

Court No. 1

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

MA in Disposed of Case No. 104/2023
IN
Original Application No. 902/2023

Saurabh Sejwal Applicant

Versus

Govt. of NCT of Delhi

Date of hearing: 23.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Ms. Jyoti Mendiratta, Adv. for DM (South) & DCP (South) (Through VC)
Mr. Radhey Shyam Meena, SDM, Saket (Through VC)
Mr. Ankit Chouhan, DCP (South)

ORDER

1. In the Original Application No. 902/2022, grievance was raised in respect of illegal activity of dairy farming, discharge of cattle waste in unscientific manner in the area concern. The Tribunal by order dated 21.02.2023 had constituted a joint Committee and had directed the joint Committee to take appropriate steps and get the land cleared, fence it and ensure afforestation measures through the Forest Department at the site in question so that there may not be any further occasion of re-entry of encroachers and restarting of alleged illegal activity. The direction of the Tribunal in this regard was as under:

“xxxxxx.....xxx

3. The complainant has also said that many times the Authorities have demolished the constructions raised by the encroachers but they have again constructed the same. In our view, the joint Committee may take appropriate steps and after getting the land cleared, fence it and ensure afforestation measures through Forest Department at the site in question so that there may not be any further occasion of re-entry of encroachers and restart of the alleged illegal activities. DDA need to ensure that vacant lands like present one are timely used for afforestation etc. so as to discouraging

encroachments. If such vacant lands are originally meant for green belt, then they may be maintained and restored.”

2. The OA was accordingly disposed of by directing the Committee to submit the action taken report before the Registrar General of the Tribunal with further direction to list the matter before the Bench, if found necessary.

3. On receipt of the joint inspection report dated 27.07.2023, the present MA was registered. Garbage dumping was noted by the joint Committee in the report.

4. In the proceedings dated 09.11.2023 in this MA, it was found that the report filed by the Deputy Commissioner of Police, South Delhi was cryptic and considering the circumstances, the personal appearance through virtual mode was directed.

5. The Deputy Commissioner of Police, South Delhi is present by virtual mode and has submitted that the action is taken by him as and when the instructions/requests are received by the concerned authorities. The SDM, Saket is also present who has referred to the report dated 27.07.2023 filed before the Tribunal which reflects as under:

- “1. SDM (Saket) and official of DPCC visited the site on 27.07.2023.*
- 2. Complainant Sh. Saurabh Sejwal was also contacted at his Resident F-214 Lado Sarai New Delhi-110030. He was present during the site visit.*
- 3. During the visit it was observed that there was a park on DDA Land, Information boards of DDA were also found wherein it was mentioned that encroachment and garbage dumping is illegal on DDA Land.*
- 4. It was also observed in the joint visit that some people have occupied DDA Land and built their temporary Houses (Jhuggis). Some cows and buffaloes were also observed.*

5. *Garbage dumping and parking of vehicles were also observed on the DDA land during the visit.*
6. *The back portion of the house of complainant Sh. Saurabh Sejwal opens in to the DDA land/ Park. Boundary wall of the park was also found broken on the back side of complainant House No. F-214 Lado Sarai New Delhi-30.”*

6. As per the said report, the garbage dumping is on the Delhi Development Authority (DDA) land. The SDM, Saket has submitted that the DDA is required to take action for clearing the garbage dumping and to ensure that no dairy activity or keeping of buffaloes and cows is done on that land.

7. Hence, we dispose of the MA by directing the SDM, Saket and DDA to jointly take action to ensure compliance of the order of the Tribunal dated 21.02.2023 passed in OA No. 902/2022.

8. Let the fresh action taken report be submitted by the SDM, Saket and DDA within three months before the Registrar General of the Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the matter will be listed before the Bench for consideration.

9. MA is accordingly disposed of.

10. A copy of this order be forwarded to DDA by e-mail for compliance.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

January 23, 2024
MA in Disposed of Case No. 104/2023
In Original Application No. 902/2023
DV.