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

**AFFIDAVIT**

**(In O.A. No. 793 of 2022)**

**Council of Engineers & ors. .... Applicants**

**vs.**

**State of Punjab & ors. .... Respondents**

**Additional Affidavit of Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o 186-E, BRS Nagar, Ludhiana.**

**RESPECTFULLY SHOWETH:**

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



That the deponent is Applicant No. 2 (in person) and is filing an Additional Affidavit before this Hon'ble National Green Tribunal.

- 2. That the contents of Para no. 1 to 7 dated 01-11-2024 along with Annexures are true to best of my knowledge.

Place: Ludhiana  
Dated: 01.11.2024

*Certified That affidavit has been read over & explained to the deponent / executant who seemed correctly to understand the same at the time making thereof.*  
**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: 01.11.2024

*[Signature]*  
**DEPONENT**

**Attested As Identified**

*[Signature]*  
**NOTARY PUBLIC  
LUDHIANA (PUNJAB)**

*11/11/2024*

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

(In Original Application No. 793 of 2022)

Council of Engineers & ors. .... Applicants

Vs.

State of Punjab & ors ..... Respondents

Additional affidavit by Er. Kapil Dev (Applicant No. 2) pertaining to:

- i) No action taken for restoration of Park to its original position by not taking remedial action by MCL as well as wrong information provided by Municipal Corporation Ludhiana pertaining to Area of impugned Park vis a viz Concretisation done in the park and;
- ii) concretization done in other parts of impugned greenbelts along Old GT Road as well as Lodhi Club Road and;
- iii) illegal parking of vehicles in greenbelts by private persons by going against notification dated 13-04-2018.

Hon'ble sir,

It is most respectfully submitted as under:

1. That keeping in view of the provisions of Master Plan and as held by this Hon'ble Tribunal vide orders dated 04-10-2024, the impugned areas come under the category of City Parks/Major Open spaces. Further, as per the facts submitted by the Applicant as well as development works as done from time to time by MCL, these areas have been developed as Greenbelts and Parks. Thus such impugned areas along Old GT Road as well as along Lodhi Club Road comes under category of City Parks.
2. That the Respondent MCL has failed to comply with the orders dated 04-10-2024 passed by this Hon'ble Tribunal and has not taken step for restoration of impugned park to its original position till date and library building & excess concrete has not been removed till date from the impugned park. Seven Photographs along with Date, Time and GPS Location (clicked on 01-11-2024) depicting present status of impugned park are produced herewith as Annexure PX-7.
3. That the land area under Park on which Library is constructed is 350 Sq yards but the MCL has deliberately mentioned it as 1124 Sq yard. It is pertinent to humbly submit here that Respondent Corporation has mentioned the same park as 292 Sq meters i.e. 350 Sq yards in

an Affidavit submitted before Hon'ble Punjab & Haryana High Court (Page No. 652). Further, MCL has mentioned covered area of building as 52 Sq yards but has not disclosed area covered using tiles in the park. **The Applicant has measured the park area (along with concretization done in it) on 01-11-2024. The total area of park concretized using interlocking tiles and by construction of tiles comes out to be 195 Sq yards i.e. 55% of existing park area** which is against the directions of this Hon'ble Tribunal. The copy of actual layout plan of park comprising of Library and interlocking tiles/Vitrified tiles/cement concrete as measured by applicant is produced herewith as Annexure PX-8.

4. That the notification dated 13-04-2028 issued by Department of Local Government (Town Planning Wing), Punjab as produced earlier, the greenbelts must be protected from Parking of Vehicles (kindly refer to Annexure PX-1 Clause No. 17 at Page No. 640) However, the impugned greenbelts at Old GT Road as well as Lodhi Club Road are being used for parking of private vehicles.
  
5. That the Applicant has produced Photographs from Page No. 668 to 684 (Annexure PX-4) depicting almost 100% impermeable concretization done in other most of other part of Greenbelt along

GT Road. The portion which is not concretized is also being used for parking by private Shop/showroom owners/vehicle repair workshops resulting into major Environmental damage. The overall area of stretch of greenbelts which is concretized by the Respondent MCL/private persons is almost 50% of total greenbelts along Old GT Road, thus such greenbelts may kindly be directed to be restituted by demolishing concrete impermeable flooring.

6. That the Respondent Scholl too has concretized the greenbelt area and using the area for parking of school vans (kindly refer Annexure P-1 at Page no. 18-19, Annexure PX-6 - Page No. 685). Further, the Respondent Lodhi Club too have taken much wider entrance (67'wide) and using more than its half for private vehicle parking along with parking in greenbelt area (Annexure P-1 at Page No. 16-18 and Annexure PF-1 at Page No. 354-356) and such act is in violation to directions of this Hon'ble Tribunal and notification dated 13-04-2018.
7. That as already submitted in the Original Application, this Hon'ble Tribunal in a case title Akash Vashishtha Vs. Union of India & Ors. (Original Application No.165 of 2013) has pleased to pass the orders dated September 29, 2014 regarding maximum area of 5% area of parks/greenbelts/roadsides which can

be allowed to be concretized. Thus, the excess concretization in impugned greenbelts at Old GT Road as well as Lodhi Club Road are illegal and Applicants humbly request this Hon'ble Tribunal to issue directions for restitution of impugned greenbelts. Further, this Hon'ble Tribunal in O.A. 209 of 2023 case title "Kapil Dev & anr. vs. Municipal Corporation Ludhiana & ors." vide orders dated 04-07-2024 has pleased to direct Municipal Corporation Ludhiana to demolish MC Extension Office Building, Store & encroachments done by private persons.

PRAYER:

Keeping in view of directions of Hon'ble Supreme Court, this Hon'ble Tribunal, the Applicants humbly pray this Hon'ble Tribunal to kindly allow our prayer in Original Application and humbly pray to decide the case on merits based on facts and circumstances as produced by the Applicants.

Date: 01-11-2024

Place: Ludhiana



Er. Kapil Dev

(Petitioner No. 2)

ANNEXURE PX-7

PRESENT STATUS OF IMPUGNED PARK – COMPRISING OF LIBRARY BUILDING, CEMENT CONCRETE/TILES FLOORING WITH AREA COVERED UNDER CONCRETE AS 55% AS ON 01-11-2024



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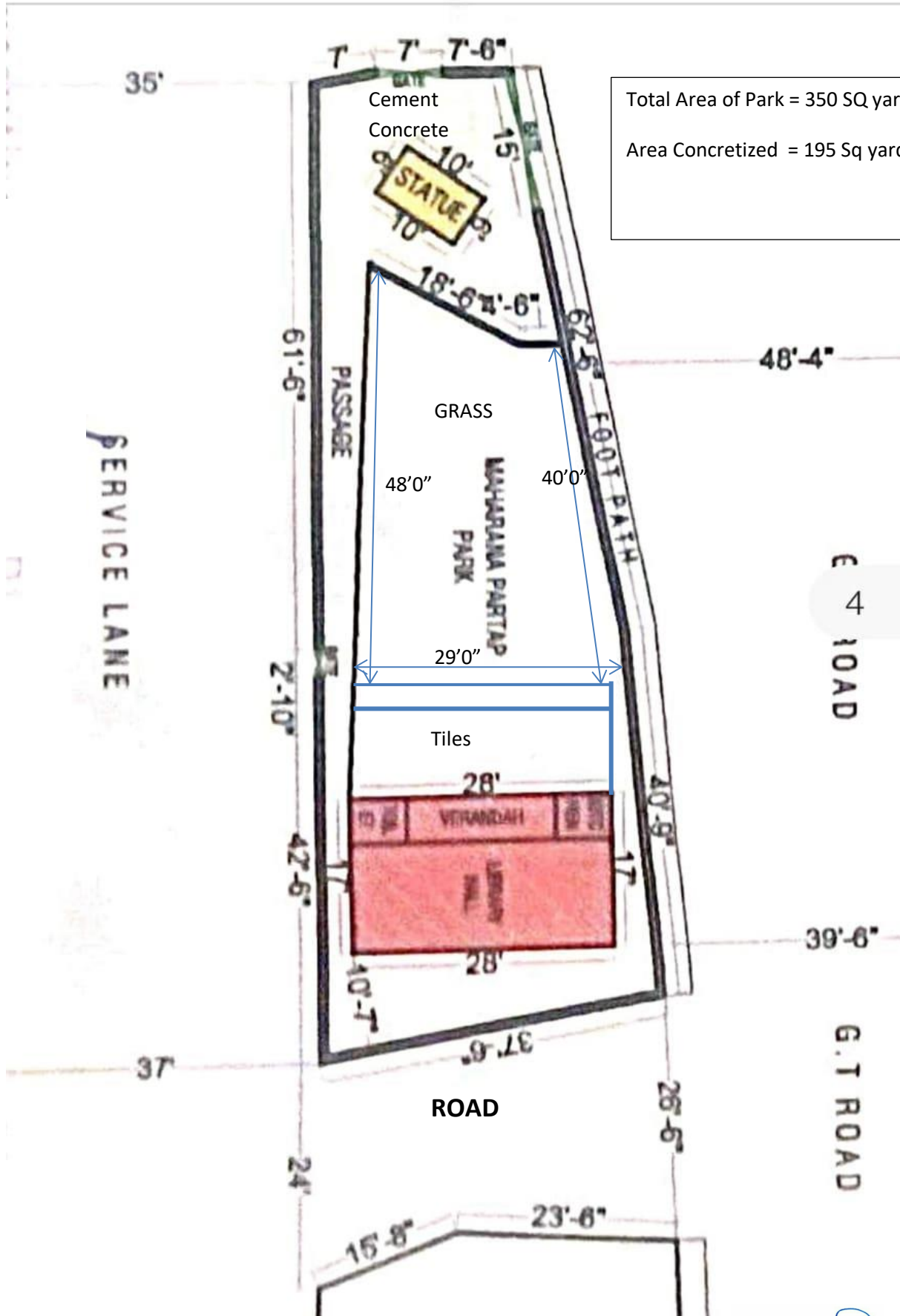
GPS Map Camera



Ludhiana, Punjab, India  
Miller Ganj Road, Dholewal Chowk, Niran Kari Nagar, Ludhiana,  
Punjab 141003, India  
Lat 30.89616° Long 75.866422°  
01/11/24 10:58 AM GMT +05:30







*Handwritten signature*

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Kapil Arora <aroraengineers@gmail.com>

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**Service of Documents by Applicant No. 2 in O.A. No. 793 of 2022**

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**Arora Engineers** <aroraengineers@gmail.com>

Fri, Nov 1, 2024 at 2:19 PM

To: secy.lg@punjab.gov.in, dc.ldh@punjab.gov.in, commissionermcl@gmail.com, ldh\_it\_2009@yahoo.co.in, Lodhiclub.ldh@gmail.com, info@sacredheartschoolludhiana.com

Dear sirs

PFA Additional affidavit by Applicant No. 2 in O.A. No. 793 of 2022 as service of documents

Regards

Er. Kapil Dev  
Petitioner No. 2  
in O.A. 793 of 2022  
Mobile: 9872007872

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 **Additional Affidavit by Applicant No. 2 in O.A. 793 of 2022.pdf**  
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