor and further the above stated properties were sealed by SDMC.

4. Further, in pursuance of orders of this Hon'ble Court, meetings were called on 21.03.2018 and 27.03.2018 to ascertain further progress of the work of the Committee, where it was noted with concern that no officer/engineer from the concerned Building Department of the SDMC attended the meeting despite several notices and clear instructions in this regard. Further, the Licensing Inspector who did attend the meeting on behalf of SDMC on 27.03.2018 stated that he had no idea about this committee. The Licensing Inspector was instructed to pass on the message to the concerned Supdt. Engineer to attend further meetings and to prepare an action taken report/status report in this matter. However, no such report has been received in this office till date."

4. Even though, Mr. Ajjay Arora has some justification for the absence of the concerned SE-II in the meeting, it is made clear that henceforth the concerned SE-II, South Zone shall attend the meetings except for certain



compelling reasons, which reasons shall be conveyed to the concerned SDM.

5. Mr. Ajay Verma appearing for DDA during the course of his submissions has drawn my attention to order dated January 14, 2015 to contend that this Court had constituted Committee of particular Officers being Mr. Onkar Malhotra, SDM (Mehrauli), Mr.V.K. Bhatia, SE-II/SZ for SDMC and Mr. Suresh Kumar, Dy. Director/CM/SW2/DDA. According to him, as these Officers have been transferred from their posts in exigencies, it is not possible for them to be part of the Committee. He states, the Court may direct the constitution of a Committee by designation. The said submission appears to be reasonable and agreed to by all concerned. Accordingly, it is directed the Committee shall consist of the concerned SDM (Mehrauli), Superintending Engineer-II/SZ for SDMC and Dy. Director/LM/SW2/DDA. In other words, the incumbents holding the said posts shall constitute the Committee. It is made clear that in case any assistance is required by the Committee from the erstwhile Members, the same shall be rendered to them.

6. It is expected that the Committee shall hold a meeting at the earliest preferably within four weeks from today and deliberate on the communication sent by the petitioner with respect to the aforesaid three properties and action to be taken thereof. A status report shall be filed within four weeks thereafter.

7. Renotify on 12th September, 2018.

V. KAMESWAR RAO, J

APRIL 03, 2018/ak

| संख्या नम्बर new | (K.A.M.S.) (old) | मोटा वर सुझाए |
|---------------------|---------------------|--|
| 4) 963 | 1519 | सुझा |
| 5) 938 | 1495 | सुझा |
| 6) 1145 | 1662 | अनुमद मोटा पर है |
| 7) 805 | 1372 | सुझा |
| 8) 863 | 1418 | सुझा |
| 9) 1151/3 | 1665 | मोटा पर अनुमद लड़ा सरप व मध्याह्न की सीमा पर अनुमद बना हुआ है इसका पता |

मोटा पर अनुमद सभी निवासी सभी एप्लिकेशन का सिद्धांत के सामने पुराना
मोटा पर अनुमद सभी एप्लिकेशन के सामने पुराना
सिद्धांत के सामने पुराना
संख्या नम्बर 1168 (Pond) old 1670 (Pond)
व नया नम्बर 1151/3 - 11/9 & 13/9 सिद्धांत के
मध्याह्न है उनको भी सिद्धांत बना। और Demand Letter
का कार्य सभी एप्लिकेशन की मौजूदगी में शुरू कराया गया
सिद्धांत के बजाय कि इस Demand Letter को करने से लगभग
10 दिन का काम लगेगा। मोटा के पार्सल वाले भी सिद्धांत का
13/9/23 परेशान

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Pamwari/mun
05/09/23

5/9/2023
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NT
5-9-2023
LM/SZ-I (PO)

Standard Survey
Darius Cont Pvt. Ltd.
Mhatek Standard
05/09/23



OFFICE OF THE SUB DIVISIONAL MAGISTRATE (MEHRAULI)
GOVT OF NCT OF DELHI

OLD TEHSIL BUILDING MEHRAULI, NEW DELHI-110030

F.NO.70/TEH/MEH/22/1449-62

DATED:- 01/11/23

NOTICE

Sub: - Ground truthing/marking after demarcation in compliance of Hon'ble High Court's Order in Case NO. CONT.CAS (C) 458/2013, CM APPL.14036/2015, CM APPL.30146/2017, CM APPL.30147/2017, CM APPL.2044/2022 in the matter of Vinod Kumar Jain Vs DM Sapolla & Ors in respect of Khasra No. 1168 (New) 1672 (Old) Pond, Kishangarh, Mehrauli, New Delhi.

Whereas, the Hon'ble High Court in order dated 03.08.2023 and 21.08.2023 has directed to SDM (Mehrauli), Superintending Engineer -II/SZ for SDMC and Dy. Director/CM/SW2/DDA to take appropriate action regarding removal of encroachment at Khasra No. 1168 Kishangarh Mehrauli.

Whereas, the TSM Surveyor vide letter dated 22.09.2023 has submitted the draft demarcation report/map in respect of Khasra No. 1168 (New) 1672 (Old) Pond, Kishangarh, Mehrauli and the same was forwarded to Deputy Director (LM/SZ) DDA vide letter dated 05.10.2023 and 17.10.2023 for confirmation.

Whereas, The Deputy Deputy Director (LM/SZ) DDA vide letter dated 23.10.2023 has requested to do the physical marking of the TSS demarcation points so as action for removal of encroachment can be initiated.

In view of above, in compliance of the Hon'ble Court order, It is therefore informed to all the parties/stakeholders concerned that the date for "Nishandehi/ground truthing/Marking" is scheduled on 09.11.2023 at 11:00 am at the land site as mentioned above without fail so that "Nishandehi/ground truthing/Marking" work may be completed in presence of all the stakeholders as per the demarcation report.

This issues with the prior approval of SDM (Mehrauli).



SANTOSH KUMAR
TENSILDAR (MEHRAULI)
District (South)

DATED:- 01/11/23

F.NO.70/TEH/MEH/22/1449-62

To

1. The Court Commissioner Water Body Delhi High Court Room No. 404, New Delhi for Information please.
2. The SDM (Mehrauli), Old Tehsil Building Mehrauli, New Delhi-110030 for Information.
3. The Superintendent Engineer-II/SZ, SDMC, Green Park, New Delhi-110016.
4. The Deputy Director/CM/SW2/DDA, Vikas Sadan, INA, New Delhi-110023.
5. The SHO (Kishangarh), New Delhi-110070 to provide the police protection at site.
6. The Naib Tehsildar (Mehrauli) along with Field Kanungo and Patwari Village Mehrauli with the relevant records with the direction to initiate the demarcation proceedings on the given date Mobile No. 9818773277.
7. Sh. Nand Lal S/o Sh. Ram Nath Village Kishangarh Mehrauli, New Delhi-110070.
8. Attar Singh, Ishwar Singh, Randhir Singh, Lachhman Singh R/o Village Kishangarh Mehrauli, New Delhi-110070
9. Mittar, Prithi Singh Sons of Mangtu R/o Village Kishangarh Mehrauli, New Delhi-110074.

OFFICE OF THE EXECUTIVE MAGISTRATE/TEHSILDAR (MEHRAULI)
GOVT. OF NCT OF DELHI.
OLD TEHSIL BUILDING, MEHRAULI, NEW DELHI-110030
E-mail:sdmmehrauli.delhi@nic.in, Contact.No.011-26641772

No./TEH/MEH/2024/1607-35

Dated: 15/01/2024

NOTICE

SUB: Ground Truthing/Marking after demarcation in compliance of Hon'ble High Court's Order in Cased No. CONT. CAS (C) 458/2013, CM APPL.30147/2017, CM APPL.2044/2022 in the matter of Vinod Kumar Jain Vs DM Sapolia Ors in respect of Khasra No. 1168 (New)/162 (Old), Pond, Kishangarh, Mehrauli, New Delhi.

Whereas, the Hon'ble High Court in order dated 03.08.2023 and 21.08.2023 has directed the SDM (Mehrauli), Superintending Engineer -II/SZ for SDMC and Dy. Director/CM/DDA to take appropriate action regarding removal of encroachment at Khasra No. 1168 (New) Kishangarh, Mehrauli, New Delhi.

Whereas, the TSM Surveyor vide letter dated 22.09.2023 has submitted the draft demarcation report/map in respect of Khasra No. 1168 (New) 1672 (Old) Pond, Kishangarh, Mehrauli and the same was forwarded to the Deputy Director (LM/SZ) DDA vide letter dated 05.10.2023 and 17.10.2023 for confirmation.

17-10-2023

Whereas, The Deputy Director (LM/SZ) DDA vide letter dated 23.10.2023 has requested to do the physical marking of the TSS demarcation points so that action for removal of encroachment can be initiated.

Whereas, in compliance of the Hon'ble Court Order a Notice dated 01.11.2023 has been issued to all the Stakeholder Departments/Parties to be present without fail during the process of conducting Ground Truthing/Nishandehi/Marking scheduled on 09.11.2023 at 11.00. AM at the given site so that the task of Ground Truthing/Nishandehi/Marking Khasra No. 1168 (New) 1672 (Old) Pond, Kishangarh - Mehrauli may be completed in accordance with the received demarcation report.

Whereas, representations/objections have been received from the persons residing in the surrounding area of Khasra No. 1168 (New) 1672 (Old) Pond, Kishangarh, Mehrauli, New Delhi and it has been claimed by the Objectors that they have valid documents issued from the DDA in respect of the land of their occupancy.

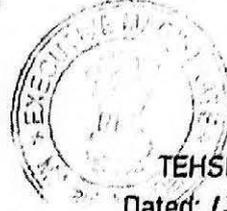
And whereas, before proceeding further in the course of Ground trothing /Nishandehi/Marking process in compliance of the direction issued by the Hon'ble Court and for the cause of natural justice, it is appropriate to offer an opportunity to hear the objectors who have filed their objections and any villager of the Revenue Estate of Mehrauli having an objection or aggrieved with the demarcation proceedings.

Cont..2



Now, therefore, all the Stakeholders Departments/Interested persons are hereby informed to ensure their presence before the SDM (Mehrauli) on 23.01.2023 at 11.00 AM to hear all the objectors who have filed their objections and anyone from the village have objection on the demarcation proceedings so conducted, to hear objections of everyone in the presence of representatives from DDA and other Departments so that after exhausting objections, further requisite process may be resumed to comply with the direction of Hon'ble Court.

This has the approval of SDM (Mehrauli).



BHOOP SINGH
TEHSILDAR (MEHRULI)

Dated: 15/01/2024

No./TEH/MEH/2024/ 1607-35

To

1. The Court Commissioner Water Body Delhi High Court Room No.404, New Delhi for information please.
2. The SDM(Mehrauli), Old Tehsil Building Mehrauli, New Delhi -110016 for information.
3. The Superintendent Engineer-II/SZ, SDMC, Green Park, New Delhi -110016.
4. The Deputy Director/CM/SW2/DDA, Vikas Sadan, INA, New Delhi -110023.
5. The SHO (Mehrauli), New Delhi - 110070 to deploy sufficient police personnel on the scheduled date of hearing.
6. The Naib Tehsildar (Mehrauli) alongwith the Field Kanungo and Patwari of the Village Mehrauli with the relevant records.
7. Sh. Nand Lal S/o Sh. Ram Nath Village Kishangarh Mehrauli, New Delhi-110070.
8. Attar Singh, Ishwar Singh, Randhir Singh, Lachhman Singh R/o Village Kishangarh Mehrauli, New Delhi-110070
9. Mittar, Prithi Singh Sons of Mangtu R/o Village Kishangarh Mehrauli, New Delhi-110074.
10. Mahesh Kumar, Yogendra Singh Sons of Udal R/o Village Kishangarh Mehrauli, New Delhi -110070.
11. Mani Ram S/o Ramji Lal R/o Village Kishangarh Mehrauli, New Delhi-110070.
12. Sh. Devender Mehlawat S/o Sh. Itiram R/o 13/9, Kishan Garh, Vasant Kunj, New Delhi-110070.
13. Sh. Nafe Singh S/o Sh. Laje Ram R/o 12/9, Kishan Garh, Vasant Kunj, New Delhi-110070.
14. Sh. Eateh Singh S/o Sh. Surjan Singh R/o 12/9, Kishan Garh, Vasant Kunj, New Delhi-110070.
15. Sh. Devender Singh S/o Sh. Balbir Singh R/o 11B/9, Kishan Garh, Vasant Kunj, New Delhi-110070.
16. Sh. Mahabir Singh S/o Sh. Balbir Singh R/o 11C-1/9, Kishan Garh, Vasant Kunj, New Delhi-110070.
17. Sh. Krishan Kumar S/o Sh. Balbir Singh R/o 11B/9, Kishan Garh, Vasant Kunj, New Delhi-110070.
18. Sh. Narender Singh S/o Sh. Balbir Singh R/o 11/9, Kishan Garh, Vasant Kunj, New Delhi-110070.
19. Sh. Rajkumar S/o Sh. Pratap R/o 11/9, Kishan Garh, Vasant Kunj, New Delhi-110070.

Contd...

(2)

IN THE HIGH COURT OF DELHI AT NEW DELHI

To,

The Deputy Registrar
Delhi High Court of Delhi.
New Delhi

Case No. CONT. CASE No. 458/2013
of 2002

Vinod Kumar JainPlaintiff/Appellants/
Petitioner

VERSUS

DM Saralia and ors

Defendant/Respondent

Sir,

Will be you kindly treat this accompanying his application as an urgent one in accordance with the High Court Rules and Orders.

1. The grounds of urgency are :-

order is sought.

Kindly list on 4-8-15.

Address

Compliance of High Court

Yours faithfully,

Arvind Sah

Advocate for Petitioner/
Respondent

New Delhi

Dated: 30-7-15

ARVIND SAH ADV.
C/N, 401 Delhi High Court
New Delhi - 110003
9811555076

IN THE HIGH COURT OF DELHI AT NEW DELHI

CM NO 14236 OF 2015

in

CONTEMPT CASE (C) NO.458 OF 2013

Vinod Kumar Jain

... Petitioner

VERSUS

D.M. Sappolia & another

... Respondents

APPLICATION UNDER SECTION 151 CPC ON BEHALF OF
THE PETITIONER

The Petitioner humbly submits as under:

1. That the Petitioner had filed the present petition seeking contempt action against the Respondents for violation of orders passed by this Hon'ble Court directing the Respondents to remove encroachment from and preserve the water bodies.
2. That one water body where encroachment had been taking place was at Khasra No 1168, Village Mehrauli, Kishangarh admeasuring 17 bighas. Despite the Court orders, the encroachers/ builders had been filling the water body and raising multistoreyed buildings under the very nose of the

(4)

land owning agencies i.e. DDA whose officials were not taking any action despite the fact that the Sub-divisional Magistrate office had passed a restraint order and thereafter ordered sealing of the unauthorized construction/encroachment carried out within the Johar Land.

3. That the encroachment was taking place over the water body as the land owning agencies i.e. DDA, South Delhi Municipal Corporation and the Delhi Government denied their responsibility and blamed each other for failing to protect the water body. As such the Hon'ble Court had while disposing of the petition on 14.01.2015 given directions as under;

"In the given circumstances, I deem it appropriate to direct that a joint team be constituted by one officer, each nominated by DDA, SDMC and SDM (South) to take expeditious steps with respect to the water body in question. The Ld counsel for the said parties have nominated the following persons for constituting the said team:

1. Mr Onkar Malhotra SDM (Mehrauli)
2. Mr V.K. Bhatia SE-II/SZ for SDMC
3. Mr Suresh Kumar Dy Dir/CM/SW-2/DDA

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It is directed that a joint action would be taken by the said team for ensuring that any encroachment/unauthorized construction on the water body in question is cleared within a period of eight weeks from today."

Copy of the order dated 14.01.2015 is annexed herein and marked as Annexure A-I.

4. That despite the time for taking action had elapsed, no information was furnished by the concerned agencies as to what was the status of the water body. To the Petitioner's knowledge the joint action team had not complied with the Court order.
5. That the Petitioner had, therefore, through a legal notice dated 12th May, 2015 reminded all the three Government agencies of the said non-compliance of the Court orders and asked them to take necessary steps to ensure that the Court appointed team complies with the directions of the Hon'ble Court passed on 14.1.2015. Copy of the legal notice dated 12.5.2015 is annexed herein and marked as ANNEXURE A-II.

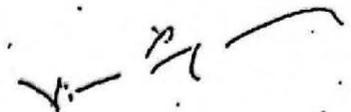
PRAYER

In the circumstances the petitioner humbly prays that this Hon'ble Court be pleased to:

Call for action taken report from the Joint team members appointed by the Court to be filed in Court.

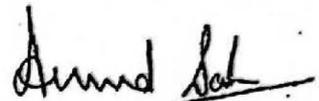
⑥

- ii. In case no action has been taken, initiate Contempt action against the team members for failing in their duty to comply with the Court Orders and punish them as per law.



Petitioner

Through


(ARVIND SAH)

ADVOCATE

401-III, LAWYERS CHAMBERS

DELHI HIGH COURT

9811555076

NEW DELHI

31.07.2015

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