

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH**

(By Video Conferencing)
Original Application No.531/2022

Sher Singh Dagar

...Applicant

Versus

Govt. of NCT of Delhi

...Respondent

Date of hearing: 10.04.2023

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

Applicant: Applicant is person (through V.C.).

Respondents: Mr. Vaibhav Agnihotri and Mr. Shaurya Punj,
Advocates for DDA.
Mr. Balendu Shekhar and Mr. Sriansh Prakash,
Advocates for DPCC.
Ms. Pooja Kalra, Advocate for MCD.

Application is registered based on a Letter Petition received by Post.

ORDER

1. Mr. Sher Singh Dagar resident of A-47, South Extn. Part-II, New Delhi-110049 has sent the present letter petition, which is treated and registered as original application, complaining that about 50 acres of land situated in front of Kharak Road/Executive club road near Chandan Hola village which was acquired by DDA is lying underdeveloped since acquisition thereof. The unwanted elements/ miscreants are dumping garbage with tractors in the land in question by breaking the boundary wall and are also using the land in question for piggery. They also burn garbage in the land in question and many times fire-brigade has been summoned to extinguish the fire. Their activities are causing environmental pollution and creating breathing problem to the residents of the locality making it difficult to the people of the area.

2. Vide order dated 02.09.2022 this Tribunal constituted a Joint Committee comprising of representative of Vice Chairman, DDA, Commissioner, Municipal Corporation Delhi, DPCC and Deputy Commissioner (South) Delhi with direction to verify the factual position and take remedial action and submit its report within one month 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.

3. In compliance thereof report dated 25.11.2022 was submitted by the joint committee vide email dated 25.11.2022 and copies thereof were sent to the concerned authorities.

4. Status report has been filed on behalf of DDA by way of affidavit of Mr. Promod Kumar, Director Land Management, DDA, Vikas Sadan, INA, New Delhi vide email dated 07.04.2023. In the status report it has been mentioned that boundary wall which was broken/damaged has been repaired and the construction and demolition waste which was found lying at the site has been removed.

5. In the course of hearing the applicant has gone to the spot and joined the proceedings by making video call from the spot and shown to this Tribunal that solid waste/garbage is lying all over the entire area and the status report submitted before this Tribunal is patently false and factually incorrect.

6. In view of the observations in the application and report of the Joint Committee we consider it appropriate to have the response of Government of NCT Delhi through its Chief Secretary, DPCC through its Member Secretary, DDA through its Vice Chairman, Municipal Corporation of Delhi through its Commissioner and the District Magistrate (South), Delhi who are impleaded as respondents no. 1 to 5 respectively.

7. The registry is directed to prepare and attach the memo of parties with the application and issue notices to the respondents no. 1 to 5.

8. Mr. Vaibhav Agnihotri, and Mr. Shaurya Punj, Advocates have appeared and accepted notice for DDA, Mr. Balendu Shekhar, and Mr. Sriansh Prakash, Advocates have appeared and accepted notice for DPCC and Ms. Pooja Kalra, Advocate has appeared and accepted notice for MCD and they seek time to file their replies/response.

9. Reply on behalf of on the respondents be filed within one month 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.

10. In view of the fact that patently false and factually incorrect report has been submitted by Mr. Promod Kumar, Director Land Management, DDA, Vikas Sadan, New Delhi, show cause notice be issued to him for appearance before this Tribunal in person to show cause as to why appropriate action be not taken against him for filing false/factually incorrect affidavit before this Tribunal.

11. List for further consideration on 25.05.2023.

12. A copy of this order be forwarded to the Chief Secretary, Government of NCT of Delhi; Member Secretary, DPCC; Vice Chairman, DDA; Commissioner, Municipal Corporation of Delhi and the District Magistrate(South), Delhi by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 10, 2023

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