

Item No. 05 to 08

Court No. 1

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

Original Application No. 144/2015

Jaipal Singh Applicant
Versus

Lt. Governor, Delhi & Ors. Respondent(s)

WITH

Original Application No. 58/2013
(M.A No. 898/2013, M.A. No. 922/2017,
M.A. No. 329/2018, I.A. No. 387/2019 &
I.A. No. 388/2019)

Sonya Ghosh Applicant
Versus

Govt. of NCT of Delhi & Ors. Respondent(s)

WITH

Original Application No.116/2015
(M.A. No. 327/201 & M.A. No. 589/2015)

Prof. Imtiaz Ahmed & Ors. Applicant(s)
Versus

State of NCT of Delhi & Ors. Respondent(s)

WITH

M.A. No. 258/2015
IN
Original Application No. 10/2014

Pavit Singh Applicant(s)
Versus

The State of NCT Of Delhi & Ors. Respondent(s)

Date of hearing: 15.01.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Raj Panjwani, Senior Advocate (Amicus Curiae) and Mr.
Aagney Sail, Advocate in O.A. No. 58/2013
Ms. Meera Gopal, Advocate in O.A. No. 116/2015

Respondent: Mr. Sanjay Dewan, Advocate for Forest Department, NCT of Delhi
Mr. Kush Sharma, Advocate for DDA
Ms. Puja Kalra, Advocate for North MCD

ORDER

1. The common issue in this group of matters is conservation and protection of Delhi Ridge which is an extension of Aravalli Range extending from Tughlaqabad and branching out in Wazirabad in the north and also other parts of Delhi.
2. The proceedings were initiated on the basis of news item titled ‘Three Illegal Roads cut through forest’ in Times of India dated 28.02.2013 on the basis of which OA 58/2013 was filed in March, 2013. The Application states that the Ridge protects the city from hot winds of the desert of Rajasthan. It has four zones- Northern Ridge in Delhi University, Central Ridge from Sadar Bazar to Dhaula Kuan, South West Central Ridge near JNU and Southern Ridge upto Asola and Bhatti Wildlife Sanctuary. It is further stated that the ecology of the Ridge is being destroyed, though it has been declared Reserved Forest vide Notification dated 22.05.1994 under Section 4 of the Indian Forest Act, 1927 (Forest Act) which is as follows:-

“No. F.10(42)-1/PA/DCF/93/2012-17(1) – *In pursuance of the provisions of Section -4 of the Indian Forest Act, 1927 (Act No. 16 of 1927) the Lt. Governor, of National Capital Territory of Delhi hereby declares the lands mentioned in Schedule ‘A’ below as reserved forest.*

SCHEDULE ‘A’

All forest lands and wastelands which is the properly of the government, or over which government has proprietary rights in:

I	Northern Ridge in National Capital Territory of Delhi, surrounded on	North by Jubilee Hall, Government Petrol Pump. South by Crossing of Old G.T. Road and Rani Jhansi Marg, Old Subzi Mandi. East by Mall Road, Rajpur Road, Behind MCD Office.
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		<i>West by Ice Factory, Malka Ganj, Dhobighat, and University Road</i> (Approximate area 87 ha.)
II	<i>Central Ridge in NCT of Delhi, Surrounded on</i>	<i>North by Link Road along Institutional area.</i> <i>South by Dhaula Kuan, Military Farm, Sardar Patel Marg.</i> <i>East by Mandir Marg, Institutional area and Willingdon Crecent.</i> <i>West by Inderpuri Road and Naraina Industrial area</i> (Approximately area 864 ha.)
III	<i>South Central Ridge in NCT of Delhi, Surrounded on</i>	<i>North by Qutab Institutional area.</i> <i>South by Vasant Kunj, Kishan Ganj.</i> <i>East by Aurobindo Marg, Nazarika Bagh.</i> <i>West by Jawahar Lal University Road, Vasant Kunj, Mehrauli</i> Approximately area 626 ha.)
IV	<i>Southern Ridge in NCT of Delhi surrounded on</i>	<i>North by Power line from Mahipalpur to Sultan Gauri Tomb, Telephone Line from Sultan Pur Gauri Tomb to crossing to main power line & Road, Western Boundary of Ghatorni, Western boundary of Aya Nagar, Southern Boundary of Jaunapur, Southern boundary of Fatehpur Beri, Eastern Boundary of Asola village, Eastern Boundary of Shahpur, Eastern Boundary of Chandanhola, Eastern Boundary of Satbari, Eastern Boundary of Maidan Garhi, Southern Boundary of Naib Sarai, South Eastern Boundary of Deoli and Adilabad ruins.</i> <i>South by State of Haryana.</i> <i>East by Surajkund Road and State of Haryana.</i> <i>West by State of Haryana, Eastern Boundary of Rajokari, Eastern</i>

		<i>Boundary of Malikpur, Kohli & Rangpuri</i> <i>Approximately area 6200 ha.)</i>
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No. F.10(42)-I/PA/DCF/93/2018-23(ii). – In Pursuance of the provision of clause (c) of sub-section (1) of section 4 of the Indian Forest Act, 1927 (Act No. 16 of 1927, the Lt. Governor of National Capital Territory of Delhi is pleased to appoint A.D.M. (revenue) to be the Forest Settlement Officer to enquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, as notified vide Notification No. F.10(42)-IPA/DCF/93(I) dated 24th May, 1994 or in or over any forest produce and to deal with the same as provided in Chapter II of the Indian Forest Act, 1927.”

3. As per the news item dated 28.02.2013, road cutting across Rajokri Forest in Southern Ridge area was illegally built resulting in unauthorized construction inside the forest and degradation of the forest. There are encroachments by private entities as well as religious institutions, as per preliminary report on the status of Sanjay van from November 2010 to May 2011 published by *Srishti*, an Environmental Group.

4. The Hon’ble Supreme Court issued directions for protection of the Ridge vide order dated 25.01.1996 and 13.03.1996 in W.P.(C) No. 4677/85, *M.C. Mehta v. U.O.I.* It was directed that the uncultivated surplus land of the Gaon Sabha falling in the Ridge area will not vest in the Gaon Sabha under Section 154 of the Delhi Land Reforms Act, 1954. It will be made available for ‘Reserved Forest’ of 50,480 Bighas and 16 Biswas (10,517-10 Acres) in 14 villages. The Notification dated 02.04.1996 issued in pursuance of the order of the Hon’ble Supreme Court is as follows:-

“Delhi, the 2nd April, 1996

No.F.1(29)/PA/DC/95.- Whereas the Supreme Court of India in I.A. No. 18 and 22 in Writ Petition (Civil) No. 4677/85 *M.C. Mehta V/s Union of India & Others* in their orders dated 25-1-96 and 13-3-96 have directed that uncultivated surplus land of Gaon Sabha falling in “Ridge” may be excluded from vesting in Gaon Sabha u/s 154 of the

Delhi Land Reforms Act, 1954 and made available for the purpose of creation of Reserved Forest.

Now, therefore, in exercise of powers conferred u/s 154 of the Delhi Land Reforms Act, 1954 (8 of 1954), the Lt. Governor of National Capital Territory of Delhi, hereby declares the uncultivated land of Gaon Sabha specified in Column ‘III’ and Annexure ‘A’ to ‘N’, situated in Southern Ridge in respect of Villages mentioned in Column ‘II’ of table given below as surplus land and lands at the disposal of Forest Department of Government of National Capital Territory of Delhi.

S. No.	Name of Village	Quantum of Gaon Sabha land Covered in ridge as declared under notified Ridge and proposed by Forest Deptt. for afforestation.
I	II	III (Bigha-Biswa)
1	Nebsarai	466-10
2	Chatterpur	225-10
3	Maidangarhi	4263-02
4	Dera Mandi	9412-05
5	Asola	8387-06
6	Pulpehlad	99-04
7	Devli	5175-06
8	Rangpuri	1365-05
9	Ayanagar	4121-02
10	Rajokri	3106-01
11	Bhatti	11101-19
12	Ghitorni	732-14
13	Saidulazab	65-19
14	Jonapur	1979-13
	Total in Bighas	50,480-16
	Or	
	Total in Acres	10517.10

”

5. In the Application, reference has also been made to a complaint dated 28.03.2012 addressed to the Chief Conservator of Forest by one Pradip Krishen mentioning dumping of the waste on the Ridge and encroachments.

6. The matter was first taken up on 06.03.2013. Notice was issued to the Delhi Government, the Vice-Chairman, DDA, the Chairman of the Ridge Management Board (Chief Secretary, Delhi) and to the

Commissioner of Police, Delhi. Later, the MoEF&CC was also added as a party and Notice was issued to it.

7. Counter affidavit has been filed on 22.04.2013 by the Department of Forest and Wildlife, Delhi to the effect that Notification dated 04.04.1996 was issued by the Revenue Department that uncultivable surplus Gaon Sabha land will be given to the Forest Department. However, some part of the land was converted to Pedestrian path on which illegal road has been constructed in Rajokri Forest area. The Chief Conservator of Forest visited the site on 15.03.2013 and noticed the illegality. Meeting was held on 22.03.2013 to address the issue with the DDA and the Police officials. Work of dismantling the road started. A wall will be constructed to rule out rebuilding of the road. Reply by the DDA was filed on 22.04.2013 with regard to the protection of Sanjay van, which is part of the reserved forest. It was stated that the DDA has erected wall around Sanjay van and employed guards to stop vehicles therein. It has also sent complaints to the PWD and the Police against non-forestry activities. A copy of the minutes of meeting of the Ridge Management Board held on 10.07.2007, under the Chairman of the Chief Secretary who is the Chairman of the Ridge Management Board has also been annexed.

8. The matter has been dealt with on several hearings in the last almost eight years. Reference may only be made to some significant orders by which the issue was dealt with. On 21.07.2016, the Tribunal required filing of a time schedule for demarcation of the Ridge area in South District and New Delhi, Vasant Vihar, Sub-Division. On 16.08.2016, the Tribunal directed the SDM Saket, SDM Mehrauli, SDM Vasant Vihar and SDM Kalkaji Sub-Division to carry out demarcation accordingly. On 09.02.2018, the Tribunal directed completion of demarcation within one month. On 11.03.2019, the Tribunal dealt with the matter in the presence

of the Principal Secretary, Department of Revenue. The Tribunal directed the Principal Secretary, Revenue to give complete details of the forest area and the encroachments.

9. On 03.04.2019, the Divisional Commissioner-cum-Principal Secretary, Revenue Department filed affidavit giving status of demarcation of 19 villages based on TSM survey in compliance with the order of the Tribunal dated 11.03.2019 as follows:

- Total Ridge Area = 71,310-18 Bighas/Biswas
- Demarcated Area = 70,941-02
- Handed over = 65,453-04
- Not handed over = 5,487-18
- Encroached area = 4,684-17

10. Further details of the encroachments are:

"5. ENCROACHMENTS (Bighas-Biswas)		Bighas-Biswas
	-	4,684-17
5.1	Ayanagar Village <i>Ridge Area 4,028-09 AnnexureR10 (Pg.1588-1590)</i>	172-00
5.2	Chhattarpur Village <i>Ridge Area 594-04 AnnexureR11 (Pg.1591-1594)</i>	253-08
5.3	Neb Sarai Village <i>Ridge Area 590-01 AnnexureR12 (Pg.1595-1599)</i>	264-09
5.4	Shahoorpur Village <i>Ridge Area 3,306-15 AnnexureR13 (Pg.1600-1601)</i>	238-03
5.5	Devli Village <i>Ridge Area 5,737-16 AnnexureR14 (Pg.1602-1610)</i>	452-14
5.6	Asola Village <i>Ridge Area 9,268-13 AnnexureR15 (Pg.1611-1615)</i> <i>Encroachment of 869-00 removed (Pg. 1657)</i>	675-00
5.7	Bhati Village <i>Ridge Area 12,845-12 AnnexureR16 (Pg.1616-1619)</i> <i>Encroachment of 1,486-00 removed (Pg. 1657-1661)</i>	477-14
5.8	Maidangarhi Village <i>Ridge Area 5,055-16 AnnexureR17 (Pg.1620-1621)</i>	79-03
5.9	Saidulajab Village <i>Ridge Area 410-07 AnnexureR18 (Pg.1622-1623)</i>	109-04
5.10	Satbari Village <i>Ridge Area 1,625-03 AnnexureR19 (Pg.1624-1625)</i>	181-17
5.11	Jaunapur Village <i>Ridge Area 3,855-18 AnnexureR20 (Pg.1626-1631)</i>	287-05
5.12	Dera Mandi Village <i>Ridge Area 10,821-18 AnnexureR21 (Pg.1632-1641)</i>	399-8.5
5.13	Tughlakabad Village <i>Ridge Area 6,491-16 AnnexureR22 (Pg.1642-43)</i>	403-02
5.14	Pulpehladpur Village <i>Ridge Area 680-18 AnnexureR23 (Pg.1644)</i> <i>Encroachment of 8-00 removed (Pg. 1661)</i>	246-03

5.15	Rajokari Village <i>Ridge Area 3,318-15 AnnexureR24 (Pg.1645-1650)</i> <i>Encroachment of 1-18 removed (Pg. 1661)</i>	-	214-02
5.16	Rangpuri Village <i>Ridge Area 1,793-17 AnnexureR25 (Pg.1651-1655)</i> <i>Encroachment of 9-18 removed (Pg. 1661)</i>	-	246-01
5.17	Mahipalpur Village <i>Ridge Area 92-03 AnnexureR26 (Pg.1656)</i>	-	17-04
5.18	Ghitorni Village <i>Ridge Area 732-14</i>	-	NIL
5.19	Rajpur Khurd Village <i>Ridge Area 60-09</i>	-	NIL”

11. Learned Amicus points out that in respect of areas, which are un-encroached and have already been demarcated and handed over to Forest Department as per stand of the Revenue Secretary as above, final Notification under Section 20 of the Forest Act should be issued forthwith. Such area should be covered by boundary wall/fencing in accordance with Section 6 to 8 of the Forest Act. The Forest Department should prepare Management Plan and the statutory authorities must regularly inspect the area and ensure that it is kept encroachment free. With regard to the remaining, the identified encroached areas should be retrieved in second phase by time bound action plan to be executed and monitored by the authorities for which there should also be high powered oversight Committee. We find merit in the suggestion and we propose to issue directions in these terms.

12. Under the scheme of the Forest Act, once Notification under Section 4 has been issued in respect of decision to constitute Reserved Forest by the State, no right can be acquired therein except by a decision of the State in terms of the said Act. There are provisions to deal with any claims in such area, including the remedy for appeal to the State.

13. Learned Counsel for the Forest Department is unable to point out any meaningful objection to the suggestions of learned Amicus except to submit that there are difficulties in removing encroachments.

14. We may note that the Ridge in Delhi has historical and environmental significance. It is made of quartzite rocks. It has special and distinct features and uses. It is part of Aravali hills. Reference may be made to discussion in Supreme Court judgement in *DDA v. Kenneth Builders & Developers (P) Ltd.*, (2016) 13 SCC 561, at page 576, para 22 as follows :

“.....non-forestry use of land falling in the Ridge was permitted only after a development project was cleared or recommended by the Ridge Management Board and permitted by this Court. However, a decision was rendered by the Delhi High Court in a case filed by Ashok Kumar Tanwar [WP (C) No. 3339 of 2011 decided on 30-11-2011 to the effect that a development project on land outside the notified Ridge area but having morphological features conforming to the Ridge would also require clearance from the Ridge Management Board and this Court. **Therefore, as far as the present case is concerned though the project land falls outside the Ridge but has morphological features conforming to the Ridge bringing it within the extended Ridge, the project of DDA involving non-forestry use of the land could be permitted only after obtaining clearance from the Ridge Management Board and after obtaining the permission of this Court.”**

15. We are thus of the view that there is urgent need to take necessary steps to protect the Ridge by taking necessary steps to finalise the notification under section 20 of the Forest Act for reserved forest and protection by appropriate measures. The land about which there is clarity can be included in such notification and the remaining process can be undergone separately but expeditiously. No non-forest activity is permissible in Ridge area.

16. In view of above, we direct that the Delhi Government through the Chief Secretary, Delhi to ensure that requisite Notification under Section 20 of the Indian Forest Act, 1927 is issued within three months in respect of the area about which there is no controversy. Further actions to be taken by the Delhi Government may include suitable protection by fencing/wall and vigilance. Identification of the remaining area and action

plan for removing the encroachments be ensured within next three months. Execution of the action plan will be primarily under the Chief Secretary Delhi, who is also the Chairman of the Ridge Management Board.

17. We direct constitution of an Oversight Committee (OC) to be headed by DG Forest, MoEF&CC, Government of India with the Secretaries Revenue and Forest, Delhi Govt., the PCCF, Delhi, the concerned Deputy Commissioners, Delhi and the nominees of Police Commissioner, Delhi and the Forest Survey of India, Dehradun as members. Main function of the OC will be to oversee progress with regard to the removal of encroachments from the Ridge, its protection by way of fencing/boundary wall and preparation of management plan for its restitution. The Committee will be free to co-opt any other authorities/Experts. The Nodal agency will be the PCCF, Delhi for coordination and compliance. First meeting of the Committee may be held within one month and thereafter review may be undertaken periodically preferably at least once in a month till the action plan is executed.

In view of the above, O.A. No. 58/2013 stands disposed of.

O.A. No. 144/2015 seeks removal of encroachment in South Ridge Forest for which no separate order is necessary. The same will stand disposed of. O.A. No. 116/2015 also seeks removal of encroachments from Rangpuri area in South Delhi which will also stand disposed of. O.A. No. 10/2014 which also involves similar issue has already been disposed of by an earlier order of this Tribunal dated 11.11.2014, wherein M.A. No. 258/2015 has been filed for enforcement of earlier order will also stand disposed of.

We place on record our appreciation for the valuable assistance rendered by learned Amicus.

All pending M.A.s/I.A. will also stand disposed of in view of the order passed in main matter.

A copy of this order be forwarded to DG Forest, MoEF&CC, Government of India with the Secretaries Revenue and Forest, Delhi Govt., the PCCF, Delhi, the concerned Deputy Commissioners, Delhi (through PCCF Delhi) and the nominees of Police Commissioner, Delhi and the Forest Survey of India, Dehradun by mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

January 15, 2021
Original Application No. 144/2015
and other connected matters
SN