

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

ORIGINAL APPLICATION NO. 508/2023

IN THE MATTER OF:

GAURI MAULEKHI

...APPLICANT

VERSUS

GNCTD & ORS.

... RESPONDENTS

N.D.O.H.: 19-04-2024

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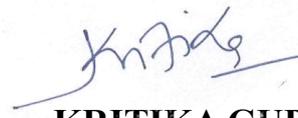
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New Delhi

Dated: 18-04-2024

FILED BY:



KRITIKA GUPTA

Counsel for Respondent/DDA

Enrol No: D/2750/2015

Chamber No. 155, Block I, High Court of Delhi

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ORIGINAL APPLICATION NO. 508/2023

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**STATUS REPORT ON BEHALF OF
RESPONDENT/DDA**

Most respectfully showeth:

1. That the present Status Report has been drafted under instructions of Mr. Pankaj Gunawat, aged about 40 years, son of Mr. IL Meena, working as Deputy Director (Horticulture), Delhi Development Authority, ITO Vikas Minar, New Delhi. This Status Report is based upon records maintained by the Respondent Department.
2. That it is respectfully submitted that the Respondent/DDA has been entrusted with an affirmative duty to protect the River Yamuna, its morphology and its flood plains by the Hon'ble National Green Tribunal (NGT). The Hon'ble NGT, through various Orders/Judgments, has directed the Respondent to ensure that the Yamuna Flood Plains remain encroachment free. While passing a direction to this effect in its various Judgment/Orders, the Hon'ble NGT has directed that the Respondent/DDA to undertake physical demarcation of the entire floodplains and after taking re-possession within, fence the area and convert it into a Bio-diversity Park, within stipulated timelines.
3. That in a bid to fulfil this mandate, and in compliance of the various directions, the Restoration and Rejuvenation of the Floodplains of River Yamuna by Respondent/DDA have been

undertaken with the objective to enhance the ecological character of the floodplains and to make them accessible and attractive to the public. Spreading over a stretch of about 22 kms in the urban context of Delhi from Wazirabad Barrage to Okhla Barrage on both the banks, these floodplains are divided into ten projects. The total project area being taken by the Respondent/ DDA under this Restoration Scheme is approximately 1600 hectares, some of which falls in the jurisdiction of UP Irrigation Department. The name of the project on the land in question is Mayur Nature Park. True Copy of the Landscape Concept Development Proposal for Mayur Nature Park is annexed herewith as **Annexure R1**.

4. That it is respectfully submitted that the area of the Yamuna floodplains in Delhi, extend from NH 24 to DND flyway. Out of the 619.62 ha of the Yamuna flood plains, 119.63 ha of land stands denotified, and is thus, private land. The remaining 399.99 ha of land is with the DDA and UP Irrigation Department. A chart depicting current status of 399.99 ha of land is annexed herewith as **Annexure R2**.
5. That demolition drives are being regularly carried out in the area which is within the jurisdiction and possession of DDA on the Yamuna floodplains. Till date, the respondent DDA has carried out 40 number of demolition drives in the concerned areas for removal of illegal nurseries, cattle sheds, illegal cultivation etc., and 192 acre of land has been reclaimed by the respondent DDA. In the recent past, i.e., from 24-02-2024 to 28-03-2024, the respondent DDA had fixed 14 number of demolition drives in the area. However, due to non-availability of the police force (owing to the Farmer protests and preparation/imposition of New Model

Code of Conduct in 2024), only two demolition drives could be carried out in the area recently. A chart depicting demolition drives conducted till 15-03-2024 is annexed herewith as **Annexure R3**. True Copy of the request for fixing demolition programmes and letters addressed to the Delhi Police is annexed herewith as **Annexure R4 Colly**.

6. That it is respectfully pointed out that due to interim directions/stay orders from the Hon'ble High Court of Delhi, the respondent DDA is unable to remove the encroachments in the area under consideration herein. It is further pointed out that the dwellers of the Jhuggis/chappars (who have encroached upon the area under consideration and obtained stay orders from the Hon'ble High Court of Delhi) keep making attempts to undertake illegal cattle rearing and cultivation in the area. The encroachers/Jhuggi dwellers seem to tie their cattle during the milking process in their Jhuggis/chappars and during the remaining time, the cattle are left free/open/unattended. The Respondent/DDA requests the Department of Animal Husbandry and Veterinary, MCD to take the such cattle in their custody.
7. That the details of the pending litigation and interim orders passed by the Hon'ble High Court of Delhi are as follows –

Case Details	Orders passed
<p>1. Case no: W.P.(C) 10900/2019 Case Title: Yamuna Khadar Slum Union Vs DDA & Othrs. Court: Delhi High Court Area claimed by the Petitioners: YK Jhuggi Camp, Yamuna Khadar, Cilia</p>	<p>1. 14-10-2019- directions for status quo passed by the Hon'ble Court vis-à-vis demolition of slums/Jhuggis in the area</p>

Village, Phase 1, Mayur Vihar, Delhi 110091	2. 10-04-2024- Matter has been reserved for passing of Judgment
2. Case no: W.P.(C)10918/2019/ Case Title: Chhote Lal Vs DDA &Othrs. Court: Delhi High Court Area claimed by the Petitioners therein: Yamuna Khadar, Chilla Srodar Khadar, Mayur Vihar Phase 1, Extn. Chilla, East Delhi, - Delhi - 110091	1. 14-10-2019- directions for not taking any coercive action against the slums/Jhuggis in the area 2. 10-04-2024- Matter has been reserved for passing of Judgment
3. Case no: W.P.(C)7563/23 Case Title: Ramkishan & Others V/S UOI Court: Delhi High Court Area claimed by the Petitioners therein: 2 Bighas and 12 Biswas in Khewat Nos.8 & 12 in the Revenue Estate of Village Chak Chilla, New Delhi	1. 29-05-2023- directions passed for taking no coercive steps against the Petitioners therein 2. Next date of hearing in the matter is 24-05-2024.

True Copy of the Order dated 14-10-2019 passed in WP(C) 10900/2019 is annexed herewith as **Annexure R5**. True Copy of the Order dated 14-10-2019 passed in WP(C) 10918/2019 is annexed herewith as **Annexure R6**. True Copy of the Order dated 10-04-2024 passed in WP(C) 10900/2019 and WP(C) 10918/2019 is annexed herewith as **Annexure R7**. True Copy of the Order dated 29-05-2023 in WP(C) 7563/2023 is annexed herewith as **Annexure R8**.

8. That the Hon'ble High Court of Delhi has passed detailed directions with respect to protection and rejuvenation of Yamuna river and its floodplains vide its Judgment dated 08-04-2024 in WP(C) 7594/2018 which is annexed herewith as **Annexure R9**.
9. That the Answering Respondent is committed to the cause of ensuring due compliance of the directions passed in the Impugned

Order of this Hon'ble Tribunal and is undertaking all necessary steps and actions in pursuance thereof.

NEW DELHI
DATED :



THROUGH

RESPONDENT
PANKAJ GUNAWAT
उप निदेशक (उद्यान)
Deputy Director (Hort.)
उद्यान खण्ड-7 / दि.वि.प्रा.
Hort. Division-7/D.D.A.

KRITIKA GUPTA
Counsel for Respondent/DDA
Enrol No: D/2750/2015
Chamber No. 155, Block I, High Court of Delhi
+91-8826331177 | kritika0504@gmail.com



Delhi Development Authority

SCM No: 407TH SCM
ITEM No: 69 : 2022

TITLE: KEY PLAN (ZONE-O)
‘Restoration and Rejuvenation of River Yamuna Floodplains’

AREA :
Approximately 397.75 Hectares
falling downstream of NH-24
(Eastern Bank)

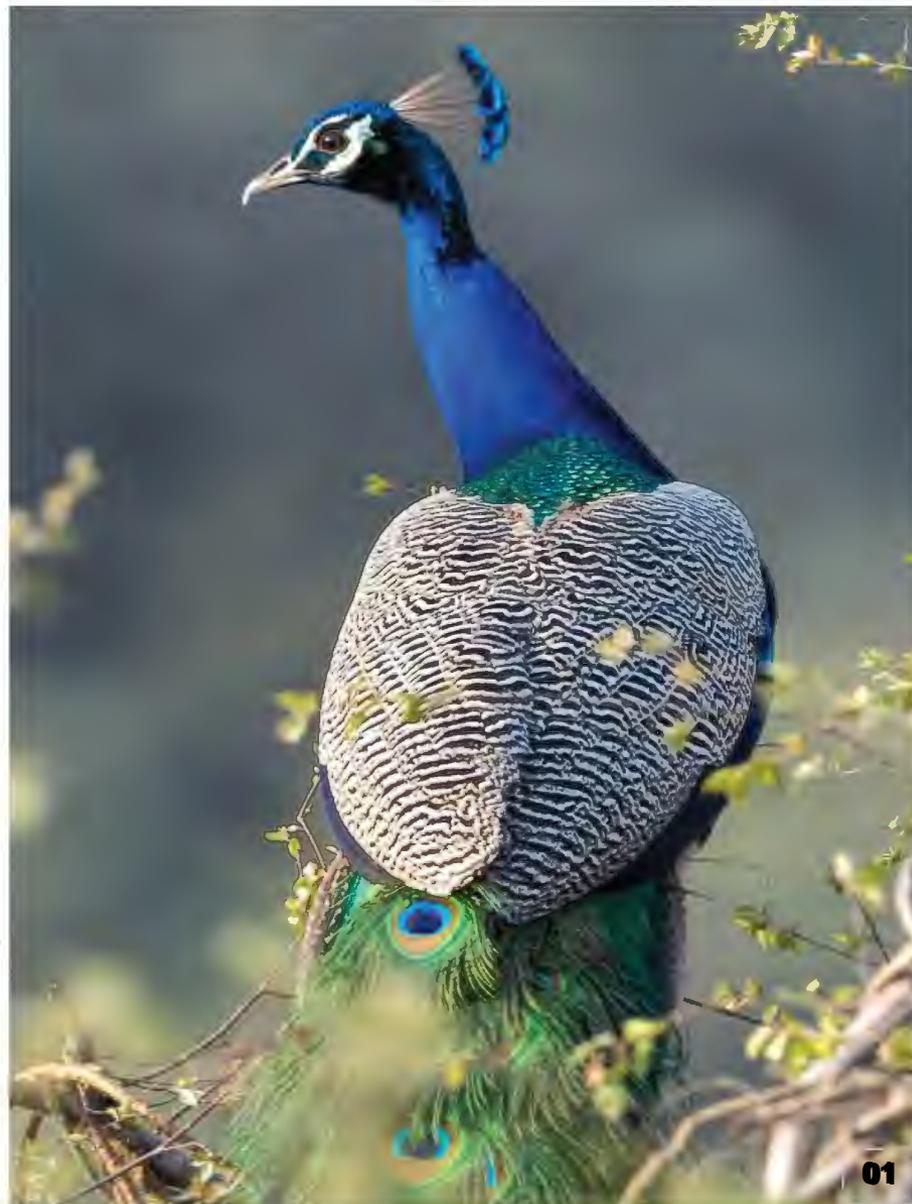


MAYUR NATURE PARK, Eastern Bank
(NIZAMUDDIN TO DND FLYWAY)

LANDSCAPE CONCEPT DEVELOPMENT PROPOSAL



LANDSCAPE & ENVIRONMENTAL DEPT.
10TH FLOOR_ DDA, VIKAS MINAR



SCM No: 407TH SCM
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10 AREAS OF THE YAMUNA PROJECT



SITE AREA - 397.75 HA.
 U.P IRRIGATION LAND - 162.75 HA.
 DDA LAND - 235 HA.
 DENOTIFIED LAND - 52.7 HA.

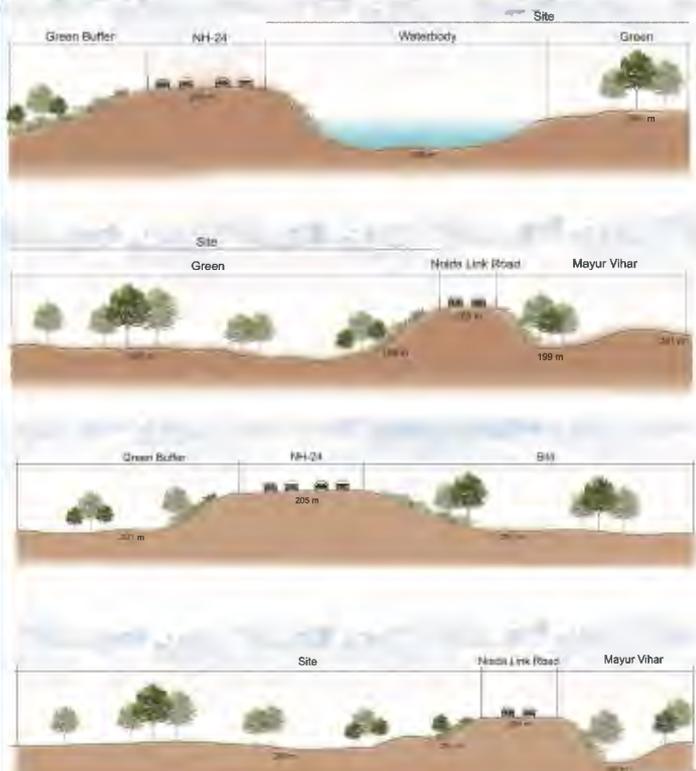
CONTEXT MAP

IMPORTANT LANDMARKS

- AKSHARDHAM
- CWG VILLAGE

YAMUNA PROJECTS IN VICINITY

- AMRUT BIODIVERSITY PARK
- KALINDI AVIRAL
- KALINDI BDP
- BAANSERA
- HINDON SAROVAR



SITE SCHEMATIC SECTIONS

SCM No: 407TH SCM
 ITEM No: 69 : 2022



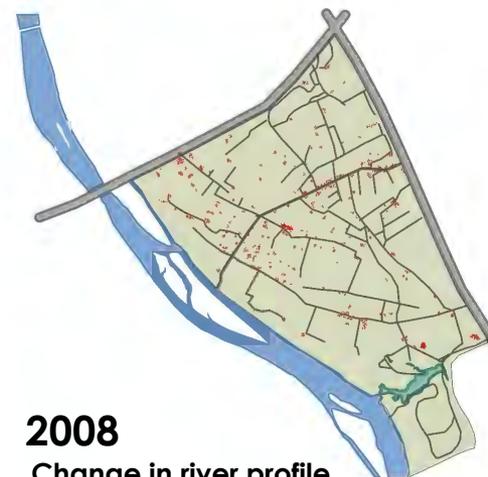
1985

- Water catchment area
- Waterbody present on Site
- Marshy area along water catchment area



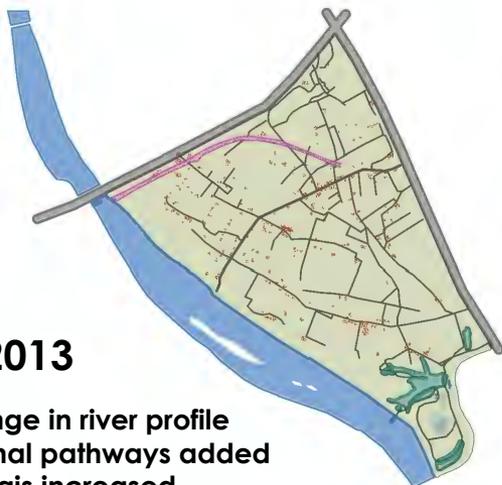
2000

- Change in river profile
- Water catchment area reduced
- Internal pathways developed
- Waterbody dried up
- Jhuggis added



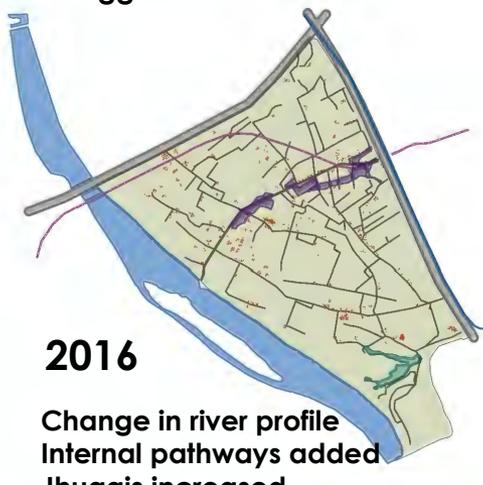
2008

- Change in river profile
- Water catchment area reduced
- Internal pathways added
- Waterbody turned into green
- Jhuggis increased



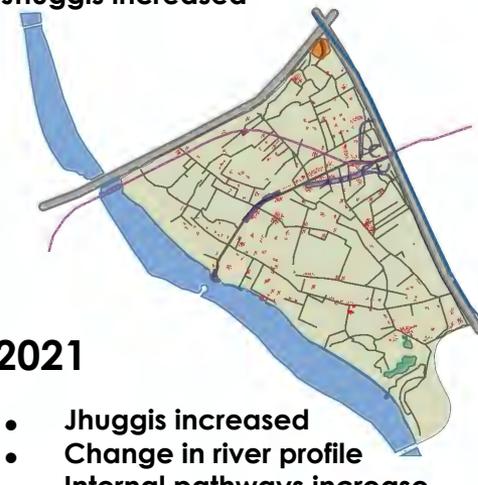
2013

- Change in river profile
- Internal pathways added
- Jhuggis increased
- Water catchment area increased
- Construction of Dmrc pink line started



2016

- Change in river profile
- Internal pathways added
- Jhuggis increased
- Water catchment area reduced
- Barapullah phase III construction started



2021

- Jhuggis increased
- Change in river profile
- Internal pathways increase
- Water catchment area dry
- Afcons batching plant started



SCM No: 407TH SCM
ITEM No: 69 : 2022

TITLE: SITE PHOTOS
‘Restoration and Rejuvenation of River Yamuna Floodplains’

AREA :
Approximately 397.75 Hectares
falling downstream of NH-24
(Eastern Bank)



Existing Pushta Road



Nursery on site



Encroachment



Existing Mandir



Barapullah ph III construction



HT line on site



Agricultural land on site



Vegetables grown on site



Compensatory plantation on site



Jhuggis on river edge



Jhuggis along NH-24



Existing Waterbody

TITLE: SITE PICTURES
287
‘Restoration and Rejuvenation of River Yamuna Floodplains’

AREA : 10
Approximately 397.75 hectares
falling downstream of NH-24
(Eastern Bank)

SCM No: 407TH SCM
ITEM No: 69 : 2022



RRTS corridor construction



Jhuggis on site



Barapullah phase III construction



Cattles rearing on River edge



Choupal



Temple



Temporary Toilet



Jhuggis



Temporary structure



River edge



Agricultural land



Existing cricket ground



Existing cricket ground

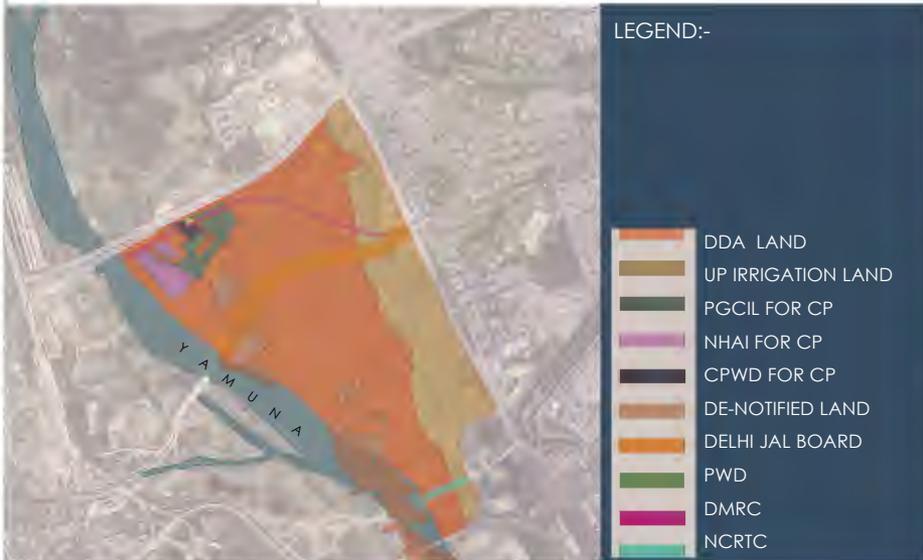


Depression area

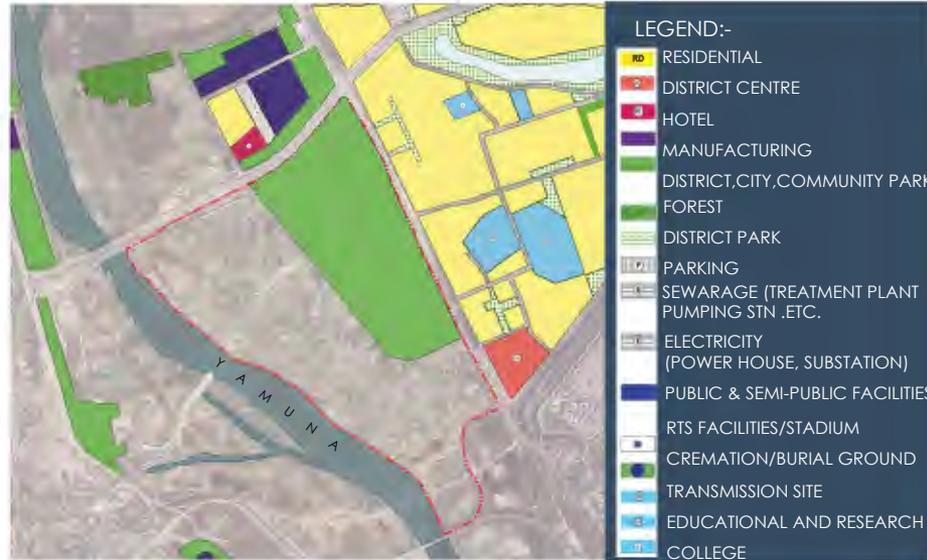


Existing culvert

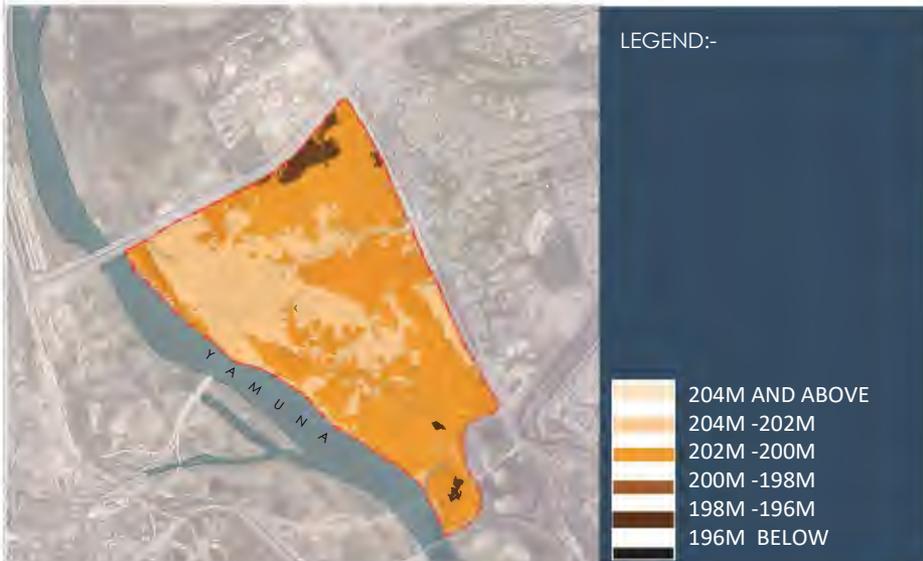
SCM No: 407TH SCM
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LANDSTATUS/LAND-OWNERSHIP MAP



LANDUSE MAP



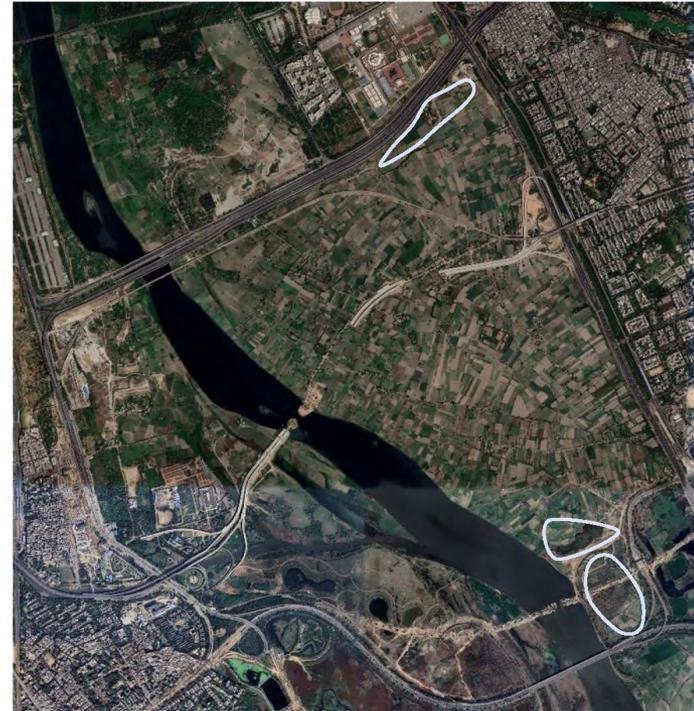
ELEVATION MAP



MOBILITY MAP

SCM No: 407TH SCM
 ITEM No: 69 : 2022

- **The ongoing construction activity by L & T has to be stopped forthwith pending the review of methodology being used for construction of Barapullah Phase III elevated corridor.** Filling already done in the river's side channel has to be completely removed and the area restored immediately.
- **The chemical agricultural activity by the people in the Floodplain in this area has to be stopped.**
- The manner in which land has been given to AFCONS should be investigated and its use for **Batching Plant should be restricted.**
- **The hutments near the flyover under construction should be removed.**
- The present pipes laid under the flyover to connect the floodplain on either side of DND are grossly inadequate to allow free flow of water. It is suggested that several culverts should be provided taking into account the morphology of floodplain and flow direction of the River.
- All structures that fall within 25 yr flood line shall be removed.
- **Two water bodies shall be developed on either side of the Mayur Vihar branch of the DND flyover. The wetlands on either side of the DND flyover must be restored and the area must be made free of all unauthorized activities.**
- **It is also suggested that the inner portion of DND wetland which is cut off from the Main Channel because of the Flyover can be made accessible to the Public after proper restoration and development. The connectivity between the River and wetland should be improved by having additional connectivity introduced at some appropriate locations.**
- The Left Guide bund connected to this wetland can be utilized to facilitate public access by developing a walkway after exploring feasibility of connecting this area with nearby parking lot near District Centre.



Blue colour – potential water bodies & drain mouth wetlands

General Recommendations :

- The aquatic weeds such as water hyacinth must be removed on top priority as its excessive growth and organic matter deposits are causing serious harm to water quality and biodiversity.
- Wherever the floodplain land is privately owned by farmers, the farmers should be persuaded and convinced to change the nature of their activities in the interest of the river and their own. It will be appropriate not to acquire the land from them but train them into alternate land use such as fish nurseries/fishing, and use of natural grass/vegetation for cattle.

STRENGTH

1. Location and Accessibility.
2. Adjacent to River thus fertile land
3. Natural topography
4. View points from site
5. Scale of the site
6. Narrow access points

WEAKNESS

1. High speed traffic around the periphery of site.
2. Encroachment.
3. Invasive plant species on site.
4. Farmers practicing chemical agricultural activity.

OPPRUNITY

1. Views to River
2. Frontage along Noida link road and NH-24
3. Good connectivity
4. Multiple entry/exit points through major roads.
5. High value for biodiversity

THREAT

1. HT Line on site.
2. Religious structure on site.
3. Chilla khadar village exist on site.
4. Ongoing construction activity of Barapullah extension phase III and RRTS project.
5. Metro line passing through the site.

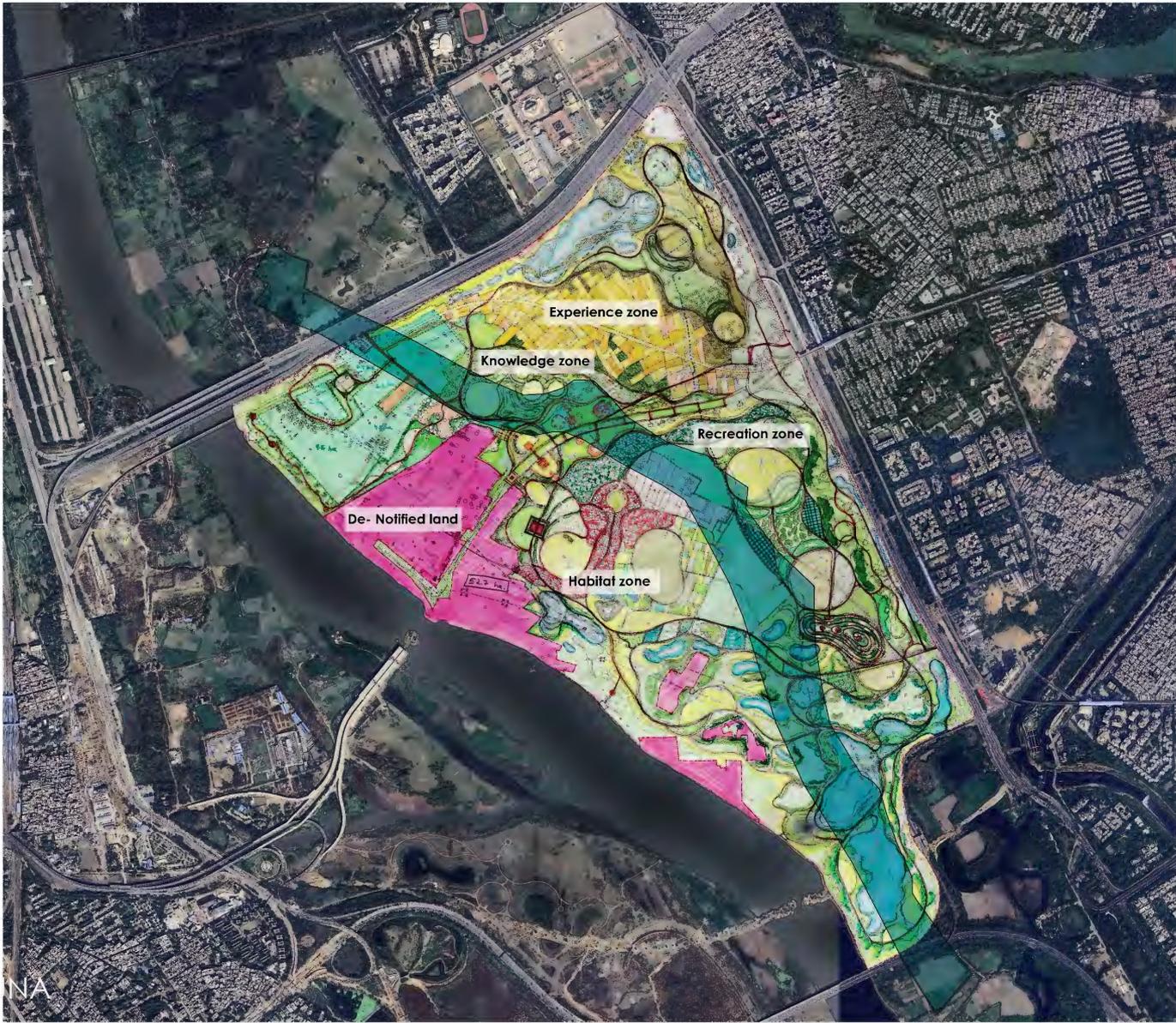
5 ZONES

1. Creation of ecological **habitats**.
2. Spreading **knowledge** and awareness about ecology.
3. Creating **imageability/visual experience** to the visitors.
4. Developing **recreational** activities and spaces within the park.
5. Providing **socio-cultural** activities for the visitors.



TITLE: CONCEPT PLAN
2021
‘Restoration and Rejuvenation of River Yamuna Floodplains’

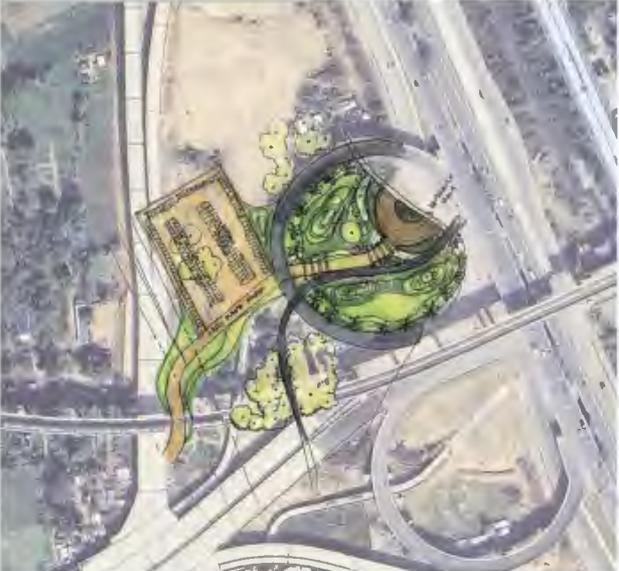
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falling downstream of NH-24
(Eastern Bank)





- 1- ENTRY /EXIT AREA FROM PUSHTA ROAD (NOIDA LINK ROAD), ENTRY /EXIT AREA (NOIDA LINK ROAD)
- 2 - ENTRY/EXIT FOR PEDESTRIAN'S AND CYCLIST
- 3 - PARKING AREA
- 4 - BUGGY PATH
- 5 - CYCLIST PATH
- 6 - NATURE TRAIL/ WALKWAY
- 7 - CONGREGATION AREA
- 8 - TREE COURT
- 9 - WATERBODY
- 10 - RIVERINE GRASSES
- 11 - DEPRESSION AREAS
- 12 - BUTTERFLY PARK
- 13 - BIRD'S PARK
- 14 - EVENT GROUND
- 15 - WETLAND PARK
- 16 - ORGANIC FARMING , ORGANIC SHOPS , FARMERS MARKET , FOOD VILLAGE
- 17 - DE- NOTIFIED LAND
- 18 - KID'S MOUND PLAY AREA
- 19 - PICNIC AREA
- 20 - BUG HUNT AREA
- 21 - TREASURE HUNT PARK
- 21 - MAZE GARDEN
- 22 - COMMON GROUND
- 23 - GRASSLAND
- 24 - MAYUR PAVILLION
- 25 - MARIGOLD/SEASONAL PLANTING BEDS
- 26 - TREE PLANTING AREA
- 27 - CRICKET GROUND
- 28 - GREEN BUFFER
- 29 - SEATING AREA
- 30 - KNOWLEDGE ZONE
- 31 - WORKSHOPS
- 32 - HABITAT ZONE
- 33 - LAND FOR CP

SCM No: 407TH SCM
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ARRIVAL AREA



ARRIVAL AREA



CULTURAL GALI



RIVER YAMUNA
 ARRIVAL AREA



WATERBODY AREA



WETLAND PARK



TITLE: PROPOSALS MONTAGES 'Restoration and Rejuvenation of River Yamuna Floodplains'

AREA :
Approximately 397.75 Hectares
falling downstream of NH-24
(Eastern Bank)

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EXISTING



PROPOSED



EXISTING



RIVER YAMUNA

PROPOSED

RECREATION ZONE

- Public open space
- Open air theater
- Event space
- Bicycle track
- Jogging/Walking track
- Sheltered seating area
- Scrub land
- Waterbody



EXISTING



PROPOSED

HABITAT ZONE

- Creating Habitats
- Grasslands
- Forest
- Wetland
- Farm
- Afforestation
- View points
- Arboretum
- Spiritual gardens and vans
- Forest trail
- Farmers market
- Organic shops



EXISTING



PROPOSED



SCM No: 407TH SCM
ITEM No: 69 : 2022

TITLE: PROPOSALS FOR PHASES 'Restoration and Rejuvenation of River Yamuna Floodplains'

AREA : **18**
Approximately 397.75 hectares
falling downstream of NH-24
(Eastern Bank)



EXISTING



PROPOSED



EXISTING



RIVER YAMUNA

PROPOSED

KNOWLEDGE ZONE

- Mayur pavilion
- Interpretation pavilion
- Expo zone
- Open air theater
- Event space
- Exhibition areas
- Workshops

EXPERIENCE ZONE

- Main pedestrian Entrance
- Entrance plaza
- Watch tower
- Experience path
- Eco bridge
- Cafe lounge



EXISTING
EXISTING



PROPOSED



EXISTING
EXISTING



PROPOSED

PROPOSED

Legend:-



- 1 - Entry /Exit points (NOIDA LINK ROAD)
- 2 - Arrival Court
- 3 - Parking Area
- 4 - Buggy & Cycle Parking
- 5 - Information desk / Admin Block
- 6 - Congregation Area
- 7 - Tree Court
- 8 - Riverine Grasses
- 9 - Waterbody
- 10 - Islands
- 11 - Viewing Deck
- 12 - Buggy path(1.5m Wide)
- 13 - Cyclist path(1.5m Wide)
- 14 - Nature trail (1.5m Wide)
- 15 - Depression areas
- 16 - Common Ground/ Multipurpose Ground
- 17 - Tree buffer
- 18 - Bug Hunt Area
- 19 - Treasure Hunt Area
- 20 - Tier Planting
- 21 - Lawn
- 22 - Picnic Area
- 23 - Senior citizen's park
- 24 - Play Mounds
- 25 - Sand Pits / Sand Art Area
- 26 - Maze Garden
- 27 - Cricket Ground
- 28 - Kid's Play Area / Tot Lot
- 29 - Sculpture Court
- 30 - Mayur Memorial
- 31 - O.A.T
- 32 - Ground for cultural events - Annual Exhibition ground / Nauchindi mela
- 33 - Ground for cultural events - Ramleelo and Dussehra Ground
- 34 - Ground for cultural events - Kite Fyling
- 35 - Tree Planting area
- 36 - Entry/Exit From Pushta Road
- 37 - Parking Area
- 38 - Arrival Court
- 39 - Grasses
- 40 - Flower Show / Seasonal Beds
- 41 - Yoga and Meditation Area
- 42 - Mounds
- 43 - Islands
- 44 - Waterbody
- 45 - Depression Areas
- 46 - Event Spaces
- 47 - Workshop areas
- 48 - Riverine grasses
- 49 - shrub bed and ground cover
- 50 - Tier Planting
- 51 - Grassland
- 52 - Feature Planting / Manicured Planting
- 53 - Adventure Area
- 54 - Camping Area
- 55 - Depression Area
- 56 - Viewing Deck
- 57 - Butterfly Park
- 58 - Bird's Park
- 59 - Lawn
- 60 - Trees

Annexure II

Delhi Development Authority Office of the Executive Engineer/HCD-9/DDA			
Name of Work:	Restoration and Rejuvenation of River Yamuna Floodplains		
Sub Head:-	Nizamuddin Bridge to DND flyway (Eastern Bank)		
Total Area:-	519.25		
DDA Land:-	399.62 Ha. Or (399.62*10000=39962000 sqm)		
Area No.	Project	Area (In Ha.)	Remarks
		A	
1	Total Area	519.25	As per TSS
2	Denotified land submitted by I.L Dept.		
	Gharana patti Private Area	22.16	
	Nangli Razpur Private Area	24.75	Part 1
	Nangli Razpur Private Area	18.9	Part 2
	Nangli Razpur Private Area	46.24	Part 3
	Nangli Razpur Private Area	2.38	Part 4
	Chak Chilla Private Area	2.8	part 1
	Chak Chilla Private Area	1	Part 2
	Chak Chilla Private Area	1.4	Part 3
	Total	119.63	
	DDA Land +U.P land	399.62	This area Includes hindon sarovar, Land for compensatory plantation,NHAI,CPWD,PGCIL

Deduction of area handed over/other project over laps

1 Land for compensatory Plantation	35.12	Given to Forest Dept.
2 NHAI	11.7	
3 CPWD	1.9	
4 PGCIL	13.8	
5 Hindon Cut	28	
6 Right of way	100.52	Approximate based on road length ,4300 meters
Total Area to be Developed i.e Mayur nature Park	299.1	Tentative/ Area may vary as per final drawing

DURGA PRASAD CHAINI
AEE/HCD-9/DDA


ANIL BISHNOI
Asst. Director (Hort)
Development Authority
Sector-7, Sakurpur, Delhi-92

EXECUTIVE ENGINEER
EE/HCD-9/DDA

Total Area 519.25 Hact.

put land 116 ha.



[Signature]
SURESH BISHNOI
 Jt. Director (Hort)
 Development Authority
 Division-7, Sakurpur, Delhi-92

[Signature]

DETAILS OF ENCROACHMENT REMOVAL PROGRAM w.e.f JUNE 2022 TO 15 March 2024								
S No	Div VII	Area/ Project	Date of Demolition	Court Case	No of Jhuggi Removed Against court case	No of Jhuggi Removed without court case	Total area reclaimed (approx. in Acre)	Remaining Area under encroachment
1	HD-VII/HCD-9	Kalindi Aviral Part A+Part B(Baansera)	23 06 2022, 27 06 2022, 30 06 2022, 06 07 2022, 08 08 2022, 27 08 2022, 05 09 2022, 06 09 2022, 25 11 2022, 19 12 2022 24 02 2023 28 03 2023 01 05 2023 03 05 2023 27 09 2023 17 10 2023,18 10 2023, 25 10 2023,26 10 2023, 16 02 2024, 19 02 2024, 21 02 2024, 08 03 2024			262	14.2	17 Ha.
2		Mayur Nature Park	02 05 2023 08 05 2023 09 05 2023 12 05 2023 15 05 2023 16 05 2023 18 05 2023 22 05 2023 23 05 2023 26 05 2023, 05 01 2024, 10 01 2024, 15 01 2024, 19 01 2024, 30 01 2024, 24 02 2024, 26 02 2024, 28 02 2024, 01 03 2024, 04 03 2024, 06 03 2024, 07 03 2024, 11 03 2024, 13 03 2024, 15.03 2024			6 no. dairy, 3 no. Cricket ground Cultivation land	192	260 00 acre
3		Hindon Cut	27 01 2023			40	1.31	Nil
4		Kalindi Biodiversity Park	31 05 2022 11 10 2022 15 02 2023 15 06 2023 08 08 2023 30 10 2023, 09.02 2024			165	11 00 acre	24 71 acre


SAHIRAM BISHNOI
 Joint Director (Hort)
 Development Authority
 Division-7, Sakurpur, Delhi-92


 Director (Part VII)

**DELHI DEVELOPMENT AUTHORITY.
OFFICE OF THE DY. DIRECTOR (HORT.)VII**

REQUEST FOR FIXING OF DEMOLITION PROGRAMME

(A) Summary

S. No.	Item	Details
1.	Location of proposed demolition (Colony/area/Village/Khasra No. etc)	Yamuna Flood Plains Pusta Road Mayur Vihar Phase I to NH 24 (Mayur Nature Park) Roopchand Marg
2.	Total Number of structures proposed for demolition	50 Juggis 2 Shops 10 Agriculture Fields
3.	Land Owning Agency (engineering horticulture etc.)	DDA land/Hort.Divn.-VII
4.	Number of religious structures proposed for demolition	Nil
5.	Date of encroachment for structures	Old
6.	Provision/rules under which demolition orders passed by HOD	NGT OA-8/2011
7.	Details of court cases related to structures proposed for demolition, if any	Nil
8.	Details of stay order in force for the structures proposed for demolition, if any	Nil
9.	Details of past cases for the removal of encroachment at the same site, if any	Nil
10.	Nature of demolition (Major/Minor)	Minor

(B) Check List

S. No.	Item	Yes/No/Not required
1.	Order/approval of religious committee (GNCTD) for demolition of religious structures obtained and attached	No
2.	Whether any structures proposed for demolition is protected under any Act including special provisions Act.- 2011	No
3.	If re-encroachment after demolition in past, whether responsibility for the lapse in protecting the land has been fixed	Yes
4.	Whether area is sensitive and demolition may lead to law & order problems	No
5.	In case of major/sensitive area demolition, whether approval from Hon'ble LG obtained and attached	No

(C) Enclosures

S. No.	Item	Map/Rough Sketch
1.	List of Structure proposed for demolition clearly Indication the area to be demolished	(Annexure-I)
2.	Location Map	(Annexure-II)
3.	
4.	
5.	

Signature: 
Name:- Sh. Paikaj Gunda
Design:- Dy. Director (Hort.)-VII
Date:- 08.03.2024

(To be signed by officer not below the rank of Asstt. Director)

Approved and forwarded for fixing the demolition programme.

Signature:-
Name:- Sh. Rameshwar Dayal
Design:- Director (Hort.) S.E/DDA
Date:-

(To be signed by HOD of the concerned department)


SH. RAM BISHNOI
Asstt. Director (Hort.)
Delhi Development Authority
Division-7, Saketpur, Delhi-92



DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE EXECUTIVE ENGINEER
HORTICULTURE CIVIL DIVISION-9
SCHOOL BLOCK, SHAKARPUR, DELHI- 110092



No. F8(78)2022/EMD-3/DDA 835

Dated: 07/12/2023

To.

The Dy. Commissioner of Police
East District Office Complex,
6B, Gazipur Road, I.P. Extension
Patparganj, Delhi-110092
Email: dcp-east-dl@nic.in, dcp.east@delhipolice.gov.in

Subject :- Request to provide Police Assistance. Delhi Police and outer Police force to DDA staff for encroachment removal from DDA land near Pusta Road, Mayur Vihar Phase-I to DND (Mayur Nature Park), Yamuna Flood Plain area.

Please refer above cited subject. In this regard, it is requested to provide Police assistance during removal of temporary Jhuggies/ structure in Yamuna Flood Plain area from DDA Land near Pusta Road, Mayur Vihar Phase-I to DND (Mayur Nature Park), Yamuna Flood Plain area on 02.01.2024, 05.01.2024, 10.01.2024, 15.01.2024, 19.01.2024 & 30.01.2024. The Asstt. Engineer-I/HCD-9/DDA will be the incharge of encroachment removal programme and Asstt. Engineer-II & IV/HCD-9/DDA will assist.

You are therefore requested to kindly provide sufficient number of Police force with outer force along with Ladies Police to DDA Staff in order to maintain the law and order situation during forthcoming encroachment removal programme. The meeting point will be at Police Station Mayur Vihar, New Delhi at 09.30 AM on 02.01.2024, 05.01.2024, 10.01.2024, 15.01.2024, 19.01.2024 & 30.01.2024. respectively.

Yours sincerely,

[Signature]
06-12-2023

Executive Engineer
Horticulture Civil Division-9/DDA
Email : eehd9dda@gmail.com
Mob- 9818722111

Copy for kind information and necessary action to:-

1. P.S. to Hon'ble Vice Chairman /DDA for kind information.
2. P.S. to Pr. Commissioner (Hort.) DDA for kind information
3. Chief Engineer (Hort.)/DDA for kind information

[Signature]
SAURAM BISHNOI
Director (Hort)
Development Authority
Shakarpur, Delhi-92

P.T.O.

4. Commr.(LM)/DDA for kind information with request to direct concern officer to give status of land / joint site visit prior demolition programme fixed.
5. Supdt. Engineer/HCC-3/DDA for kind information.
6. Director(Hort.)SE/DDA for kind information with request to direct the concerned staff to confirm status of land with legal status positively before 3 days of demolition program as per SOP issued by Chief Engineer/EZ/DDA and attend the demolition programme positively.
7. Director(LM-1) DDA for kind information and depute the concern staff to confirm the Legal Status.
8. Dy. Director/PM-UDAY to identify the boundary of unauthorized colony & give status before 5 days of encroachment removal programme fixed and also attend the encroachment removal programme.
9. Dy. Director(Hort.)Div.-VII, DDA to identify the land and attend the demolition programme.
10. Dy. Director/LM/SEZ to identify the land & give status of land before 3 days of demolition programme fixed as per SOP issued by Chief Engineer/EZ/DDA and also attend the demolition programme.
11. ACP, Number27, Trilok Puri Road, Blcok-22, Part-2, Mayur Vihar, New Delhi-91 for kind information & necessary action.
12. SHO, Police Station Trilokpuri, Trilokpuri Road, Himmatpuri, Mayur Vihar, New Delhi-110091 with the request to arrange sufficient police force.
13. SDM, Mayur Vihar Kindly depute your staff to attend the same.
14. Asstt. Vice President (O&M) BSES East, Vinod Nagar, I.P. Extn., Patparganj, Delhi-110092 with the request to kindly depute sufficient staff to disconnect the electricity supply and to assist in electricity related matters for safe demolition programme.
15. Director (REHABILITATION / SOCIOLOGY) DUSIB, Punarwas Bhawan, I.P. Estate, New Delhi-110002 for kind information and necessary action.
16. EE(Elect. Div.-I)/DDA to depute one AE with his team to disconnect - Electricity connection from premises.
17. Executive Engineer, Head Works Division, Agra Canal Okhla, C-100, Canal Colony, Okhla, New Delhi-110025.
18. AE-II/HCD-9/DDA with Staff for information & necessary action & to provide 03 nos. of JCB, 02 nos. Tractor Trolley, 10 nos. of Labour & 03 nos. cultivate with harrow.
19. AE-II, IV & V/HCD-9/DDA with the request to assist the demolition programme at site along with Staff.
20. Guard File.
21. Office Copy.

/

Executive Engineer
Horticulture Civil Division-9/DDA



DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE EXECUTIVE ENGINEER
HORTICULTURE CIVIL DIVISION-9
SCHOOL BLOCK, SHAKARPUR, DELHI- 110092



No.F8(78)2022/AMD-3/DDA/96

Dated: 05/02/2024

To,

The Dy. Commissioner of Police
East District Office Complex,
6B, Giazipur Road, I.P. Extension
Patparganj, Delhi-110092
Email: dcp-east-dl@delhipolice.gov.in

Subject :- Request to provide Police Assistance, Delhi Police and outer Police force to DDA staff for encroachment removal from DDA land near Pusta Road, Mayur Vihar Phase-I to NH-24 (Mayur Nature Park), Yamuna Flood Plain area.

Please refer above cited subject. In this regard, it is requested to provide Police assistance during removal of temporary Jhuggies/ structure in Yamuna Flood Plain area from DDA Land near Pusta Road, Mayur Vihar Phase-I to NH-24 (Mayur Nature Park), Yamuna Flood Plain area on 24.02.2024, 26.02.2024, 28.02.2024, 01.03.2024, 04.03.2024, 06.03.2024, 07.03.2024, 11.03.2024, 13.03.2024, 15.03.2024, 18.03.2024, 20.03.2024, 22.03.2024, 27.03.2024 & 28.03.2024. The Asstt. Engineer-III/ICD-9/DDA will be the incharge of encroachment removal programme and Asstt. Engineer-II & IV/ICD-9/DDA will assist.

You are therefore requested to kindly provide sufficient number of Police force with outer force along with Ladies Police to DDA Staff in order to maintain the law and order situation during forthcoming encroachment removal programme. The meeting point will be at Police Station Mayur Vihar, New Delhi at 10.00 AM on 24.02.2024, 26.02.2024, 28.02.2024, 01.03.2024, 04.03.2024, 06.03.2024, 07.03.2024, 11.03.2024, 13.03.2024, 15.03.2024, 18.03.2024, 20.03.2024, 22.03.2024, 27.03.2024 & 28.03.2024, respectively.

Yours sincerely,

05-02-2024

Executive Engineer

Horticulture Civil Division-9/DDA

Email : eehd9dda@gmail.com

Mob- 9818407704

Copy for kind information and necessary action to:-

1. P.S. to Hon'ble Vice Chairman DDA for kind information.
2. P.S. to Pr. Commissioner (Hort.) DDA for kind information.
3. Chief Engineer (Hort.) DDA for kind information.

SANJIVAM BISHNOI
Asstt. Director (Hort.)
Delhi Development Authority
Division-7, School Block, Delhi-92

\$~59

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10900/2019 & CM No.45089/2019

YAMUNA KHADAR SLUM UNION

..... Petitioner

Through: Mr. Chaudhary Ali Zia Kabir with
Ms. Anuradha Singh, Advs.

versus

DELHI DEVELOPMENT AUTHORITY & ORS Respondent

Through: Mr. Kush Sharma with Ms. Asiya
Khan, Advs. for DDA/R-1.

Mr. Nitin Jain, Adv. for Mr.
Parvinder Chauhan, Adv. for DUSIB.

Mr. Shekhar Kumar, Adv. for R-3 &
4 along with SI Shubhangi Sud.

Mr. Chiranjeev Kumar, Adv. for
UOI/R-5.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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14.10.2019

1. The petitioners claim that they are the residents of YK Jhuggi Camp, Yamuna Khadar, Phase-I, Mayur Vihar, Delhi-110091 (hereafter referred to 'subject area').

1.1 It is their averment that they have been residing in the subject area for years and that demolition commenced in the subject area on 9.10.2019 without following due process.

2. According to the petitioners, no show cause notice was issued before commencing demolition.

3. I have queried the counsel for respondent No.1/DDA as to whether any show cause notice has been issued. Learned counsel says that he has no instructions in that behalf.

3.1 It is, however, the submission of the learned counsel for respondent No.1/DDA that the orders have been passed by National Green Tribunal (NGT) for clearing the Yamuna flood plain as it is eco-sensitive zone.

4. On the other hand, Mr. Chaudhary Ali Zia Kabir, who appears for the petitioners, has placed before me a judgment of the Division Bench of this Court titled *Ajay Maken vs. Union of India and Others (2019) SCC OnLine Delhi 7618* to support his contention that the directions of the NGT would have to merge with the constitutional requirement of rehabilitating the slums dwellers.

5. To my mind, the matter needs further examination.

6. In these circumstances, issue notice to the respondents.

6.1 Mr. Kush Sharma accepts notice for respondent No.1/DDA, while Mr. Nitin Jain accepts notice on behalf of respondent No.2/DUSIB.

6.2 Likewise, Mr. Shekhar Kumar accepts notice for respondent No.3/Commissioner of Police, Delhi and respondent No.4/GNCTD while Mr. Chiranjeev Kumar accepts notice for respondent No.5/UOI.

7. Counter affidavits be filed within four weeks from today. Rejoinder thereto, if any, be filed before the next date of hearing.

8. Mr. Kabir says that out of 2000 slum dwellers in the subject area, 500 slums have already been demolished and those people have been rendered homeless.

9. In these circumstances, respondent No.1/DDA will carry out an enumeration of the persons whose slums have been demolished. Respondent No.1/DDA will find them an alternate place for rehabilitation within ten (10) days from today.

9.1 In case respondent No.1/DDA is unable to do so, it will permit them to set up temporary camps in the subject site.

9.2 This direction has been passed in view of the fact that winter is fast approaching and the slum dwellers have nowhere else to go.

10. In the meanwhile, status quo *vis-a-vis* demolition of other slums in the subject site will be maintained by the respondents.

11. Mr. Kabir has placed before me additional documents in the Court today.

11.1. The Registry is directed to scan and upload the same for the purpose of good order and record.

12. Renotify the matter on 28.1.2020.

13. *Dasti* under signatures of the Court Master.

RAJIV SHAKDHER, J

OCTOBER 14, 2019/pmc

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10918/2019

CHHOTE LAL

..... Petitioner

Through Ms. Kriti Kumari and Ms. Priya
Yadav, Advs.

versus

DELHI DEVELOPMENT AUTHORITY AND ORS..... Respondents

Through Mr. Kush Sharma, ASC for DDA
with Amitabh Marwah, Adv.
Mr. Sumit Jidani, Adv. alongwith SI
Shubhangi Sud for R-2 & 4.
Mr. Parvinder Chauhan, SC with Mr.
Nitin Jain, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **14.10.2019**

CM APPL. 45134/2019

1. Allowed, subject to just exceptions.

W.P.(C) 10918/2019 & CM APPL. 45133/2019

2. I am informed by counsel for the parties that the issue raised in the captioned petition is similar to the issue raised in W.P.(C) 10900/2019, which is titled Yamuna Khadar Slum Union vs. Delhi Development Authority & Ors. This writ petition is listed on my board as item no.59.

3. Accordingly, issue notice to the respondents.

4. Mr. Marwah, advocate, accepts notice on behalf of respondent

no.1/DDA, while Mr. Jidani, advocate, accepts notice on behalf of respondents no.2 & 4/GNCTD and The Commissioner of Police.

5. Likewise, Mr. Jain, advocate, accepts notice on behalf of respondent no.3/DUSIB.

6. Reply be filed within three weeks from today.

7. Rejoinder thereto, if any, be filed before the next date of hearing.

8. Learned counsel for respondent no.3 says that, in the meanwhile, they will take no coercive actions against the hutments of the petitioner and the night shelters located at the subject site.

9. Learned counsel for respondent no.1/DDA says that he will have his officers' interface with respondent no.3/DUSIB insofar as the night shelters are concerned. The statement of counsel is taken on record.

10. Renotify the matter on 28.01.2020.

11. In the interregnum, respondent no.1/DDA and respondent no.3/DUSIB will work out among themselves as to which authority is obligated to conduct a survey. A meeting in that behalf will be held by the concerned officers. The result of the survey will be placed before the Court.

12. *Dasti.*

RAJIV SHAKDHER, J

OCTOBER 14, 2019

rb

W.P.(C) 10918/2019

Page 2 of 2



\$~94 to 98

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 675/2022 & CM APPL. 28638/2022

SAHER ALI

..... Petitioner

Through: Mr. Kamlesh Kr.Mishra, Mr. Bibhuti
Bhushan Mishra, Mr. Dipak Raj, Ms.
Renu, Mr. Prem Shankar Jha, Mr.
Gulshan Mishra, Mr. Aditya, Ms.
Tripti Juyal & Ms. Shivani, Advs.
M: 958238809

versus

SH. MANISH KUMAR GUPTA AND ORS.

..... Respondents

Through: Mr. Parvinder Chauhan & Ms. Akriti
Garg, Advs. for DUIB
M: 8077154576
Email:
parvinderchauhan.adv@gmail.com
Ms. Shobhana Takiar, SC with Ms.
Kritika Gupta, Ms. Deeksha L.Kakar,
Mr. Kuljeet Singh, Advs. & Mr.
Kamleshwari, Naib Tahsildar for
DDA.
M: 9313119255
Email: deeksha.kakar@scladi.com

95

+ W.P.(C) 4227/2016 & CM APPL. 27157/2018

MD. SAHER ALI & ORS.

..... Petitioners

Through: Mr. Kamlesh Kr.Mishra, Mr. Bibhuti
Bhushan Mishra, Mr. Dipak Raj, Ms.
Renu, Mr. P. Shankar Jha, Mr.
Gulshan Mishra, Mr. Aditya, Ms.



Tripti Juyal & Ms. Shivani, Advs.
M: 958238809

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Mr. Parvinder Chauhan & Ms. Akriti
Garg, Advs. for DUIB
M: 8077154576
Email:
parvinderchauhan.adv@gmail.com
Ms. Shobhana Takiar, SC with Ms.
Kritika Gupta, Mr. Kuljeet Singh,
Advs. & Mr. Kamleshwari, Naib
Tahsildar for DDA.
M: 9313119255
Email: deeksha.kakar@scladi.com
Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Mayank
Kamra, Adv. for R-4 & 5.
M: 9711350679

96

+ W.P.(C) 10900/2019, CM APPL. 45089/2019, CM APPL. 520/2020
& CM APPL. 6857/2021

YAMUNA KHADAR SLUM UNION Petitioner

Through: Ms. Kawalpreet Kaur with Mr.
Umesh Kumar, Advs.
M: 8287908688, 9315980565
Email: kawalpreet303@yahoo.in
umesh@hrin.org

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Mr. Parvinder Chauhan & Ms. Akriti



Garg, Advs. for DUIB

M: 8077154576

Email:

parvinderchauhan.adv@gmail.com

Ms. Shobhana Takiar, SC with Ms. Kritika Gupta, Ms. Deeksha Kakkar & Mr. Kuljeet Singh, Advs. for DDA.

M: 9810962950

97

+ W.P.(C) 10918/2019 & CM APPL. 45133/2019

CHHOTE LAL

..... Petitioner

Through: Mr. Kamlesh Kr. Mishra, Mr. Bibhuti Bhushan Mishra, Mr. Dipak Raj, Ms. Renu, Mr. P. Shankar Jha, Mr. Gulshan Mishra, Mr. Aditya, Ms. Tripti Juyal & Ms. Shivani, Advs.
M: 958238809

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Mr. Parvinder Chauhan & Ms. Akriti Garg, Advs. for DUIB
M: 8077154576
Email:
parvinderchauhan.adv@gmail.com
Mr. Divyam Nandrajog, Panel Counsel, GNCTD with Mr. Mayank Kamra, Adv. for R-2 & 4.
Ms. Kritika Gupta, Adv. with Mr. Kamleshwari, Naib TAhsildar for DDA.
M: 9313119255
Email: deeksha.kakar@scladi.com



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+ W.P.(C) 12504/2019, CM APPL. 51055/2019, CM APPL. 54258-54259/2023 & CM APPL. 2435/2024

RAJBIR SINGH AND ORS.

..... Petitioners

Through: Mr. Kamlesh Kr.Mishra, Mr. Bibhuti Bhushan Mishra, Mr. Dipak Raj, Ms. Renu, Mr. P. Shankar Jha, Mr. Gulshan Mishra, Mr. Aditya, Ms. Tripti Juyal & Ms. Shivani, Advs. M: 958238809

versus

DELHI DEVELOPMENT AUTHORITY & ORS. Respondents

Through: Mr. Parvinder Chauhan & Ms. Akriti Garg, Advs. for DUIB
M: 8077154576
Email: parvinderchauhan.adv@gmail.com
Ms. Kritika Gupta, Adv. with Mr. Kuljeet Singh, Adv. & Mr. Kamleshwari, Naib TAhsildar for DDA.
Ms. Hetu Arora Sethi, ASC, GNCTD with Ms. Kavita Nailwal, Adv. for GNCTD.

CORAM:**HON'BLE MS. JUSTICE MINI PUSHKARNA****ORDER****10.04.2024**

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1. Arguments heard.
2. Judgment reserved.
3. Mr. Kamlesh Kumar Mishra, learned counsel appearing for the



petitioners in *CONT.CAS(C) 675/2022, W.P.(C) 4227/2016, W.P.(C) 10918/2019 & W.P.(C) 12504/2019* submits that he may be granted time to file written submissions, with advance copy to learned counsel appearing for the Delhi Development Authority (“DDA”) till 16th April, 2024. Liberty is granted.

4. Liberty is also granted to learned counsel appearing for the petitioner in *W.P.(C) No. 10900/2019* to file relevant judgments.

MINI PUSHKARNA, J

APRIL 10, 2024/kr



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7563/2023, CM APPL. 29322/2023 & CM APPL. 29323/2023**

SHRI RAM KISHAN

..... Petitioner

Through: Mr. Sultan Choudhary & Mr. Pankaj
Gautam, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY

..... Respondent

Through: Ms. Prabhsahay Kaur, SC for DDA
with Ms. Pragati Singh & Mr. Anand,
Advocates.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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29.05.2023

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 29323/2023 [Application for Exemption]

1. Allowed subject to just exceptions.

W.P.(C) 7563/2023 & CM APPL. 29322/2023 [Application filed on behalf of the Petitioner seeking interim relief]

2. The grievance of the Petitioner as articulated in his prayers is that the Respondent/DDA be restrained from dispossessing him from the land admeasuring 2 Bighas and 12 Biswas in Khewat Nos.8 & 12 in the Revenue Estate of Village Chak Chilla, New Delhi [hereinafter called "said Land"].

2.1 Learned Counsel for the Petitioner submits that the said Land comprises 16 Khasras and is in possession of the Petitioner and his family for more than seven decades. Learned Counsel seeks to rely on paragraph 5

W.P.(C) 7563/2023

Page 1 of 4



of the Petition which sets out the specific Khasras in his possession as well as the photographs annexed with the Petition at Annexure P-4 in this regard.

2.2 Learned Counsel further submits that the said Land was initially acquired by the Respondent, however in terms of the Notification No.F9(1)89-L&B/LA dated 25.01.1995, the said Land was withdrawn from acquisition under the Award. Reliance in this regard is placed by the learned Counsel for the Petitioner to the copy of the notification document appended at page 56 of the case file.

2.3 Learned Counsel for the Petitioner also draws the attention of the Court to the photographs which are annexed as Annexure P-5 showing the presence of bulldozers, to submit that the Respondent/DDA is now attempting to dispossess the Petitioner from the said Land, that too without any notice whatsoever or following the due process of law.

3. Learned Counsel for the Respondent/DDA, Ms. Prabhsahay Kaur, appearing on advance Notice, submits that the Petitioner is an encroacher on the said Land. She further submits that the said Land was acquired by the Respondent in the year 1992 under and by virtue of an Award No.22/1992-93 [hereinafter called "the Award"]. Pursuant to the Award, the DDA undertook the symbolic possession of the said Land in the year 1997.

3.1 Ms. Kaur further avers that it is settled law that revenue entries do not confer any title and hence the Petitioner does not have any title to the said Land.

3.2 Learned Counsel further submits, that the demarcation proceedings *qua* the entire area including the said Land have been carried out in 2022 by the concerned Revenue Authorities and that the Respondent is carrying out



is carrying out the actions impugned only on the land belonging to the Respondent and the same is part of a Project for rejuvenation of lands on the Yamuna river in Delhi.

4. Learned Counsel for the Petitioner controverts these submission and submits that so far as concerns the said Land which is in his possession and occupation, the was withdrawn from acquisition under the Award No.22/1992-93 under Notification No.F9(1)89-L&B/LA dated 25.01.1995, It is further submitted that no demarcation proceedings have been ever carried out *qua* the said Land. Learned Counsel submits that unless the Respondents are restrained, there is every likelihood of the Petitioners being dispossessed of the said Land by the Respondent forthwith.

5. Issue Notice.

5.1 Learned Counsel for the Respondent/DDA accepts notice.

6. Learned Counsel for the Petitioner seeks leave to the Court to implead the concerned Revenue Authorities in the present proceedings.

6.1 Let an appropriate Application be filed in that regard within two days.

7. Learned Counsel for the Respondent/DDA requests for and is granted time to file a short Affidavit *inter-alia* setting forth the details in respect of the demarcation proceedings which were carried out by the Revenue Authorities in the year 2022-23 and whether the said Land formed part of such proceedings.

7.1 Let the Affidavit be filed by the along with a copy of the demarcation report, and any other documents that the Respondents seek to rely upon, within two days.



- 7.2 An advance copy of the Affidavit be also supplied to the learned Counsel for the Petitioner.
8. Till the next date of hearing, the Respondent/DDA shall not take any coercive steps to dispossess the Petitioner from the said Land.
9. List the matter on 01.06.2023.
10. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 29, 2023/ ha

[Click here to check corrigendum, if any](#)



2024:DHC:2874-DB



S~A-43 & 44

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 7594/2018 & CM APPL. 30022/2018

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

UNION OF INDIA & ORS

..... Respondents

Through:

Mr.Ripu Daman Bhardwaj, CGSC
with Mr.Kushagra Kumar and
Mr.K.Manaswini, Advocates for UOI.
Mr.Anuj Aggarwal, ASC with
Ms.Arshya Singh, Mr. Siddhant Dutt
and Mr.Yash Upadhyay, Advocates
for GNCTD.
Ms.Puja Kalra, Standing Counsel for
MCD.
Ms.Rashmi Chopra, Advocate for
DDA.
Mr. Tushar Sannoo, ASC for NDMC.

+ W.P.(C) 9617/2022

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through:

Mr.Anuj Aggarwal, ASC with
Ms.Arshya Singh, Mr. Siddhant Dutt
and Mr.Yash Upadhyay, Advocates
for GNCTD.

W.P.(C) Nos.7594/2018 & 9617/2022

Page 1 of 20

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Signing Date: 04/04/2024
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2024:DHC:2874-DB



Mr.Kirtiman Singh, CGSC with Mr.Waize Ali Noor, Ms.Shreya V.Mehra and Mr.Kartik Bajjal, Advocates for UOI.

Mr.Tushar Sannoo, ASC for NDMC. Ms.Malvi Balyan, Advocate with Ms.Aarushi Behl, Advocate for Ms.Sangeeta Bharti, Standing Counsel for DJB.

Ms.Rashmi Chopra, Advocate for DDA.

Mr.Sanjeev Sabharwal, Standing Counsel for MCD.

%

Date of Decision: 08th April, 2024**CORAM:****HON'BLE THE ACTING CHIEF JUSTICE****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****MANMOHAN, ACJ : (ORAL)**

1. Delhi has been facing the fury of river Yamuna in spate year after year with last year (2023) being particularly bad. Waterlogging, flooding and related collapse of civic services have become perennial issues.
2. We have heard the Chief Secretary, Government of NCT of Delhi ("GNCTD") at length on the previous dates of hearings, perused the presentation dated 26th February, 2024 and 15th March 2024 on the measures taken by the authorities to prevent water logging and improving water quality.
3. Clearly, the efforts have not yielded much result despite decades of judicial pronouncements and half-baked attempts by city administration to

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address endemic issues. There is an absolute lack of coordination between different agencies / departments. A mechanism to address the same with a unified command at an appropriate level of seniority, that can ensure inter-departmental / agency and inter-government coordination seamlessly, is the need of the hour.

(A) Integrated Drainage Management Plans (DMPs)

4. It is observed from the presentation dated 26th February, 2024 that neither any action has been taken on integrated drainage management system since the year 1995, nor any major modeling / remodeling / extension of drains has been done post 1995, even as the population of the Capital trebled during this period. It is seen from this presentation that a Drainage Master Plan prepared by IIT-Delhi over six years in 2018, was not acted upon by GNCTD till date.

5. This Court was informed that the PWD has awarded the consultancy work for preparation of Drainage Master Plan for Najafgarh Basin consisting of 63.06% of drainage area of Delhi on 10th June, 2023. It was stated that consultancy work for Barapullah Basin [having 24.28% of drainage area of Delhi] and for Trans-Yamuna Basin [having 12.66% drainage area of Delhi] is likely to be awarded shortly. It was informed that timelines for submission of Detailed Project Report (DPR) for the Drainage Management Plan (DMPs) by consultant for Najafgarh Basin is one year and for Barapullah Basin & Trans Yamuna Basin is six months after award of consultancy work.

6. The urgency for implementation of DMP cannot be emphasized enough; however, the apathy of the administration is evident in the



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aforenoted facts and hence it has become imperative that time bound directions are issued to GNCTD.

7. Therefore, the GNCTD is hereby directed to:

- (i) ensure that DPRs of DMPs for all the basins are finalized by 15th September, 2024, and
- (ii) take administrative decisions on such DPRs by 30th November, 2024 for initiating implementation on or before 31st December, 2024.

B) Multiplicity of Authorities for Management of Drainage System

8. The Chief Secretary has provided the details of the major drains which areas under:

Details of Storm Water Drains		
• Total Length	- 3740.31 km	
• PWD	- 2064.08 km	(55.18%)
• MCD	- 521.87 km	(13.95%)
• I&FC Deptt.	- 426.55 km	(11.40%)
• NDMC	- 335.29 km	(8.96%)
• DSIIDC	- 98.12 km	(2.62%)
• Others		
• DDA	- 251.30 km	(6.72%)
• DCB	- 39.68 km	(1.06%)
• NTPC &	- 3.42 km	(0.09%)
Old Agra Canal		

9. The aforesaid chart shows that the major storm water drains of about 3740.31 km in Delhi are managed by various agencies, under the



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jurisdiction of various governments. While PWD¹ and I&FC² Department under GNCTD manage 2064.08 km and 426.55 km, respectively, the local body MCD³ manages 521.87 km, NDMC⁴ under Government of India (“GoI”) manages 335.29 km, DDA⁵ under GoI manages 251.30 km, DSIIDC⁶ a corporation under GNCTD manages 98.12 km and Delhi Cantonment Board under GoI manages 39.68 km and others manage 3.42 km. Further, there are twenty-two (22) open drains which are out-falling in river Yamuna. Not only this, even in case of such Drains, there are multiple agencies involved in the maintenance and operations of a single drain. For example, management of water regulators to stop backflow in case of increase of water in river Yamuna is managed by I&FC Dept. but pumping of sewage at such times is managed by MCD. Management of drain(s) by multiple agencies leads to blame game between agencies wherein one agency accuses others of shortfall in undertaking management activities. It also makes it difficult to fix responsibility on the erring officials and the brunt of the resultant chaos is borne by the State and its citizens due to the collapse of the infrastructure. There is no incentive for efficient management of the drainage system due to this administrative chaos. The city and its citizenry waits with apprehension when monsoons are approaching due to this mismanagement of drains while the administrative agencies have been adopting an Ostrich like approach wishing the flooding

¹ Public Works Department, GNCTD

² Irrigation and Flood Control Department, GNCTD

³ Municipal Corporation of Delhi

⁴ New Delhi Municipal Council

⁵ Delhi Development Authority

⁶ Delhi State Industrial and Infrastructure Development Corporation Ltd.



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won't happen. There is a need for a vision by the administrators to manage the present needs and anticipate the future.

10. We may also take judicial notice of the flooding of the carriageway and bungalows in the High Court pool at Purana Quila Road and Mathura Road in the 2023 monsoon. In this area as informed by PWD the storm water drain from India Gate to Yamuna River (passing through Purana Quila Road) is sectioned in six jurisdictions of four distinct authorities in the following manner:

- (i) India gate to Priya Nursey to NSCI Club Gate: Jurisdiction NDMC
- (ii) Purana Quila Road (Priya Nursery) to NSCI Club Gate to Petrol Pump: Jurisdiction PWD
- (iii) The road ahead of Petrol Pump to Gate No. 5 of ITPO, where drain no. 14 starts: Jurisdiction MCD
- (iv) Gate No. 5 to Open Nallah: Jurisdiction PWD
- (v) Open Nallah to Control Gate at Ring Road: Jurisdiction MCD
- (vi) Control Gate Ring Road to Yamuna River: Jurisdiction Irrigation and Flood Control Department.

11. Not only was this storm water drain flooded during the monsoons but the newly built tunnel connecting to Bharat Mandapam on the Purana Quila Road, which is maintained by Larsen and Toubro under the supervision of PWD was also flooded and closed for traffic during the said period.





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12. There is no dispute that multiplicity of authorities has resulted in mismanagement of drains. All such drains finally outfall in the river Yamuna, in the process, not only polluting it, but ultimately making the people of Delhi suffer.

13. The agencies have reported that due to control of multiple authorities, a consistent slope/level of the drain is not maintained. The report of the agencies leaves no manner of doubt that the flooding of water on the roads, tunnel and the bungalows is a clear consequence of multiple agencies being involved who are unable to harmonise the issue within themselves and find a resolution to the problem in question. Since the agencies admit that it is the multiplicity of authorities which has led to the problem at hand, it will only be in the fitness of things that only one authority/agency is placed in charge of operation, maintenance and control of the storm water drains in the City so that the problem at hand is resolved effectively.

14. Therefore, it is hereby directed that:

- (i) GNCTD shall assign the responsibility of management and operations of all twenty-two (22) open drains, which are out falling in river Yamuna, to one Department / Agency.
- (ii) The GNCTD shall identify such Department / Agency and orders be issued by 30th April, 2024.
- (iii) Such Department / Agency shall submit a report to this Court by 15th May, 2024, which shall, inter-alia, include assessment of quantity of silt in these twenty-two (22) drains; action plan for de-silting of such drains should be undertaken on a war footing and be completed by 31st





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December 2024 in 21 drains excluding Najafgarh drain and de-silting of Najafgarh drain shall be completed by 30th June, 2025. Further, removal of encroachments from such drains should be completed simultaneously.

- (iv) The nominated department must ensure an operative plan for regular repair and maintenance of such drains, including embankment of such drains; prevention of dumping of solid waste in such drains including (a) dissuading public from disposing garbage in such drains and (b) penal actions against defaulters; and bio-fencing and afforestation alongside such drains.
- (v) The need for a unified and centralized command is imperative and is hereby directed.

C) Rejuvenation of Water Bodies

15. It was informed that there are 1,367 water bodies (1,045 listed water bodies and 322 other water bodies identified through satellite imagery) out of which ground truthing has been completed for 344 water bodies. It was also informed that 272 water bodies have been restored, restoration of seventy-two (72) is in progress. It was informed that several water bodies, out of 1045 listed water bodies, do not exist on ground as on date.

16. Accordingly, the GNCTD is hereby directed:

- (i) To complete the geo-tagging and geo-referencing for ground truthing of remaining 1023 water bodies by 15th May, 2024.





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- (ii) The GNCTD shall ensure that estimates for rejuvenation of water bodies, after ground truthing, be prepared by 30th May, 2024.
- (iii) The tenders be floated once the Model Code of Conduct is over, and the works be awarded by 30th June, 2024.
- (iv) These works shall be completed by 31st December, 2024 after removing encroachments (if any).
- (v) Also, it is important to ensure that the rejuvenated water bodies are maintained properly and remain encroachment free. Therefore, the GNCTD shall take appropriate measures for making entries of waterbodies in revenue records, by assigning responsibilities of each of such water body to specific officer, who shall visit such water body every fortnight to ensure its upkeep.
- (vi) Also, public participation may be explored by the GNCTD in such operation and maintenance activities of water bodies.
- (vii) The following authorities shall be responsible for ground truthing and rejuvenation of these water bodies:
- (A) *At District Level:* A committee consisting of District Magistrate, Revenue Deptt. GNCTD; Deputy Commissioner, MCD (in case of NDMC include Secretary NDMC; and in case of Delhi Cantonment Board include CEO Delhi Cantonment Board); Superintendent Engineer DDA, Superintendent Engineer DJB and Superintendent Engineer I&FC Deptt. shall be responsible for execution of projects at ground for each of 11 Districts.



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(B) *At NCT of Delhi Level:* Integrated Drainage Management Cell (“IDMC”), which was constituted as per order of Hon’ble NGT dated 05th March, 2020 in OA No.06/2012 for remediation and management of drains, shall be responsible for execution of projects at ground.

D) Rain Water Harvesting (RWH)

17. The Unified Building Bye Laws 2016 for Delhi make it mandatory to provide for Rainwater Harvesting System (“RWH”) for new constructions above 105 sq. m. plot area for inclusive and sustainable green urban development. Further, this Court was informed about the incentivization given by the Delhi Jal Board (“DJB”) through subsidy and rebate in water bill to promote RWH systems. It was also informed that treated water from Sewage Treatment Plants (STPs) is used / planned to be used in such rejuvenated water bodies.

18. This Court was also informed that RWH system is yet to be installed at 1,362 Government buildings, where it is feasible to have RWH systems. The Chief Secretary acknowledged that there is a need to create appropriate Rain Water Harvesting Structures (RWHS) to catch the rain, where and when it falls, for drives to make check-dams, water harvesting pits, rooftop RWHS, etc.; removal of encroachments in and de-silting of water bodies to increase their storage capacity; removal of obstructions in the channels, which bring water to them from the catchment areas, etc.; using defunct and unused water bodies so as to put water back etc. with the active participation of the people.



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19. Therefore, the appropriate Government is hereby directed:
- (i) To ensure that RWH systems be provided at such 1362 remaining buildings by 30th September 2024.
 - (ii) All statutory authorities/municipal authorities/land owning agencies shall check the existence and functionality of RWH Systems before granting Occupation Certificate as per law.
 - (iii) Further, the GNCTD shall explore creating RWH systems / pits in low lying areas to capture the rainwater during the forthcoming monsoon session and ensure public participation to make it a mass movement. A report in this regard shall be placed before this Court within four weeks, which shall be executed within a period of three months.

E) Restoration and rejuvenation of Yamuna River Flood Plains

20. DDA in coordination with all concerned agencies is hereby directed to ensure removal of encroachments from Yamuna River Flood Plains. Delhi Police shall provide necessary force to the DDA as and when requested, to maintain law and order during such encroachment removal drives to remove encroachment from Yamuna Flood Plains.

21. Further, DDA shall submit an action taken report on development of ten bio-diversity parks / wetland areas in Yamuna River Flood Plain including an action plan with timelines for completion of pending projects. Cities and Towns around India, which have been developed along rivers, are doing horticulture and green development of river fronts for their citizens as symbols of urban pride.

22. DDA shall explore green horticultural development of river fronts and recreational zones with public amenities to increase public participation



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and awareness about rejuvenation of River Yamuna in accordance with extant guidelines.

23. It is necessary to do green development of the banks of the Yamuna as wetlands and public spaces, parks for open green spaces, access to civic amenities, zones of entertainment or playgrounds for the children. This will lead to buy-in by the common citizen, a sense of ownership and consequent pressures on the authorities to ensure maintenance. All this will go hand in hand with ecological restoration, maintenance, and protection of the flood plains.

24. A large number of religious devotees pray at different locations, discharging solid waste in the river water, adding to an already serious problem. Recognising this need of the residents of the State, DDA should construct select number of ghats or platforms on stilts along the riverbank, for such purposes to ensure that the devotees get space and the authorities are able to deal with the challenge of waste scientifically.

25. With respect to forty-four (44) number of court cases pertaining to encroachment in Yamuna River Flood Plain (a list of which is handed over by the Chief Secretary, GNCTD, in Court) pending before various Benches of this Court, let the Registry club all such cases and list all Division Bench cases before a Division Bench presided over by Hon'ble Ms. Justice Rekha Palli and all Single Bench cases before the Bench of Hon'ble Mr. Justice Dharmesh Sharma for early disposal in accordance with law.

F) Rejuvenation of River Yamuna

26. DDA, being the designated owner of the Yamuna Flood plains, is also hereby directed to ensure removal of construction waste / debris from



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the Yamuna river accumulated during constructions of bridges, rail lines, metro lines, regional rail network, etc. and for this purpose the DDA may call upon the concerned agencies like DMRC, PWD, NCRTC, MCD, etc. to remove such debris by 30th June, 2024 failing which DDA shall take up works for cleaning of such construction waste / debris at the cost of defaulters.

27. DDA shall also declare nodal officers for each stretch of the flood plain who would be responsible for sustained upkeep of their jurisdictional area free from encroachment and free of construction & demolition (“C & D”) waste.

28. MCD shall also develop a large facility of requisite capacity to convert 100% C & D waste generated in this city into aggregate (Rodi)/ tiles/paver blocks etc. for use in public infrastructure.

29. Bio-gas plants shall also be installed near all the nine authorised dairies in Delhi for creation of dry manure and biogas fuel / Compressed Biogas (CBG) production, for which an action plan along with timelines shall be prepared within a period of four weeks of passing of this order.

30. Further, during the recent flooding of river Yamuna, it has been observed that the 22 km stretch of Yamuna flowing through Delhi is no longer navigable. The riverbed is so high and the river so shallow that it can no longer support any aquatic life. Because of the high riverbed, every monsoon sees an overflow of the river water, many a times causing floods. We have been informed that the river has been consistently becoming shallow and hence lacks the capacity to carry excess water during the monsoon or maintain life during the rest of the year. Hence, we see the





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Yamuna becoming a veritable putrid drain, especially during the summer months.

31. DDA shall take up the matter with concerned authorities, such as Irrigation and Flood Control, National Ganga Mission etc., for carrying out controlled and scientific dredging for removal of silt both upstream and downstream and for creation of series of small ponds adjoining the river to improve the carrying capacity of the river Yamuna. This becomes more so important after the floods seen during the year 2023. This exercise shall be done on a war footing and be completed by 30th June, 2025. DDA, being an agency under GoI and the other concerned departments being under the jurisdiction of GoI as well as GNCTD, a mechanism for seamless coordination should be put in place within a period of four weeks of passing of this order.

32. Further, GNCTD is hereby directed to submit an action taken report to this Court to increase the existing capacity of STPs from 667 MGD to 964.5 MGD within a period of four weeks of passing of this order and to ensure that treated water from these STPs shall meet the prescribed norms viz., pH (5.5-9.0), BOD (10 mg/l), TSS (20 mg/l), COD (50 mg/l), N-Total (10 mg/l), Phosphorus Total (1 mg/l), NH₄-N (5 mg/l) and Fecal Coliform (<230 MPN/100 ml), the existing capacity of STPs shall be increased from 667 MGD to 964.5 MGD by 31st March, 2025. It is not out of context to mention that such parameters were recommended by the Expert Committee and accepted by the National Green Tribunal ("NGT") vide its judgment dated 30th April, 2019 in OA No. 1069/2018 titled '*Nitin Shankar Deshpande vs. Union of India*'; and such decision of NGT was upheld by



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the Hon'ble Supreme Court vide its order dated 17th May, 2019 in Civil Appeal No. 5036 of 2019 titled '*Municipal Corporation of Greater Mumbai vs. Nitin Shankar Deshpande*'. This is required so that no untreated sewage is dumped into river Yamuna beyond 31st March, 2025 at any cost.

33. GNCTD is directed to undertake requisite work for capturing sewage in the unauthorised colonies and Jhuggi Jhopri (JJ) clusters as per its existing policy so as to ensure that 100% sewage can be captured and untreated sewage is not dumped into river Yamuna, but rather diverted to *in situ* waste treatment plants and only treated water is released into Yamuna.

G) Interconnection of storm water drains with sewerage network and vice versa

34. It is directed that GNCTD shall submit an action plan with timelines with regard to 121 points where storm water is still entering into sewerage drains, and 191 points where sewage is entering into storm water drains. All such interconnection points shall be tapped by 30th June, 2024.

H) Industrial Discharges

35. It was informed that treated water from all 13 CETPs⁷ is meeting the prescribed standards and that two CETPs at Narela and Bawana are under upgradation by DSIIDC. It is however, observed that several unauthorized polluting industries are operating from residential areas in NCT of Delhi.

Therefore, the GNCTD is hereby directed:

- (i) To submit an action taken report and an action plan on such polluting industries, within a period of four weeks of passing of this order.

⁷ Common Effluent Treatment Plants



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(ii) Surprise inspections shall be conducted on regular basis by cross functional teams belonging to MCD/ Revenue Dept. / Delhi Police/ DPCC/ DISCOMS etc. to identify such unauthorized polluting industries and submit a report, so that concerned officers who fail to stop such unauthorized polluting industries are held accountable.

(iii) It is to be ensured by the GNCTD that no industrial unit discharges its untreated effluent into open drains, and if any industrial units fails to do so, the same shall be shut down and electricity & water connection of such industrial unit shall be disconnected.

36. It is emphasized here that efforts of rejuvenation of the Yamuna can be successful, if undertaken with sincerity and seamless coordination, sans a blame game, between all stakeholders, that includes the GoI, State Government, Municipal Bodies and others. The court has noted, as per the submission made by the Chief Secretary that BOD levels went down by 40% in Shahdara Drain and by 31% at ISBT in Yamuna in May, 2023 compared to May, 2022. Similarly, BOD levels went down by 37% in Najafgarh Drain during the same period.

37. On a month-on-month basis from January, 2023 to May, 2023, significantly noticeable and consistent improvements were noticed in the BOD levels in the water of the Drain and the River in comparison to the same months in the year 2022.

38. Carried out by the DPCC as per standard protocol of testing water samples at different locations, the BOD levels in the Najafgarh Drain that stood at 80 mg/l in January, 2022, came down to 53 mg/l in January, 2023.



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The figure for May, 2022 stood at 76 mg/l that came down to 48 mg/l in May, 2023.

39. In case of Yamuna, at ISBT, after the Najafgarh Drain meets the river, BOD levels that stood at 42 mg/l in January, 2022, came down to 38 mg/l in January, 2023. The figure for May, 2022 stood at 55 mg/l that came down to 38 mg/l in May, 2023.

40. Similarly, in the Yamuna at the site after the Shahdara Drain meets the river, BOD levels that stood at 60 mg/l in January, 2022, came down to 56 mg/l in January, 2023. The figure for May, 2022 stood at 80 mg/l and came down to 48 mg/l in May, 2023.

41. Even during the intervening months of February, March and April, the figures for the year 2023 showed consistent decrease from the figures of corresponding months in 2022.

42. This underlines that efforts if undertaken seriously can yield results.

I) Water-logging points within the City

43. In its presentation the GNCTD has submitted details of the water logging points, as under:

Status of Water Logging	
<ul style="list-style-type: none"> Year-wise water-logging locations as per Delhi Traffic Police: <ul style="list-style-type: none"> 2020 - 136 2021 - 195 2022 - 207 2023 - 200 W.r.t. 207 locations of the year 2022, PWD completed Short Term measures at 47 locations, and Long Term Measures at 55 locations. Long Term measures are in progress at 49 locations. 56 locations pertains to other Deptts. from which action taken report is being taken. 7 critical water-logging locations (viz. Minto Bridge, Pul Prahladpur Underpass, Ring Road opposite WHO, Jhangirpuri Metro Station Road, Under Zakhira Flyover, Loni Road Golchakkar, and Karala Kanjhawla) work completed on first 4 locations and will be completed by 31.05.2024 on remaining 3 locations 	



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- (i) GNCTD is hereby directed to submit an action taken report and an action plan on 105 remaining water logging locations reported by the Delhi Traffic Police in 2022 where action is yet to be taken, as well as action taken report and an action plan on 200 water logging locations reported by the Delhi Traffic Police in 2023. Such action taken reports and action plans be submitted within a period of four (4) weeks of passing of this order.
- (ii) An action taken report be also submitted for the remaining three major water-logging point (viz. Under Zakhira Flyover, Loni Road Golchakkar, and Karala Kanjhawla) within a period of four weeks of passing of this order.

44. Here again, it is underlined that Delhi Police, being under the GoI shall assist during implementation of such plans to ensure delivery of a well-managed City as opposed to vision of a City submerged in monsoons.

J) Usage of Technology for monitoring

45. It is observed that parameters of water in river Yamuna at several points are to be kept under monitoring to verify the outcome of efforts made for rejuvenation of River Yamuna. For this purpose, it is hereby directed:

- (i) The parameter of sewage of twenty-two (22) drains out falling in river Yamuna (before they fall in river Yamuna) along with parameters of treated water of every STP / DSTPs/ CETPs be monitored on real time basis.
- (ii) These parameters be checked on a real-time basis and data be available in public domain. Also, a centralized Command and



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Control Centre would be required for real-time monitoring for these parameters and to decide interventions, so required.

- (iii) Accordingly, GNCTD shall take appropriate action for setting up of a robust parameters monitoring system by 30th June, 2024 for monitoring of such data on a real time basis and submit an action taken report to this Court within a period of four weeks of passing of this order.

K) Third Party Audit

46. To verify the actions taken by the concerned Agencies on ground, it is must to undertake third party Audits of all above mentioned works from independent agencies. This would ensure that the work done are realized at ground instead of being done on paper only. Therefore, necessary action shall be taken by the GNCTD, DDA and all other concerned agencies to undertake third party audit by Central Government or State Government or their PSUs / Agencies of all the works carried out in compliance of above-mentioned directions. First of such report of third party(s)audit shall be made available in the public domain by 30th June, 2024.

L) Action Taken Report

47. An action taken report be submitted by the IDMC for compliance of above mentioned directions, before this Court on last working day of every month. IDMC shall be jointly and severally responsible for implementation of above stated directions of this Court and is liable for any delay in implementation such directions. In case any difficulty in implementation of





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above mentioned directions are faced by the IDMC, then the IDMC shall approach this Court accordingly.

48. List the matter before Court on 20th May 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 8, 2024

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