

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2017
DIARY NO. 20867 OF 2017

SOMESHWAR NATH PANDEY & ORS. ... Appellants

VERSUS

STATE OF NCT OF DELHI & ORS. ... Respondents

O R D E R

Permission to file the appeal is granted.

Delay condoned.

Learned counsel appearing for the appellants submits that by the impugned order, the National Green Tribunal (hereinafter referred to as 'NGT') has acted on the basis as if the area in question is a forest area in view of the fact that there is no final notification under Section 20 of the Indian Forest Act, 1927, declaring the area in question as forest area. It is also submitted that this could not be brought to the notice of the NGT as the appellants are not impleaded as parties to the proceedings and the order is passed behind their back. It is pointed out that though the appellants have now approached the NGT, however, since the matter is at the execution stage, application of the appellants has not been taken cognizance of. Learned counsel for the appellants further submits that in other proceedings in Original Application No. 58 of 2013 titled as '*Amicus Curiae-Three Illegal Roads cut through forest v. Government of NCT of Delhi & Ors.*', this aspect is being

considered by the NGT, Principal Bench at New Delhi, and various directions are passed whereby the concerned authorities are directed to determine the rights, etc., of the persons who are occupying such places. In support of this submission, copy of one such order dated 15.05.2013 has been produced and it is submitted that the exercise directed under the said order is yet to be completed by the concerned officers.

Under these circumstances, we are of the opinion that it would be more appropriate for the NGT to look into the aforesaid grievance of the appellants in the first instance. We, thus, dispose of this appeal with direction to the NGT to entertain the application of the appellants on merits. We, however, make it clear that this Court has not made any observations on the merits of the case. It is for the NGT to consider the aforesaid or any other contention available to the appellants on merits.

The NGT may also take up the application for stay for consideration on urgent basis and pass appropriate orders.

....., J.
[A.K. SIKRI]

New Delhi;
November 10, 2017.

....., J.
[ASHOK BHUSHAN]

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No. 20867/2017

(Arising out of impugned final judgment and order dated 11-12-2015 in OA No. 13/2015 and dated 20-04-2017 in EA No. 05/2017 passed by the National Green Tribunal, Principal Bench, New Delhi)

SOMESHWAR NATH PANDEY & ORS.

Petitioner(s)

VERSUS

STATE OF NCT OF DELHI & ORS.

Respondent(s)

(With IA No.111830/2017-CONDONATION OF DELAY IN FILING, IA No.111839/2017-STAY APPLICATION, IA No.111840/2017-EXEMPTION FROM FILING O.T., IA No.111826/2017-PERMISSION TO FILE APPEAL and IA No.111831/2017-CONDONATION OF DELAY IN REFILING)

Date : 10-11-2017 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Pankaj Kumar, Adv.

Mr. Chandra Shekhar Mishra, Adv.

Mr. Munawwar Naseem, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Permission to file the appeal is granted.

Delay condoned.

The appeal is disposed of in terms of the signed
order.

(NIDHI AHUJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

[Signed order is placed on the file.]