

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

Original Application No. 05/2025

Kartar Singh & Anr.

Applicant(s)

Versus

Govt. of N.C.T of Delhi & Ors.

Respondent(s)

Date of hearing: 20.08.2025.

CORAM: **HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON**
 HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER
 HON’BLE Dr. PRASHANT GARGAVA, EXPERT MEMBER

Applicant: Mr. Ravinder Yadav, Applicant in Person (Through VC).

Respondent: Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for R - 1, 2, 7 & 10
 Ms. Deeksha L. Kakar, Ms. Sana Parveen & Mr. Rashneet Singh, Advs.
 for R - 4 (DDA).
 Ms. Cauveri Birbal & Mr. Kamlendu Pandey, Advs. for R – 5 (DTC).
 Mr. Sushant Tripathi, Law Officer for R - 9 (DMRC).
 Ms. Puja S. Kalra & Mr. Virendra Singh, Advs. for MCD.

ORDER

1. In this Original Application (OA), the Tribunal is examining the allegation of the applicant that 30 bigha and 05 biswa of land of the Khasra Nos. 12/11, 12/12, 12/19, 23/5/1, 23/13/2 and 23/1 is a water body which has been encroached upon by the respondent-Transport Department of Delhi by constructing a DTC terminal and multistorey commercial building on Khasra No. 12/11.

2. Along with the OA the applicant had placed on record the Khatoni of 2012-13 (page 18) wherein the following Khasras are shown as water body:

Khasra numbers	Area in Bigha and Biswa
12/11	6-5

12/19	4-3
23/5/1	6-9
23/13/2	1-16
23/1	2-0

3. The Respondent No.10-District Magistrate, South West had also filed an affidavit dated 03.07.2025 stating as under:

“1. Land Description & Ownership

As per the Khatoni record for the year 2012-2013, the land falling under Khasra Nos. 12/11, 12/12, 12/19, 23/5/1, 23/13/2, and 23/1, Revenue Estate Najafgarh, Khatoni No. 240, is recorded as "Johar" (waterbody) under the ownership of Gram Sabha. The total area covered under these khasra numbers is 30 bigha and 5 biswa. Copy of Khatoni 240 is annexed as Annexure 1.”

4. The above statement was made by the Respondent No. 10 on the basis of the Khatoni enclosed along with the affidavit (page-192).

5. The Respondent No.5- DTC in its reply affidavit dated 22.07.2025 in Para-7 has produced the information obtained from the website of the Wetlands Authority of Delhi and as per the disclosure made in Para-7 Khasra Nos. 12/11/1(6- 5) and 12/12(8-12) are wetlands in Najafgarh. These two Khasra numbers squarely tally with the disclosure made by the District Magistrate in Para-1 and also the Khatoni for the year 2012-13.

6. The stand of the DTC is that the land for the purpose of construction of the DTC terminal has been allotted by the DDA in the year 1998.

7. The stand of the DDA is that the land in the above Khasra Nos. 12/11, 12/12, 12/19, 23/5/1, 23/13/2 and 23/1 of village Najafgarh were declared urbanized lands vide notification dated 23.05.1963 and after the urbanization the land in question was placed at the disposal of the DDA vide S.O 2190 dated 20.08.1974 under Section 22 (i) of the DDA Act, 1957 which in turn was handed over to the Horticulture Department of the DDA on 29.06.1981.

8. Further stand of the DDA in respect of the water body in affidavit dated 03.07.2025 is as under:

“5. On 31.05.2016, the above-mentioned water body situated in Village Najafgarh, i.e., Water body near DTC terminal Najafgarh (1.36 acre) has been handed over to the South Delhi Municipal Corporation ("SDMC"), now Municipal Corporation of Delhi ("MCD"), by the Horticulture Department of the answering Respondent, along with 30 other parks (less than 3 acres) of Hort. Div.VIII, DDA. A list containing the details and locations of the parks transferred to SDMC/MCD is annexed hereto as "Annexure R-4". A copy of the handing over/taking over of the said land by the SDMC/MCD is annexed hereto as "Annexure R-5".

6. It is accordingly submitted that the upkeep, maintenance, care and preservation of the water body, namely Johar, situated at Khasra Nos. 12/11, 12/12, 12/19, 23/5/1, 23/13/2, and 23/1, is the responsibility of the SDMC (now MCD).”

9. It is the responsibility of the DDA to disclose in clear terms if any part of the water body as reflected in the revenue record has been transferred to the DTC.

10. In the subsequent affidavit dated 10.08.2025, the Respondent No.10, District Magistrate, South West has again reiterated that as per the revenue record 12/11, 12/12, 12/19, 23/5/1, 23/13/2 and 23/1 are “Johads”. A statement made on oath by the respondent no. 10 in this regard in the affidavit dated 04.08.2025 is as follows:

“2. That land in village Najafgarh with Mustatil No. 12 has many Khasras of which only few are Johads as per revenue record namely 12/11, 12, 12/19, 23/5/1, 23/12/2, 23/1. The rest of khasras at above Mustatil are not Johads (Map attached as Annexure A).”

11. Thus, it is required to be clarified by the DDA if any part of the aforesaid water body has been transferred to DTC. The full details of the transferred land are required to place on record.

12. Learned Counsel for the DDA seeks four weeks' time to place these details on record by way of an affidavit of a competent officer.

13. List on 14.11.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Prashant Gargava, EM

August 20, 2025
O.A No.05/2025
AM.