

Item No. 03

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 09/2023
(I.A. No. 881/2023)

IN THE MATTER OF:

1. Mr. Bharat Sehrawat,

H. No. 4052/C-4, Vasant Kunj,
New Delhi-110070.

Phone: 9910058633.

Email: bharatsehrawat@gmail.com.

...Applicant

Versus

1. Dr. Umesh Verma,

H. No. 4050, Sector-C, Pocket 4,
Vasant Kunj, New Delhi-110070.

2. Ms. Sudha Verma,

H. No. 4050, Sector-C, Pocket 4,
Vasant Kunj, New Delhi-110070.

3. Vice Chairman, Delhi Development Authority,

4, Mahatma Gandhi Road, IP Estate,
New Delhi, Delhi 110002.

Email Address: vcdda@dda.org.in.

4. Commissioner,

Municipal Corporation of Delhi,
Dr. S.P.M. Civic Centre, Minto Road, SKD,
Basti, Press Enclave, Ajmeri Gate,
New Delhi-110002.

Email: -commissioner@mcd.nic.in.

...Respondents

For the Applicant:

Applicant in person.

For the Respondents:

None for respondent no. 1.

Mr. Muddassir Daiyyan, Advocate for respondent no. 2.

Ms. Kritika Gupta, Advocate for respondent no. 3 (through VC).

Ms. Puja Kalra, Advocate for respondent no. 4.

PRESENT:

HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER

HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Judgment Reserved on:- 13.02.2024

Judgment pronounced on :- 05.07.2024

Application under the provisions of the National Green Tribunal Act, 2010.

Judgment

PRONOUNCED BY: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JM

1. The applicant-Mr. Bharat Sehrawat resident of Flat No. 4052, Sector C, Pocket 4, Vasant Kunj, New Delhi, filed the present application under the provisions of the National Green Tribunal Act, 2010 seeking directions for removal of encroachment from and restoration of green planter area in front of DDA SFS Category -III Flats in Sector-C, Pocket 4, Vasant Kunj, New Delhi.

2. Briefly stated the applicant has submitted in the application that in the original layout DDA has made the provision of green area-planter in front of the above said flats. Dr. Umesh Verma, the owner of Flat No. 4050, Sector-C, Pocket 4, Vasant Kunj, New Delhi has encroached upon and removed platform of the green planter area, laid pucca concrete flooring and enclosed the same in his flat by building a concrete boundary wall around it in complete disregard of the Rules. The applicant and his family have been illegally deprived of the environmental services of green planter area and their privacy and personal safety has also been threatened by providing easy access for climbing to the balcony of the flat of the applicant.

3. The relevant part of the application enumerating grievances of the applicant reads as under:

“Sub: Complaint against removal of tree/plants and encroachment of mandatory Green area designated in the layout of DDA Built-up SFS Flats, Category-III

X X X X

On 27th October 2022, I purchased a DDA Built-up SFS Flat No. 4052, Category-III, in Sector C, Pocket-4, Vasant Kunj, New Delhi-110070.

After noticing certain ground floor flats in our locality, I came to know that the original DDA layout had the provision for Green area - 'Planter' for all the flats.

A picture of Green areas - Planters in front of three ground floor houses in my neighbourhood are attached as Annexure-I of my application, for kind reference.

I hereby register my complaint against the removal of tree/plants and encroachment of one such Green area - 'Planter' by Dr. Umesh Verma, the owner of Flat No. 4050, Sector-C, Pocket-4, Vasant Kunj, New Delhi-110070. Dr. Umesh Verma is the owner of the ground floor flat under my first floor flat.

A picture of the same is attached as Annexure-II of my application, for kind reference.

As the owner of the first floor flat, my family and I are entitled to the right to the environment through the tree/plants raised on the DDA designated 'Green area'- Planter, in front of the balcony of my house.

The platform of 'Planter' area has been removed and Pucca Concrete flooring has been done by Dr. Umesh Verma, while encroaching the public land designated as 'Green Area' and enclosing the same in his house by building a concrete boundary wall around it.

In complete disregard of rules, Dr. Umesh Verma has brazenly removed the tree/plants, removed the platform, concretised the mandated green area and encroached upon the Government land. By doing this he has deprived me & my family of the right to life and environmental services.

Additionally, it poses a serious threat to my privacy and personal safety as the boundary wall on the encroached area provides easy access to any antisocial element to climb onto the balcony.

I request and plead Hon'ble NGT for the restitution of the environment by taking cognizance of the violation of the DDA designated 'Green area' in front of my house and provide me relief at the earliest possible.

The violators are highly educated and aware citizens. However, out of greed, total disrespect towards the environment and utter fearlessness of the laws of the land, they have deliberately chosen to cut the trees/plants and have extended their house by encroaching the DDA designated 'Green area'.

I would like to bring to your notice Dr. Umesh Verma is a senior Physician, very well aware of the value of clean air. While he

brazenly destroyed the Green area in India, he has chosen abroad as a place of living for himself and his family.

I am a law-abiding citizen of India, I have full faith in the Hon'ble NGT and hope that cognizance of my complaint will be a trendsetter in respect for the environment and refrain the educated elite from damaging the environment brazenly without fear of environment laws.

I request the Hon'ble NGT for directions to the concerned authorities to register a criminal case against Dr. Umesh Verma under EP Act and relevant sections of IPC.

A complaint against the encroachment by Dr. Umesh Verma has also been filed in MCD seeking necessary action."

4. Even though, the applicant had merely impleaded Dr. Umesh Verma in the application as the sole respondent but at the time of hearing, the applicant stated that subsequently he had come to know that Ms. Sudha Verma is the owner of the flat who was required to be impleaded as respondent. Further, in view of the nature of relief sought presence of DDA was also considered to be necessary for just and proper adjudication of the questions involved. Accordingly, vide order dated 17.01.2023 Ms. Sudha Verma and Delhi Development Authority (DDA) through its Vice Chairman were impleaded as respondents no. 2 and 3 and notices were ordered to be issued to the respondents.

5. In the course of hearing, presence of the Commissioner, Municipal Corporation of Delhi (MCD) was also considered to be necessary and the Commissioner, Municipal Corporation of Delhi (MCD) was also impleaded as respondent no. 4 vide order dated 29.09.2023.

6. Pursuant to notice counter affidavit has been filed by respondent no.2 vide email dated 17.02.2023. The relevant part of the counter affidavit reads as under:

"COUNTER AFFIDAVIT/ REPLY ON BEHALF OF RESPONDENT NO.2

X

X

X

X

X

2. That the respondent no. 1 shall be arrayed from the complaint as he has nothing to do from the present complaint and the respondent no. 1 never reside in the suit property and presently residing at USA for past 10-12 years and is suffering from heart disease and other various ailments and he has gone through many surgeries therefore he can not travel to India and being falsely implicated in the present complaint just to harass the respondent no. 2 and her sister, who are residing alone in the suit property.

3. That I am residing at the above mentioned address alongwith my younger sister aged about 78 years, the DDA allocated the flat to the respondent no. 2 in the year 1992 to Ms. Sudha Varma and respondent no. 2 shifted the to above mentioned flat in the year 2000 after the gap of eight years and since then the deponent and her sister is residing in the suit property and being senior citizen and physically disabled and walk through walker and also suffering from many ailments, the applicant filed the false and frivolous complaint before this Hon'ble Tribunal just to harass the old aged deponent and her sister.

4. That the deponent had filed the complaint against the applicant before MCD for unauthorized construction in DDA Flat No. C-4/4052, Sector-C, Pocket-4, Vasant Kunj, New Delhi-110070. The applicant was carrying out the unauthorized construction of one floor above the first floor, which is not permissible /allowed in the area due to the proximity to IGI Airport comes under Air Funnel through which Aircrafts land and take off, hence to prevent air mishaps, there is restriction of height by the DDA. The applicant/owner ignored the risk of air mishaps and carried out unauthorized construction of another floor above her first floor. It is submitted that the respondent no. 2 also filed the complaint against the applicant for carrying out the unauthorized construction to the Vice Chairman, Delhi Development Authority, Lieutenant Governor but no action has been taken till date then the applicant filed the false and frivolous complaint against the respondent no. 1 & 2, which is the counter blast of the complaint given by the deponent. The photocopy of the complaint alongwith receipts and a photograph of illegal and unauthorized construction are annexed herewith for the kind perusal of this tribunal and the same is annexed as **ANNEXURE-A (COLLY)**.

5. That the applicant's wife is serving as Deputy Commissioner MCD at Narela Zone, Delhi and she is misusing her position/power and pressurizing officials not to take any action on the complaint filed by the respondent no.2 against the unauthorized construction and encroachment at MCD on DDA space, and filed false, concocted and frivolous complaint before the Hon'ble Tribunal and suppressed the material facts from this Hon'ble Tribunal by filing the same against the respondent no. 1 & 2. The applicant wants to grab the roof of the respondent no. 1 & 2 by constructing another floor and putting the lives of respondent no. 1 & 2 in danger by constructing another floor on the first floor of the flat No. C-4/4052 as the said flats are double story flats and the foundation of the flats is very old and cannot carry the weight for two stories on it. But the applicant by

constructing another floor over the first floor put an additional weight by constructing the second floor and the foundation of the flat is according to the DDA layout plan is not in position to bare the weight of second floor and after constructing the second floor the foundation may collapse at any time due to this additional weight-age. The applicant misleads this Hon'ble Tribunal by not bringing the actual facts.

6. That the DDA allocated the said flat bearing no. 4050, Sector-C, Pocket-4, Vasant Kunj, New Delhi-110070 to the respondent no. 2 in the year 1992 and the respondent no. 2 shifted after the gap of eight years and in mean time the respondent no. 2 have no idea about any planter was there at the time the respondent no. 2 shifted and the flat is in the same condition which was allocated at that time.

7. That the applicant registered the false and concocted complaint for removal of tree/plants and encroachment of green area-Planter against the respondent no. 1 & 2. It is submitted that the respondent no. 1 never reside in the suit property and residing at USA for more than 12 years. The respondent no. 1 has wrongly impleaded in the complaint, who has nothing to do with the same.

8. That the respondent no. 2 never remove the planter from the said flat and is in the original condition when allocated to the respondent no. 2 in the year 1992 and the said flat lied vacant for more than 8 years. The respondent no. 2 never extended or constructed the boundary wall, the respondent no. 2 only fixed the grill on the boundary wall for security reason as the respondent no. 2 and her sister, who are senior citizens and are residing alone in the flat, the passer-by used to peep through the windows and sometimes used to drop the dirty things like cigarette butts from the window as the window does not close properly due to made of iron rods. The security has been increased due to grill installed/ fixed upon the boundary walls by the respondent no. 2 as no passer-by can easily jump up in the balcony and entered into the flat. The security of the applicant has also been increased by installing/ fixing the grill upon the boundary wall.

9. That the applicant is not having locus standi to file the present complaint and mislead the Hon'ble Tribunal by filing the false, concocted and frivolous story. The only problem started alongwith the wife of the applicant who is serving as Deputy Commissioner and purchase the flat bearing no. C-4/4052, Sector-C, Pocket-4, Vasant Kunj, New Delhi-110070 in December 2022 and they started constructing additional second floor on the common roof area of both the flats bearing no. C-4/4050, Ground Floor, Sector-C, Pocket-4, Vasant Kunj, New Delhi-110070 and C-4/4052, First Floor, Sector-C, Pocket-4, Vasant Kunj, New Delhi-110070 and as per DDA rules no construction is allowed after first floor since the respondent no. 2 objected the unauthorized construction and informed them that the structure cannot bear the additional burden/ weight

upon the foundation of the said flat is not in good shape and cannot bare burden from that day they started harassing the respondent no. 2 and hence filed false, baseless complaint before this Hon'ble Tribunal. It is the applicant, who himself without taking permission from the concerned authorities constructing the second floor and wants to grab the portion of the roof, which is of the respondent no. 2, the applicant could not take the advantage of his own wrongs and filed the present complaint, which is liable to be dismissed with heavy cost.

*10. That the deponent and respondent no. 1 are environmental friendly and taking care of their flat and also planted the tree in front of their flat, the photo of the same is annexed herewith as **ANNEXURE-B**, the flat is in same conditions since it is allocated to the deponent and they have never changed the layout plan and residing peacefully, it is the applicant who purchased the property in December 2022 bearing no. C-4/4052, Sector-C, Pocket-4, Vasant Kunj, New Delhi-110070 and started unauthorized construction on the first floor as the deponent reported against the encroachment, grabbing and unauthorized construction to Vice - Chairman, DDA and Commissioner MCD. The copies of complaints are already annexed as annexure-A thereafter applicant made this false, frivolous and concocted complaint to the National Green Tribunal and tried to misuse the Hon'ble Tribunal.*

11. That the allegation made in the complaint of serious threat to the privacy and personal safety of the applicant is false and frivolous. The deponent only fixed the grill over the wall for the safety of the flat and had not encroached any area, the allegation of easy access to any anti-social element to climb on to the balcony is false and frivolous and concocted on the part of the applicant, hence the complaint is liable to be dismissed.

12. That the then some other persons purchase the suit property i.e. C-4/4052, Sector-C, Pocket-4, Vasant Kunj, New Delhi-110070 had done the illegal and unauthorized construction and after the complaint were made the same got demolished at the instance of Municipal Corporation of Delhi and at that time the respondent no. 2 is not aware whether that person had demolished the planters or encroach the area.

13. That the deponent had planted plants in front of his flat, the photos of the same is already annexed as Annexure-B.

14. That in response to the averment in the complaint regarding the restitution of the environmental cognizance of violation of the DDA designated 'Green Area' in front of the flat of the applicant is liable to be dismissed as the applicant has levelled false allegations against the deponent and respondent no. 1. However, the other issues raised in the prayer are at the

discretion of the Hon'ble Tribunal and merits no response from the Answering Respondent.

That in view of the facts indicated in earlier paras it is respectfully prayed that necessary directions be passed against the applicant and dismiss the complaint as the applicant filed the present complaint on false ground and have not appeared before this Hon'ble Tribunal with clean hands."

7. After filing of counter affidavit by respondent no. 2 additional submissions were filed by the applicant vide email dated 18.05.2023.

The relevant part of the additional submissions is reproduced below:

"Subject- Additional submissions in r/o OA No. 9/2023 NDOH- 22/05/2023.

- | | | | |
|----------|----------|----------|----------|
| X | X | X | X |
|----------|----------|----------|----------|
1. This is in pursuance to the OA/9/2023 filed by the undersigned as petitioner.
 2. On the last date of hearing i.e. 17/02/2023, the Hon'ble Court had directed the registry to also implead Ms. Sudha Varma and DDA as respondents.
 3. The next date of hearing in the matter is scheduled for 22/05/2023.
 4. In this regard, the petitioner seeks to submit that the owner / respondents (Dr. Umesh Varma & Ms. Sudha Varma) have **also removed one more additional platform for the planter area in the backside of their SFS flat No. 4050**, Category III, DDA flats in Sector-C, Pocket-4, Vasant Kunj, New Delhi.
 5. After removing the plant/tree and the platform of the planter area, they laid pucca concrete flooring by encroaching upon the mandatory green (public) area and enclosed the same in their house by building a boundary around in & covering the same with shed, in complete disregard of the rules.
 6. I kindly request you to take this additional fact on record as a part of my complaint filed vide OA No. 9/2023. Pictures of the structure existing in original form on the backside of other flats (4005 & 4042) in the same Sector-C, Pocket-4 are enclosed for kind perusal & records in Annexure-1.
 7. The illegality committed by Owner/respondent of Flat no. 4050 is evidenced from the photograph of the area enclosed herewith as Annexure-II.
 8. It is also requested to enable the undersigned attend the proceedings of the matter in OA No. 9/2023 via online mode.
 9. I shall be highly obliged for favorable consideration of my aforesaid requests-
 - I. To include the charge of removal of tree/plant, platforms for planter area both in the front side and **also on the backside** of the flat no. 4050, as well, encroachment thereof & concretization of mandated green (public) area.
 - II. I request the Hon'ble NGT for directions to the concerned authorities to register a criminal case against Dr. Umesh Verma/Owner under EP Act and relevant sections of IPC.

III. To enable the petitioner, attend the Hon'ble NGT proceedings via online mode."

8. Response dated 26.10.2023 has been filed by respondent no.3- DDA vide email dated 26.10.2023. The relevant part of the response reads as under:

"It is to inform you that the area in question i.e. Sector C, Pocket 4, Vasant Kunj New Delhi is a denotified area since 1996 (Copy of Notification attached) and services of the said area are being looked after by MCD. Hence, no action is required from the office of SPD-I/DDA."

9. I.A. No. 881/2023 has been filed by the applicant vide email dated 17.12.2023 seeking permission to withdraw the original application. The relevant part of the application is reproduced below:-

"Subject: Request / Permission for withdrawal of Application (OA No. 09 / 2023)

X	X	X	X
---	---	---	---

1. I, Bharat Sehrawat resident of Flat No. 4052, Sector C, Pocket 4, Vasant Kunj, New Delhi, had filed the application complaining about encroachment of green area by the owner of ground floor Flat No. 4050, Dr. Umesh Verma.

2. Further, it is to reiterate that mention of the complaint against the encroachment by the owner of Flat No. 4050, having been made before Municipal Corporation of Delhi (MCD), by the applicant, was cited before the Hon'ble Court in Original Application filed dated 31st December 2022.

3. MCD has conducted an encroachment removal drive in Vasant Kunj on 5th December, 2023 and also removed the encroachment done by Flat No. 4050, Sector C, Pocket 4, Vasant Kunj, New Delhi, among others.

4. The prayers of the applicant before this Hon'ble court are accordingly largely addressed and the cause of grievance no longer remains.

5. Since the cause of action is already addressed and the application has become infructuous, it is humbly requested to permit the applicant to withdraw this case.

It is respectfully prayed before Hon'ble NGT, to permit applicant to withdraw this case, with the liberty to file again, if the owner of Flat no. 4050, Sector C, Vasant Kunj, New Delhi or any of his representatives try to encroach designated green area again."

10. In compliance of order dated 19.12.2023 status report has been filed by respondent no.4 vide email dated 31.01.2024. The relevant part of the report reads as under:

“Status Report by way of affidavit on behalf of the Respondent No. 4 / Municipal Corporation of Delhi.

X X X X

2. That a Complaint of encroachment over public land by the owner/occupier of Flat No. 4050, Sector C-4, Vasant Kunj, New Delhi dated 28.12.2022 was received by EE (Maintenance), South Zone,MCD from Applicant/Sh.Bharat Sehrawat.

3. That the Complainant has mentioned that encroachment of common road/path way and sideway also encloses space designated for plant tree, after occupying the same and building a pacca floor. The complainant also mentioned that his privacy & personal security was highly compromised by the pacca boundary walls built by the owner/occupier under his balcony. (Copy enclosed) Accordingly, a notice dated 03.01.2023 issued to the owner/occupier of Flat No. 4050, Sector C-4, Vasant Kunj, New Delhi seeking their response to the complaint.

4. That Written response from S.Varma was received on 09.01.2023, wherein addition/extension of the premises of Flat No. 4050, Sector C-4, Vasant Kunj, New Delhi was denied and it was claimed to be in original shape. The submissions of the owner/occupier of Flat No. 4050, Sector C-4, Vasant Kunj regarding non-encroachment found to be false, on ground visit by concerned JE and accordingly reported.

5. That another notice was accordingly issued on 06.02.2023 to the owner/occupier of Flat No, 4050, Sector C-4, Vasant Kunj, New Delhi which mentioned that as per the report of area JE, they have encroached the govt. land/green area/planter area after removal of plants and demolition of the platform meant for planter. The same had been paved with concrete and encroached by constructing a boundary wall around it. Further, they had also encroached govt. land by way of putting fibre sheets, iron fencing. The detail of encroachment was shown in map which was enclosed with the notice served to owner/occupier of Flat No, 4050, Sector C-4, Vasant Kunj, New Delhi. They were requested to remove the encroachment from govt. land within 07 days of the receipt of the notice or submit reply within 07 days why the encroachment should not be removed, failing which the same will be removed by MCD on their risk and cost without giving any further notice. Copy of the notice dated 06.02.2023 is annexed herewith as **ANNEXURE-A**.

6. That a joint operation in large scale was undertaken by Maintenance & Building departments of MCD (South Zone) was undertaken in Sector C-4, Vasant Kunj on 05.12.2023 wherein the encroachment referred in OA no. 09/2023 was

*removed in addition to the action taken on 08 other flats in pursuance to complaints of encroachment /illegal construction received against them. At present there is no encroachment in form of pacca structure. Photographs of encroachment removal action are annexed herewith as **ANNEXURE-B.***

11. We have heard the applicant, learned Counsel for the respondents and gone through the material on record carefully.

12. The applicant has sought withdrawal of his application on the ground that encroachment removal drive was carried out by the MCD and in view thereof his grievance has been largely addressed and cause of grievance no longer remains and the application has become infructuous.

13. It may be observed here that in the application the applicant had alleged encroachment of green planter area provided by DDA in the original lay out of SFS Category –III flats and sought restoration thereof. As per status report filed in the case MCD has carried out drive for removal of encroachments but the green planter area has not been restored by carrying out the plantation.

14. In **O.A. No. 911/2022 titled as Prof. Dr. Sanjeev Bagai & Ors. Vs. Department of Environment, GNCTD & Ors** this Tribunal held vide order dated 05.12.2023 that the applicant raising substantial question relating to environment in public interest cannot be allowed to withdraw the application although the applicant may be allowed to withdraw from the same. This view was also reiterated by this Tribunal vide order dated 12.02.2024 in **O.A. No. 134/2022 titled as Tejasvi Chandra Vs. Madhu Kamboj & Ors. and O.A. No. 267/2022 titled as Tejasvi Chandra Vs. State of Uttarakhand & Ors.** For reasons of brevity the detailed reasons

for the view taken are not reproduced and may be read as part of this order.

15. Suffices it to mention that this Tribunal observed in the above referred cases that consistent with its statutory obligations under the National Green Tribunal Act, 2010, this Tribunal has to respond to the duly verified factual position in cases raising substantial questions relating to environment with requisite remedial/ameliorative measures for protection of environment and this Tribunal cannot take refuge under any technical dispensation by dismissal of original application as withdrawn.

16. In view of the nature of relief sought and environmental questions involving public interest raised, the applicant cannot be allowed to withdraw the original application and the original application cannot be dismissed as withdrawn and this Tribunal has to look into substantial question relating to environment raised and take requisite remedial/ameliorative measures for protection of environment.

17. Consequently, I.A. No. 881/2023 filed by the applicant for permission to withdraw the original application is dismissed.

18. In the application, the applicant has claimed that in the original lay out of SFS Category -III flats, provision has been made by DDA for green planter area in front and back thereof. No doubt, in the present case the applicant has not produced copy of original lay out of DDA SFS Category-III flats in support of his claim but in their replies/responses respondent no. 2-Ms. Sudha Verma, respondent no. 3-DDA and respondent no. 4-MCD have not specifically denied the said assertion. In her counter affidavit respondent no.2 has not pleaded that the original

lay out of SFS Category –III flats did not make provision of green planter area in front and back thereof. On the other hand respondent no. 2 denied encroachment on green planter area and claimed the same to be in original shape. Respondent No.3-DDA did not reply to the averment of the original lay out of SFS Category –III flats making provision of green planter area in front and back thereof and merely pleaded that services of the said area are being looked after by MCD. Respondent no.4-MCD has relied on report of concerned JE regarding encroachment and removed the encroachment. We express our displeasure regarding failure of respondent no.3-DDA and respondent no.4 MCD to produce original lay out and relevant record and also to render requisite assistance to this Tribunal. However, non-production of the relevant record is inconsequential in view of settled proposition of law that absence of specific denial amounts to admission and this Tribunal can validly proceed on the basis of implied admission that the original lay out of SFS Category –III flats makes provision of green planter area in front and back thereof.

19. The applicant has claimed encroachment over the green planter area by respondents no. 1 and 2 which claim is supported by photographs attached with the application. In her counter affidavit, respondent no. 2-Ms. Sudha Verma has denied encroachment on green planter area and claimed the same to be in original shape but this denial is also falsified by the status report submitted by concerned JE of the MCD that respondents no. 1 and 2 had encroached upon the Government land/green area/planter area after removal of plants and demolition of the platform meant for the planter.

20. As per status report filed by respondent no.4-MCD, Joint Operation in large scale was undertaken by Maintenance & Building Departments of

MCD (South Zone) in Sector C-4, Vasant Kunj on 05.12.2023 and the encroachment referred in the present application was removed and action was also taken against 08 other flat owners in pursuance to complaints of encroachment /illegal construction received against them.

21. However, in the status report respondent no. 4-MCD has not mentioned about taking of remedial measures for restoration of green planter area by carrying out plantation of suitable species of plants, trees etc. which warrants issuance of appropriate directions by this Tribunal in this regard.

22. It may also be observed here that there is no mention in the status report as to what action was taken on complaint made by respondent no. 2-Ms. Sudha Verma regarding unauthorized construction of floor by the applicant on the roof of her flat. Respondent no. 4-MCD ought to have looked into the complaint and ought to have taken appropriate action on the same and intimated respondent no. 2 about the same. However, the matter of removal of encroachment/demolition of unauthorized construction, not involving any question relating to environment arising out of implementation of the Acts mentioned in Schedule 1 of the National Green Tribunal Act, 2010, does not lie within the jurisdiction of this Tribunal and the respondent No.2 shall be at liberty to avail appropriate remedies in this regard in accordance with law.

23. In view of these facts and circumstances of the case, the application is disposed of with direction to respondent no. 4-MCD to take requisite remedial action for restoration of green planter area by carrying out plantation of suitable species of plant/trees within two months/during the monsoon season.

24. Compliance report in this regard be filed by respondent no. 4-MCD within three months 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, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before the Bench for further directions.

25. A copy of this order be sent to the Commissioner, Municipal Corporation of Delhi by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

July 05th, 2024
AG