

Item No.09

Court No. 1

**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

Date of hearing: 29.01.2024

**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, Adv. with Mr. Sunil, AD, Horticulture for DDA
Ms. Tanisha Samanta, Adv. for DPCC (Through VC)
Ms. Meenakshi, Adv. for R - 2 (DUSIB)

ORDER

1. Tribunal by order dated 17.10.2019 had disposed of the original application no.622/2019 wherein the issue involved was of massive cutting down of trees by Jhuggi dwellers affecting the integrity of Yamuna River System, flood plain, eco-system, ecology of the area and also encroachment on the Yamuna Flood Plain Zone adjacent to south of Gurdwara Majnu Ka Tila on Yamuna River belt in Delhi.
2. Tribunal by said order had clearly directed that flood plains of river cannot be allowed to be occupied because such an occupation may damage the ecology of the river and had also directed to keep River Yamuna free and to protect forest, trees and environment by preventing discharge of sewage and dumping of garbage unscientifically.

3. It is not disputed before the Tribunal that the issue relating to clearing the encroachment near Majnu Ka Tila is the responsibility of DDA and GNCTD.

4. Though, in pursuance to the direction of the Tribunal reply on behalf of Delhi Urban Shelter Improvement Board and DPCC were filed but no reply on behalf of DDA was filed. Hence, Tribunal in the proceedings dated 20.10.2023 had accepted the prayer of Counsel for the DDA and granted five weeks' time to submit the action taken report disclosing the action taken by DDA for removing the encroachment.

5. In spite of the aforesaid indulgence granted by the Tribunal on the previous date, no report has been filed by DDA till now nor any application has been made with the prayer for extension of time to file such report disclosing any valid reason.

6. In the circumstances of the case, oral prayer made by Counsel for DDA to grant further time is accepted and four weeks' time is granted to DDA to file action taken report subject to payment of cost of Rs. 25,000/- to be deposited with the Registrar General of the Tribunal within one week. If the reply is not filed by DDA within a period of four weeks, then Vice-Chairman, DDA will remain present personally through virtual mode before the Tribunal on the next date of hearing.

7. List on 03.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 29, 2024
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JG.