

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

**Original Application No. 10/2014
And
M. A. No. 455/2014**

Pavit Singh V/s The State of NCT of Delhi & Ors.

**CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

**Present: Applicant / Appellant : Mr. Rahul Chowdhary, Adv.
Respondent Nos. 1,2,4 & 6 : Mr. Vivek Kumar Tondon, Adv.
Respondent No. 5 : Mr. Abhey Partap Singh, Adv., Mr.
Gaurang Kanth, Adv.**

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 3 November 11, 2014</p> <p style="text-align: center;">DV</p>	<p>This application has been filed by the applicant who is a resident of Chandan Colony, Saidullajab, IGNOU Road, New Delhi, a social activist as well as RTI activist praying for a direction against respondents to demolish/remove the encroachments from the ridge land and the unauthorised construction on the land falling in khasra no. 687/570, IGNOU Road, adjacent to Harijan Basti, Neb Sarai, New Delhi-110068 and the lands adjacent to various streets of Harijan Basti area, Neb Sarai, New Delhi, which belong to the Department of Forest and Wildlife, Govt. of NCT of Delhi.</p> <p>The applicant has contended that the said land falling in khasra no. 687/570 and the adjacent lands are situated deep in forest area and they have been undoubtedly declared as forest as per notification no. FI(29)PA DC/95 dated 02.04.1996 of the Revenue Department. In the said Notification, Annexure-C indicates the forest area in Maidangarhi measuring 198.12 hectare in so far as it relates to the khasra no. 687/570 and Annexure-A relates</p>

to the Village Nebsarai.

However, it is his case that in course of time there are encroachments made by unscrupulous elements into the forest area and in fact constructions have been made which are dangerous to the preservation of the environmental status of the forest as such. Therefore, unless and until the unauthorised construction put up in the midst of the forest in the said khasra number and surrounding area are removed, the same will have adverse impact on the environment of Delhi. With the above-said averments, the applicant has filed this application with the prayer stated above.

Respondent no. 5 (Executive Engineer(Bldg)-II, South Zone, SDMC has filed a status report on behalf of the Deputy Commissioner, SDMC. Even though in the status report he has stated that he has no knowledge as to whether the area belongs to the Forest Department, the respondent no. 2 in the report has in clear terms stated that the area has been declared to be a forest area vide notification stated above.

Inasmuch as, the appropriate authority, namely, the Forest Department has come out clearly that the said khasra number and surrounding area are forming part of the forest and in the light of the Notification dated 02.04.1996 stated above, we have no difficulty to accept the case of respondent no. 2 to the effect that the same is forest land. While so, it is not known as to how the Revenue Department, DDA and other authorities have allowed the outsiders to encroach upon the deep forest and put up construction which are still situated there. It is in violation

of the Forest (Conservation) Act.

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.

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.

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.

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.

Accordingly, we dispose of the application with the following directions:

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.
2. After the said efforts are completed, the respondents

shall pull down all the superstructures and remove 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.

....., JM
(Dr. P. Jyothimani)

....., EM
(Dr. G.K. Pandey)

....., EM
(B.S. Sajwan)