

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

Original Application No. 226/2014

Centre for Human Rights Vs. Chief Secretary, Govt. of NCT of Delhi & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

Present: **Applicant / Appellant** : **Appearance not marked**
 Respondent No. 1&2 : **Ms. Purnima Maheshwari, Adv.**
 Respondent No. 3 : **Mr. Kush Sharma, Adv.**
 Respondent No. 4 : **Mr. Balendu Sekhar, Adv. and Mr. Dinesh Jindal, Law Officer**

	Date and Remarks	Orders of the Tribunal
	Item No. 2 April 6th, 2015	<p>Heard. Perused.</p> <p>The applicant has put up his grievance regarding the illegal encroachments on the water bodies in Delhi, namely, Ponds of Village Ladpur; Ponds of Neb Sarai; Ponds of Village Sahipur; Ponds of Village Kanjhawala and Ponds of Village Mangolpur Kalan. Respondent nos. 1 and 2 have filed a detailed reply. Respondent no. 3 – DDA has also joined the issue. Respondent no. 4 – DPCC has not filed any reply and its Counsel submits that no reply in particular is necessary.</p> <p>Our attention is invited to the reply of the respondent nos. 1 and 2. It is revealed that the directions have been issued to protect the land and clean the area of the water body at khasra no. 435 of village Neb Sarai. In particular, it reveals the fact that the ponds at khasra no. 170/2, khasra no. 435 (15-5) and khasra no. 516(12-9) of village Neb Sarai have been encroached upon and house properties have been erected on the encroached portions which need to be demolished. Learned Counsel appearing for the DDA at this juncture intervenes and submits that khasra no. 17/2 at village Neb Sarai is in fact the correct khasra</p>

number of the water body in respect of which revelations have been made in the reply of the respondent nos. 1 and 2 and this khasra number has been incorrectly referred to in the reply of respondent nos. 1 and 2 as khasra number 170/2 and this fact needs to be taken cognizance of while passing necessary direction. The reply further reveals that District Task Force has been constituted to deal with the encroachments on the water bodies at village Neb Sarai.

As regards, the water bodies at village Ladpur, reply of respondent nos. 1 and 2 reveals that boundary wall construction around the water bodies at khasra no. 77/22/3(2-0),23/2(4-0),24/1(4-0),76/2/1(4-4),76/2/2(0-9), 81/22(4-16), 23(4-16) at Village Ladpur has been completed and thus these water bodies have been protected. It further reveals that demarcation at the hands of Tehsildar (Kanjhawla) of the pond at khasra no. 80/14/2(1-4), 71/1(3-5) of village Ladpur is pending and the encroachments as revealed would be removed following the completion of the exercise of demarcation. It also refers to water body at khasra no. 72/2/1(3-2), 9/3(0-1), 78/23/1(4-16), 22/1(4-14) at Abadi Deh village Ladpur. Though, it is not recorded as a pond in the revenue record, it reveals, the directions have been issued to clean and protect the water body at the site.

The reply of respondent nos. 1 and 2 referring to the ponds at khasra nos. 30/14/2(1-0), 15/2(3-0), 16 min (4-0), 17/2(1-12), 21(2-14), 22 min(4-02),23 min(3-15), 24/1 min(2-10), 32/15(3-9), 33/11(6-1), 40/8/2(2-1), 9/1(3-0), 9/2(1-16), 10(3-11), 11/1(2-19), 12/1(3-0), 12/2(1-16), 13/2(2-17), 65/1(4-16), 2(4-16), 3(4-16),

6(4-16), 7/1(2-9), 15(4-16), 16(4-15), 66/3/1/2(3-7), 21(4-16), 22(4-16), 95/3/2(1-04), 6/1(2-9), 7/1(4-13), 8(4-16), 9/2(2-7), 12/2(2-7), 13(4-16), 14(4-16), 15/2(2-9), 16/2(2-9), 17(6-8), 18(5-14), 19/2(2-7), 101/25(7-5), 124(80-1) at village Kanjhawala, totally admeasuring 232 bighas, reveals that the consolidation proceedings are underway and the consolidation officer has handed over 80 bigha 1 biswa land out of total land referred to as ponds to the DSIIDC for its development as a pond, and as regards 21 bigha 16 biswa portion of pond land out of total land 232 bigha referred to as khasra no. 142/127, being the newly consolidated and numbered portion of the land is to be demarcated; and the factual position of the total land the occupied by water bodies will be clear after completion of the consolidation proceedings.

The reply of respondent nos. 1 and 2 further reveals that khasra no. 4/28/2(23-8) at village Sahipur is a pond which has the boundary wall towards village broken in patches and portion of it on the southern side is involved in litigation pending before Hon'ble Supreme Court; however, directions have been issued for protection of the entire pond area.

As regards, the ponds at village Mangolpur Kalan, it is revealed in reply of respondent nos. 1 and 2 that the areas where the ponds are situated are under the control of DDA and have been developed either as a park or green belts, and in writ petition no. 3502 of 2000 titled as Vinod Kumar Jain versus Government of NCT of Delhi the Hon'ble High Court has appointed Court Commissioners to carry out survey of the water

bodies and the reports of the Court Commissioners are awaited. In face of such revelations, the applicant is seeking directions for getting the status of the various developments referred to in the reply on record and for expediting the demarcation proceedings so as to crystallize the fact of encroachments on the water bodies.

Learned Counsel appearing for the applicants submits that she will have to take instructions as regards the water bodies at village Mangolpur Kalan and would be filing suitable rejoinder if something contrary to what has been revealed comes to their notice. We, therefore, direct the respondent nos. 1 and 2 to file the status report as regards the ponds under its jurisdiction and issue necessary directions to the concerned authorities for expeditious demarcation of the water bodies preferably within three months. Learned Counsel appearing for DDA submits that the ponds at village Sahipur are not under the control of DDA and as such the respondent nos. 1 and 2 have to clarify the facts concerning the ponds at village Sahipur. The respondent nos. 1 and 2, therefore, shall clarify the situation as regards the ponds at village Sahipur.

In the meanwhile, rejoinder, if any, shall be filed by the applicant with advance copies to the respondents.

List this matter on 6th July, 2015.

.....,JM
(U.D. Salvi)

.....,EM
(Prof. A. R. Yousuf)

