

**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: 06.02.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. B. Devasekhar & Mr. Vinayak Khatri, Advs. 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. Puja S. Kalra & Mr. Virendra Singh, Advs. for MCD (Through VC)
Ms. Harshita Maheshwari, proxy counsel for Mr. Anuj Chaturvedi, Adv.
for DUSIB (Through VC)

ORDER

1. The Tribunal vide order dated 17.10.2019, while disposing of the O.A. No. 622/2019 had directed that the flood plains of a river cannot be allowed to be occupied as such occupation may damage the ecology of the river and had further directed to keep river Yamuna free from encroachment and DDA, DPCC and Forest Department were directed to take action in accordance with law.
2. By this execution application, the applicant is seeking compliance of the order of the Tribunal dated 17.10.2019.
3. After that order of the Tribunal, more than five years have passed, but till now the order has not been complied with.

4. Not only has the Tribunal passed the order for removing the encroachment from the floodplain of River Yamuna in Delhi stretch, but the Division Bench of the High Court of Delhi in WP (C) No. 7594/2018 & CM Application No. 30022/2018 in the matter of *Court on its Own Motion Vs. Union of India & Ors* had also passed the order dated 08.04.2024 directing the DDA in coordination with all concerned agencies to ensure the removal of encroachment from the Yamuna River Flood Plain. The Division Bench of the High Court of Delhi in another matter of WP (C) No. 8035/2024 and CM Application No. 33044/2024 in the matter of *Shabnam Burney vs. Union of India & Ors.* had passed the interim order on 08.04.2024 directing the Vice Chairman of DDA to remove all encroachments and illegal constructions on the Yamuna river bank, river bed and drains flowing into river Yamuna.

5. Not only the Tribunal and Division Bench of the High Court of Delhi have passed the order in this regard, but the Hon'ble Supreme Court in Civil Appeal Dy. No. 44256/2023 in the matter of *Commissioner of Police, Delhi Vs. Union of India & Ors.* vide order dated 02.01.2024 had concurred with the view taken by NGT in the order dated 28.09.2020 in M.A. No. 56/2020 in O.A. No. 06/2012 and had agreed with the concerned expressed by the NGT about maintaining the flood plains of river Yamuna in the larger interest of not only the members of public but in the larger interest of the environment.

6. In spite of these orders by NGT, Division Bench of the High Court of Delhi and the Hon'ble Supreme Court, the flood plain of River Yamuna in Delhi stretch has not been cleared from encroachment.

7. The plea of the Counsel for the DDA is that some interim order has been passed by the Single Bench of the High Court of Delhi, therefore, the

orders of the NGT, Division Bench of the High Court of Delhi and the Hon'ble Supreme Court have not been complied with.

8. Nothing has been pointed out to show that any appeal has been preferred before the Division Bench against that interim order or any serious efforts have been made to get the interim order vacated or the Single Bench of the Delhi High Court has been appraised of the order of the Division Bench of the Delhi High Court, the order of the Hon'ble Supreme Court or final order of NGT in O.A. No. 622/2019 which undisputedly has attained finality and which is under execution in these proceedings.

9. The Tribunal on 15.10.2024 had directed the DDA as under:

“8. Hence, we direct DDA to place on record the details including the number of encroachments that have been identified in the flood plain of river Yamuna covering 22 km stretch of Delhi and also the number of encroachments existing in Majnu Ka Tila excluding encroachments by refugees from Pakistan. DDA is also directed to disclose the number of refugee families which have taken shelter in Majnu Ka Tila.”

10. Even that direction has not been complied within time, and submission of counsel for DDA is that the fresh report has been filed today morning. The learned counsel for the applicant submits that a copy of the report has been given just now. O.M No. NGT(PB)/Judicial/16/2020/390 dated 04.09.2024 issued by the Tribunal requires the parties to file Reply/Report/response documents etc. by 3.00 P.M of the previous working day of the Tribunal, even that O.M has been ignored while filing the report by the DDA.

11. Learned Counsel for the DDA has submitted that a serious effort will be made to comply with the order of the Division Bench of the High Court of Delhi, the Hon'ble Supreme Court and the final order of NGT in O.A. No. 622/2019.

12. Learned Counsel for DDA seeks three weeks' time to file a fresh affidavit, having due regard to the observations which have been made above and also disclosing the attempt by the DDA to comply with the orders passed by the Hon'ble Supreme Court, the Division Bench of the High Court of Delhi and NGT.

13. List on 04.04.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 06, 2025
EA No.22/2023 in
OA No. 622/2019
HB..