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HIGH COURT OF DELHI AT NEW DELHI

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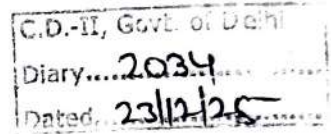
Date:

From:

The Registrar General
Delhi High Court
New Delhi

To:

Executive Engineer
Office of the Executive Engineer: Civil Division II
I & FC Deptt. Govt of Delhi: Govt of NCT of Delhi:
Manohar Park, East Punjabi Bagh Delhi - 110026



Ref.: Request to provide certified copy of order (dated 29/03/2006 in WPC 689/2004) of Encroachment Monitoring Committee headed by Justice (Retd.) Usha Mehra.

Sir,

I am directed to refer to letter no. EE/CD-II /Court/2025-26/1323-24 dated 10.10.2025 on the above subject and to inform you that certified copies are ready. Kindly depute some officer to collect the same as is available in this court.

Yours faithfully



M L
20/12/25
Administrative Officer (J)
Copy Appellate Br.
For Registrar General

DIB
AE II
to collect
Date
23/12/25

OFFICE OF THE EXECUTIVE ENGINEER: CIVIL DIVISION. II:
I & FC DEPTT. GOVERNMENT OF DELHI: Govt. of NCT of Delhi:
MANOHAR PARK, EAST PUNJABI BAGH DELHI-110026.

Email: ifccdi@gmail.com

F.No. EE/CD-II/Court/2025-26/1323-24

Dated: - 10/10/2025 -

To,

The Registrar General,
Delhi High Court, Sher Shah Road,
New Delhi-110053.

Email:- delhihighcourt@nic.in

Sub:- Regarding providing of copy of orders of Encroachment Monitoring Committee headed by Justice (Retd.) Usha Mehra.

Respected Sir,

Irrigation and Flood Control Department, GNCTD, has been assigned responsibility to protect the city from riverine/Yamuna Floods. Accordingly, department has envisaged several proposals for this purpose. It has been transpired that "In 2006, Delhi High Court appointed Yamuna Removal of Illegal Encroachment Monitoring Committee headed by Justice (Retd.) Usha Mehra in WPC 689/2004 dated 29th March 2006. The Committee directed that no construction within vicinity of 300m on either side of the edge of the water channel of Yamuna River shall be allowed."

Therefore you are requested to kindly provide copy of above Orders so that this office may proceed further with the proposal accordingly in public interest to protect the city from riverine flooding.

Yours Faithfully,



(VIVEK CHAUHAN)

EXECUTIVE ENGINEER (CD-II)

F.No. EE/CD-II/Court/2025-26/1323-24

Dated: - 10/10/2025 -

Copy forwarded to :-

1. Superintending Engineer (FC-III), I&FC Deptt., GNCTD, Rohini Office Complex.
Sect. - 15, Delhi - 110089.



(VIVEK CHAUHAN)

EXECUTIVE ENGINEER (CD-II)

... Limited (GSDL) for assessing the encroachments in the flood plain (Zone 'O'), which are yet to be finalised.

The issue of demarcation of flood plain has been hanging since 1978 floods in Delhi. The Yamuna Standing Committee in 1978 recommended that the minimum spacing between future embankments on the banks of the river Yamuna be 5 km and the embankments be aligned at a minimum distance of 600 m from the 'active river edge'. In 2006 Delhi High Court appointed Yamuna Removal of Illegal Encroachment Monitoring Committee headed by Justice (Retd.) Usha Mehra in WPC 689/2004 dated 29th March 2006. The Committee directed that no construction within vicinity of 300m on either side of the edge of the water channel of Yamuna River shall be allowed.

In 2014, the Committee constituted by National Green Tribunal (NGT) observed that "unfortunately its decision had not been followed and the flood water carrying capacity of the river had been greatly compromised". In 2015, in a case filed by Manoj Mishra, the NGT formed a Principal Committee to identify all the existing structures in the floodplains and recommended that ought to be demolished. This is yet to be done.

As per the Delhi Master Plan 2021, the floodplain is termed as 'Zone O'. In the Draft Delhi Master Plan 2041, the floodplains have sub-divided into Zone 'O-I' and Zone 'O-II'. While no

23
% 29-03-2006

Present : Ms. Hima Kohli for the respondent.
Mr. Rajiv Bansal for respondent/DDA.
Mr. Ashok Bhasin for respondent/MCD.
Mr. Suresh Kaith for respondent/UOI.

+ WP (C) No. 2112/2002 & W.P.(C). NO. 689/2004
*

The report of the Committee headed by Justice Usha Mehra (Retd.) has been filed on 22.3.2006. At the outset, we would like the Convenor of the monitoring Committee to remain present in the Court from the next date onward so as to apprise us about the steps taken by the Committee in carrying out the direction passed by this Court from time to time. On 15.2.2006 in view of the first report of the Committee, we had directed the personal appearance of the Chief Secretary of Government of U.P., in case the encroachment from the area as well as the encroachers are not removed and the area is not fenced by the Irrigation Department of the Government of U.P. In the above report of the committee it has been stated that the Chief Engineer, Irrigation Department has fully cleared the entire area and has removed all the encroachments with their belongings from the site which has now been fenced with barbed wires and the Irrigation Department has done a good job. Therefore, the direction for personal appearance of the Chief Engineer of the U.P. is hereby recalled.

WP (C) Nos. 2112/2002 & 689/2004

Page 1 of 5



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33

From the report we find that DDA is not putting all its efforts to clear the encroachment in terms of our direction issued on 8.12.2005. In view of the report of the convenor that the Vice Chairman of the DDA who himself is a Member of the Committee has assured the Committee that removal operation will commence w.e.f. 9.4.2006 and by the end of April, 2006 all JJ clusters and encroachments will be removed from Bela Gaon, Mool Chand Basti I, II and III located behind Shantivan, Shakti Sthala and Rajghat from Kisan Colony opposite Metcalf House near Chandgi Ram Akhara, Ghat Nos. 1 to 32, tonga stand near old Yamuna bridge, Yamuna bazar, Ganga Vihar near Noida toll bridge opposite ISBI, Sarai Kale Khan and Thokar No.8, Vikas Marg near Shakarpur Chungi, we only hope that the Vice Chairman of DDA will see that the undertaking which he has given to the Committee to carry out removal operation of unauthorised construction by 30.4.2006 is strictly followed. In case of any delay the Vice Chairman of the DDA shall remain present in the Court on the next date of hearing.

In paragraph 3 of the report of the Committee we observe that in spite of repeated directions no progress has been made by the DDA as the DDA has not submitted area-wise sketch plans showing clusters of jhuggis and



34

other structures on various parts of Western embankment of the river Yamuna. It seems that the DDA itself does not have plan. Therefore, we direct the Committee that if no plan is submitted within two weeks by the DDA, the Committee may take the help of agency like HUDCO or ISRO who has got satellite mapping instrument and technology available so as to have the mapping of all the jhuggi cluster and other structures on the western embankment on Yamuna river and said specific report be also submitted to the Court on the next date of hearing. We are amazed that when we have made the Vice Chairman of the DDA a member of the committee under what authority junior officer is appointed as nodal officer to deal with the Committee. If the Vice Chairman himself is not available for any reason, though endeavour shall be made by the Vice Chairman to remain present in the Committee himself, any other person to be appointed as nodal officer should not be below the rank of Commissioner of the DDA.

Another aspect which has been highlighted by the convenor of the Committee in its report is that Rs. 25 crores were received from the Government of India for the purpose of rehabilitation and development of 'Green' at Yamuna river banks. The Municipal Corporation of Delhi in spite of being asked as to how the money has been spent has not responded to the



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25 /

Committee. A direction is issued to the Commissioner of MCD who himself is a Member of the Committee to ensure that proper facts and data should be brought before the Committee. In paragraph 7 of the report the Committee has pointed out that an eight lane road is being constructed on the river bank. We would like to know the details as to what is the distance of the site of the proposed road from the river embankment and what is the plan to develop 'Green' where the road is proposed to be built. Let the said plan etc. be also placed before the Committee and in turn the comments on the same be also placed before this Court on the next date of hearing by the Engineer-in-Chief of the PWD.

We also issue direction to all the Courts subordinate to the Delhi High Court not to deal with any matter with regard to grant of stay against removal of illegal encroachers from the river embankment. The same shall be placed before this Court as and when if such case is filed. We also direct the Commissioner of MCD to forthwith take into consideration that no construction takes place within the vicinity of 300 metres of either side of Yamuna river.

We direct the DDA to place the copy of our order before the court within one week where stay order has been granted by the Courts and take appropriate steps in accordance with law so that the order passed by any court



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36

should not come in the way of removal of encroachment from Yamuna river.

A copy of this order be sent to the District Judge for compliance.

A copy of this order be given DASTI to counsel for the respondents
under the signature of Court Master.

Renotify on 3.5.2006.


Vijender Jain, J.


S.N. Aggarwal, J.

March 29, 2006
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WP (C) Nos. 2112/2002 & 689/2004

Page 5 of 5

Nothing phd.



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