

Item No. 03

Court No. 1

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

Original Application No. 1151/2024

Society for Protection of Culture, Heritage,
Environment, Traditions and Promotion of
National Awareness

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ritesh Agrawal, Ms. Madhumita Gupta, Mr. Sunder Khatri &
Mr. Ravi Grover, Advocates with Mr. Anil Sood, Applicant in Person

Respondent: Mr. Gigi. C. George, Adv. for R - 4

ORDER

1. In this original application, the applicant has raised a grievance against "In-Situ Slum Redevelopment and Rehabilitation on Public-Private Partnership model 2019" proposed to be implemented by the Delhi Development Authority (DDA) in Kusumpur Pahadi situated in Southern Central Ridge in violation of Aravali Notification of 1992 which bars construction of buildings and roads, electrification and felling of trees in a "Gair Mumkin Pahar Land".

2. The plea of the applicant is that an area of 692 acres of land located northwest of Vasant Vihar is notified as protected forest by GNCTD and no non-forest activity is permissible in that area. Further plea of the applicant is that the mine labourers have settled in the said Kusumpur Pahadi and the area has been gradually encroached upon and declared as J.J. Cluster. Applicant present in person has referred to Annexure – A3 i.e. Annual Administration Report 2006-2007 published

by the DDA and has relied upon paragraph 8.6.1 of the report in support of the plea that Kusumpur Pahadi is notified protected forest. The paragraph 8.6.1 of the report reads as under:-

“8.6.1 Aravali Bio-Diversity Park, north of Vasant Vihar, Location and Site Conditions

*The Aravali Bio-Diversity Park is presently spread over an area of around 690 acres (277 ha) between Vasant Vihar & Vasant Kunj. There is vast rocky outcrop extending from the core of the site towards the southern end of the site. The total area, including area of Muradabad Pahari and **Kusumpur Pahari, is a notified protected forest as per notification of GNCTD.** The site is undulating and uneven, full of kikar plantation and scrub vegetation of the Ridge. Within this area an old Mosque is existing. It is popularly called as Muradabad Pahari Fort.”*

3. He has also referred to the note at the end of paragraph 8.6.1 which reads as under:-

“ Note: Pending decision of Supreme Court to which CEC (Centrally Empowered Committee) has submitted report, the further development works can not be taken up.”

4. Relying upon the above, he has submitted that further development work in Kusumpur Pahadi is not permissible. He has questioned the In-Situ Slum Rehabilitation scheme of Kusumpur Pahadi (Annexure – A4) by submitting that under this scheme 2800 dwelling units are to be constructed in Kusumpur Pahadi which is not permissible. He has referred to the silent feature of the In-Situ Slum Rehabilitation scheme which reads as under:-

“ Silent feature

1.	Total Site Area	7.6762 Ha (18.96 acre)
(a)	Proposed area (under encroachment) to be redeveloped	7.6762 Ha
2.	Total Numbers of DUs to be accommodated	2800 (as per meeting held on 1-12-2021 under the chairmanship of VC)
(a)	Number of DUs to be constructed at proposed site	2800

5. He has also referred to Annexure – A6 i.e. an order under Section 2 (B) passed by the Public Grievances Commission and has submitted that in the course of time, the Kusumpur Pahadi has J.J. Cluster of 1 lakh persons. He submits that such an activity is not permissible in the protected forest area. He has also referred to the report at Annexure – A7 which is the Ground Water Information Booklet of South West District, NCT of Delhi, issued by the Central Ground Water Board and has relied upon Table 2 in paragraph 4.2 of the report to show that the Vasant Vihar area is Over-exploited area.

6. The application also highlights the implication of development of such magnitude will result in environmental degradation due to increase in population of the area and can be a threat to ecological life line of South Delhi.

7. The OA raises substantial issue relating to compliance of environmental norms and implementation of the provisions of the scheduled enactment.

8. Issue notice to the respondents for filing their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. Mr. Gigi. C. George, Advocate accepts notice on behalf of Respondent No. 4. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal. Applicant is directed to serve the other respondents and file the affidavit of service at least one week before the next hearing date.

9. List on 13.12.2024

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 10, 2024
Original Application No. 1151/2024
AS..