

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

Execution Application No.22/2023
In
Original Application No.622/2019

Jagdev Applicant

Versus

Lieutenant Governor of Delhi & Ors. Respondent(s)

Date of hearing: 03.04.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. B. Devasekhar, Adv. for Applicant in E.A 22/2023
Respondent: Ms. Kritika Gupta & Ms. Latika Malhotra, Advs. with Mr. Bijendra
Kumar, DD, & Mr. Sunil, AD, Horticulture, DDA
Ms. Meenakshi, Adv. for R - 2 (DUSIB)
Mr. Balendu Shekhar & Ms. Tanisha Samanta, Advs. with Mr. Dinesh
Jindal, Law Officer, DPCC

ORDER

1. In this Execution Application, applicant is seeking execution of order dated 17.10.2019 passed in O.A. No. 622/2019. In the O.A., the allegation was in respect of encroachment adjacent to south of *Gurudwara, Majnu Ka Tila* on the Yamuna river bed in Delhi and massive cutting of trees effecting the integrity of Yamuna River System and flood plain and also effecting the eco-system and overall ecology of the area. The Tribunal by order dated 17.10.2019 had expressed that the flood plains of river cannot be allowed to be occupied as such occupation may damage the ecology of the river and that river Yamuna must be kept free and forest, trees and environment must be protected. In this background, the concerned authorities were directed to take action.

2. It is undisputed that till now, the encroachments on flood plain zones in Majnu Ka Tila have not been removed. It is also worth-noting

that the Delhi High Court had passed the order dated 03.04.2013 in the matter of HAQ through its Member Abdul Shakeel vs. DDA and Anr. in W.P. (C) No. 2029/2012 directing that all the authorities concerned i.e. DDA, MCD, PWD, DJB as well as Central Government will forthwith remove all the unauthorized constructions, jhuggis, places of worships and/or any other structures which are unauthorizedly put to Yamuna bank and its embankment within two months.

3. The order of the Tribunal dated 17.10.2019 also takes note of the Writ Petition (C) No. 3712/2013, Nahar Singh vs. Union of India and Ors. filed by some of the Hindu Migrants from Pakistan illegally occupying the flood plains in question and the said Writ Petition was dismissed by the Delhi High Court vide order dated 29.05.2013.

4. The status report dated 01.04.2024 has been filed by the respondent, DDA but the said report does not disclose any substantial effective steps by the DDA for removing the encroachment from the area in question. Learned Counsel for the DDA during the course of argument has referred to the interim order dated 12.03.2024 passed by the Single Bench of the High Court of Delhi in W.P.(C) No. 3656/2024 in C.M. Application No. 15121/2024 and in C.M. Application No. 15122/2024 wherein in respect of the said Writ Petitioner, a direction has been issued for not taking coercive action till the next date of hearing. Learned Counsel for the DDA has informed that the said Writ Petition could not be taken up on next date i.e. 19.03.2024 and it is now fixed for 25.04.2024.

5. Hence, except for the property/person covered by the interim order dated 12.03.2024 passed in W.P. (C) No. 3656/2024 by the High Court of Delhi, the DDA and all the concerned authorities are required to take effective steps for compliance of the order of the Tribunal dated

17.10.2019 in respect of others. All the concerned authorities are directed to extend full cooperation to the DDA in this regard. Learned Counsel for the DDA has assured that on receiving the full cooperation from the other authorities, the DDA will duly comply with the order of the Tribunal. Hence, four week's time is granted for the same to the DDA.

6. Let the compliance report be filed at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

7. The Counsel for DDA is also directed to place on record all the orders passed till now by the Delhi High Court, NGT or any other competent Court in respect of removal of encroachment from the flood plains of Majnu Ka Tila/flood plains of river Yamuna.

8. List on 15.07.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 03, 2024
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