

Item No. 3 to 6

Court No.2

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

Original Application No. 58/2013
(M.A. No. 898/2013, M.A. No. 922/2017, M.A. No. 329/2018,
I.A. No. 387/2019 & I.A No. 388/2019)

With

Original Application No. 116/2015
(M.A. No. 327/2015 & M.A. No. 589/2015)

With

Original Application No. 144/2015

With

M.A. No. 258/2015 IN
Original Application No. 10/2014

Sonya Ghosh

Appellant (s)

Versus

Govt. of NCT of Delhi & Ors

Respondent(s)

With

Prof. Imtiaz Ahmed & Ors

Appellant (s)

Versus

State of NCT of Delhi & Ors

Respondent(s)

With

Sh. Jaipal Singh

Appellant (s)

Versus

Lt. Governor, Delhi & Ors
Respondent(s)

With

Pavit Singh

Appellant (s)

Versus

The State of NCT of Delhi & Ors

Respondent(s)

Date of hearing: 26.06.2019

CORAM:

HON'BLE MR. JUSTICE R. S. RATHORE, JUDICIAL MEMBER

HON'BLE DR. S. S. GARBYAL, EXPERT MEMBER

For Applicant :Mr. Agney Sail, Adv for Saya Ghosh.
Mr. Rahul Choudhary, Adv and Mr. SanyAntony, Adv.
Ms. Vandana Sehgal, AOR
Ms. Gunjan Ahuja.

For Respondent: Mr. Sanjay Dewan, Adv and Mr.
Nishima Arora, Adv for R- 1 & 2

NBCC: Mr. B S Arora, Adv and Mr. Mohit Arora, Adv

DDA: Mr. Rajiv Bansal, Sr. Adv and Mr. Kush Sharma, Adv

GNCT, Delhi: Mr. Ajay Jain, Adv on behalf of Samirdhi.
Ms. Tanvi Garg, DM, New Delhi
Ms. Harleen Kaur, DM, South East
Dr. B.M. Mishra, DM, South
Mr, Saurabh Sharma, DCF, South

ORDER

1. This matter relates to demarcation, fencing and removal of encroachment of South Ridge in Delhi. Earlier repeated orders had been passed for completing the work of demarcation and to fence the entire area so as to prevent further encroachment. The learned counsel for the applicant had been submitting that encroachments are still going on. Therefore, on the last occasion, the Tribunal had passed an interim order against further encroachments.
2. Vide our earlier order dated 22.05.2019, we had directed the concerned District Magistrates, Tehsildars and Patwaris to appear in person to explain our queries which were noted by the counsel for the respondent.

3. Broadly speaking, in this matter there are three steps to be taken, one after the other, namely; complete demarcation of the area in question, fencing of the entire area and removal of encroachments which are in existence therein. After hearing the officers, we find that the complete update in respect of all the three aforesaid items are not available. Therefore, we direct the District Magistrate South, District Magistrate South East and District Magistrate New Delhi to file a personal affidavit mentioning therein the total areas to be demarcated and the area remaining, if any, which is yet to be demarcated and also the encroachments identified, removed and yet to be removed. It is made clear that the information with regard to the demarcation and the one which is yet to be demarcated and also removal of encroachments should be precise and in accordance to the revenue record which shall be taken as complete and final information from the department. Similarly, the officer of the Forest Department i.e Deputy Conservator of Forest, South Division, under whom Districts of South as well as South East falls, is also directed to file a personal affidavit to the effect that as to how much area has been fenced and the one which remains to be fenced by the department.

4. The District Magistrate, North is not present despite earlier order of the Tribunal dated 22.05.2019. Likewise, the concerned officer of the Forest Department of District New Delhi has failed to appear before the Tribunal today.

Therefore, we direct that bailable warrants be issued to the District Magistrate, North and Deputy Conservator of Forest, New Delhi for their production before the Tribunal on the next date of hearing, in the sum of Rs. 25,000/- to the satisfaction of the arresting Officer, in exercise of our powers and in terms of the provision of Section 19 (4) (a) of the National Green Tribunal Act, 2010 read with Order XVI Rule 10(3) and Section 151 of Code of Civil Procedure, 1908. The bailable warrants shall be executed through concerned SHO.

5. It is made clear that the aforesaid affidavit should be filed well in advance, with a copy to the counsel for the other side.

List this matter on 17.07.2019.

R.S. Rathore , JM

Dr. S.S. Garbyal, EM

June 26, 2019
Original Application No. 58/2013 and connected matters
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