

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

Original Application No. 525/2022
(IA NO 635/2023, IA NO 185/2022, IA NO 57/2023)

Laxmi

Applicant

Versus

Ministry of Environment Forests &
Climate Change & Ors.

Respondents

Date of hearing: 18.02.2025

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

Applicant: None for the applicant.

Respondents: Mr. Kumar Rajesh Singh, Advocate for respondent no. 1.
Ms. Jyoti Mendiratta, Advocate for respondent no. 2, 3, 13
and 14.
Ms. Puja Kalra and Mr. Virendra Singh, Advocates for MCD.
Mr. Sarwar Raza, Mohd. Waseem Akram, Muhammad Zaid,
Ms. Nabil Raza, Mr. S. Ahmed and Mr. Shreya Kumar,
Advocates for respondent no. 7.
Mr. Pradeep Kumar, SI, Police Station Maidan Garhi South
District.

ORDER

1. The applicant- Laxmi filed the present application complaining that land comprised in Khasra Nos. 848(6-11), 963(2-08), 969(1-11), 725(19-11), 729(04-04), 730(02-02), 954(08- 08) and 961(07-13) situated at revenue estate of village Bhati, New Delhi is declared forest land with restriction of user for forestry purposes but the same has been encroached upon by respondent no. 7 and other violators in active connivance of the authorities concerned.

2. Vide order dated 22.07.2022, this Tribunal issued notices to the respondents.

3. In the course of hearing, replies have been filed by respondents no. 2, 3, 4, 6 and 7.

4. Vide order dated 20.08.2024 (i) Hans Foundation, Hans Cultural Centre, (ii) M/s RGSB Estates Pvt. Ltd., (iii) M/s Ashon Estates Pvt. Ltd. and (iv) M/s RGD Estates Pvt. Ltd. were impleaded as respondents no. 8 to 12 and (v) Chief Secretary, Government of NCT of Delhi and (vi) PCCF, Government of NCT of Delhi were impleaded as respondents no. 13 and 14.

5. Vide order dated 20.08.2024 respondent no. 13-Chief Secretary, Government of NCT of Delhi and respondent no. 14-PCCF, Government of NCT of Delhi were directed to file replies/responses giving requisite details and respondent no. 2-SDM, Saket was directed to file copies or revenue record with relevant details and the relevant part of the order reads as under:-

“25. In their replies/responses the Chief Secretary, Government of NCT of Delhi and PCCF, Delhi shall specifically give all relevant details regarding status of notification under Section 20 of the Indian Forest Act, 1927 which was to be issued and further actions including suitable protection by fencing/wall and vigilance, identification of the remaining area and action plan for removing the encroachments which were to be taken by the Delhi Government and progress with regard to the removal of encroachments from the Ridge under Oversight Committee.

26. Respondent no. 2 is directed to file copies of all relevant revenue record pertaining to the land in question connecting the same to land included in the notifications and with all relevant details regarding acquisition of title/ownership by respondents no. 8 to 12 and subsequent mutations/tatimas and also encroachments observed and action taken for removal thereof.

6. No replies/responses have been filed by respondent no. 13-Chief Secretary, Government of NCT of Delhi and respondent no. 14-PCCF, Government of NCT of Delhi and copies of relevant revenue record and

other details have not been furnished by respondent no. 2-SDM, Saket despite extension of time by orders dated 14.10.2024 and 31.01.2025.

7. Report dated 11.03.2024 has been filed by Mr. Vipul Pandey, DCF (South), GNCTD giving the very same information which is already given in the replies already filed and has been referred to in order dated 20.08.2024 without requisite details and further action taken.

8. Reply dated 24.01.2025 has been filed by Mr. Ankit Kumar, DCF (Protection and Monitoring), Department of Forest and Wild Life, GNCTD on behalf of respondents no. 13 and 14 vide email dated 01.02.2025 without any authority letter to file such reply on their behalf and also without requisite details and copies of documents regarding compliance with orders passed by this Tribunal.

9. In the present case averments were made by the applicant regarding encroachments having been made on forest land in connivance with the concerned authorities which *prima facie* appear to be supported by material placed before this Tribunal in the course of hearing of the case and also the acts of omission and commission on the part of the concerned authorities as no action was taken for removal of encroachments on the ground that revenue record was to be updated by the Revenue Authorities and demarcation of the land. The concerned authorities have time and again projected one or the other justification without any substance and have failed to implement orders dated 25.01.1996 and 13.03.1996 passed in I.A. No. 18 and 22 in **Writ Petition (Civil) No. 4677/85 titled as M.C. Mehta V/s Union of India & Others** passed by Hon'ble Supreme Court and also order dated 15.01.2021 in **Original Application No. 144/2015 titled as Jaipal Singh Vs. Lt. Governor, Delhi & Ors.** taken along with **Original Application No. 58/2013 titled as Sonya Ghosh Vs. Govt. of**

NCT of Delhi & Ors., Original Application No.116/2015 titled as Prof. Imtiaz Ahmed & Ors. Vs. State of NCT of Delhi & Ors. and M.A. No. 258/2015 in Original Application No. 10/2014 titled as Pavit Singh Vs. the State of NCT Of Delhi & Ors. by this Tribunal without taking requisite action with stipulation of any specific timelines for completion of the entire process for due compliance with the above said orders and it is surprising that the matter is pending for more than 28 years since passing of orders (referred above) by Hon'ble Supreme Court and more than 04 years since passing of orders (referred above) by this Tribunal and notification under Section 20 of the Indian Forest Act, 1927 has not been issued in respect of the land on which there is no encroachment and regarding which there is no dispute or litigation pending.

10. This Tribunal had passed detailed order dated 20.08.2024, requiring the Chief Secretary, Government of NCT of Delhi and PCCF, Government of NCT of Delhi to give all relevant details regarding status of notification under Section 20 of the Indian Forest Act, 1927 and further action including suitable protection by fencing/wall and vigilance, identification of the remaining area and action plan for removing of encroachments. In view of specific directions, replies/responses were required to be filed by them and the same could not be filed by any subordinate officer and any reply filed by subordinate officer without any specific authorization filed before this Tribunal will be liable to be rejected. Respondent no. 2 was directed to file copies of all relevant revenue record pertaining to the land in question and also furnish all relevant details regarding acquisition of title/ ownership by respondents no. 8 to 12 but requisite response with copies of relevant revenue record has not been filed by respondent no. 2.

11. It may be mentioned here that in reply filed by Mr. Ankit Kumar, DCF (Protection and Monitoring), Department of Forest and Wild Life,

GNCTD it has been mentioned that status of notification under Section 20 of Indian Forest Act, 1927 of all the Five notified Ridge Reserve Forest is also being monitored by the Hon'ble Supreme Court of India in **W.P. (C) No. 202/1995 titled as T.N. Godavarman Vs. UoI & Ors. and by the Hon'ble High Court of Delhi in W.P. (C) No. 9965/2016 titled as Devinder Vs. LG & Ors.** However, this fact did not by itself justify not filing of replies/responses by respondents no. 2, 13 and 14 with respect to the aspects as directed by this Tribunal in compliance with the orders passed by it.

12. Reply dated 24.01.2025 purportedly filed by Mr. Ankit Kumar, DCF (Protection and Monitoring), Department of Forest and Wild Life, GNCTD on behalf of Chief Secretary, GNCTD and PCCF, GNCTD is also vague and evasive and does not give the information sought in consonance with orders of Hon'ble Supreme Court of India and orders passed by this Tribunal earlier with all requisite details and such reply filed without proper authorization constitutes an abuse of the process of this Tribunal as the respondents impleaded have not filed any reply and the officer who has filed reply is not impleaded as respondent in the case.

13. Mr. Ankit Kumar, DCF (Protection and Monitoring), Department of Forest and Wild Life, GNCTD is stated to have appeared before this Tribunal in the morning but admittedly he left and he did not turn on his video and audio when the case was called and he interrupted when the order is being dictated and submitted that he was authorized but he did not even then show any such authorization.

14. Since responses have not been filed by Chief Secretary, GNCTD and PCCF, GNCTD and Respondent No. 2-SDM Saket, we are constrained to impose costs on them for causing unnecessary adjournment of the case.

15. Accordingly, respondent no. 13-Chief Secretary, GNCTD, respondent no. 14-PCCF, GNCTD and respondent no. 2-SDM Saket are granted one more opportunity to file their responses alongwith copies of relevant documents as directed by this Tribunal subject to deposit of Rs. 10,000/- (each) as costs with the Ld. Registrar General of this Tribunal within two weeks.

16. Responses by respondent no. 13-Chief Secretary, GNCTD, respondent no. 14-PCCF, GNCTD and respondent no. 2-SDM Saket, by way of their own affidavits, may be filed at least three days before the next date of the hearing fixed.

17. List on 26.03.2025 for further consideration.

18. A copy of this order be sent to respondent no. 13-Chief Secretary, GNCTD, respondent no. 14-PCCF, GNCTD and respondent no. 2-SDM Saket by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 18th, 2025
Original Application No. 525/2022
(IA NO 635/2023, IA NO 185/2022, IA NO 57/2023)
AB