

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

**IA No. 321/ 2025
IN
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. 27.11.2025

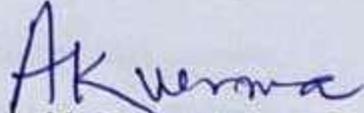
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Place: New Delhi

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Versus

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**REPLY ON BEHALF OF APPLICANT SOCIETY TO THE
IMPLEADMENT APPLICATION FILED BY PROPOSED
RESPONDENT NOS. 1- 6**

TO

THE HON'BLE CHAIRMAN

AND HIS COMPANION MEMBERS

OF THE HON'BLE NATIONAL GREEN

TRIBUNAL, NEW DELHI

MOST RESPECTFULLY SHOWETH:

Preliminary Objections:

1. That there has been a natural drain on a Govt. land bearing 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) in the revenue estate of village Goela Khurd, Tehsil Kapashera, District - South West, New Delhi. The said natural drain is a tributary of Sahibi river presently known as Najafgarh Drain. The existence of natural drain is also evident from Delhi Govt. Inter-Departmental Inquiry Report

dated 05.10.2018 of (Annexure - A4) and the Order 05.12.2018 passed U/S 133 Cr.PC and the Restraining Order dated 12.04.2024 (Annexure - A5 Colly.) issued by the SDM (Kapesara), South West Delhi to remove the debris/malba from the said natural drain. Further, Irrigation and Flood Control Department, Govt. of NCT Delhi in its Status Report dated 25.10.2023 (Annexure - A11) has also admitted that the said natural drain is situated on Govt. / Gram Sabha land. The photographs (Annexure nos. A2, A6 & A7) annexed with the pending O.A also depicts that there has been a free flowing natural drain having full grown trees on its banks. Thus, the averments made in the impleadment application that there is no natural drain in existence and they are the owners of land falling in said Khasra No. 38-Min are totally false and incorrect; as such the instant application is without any locus and is liable to be dismissed.

2. That the unregistered Re-conveyance Deeds filed along with impleadment application are alleged to have been executed by Irrigation and Flood Control Department (I & FC) , Govt. of Delhi but prima facie same are forged and manufactured documents; these Deeds are undated, unsigned, without its registration before the Sub-Registrar; registration details such as date of registration, Book Number, Volume Number, Page Number, Seal and Signature of the Registrar, Photographs of transferor and transferee are missing from these unregistered Re-conveyance Deeds. Registration is a must for transfer of rights / title over immovable property and it must be compulsorily registered U/S 17 (B) of the Registration Act. Law is settled that any Deed/s or any Document/s whatsoever if it is executed with regard to transfer of rights / title over immovable

properties, it must be registered otherwise it does not carry any right / title / interest over the property and the same is void *ab initio*. So, the alleged Re-Conveyance Deeds which are admittedly unregistered are void, illegal and they do not carry any title, ownership, interest in the land of the drain in question. Hence, instant impleadment application is not maintainable and is liable to be dismissed since there is no ownership right in favour of any individual person over the natural drain; as on date its ownership vests with Govt.

3. That admittedly, natural drain land falls in the revenue estate of Goela Village, New Delhi which was declared as urbanized village U/S 507 of Delhi Municipal Corporation Act Vide its Notification dated 16.05.2017. So, it clearly implies that after issuance of the said notification, Revenue Department, Delhi Govt. has no right or authority to make any mutation entry in the revenue record; mutations done in favour of any person by Revenue Department (Kapashera) are in utter violation of said notification and are void and illegal. In some of 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 and said mutations are also void and illegal. Hence, mutations made in the name of proposed respondents/applicants in revenue record are illegal and void on the face of it and they do not confer any right or title or interest over the natural drain. So, instant application is without any merit, title or interest and the same is liable to be dismissed.

Revenue Records Entry is not an Ownership:

4. That mere entry of name/s in revenue records does not confer any title or legal right on the property. The Hon'ble Supreme Court of India in the matter of 'Jitendra Singh Versus State of M.P.', 2021 SCC Online SC 802 clearly held at Para no. 7 & 8 which are as under,

“7. Right from 1997, the law is very clear. In the case of Balwant Singh Vs. Daulat Singh (D) By LRs., reported in (1997) 7 SCC 137, this Court had an occasion to consider the effect of mutation and it is observed and held that mutation of property in revenue records neither creates nor extinguishes title to the property nor has it any presumptive value on title. Such entries are relevant only for the purpose of collecting land revenue. Similar view has been expressed in the series of decisions thereafter.

8. In the case of Suraj Bhan Vs. Financial Commissioner, (2007) 6SCC186, it is observed and held by this Court that an entry in revenue records does not confer title on a person whose name appears in record-of-rights. Entries in the revenue records or jamabandi have only fiscal purpose, i.e., payment of land revenue, and no ownership is conferred on the basis of such entries. It is further observed that so far as the title of the property is concerned, it can only be decided by a competent civil court. Similar view has been expressed in the cases of Suman Verma Vs. Union of India, (2004) 12 SCC 58; Faquddin Vs. Tajuddin (2008) 8 SCC 12; Rajinder Singh Vs. State of J & K, (2008) 9 SCC 368; Municipal Corporation, Aurangabad Vs. State of Maharashtra, (2015) 16 SCC 689; T. Ravi Vs. B. Chinna Narasimha, (2017) 7 SCC 342; Bhimabai Mahadeo Kambekar Vs. Arthur Import & Export Co., (2019) 3 SCC 191; Prahlad Pradhan Vs. Sonu Kumhar, (2019) 10 SCC 259; and Ajit Kaur Vs. Darshan Singh, (2019) 13 SCC 70.”

5. That the Hon'ble Supreme Court of India further held in the matter of “P. Kishor Kumar Versus Vittal K. Patkar, Civil Appeal No. 7210/2011” that mere mentioning of the name in revenue record does not confer title over the property. The relevant paragraph nos. 11, 14, 15, 18 & 24 are reproduced as under:

“11. It is trite law that revenue records are not documents of title.

14. In *Jitendra Singh vs. State of Madhya Pradesh and Ors.*, this Court after considering a catena of judgments, reiterated the principle of law as follows: “6. ***mutation entry does not confer any right, title or interest in favour of the person and the mutation entry in the revenue record is only for the fiscal purpose.”

15. We may also profitably refer to the decision of this Court in *Sita Ram Bhau Patil Vs. Ramchandra Nago Patil (Dead) by LRs. and Ors.* wherein it was held that there exists no universal principle that whatever will appear in the record of rights will be presumed to be correct, when there exists evidence to the contrary.

18. It is settled law that a vendor cannot transfer a title to the vendee better than he himself possesses, the principle arising from the maxim *nemo dat quod non habet*, i.e., "no one can confer a better title than what he himself has". In the present case, the plaintiff's vendor having been denied the right of title in the land by the Commissioner's order, could not have conveyed the same to her vendee.

24. This decision was affirmed, and further elaborated upon, in *Jagdish Prasad Patel (Dead) Thr. LRs. and Ors. Vs. Shivnath and Ors.*, wherein this Court has succinctly summarized the law on burden of proof in suits for declaration of title as follows:

“44. In the suit for declaration for title and possession, the Plaintiffs- Respondents could succeed only on the strength of their own title and not on the weakness of the case of the Defendants-Appellants. The burden is on the Plaintiffs-Respondents to establish their title to the suit properties to show that they are entitled for a decree for declaration. The Plaintiffs-Respondents have neither produced the title document i.e. patta-lease which the Plaintiffs-Respondents are relying upon nor proved their right by adducing any other evidence. As noted above, the revenue entries relied on by them are also held to be not genuine. In any event, revenue entries for few Khataunis are not proof of title; but are mere statements for revenue purpose. They cannot confer any right or title on the party relying on them for proving their title.”

6. That the instant impleadment application is not maintainable and is liable to be dismissed as the Hon'ble Supreme Court of India in the matter of 'Jitendra Singh Versus State of M.P.', Special Leave

Petition (C) No. 13146/2021 clearly held at Para nos. 7 & 8 that merely entry of name in revenue records does not confer title or legal right on the property. The said Paras are reproduced as under,

“7. Right from 1997, the law is very clear. In the case of Balwant Singh Vs. Daulat Singh (D) By LRs., reported in (1997) 7 SCC 137, this Court had an occasion to consider the effect of mutation and it is observed and held that mutation of property in revenue records neither creates nor extinguishes title to the property nor has it any presumptive value on title. Such entries are relevant only for the purpose of collecting land revenue. Similar view has been expressed in the series of decisions thereafter.

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7. That the instant impleadment application is not maintainable and liable to be dismissed. On the issue of validity of mutation, High Court of J & K in the matter of “Mst. Mali Versus State of J & K & Ors. 2007(2) JKJ 459” held in Para 10 which is reproduced as under:

“10. It is beaten law of the land that mutation does not confer title. It is just for the collection of rent. This Court in case titled Suram Singh and Ors. Vs. Lal Chand and Ors. reported in 1987 SLJ 345 has held that mutation is only a fiscal entry which does not confer any proprietary right of any person and entries made in the revenue record are not conclusive proof of ownership and mutation attested in favour of any parties does not confer any right upon the said party. It is profitable to reproduce relevant para of the judgment herein:

The entries made in the revenue record are not the conclusive proof of ownership and the mutation attested in favour of any one of the parties does not confer any absolute right upon the said party. It was held in AIR 1926 PC 100 that mutation is only a fiscal entry which does not confer any proprietary right on any person....”

Registration of a Document is a Must:

8. That the instant impleadment application is not maintainable and liable to be dismissed. It is the settled position of law that any deed showing transfer of ownership over any property, which is not registered as per the Registration Act, is not a valid title document and the same is in violation of section 17(B) of the said Act. The Hon'ble Supreme Court in the matter of “Shakeel Ahmed Versus Syed Akhlaq Hussain, Civil Appeal No.1598 Of 2023” clearly held at Para no. 11 which is reproduced as under

“11. Law is well settled that no right, title or interest in immovable property can be conferred without a registered document. Even the judgment of this Court in the case of **Suraj Lamps & Industries** (supra) lays down the same proposition. Reference may also be made to the following judgments of this Court:

- (i) Ameer Minhaj Vs. Deirdre Elizabeth (Wright) Issar and Others
- (ii) Balram Singh Vs. Kelo Devi
- (iii) M/S Paul Rubber Industries Private Limited Vs. Amit Chand Mitra &Anr.”

De-Notification Procedure Not Followed:

9. That the instant impleadment application is not applicable and liable to be dismissed because the provision of law of Section 48(1) of the Land Acquisition Act was not complied. Hence, the alleged re-conveyance deeds are nullity and falsely manufactured, without having any legal sanctity. Further, the Policy Guidelines issued by the Govt. of NCT of Delhi, under heading, 'COMMON CONDITIONS FOR CONSIDERING DE-NOTIFICATION' was also not complied with malafide intention. The relevant part of the said policy guidelines is reproduced herein as under:

“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.
 3. Where the requisitioning department itself request for de-notification of a land, it may be recommended for de-notification.”
-

10. That not a single document has been placed on the record showing that De-notification process has taken place; actually De-notification of the afore-said natural drain has never taken place. It is a complete procedural lapse / fraudulent act on the part of Delhi Government Departments. 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 which is to be followed as per policy guidelines issued by Delhi Govt. has been placed on record of this O.A. Vide

Annexure A-15 (Colly.) Applicants of impleadment application are well aware of this Notification/policy guidelines of De-notification but they are completely silent on this issue. Hence, the instant impleadment application is not maintainable and is liable to be dismissed.

Issue of Encroachment on Natural Drain

- 11.** That the instant impleadment application is not maintainable and liable to be dismissed. Hon'ble Supreme Court in the matter of 'Hinch Lal Tiwari Versus Kamala Devi & Ors.', 2001 SCC Online SC 862 clearly held in Para 13 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.”

- 12.** That the instant impleadment application is not maintainable and is liable to be dismissed because the Hon'ble Supreme Court in the matter of “Nandkishor Babulal Agrawal Versus The State of Maharashtra & Ors.” Civil Appeal No.7634 / 2023, clearly held that once a land has been acquired for a public purpose and vests with state, then the same cannot be returned back to its original owners and it should be utilized for public purposes only and hence, the

question of transfer of ownership of drain land in question does not arise by way of any Deed or document. The relevant Para nos. 10-11 of said Judgement 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.”

- 13.** That the instant impleadment application is not maintainable and is liable to be dismissed as the Hon’ble High Court of Gujarat on the issue of acquired land clearly held in “Chandubhai Ranchhodbhai Patel Versus State of Gujarat” 2016 SCC Online Guj 9157” at Para no. 3 which is reproduced as under:

“3. It is well settled through series of judgements of Supreme Court that the land which is once acquired for the public purpose and which absolutely vests in the Government free from all encumbrances cannot be re-granted to the original owner. Even if the public purpose, for which the acquisition was made has exhausted or failed, the land can be diverted for another public purpose. If the question of divesting the land arises, the same should be done through public auction. Reference in this respect can be made to the decision of Supreme Court in case of “Vs.

Chandrasekaran Versus Administrative Officer reported in (2012) 12 SCC 133 in which following observation were made:

“25. It is a settled legal proposition, that once the land is vested in the state, free from all encumbrances, it cannot be divested and proceedings under the act period. (Vide: Avadh Behari Yadav V. State of Bihar, (1995) 6 SCC 31; U.P. Jal Nigam v. Kalra properties (P) Ltd. (Supra); Allahabad Development Authority v. Nasiruzzaman, (1996) 6 SCC 424, M. Ramalinga Thevar v. state of Tamil Nadu, (2000) 4 SCC 322; and Government of Andhra Pradesh v. Syed Akbar, (2005) 1 SCC 558: AIR 2005 SC 492).

...28. In Gulam Mustafa v. State of Maharashtra, (1976) 1 SCC 800: AIR 1977 SC 448, in a similar situation, this Court held as under:-

“5....Once the Original acquisition is valid and title has vested in the Municipality, how it uses the excess land is no concern of the original owner and cannot be the basis for invalidation the acquisition. There is no principle of law by which a valid compulsory acquisition voided because long later the requiring authority diverts it to a public purpose other than the one stated in thedeclaration”

29. Similarly, in the state of Kerala Vs. M. Bhaskaran Pillai, (1997) 5 SCC 432, this Court held as under:

“4..... It is settled law that if the land is acquired for a public purpose, after the public purpose was achieved, the rest of the land could be used for any other purpose. In case there is no other public purpose for which the land is needed, then instead of disposal by way of sale to the erstwhile owner, the land should be put to public auction and the amount fetched in the public auction can be better utilized for the public purpose envisaged in the Directive Principles of the Constitution.”

.....

31. In view of the above, the law can be crystalized to mean, that once the land is acquired and it vest in the state, free from all encumbrances, it is not the concern of the land owner, whether the land is being used for the purpose for which it was acquired or for any other purpose. He becomes persona non-grata once the land vests in the State. He has a right only receive compensation for the same, unless the acquisition proceeding is itself challenged. The State neither has the requisite power to re-convey the land to the person-interested, nor can such person claim any right of restitution on any ground, whatsoever, unless there is statutory amendment to this effect.”

14. That the instant impleadment application is not maintainable and is liable to be dismissed as there is rampant violation of policy guidelines and the Hon'ble Supreme Court in the matter of "Mansukhbhai Dhamjibhai Patel Versus State of Gujrat, (2018) 2 SCC 642 clearly held at Para no. 5 and the same is reproduced as under:

"5. We are of the view that the policy is in violation of law. The High Court was justified in holding that re-grant of the land is not permissible. It is a different matter if there is policy for rehabilitation for persons displaced by the land acquisition, in such case persons are rendered landless. If land acquired for public purpose is no longer needed for such purpose, the State can transfer such land but such disposal is regulated by doctrine of public trust. Thus, apart from the appellants having not been found entitled to re-grant of acquired land, re-grant policy itself is against Article 14 as interpreted in several decisions including in Natural Resources Allocation."

Suppression of Material Facts:

15. That there is suppression of material facts in the impleadment application and hence, it is liable to be dismissed with heavy cost. The Doctrine of "Clean hands and non-suppression of material facts" is applicable with full force to every proceeding before any judicial forum/tribunal. The party must come with clean hands and disclose all correct and material facts in his Petition. Herein the applicants have been guilty of suppression of material facts with regard to alleged registered Re-conveyance deed dated 02.04.2024 (Annexure-A7) as filed with the impleadment application. The Deed alleged to be executed by President of India in favor of proposed respondent no.3 / applicant namely, Smt. Sumita Devi & Others for the Scheduled "property comprised in (Kh. No. 198/1/1) situated in

the revenue estate of village Paprawat at total land being 00 Bigha 07 Biswa” but the fact is that natural drain land in question is situated at Kh. No. 38-Min at village Goela Khurd and not in Village Paprawat. Thus the said Re-conveyance Deed is void, illegal, forged and manufactured one. In all the alleged Re-Conveyance Deeds, the name, signature, seal of the Testator is completely blank which prima facie show that these deeds are forged and manufactured Deeds. Moreover, the alleged Re-conveyance Deeds which are part of Annexure nos. A8, A9 and 10 filed along with impleadment application are void, illegal, forged and manufactured Deeds and they do not carry any valid title; so, proposed Respondents / applicants are claiming their right / title over the land of the natural drain on the basis of forged Deed; so, their impleadment application is without any locus *standi* and is not maintainable before this Hon’ble Tribunal. Different Award numbers and different years of Award have been mentioned in these alleged Re-Conveyance Deeds though the fact is that it was acquired by Award No. 1991 of 1964. The Hon’ble Supreme Court of India has clearly held in the matter of ‘Kusha Duruka Versus The State of Odisha’ [2024]1S.C.R. 604 clearly held at Para - 7 that suppression of material fact by a litigant disqualifies such litigant from obtaining any relief. This rule has been evolved out of the need of the Courts to deter a litigant from abusing the process of Court by deceiving it.

“7.In the last 40 years, the values have gone down and now a litigants can go to any extent to mislead the court. They have no respect for the truth. The principle has been evolved to meet the challenges posed by this new breed of litigants. Now it is well settled that a litigant, who attempts to pollute the stream of justice or who

touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final. Suppression of material facts from the court of law, is actually playing fraud with the court. The maxim *suppressio veri, expressio falsi*, i.e. suppression of the truth is equivalent to the expression of falsehood, gets attracted.

Parawise Reply:

1. That the contents of Para-1 of the impleadment application are false and incorrect and hence, denied. It is submitted that the proposed Respondent Nos. 1-6 of the impleadment application are not the co-owners of the natural drain in question situated in Khasra No. 38-Min of Village Goyla, New Delhi. These applicants have no right / title / interest in the natural drain since there is no valid title/ownership deed in their favour. The ownership claimed on the basis of alleged unregistered re-conveyance deed is void and the same is invalid in the light of Judgments relied upon hereinabove in the preliminary objections.
2. That the contents of Para 2 of the impleadment Application are false and incorrect and hence, denied. It is submitted that details of the residents, who intimated the proposed respondents about the pending O.A. before this Hon'ble Tribunal and the date of information has not been furnished in the corresponding paragraph of the impleadment application. It is submitted that the impleadment application has been filed by the land grabbers, who have illegally encroached upon the natural drain in question by filling cement/debris (C&D) Malba in it. The natural drain is situated on a Government land and it was a free-flowing natural drain having full grown trees on its banks, which is clearly shown in the photographs

- already placed on record Vide Annexures Nos. A2, A6, A7 and A13 of this O.A.
3. That the contents of Para 3 of the impleadment Application are false and incorrect and hence, denied. The proposed respondents / applicants are not the co-owners of the natural drain in question situated in Khasra No. 38 Min, Goela Village, New Delhi. These applicants have no right / title / interest in the natural drain since there is no valid title/ownership deed in their favour. The ownership claimed on the basis of alleged unregistered Re-conveyance Deeds is void and the same is invalid in the light of Judgments relied upon hereinabove in the preliminary objections.
 4. That the contents of Para 4 of the impleadment Application are false and incorrect and hence, denied. It is submitted that land of the drain in question was acquired by the Government Vide Award No. 1991 of 1964 and not Vide Award no. 2159 of 1967. Further, it is denied that the said land was transferred to Irrigation and Flood Control (I & FC) Department, Govt. of Delhi; the said (I & FC) department had filed its status report dated 25.10.2023 (Annexure A-11) wherein it has categorically stated that the land of the natural drain was never transferred to it. Moreover, no document in support of the said transfer to (I & FC) has been placed on record along with the impleadment application.
 5. That the contents of Para 5 of the impleadment application are denied for want of knowledge. It is submitted that proposed Respondents / applicants have not submitted any record in support of their contentions given in the said Para.

6. That the contents of Para 6 of the impleadment application are denied for want of knowledge. It is submitted that proposed Respondents / applicants have not submitted any record in support of their contentions given in the said Para.
7. That the contents of Para 7 of the impleadment application are denied for want of knowledge. It is submitted that proposed Respondents / applicants have not submitted any record in support of their contentions given in the said Para.
8. That the contents of Para 8 of the impleadment application are false and incorrect and hence, denied. Submissions made in the corresponding Para are denied want of knowledge. It is submitted that the applicants / proposed respondents have not filed the alleged Order dated 10.08.1988 of the Hon'ble Lt. Governor of Delhi. Even the alleged letter dated 20.04.1989 has not been placed on record and hence, its contents are denied. It is denied that the Government authorities have decided to transfer the land of the natural drain in question to its rightful owners. Again, no document in support of the said contention has been placed on record. The law is very clear, that in such situation, the Government has to De-notify the Award first, and only thereafter, land can be transferred back to its owner/s. A detailed policy guideline has already been framed in this regard by the Government of Delhi, which is annexed as Annexure-A16 filed with O.A. Admittedly, said Govt. guideline of De-notification has not been followed in the instant case, as such there is no transfer of the land of drain in question by the competent authority in favour of proposed Respondents / Applicants. It is denied that concerned

authorities had decided to transfer the land to its owners in public interest; again no supportive document has been placed on record by the proposed Respondents / applicants along with impleadment application.

9. That the contents of Para 9 of the impleadment Application are false and incorrect and hence, denied. It is submitted that proposed respondent/applicant, namely Rajesh Jakhar, was not in the possession of the natural drain at any point of time. He is one of the encroachers on the natural drain and has also blocked the flow of the natural drain with C&D Malba, without any right/title/interest over the drain land. It is further denied that he was in the peaceful possession of his land of the drain and was conducting maintenance activities over it; admittedly the land of the natural drain was/is a Government land and it is maintained by the Government Department only. Respondent/applicant, namely Rajesh Jakhar has no right to do any kind of alleged maintenance work. It is further denied that the members of applicant society of this O.A. have approached Rajesh Jakhar for parking their cars and setting up septic tanks on his alleged drain land. It is further denied that members of the applicant society have demanded a sum of Rupees One Lakh from him for allowing him to do the alleged maintenance work on the drain land. It is further denied that members of applicant society have been dumping the garbage and waste material regularly in the drain. However, the fact is just the opposite of the said allegation. The fact is that it is Rajesh Jakhar and his associates who have dumped C&D Malba in the natural drain in order to stop its free flow; in this respect photographs of the natural drain have been taken

- and the same have been filed along with O.A. as Annexure nos. A2, A6, A7 and A13. In this connection several written complaints have been lodged by the applicant society with the concerned authorities but no action was taken against the encroachers of the drain.
- 10.** That the contents of Para 10 of the impleadment Application are false and incorrect and hence, denied. It is submitted that the members of applicant society have never asked for a single penny from the proposed respondent Rajesh Jakhar at any point of time. It is further denied that the applicant society threatened him to take legal action as well as to cause physical violence against him. The said allegations are completely false, incorrect and devoid of truth, and it has been averred herein in order to mislead this Hon'ble Tribunal and also to save his skin as he is doing the illegal act of encroachment over the natural drain.
 - 11.** That the contents of Para 11 of the impleadment Application are denied for want of knowledge. It is submitted that the alleged complaint dated 27.07.2023 has not been placed on record.
 - 12.** That the contents of Para 12 of the impleadment Application are denied for want of knowledge. It is submitted that the alleged complaint dated 27.07.2023 has not been placed on record. It is submitted that the members of the applicant society never met any official of the police department for amicably settling the dispute with proposed respondent. The allegations made in the said Para are false, concocted and the same are devoid of truth. The said allegations have been made herein in order to mislead this Hon'ble Tribunal and also to save his skin from doing the illegal act.

- 13.** That the contents of Para 13 of the impleadment Application are false and incorrect and hence, denied. It is submitted that the allegations made in the said Para are completely baseless, concocted and devoid of truth. It is submitted that this Hon'ble Tribunal is not a proper place to decide such unfounded and concocted allegations. The said allegations have been made herein in order to mislead this Hon'ble Tribunal and also to save his skin from doing the illegal act of encroachment over the natural drain.
- 14.** That the contents of Para 14 of the impleadment Application are false and incorrect and hence, denied. The alleged complaint dated 17.08.2023 is denied for want of knowledge. Moreover, it has nothing to do with the present O.A. It is again a deliberate attempt on the part of proposed respondent No.2/Applicant to mislead this Hon'ble Tribunal with mala fide intention. It is submitted that all the material documents such as Delhi Govt. Interdepartmental Inquiry Report dated 05.10.2018 (Annexure- A4) and the Order dated 05.12.2018 passed under Section 133 Cr.PC and the Restraining Order dated 12.04.2024 (Annexure - A5 Colly.) issued by SDM, Kapasheda, clearly demonstrate that a natural drain has been in its existence. Further, the status report dated 25.10.2023 (Annexure - A11) filed by the Irrigation and Flood Control Department also clarifies that there has been a natural drain and its ownership vests with the Government. Thus, the allegation made in the said Para, that nothing substantial has been placed on record to show the existence of natural drain, is completely false, incorrect, bogus and devoid of truth.

- 15.** That the contents of Para 15 of the impleadment Application are false and incorrect and hence, denied. It is denied that the instant O.A. has been filed on the basis of false allegations; it is further denied that the proposed respondents are necessary parties in the instant proceedings. The fact is that the instant impleadment application has been filed with malafide intention in order to mislead this Hon'ble Tribunal and also to delay the proceedings of this O.A. pending before this Tribunal.
- 16.** That the contents of Para 16 of the impleadment Application are false and incorrect and hence, denied. It is submitted that applicant/proposed respondents should not be made a party in the present proceeding since, they do not have any title document in their favour with respect to the land of the drain. Further, prima facie the said applicants /proposed respondents have blocked the free flow of the natural drain with C&D Malba. Further, the proposed respondents have indulged in manufacturing of false documents in the form of alleged Re-Conveyance Deeds. Due to complete blockage of natural drain, there was flood like situation in the colony of applicant society during rainy season of 2025 and water logging was rampant in the colony. Pumping sets were installed in the colony by the Irrigation and Flood Control Department which were constantly pumping out the water for almost a month.

That the contents of Prayer Clause of the impleadment application are false and incorrect and hence denied in view of the submissions made herein above and moreover, the proposed responds have not approached this Hon'ble Tribunal with clean hands.

PRAYER

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

- (1) Dismiss the instant Impleadment application filed on behalf of proposed Respondent nos. 1 - 6 as alleged claimant / owners of natural drain be dismissed with exemplary cost;
- (2) Pass any Order/s deem fit and proper in the interest of Applicant.

Place: New Delhi

Dated: 18.11.2025

Sumisha
Applicant

Through

Ak Verma
(Amitabh Kumar Verma)

Counsel for Applicant

Chamber No. 526, Dwarka Court

New Delhi -110075

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

IA No. 321/ 2025

IN

O.A. No. 922 / 2024

IN THE MATTER OF:

Residents' Welfare Society, Shyam Kunj, New Delhi

...Applicant

Versus

Govt. of NCT of Delhi & Ors.

...Respondents

AFFIDAVIT

I, Dr. Sunil Kumar Mishra, s/o Late Ram Manohar Mishra, aged about 58 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 reply to Impleadmnet application consisting of Para nos. 1 to 16 and its preliminary objections the same has been drafted by my counsel on my instruction and the same are true and correct.

AK Verma
Adv.
I identified the deponent who has signed & thumb impression in my presence.

11 9 NOV 2025

11 9 NOV 2025

Sunil Kumar Mishra
Deponent

Verification: Verified at New Delhi on this 18th day of November 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.

Sunil Kumar Mishra
Deponent



VERIFIED THAT THE DEPONENT
Shri/Smt/Km. *Dr. Sunil Kumar Mishra*
S/o, W/o, D/o. *Dr. Ram Manohar Mishra*
R/o. *Shyam Kunj, New Delhi*
identified by Shri/Smt. *Sachin Bhargava*
has solemnly affirmed before me at
New Delhi on *11 9 NOV 2025* that
that the contents of the affidavit which have
been read & explained to him are true and
correct to his knowledge

Oath Commissioner

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Reply to Impleadment Application

From: Amitabh Verma (amitabhverma_advocate@yahoo.co.in)

To: adv.kartikeyamudgil@gmail.com

Date: Tuesday 25 November, 2025 at 11:15 pm IST

Sir,

Please find the advance copy of reply on behalf of applicant society to Impleadment application in OA. No. 922/2024.

With regards

Amitabh Kr. Verma,

Advocate for Applicant Society



Reply to Impleadment Application IA.No.321of 2025 .pdf
460.4 kB

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