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

O.A. No. 815 /2022

**In the matter of**

Suresh Chand

Applicant

Versus

D.M. Kapashera &amp; Ors

Respondents

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<b>5.</b>	Vakalatnama- already on record	

Date:07.05.2024

New Delhi

FILED BY:-



RAHUL KHURANA & HASIL JAIN  
Advocates

Chamber No. 295, Lawyer Chamber Block II  
Delhi High Court, New Delhi  
M. 9811894060, 7838707338

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**RESPONSE BY THE APPLICANT TO THE REPORT FILED BY  
THE SDM KAPASHERA AND THE JOINT COMMITTEE REPORT  
DATED 09.04.2024**

MOST RESPECTFULLY SUBMITTED:

1. That Applicant has filed the present Application against the encroachments on Pond measuring 13 Bighas and 10 Biswas comprised in Khasra no. 111 in village Kanganheri New Delhi.
2. That the Applicant further submitted that in 2013, the demarcation report found encroachment upon the area of pond.
3. That the Hon'ble Tribunal took cognisance of the same vide order dated 18.11.2022 and constituted a Joint Committee. The Joint Committee stressed the need of Revenue Department and the Delhi Wetland Authority. Accordingly the Hon'ble Tribunal vide order dated 26.09.2023 sought the presence of the Delhi Wetland Authority and other authorities.
4. However before the Order dated 26.09.2023 of the Hon'ble Tribunal, the authorities have conducted fresh demarcation and survey of the subject matter Pond on 28.02.2023. That the

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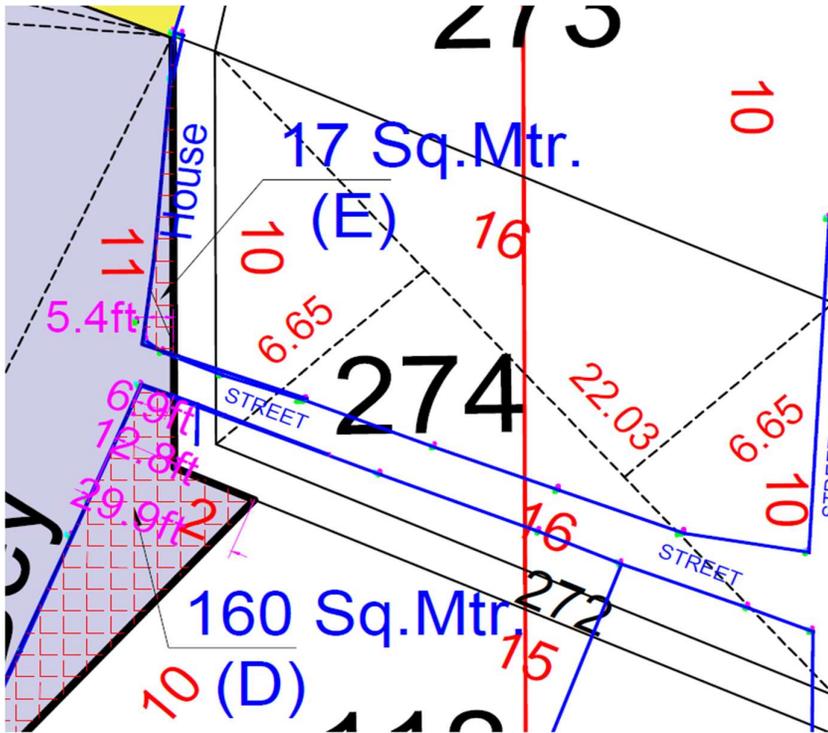
Applicant has filed objection dated 28.08.2023 and briefly explained that how vide the 2<sup>nd</sup> report dated 28.02.2023 the area of the Khasra no. 274 have been shown to be increased to 1 bigha **4 biswa** from 1 bigha and **2 biswa**. Further, the Applicant has submitted that in this manner the area of the said Khasra increased by 59 Sq yards which is the encroached part of the Pond.

The copy of the objections filed by the Applicant are at running page no. 131-132.

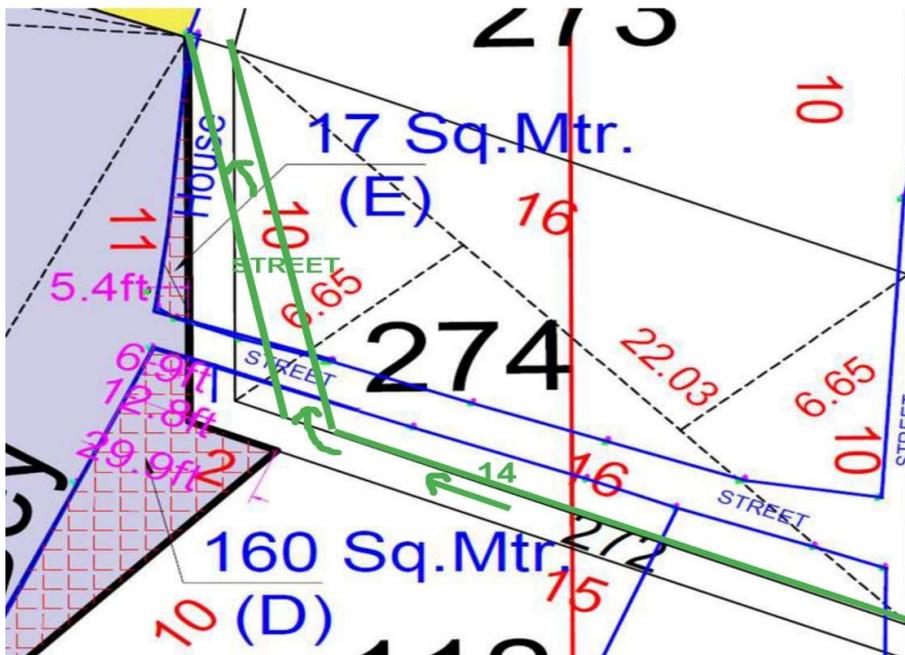
5. That thereafter on 13.12.2023 the Hon'ble Tribunal ordered for demarcation of the subject matter Pond having Khasra no. 111 by a Joint Committee consisting of various authorities with details of encroachment including the length and width.
6. That in furtherance of the said direction for fresh demarcation report, the Joint Committee submitted about the demarcation proceedings dated 27.03.2024. The committee at running page no. 195 has found encroachment by Khasra no.s 257, 258,112, 274, 239/2.
7. That with respect to the report dated 09.04.2024 of the Joint Committee, the Applicant has following objections only in respect of Khasra no. 274.
  - a) That to the fear of the Applicant the fresh demarcation reports states that the South side of the Khasra no. 274 is 16 Ghatta in length, whereas as per the 31.07.2019 demarcation report (which is also based on TSM technology) this length is 14 Ghatta. The copy of the relevant page of the observation made by Kanungo is annexed as **ANNEXURE A/1**.



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← as per demarcation report



Kasper Applicant

green color is used by Applicant to explain his point.

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- e) That from the above figures it is clear that the encroachment is more inside the Pond by the residents of Khasra no. 274. And in the humble submission of Applicant this extra encroachment is around 60 Sq yard.
- f) That further, another demarcation/survey report on direction by DM Kapashera on 31.07.2019, which is also conducted by TSM technology also shows that Southern side of the Khasra no. 274 is having length of 14 Ghatta. The copy of the Demarcation report dated 31.07.2019 along with cut out relevant portion is annexed as **ANNEXURE A/2**.
8. It is pertinent to mention here that an Application has been filed U/O 1 Rule 10 CPC by the intervenors for Impleadment wherein they have annexed on one document at running page no. 182 which is a map prepared by Naksha Nazri. The said map also confirms the shape of Khasra no. 274 as mentioned above . And this shape of Khasra no. 274 at its Western Side is distinct from what is observed by the Joint Committee report.

The copy of the said map relied upon by the Impleaders is annexed as **ANNEXURE A/3**

### PRAYER

9. It is therefore humbly prayed that on the basis of the present objections the Khasra no. 274 be demarcated and surveyed again by the Authorities and the demarcation of the Khasra no. 274 be done after considering previous 2013 TSM report and 2019 TSM report. It is further prayed that boundary wall around the Pond as

sanctioned be undertaken by the Authorities to restore Pond and prevent further encroachment.

Dated. 07.05.2024



Applicant

Through



Counsel

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**AFFIDAVIT**

I, Suresh Chand S/o Shri Harnarayan Singh, Village Kanganheri Post Office Chhawla, Kapashera, New Delhi 110071 aged about 69 years do hereby solemnly affirm and declare as under :

1. That I am the Applicant in the Original Application and well being and acquainted with facts and circumstances of the case and thus competent to swear this affidavit.
2. That the accompanying Response to the Joint Committee Report has been drafted by my counsel under my instructions and contents thereof have been read over and explained to me in my vernacular which are true and correct to my knowledge, the contents thereof may kindly be read as part and parcel to this affidavit also and not repeated herein.
3. The contents as stated above are true and correct to my knowledge and belief.

*(Signature)*  
DEPONENT

Verification

It is verified at ND on 7.5.2024 that the contents of the present application are true and correct and nothing has been concealed therefrom.

*(Signature)*  
DEPONENT



ATTESTED

NOTARY PUBLIC

Reg. No. 2/2024

गणतंत्र का 249 वां जन्मदिन

c/193

(10)

मध्य प्रदेश 096577964

ग्राम कांजवडेडी

ANNEXURE A/1

मुनाबिक विवर कुड ग्राम कांजवडेडी  
के गड्डे व लीपा निम्न प्रकार है।

मुनाबिक ग्राम पंचायत मुनाबिक मोता  
ग्राम कांजवडेडी निम्न प्रकार कुसाती है।  
अचिन है गड्डे व लीपा निम्न प्रकार है।

गड्डे कांजवडेडी	रकबा	पूर्व	पश्चिम	कुड	दक्षिण	गड्डे कांजवडेडी	रकबा	पूर्व	पश्चिम	कुड	दक्षिण
96	1-4	6	4	3 1/2 6 1 3 14 27 1/2	15 5 5 5 5 34	96	1-3-15	6	4	13-2 3 1 6 3 1/2	4-5 5 5 5 10 14 44
97/1	5-4	5	X	12	14	97/1	0-4-10	5	-	12	13-2
97/2	5-3	6	5	3	3	97/2	0-2-8	6	5	3	3
100	5-8	10	10	5	5	100	0-7	10	10.1	4 1/2	5
234	1-14	12	14	20	25	234	2-2-1	12	14	20	25
232	1-19	5	10 7 17	24	21	232	1-16-6	4.5	10 7 17	26.9	21.4
185	0-8	5	9	10	4	185	0-7-12	5	8.8	10	4
	Bay	9	8	X	4		Bay	8.8	8	-	4
274	1-2	10	10	16	16	274	1-10	10	12	16	14
240 -11	0-3	9	9	10	9	240/11	0-15	9	9	10	9
240/21	0-2-12	3 1/2	3 1/2	5	5	240/21	0-2-5	3 1/2	3.7	3.6	3

HARISH KUMAR  
Kharu, Kanashpur

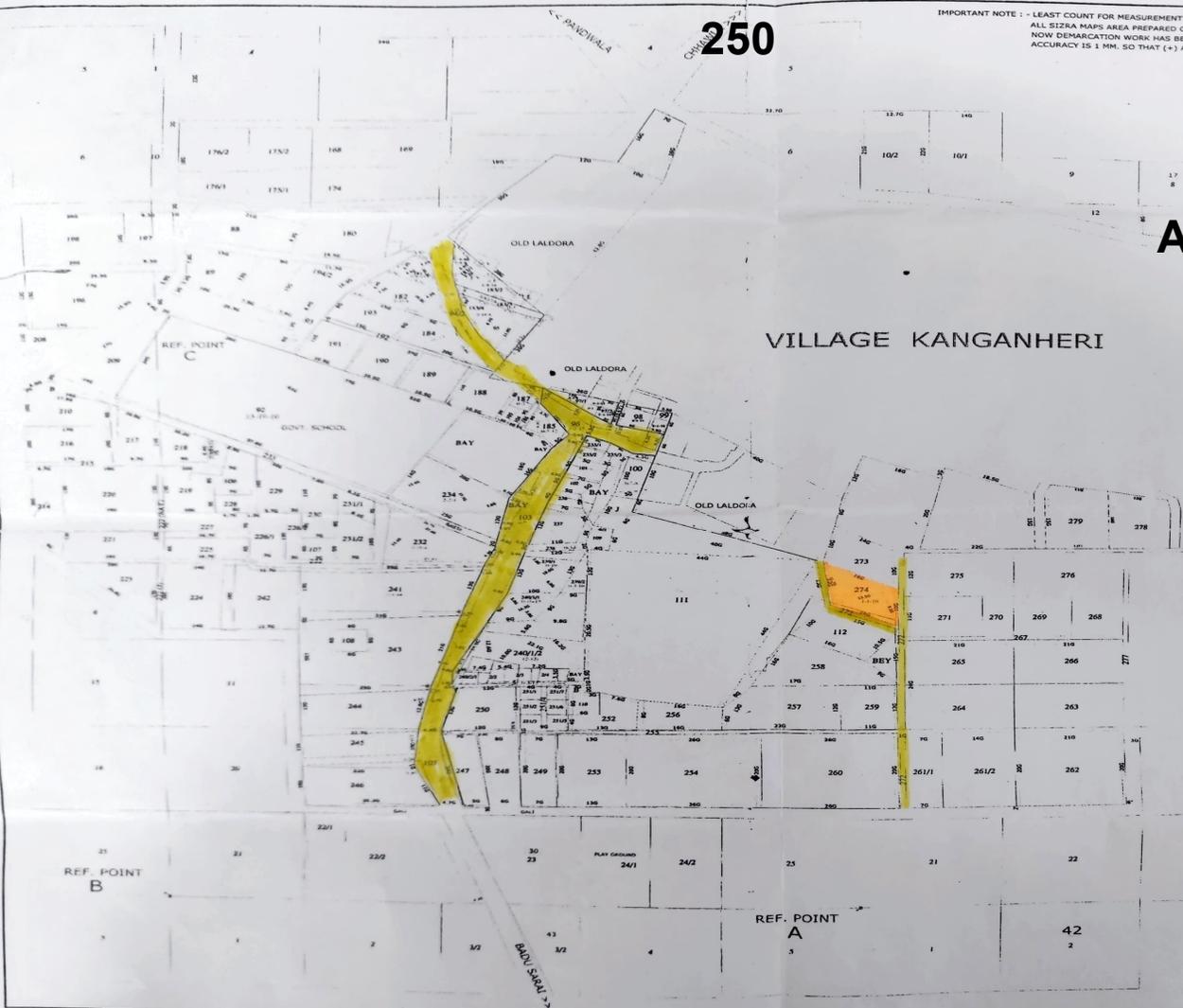
HARISH KUMAR  
Kharu, Kanashpur

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IMPORTANT NOTE :- LEAST COUNT FOR MEASUREMENT IN BRITISH TIME (BY CHAIN METHOD) WAS HUNDRED FT. IN PRESENT TIME.  
 ALL SIZRA MAPS AREA PREPARED CONSIDERING THAT ACCURACY.  
 NOW DEMARCATION WORK HAS BEEN CARRIED OUT BY TOTAL STATION MACHINE (TSM) WHICH HAS  
 ACCURACY IS 1 MM. SO THAT (+) AND (-) 2-9" OR 1/3 GATHA DIFFERENCE IS PERMISSIBLE.  
 REVISED ON 31-07-2019

# ANNEXURE A/2

## VILLAGE KANGANHERI



**LEGENDS**

REVENUE RASTA	---
SHJIRA LINE	---
AREA DETAILS	---
AS FAR RECORD	---
REFERENCE POINT	---

- NOTES**
- 1 ALL DIMENSIONS ARE IN GATHA.
  - 2 ALL REVENUE DIMENSION ARE GIVEN AND VERIFY BY GIRDAWAR HARISH KUMAR.
  - 3 REFERENCE POINT A, B & C SHOWN IN DRAWING, WHICH WAS GIVEN BY GIRDAWAR HARISH KUMAR.
  - 4 DIMENSION SHOWN IN RED COLOR ARE NOT MATCH WITH REVENUE RECORD.

PREDICT  
 DEMARCATION OF SIZRA NO. 94, 96, 103 & 240/1/2  
 AT VILLAGE KANGANHERI, NEW DELHI

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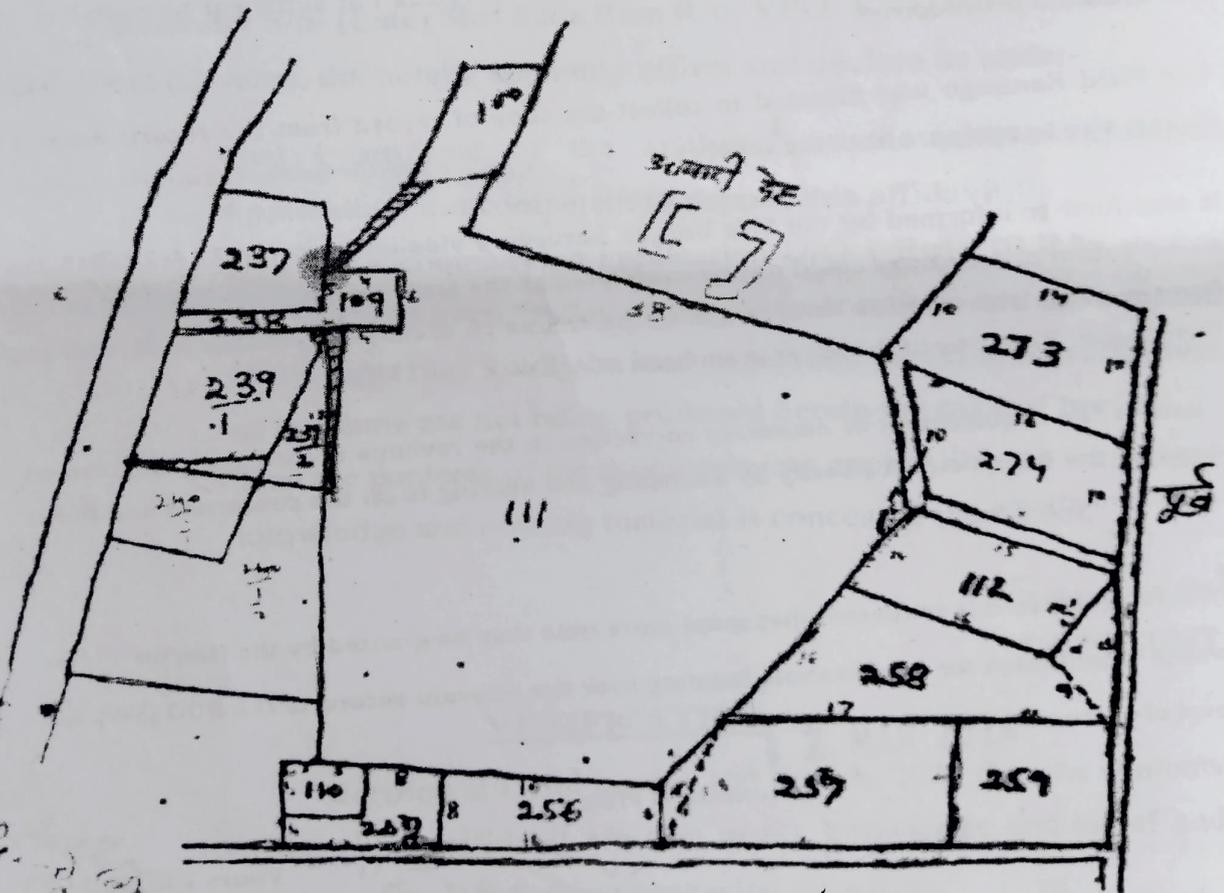
REV. A. RAJESH KUMAR  
 DATE: 31-07-2019  
 SURVED BY: RAJESH KUMAR

31-07-2019



काल नगडा को हो कार्य गोर भागन देखी

उत्तर



Handwritten notes in the bottom left corner, including "पे. न. (को.)" and "सालान लिफ्ट".

Handwritten text at the bottom center, possibly "सालान लिफ्ट".