

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

M.A. No. 258/2015

In

Original Application No. 10/2014

Pavit Singh Vs. The State of NCT of Delhi & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant /Appellant : Mr. Anunaya Mehta, adv.with Mr. Pavit Singh
applicant in person
Respondent Nos. : Mr. Tarunvir Singh Kehar Adv. for Dy. Commissioner
and Mr. V. K. Tandon, Adv.**

	Date and Remarks	Orders of the Tribunal
	Item No.08 August 18, 2016 ps	<p style="text-align: center;">Heard. Perused.</p> <p>We are seized with the problem of executing the order/ directions dated 11th November, 2015, in O.A. No. 10/2014 (Pavit Singh Vs. State of NCT of Delhi & Ors.) which read as under:</p> <p><i>“Learned Counsel appearing for respondent no. 2 has stated that after the above application was filed and various orders passed by the Tribunal, they have sealed the buildings situated in the forest area. But the fact remains that they have not taken any steps to demolish the same.</i></p> <p><i>We appreciate the stand taken by the respondents that they are going to put a barricade throughout the forest area so as to prevent fresh encroachments and thereafter take steps to remove all the encroachments in a phased manner.</i></p> <p><i>Be that as it may, we hope that respondent no. 2 will immediately put up barricades and complete the said process of barricading the entire area not only covering khasra no. 687/570 which is stated in the application but also the surrounding areas which are declared as forest lands and remove the buildings constructed by the encroachers immediately without awaiting any orders from any authorities.</i></p> <p><i>In view of the said clear Notification issued by the Government, it is the duty on the part of the respondents to remove all encroachments including the buildings in the interest of preserving nature.</i></p> <p><i>Accordingly, we dispose of the application with the following directions:</i></p> <ol style="list-style-type: none"><i>1. The respondents shall complete the barricading of the entire forest area including encroached area wherein buildings have been put up within a period of 12 weeks from today.</i><i>2. After the said efforts are completed, the respondents shall pull down all the superstructures and remove</i>

all debris away from the forest area within a period of two months and restore the forest nature.

3. We make it clear that the Revenue Department as well as Police Department who are party respondents shall fully co-operate for the purpose of effective implementation of this order for restoration of the forest area within the time granted by this Tribunal.

4. During the completion of the work, we direct the respondents to file status report of the compliance done in the first stage after three months and in the last stage after five months in the Registry, after giving copy to the learned Counsel appearing for the applicant.

With the above-said directions, the original application no. 10/2014 stands disposed of. As the original application is disposed of, all other miscellaneous applications stand closed”.

The Applicant had sought demolition and removal of the encroachments and unauthorized constructions on the land falling under Khasra No. 687/570, IGNOU road, Adjacent to Gali No. 3, Harijan Basti, Neb Sarai, New Delhi-110068 and the land adjacent to various streets of Harijan Basti area, Neb Sarai, New Delhi, undisputedly a ridge area.

Since, passing of the order in November, 2014 nothing, except examining the issue of executing the order and construction of boundary wall to the extent of 928m running in Khasra No. 687/570, has happened. Now as on today, the boundary wall construction to the extent of 928m out of the total running 1300m of the Khasra No. 687/570 has been completed, as per the status report dated 10th March, 2016.

The Status Report dated 20th May, 2016 filed by the DCF (South) reveals that after regular request and persuasion the demarcation points for Khasra No. 687/570 were shown to the Forest Department on the ground on 11th June, 2015 and the demarcation of the adjoining forest area, Neb Sarai Khasra No's,

28,29,30,32,134,137,139,140,440,441,443,444,445,446,447, 448, 451, 452, 486, 487 etc is still awaited from revenue and the construction of boundary wall cannot proceed as desired. In the same Status Report the DCF expresses a dilemma of whether to barricade first the encroachment free land of Maidangarhi having Khasra No's 1,2 and 3 which is contiguous with Khasra NO. 678/570 or to go for demolition of all the structures inside Khasra No. 687/570. In the second meeting it was decided that the notices will be fixed on the wall of residents inside Khasra No. 687/570 by 20th May, 2016 giving 15 days time to the occupants for moving out of the forest area and demolition was to proceed thereafter, in the second week of June.

Today before us is the Status Report of the District Magistrate South. It reveals nothing concrete except posing questions and difficulties in terms of seeking cooperation of the Forest Department, police force and the prior approval of the Hon'ble Lieutenant General to the action to be taken by the police department. We do see from this deliberate effort to avoid the execution of the Judicial orders particularly as regards removal of all the unauthorized constructions from Khasra No. 687/570. This has to be done by Deputy Commissioner, South.

On last occasion we had made the authorities aware of our intention to employ coercive measures in terms of the order of 21 Rule 32 of Civil Procedure Code, 1908 in the event of the inaction in the matter of execution of the Judicial orders. As noted herein above we find that the inaction on the part of the Deputy Commissioner, South amounts to avoidance of his obligations to execute the

Judicial orders. Order 21 Rule 32 of Civil Procedure Code, 1908 provides measures for obtaining the specific performance of the lawful obligations either by attachment of the property or by detention in the civil prison or by both of the principal officer concerned.

At this stage, Learned Counsel appearing on behalf of the Department of Revenue submits that a weeks time be granted for discharging the lawful obligations in execution of the Judicial orders, lest blame of willful failure to obey and discharge such lawful obligation may befall. We like to give one more opportunity to the Deputy Commissioner, South but we expect that demolition of the unauthorized structures in Khasra No. 687/570 in Neb Sarai Maidangarhi, New Delhi begins within a week. If we don't see any such thing taking place within a week we will be constrained to hold Deputy Commissioner, South liable for willful disobedience of the Judicial orders and to obtain execution with the measures as are available under order 21 of Rule 32 of Civil Procedure Code, 1908 as aforesaid.

Deputy Commissioner (South) to remain present before us on the next date.

List this case on 6th September, 2016.

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

.....,EM
(Ranjan Chatterjee)