BEFORE THE NATIONAL GREEN TRIBUNALS, NEW DELHI

ORIGINAL APPLICATION No.....636.....2025

In the matter of:

Sanjeev Nayyar — Applicant

Vs.

Commissioner, Municipal Corporation of Delhi — Respondent

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New Delhi

Dated: 27-11-2026

Ashok K Kashyap, Advocate
184, Chamber Block-2
High Court of Delhi, New Delhi

Ashok Kashyap
ADVOCATE, D/207/1977
184, LAWYERS' CHAMBER
HIGH COURT OF DELHI
N. DELHI-3

ashokadvocate@rediffmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 636 of 2025

IN THE MATTER OF:

Sanjeev Nayyar .....Applicant

VERSUS

Municipal Corporation of Delhi & Ors.....Respondent

REJOINDER ON BEHALF OF PETITIONER TO THE REPLY FILED BY THE RESPONDENT

Respectfully Submitted;

A. It is respectfully submitted that respondent while filing reply to the main application failed to supply the advance copy to the counsel for applicant. Thus it has caused delay in filing rejoinder. The associate of the Counsel for applicant now searched online and found that the reply has been filed, therefore, rejoinder is being filed.

Preliminary Submissions;

Reply to Para:

1-6 The respondent basically submitted facts stated in the application, anything stated contrary to the facts are denied. At the outset it is submitted that the respondent in fact admitted all the facts stated in the main application as it has been not specifically denied and no parawise reply is submitted. Thus facts stated in the main application are deemed to have been admitted. In the reply it is also not disputed that the land of designated park as shown in the approved site Layout plan of the Rajouri Garden Extension sanctioned in the year 1964, has been illegally encroached as stated in the petition. Thus it is respectfully submitted

that the respondent has no case in his favour and the prayer made in the main application is liable to be allowed on this short ground alone.

It is further respectfully submitted that in a almost similar matter came before the Hon'ble High Court of Delhi, vide WP(c) No. 13633/2024 titled as Rachit Gupta Vs. Govt. of NCT of Delhi & Ors, the same was decided on 16/02/2026 by Hon'ble Mr. Justice Amit Bansal. Relevant paras of the same are being quoted below for kind perusal of this Tribunals:-

"Para 9 " In my considered view, the presence of open garbage bin as public urinal is undoubtedly a nuisance to the residents of the area including the petitioner outside whose house the same is located. This court empathizes with the petitioner as well as other residents in as much as presence of public urinal as well as open garbage bin would result in stench in the surrounding area. The residents of aforesaid locality have been constrained to live in such deplorable condition. The photographs filed with the petition clearly demonstrate the existing state of affairs."

Para10:- One of the integral aspect of a healthy life is hygienic environment. Absence of healthy environment would frustrate the right of petitioner to live with dignity. The presence of public urinal and an open garbage bin right next to the petitioner house clearly violates his right to life grant under article 21 of the constitution which includes right to live with dignity in clean & healthy environment. (Please see State of MP V. Kedia Leather & Liquor Limited (2003) 7 SCC 389 and Chameli Singh V. state of UP (1996) 2 SCC 549.

Para11:- In view thereof a direction issued to the respondent no. 2 /MCD to forth with demolish the open dustbin and urinals next to the house of petitioner at house no. 3148, Lal Dawaja Bazaar, Sita Ram Bazaar, Delhi-110006 within four weeks from today".

Thus in view of the above order and directions passed by Hon'ble High Court of Delhi the matter is squarely covered and the application filed by the petitioner is liable to be allowed. Copy of the order is annexed hereto and marked Annexure-A/5 with photographs. It is further respectfully submitted that the pleas raised by the respondent Corporation in their reply are totally false and frivolous. It is further submitted that alleged installation of compactor system alleging whereby the waste is mechanically compressed and thereafter transported to the designated disposal processing facility will not serve the problems of emanating foul smell from wet garbage and leftover food materials collected from the nearby restaurant as stated in the petition which is injurious to the health of the residents particularly the senior citizens like petitioner & children who are residing nearby dhalao/ Kuda ghar. It is further submitted that nothing much has changed even after installation of alleged compactor, rather it creates noise pollution also while in operation. A few recent photographs are being marked annexure A-6 showing the current position that nothing much has changed as the garbage is openly lying and stored in cycle rickshaws. However the facts remains that park is meant for green area as it prevents air pollution and creates fresh air for the residents of the locality. The garbage house covered with plastic sheets, the gases and foul smell emanates from that area in nearby locality, practically affecting the petitioner/ senior citizen including Children of play school and is liable to be removed from the present site of designated park may be converted into green area and has to be maintained as green park.

Parawise reply on behalf of applicant to the submissions made by MCD Respondent;

7. As already stated above and the facts stated in the main application are reiterated and reaffirmed. It is denied that the site is known as Cattle

point, Rajouri Garden. It is further reiterated that this land is part of green park and has to be maintained as Green area and it cannot be used for any other purpose than the park and cannot stated to be Cattle point. The plea now taken by the respondent Corporation that the alleged site is presently operated as Fixed Compactor Transfer Station (FCTS). The Corporation failed to bring any evidence that as to when the Fixed Compactor Transfer Station was installed. The plea is taken to mislead this Hon'ble Tribunal. It is reiterated that from the photographs filed by the respondent show that the Kuda Ghar/ Dhalao is infact, still exist and the respondent is making false statement to mislead this Hon'ble Commission. The photographs already annexed to the petition and moreover site plan already annexed with the application shows that this is land of the designated park. It is further submitted that the respondent Corporation is falsely claiming that it is a Cattle point and the officials who submitted the affidavit is liable for consequences for swearing false affidavit.

8. Reply to Para 8 of the Submissions made on behalf of Respondent MCD are false & frivolous as no evidence is produced that the dhalao was there for last approximately 20 to 25 years and failed to show that this land is of dhalao, according to site plan submitted by the applicant which is not disputed by the respondent the land stated to be park and which can not be used for any other purpose than the park. The photographs already annexed with the application clearly depict that it was huge Kuda Ghar and waste material was lying in Kuda ghar as well as on roads. It is wrong to say that the said dhalao was converted into a Fixed Compactor Transfer Station (FCTS) approximately 10 years ago. This is palpably false statement made by the Executive Engineer who sworn false affidavit and is liable to punished in accordance with law. The recent photographs are being annexed with the rejoinder as

Annexure A-6 still shows that huge Kuda is lying inside and outside the Kuda Ghar and rag pickers are working day and night for segregating kuda. Moreover crushing Kuda by machine is no solution to the problem as of now more smell of pungent gases from the Kuda Ghar/ Dhalao emanates and the residents are badly suffering from respiratory problems particularly children and senior citizens. Thus the orders/judgements passed by Hon'ble High Court of Delhi is fully applicable to the present facts and circumstances of the case as the petitioner and residents of the nearby houses have every right to live with dignity in clean & healthy environment. Thus this act of Respondent Corporation clearly violates Article 21 which includes Right to live with dignity in clean & healthy environment as stated above. Thus the Kuda ghar is liable to be removed forthwith. The respondent has already taken very long time to file reply and the petitioner including nearby residents are badly suffering due to the illegal and unjustified action on the part of the respondent Corporation.

9. Contents of Para 9 are wrong and are denied, however, before filing reply after long delay the respondent has installed the alleged FCTS as already stated above that this alleged modern and mechanized waste handling facility intended to facilitate the systematic handing and transportation of municipal waste is far from truth.

It is respectfully submitted that these kind of heavy machines are used at the big garbage dumping ground for compression to reduce the volume of kachra/ kuda that too in a closed pucca building but not in a open shed, site on large dhalao far away from the residential locality where Kuda of whole city is collected like Gazipur, Azadpur etc. Thus this plea in this case is not available to the respondent and knowing fully well has been taken to

mislead this Hon'ble Tribunal. As already stated above that these machines are used at the designated big area for disposal and not in the residential locality as its operation causes more air & noise pollution.

10. Contents of Para 10 are wrong and denied in toto. As already stated in the petition that the Corporation has converted land of designated park which is shown in the sanctioned Zonal Plan of 1964 and they have no right to change the park into Kuda ghar. It is submitted that explanation given is only an excuse and shows adamancy of the Corporation not to remove Kuda ghar/dhalao from the thickly habituated residential locality where senior citizens, children and play school are there which put the life of residents in peril. There are about 40 numbers of student studying in the play school. The applicant crave leave of this Hon'ble Tribunal to refer to unfortunate incidence of death of Late Sunil Sachdeva husband of Mrs. Nivedita Sachdeva who is owner/resident of Part of Z-4 house, informed to the applicant stating that her husband suffered respiratory problems which aggravated and verily believed that the foul smell from Kuda gar could be one of the cause for causing cancer and he died. Death Certificate is also annexed. It is also pertinent to mention that there is also big Senior Secondary Govt School in the Z Block 90 meter away from the Kuda ghar and large number of students are studying there and their life is also affected by the Kuda ghar/dhalao as smell emanates which causes noise pollution as stated above.

11. Contents of Para 11 are wrong and are denied. It is submitted that there was no Cattle point as alleged. Obviously there is a large Kuda ghar lot of animals even dogs are attracted to fetch residue from the garbage. This is duty of the respondent Corporation to keep the area clean and removed unwanted elements from the residential colony from time to time.

12. Contents of Para 12 are wrong and denied and it is submitted that the reply to para itself shows that 15-20 metric ton garbage per day is collected in dhalao, that itself shows aggravation of pollution caused in the area that to in the park where residents of locality have every right to take stroll for fresh air. Question arises how can the Corporation convert the park into garbage land, answer is clear that they have no legal bonafide right to do so. The explanation given in the para is far from truth. As already stated in the main application whole day and night right from morning to night the garbage is collected and transported afterwards that also creates lot of nuisance as stated in the main application.

13. Contents of Para 13 of the reply are wrong and are denied. The explanation given in the para is far from truth. As already stated in the main application whole day and night right from morning to night the garbage is collected and transported afterwards that also creates lot of nuisance as stated in the main application.

14. Contents of Para 14 are wrong and denied. The explanation given in the para is far from truth. As already stated in the main application whole day and night right from morning to night the garbage is collected and transported afterwards that also creates lot of nuisance as stated in the main application. It is also not out of place to mention that about 36 residents of Blok Z & Block J surrounding park in the Rajouri Garden area made an application to the Municipal Commissioner on 11/06/2025 complaining about the Kuda ghar and requesting him to remove Kuda ghar but to no avail, as no reply has been received and were compelled to approach this Hon'ble Commission for removal of Kuda ghar, Now MCD has come with false and frivolous pleas, therefore, the application is liable to be allowed as prayed.

The explanation given in Para 8-14 are far from truth and is only given to retain the land of park which is not permissible under the law as per approved site plan 1964 and in view of the latest judgement of High Court of Delhi the fundamental rights granted under Constitution of India are valuable right prevails as explained hereinabove. Thus the respondent Corporation has no case and has no legal vested right to have Kuda ghar/ dhalao in the present locality of Rajouri Garden, Delhi.

15. Contents of Para 15 are wrong and denied as there was no designated Cattle point at the present dhalao. Even if the cattles/dogs are collected at one point in the residential locality it is the bounden duty of the corporation to remove them forcefully and put them in proper rehabilitation centre.

In view of what has been explained hereinabove it is, therefore, humbly prayed to this Hon'ble Tribunals that the application may kindly be allowed directing the respondent corporation to remove the dhalao/ kuda ghar from the present site of Z Block, Rajouri Garden.

Applicant

(Sanjeev Nayyar)

Through

Ashok Kashyap, Advocate
184, Lawyers Chamber
High Court of Delhi, New Delhi

BEFORE THE NATIONAL GREEN TRIBUNALS, NEW DELHI

In the matter of:

Sanjeev Nayyar — Applicant

Versus

Commissioner, Municipal Corporation of Delhi — Respondent

Accompanying Affidavit

I, Sanjeev Nayyar, S/o Late Joginder Nath aged about 66yrs., Owner of House No. Z-4, Harbhagwan Arora Marg, Rajouri Garden Ext. Delhi presently residing at 260 Gujrawala Town -3, Delhi do hereby solemnly swear and affirm that :-

1. That I am the petitioner in the above case as such fully conversant of the facts of the case, thus competent to swear this affidavit.

2. I say that the reply to rejoinder has been drafted under my instruction and facts stated in the rejoinder are true to my knowledge and nothing material has been concealed therefrom.

3. The accompanying annexures are also true and correct to my knowledge and believed to be true.

DEPONENT

I Identify the Deponent who has Signed/Put T. In my presence.

Verification:-

Verified on 27th day of November 2026 that the contents of above affidavit are true to my knowledge and information received therefrom are believed to be true and noting material has been concealed therefrom

DEPONENT

NOTARY
DEV SUMAN
MOHANPURIA
DELHI
Regd. No.2758
MY TERM EXP ON
20 DEC. 2029
GOVT. OF INDIA
27 NOV 2026

CERTIFIED THAT THE DEPONENT
Mr/Mrs/Ms. Sanjeev Nayyar
S/o, W/o, D/o Late J. Nath
Identified by Mr/Mrs. Ashwani Adv
Has solemnly affirmed before me at Delhi
on 27/11/26 at Sl. No. 828
That the contents of the affidavit which have been read and explained to him are true and correct to his knowledge
27 NOV 2026
Dev Suman Mohanpuria (NOTARY) NCT of Delhi

Annexure A-5

2026:DHC:1483

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 16th February, 2026*

\+ W.P.(C) 13633/2024 & CM APPL. 57027/2024

RACHIT GUPTA .....Petitioner

Through:

versus

GOVERNMENT OF NCT OF DELHI AND ORS. .....Respondents

Through: Ms. Rachit Garg, Advocate for GNCTD
Mr. Vaibhav Singh, Advocate

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present writ petition has been filed seeking the following reliefs:

> 1. A writ, order or directions in the nature of *Mandamus* do issue Commanding the Respondent no. 2 for Demolition of Unauthorized Kudadaan and Urinal constructed on the eastern walls of 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06;
> 2. A writ, order or directions in the nature of *Mandamus* do issue Commanding respondent no. 2 to arrange proper covered dustbins for dry and wet waste for house no. 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06 and on the streets of Lal Darwaza;
> 3. A writ, order or directions in the nature of *Mandamus* do issue Commanding respondent no. 2 daily proper cleaning of the garbage outside the property 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06 and on street of Lal Darwaja;

4. A writ, order or directions in the nature of *Mandamus* do issue Commanding respondent no. 2 Health **Inspecter be deployed** to challan the person who throw garbage outside property 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06 and on the streets of Lal Darwaja;
5. A writ, order or directions in the nature of *Mandamus* do issue Commanding both respondent no. 1 & 3 to take steps to maintain proper hygiene by pest-control and plantation outside property 3148, Lal Darwaza, Bazar Sita Ram, Delhi – 06 and on the streets of Lal Darwaja;
6. Any other appropriate directions or writs may be issued in favor of the petitioner and against Respondents which may deem fit and equitable in the present conditions.

2. The petitioner, who is an Advocate appears in person and submits that he resides at *House No.3148, Lal Darwaza Bazar, Sita Ram Bazar, Delhi-110006*.

3. The grievance of the petitioner is that the respondents have constructed an unauthorised open garbage bin and urinal on the eastern walls of the property of the petitioner, in which about 150 residents in the neighbourhood of the petitioner throws their garbage and waste and also use the urinal. Photographs of the same have been filed along with the writ petition (*Annexure-D of the petition*).

4. It is averred on behalf of the petitioner that the petitioner made several requests before the officials of the respondent authorities to maintain sanitary conditions in and around the open garbage bin and the public urinal. Till date, no action has been taken in this regard.

5. The status report has been filed on behalf of the respondent no.2/MCD that regular inspection and cleaning work is being carried out in the urinal in question by the officials of the respondent no.2/MCD.

6. In terms of the order passed by this Court on 7th August, 2025, a joint

2026:DHC:1483

inspection was carried out to remove/relocate the open garbage bin and urinal. However, the site proposed by the petitioner was not found feasible.

7. In the rejoinder filed on behalf of the petitioner, it is stated that the area in question is residential and all residents are expected to have toilet in their own houses, therefore, there is no requirement for public urinal. Further, insofar as the open garbage bin is concerned, in terms of the Solid Waste Management Rules, the respondent no.2/MCD is required to collect garbage from the house of the residents.

8. I have heard the counsel for the parties.

9. In my considered view, the presence of open garbage bin as well as public urinal is undoubtedly a nuisance to the residents of the area including the petitioner, outside whose house the same is located. This Court empathises with the petitioner as well as other residents inasmuch as presence of a public urinal as well as an open garbage bin would result in stench in the surrounding areas. The residents of the aforesaid locality have been constrained to live in such a deplorable condition. The photographs filed with the petition clearly demonstrate the existing state of affairs.

10. One of the integral aspects of a healthy life is hygienic environment. Absence of a healthy environment would frustrate the right of the petitioner to live with dignity. The presence of a public urinal and an open garbage bin right next to the petitioner's house clearly violates his right to life guaranteed under Article 21 of the Constitution, which includes right to live with dignity in a clean and healthy environment [Please see ***State of M.P.*** **v.** ***Kedia Leather & Liquor Ltd.*** (2003) 7 SCC 389 and ***Chameli Singh*** **v.** ***State of U.P.*** (1996) 2 SCC 549].

11. In view thereof, a direction is issued to the respondent no.2/MCD to

forthwith demolish the open dustbin and the urinal next to the house of the petitioner at *House No.3148, Lal Darwaza Bazar, Sita Ram Bazar, Delhi-110006* within four (4) weeks from today.

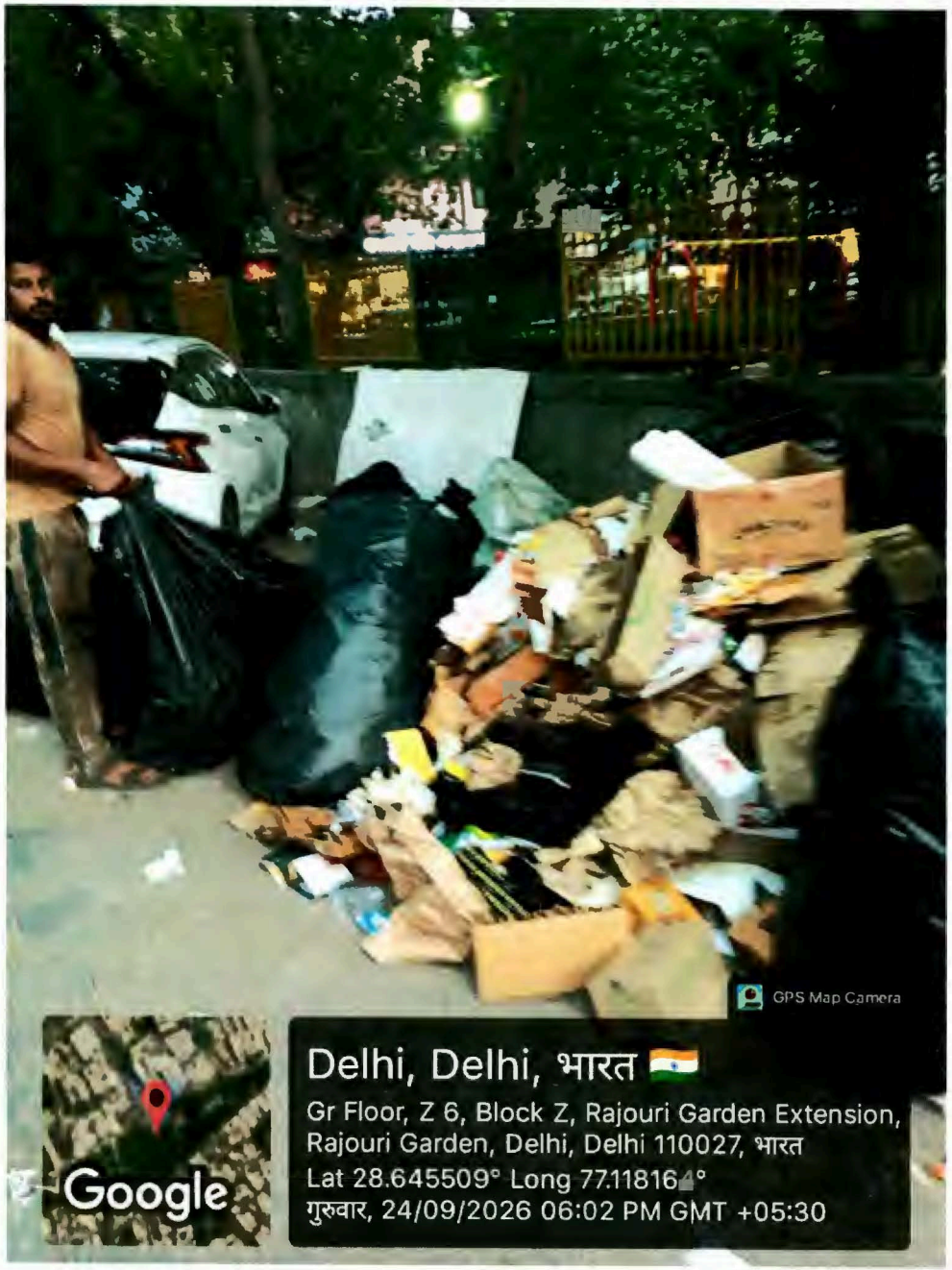
12. Further direction is issued to the respondent no.2/MCD to arrange proper covered dustbin for dry and wet waste to be kept at a distance from the petitioner's property.

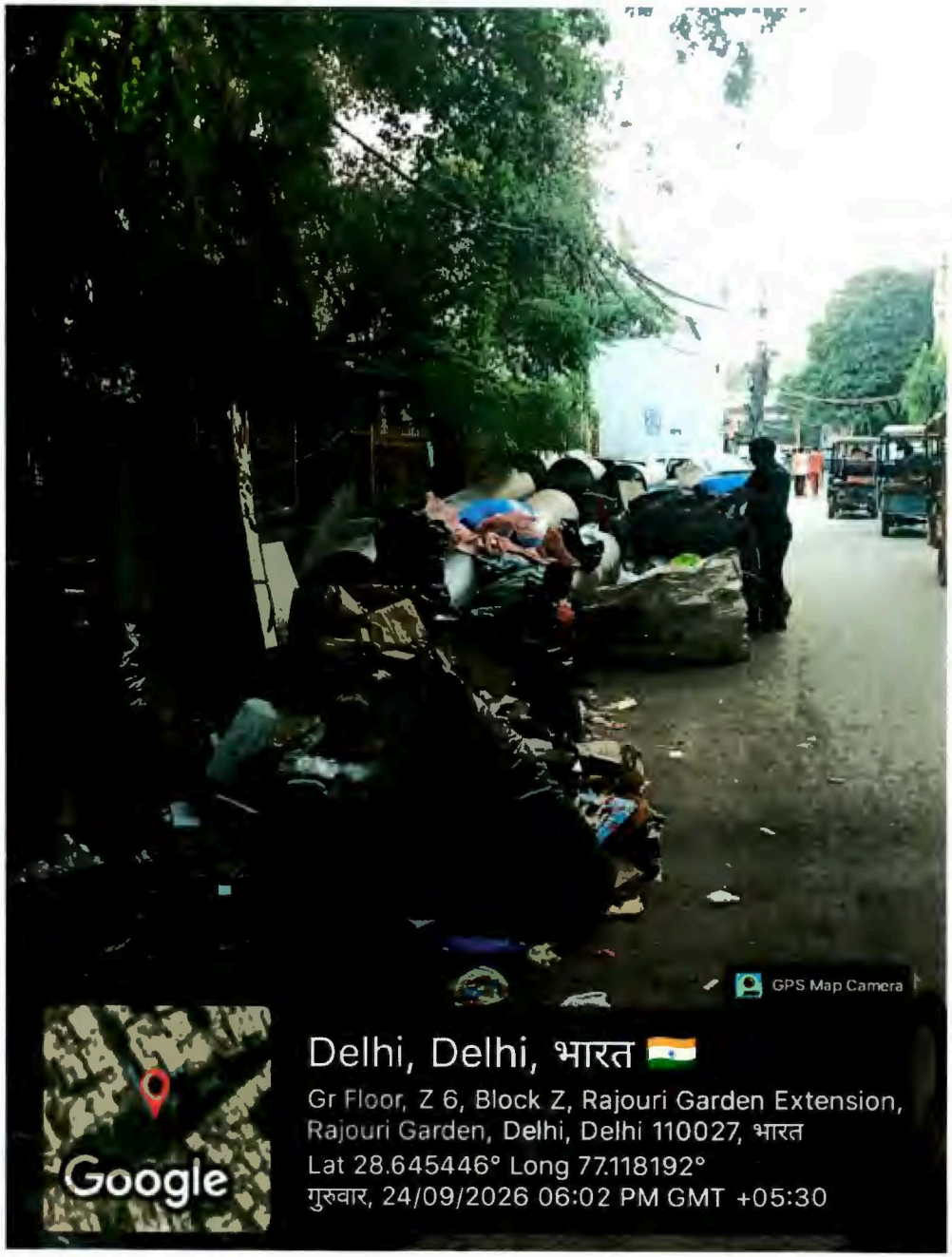
13. The writ petition stands disposed of with the abovesaid directions.

AMIT BANSAL, J

FEBRUARY 16, 2026/ds

57 Ann- A6 - 14


GPS Map Camera
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Delhi, Delhi, भारत
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GPS Map Camera
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Delhi, Delhi, भारत
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GPS Map Camera
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Delhi, Delhi, भारत
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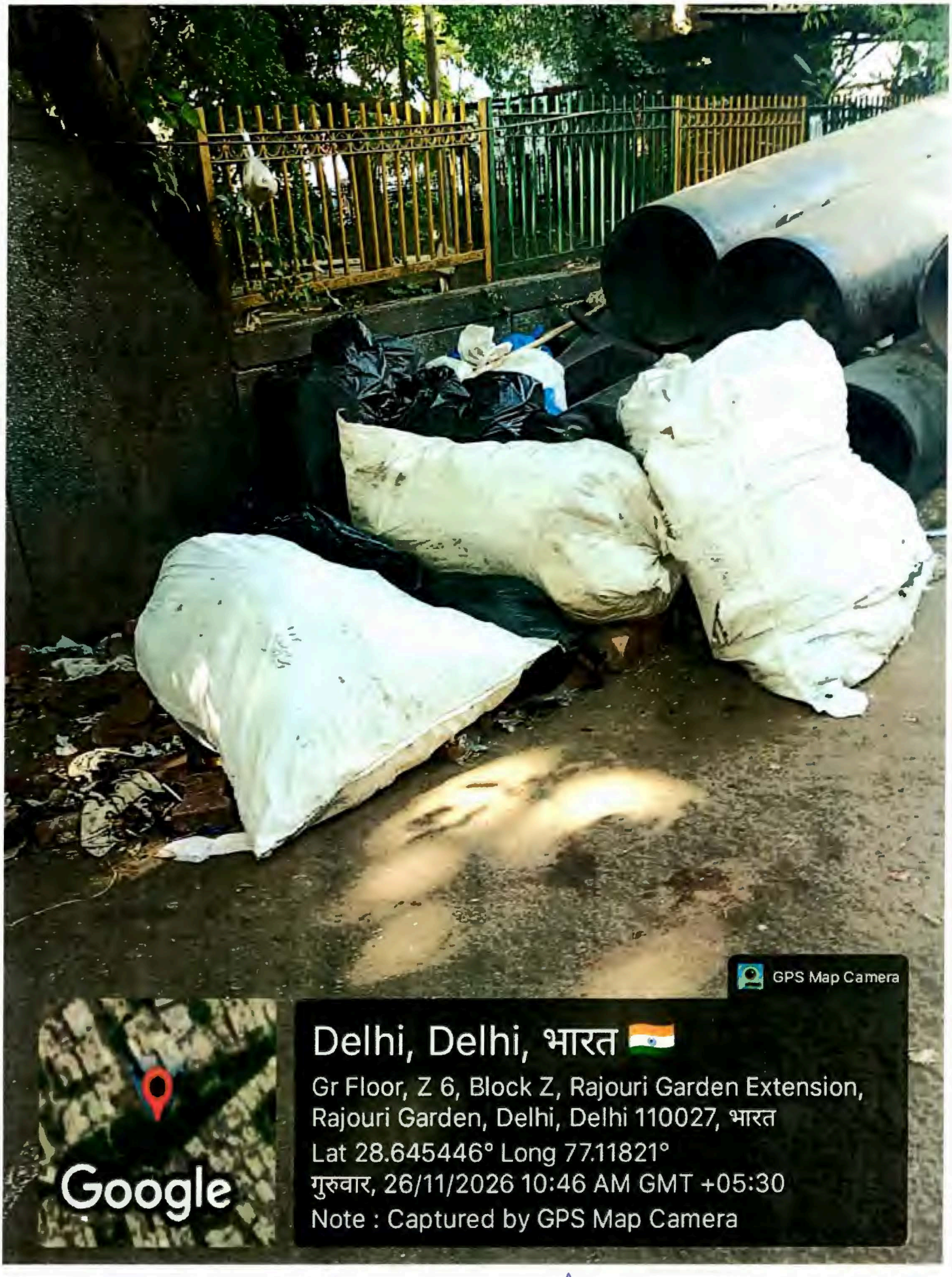
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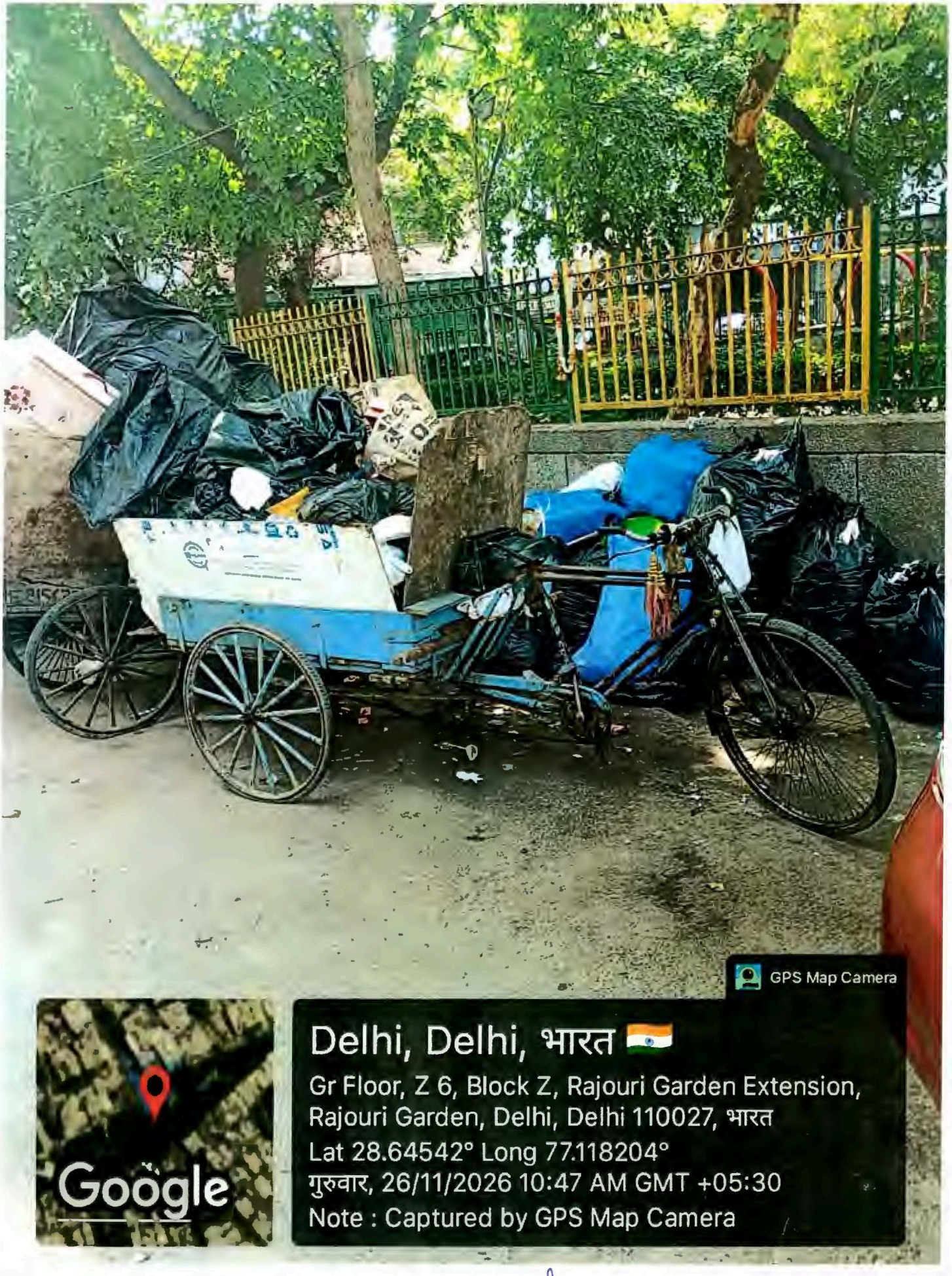
18


GENERAL SHIFT
राजकीय वरिष्ठ माध्यमिक बाल विद्यालय नं.-1
BOYS SR. SEC. SCHOOL NO.-1
राजौरी गार्डन (विस्तार) नई दिल्ली -110027
RAJOURI GARDEN (EXTENSION) NEW DELHI-110027
स्वागतम्
प्रधानाचार्य से मिलने का समय - 09:00-10:30
GPS Map Camera
नई दिल्ली, दिल्ली, भारत
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GPS Map Camera
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GPS Map Camera
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Note : Captured by GPS Map Camera
Google

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फॉर्म संख्या / Form No. 6
राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार
Govt. of National Capital Territory of Delhi
दिल्ली नगर निगम
MUNICIPAL CORPORATION OF DELHI
मृत्यु प्रमाण पत्र / Death Certificate

0225-1040627078878

(Issued under section 17 of the Registration of Death Act, 1969 and 8/13 of Delhi Registration of Death Rule,1999)

This is to certify that the following information has been taken from the original record of DEATH which is the register for Municipal Corporation Of Delhi of WEST ZONE of N.C.T. Delhi

नाम / Name	SUNIL SACHDEVA
लिंग / Gender	MALE
मृत्यु की तिथि / Date Of Death	10-05-2025
मृत्यु का स्थान / Place Of Death	Z4-B SECOND FLOOR NEW DELHI RAJOURI GARDEN SOUTH WEST DELHI INDIA 110027
पंजीकरण की तिथि / Date Of Registration	11-06-2025
पंजीकरण संख्या / Registration No	MCDOLIR-0225-1160521869009
माता का नाम / Name of Mother	KRISHNA SACHDEVA
पिता का नाम / Name of Father	BANARSI DASS SACHDEVA
जीवनसाथी का नाम / Name of Spouse	NIVEDITA SACHDEVA
मृतक के मृत्यु के समय का पता/Address of the deceased at the time of death	Z4-B SECOND FLOOR NEW DELHI SOUTH WEST DELHI INDIA 110027
स्थाई पता / Permanent Address	Z4-B SECOND FLOOR NEW DELHI SOUTH WEST DELHI INDIA 110027
जारी करने की तिथि / Date of Issue	11-06-2025

Note: This certificate is system generated and does not require any seal/signature in original . The authenticity of this certificate can be verified at mcdonline.nic.in

प्रत्येक जन्म एवं मृत्यु का पंजीकरण सुनिश्चित करे
ENSURE REGISTRATION OF EVERY BIRTH & DEATH