

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

E.A. No. 22/2023

In

O.A. NO. 622/2019

In the matter of:

Jagdev (Deceased) through legal heir

Vinayak Khatri Manoj Joshi

...Applicant

Versus

Govt. of NCT of Delhi

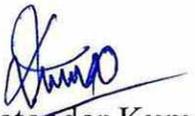
...Respondents

NDOH:-20.10.2023

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Filed by


(Satender Kumar)

Sr. Environmental Engineer

Date: 18th.10.2023

Place: Delhi

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**STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE WITH RESPECT TO ORDER DATED 19.07.20223.**

1. That this Hon'ble Tribunal disposed off this matter on 17.10.2019 and was pleased to direct DDA, DPCC and the Forest Department to take further action in accordance with law. In the order dated 17.10.2019, no specific direction was issued to be complied with by DPCC.
2. That the main grievance of the applicant in present proceedings is on two counts and they are:
 - (a) encroachments adjacent to south of Gurdwara Majnu Ka Tila on the Yamuna River bed in Delhi,
 - (b) massive cutting down of the trees affecting the integrity of the Yamuna River System and flood plain and also affecting the ecosystem and overall ecology of the area, and
 - (c) jhuggi dwellers have put up commercial stalls all along the outer Ring Road.
3. That, Hon'ble National Green Tribunal taken up the matter on the basis of application to execute order dated 17.10.2019 passed by this Tribunal in O.A. No. 622/2019. This Hon'ble Tribunal was pleased to issue notice to the respondents.

4. The Delhi Preservation of Trees Act (DPTA) of 1994 is legislation that provides legal protection to trees in Delhi, India. The Act aims to prevent any action that might harm the growth or regeneration of trees. As per the act, a tree is defined as any woody plant that has branches supported by a trunk or body of at least 5cm diameter and is at least one meter high from the ground level. The Act prohibits several activities that can cause the death of a tree, such as cutting, uprooting, bulldozing, girdling, and pollarding. Applying arboricides, burning, or damaging a tree in any other manner that can lead to its death is also considered illegal under the Act.
5. That, the answering respondent per se does not have jurisdiction under "THE DELHI PRESERVATION OF TREES ACT, 1994". The Forest Department, Government of NCT Delhi is the appropriate authority under this Act ^{and} _^ therefore is the appropriate department to look and take action in the matter or to recommend any action under the provision of the said Act.
6. That, it is most respectfully submitted that the issue of encroachment on public land does not fall under the jurisdiction of the answering respondent.
7. That, however, in compliance of the order dated 17.10.2019, DPCC has issued letter to VC-DDA, Pr. Conservator of Forest- GNCTD, Commissioner- MCD, Flood & Irrigation Department-GNCTD, DJB, Delhi Police and DM (Central) to initiate further necessary action regarding encroachments on the Yamuna River bed. Copy of the letter dated 10.08.2023 is enclosed herewith as ANNEXURE-1.
8. It view of the above facts, it is humbly prayed that this Hon'ble National Green Tribunal may please to take the present report on record.



(Satender Kumar)
Sr. Environmental Engineer



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06
Visit us at : <http://dpcc.delhigovt.nic.in>



F. No. DPCC/CMC-VII/OA-622/2019/NGT/2023/1969-77

Dated: 10-8-23

To,

1. The Vice Chairman,
Delhi Development Authority,
Vikas Sadan, I.N.A., New Delhi- 110023.
2. The Pr. Chief Conservator of Forests,
Office of Principal Chief Conservator of Forests,
Department of Forests and Wildlife, GNCTD,
A-Block, 2nd Floor, Vikas Bhawan, I.P. Estate,
New Delhi-110002.
3. The Commissioner (MCD) (North)
4th Floor, Dr.SPMCivic Centre,
Minto Road, Delhi – 110002.
4. The Chief Engineer (Zone-II),
Department of Irrigation & Flood Control,
L.M. Bund Office Complex, Shastri Nagar,
Kishan Kunj, Delhi-110031.
5. The Chief Executive Officer,
Delhi Jal Board, Varunalaya,
Phase-II, Jhandewalan,
New Delhi- 110055.
6. The Commissioner of Police,
Delhi Police, Delhi Police Headquarters,
Jai Singh Road, New Delhi-110001.
7. The District Magistrate (Central)
Office of the District Magistrate
14, Daryaganj, Delhi- 110002.

Sub.: Non-Compliance & contempt of NGT orders dated 17/10/2019 regarding encroachment on the Yamuna River bed adjacent to Majnu Ka Tila Gurudwara.

Sir,

This has reference to the letter F. No. 16 (836)/UD/W/2022/613-617 dated 09.05.2023 (copy enclosed) on the above cited subject referring the order dated 17.10.2019 passed by Hon'ble National Green Tribunal in Original Application No. 622/2019 in the matter of "Jagdev Vs. Lieutenant Governor of Delhi & Ors." (copy enclosed). In this O.A allegation are made regarding encroachments adjacent & to south of Gurudwara Majnu Ka Tila on the Yamuna River bed, traffic jaim due to commercial stalls by jhuggis, sewage & garbage release into River Yamuna & on green belt, massive tree cutting, illegal parking etc.

The Hon'ble NGT has issued following directions as reproduced below:-

".....

3. Report filed by the DDA on 30.09.2019 acknowledges the illegal occupation of flood plains. It further mentions that some of the occupants are Hindu migrants from Pakistan who were over staying the period of Visa. The Writ Petition being WP(C)No. 3712/2013, Naharsingh v. Union of India & Ors. filed by them was dismissed by the Delhi High Court vide order dated 29.05.2013 though the Central Government is considering their request for extending the stay. Grant of Visa for permitting the Hindu migrants from Pakistan to stay in India is not the subject matter of consideration before this Tribunal. Only question is encroachment of Flood

Plain of River Yamuna and protection of forests, trees and rest of the environment as alleged. Flood plains of river cannot be allowed to be occupied as such occupation may damage the ecology of the River. Vide order dated 11.09.2019 in O.A No. 06/2012, Manoj Mishra v. Union of India & Ors, this Tribunal directed the DDA to ensure that flood plains are freed of encroachments. Thus without prejudice to whatever assistance the Government may or may not provide, the flood plains of the River Yamuna must be kept free and forests, trees and environment be protected by preventing discharge of sewage and dumping of garbage unscientifically.

4. Let the DDA, DPCC and the Forest Department take further action in accordance with law.
5. A copy of this order be sent to the DDA, PCCF, Delhi and the DPCC by email for compliance. A copy of this order be also sent to River Yamuna Monitoring Committee by email for necessary action.

The application is disposed of....."

It is pertinent to be mention that in its order dated 30.07.2019 Hon'ble NGT has made DDA the nodal agency for compliance and coordination.

DPCC takes action on industrial units which falls within notified Industrial Areas/ Redevelopment Areas as per MPD-2021 according to the provision of Water Act 1974, Air Act 1981.

In view of above, you are requested to take necessary action pertaining to your department & submit the compliance report to this office under intimation to Department of Urban Development, Government of NCT of Delhi.

This issues with the approval of the Competent Authority, Delhi Pollution Control Committee.

Yours sincerely,



(Dr. K. S. Jayachandran)
Member Secretary

Encl.: As above

Copy to: -

1. Dy. Secretary (Water), Department of Urban Development, Government of NCT of Delhi, 10th Level C-Wing, Delhi Sachivalaya, I.P. Estate, New Delhi- 110002 with reference to your letter no 16 (836)/UD/W/2022/613-617 dated 09.02.2023.
2. Sh. Dinesh Jindal, In-charge, Legal Cell, DPCC.