

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No. 737/2022

Amit Aggarwal.

...Applicant

Versus

Delhi Development Authority

...Respondent

Date of hearing: 29.09.2022

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

Applicant: Ms. Garima Kumar, Advocate.

**Application under Section 18 (1) read with sections 14 and 15 of the
National Green Tribunal Act, 2010**

ORDER

1. The applicant has filed the present application under Section 18 (1) read with sections 14 and 15 of the National Green Tribunal Act, 2010 seeking following reliefs:-

- "A. Pass direction for the immediate stay on the unauthorized programme, commencing from 25.09.2022 to 05.10.2022 (11 Days) till the final decision of the Hon'ble Tribunal.*
- B. Pass the permanent injunction by the Hon'ble Tribunal in the matter.*
- C. Direct the Respondents Authorities to maintain the status quo of the aforesaid Green Area (SCRA) further.*
- D. Direct the Respondents to resolve the pending approval soon for the plantation of trees in the interest of better environment.*
- E. Direct the authorities to obey the law while initiating the process.*
- F. Seeking direction for the identification of those persons involved in removing and damaging the trees and biodiversity of the South Central Ridge Area for the construction of pond for religious purposes, so that the estimate of total loss can be carried out and re-plantation of equal or more number of trees can be redeemed to the Ridge area as fine by of compensation for the destroyed trees and plants by them.*
- G. Seeking orders of the Hon'ble Tribunal for an independent enquiry to find gravity of damage caused to the biodiversity of the SCRA, Vasant Kunj, and also the culprits including officials who are also the repeated offenders who allowed cultural and religious activities despite knowledge*

of the court orders and also the religious bodies who erected the illegal structure and caused damage to ridge area including plantations.”

2. The applicant has averred in the application that un-authorized “Ramleela Manchan & Bhavya Mela” programme is going to commence from 25.09.2022 to 05.10.2022 (for 11 days) in the Smriti Van, having its water body popularly known as Machhli Park which is just sharing the common boundary wall of Sector-A, Pocket-B/C, Vasant Kunj, Delhi. This landscape spreading across 37 acres approx. with its water body is a beautiful habitat of rare flora and fauna, which ought to be preserved and maintained in its pristine glor but the same is instead left without maintenance and left with a very few trees in it. Some green area at the Smriti Van has been illegally dug up with the use of JCB and a water tank/pond has been constructed there on orders of Sh. Sanjay Arora, Adhyaksh (AAP), Mehrauli Ward and Sh. Ajit Sinha, General Secretary, Chhatt Pooja Samiti, Mehrauli, New Delhi during the GRAP (Graded Response Action Plan, a step taken by the GNCTD for the reduction of Air Pollution) period from 1/11/2018 to 10/11/2018 without approval of the Delhi Development Authority, as stated in the application sent by Mr. Shyam Bijay, Asstt. Director (Horticulture Division-IV), D.D.A, to the Assistant Commissioner of Police, Sector-C, Vasant Kunj, Delhi , for performing religious- ceremonies, festivals and other customaries like Chhatt Pooja. The same has been thereafter left as a stinking cesspool requiring removal. Representations were made to the hon’ble Lieutenant Governor, GNCT of Delhi and other appropriate authorities on 27/01/2018, 30/01/2018, 29/10/2018, 10/12/2018, 19/12/2018, 09/01/2019 about Smriti Van having been made illegal hotspot for religious-ceremonies, cultural and political programmes thereby allowing access to notorious, anti-social elements, causing nuisances day and night, threatening the lives and privacy intrinsic to personal liberty of the

residents and welfare societies. The same amounts to complete non-compliance by the private and public authorities of the orders of the National Green Tribunal, the Hon'ble High Court of Delhi and the Supreme Court of India.

3. Notices, alongwith copies of the application and documents attached therewith, be issued to Respondents requiring them to file their response/ reply to the allegations made in the application within one month at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

4. List the matter for further consideration on 02.11.2022.

5. The applicant is directed to take requisite steps for effecting service of notices on the respondents and file affidavit in this regard within fifteen days.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 29, 2022
AG