

Item No.02

(Court No. 2)

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

Through Physical Hearing with Hybrid VC Option)

Original Application No.525/2022
(I.A No.185/2022, I.A No. 57/2023 and I.A No. 635/2023)

Laxmi

...Applicant

Versus

Ministry of Environment, Forests
& Climate Change & Others

...Respondents

Date of hearing: 06.09.2023

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

Applicant: Mr. Ritul Tandon, Adv. for the Applicant.

Respondents: Mr. Kumar Rajesh Singh, Adv. for Respondent No. 1-
(MoEF & CC).
Ms. Saumya Soni, Adv., Proxy Counsel for Ms. Vrinda Kapoor, Adv. and Ms. Kritika Gupta, Adv. For Respondent no. 4 – DDA.
Ms. Jyoti Mendiratta Adv. for Respondent no. 2-Govt. NCT of Delhi.
Mr. M.C. Prasad, IAS, DC (South) Delhi (Through VC) and Mr. Radhey Shyam Meena, SDM Saket.
Mr. Mandeep Mittal, IFS, DCF (through VC), alongwith Ms. Vishnupriya Pandey Executive Project Associate (Legal).
Mr. Mohit Kumar, SI on behalf of Commissioner of Police.
Mr. M.R. Shamshad and Mr. Sarwar Raza Advs. for Respondent no-7-Hansh Lock Ashram.

Application under Sections 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. The applicant has filed the present application under Sections 14 and 15 of the National Green Tribunal Act, 2010 for directions to the respondents No. 1 to 6 to prevent the misuse of forest land and its

destruction at the hands of respondent No.7- Hanslok Ashram and its followers.

2. Vide order dated 17.10.2022 this Tribunal directed the Deputy Commissioner (South) Delhi to take requisite steps and issue appropriate directions to the concerned Revenue Officers/Officials for updation of the revenue record and demarcation of the land in question and get the same completed within six weeks and submit a report within two months. The Deputy Commissioner (South) Delhi, the Deputy Conservator of Forests, Shooting Range, Tugalkabad, New Delhi and the Commissioner of Police, Delhi were also directed to take requisite steps to ensure protection of the land owned by the Forest Department and take appropriate action, by following due process of law, against encroachment or raising of any construction on it, cutting of trees from or any other act of environmental degradation affecting any part of land comprised in khasra no. 848(6-11), 963 min(2-8), 969 min(1-11), 725(19-11), 729(4-4), 730 min(0-2), 954 min(8-8) and 961 min (7-13) situated at revenue estate of village Bhati, New Delhi recorded under ownership and possession of the Forest Department. The above directions were reiterated vide order dated 26.07.2023.

3. However, no report has been submitted by the Deputy Commissioner (South) Delhi. Replies have also not been filed by respondents no. 1, 2 and 4 and 5.

4. Mr. M.C. Prasad, Deputy Commissioner (South) Delhi and Mr. Mandeep Mittal, DCF have appeared through VC and Mr. Radhey Shyam Meena, SDM Saket and Mr. Mohit Kumar, SI have appeared before this Tribunal physically and we have interacted with them. Mr. Radhey Shyam Meera, SDM Saket has informed that updation of revenue record has been carried out but he seeks time to file report regarding the same.

5. The Deputy Commissioner (South) Delhi is again directed to take requisite steps and issue appropriate directions to the concerned Revenue Officers/Officials for demarcation of the land in question, identifying the encroachments and structures, if any, existing over the same and submit report enclosing therewith (i) copies of orders passed and maps prepared for updation of the revenue records and (ii) notices issued for demarcation and demarcation report alongwith memo of presence and demarcation maps, details regarding action taken with timeline for removal of encroachment and protection/conservation of forest land be also mentioned in the report. Copies of the writ petition filed before and orders passed by Hon'ble High Court of Delhi be also attached with the report.

6. Reports be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. Replies by respondents no. 1, 2 and 4 and 5 be also filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. List the matter for further proceedings on 10.10.2023.

9. In view of the facts and circumstance of the case, we also consider personal appearance of the Deputy Commissioner (South) Delhi, the Deputy Conservator of Forest, Shooting Range, Tugalkabad, New Delhi and officers duly authorised by the Vice Chairman, Delhi Development Authority and the Chairman, Municipal Corporation of Delhi on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case.

10. A copy of this order be forwarded to the Deputy Commissioner (South) Delhi, the Deputy Conservator of Forest, Shooting Range, Tugalkabad, New Delhi, the Vice Chairman, Delhi Development Authority and the Chairman, Municipal Corporation of Delhi by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 06th, 2023
AG