

ITEM NO.61

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(In RE.: SEALING ISSUE)

(1) ISSUE OF FOREST LAND AND WATER BODIES OF REPORT NO. 128  
SUBMITTED BY MONITORING COMMITTEE

Date : 29-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Ranjit Kumar, Sr. Adv. (A.C.)  
Mr. A.D.N. Rao, Advocate (A.C.)  
Ms. Anitha Shenoy, Advocate (A.C.)  
Mr. Rishi Raj Sharma, Adv.  
Mr. Sudipto Sircar, Adv.  
Ms. Srishti Agnihotri, Adv.  
Ms. Soumya Singh, Adv.

For Petitioner(s)      Petitioner-in-person

For Respondent(s)

UOI

Mr. A.N.S. Nadkarni, ASG  
Mr. R. Balasubramanian, Adv.  
Mr. Sachin Sharma, Adv.  
Mr. Pranay Ranjan, Adv.  
Mr. S. Wasim A. Qadri, Adv.  
Mr. D.L. Chidanand, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. Ritesh Kumar, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. G.S. Makker, Adv.  
Ms. Anil Katiyar, Advocate  
Mr. B.V. Balram Das, Advocate  
Mr. Arvind Kumar Sharma, Advocate  
Ms. Rachna Gupta, Adv.  
Mr. Vikas Chaudhary, Adv.

DDA

Mr. G.S. Oberoi, Adv.

	Ms. Garima Prasad, Adv.
NCT of Delhi	Mr. D.N. Goburdhun, Advocate Ms. Gauri Goburdhun, Adv. Ms. Pallavi Chopra, Adv.
	Mr. Chirag M. Shroff, Adv. Ms. Neha Sangwan, Adv. Ms. Joyshree Barman, Adv. Ms. Monisha Suri, Adv.
MCD	Mr. Sanjiv Sen, Sr. Adv. Mr. Praveen Swarup, Advocate Mr. Sayan Ray, Adv. Mr. Soumo Palit, Adv. Mr. Gaurang Kanth, Adv. Mr. B.C. Santosh Kumar, Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Zaid Ali Subzposh, Adv. Mr. Pravin Swaroop, Adv.
NDMC	Mr. Yoginder Handoo, Adv. Mr. Nishant Kumar, Adv.
CPCB	Mr. Vijay Panjwani, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Issue of Forest Land (Report No.128)

We have seen the Status Report filed on behalf of the Department of Forests and Wildlife, Government of NCT of Delhi. The Status Report is dated 26<sup>th</sup> October, 2018.

On a perusal of the Status Report, it appears that as much as 32,273 bigha of encroached land has yet to be handed over by the Revenue Department to the Forest Department. This does not include the land in Ayanagar which has already been handed over by the Revenue Department to the Forest Department. There is an encroachment of 172 bighas of land in Ayanagar.

It has been mentioned in the Status Report that the Revenue Department has not provided necessary maps to the Forest Department. It is not necessary for the Forest Department to indefinitely wait for the Revenue Department to provide maps. On the basis of the maps available with the Forest Department, they can certainly take possession of the forest area that has been encroached upon.

It is submitted by learned counsel for the Forest Department that this exercise may take about six months.

We are of the opinion that six months' time is far too much for this purpose considering that this is forest land which has been encroached to a very large extent.

The Department of Forests and Wildlife, Government of NCT of Delhi should expedite taking possession of the Forest Land that has been encroached upon.

It has been pointed out by learned *amicus curiae* that insofar as Bhatti Village is concerned there are encroachments to the extent of 477 bighas which have not yet been removed although encroachments to the extent of 1486 bighas have been removed on or about 25<sup>th</sup> September, 2018. This is not correctly reflected in the Chart which is part of the Status Report filed by the Department of Forests and Wildlife, Government of NCT of Delhi.

We make it clear that even the encroached land in Bhatti Village should be taken possession of by the Department of Forests and Wildlife, Government of NCT of

**Delhi.**

**List the matter on 16<sup>th</sup> January, 2019.**

**Issue regarding water bodies (Report No.128)**

**Learned counsel appearing for the Government of NCT of Delhi says that he will be filing a status report within a week.**

**List the matter on 27<sup>th</sup> November, 2018.**

**(SANJAY KUMAR-I)  
AR-CUM-PS**

**(KAILASH CHANDER)  
ASSISTANT REGISTRAR**

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(In RE.: SEALING ISSUE)

(2) STATUS OF GROUND WATER

Date : 29-10-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Ranjit Kumar, Sr. Adv. (A.C.)  
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Mr. Rishi Raj Sharma, Adv.  
Mr. Sudipto Sircar, Adv.  
Ms. Srishti Agnihotri, Adv.  
Ms. Soumya Singh, Adv.

For Petitioner(s) Petitioner-in-person

For Respondent(s)

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Mr. A.N.S. Nadkarni, ASG  
Mr. R. Balasubramanian, Adv.  
Mr. Sachin Sharma, Adv.  
Mr. Pranay Ranjan, Adv.  
Mr. S. Wasim A. Qadri, Adv.  
Mr. D.L. Chidanand, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. Ritesh Kumar, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. G.S. Makker, Adv.  
Ms. Anil Katiyar, Advocate  
Mr. B.V. Balram Das, Advocate  
Mr. Arvind Kumar Sharma, Advocate  
Ms. Rachna Gupta, Adv.  
Mr. Vikas Chaudhary, Adv.

DDA

Mr. G.S. Oberoi, Adv.  
Ms. Garima Prasad, Adv.

NCT of Delhi	Mr. D.N. Goburdhun, Advocate Ms. Gauri Goburdhun, Adv. Ms. Pallavi Chopra, Adv.
	Mr. Chirag M. Shroff, Adv. Ms. Neha Sangwan, Adv. Ms. Joyshree Barman, Adv. Ms. Monisha Suri, Adv.
MCD	Mr. Sanjiv Sen, Sr. Adv. Mr. Praveen Swarup, Advocate Mr. Sayan Ray, Adv. Mr. Soumo Palit, Adv. Mr. Gaurang Kanth, Adv. Mr. B.C. Santosh Kumar, Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Zaid Ali Subzposh, Adv. Mr. Pravin Swaroop, Adv.
NDMC	Mr. Yoginder Handoo, Adv. Mr. Nishant Kumar, Adv.
CPCB	Mr. Vijay Panjwani, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

An additional affidavit has been filed by the Ministry of Water Resources, River Development, Ganga Rejuvenation, Government of India.

The affidavit is dated 5<sup>th</sup> September, 2018.

Mr. D.N. Goburdhun, learned counsel appearing on behalf of Govt. of NCT of Delhi says that he has not been served with a copy of the affidavit and he would like to look into it.

Since it appears that according to the said Ministry the management of the ground water is the responsibility of Govt. of NCT of Delhi, an affidavit may be filed by the Govt. of NCT of Delhi as well as the Delhi Jal Board within a period of three weeks from today.

List the matter on 28<sup>th</sup> November, 2018.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(KAILASH CHANDER)**  
**ASSISTANT REGISTRAR**

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Respondent(s)

(In RE.: SEALING ISSUE)

(3) IA NO. 43487/2018 (APPLN. FOR DIRECTIONS ON B/O GOVT. OF NCT OF DELHI) ALONGWITH REPORT NO. 123 SUBMITTED BY MONTIROING COMMITTE

Date : 29-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Ranjit Kumar, Sr. Adv. (A.C.)  
Mr. A.D.N. Rao, Advocate (A.C.)  
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Mr. Rishi Raj Sharma, Adv.  
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Ms. Soumya Singh, Adv.

For Petitioner(s)      Petitioner-in-person

For Respondent(s)

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NDMC	Mr. Yoginder Handoo, Adv. Mr. Nishant Kumar, Adv.
CPCB	Mr. Vijay Panjwani, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

We have heard learned counsel for the parties as also learned *amicus curiae* for some time.

Report Nos.40, 66, 123 and 125 submitted by the Monitoring Committee be placed for our consideration on the next date of hearing since it is submitted by learned *amicus curiae* that a large number of roads which ought not to be notified have been notified.

List the matter on 28<sup>th</sup> November, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
ASSISTANT REGISTRAR