

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

**Execution Application No. 05/2017  
IN  
Original Application No. 13/2015**

**Dr. Amarjit Singh Nalwa & Ors.**

**Vs.**

**The State of NCT of Delhi & Ors.**

**CORAM: HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present: Applicant /Appellant : Mr. Utkarsh Jain Adv., Mr Rahul Choudhary,  
Adv.  
Respondent Nos. 1 to 6 & 7 :., Mr. Tarunvir Singh Khehar amd Ms. Guneet  
Khehar, Mr. Charna Jeet Singh, Advs.**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<p><b>Item No.07</b> <b>April 20 2017</b> <b>Jg</b></p>	<p>This execution proceeding is complaining of non-compliance of the directions contained in the order of the Tribunal dated 11-12-2015 which is at annexure R-6 at page 40 of the application. By that order, the O. A. No. 13/2015 was disposed of along with M.A. No. 32/2015, directing the respondent nos. 1 to 6 to take all such steps for removal of construction standing on the forest area indicated in the tabulised from in the order itself and to restore such area to its original condition in accordance with law.</p> <p>Respondent no. 6-Dy. Commissioner of Police, Hauz Khas was directed to provide necessary police protection and assistance for enforcement of the measures taken by other respondents for removal of non forest activity from the said forest area from time to time.</p> <p>The Respondent nos. 1 to 6 were directed to take necessary measures to stop illegal activities of construction, laying of concrete RCC roads, both felling and cutting of trees, mining, digging of borewells,</p>

<p><b>Item No.07</b> <b>April 20 2017</b> <b>jpg</b></p>	<p>disposal of MSW and burning of plastic inside the said forest area expeditiously. They were further directed to initiate measures for removal of encroachment, as was reported to this Tribunal by the inspection report dated 25-05-2015. They were granted three months time to remove all the encroachments and report the same.</p> <p>The applicant has alleged that none of the above directions are complied by the respondent no. 1 to 6.</p> <p>Being satisfied, on preliminary hearing that applicant had made out the case for issuance of cause notice to respondent nos. 1 to 6 by order 06-02-2017 we directed the respondent nos. 1 to 6 to file statement to show cause as to why the order under execution has not been complied.</p> <p>It is regrettably noted that despite the respondents being duly represented by their respective Learned Counsel, neither the reply nor any cause is shown for non compliance of the order in question.</p> <p>Mr. Tarunvir Singh Khehar, Learned Counsel appearing for respondent nos. 2, 3, 4, 6 and 7 submits, on instructions, that verification of correct khasra no. is necessary before the order could be enforced.</p> <p>None has appeared for respondent no. 5. Till now no statement is forthcoming from the respondents referred to above as to why till now the order is not complied and the submission made today that there is need for determination of the location of khasra no. we do not accept such submission. The order under execution itself has recorded that the identity of the area was considered in detail and based on the inspection</p>
--	---

<p><b>Item No.07</b></p> <p><b>April 20 2017</b></p> <p><b>   jg</b></p>	<p>report and the stand of the Forest Department and other Government Departments, finality has been given to this issue.</p> <p>Therefore, respondents referred as above have no choice but to ensure compliance of the order in respect of the property detailed in the order under execution.</p> <p>The respondents have not shown any cause, though Mr. Tarunvir Singh Khehar, wants one more opportunity. Therefore, We are of the opinion that no further indulgence be shown. Therefore, We would summon the Revenue Secretary who represent respondent no.1, DCC, the Deputy Commissioner, South District, M. B. Road, Saket who represents respondent no.3, Sub Divisional Magistrate, who represents respondent no.4, Deputy Commissioner, South MCD, who represents respondent no. 5, Deputy Commissioner of Police, South District, Saket who is respondent no. 6 and Sub Divisional Magistrate, Mehrauli, who is respondent no.7.</p> <p>Though Mr. Tarunvir Singh Khehar, Learned Counsel submits Respondent No. 2 is the officer concerned. We direct the officers referred above be present before the Tribunal and file a statement show cause for non compliance of the order.</p> <p>Copy of the order be given by dasti to the Learned Counsel.</p> <p>List the matter for further proceedings on 8<sup>th</sup> May, 2017.</p> <p>.....JM (Dr. Jawad Rahim)</p> <p>.....EM ( Dr. Nagin Nanda)</p>
--	---

--	--	--

