

**51**

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
NEW DELHI, PRINCIPAL BENCH,  
NEW DELHI**

OA No. 905/2024

**IN THE MATTER OF :**

VARUN TODI

...APPLICANT

V/s

MUNICIPAL CORPORATION OF DELHI & ORS.


...RESPONDENTS

**D.O.H:- 08/11/2024**

**INDEX**

<b><u>S.No.</u></b>	<b><u>Particulars</u></b>	<b><u>Pages</u></b>
1.	STATUS REPORT ON BEHALF OF THE RESPONDENT -MCD	1---3
2.	ANNEXURE-A COPY OF ORDER DATED 30/7/2004 WITH TYPED COPY	4 - 7

Through

  
Puja Kalra  
(Advocate)  
Standing Counsel for MCD  
Ch. No. 430/431, Delhi High Court,  
New Delhi.

**Date: 0 /11/2024**  
**Place: New Delhi.**

BEFORE THE NATIONAL GREEN TRIBUNAL,  
NEW DELHI, PRINCIPAL BENCH,  
NEW DELHI

OA No. 905/2024

**IN THE MATTER OF :**

VARUN TODI

...APPLICANT

V/s

MUNICIPAL CORPORATION OF DELHI & ORS.

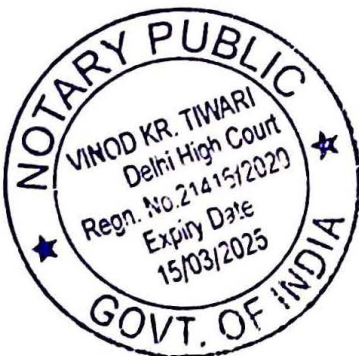
...RESPONDENTS

**STATUS REPORT OF BY WAY OF AFFIDAVIT  
ON BEHALF OF THE RESPONDENT MUNICIPAL  
CORPORATION OF DELHI (MCD) PURSUANT  
TO ORDER DATED 26/07/2024.**

AFFIDAVIT OF PIJUSH KUMAR BANERJEE S/O  
SUNIL KUMAR BANERJEE AGED ABOUT 55  
YEARS, DEPUTY DIRECTOR HORTICULTURE,  
SOUTH ZONE, MUNICIPAL CORPORATION OF  
DELHI, GREEN PARK NEW DELHI:-

I, the deponent above named, do hereby solemnly affirm  
as state as follows:

1. That I am presently posted as Deputy Director Horticulture, South Zone, MCD, Green Park, New Delhi and am conversant with the facts of the case based on the official records maintained by MCD am as such competent to depose thereto.
2. That the instant status report / affidavit is being filed pursuant to order dated 26/07/2024 of this Hon'ble National Green Tribunal.



3. That vide instant OA, which is pertaining to encroachment in Kaushalaya Park, Hauz Khas, New Delhi, the following relief have been sought:

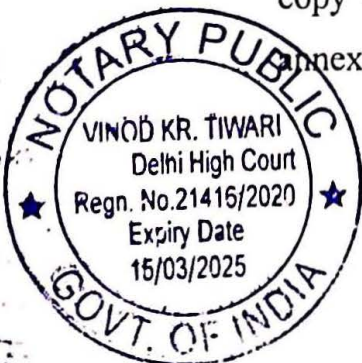
“ \_\_\_\_\_

- a. Direct the Respondent No. 1 to take strict and immediate action to recover the illegally grabbed public land.
- b. Direct the Respondent No. 2 and Respondent No. 3 to immediately leave the premises of the public land.
- c. Formulate structural reforms to tackle the issue of illegal grab of Public Land.
- d. Pass any other/further order(s) which this Hon'ble Tribunal deems just and proper in the facts and circumstances of the present case.”

4. That considering the above, the record available with the department pertaining to park in question has been referred to and it has been gathered that an old Civil Suit for declaration and permanent injunction, in respect of the subject land / park, is pending disposal before District Court, Tis Hazari, Delhi. The old No. assigned to the said Civil Suit was 115/2003 and presently the suit Number as assigned is 337/2017 (ID No. 609540/2016) titled as “*Shan Mohammad VS MCD & Ors.*”. The next date fixed in the said Civil Suit is now 12.12.2024.

5. That in the said Civil Suit, a status quo order, as granted by the Hon'ble High Court of Delhi in FAO 82/2004 titled as “*Shan Mohammad VS MCD & Ors.*”, vide dated 30/07/2004 is prevailing in terms of the orders passed in this regard. The copy of the order dated 30/07/2004 as passed is

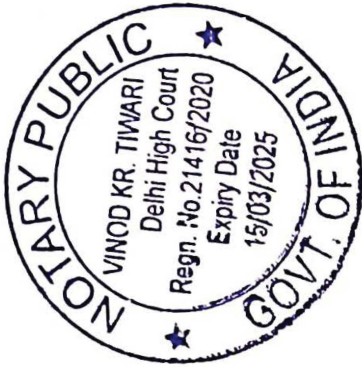
annexed herewith as Annexure –A.



6. That in light of the above orders dated 30/07/2004, status quo in respect of the subject land / park is required to be maintained.

*PK Banerjee*

DEPONENT



VERIFICATION: 06 NOV 2024

Verified at Delhi on this \_\_\_ day of November-2024, that the contents of the above affidavit are true and correct to my knowledge derived from the official records maintained by the MCD and I believe the same to be true and correct.

*PK Banerjee*

DEPONENT

*By Kalyan*  
I identified the Deponent who has signed/thumb impression before me

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

*Puneet Kumar Acharya*

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

06 NOV 2024



## Orders

• IN THE HIGH COURT OF DELHI AT NEW DELHI

+ FAO 82/2004 & CM 3522/2004

SHAN MOHD. & ORS. .... Appellants  
Through Mr. O.P.Verma, Advocate.

versus

MCD & ORS. .... Respondents  
Through Mr.Manu Mridul, Advocate for R-1.  
Mr.Ashok Bhasin, Advocate for R-2 - R-10.

**CORAM:**  
**HON'BLE MR. JUSTICE R.S. SODHI**

**ORDER**  
**30.07.2004**

%

This appeal is directed against the order 25.02.2004 of the Additional District Judge, Delhi in Suit No.115/2003 whereby the learned Judge has dismissed the application of the appellant under Order 39 Rule 1 & 2 CPC in respect of premises bearing no. 16/17, Kaushalya Park, New Delhi.

It is contended by counsel for the appellant that in the suit pending before the trial court the issue whether the suit is maintainable or not is being heard, final arguments have been addressed and the Judgment in respect thereto is awaited. He submits that in the event the trial court holds that the suit is

12-03





Orders

:2:

FAO 82/2004

maintainable then the question of injunction under Order 39 Rule 1 & 2 CPC would arise. In the event the trial court holds that the suit is not maintainable the question of carrying on the application under Order 39 Rule 1 & 2 CPC would not arise.

In this view of the matter, having heard counsel for the parties, F.A.O.82/2004 is disposed of with an order of status quo to await the judgment of the trial court in Suit No.115/2003. The fate of the status quo order would be governed by the judgment of the trial court. CM.APPL. 3522/2004 also stands disposed of.

M

R.S. SODHI, J

JULY 30, 2004  
bp

sd/-  
True Copy  
&  
Examiner



TRUE COPY



9/5 APR 2014  
TRUE COPY  
Sealing  
Examiner

IN THE HIGH COURT OF DELHI AT NEW DELHI

**FAO 82/2004 and CM 3522/2004**

SHAN MOHD. and ORS. .... Appellants  
Through Mr. O.P.Verma, Advocate.

versus

MCD and ORS. .... Respondents  
Through Mr.Manu Mridul, Advocate for R-1.  
Mr.Ashok Bhasin, Advocate for R-2 - R-10.

**CORAM:**  
**HON'BLE MR. JUSTICE R.S. SODHI**

**O R D E R**  
**30.07.2004**

This appeal is directed against the order 25.02.2004 of the Additional District Judge, Delhi in Suit No.115/2003 whereby the learned Judge has dismissed the application of the appellant under Order 39 Rule 1 and 2 CPC in respect of premises bearing no. 16/ 17, Kaushalya Park, New Delhi.

It is contended by counsel for the appellant that in the suit pending before the trial court the issue whether the suit is maintainable or not is being heard, final arguments have been

addressed and the Judgment in respect thereto is awaited. He submits that in the event the trial court holds that the suit is maintainable then the question of injunction under Order 39 Rule 1 and 2 CPC would arise. In the event the trial court holds that the suit is not maintainable the question of carrying on the application under Order 39 Rule 1 and 2 CPC would not arise.

In this view of the matter, having heard counsel for the parties, F.A.O.82/2004 is disposed of with an order of status quo to await the judgment of the trial court in Suit No.115/2003. The fate of the status quo order would be governed by the judgment of the trial court. CM.APPL. 3522/2004 also stands disposed of.

Sd/-  
R.S. SODHI, J  
JULY 30, 2004

True typed copy

**TRUE COPY**

