

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

O.A. No. 922 / 2024

IN THE MATTER OF:

Residents' Welfare Society, Shyam Kunj, New Delhi

...Applicant

AND

Govt. of NCT of Delhi & Ors.

...Respondents

D.O.H. 01.09.2025

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Place: New Delhi

Dated: 27.08.2025

Filed by:


 (Amitabh Kumar Verma)
 Counsel for Applicant
 Chamber No. 526, Dwarka Court
 New Delhi -110075
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Versus

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...Respondents

**CLARIFICATION / REJOINDER ON BEHALF OF APPLICANT
TO THE REPLY AFFIDAVIT DATED 26.04.2025 FILED BY
RESPONDENT - 2, SDM (KAPASHERA)**

TO

THE HON'BLE CHAIRMAN

AND HIS COMPANION MEMBERS

OF THE HON'BLE NATIONAL GREEN

TRIBUNAL, NEW DELHI

MOST RESPECTFULLY SHOWETH:

1. That it is reiterated that the contents of Objection dated 24.02.2025 filed by the applicant society to the Report of Joint Committee are true and correct; said objections are based on material documents already on record. However, Reply Affidavit dated 26.04.2025 of the Respondent No. 2 SDM (Kapashera), New Delhi clearly shows that truth has not been brought on record deliberately and efforts have been made to mislead this Hon'ble Tribunal again.

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2. That it submitted the Report of the Joint Committee contradicts the earlier two Orders dated 05.12.2018 and 12.04.2024 issued by the then SDM (Kapashera). It has been now wrongly submitted by the present SDM in the Reply Affidavit that both the said Orders do not talk about the location of natural drain as on Gram Sabha land, forest land or a drain. The co-joint reading of both the Orders dated 05.12.2018 and 12.04.2024 clearly reflects that natural drain was in its existence since long and the same is situated on a Government land. The Government land or the Gram Sabha land does not make big difference to the fact that the natural drain was in its existence and it does not give any authority to revenue officials to declare and treat the said drain as a land of private parities / land grabbers.
3. That in reply to Para-3 of the Reply Affidavit of SDM, it is submitted that as per Report dated 05.10.2018 of Delhi Govt. Inter Departmental Enquiry (see Annexure –A4, at Pg. 57-58) at Para nos. (a), (b) and (c) the natural drain was in existence and agriculture work was never carried out over it; the said Inter Departmental Enquiry Report also suggest at its Para-2 that the ‘land of the drain is occupied with number of trees and shrubs as such forest Deptt. consider this land to declare as ‘deemed forest area’, if not declared so far.’ Further, as per the *Fard* at Page 46 of this O.A. the land of the drain is owned by Govt. / *Sarkar Daulatmadar*. Moreover, an Affidavit dated 25.10.2023 (see Annexure-A10 at Pg, 111-113) of the Executive Engineer of Irrigation and Flood Control (I & FC), Delhi Govt. has been placed on record which clearly states that the drain land belongs to Gram Sabha and its possession was never taken by I & FC .

The afore-said Reply Affidavit of SDM also talks about the de-notification of the natural drain are in question. Not a single document has been placed on the record by the said respondent claiming that de-notification process has taken place. It is admitted fact that De-notification of the afore-said natural drain had never taken place. It is a complete procedural lapse / fraudulent act on the part of Delhi Government Departments including the SDM office. It is submitted that the law is settled that an illegality cannot be perpetuated forever. It is submitted that the entire process of De-notification to be adopted has been issued by Delhi Govt. which has already been placed on record of this O.A. Vide Annexure A-15(Colly.) as Pg. 151-159. Respondent No. 2 (SDM) is well aware of this Notification but it is completely silent on this issue. Further, in said Reply Affidavit, SDM supports contention that the land of the natural drain was given back to the original owners by the Department of I &FC by way of Re-conveyance Deed, however, fact is that neither the De-notification nor the Registered Re-conveyance Deed was ever executed by I & FC; further, alleged Re-conveyance deeds are undated and un-registered before the competent authority and hence, no valid transfer of rights has taken place in favour of alleged original owners. Even the Executive Engineer, I & FC has filed an affidavit dated 25.10.2023 stating therein that said department was never in possession of natural drain at any point of time since the passing the Award in the year 1964. Now, the vital question arises if I & FC is not the owner of the natural drain then how it can transfer the ownership right to the private individuals and Respondent -2 SDM is completely silent about all these irregularities, rather it is supporting such illegal acts

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in order to benefit the private owners. Misleading and submitting a false and incorrect information by a public servant like the SDM (Kpashera) in the present case is a matter of serious concern and it needs to be looked into by this Hon'ble Tribunal and take legal action. The applicant also submits that full flagged enquiry be set up to see the deep rooted corruption in revenue department and punish the erring officials accordingly.

4. That it has been claimed in the corresponding Para-4 of Reply Affidavit of Respondent No.2 that as per revenue record the natural drain in question is owned by *Sarkar Daulatmadar* but it has not been disclosed as to which period it was held by it and when it was transferred to private parties and under which authority / capacity. It has been also not been disclosed who did mutation of the drain land in the name of the private parties without verifying the proper title / ownership document. Moreover, it is settled law that entry in revenue record does not confirm any right/title/claim over the property it is only for revenue purpose.

Admittedly, the natural drain land falls in the revenue estate of Goela Village, New Delhi and the said village was declared urbanized village Under Section 507 of DMC Act Vide its Notification dated 16.05.2017. So, it clearly implies that thereafter Revenue department had no right or authority to make mutation entry in the revenue record but it has been done in favour of private individuals by the revenue department (Kapashera) in utter violation of same. In some of the cases mutation has been done by *Naib Tehsildar* in the revenue record despite the fact that *Naib Tehsildar* is not a competent person to do so. All this prima-facie

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shows that SDM is misleading this Hon'ble Tribunal. It has been falsely claim that no drain was in existence on the site at present in Khasra No. 38 Min and same is bifurcated in different parts indicating the ownership of the land. However, as per Report dated 05.10.2018 of Inter Departmental Enquiry, wherein Tehsildar (Kapashera) of Revenue Department was himself a Member Secretary, it has been clearly held that the existence of the natural drain could be revealed even from Award No. 1991 of the year 19645 as a low laying "Dehar" which means that no cultivation on this drain land was carried out and it is natural depression / drain to discharge the water from catchment area. (see Annexure-A4 at Pg. 57-58). Further, Geo Spatial Survey / Map of the period starting from 2017 to till date, which would show the existence of natural drain and encroachment made thereon by the land grabbers, has not been deliberately placed on record by Joint Enquiry Committee Report and even in the Reply Affidavit of Respondent No.2.

5. That the contents of Para-5 of Reply Affidavit of Respondent No.2 are totally false, incorrect and misleading. The fact is that the Applicant society has lodged several written complaints / applications for the cancellation of mutation in respect of land of the drain situated in Khasra No. 38 Min. Village Goela from time to time. An objection application dated 12.11.2018 is already on record of this O.A. Vide Annexure-A8 (Colly.) at Pg. Nos. 95 to 96 and other applications are dated 30.01.2019, 03.03.2024 (by e-mail) and 06.03.2024. From these objection applications it is crystal clear that illegality of Re-conveyance deed and subsequent mutations made on the basis of the same was deliberately not

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examined by the Respondent No.2 i.e. SDM (Kapashera) despite the fact that he is well aware of the same. Reasons in not initiating any enquiry in the said lapses are best known to him and for that permission/direction from this Hon'ble Hon'ble Tribunal is not required at all. True copies of objection applications are annexed as Annexure - A20 (Colly.).

6. That the contents of Para - 6 of Reply Affidavit of Respondent no.2 are vague and misleading since the objection raised with regard to Joint Committee Report as filed without the seal and signature of DPCC & CPCB as not been addressed till now. The Joint Committee Report is only talking about the existing position of the natural drain and not its actual condition prior to encroachment upon it by the land grabbers. Even no intimation / communication was made in advance to the applicant society by Joint Committee prior to its visit at site of drain. Rather several khata / khatouni records of the private parties running from 245 to 267 have been placed on the record by the present SDM (Kapashera) himself in order to protect the interest of land grabbers of drain despite knowing it very well that illegal / unregistered Re-conveyance deeds have executed by I & FC without any authority and mutation had been done on the basis thereon by incompetent person like (*Naib Tehsildar*). Instead of conducting in-house enquiry about rampant corruption in revenue department, the SDM is finding fault in applicant society on hyper technical and flimsy grounds.
7. That it is submitted that no advance notice/intimation was sent by Joint Committee to the applicant society prior to its visit at the

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natural drain. Moreover, all the material documents have been already been placed on record and there was no need to file any documents to the said Committee.

8. That the contents of the Para - 8 of Reply Affidavit of Respondent No.2 are false and incorrect. In order to further complicate and confuse the matter, unnecessary submission regarding the ownership of the private claimants have been averred in the said Para despite knowing the facts that private owners have no *locus standi* before this Hon'ble Tribunal.

9. That the contents of the Para -9 of Reply Affidavit of Respondent No.2 are false and incorrect. It is reiterated the natural drain is situated on Govt. / Gram Sabha land and not the land of private individuals. Admittedly, De-Notification in respect of natural drain had never taken place. Entry made in revenue records in favour of private owners in respect of drain land is unauthorized, illegal, bogus without any valid transfer of right / title / interest. Natural drain was in existence (see Annexure- A6 Colly. at Pg. 64-74 of O.A.) but no action was taken by the revenue officials despite receiving several written complaints from applicant society and they allowed the so-called private parties to grab it completely by filling debris / *malba* in it.

PRAYER

It is, therefore, in the above given facts and circumstances, most respectfully prayed that this Hon'ble Tribunal be pleased to:-

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- (1) Set up another Joint Committee of Experts to file the actual Report with regard to status and condition of natural drain by looking into material records and also adopting the technique of Geo Spatial Survey / Map of the period starting from 2017 to till date;
- (2) Grant the reliefs sought by the applicant society in the present O.A.
- (3) Necessary directions be given as deem fit and proper to protect and preserve the natural drain:
- (4) Initiate Contempt of Court proceedings against the employees / officials who have filed / prepared the instant Status Report of the Joint Committee by suppressing, manipulating and fabricating the Govt. records in order to help the land grabbers;
- (5) Reject Status Report dated 07.11.2024 of the Joint Committee and appoint a High Powered Independent Committee of Experts to find out the persons / Govt. employees responsible for the violation of environmental laws in the natural drain;
- (6) Pass any Order/s deem fit and proper in the interest of Applicant.

Place: New Delhi

Dated: 27.08.2025


Applicant

Through


(Amitabh Kumar Verma)

Counsel for Applicant

Chamber No. 526, Dwarka Court

New Delhi -110075

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Residents' Welfare Society, Shyam Kunj, New Delhi

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Versus

Govt. of NCT of Delhi & Ors.

...Respondents

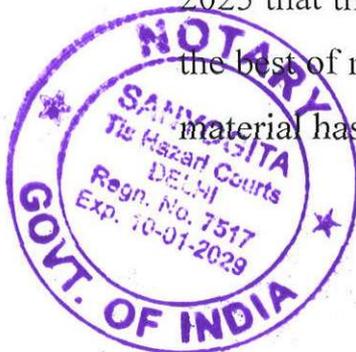
A F F I D A V I T

I, Dr. Sunil Kumar Mishra, s/o Late Ram Manohar Mishra, aged about 59 years, r/o House No. C- 6/6, Shyam Kunj, New Delhi-110071, do hereby solemnly affirm and declare as under:

1. That I am the Hon. Secretary of the applicant society in the aforesaid matter and well aware of the facts and circumstances of the case and hence, competent to swear this affidavit. .
2. That I have read and understood the contents of objection to Status Report of Joint Committee consisting of Para nos. 1 to 9 and the same has been drafted by my counsel on my instruction and the same are true and correct.

SKMishra
Deponent

Verification: Verified at New Delhi on this 28th day of August 2025 that the contents of the above Affidavit are true and correct to the best of my own knowledge and no part of it is false and nothing material has been concealed there from.



ATTESTED

SKMishra
**NOTARY PUBLIC
DELHI (INDIA)**

27 AUG 2025

SKMishra
Deponent

THE RESIDENT'S WELFARE SOCIETY, SHYAM KUNJ

Goyala Exth. Goyala Dairy Road, Najafgarh, New Delhi-110071

Office : A-85, Shyam Kunj, Goyala Dairy Road Najafgarh, New Delhi-110071

Ref. No.

Date:

PresidentCh. Duli Chand
(M) 9350439000**Vice- President**Sh. C.S. Bishi
(M) 9868889242
Sh. R.P. Sharma
(M) 9910950750**Gen Secretary**Dr. S. K. Mishra
(M) 9873464878**Joint Secretary**Dr Kanak Kumar Kanjesh
(M) 9811475827
Sh. A.K. Jha (M) 9910066255;**Treasurer**

Sh. Ashok Kumar (M) 9811589328

Auditor

Sh. A.K. Singh (M) 9971366863

SecretarySh. Shambhu Thakur (Cultural)
Sh. Om Prakash (Road)
Sh. Sanjay Jakhar (Security)
Sh. Dinesh Kuniyal (Public Relation)
Sh. Samudra Missey (Electricity)
Sh. Ranjan Kumar (Development)
Sh. Ratan Lal (Organisation)**Chief Advisor**Sh. Amitabh Kumar Verma
(M) 9868074309**Advisory Committee Members**Sh. Kamleshwar Singh
Sh. Capt. AK Pandey
Sh. AK Pandey
Sh. Sanjeev Sharma
Sh. DK Diwedi
Sh. Santosh Kumar Pandey

To

Dated: 3 Jan 2019

The Deputy Commissioner
South West District, Govt. of NCT of Delhi
Old Terminal Tax Building
Kapashera, New Delhi-110037**Sub: Cancellation of Un-Registered Mutations done in Respect of Khasra No. No. 38 Min Khata no 218 of Village - Goela Khurd, New Delhi -71 and vest entire Khasra Land in Gaon - Sabha Land**

Sir,

It is also informed that several Re-conveyance Deeds have been executed by Executive Engineer, Civil Division VIII (I & FC), Govt. of NCT of Delhi in respect of new Khasra No. 38 Min) in this Khata No situated in revenue estate of village Goela Khurd, New Delhi-71.

That in this case we have found full mutation file of Khata No 218 in this khasra no of 38 in favour of Beer Singh, Smt. Dhanpati, Smt. Sudesh and Smt. Birmati (annexure 1) which are admittedly unregistered documents and same are in violation of Registration Act; they do not carry any valid Title in favour of land owners as per provisions laid down in Transfer of Property Act; it is settled law that any act done on the basis of defective Re-conveyance Deeds are void *ab initio* and liable to be set aside. Thus, the mutation done in revenue records in favour of these landowners are prima facie illegal, incorrect and void.O/o The Deputy Registrar
South-West District
R & I Branch

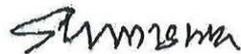
30 JAN 2019

File No.
Letter No.
Sign

Further, the Khata No 118 of this khasra number is already Gaon Sabha Land but official had not declared full khasra number as Gaon Sabha Land till date as there is a old Drain (Dehar) is flowing even before year 1965. Recent enquiry report has understood all concern and in firm believing that the nature of this natural drain cannot be altered in any means otherwise serious consequences will may happen to this area. (Full Enquiry report is attached herewith as annexure 2). The above said drain fully situated in the said Khasra No. 38 Min. The above act is also in violation of DLR Act and amounts of change in land use without the permission of competent authority and hence it should be vest in Gram Sabha land. So, it is, requested that in view of the aforesaid facts and circumstances prayed to Cancel this Mutations done in this khasra Number and declare the entire-falling land in Khasra No. 38 Min including the drain as Gram Sabha land.

Thanking you

Yours sincerely,



(Dr. S. K. Mishra)

General Secretary

RWA, Shyam Kunj)

R/o C-6/6, Shyam Kunj, New Delhi-71

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RWA SHYAMKUNJ <rwashyamkunj110071@gmail.com>

cancellation of mutation and registering FIR

1 message

RWA SHYAMKUNJ <rwashyamkunj110071@gmail.com>
To: sdmkpsw@gmail.com

Sun, Mar 3, 2024 at 11:58 PM

2 attachments

 **SDM.docx**
33K

 **Annexure 1 to 6.pdf**
5070K

THE RESIDENT'S WELFARE SOCIETY, SHYAM KUNJ

Goyala Exth. Goyala Dairy Road, Najafgarh, New Delhi-110071

Office : C-6/6, Shyam Kunj, Goyala Dairy Road Najafgarh, New Delhi-110071

Ref. No. RWA/SK/DRT/2024/mar/11

Date: 06/3/24

President (Acting)
Shri CS Bist
(M) 9868889242

Vice-President
Shri VK Singh
(M) 7007951393

Gen Secretary
Dr. S. K. Mishra
(M) 9818585543

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(M) 8851677616

Treasurer
Sh Ashok Kumar (M) 9811589328
Shri Sunil Sharma (M) 9350580414

Auditor
Sh. A.K. Singh (M) 9971366863

Chief Advisor
Sh. Amitabh Kurmar Verma
(M) 9868074309

Advisory Committee
Sh. Kamleshwar Singh
Sh. Capt. AK Pandey
Sh. AK Pandey
Sh. Braj Kishor Shrivastava
Sh. DK Diwedi
Sh. Santosh Kumar Pandey

Executive Members

Sh. DS Tiwari
Sh. T. Mishra

Sh. Pradeep Mishra (M) 9811589328 / (M) 9350580414 / (M) 9971366863

ED172098378 IN IVR: 6968172098378
SP NASHID MOTH SO <110048>

Counter No: 1, 06/03/2024, 11:43

To: THE SDM SOUTH WEST, KAPASHERA

Pin: 110037, Gurgaon Road SO

From: DR SK MISHRA, C6/6 SHYAM KUNJ

Wt: 95gms

Am: 29.50 (Cash) Tax: 4.50

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>



India Post

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Dated: 06 March 2024

To,

THE SDM (Kapashera)
South-west District
Old Terminal Post Building
Kapashera New Delhi-110037

Sub: Cancellation of Mutation,
Registration of FIR , Re-Possession of
Natural Drain / situated on Gram Sabha
Land Adjoining Shyam Kunj Colony,
Revenue Estate of Goela Village New Delhi -
110071

1. That the instant application is being filed on behalf of RWS Shyam Kunj for Cancellation of Mutation, Registration of FIR, Re-Possession of Natural Drain / situated on Gram Sabha Land Adjoining Shyam Kunj Colony, Revenue Estate of Goela Village New Delhi -110071. On the basis of several Unregistered / Fraudulent Re-conveyance Deeds which have claimed

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to be executed by the Executive Engineer, of Irrigation and Flood Control Department, Delhi Govt. , various mutations have been made in favor land grabbers of the area in collusion and connivance with the Revenue Officials working under you in respect of said Natural Drain without following the due process of law. The Applicant society has been making several written complaints in this respect for the last several along with relevant documents and photos but unfortunately till date no action has been taken by you which has embolden the land grabbers to encroach upon the natural drain more vigorously and we the society are completely helpless and feel dejected and demoralized.

2. That the brief fact of the complaint is that there exists a natural drain as one of the tributaries of Sahibi river; the said natural drain / nature's bounty was earlier used for irrigation purposes; as per revenue record, the said natural drain is existing on the New Khasra Number 38 Min (old Khasra numbers 45/1, 52/1, 53/1, 59/1, 60/1, 61/1, 63/1 , 64/1, 65/1, 66/1, 67/1, 68/1, 82/1 of village Goyala Khurd, Tehsil Kapashera District - South West Delhi. The status of said natural drain has also been admitted in the Delhi Government Inter-Departmental Enquiry Report dated 05.10.2018.

3. That as you are well aware of the fact that the aforesaid natural drain was acquired for public purpose and its better utilization by Govt. of NCT of Delhi Vide Acquisition Award no.1991 of 1964. The entire area of the said natural drain falls in new Khasra no. 38 Min. which is more than 38

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President / G. Secy. / Treasurer
RESIDENTS WELFARE SOCIETY
Shyam Kunj, Goyala Eztn
New Delhi-110071

Bigha in measurement. However, with the passage of time, the said irrigation project was abandoned and the natural drain was used for the discharging of waste water of the nearby colonies. The said fact find its support from the above said interdepartmental report,

"The existence of the drain could be revealed even from Award 1991 of the year 1964 as a low laying "Dehar". It means there never any cultivation on this land carried out and it is natural depression / drain to discharge the water from catchment area. The aforesaid inquiry committee also suggested that the present drain is of natural existence and its existence should not be altered otherwise it would result flood like situation in Goela village and adjoining unauthorized colonies in the event of heavy rain /down power; the Committee further suggested that trees and shrub existing on the banks of drain should be declared "deemed forest area" by the Forest Department; it also suggested that a "Warning Sign Board installed in the land of drain to restrain to any construction or alteration in the drain."

The said Committee further recommended, "Since, the drain passes through agricultural fields and no cultivation over this land ever and being used for public purpose, the revenue department my consider the drain to declare as "Gram Sabha Land".

Thus, this natural drain is the nature's bounty and is not the private property of any person / individual / land grabbers / encroachers and hence, they have no right, title or interest over the same. True Copy of Delhi Govt. Inter Departmental Inquiry Committee Report dated 05.10.2018 is annexed herewith Vide Annexure-A1.

4. That on the issue of encroachment on Govt. land, Hon'ble Supreme Court in the matter of 'Hinch Lal Tiwari Versus Kamala Devi &Ors.', Civil Appeal No. 4787 / 2001 clearly held,

"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."

True Copy of Judgement passed by Supreme Court in "Hinch Lal Tiwari Versus Kamala Devi &Ors.," Civil Appeal No. 4787/ 2001 is annexed herewith Vide Annexure-A2

5. That the Hon'ble Supreme Court in the matter of "Nandkishor Babulal Agrawal Versus The State of Maharashtra &Ors." Civil Appeal No.7634 / 2023 held that once a land has been acquired for a public purpose and vests with state, then the same cannot be returned back and it should be utilized for public purposes only and hence, the question of transfer of ownership as claimed by these land grabbers by way of unregistered deed Re-conveyance does not arise. The relevant Para nos. 10-11 are reproduced herein below:-

"10. It is not in dispute that the acquisition has attained finality and the land stands vested in the State/Municipal Corporation free from all encumbrances. There is indisputably no provision under the MRTTP Act enabling the State Government to release the acquired land.

11. In our considered view, the High Court would be extremely circumspect to issue a mandamus in the exercise of its extraordinary jurisdiction under Article 226 of the Constitution, directing to release a lawfully acquired land only on the premise that such land has not been utilized for the public purpose for which it was acquired. There is no gainsaying that once the land vests in the State or its authorities, the 'public purpose' of its acquisition can be changed at a later stage. All that is required is that such land should be utilized for public purposes only. In fact, there cannot be a time limit within which the authorities are expected to utilize the acquired land. The Municipalities or such other agencies are expected to have long-term plans for regulated development of urban areas and for that purpose, certain pockets of land are required to be kept vacant as reserve pool to cater the future needs."

True Copy of Judgement passed by Supreme Court in "Nandkishor Babulal Agrawal Versus State of Maharashtra &Ors." Civil Appeal No.7634 / 2023 is annexed herewith Vide Annexure-A3

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6. That recently, a Status Report has been filed on 25.10.2023 by the Executive Engineer, Irrigation & Flood Control Department, Govt. of Delhi on the issue of same natural drain in a case titled as 'RWS Shyam Kunj Versus Beer Singh & Ors.' CS/ADJ/530/2018 in the Court of Sh. Divyang Thakur, ADJ, Dwarka Court, Delhi; in the said Status Report, it has been clearly mentioned at Para Nos. 4 & 5 that irrigation department had never taken this land and it is a Gram Sabha land and the said portion of Report is as under:-

- "4. That it is respectfully submitted as per the information derived from the departmental records that the possession of this land was never taken by this department from the date of award, the present status of the land in question is in the possession of Gram Sabha.
- "5. That as on date the subject land is with the Revenue Department and any further clarification in this matter, may kindly be sort from the Revenue Department (Defendant No.3)."

Since irrigation and flood control department does not have ownership over this natural drain, hence, transfer of title / ownership to several individuals by way of executing Re-conveyance deeds are illegal and fraudulent acts. True Copy of Status Report dated 25.10.2023 filed by Irrigation and Flood Control in CS/ADJ/530/2018, Dwarka Court. Delhi is annexed herewith Vide Annexure-A4.

7. That proceedings U/S 133 Cr.PC was initiated and a Conditional Order dated 05.12.2018 by passed by the then SDM (Kapashera) against one Beer Singh who is claiming to be owner of the aforesaid Natural drain. Beer Singh was directed to remove obstructions existing in natural drain by 20.12.2018 but till date the said obstruction has not been removed from the natural drain. Now, the said order has become absolute and it has not been challenged before any authorities or Court of law and the said Order is applicable and binding to all alleged fraudulent co-owners of the aforesaid natural drain. True Copy of proceedings U/S 133 Cr.PC

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and a Conditional Order dated 05.12.2018 by passed by the SDM (Kapashera), Delhi is annexed herewith Vide Annexure-A5

8. That the alleged Re-conveyance Deeds are not a registered document and the same are in violation of Section 17 (B) of the Registration Act, 1908 and Section 54 of Transfer of Property Act, 1882. The alleged re-conveyance deed is also in violation of its Para -8 whereby it has to be registered compulsorily but admittedly, it has not been registered till.
9. That it is further submitted that these fraudulent land grabbers are not entitled to any relief from any authority / Court since they have not complied the Policy Guidelines issued by Govt. of NCT of Delhi which is as under:-

'COMMON CONDITIONS FOR CONSIDERING DENOTIFICATION'

"As per the decision of the Standing Committee in the meeting dated 3.6.93, land 50 meters from village Abadi is not acquired. However, in case any such land has been notified for acquisition, it may be recommended for de-notification provided its absence will not materially affect the public purpose for which it is being acquired.

1. Possession of the land should not have been taken.
2. The persons interested in the land should not have received any part of the compensation towards acquisition of land.

Thus, the Executive Engineers of Flood and Irrigation Department and employees of Revenue Department working under are hands in glove in making illegal mutation in revenue records and also handing over the possession of the aforesaid natural drain to the land grabbers in utter violation of aforesaid Policy Guidelines of the Govt. It is requires your urgent attention and necessary action against the persons whosoever involved in this scam of grabbing the Govt. land / natural drain whose value is more than Rs. 200 Crores. True Copy of Policy Guidelines for

De-notification issued by Govt. of NCT of Delhi are annexed herewith
Vide Annexure-A6.

10. That these land grabbers are illegally encroaching upon the aforesaid old and natural drain / Gram Sabha property by dumping debris/ malba and have also cut down the several full grown trees situated on its bank from the year 2018 onwards and in this respect several written complaints on behalf of Resident Welfare Society, Shyam Kunj were lodged dated 26.06.2023, 28.06.2023, 30.06.2023 and 18.12.2023 with you and other Govt. Departments / Govt. authorities with a request to stop the illegal acts and take action against the land grabbers but unfortunately nothing was done till date which embolden such persons to keep on encroaching aforesaid natural drain. All the full grown trees situated on the bank of the natural drain has been cut down by the land grabbers and at some parts of the natural drain has been completely blocked from its free flow and there is flood like situation in the area. Every attempt is made continuously by the land grabbers to change the nature and character of the drain and all this happening due to apathy and inaction.

PRAYER

It is, therefore, in the view of above submissions, most respectfully prayed to kindly look into the matter personally and please to: -

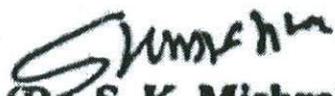
1. Get a Criminal Case / FIR registered against the land grabbers, revenue officials working under you and the Executive engineers of Irrigation and Flood Control Department of Delhi Govt. for illegally / fraudulently transferring, mutating and handing over the possession of the natural drain;
2. Restrain / stop the land grabbers of the area from making any encroachment by way of filling malba / debris in the aforesaid natural drain with immediate effect;

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3. Restore the original status of this natural drain as it was before year 2018 by removing the filled up malha / debris etc and by demolishing the construction made whatsoever;
4. Develop this natural drain for public purpose only i.e. discharging the waste water and rain water of surrounding areas in order to avoid flood like situation;
5. Develop the banks of the drain at Green Belt area by way of planting trees as suggestion mentioned in the Report of Govt. Inter-Departmental Inquiry Committee;
6. Set Up a High Level Fact Finding Committee immediately to look entire the matter deeply who are involved in execution of alleged Re-conveyance deeds, mutation work, cutting down of full grown trees on bank of the drain and also encroaching upon the drain by filling the malba / debris etc.

Thanking You.

Yours sincerely


(Dr. S. K. Mishra)

Secretary, Resident Welfare Society
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President / G. Secy. / Treasurer
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