

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH**

(By Video Conferencing)

Original Application No.525/2022
(Interim Application No.185/2022)

Laxmi

...Applicant

Versus

Ministry of Environment, Forests
& Climate Change & Others

...Respondents

Date of hearing: 25.07.2022

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

Applicant Mr. Kaushal Yadav, Mr. Nandlal Kumar Mishra and Mr. Yashoda Katiyar, Mr. Ritu Tondon and Mr. Shafik Ahmed, Advocates.

Respondents: Mr. Kumar Rajesh Singh, Advocate for Respondent no. 1 (MoEF & CC).
Ms. Prabhsahay Kaur alongwith Ms. Kritika Gupta for Respondent no. 4 (DDA).
Mr. Atmaram N.S. Nadkarni, Sr. Advocate alongwith Mr. M.R Shamshad, Mr. Sarwar Raza, Mr. Arijit Sarkar, Mr. S.S. Rebello, Ms. Deepti Arya, Mr. Adiraj Bali and Ms. Soumya Kumar, Advocates for Respondent no. 7.
None for Respondents no. 2, 3, 5 and 6.

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

ORDER

1. The applicant, claiming to be an environmentalist working for protection and preservation of the environment, 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. The application has been filed on the averments that the land of 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 and the use of the same is restricted only to the forestry purposes. In the past, though, the encroachments from the forest land were removed by carrying out the demolition drive against the encroachments but with the passage of time the forest land is again encroached upon by the violators in active connivance of the authorities concerned. The respondent No.7 is also having its Ashram as mentioned which has been constructed by partially encroaching upon the forest land. The respondent No.7 is scheduled to hold a huge gathering of its followers and believers on 26th & 27th July 2022, to celebrate the birth anniversary of its head and in this regard the advertisements and information are being circulated through social media and other means of publicity. For the purposes of stay of its followers and address by its head, huge tin sheets have been erected on the forest land by causing the great damage to the forest land and its fauna and flora. In the process of laying of the roads and creating of the public conveniences the green trees of the forest have been felled without any permission in connivance of the concerned authorities. Besides that, for making the provisions for water and other necessary things of public convenience Bore Well has been dug illegally without obtaining permission from the concerned authorities. The applicant has further submitted that he made a detailed representation dated 11.07.2022 to the respondents and other authorities concerned but no action has been taken.

3. Vide order dated 22.07.2022, notice of the O.A as well as I.A was ordered to be issued to the Respondents by E-mail and the applicant was directed to also serve notice on Respondent no. 7 personally and file an affidavit in this regard. Accordingly, notice has been served on Respondents No. 1 to 6 by way of email and Respondent no. 7 has also been served personally and affidavit has also been filed by the applicant in this regard.

4. None has appeared on behalf of Respondents no 2, 3, 5 and 6 who are accordingly proceeded against ex-parte.

5. Learned Counsel for the applicant has filed copy of notice dated 14.07.2022 issued by SDM (Saket)/Convener, STF which is taken on record. Reply/response on behalf of Respondent no. 6 and Short affidavit on behalf of Respondent no. 7 have been filed which are taken on record.

6. We have heard the Learned Counsels for the parties present before us and we have gone through the material on record with their assistance.

7. The applicant has claimed the relief of issuance of direction to Respondents no. 1 to 6 to book and demolish all the illegal and unlawful constructions on the forest land comprising of Khasra Nos. 848(6-11), 963(2-08), 969(1-11), 725(19-11), 726(12-04), 729(04-04), 730(02-02), 731(20-06), 954(08-08) and 951(07-13) situated at revenue estate of village Bhati, New Delhi which is recorded in khasra girdawari (Annexure A-1 colly) to be under ownership and possession of forest department and filed an application for interim relief directing Respondents no. 1 to 6 not to grant permission to Respondent no. 7 to head any public gathering or organize any event in respect of birth anniversary of its head on 26th or 27th July, 2022 on the land owned and possessed by Forest Department.

8. Learned Senior Counsel for Respondent no. 7 has referred to i.e. khasra girdawari (**Annexure A-1 colly**) attached with the application and chart at pages 7 and 8 forming part of short affidavit filed on behalf of Respondent no. 7 and has submitted that M/s Ashson is owner in possession of land measuring 2-8 out of land measuring 4-0 comprised in Khasra no. 963 min and in the revenue record i.e. khasra girdawari (**Annexure A-1 colly**) Hans Foundation Office at E-4 Asola is recorded to be

owner in possession thereof; M/s The Hans Foundation is owner in possession of land measuring 1-0 comprised in Khasra no. 969 min and in the revenue record i.e. khasra girdawari **(Annexure A-1 colly)** Hans Foundation Office at E-4 Asola is recorded to be owner in possession thereof; M/s R.G.S.B Estate Pvt. Ltd. is owner in possession of land measuring 1-17 comprised in Khasra no. 730 min and in the revenue record i.e. khasra girdawari **(Annexure A-1 colly)** R.G.S.B Estate Pvt. Ltd. Radha Swami Gate No. 6 is recorded to be owner in possession thereof; M/s R.D.G is owner in possession of land measuring 7-11 comprised in Khasra no. 954/2 min and in the revenue record i.e. khasra girdawari **(Annexure A-1 colly)** M/s R.D.G Estate is recorded to be owner in possession thereof; and M/s R.G.S.B Estate Pvt. Ltd. is owner and in possession of land measuring 2-1 comprised in Khasra no. 961 min and in the revenue record i.e. khasra girdawari **(Annexure A-1 colly)** M/s R.G.S.B Estate is recorded to be owner and in possession thereof and Respondent no. 7 is organizing the function as mentioned in the invitation pamphlets/cards on the land of Hans Lok Ashram/Hans Foundation/Ashson/R.G.S.B Estate/ R.D.G Estate with the consent of the concerned. Learned Counsel for Respondent no. 7 has further stated that Respondent no. 7 has no concern with 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 which are recorded in the revenue record i.e. khasra girdawari **(Annexure A-1)** to be under ownership and possession of Forest Department and Respondent no. 7 will not encroach upon or misuse above said land belonging to the Forest Department.

9. Learned Senior Counsel for Respondent no. 7 has conceded that in the chart forming part of the Short Affidavit filed on behalf of Respondent no. 7 there are discrepancies as to the area owned and possessed by M/s

Ashson/Hans Foundation/M/s R.D.G/ M/s R.G.S.B due to typographical mistakes and Learned Counsel for Respondent no. 7 seeks time to amend short affidavit to correct the particulars in the chart.

10. Learned Counsel for the applicant has referred to letter dated 18.07.2022 issued by Deputy Conservator of Forests, South Forest Division and Notice issued by SDM (Saket)/ Convener STF and seeks time to file Rejoinder and copies of relevant documents.

11. List for further consideration on 17.10.2022.

12. Rejoinder and documents be filed by the applicant and the application for amendment of Short Affidavit be filed by Respondent no. 7 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 within one month.

13. The Deputy Conservator of Forests (South Forest Division) is directed to remain present before this Tribunal in person or through VC on the date fixed with the relevant record for assisting this Tribunal for proper adjudication of the questions involved in the case.

14. So far as the question of interim relief is concerned, Respondent no. 7 shall be bound by the statement made by learned Senior Counsel on its behalf as referred to above.

15. However, in view of the facts and circumstances of the case, we also consider it appropriate to direct Respondent No. 3- the Deputy Conservator of Forests, Shooting Range, Tugalkabad, New Delhi and Respondent no. 6- the Commissioner of Police, Police Head Quarter, ITO, Jai Singh Road New Delhi to take requisite steps for protection of the land owned by the Forest Department and take appropriate action, by following due process of law,

against encroachment on 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 during organization of the function by Respondent no. 7.

16. It is clarified that nothing in this order shall prevent Respondent no. 7 from organizing any function in private land owned and possessed by Respondent no. 7 and other persons with consent of the concerned owners and permission from the concerned Authorities.

17. In the course of hearing, the parties have alleged that some petition has been filed before Hon'ble High Court of Delhi on which stay orders are also stated to have been passed by Hon'ble High Court of Delhi but neither of the contesting parties has submitted copy of the petition filed and orders passed by Hon'ble High Court of Delhi and it is not shown that the same relate to the identical cause of action and subject matter. By way of abundant caution we make it clear that nothing in this order shall affect operation of the stay order passed by the Hon'ble High Court of Delhi and operate in conflict thereof.

18. A copy of this order be forwarded to Respondent No. 3-Deputy Conservator of Forests, Shooting Range, Tugalkabad, New Delhi and Respondent no. 6- Commissioner of Police, Police Head Quarter, ITO, Jai Singh Road New Delhi by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

July 25, 2022
AG