

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 922/2024**

IN THE MATTER OF:

Residents Welfare Society Shyam Kunj ... Applicant

Versus

Government of NCT of Delhi & Ors ... Respondent(s)

I N D E X

| <u>Sl. No.</u> | <u>Particulars</u> | <u>Pg. No.</u> |
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| 1. | Reply Affidavit on behalf of Respondent No. 2 SDM Kapashera to the objections filed by the Applicant | 1-6 |

FILED BY:

NEW DELHI
DATED: 26.04.2025


JYOTI MENDIRATTA
Advocate for the GNCT of Delhi
H-34, Jangpura Extension
(Lower Ground Floor)
Near INOX EROS Cinema,
New Delhi-110014
Ph: 9811136141
jmalawoffices@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

O.A. No.922/2024

IN THE MATTER OF:-

RESIDENT WELFARE SOCIETY, SHYAM KUNJ ...PETITIONER

VERSUS

GOVERNMENT OF NCT OF DELHI & ORS ...RESPONDENTS

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2SDM
KAPASHERA TO THE OBJECTIONS FILED BY THE APPLICANT

I, Harshit Saini S/o Rajendra Kumar Saini aged about 34 years, presently posted as SDM/RA having its office at DC Office Kapashera on the basis of official records maintained by the Govt. of NCT of Delhi do hereby solemnly affirm and declare as under:

1. That the allegations of suppression of facts, as raised by the Applicant society, are denied as baseless and incorrect. It is submitted that the status report filed on 07.11.2024 was based on up-to-date revenue records and field observations made by the Joint Committee constituted pursuant to the Hon'ble Tribunal's order dated 31.07.2024.



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2. The report in question does not contradict any earlier reports. The order dated 05.12.2018 issued by the then SDM under Section 133 Cr.P.C. only mentions the existence of a natural drain in Khasra Nos. 38 & 39 and does not state that the land in question is Gram Sabha land. Similarly, the restraint order dated 12.04.2024 issued by this office refers to the land as "agricultural land" and seeks to halt unauthorized construction. It does not identify the land as Gram Sabha land, forest land, or a drain.
3. That the Applicant has wrongly sought to allege that the natural drain was situated on Gram Sabha land. The same is contrary to the Inter-Departmental Report dated 05.10.2018 relied upon by the Applicant wherein it is recorded that, "The land of the drain was recorded in the name of some private person/farmer and was included in land acquired by the I & FC Deptt. in the year 1964 vide award No. 1991 under section 4 of the Land Acquisition Act, 1894 vide notification No. F15 (29)/63-LSG dated 14/04/1964 for the Goela lift irrigation scheme. This scheme eventually dropped due to technical reason without any execution. The land acquired for the purpose de-notified and returned back/ being returned back to original owner by the I & F C Deptt. by reconveyance deed."



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4. That the Joint Committee Report is consistent with the above observations.

The land revenue records maintained by the office of the undersigned show Khasra No. 38 to be recorded in the name of "Sarkar Daulatmadar" (i.e., Government). As per land acquisition records, the said land was acquired in 1968 for the "Lift Irrigation Scheme," and possession was handed over to the Irrigation and Flood Control Department (I&FCD). However, the said scheme was later dropped, and the land was subsequently reconveyed and mutated in favor of private individuals, i.e. the original land owners. Thereafter, mutation was done in certain cases such as in the case of Nandlal S/o Charan Singh, Indra devi W/o Narayan Singh, Padmawati D/o Narayan Singh, Ajay Pal Singh S/o Narayan Singh, Satish Kumar S/o Narayan Singh etc (list not exhaustive) and the village Goyla Khurd has already been urbanized vide notification dated 16/05/2017 under 507 DMC Act of 1957. The above-mentioned Inter-Departmental Report dated 05.10.2018, as acknowledged by the Applicant, only recommends that the revenue department should consider the drain land to be declared as "Gram Sabha Land". Whereas, the common observations shared by the departments in their individual reports consisted that there exists no drain on the site at present consisted in the Khasra No. 38 min which is now bifurcated in plots of different sizes and bearing hoarding indicating the ownership of the land.



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5. That the validity of the mutations has not been challenged, nor any documents have been submitted by the Applicants which prima facie establishes any illegality. Therefore, the legality of reconveyance deeds and subsequent mutations was not examined as part of the Joint Committee's mandate. However, the undersigned is willing to initiate a detailed inquiry into the matter if so directed by the Hon'ble Tribunal.
6. As regards allegations of the Joint Committee report being comprised of separate unsigned and unsealed reports of DPCC and CPCB, it is submitted that the undersigned as nodal agency appointed by this Hon'ble Tribunal, had scheduled the inspection for 03.10.2024 at 11 AM vide notice dated 30.09.2024 issued to all the concerned departments. As mentioned in the said report and evidenced by the attendance sheet annexed therewith, the field inspection was attended by all the representatives except from the CPCB which nominated its representative on 14.10.2024 and carried out inspection subsequently on 19.10.2024. The Naib Tehsildar Sandeep from the Sub-Division was present during the site visit and signed the attendance sheet with proper designation. The CPCB's observations were incorporated into the report based on their independent site visit, which was conducted separately due to their absence during the joint visit. Additionally, while



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MCD was not a formal member of the Joint Committee, its representatives were consulted due to their jurisdiction over the colony. The said Joint Committee report was thus submitted by the undersigned based on the comments/inputs received from all the departments. As such, allegations regarding the reports having been prepared by the department officials in their office without visiting the site are baseless and denied.

7. That as per the file status report dated 07/11/2024 the site visit was visited by the Naib Tehsildar and Halka Patwari some O/o Distric Megistrate (South west) alongwith the representatives of Delhi Jal Board and DPCC visited the site of the subject land on 03.10.2024 whereas CPCB member(s) visited on 19.10.2024 and consequently submitted their reports along with the Geo-tagged photographs and the representatives of the Applicant society were present during the site visit. However, no new material facts were submitted by them, and the issues raised now were neither brought to the committee's notice at that time nor originally included in the Application.

8. That the names of claimants to the land are mentioned in the annexures and are visible in the photographs submitted. The ownership status cannot be conclusively determined without hearing the private claimants. The Hon'ble



Tribunal may consider impleading them as necessary parties if deemed appropriate.

9. It is reiterated that the land in question is not recorded as Gram Sabha land, and the status report has not claimed any de-notification. The entries in the revenue records show private ownership and the same was thus so reflected in the earlier report. The said report only records the factual position that there exists no drain presently at the site. The undersigned remains committed to complying with any further directions issued by the Hon'ble Tribunal.

[Handwritten Signature]
26/4/25
DEPONENT

VERIFICATION

Verified at New Delhi on this ___th day of April, 2025 that the contents of the above affidavit are true and correct; no part of it is false and nothing material has been concealed there from.

[Handwritten Signature]
26/4/25
DEPONENT



ATTESTED

[Handwritten Signature]
**NOTARY PUBLIC
NCT OF DELHI (INDIA)**

26 APR 2025

Sub Divisional Magistrate
(Kapashera)
Old Terminal Tax Building
Kapashera, New Delhi- 110037

Notary Register

Entry No. *[Handwritten Number]*