

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

**Original Application No. 58 of 2013**

**In the matter of:**

**“Amicus Curiae - Three Illegal Roads cut through forest”**

**Vs.**

**Govt. Of NCT of Delhi & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF.(DR.) P.C. MISHRA, EXPERT MEMBER  
HON'BLE DR. R. C. TRIVEDI, EXPERT MEMBER

**Present: Amicus Curiae:** Mr. Raj Panjwani, Sr. Advocate and Mr. Rahul Choudhary, Advocate

**Respondent No. 1& 2 :** Mr. D. Rajeshwar Rao, Advocate along with Mr. V. K. Tandon, Advocate and Dr. Suneesh Buxies

**Respondent No. 3:** Mr. Sangram Patnaik, Advocate, Mr. Deepak Kumar Advocate, Mr. Angad Singh Advocate Mr. Bijedner Singh

**Respondent No. 5&8:** Mr. Vivek Kr. Tandon, Advocate, SI Satyender Gulio

**Respondent No.6:** Ms. Neelam Rathore, Advocate, Ms. Syed Amber, Advocate and Mr. Vikramjeet, Advocate

**Respondent No.7:** Mr. Rakesh Tikku, Sr. Advocate and Mr. Prakash Advocate

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.11 September 4, 2013</b>	<p>A short Affidavit on behalf of Respondent No. 1 and 5 has been filed before us today. The same is taken on record. Learned counsel appearing for the said Respondents submit that in terms of the Orders dated 17<sup>th</sup> July, 2013 and 22<sup>nd</sup> July, 2013 passed by the Tribunal all steps are being taken to comply with the directions as expeditiously as possible. He further assures that the forest rights of various claimants in relation to various areas covered under the Notification of 24<sup>th</sup> May, 1994 would be settled within the time granted by the Tribunal vide the above Orders.</p> <p>Learned counsel appearing for Respondent No. 7 who were permitted to intervene in the matter contended that they have a right to passage and police is not permitting them to use the road for regular traffic which is causing very inconvenience to the members of the society who are residents of the Village Rajokari.</p> <p>The ADM, while dealing with the rights of these interveners in relation to lands specified and in furtherance to Order of the High Court of Delhi dated 10<sup>th</sup> May, 2006 passed in W.P. (C) No. 14403-09/2006</p>

passed the following order

*“I am of the opinion that in view of the provision of Section 25 of the Indian Forest Act such passage can be closed with the sanction of the State Government. However, the site report contains that there is no other alternative passage to the land of applicants; therefore, the concerned Forest Officer should have considered the aspect of alternative passage to the applicants before stopping the present passage at the site.*

*In view of the above, I am of the considered view, that it would be appropriate to dispose of the present application with the observation that though the applicants do not have absolute right over the passage/ Rasta in the notified land however, in case the passage is stopped/ closed, an alternative passage should first be provided to the applicants before closing the present passage”.*

From the bare reading of the Order, it is clear that they have no right to passage in terms of Section 25 of the Indian Forest Act. However, it appears that on equitable grounds the directions were passed for providing an alternative passage.

On the other hand, a contention is raised before us that the Forest Department while referring to some of the Khasra Numbers has expressed that the eco balance in and around the forest area in the Rajokari village and its surrounding areas is matter of consideration for the Authorities and it was seen that approximately 800 mtrs. Long semi-permanent to permanent road had been made from Church Road to BSS Camp through Ridge area and Rajokari village and Police had also initially dug trench to prevent construction and it was not possible for this Department to assess the exact trees that have been damaged/cut during the process.

The Affidavit filed on behalf of DDA in relation to Sanjay Van states that there are various illegal structures which have been raised in the forest area. However, with regard to village Rajokari, it is stated that it does not fall within the jurisdiction of the DDA.

Be that as it may. We see no reason at this stage to vary our interim Orders passed earlier. However,

keeping in view the Order of the ADM, we direct NCT of Delhi to hear the Applicants on priority and pass appropriate orders and place copies thereof on record. The Authorities concerned shall duly take into consideration the averments made in the Application as well as the factum with regard to illegal and unauthorized construction of the ridge road in reserved forest area.

Let representations, if any, be filed within one week from today.

Interim Orders to continue in the meanwhile.

The NCT of Delhi would also state before the Tribunal whether any road is sought to be constructed in the Asola Wildlife Sanctuary, if that is so, they would not do any constructions in that area till the next date of hearing

List this matter for further arguments and directions on 30<sup>th</sup> September, 2013.

.....,CP  
(Swatanter Kumar)

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

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Prof. (Dr.) P.C. Mishra)

.....,EM  
(Dr. R.C. Trivedi)

**A**