

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

Original Application No.525/2022
(I.A.No.635/2023, I.A.No.185/2022,
I.A.No.441/2025 and I.A.No.57/2023)

Laxmi

Applicant

Versus

Ministry of Environment Forests & Climate
& Change & Ors.

Respondents

Date of hearing: 24.07.2025

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

Applicant: Mr. Shubhashish Roy, Advocate for Applicant.

Respondents: Mr. Kumar Rajesh Singh, Advocate for respondent no. 1.
Ms. Jyoti Mendiratta and Ms. Ananya Basudha, Advocates for
respondent no. 2.
Dr. Aditya Sondhi Senior Advocate with Mr. Aman Panwar, Mr.
Siddhhant Buxy and Mr. Abhinav Kumanr and Mr. Rijuk Sarkar,
Advocates for respondents no. 3, 13 and 14
Ms. Puja Kalra and Mr. Virendra Singh, Advocates for respondent
no.5.
Mr. Sarwar Raza and Mohd. Waseem Akram, Advocates for
respondent no. 7 to 9.
None for respondents no. 10 to 12.

ORDER

1. I.A. No. 185/2022 was filed by the applicant for directing respondents no. 1 to 6 not to grant the permission to respondent no. 7 to hold the public gathering or any event in respect of birth anniversary of its head on 26.07.2022 and 27.07.2022, on the land of forest comprising of khasra numbers mentioned in the original application situated in the revenue estate of village Bhati, New Delhi.

2. Appropriate orders were passed in the case with respect to the subject matter but inadvertently order disposing of I.A. No. 185/2022 could not be passed. **I.A. No. 185/2022 has become infructuous and is disposed of accordingly.**

3. I.A. No. 57/2023 was filed by respondent no. 7 for amendment of short counter affidavit filed by respondent no. 7. In view of the reasons mentioned **I.A. No. 57/2023 is allowed.**

4. I.A. No. 635/2023 was filed by the applicant for directing the respondents no. 1 to 6 not to grant the permission to respondent no. 7 to hold the public gathering or any event in respect of birth anniversary of its head on 26.07.2023 and 27.07.2023, on the land of forest comprising of khasra numbers mentioned therein and restraining respondent no. 7 from constructing any structure and/or to erect tents, pandals and to appoint a court commissioner for local inspection as prayed for.

5. Vide order dated 26.07.2023 this Tribunal observed that necessary orders have been passed by this Tribunal vide orders dated 25.07.2022 and 17.10.2022 and there was no necessity to repeat the same. It was further observed that the Administrative Authorities were expected to comply with the same. Inadvertently order disposing of I.A. No. 635/2023 could not be passed. **I.A. No. 635/2023 has also become infructuous and is disposed of accordingly.**

6. I.A. 441/2025 has been filed by respondent no.2 seeking exemption from filing translation of document 1-copies of revenue record.

7. In the application it has been submitted that translation of record from Urdu to English is not required for the purpose of adjudication of the present application as the relevant part of the documents is already in English language.

8. In view of the reason given **I.A. No.441/2025 is allowed subject to all just exceptions.**

9. Status report dated 22.05.2025 has been filed by DCF, P&M Department of Forest and Wildlife, GNCTD on behalf of respondents no.13 and 14. In the status report it has been mentioned that issue of final notification of Ridge Reserve Forest under Section 20 of Indian Forest Act, 1927 in compliance with the directions of this Tribunal in Judgment dated 15.01.2021 is pending before Court No.1 of this Tribunal in execution applications i.e., E.A. No. 39/2024 in OA No. 58/2013 "Sonya Ghosh Vs. GNCTD & Ors."; E.A. No. 32/2024 in OA No. 10/2024 "Pavit Singh Vs. GNCTD & Ors." and OA No. 1188/2024.

10. Learned Senior Counsel for respondents no.3, 13 and 14 has also submitted that the issue regarding issuance of notification under Section 20 of the Indian Forest Act, 1927 in respect of the land owned by Gram Sabha which under the orders dated 25.01.1996 and 13.03.1996 passed by Hon'ble Supreme Court of India was to be declared as forest land is pending before Bench No.1.

11. For the purpose of avoiding any conflicting orders, we consider it appropriate not to proceed further in the present case with respect to the above said aspect of issuance of final notification of Ridge Reserve Forest under Section 20 of Indian Forest Act, 1927 which is pending before Court No.1 of this Tribunal.

12. It may be observed here that the applicant had filed the present application alleging encroachment on land bearing Khasra No. 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).

13. By the orders passed by this Tribunal in the course of hearing of this case, the concerned Revenue and Forest Authorities were required to submit status report with copies of all relevant documents clarifying the status of land in question which is claimed by the applicant to have been encroached upon with reference to notification issued under Section 4 of the Indian Forest Act, 1927. The matter is pending since 2022 and

reports/replies have been filed by Revenue and Forest Authorities yet status report with complete details and copies of the relevant documents as to status of land in question, which is claimed by the applicant to be forest land and to have been encroached, is yet to be placed before this Tribunal.

14. Learned Senior Counsel appearing for respondents no.3, 13 and 14 seeks time to file consolidated report with copies of all relevant documents.

15. Consolidated report with copies of all relevant documents may be filed by respondents no.3, 13 and 14 within one month.

16. Compliance/status report has been filed by respondent no. 2-SDM, Saket in compliance of order dated 26.03.2025. The relevant part of the report reads as under:-

“2. That, in respect to para 7, it is submitted that the relevant revenue record alongwith the documents regarding execution of transfer deeds obtained from Sub-Registrar Office, District South and copies of mutation record is as follows:

Sr. No.	Khasra No.	Chain of Ownership rights/Mutations/sale deeds
1	725	Annexure as A & A1
2	729	Annexure as B & B1
3	730	Annexure as C & C1
4	848	Annexure as D & D1
5	954	Annexure as E & E1
6	961	Annexure as F & F1
7	963	Annexure as G & G1
8	969	Annexure as H & H1

”

17. Compliance/status report filed by SDM, Saket is vague and incomplete and requires his examination as witness to clarify the factual position. Accordingly, summons be issued to SDM, Saket to appear before this Tribunal with relevant record for his examination as witness in the

case to clarify the position with respect to all relevant aspects noticed in the orders of this Tribunal.

18. Vide order dated 14.10.2024 notices were ordered to be served on respondents no. 8 to 12 through District Magistrate, South Delhi.

19. In the report SDM, Saket has submitted that notice was served on respondents no. 8 to 12 through Halka Patwari.

20. Mohd. Waseem Akram, Advocate has appeared on behalf of respondents no. 8 and 9, but he has not filed any Vakalatnama before this Tribunal and also does not have the same with him. In the absence thereof, he cannot be treated to be duly authorized representative of respondents no.8 and 9 yet in the interest of justice he is given opportunity to file his Vakalatnama and response on behalf of respondents no. 8 and 9.

21. In the report of Halka Patwari notices on respondents no. 10, 11 and 12 are mentioned to have been served through Mr. Sushil Kumar whose Mobile phone number is also mentioned on acknowledgement of receipt of notice.

22. None has appeared for respondents no. 10, 11 and 12.

23. Since none has appeared for respondents no.10, 11 and 12 we tried to ascertain from Mr. Sushil Kumar as to whether he was their agent/employee and on joining him through mobile phone number given we have found that he is a chowkidar and notices have been served on him without any authority. Consequently, service of notices on respondents no.10, 11 and 12 cannot be said to be proper.

24. Notices be issued again to respondents no.10, 11 and 12 and be sent to the District Magistrate, South Delhi for getting service of the same effected on them in accordance with law.

25. The District Magistrate, South Delhi is directed to serve the notices respondents no. 10, 11 and 12 personally or through their agent or by affixation in accordance with law and file his own affidavit in the proof of service of notices on respondents no.10, 11 and 12.

26. In case of non-compliance the District Magistrate, South Delhi shall appear physically before this Tribunal to explain the circumstances of non-compliance of this order.

27. List on 01.09.2025 for further proceedings/orders.

28. A copy of this order may be sent to the District Magistrate, South Delhi by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

July 24th, 2025
Original Application No.525/2022
(I.A.No.635/2023, I.A.No.185/2022,
I.A.No.441/2025 and I.A.No.57/2023)
M