

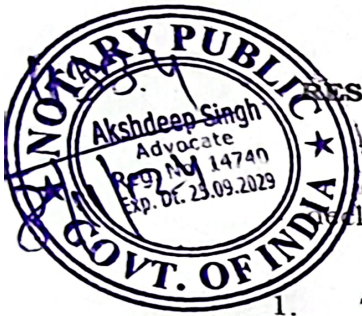
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(In O.A. No. 293 of 2023)

**Yogesh Maini & anr. Vs The State of Punjab through the Principal Secretary of
Local Government Department & ors.**

**Affidavit of Yogesh Maini (aged 41 years) s/o Late Sh. Kapil Bhushan Maini
r/o #678/1, Prem Nagar, Shiv Mandir Road, Civil Lines, Ludhiana.**



RESPECTFULLY SHOWETH:

I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

1. That the deponent, who is one of the Applicants (in person) in O.A. No. 293 of 2023 filed with this Hon'ble National Green Tribunal.
2. That the contents of paras no. 1 to 3 of the accompanying Rejoinder are true and correct to my knowledge.

**I know the deponent/executant
& He/She signed or R.T.I./L.T.I.
Marked in my presence**

Certified that the affidavit has been readover & explained to the deponent who seemed perfectly understand at same at the time making there of

Adm. No. 3551/8847/0635

Place: Ludhiana
Dated: 08.11.2024

Yogesh Maini
DEPONENT

Verification:

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana
Dated: 08.11.2024

Signature Attested & Identified

Yogesh Maini
DEPONENT

Notary Public, Ludhiana (Ph. 1)

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

(In O.A. No. 293 of 2023)

Yogesh Maini & anr.

..... Petitioners

Vs.

State of Punjab & ors.

..... Respondents

Additional Affidavit by Applicant No. 1 on inaction by Respondent No. 2 by fixing on Solid interlocking tiles/cement concrete fixed by going against directions of this Hon'ble Tribunal (in O.A. No. 62 of 2021) as well as deliberate act of not complying with orders dated 23-10-2024 of this Hon'ble Tribunal.

Hon'ble sir,

Respectfully sheweth,

The Applicant humbly submit as under:

1. That in O.A. No. 62 of 2021 vide final orders dated 10-03-2021, this Hon'ble Tribunal was pleased to direct the Respondent No. 2 & Respondent No. 3 to remove the cement concrete from prohibited area of one meter in radius around the trees in areas coming under their jurisdiction. However, both the respondents have continued to defy the directions of this Hon'ble Tribunal and spent more than 100 Crores even after 10-03-2021 for fixing Solid interlocking tiles in 100% area along roadsides above road level, resulting into major damage to the Environment. Further, even during the pendency of this

Original Applicant, both the respondents kept on damaging the environment by using solid interlocking tiles, that too above the road level and within prohibited area of One meter of radius of trees.

2. That the Respondent No. 2 (Municipal Corporation Ludhiana) has completely failed in complying with orders dated 23-102-2024 and has failed to remove interlocking tiles even from prohibited area of One Meter radius of trees as well as orders dated 10-03-2021 (in O.A. 62 of 2021), thus has resulted into major damage to Environment since last 42 Months, thus liable to prosecuted u/s 26 of NGT Act, 2010. It is pertinent to humbly submit here that Municipal Commissioner of Ludhiana has been taking excuse of locations but has not even removed the tiles from locations mentioned in the Original Application as well as detailed provided by Petitioners in Additional Affidavits. The Respondent No. 3 (Ludhiana Improvement Trust) has started removing the interlocking tiles around trees within radius of 0.75 around Meters instead of One Meter which is required to be rectified. It is humbly submitted that after the directions of this Hon'ble Tribunal in O.A. 62 of 2021, it became lawful duty of both the Respondents to remove the cement concrete from prohibited area around the trees. Thus, it is humbly submitted that the Applicants are always ready to provide the information regarding any wrong activity, if noticed to be done by the private person or MCL itself but it is duty of both the Respondents to remove the tiles/cement concrete fixed by it till date. It is pertinent to humbly submit here that Er. Kapil Dev informed the Municipal Commissioner as well as Horticulture Engineer of MCL regarding fixing of tiles and cement concrete by owner of 114-D, BRS Nagar, Ludhiana on 19-10-

2024 but no action has been taken against the violators and no action has been taken to prevent damage to the environment. A screenshot of information via provided to the Municipal Commissioner by Er. Kapil Dev along with Photograph Clicked on 19-10-2024 vis a viz present status (Photograph of trees outside 114-D clicked on 08-11-2024) is produced herewith as **Annexure PX-5**.

3. That the Applicants had submitted many locations in Original Applications as well as photographs of some of the trees along with GPS location vide Additional Affidavit dated 20-10-2024 as well as earlier affidavits, but MCL has failed to act them till date. Twenty Photographs clicked on 08-11-2024 of some of trees which have already been produced by the Applicants are produced herewith as Annexure PX-6.

Keeping in view of directions of this Hon'ble Tribunal (in O.A. 62 of 2021), orders dated 23-10-2024 in this petition & IRC Code for level of tiles below road level, the Environment Protection Act 1986, Water Act of 1974, the Applicant humbly prays this Hon'ble Tribunal to pass the orders as prayed in Original Application.

Date: 08-11-2024

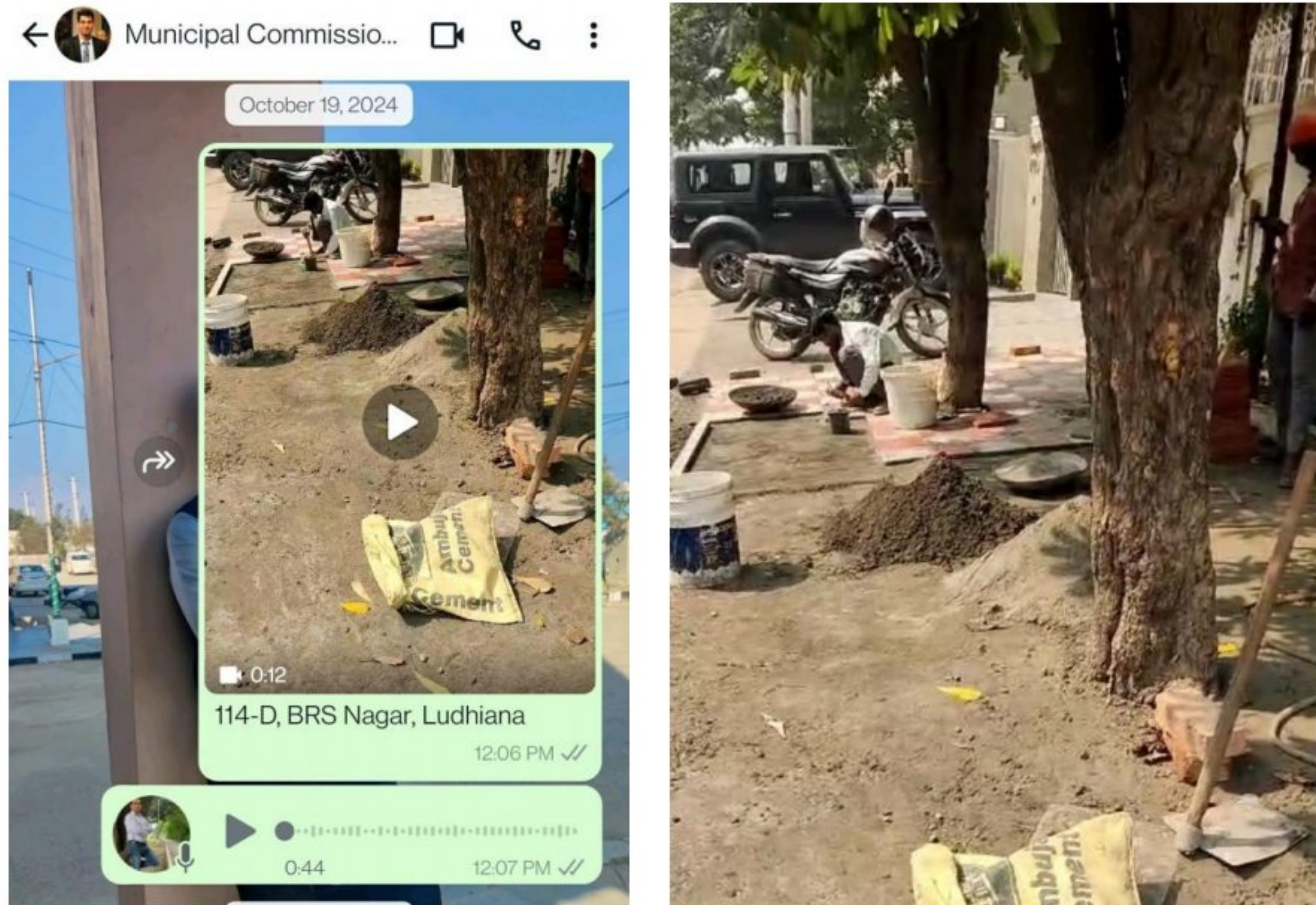
Place: Ludhiana

Yogesh Maini

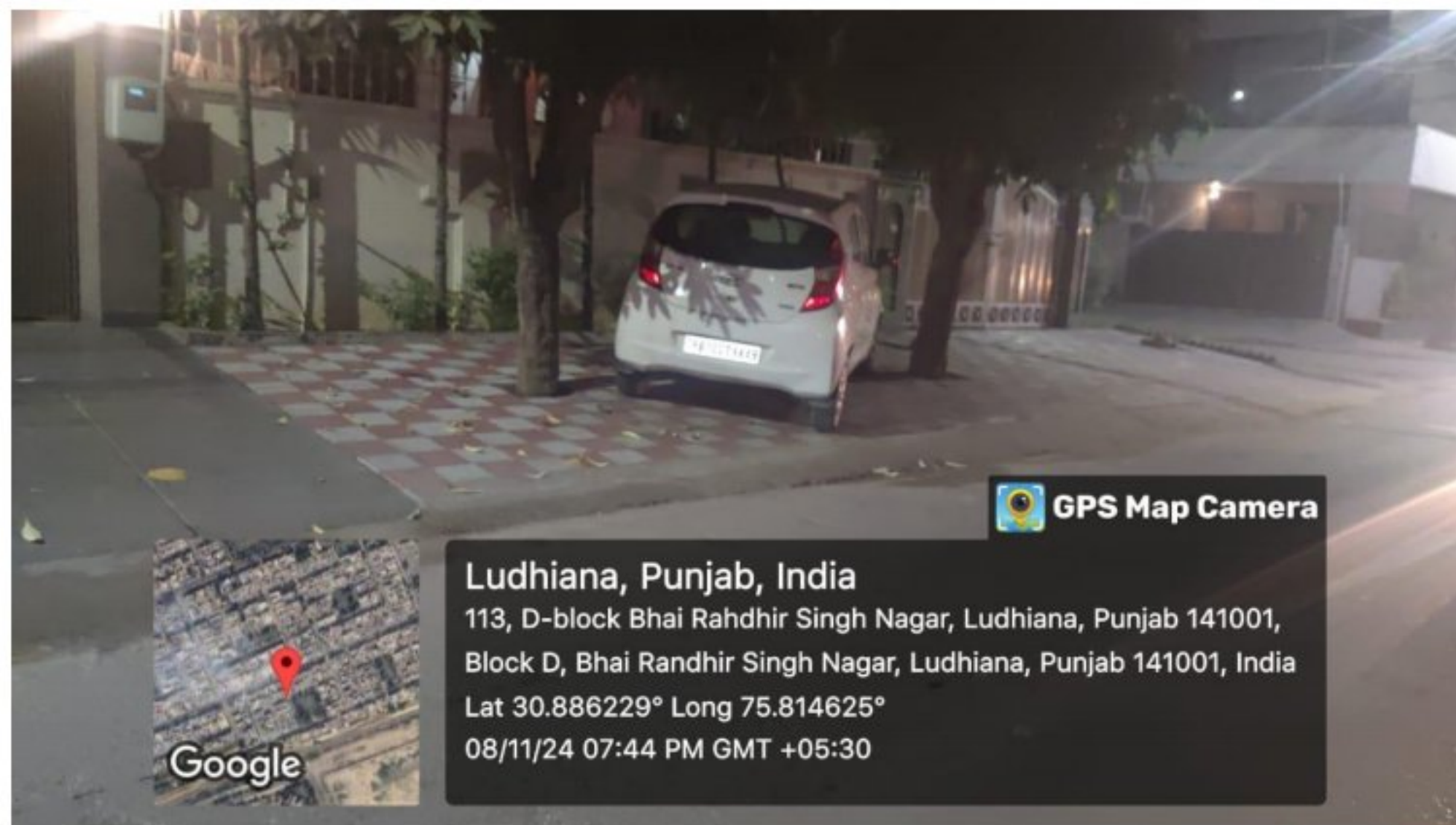
(Petitioner No. 1)

Annexure PX-5

Screenshot of Whatsapp message sent by Er. Kapil Dev to the Municipal Commissioner on 18-10-2024:



PHOTOGRAPH OF SAME LOCATION CLICKED ON 08-11-2024 IS PRODUCED AS UNDER:



ANNEXURE PX-6

PHOTOGRAPHS OF SOME OF THE TREES CLICKED ON 08-11-2024 DEPICTING NO ACTION TAKEN BY MUNICIPAL CORPORATION LUDHIANA (RESPONDENT NO. 2) ON INFORMATION PROVIDED BY THE APPLICANTS:

