

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (P.B.) AT  
NEW DELHI

M.A. No. 67 OF 2024

IN

OA No. 659 OF 2023

**IN THE MATTER OF:**

Ashish Rawal

.... Applicant

Versus

State of UP & Ors

... Respondents

ADDITIONAL REPLY ON BEHALF OF GHAZIABAD MUNICIPAL  
CORPORATION / RESPONDENT No.5

**MOST RESPECTFULLY SHOWETH:**

1. That the present matter is pending before this Hon'ble Tribunal and is next listed on 20.01.2026.
2. That in this matter, the Uttar Pradesh PCB filed reply dated 26.11.2024, which read as under:

“xxx .....xxx.....xxx

*6. That in compliance to the directions given by the Hon'ble Tribunal dated 14.08.2024, the officials of the UPPCB conducted the inspection of the park in question on 28.08.2024. The status of park as mentioned in attached report is given below:-*

- a) That the park earmarked in the name of Ramlila Park situated at village Kadkad Model, Sahibabad Ghaziabad.*
- b) That the jogging track in the park was found broken at some places.*
- c) That maintenance of park was not satisfactory.*

*d) That solid waste found (daily-used items) like plastic, wrapper etc., inside the park and near the boundary wall.*

*e) That five (5) coppice wood (trees) were found fallen in the park but no evidence of cutting was observed.*

*f) That there was a mis-management of municipal solid waste found in park and near the boundary wall of entry gate.”*

3. That on 14.11.2024, after conducting subsequent inspection of the plot in question, wherein UPPCB gave a deficiency report.
4. That on 19.03.2025, the answering Respondent filed reply, wherein in Paragraph 4, the answering respondent humbly submitted before this Hon'ble Tribunal as under:

*“4. That regarding the status of the park situated adjacent to A-46, Kadkad Model, Industrial Area, Sahibabad, Ghaziabad, U.P., the park is within the area developed by UPSIDA. In the UPSIDA master plan, the present piece of land is depicted as “open space”. The status of plot adjacent to A-46, Kadkad Model, Industrial Area, Sahibabad, Ghaziabad, U.P. was clarified on 10.02.2025 in O. A.No.710 of 2023 titled Sushil Raghav Vs State of U.P. wherein UPSIDA filed its inspection report.”*

5. That the UPPCB has taken a taken contradictory stand relating to present parcel of land. In the present OA, UPPCB vide its reply dated 26.11.2024 and 14.11.2025 describes this parcel of land as park. In contradiction, in OA No. 04/2025 titled Sushil Raghav v. State of UP & Ors, it is humbly submitted that the UPPCB in its reply dated 17-11-2025 has taken a stand, with joint inspection done by UPSIDA, that the

impugned parcel of land is open space and not Park. The true copy of the reply dated 17.11.2025 filed by the UPPCB in OA No. 04/2025 titled Sushil Raghav v. State of UP & Ors is annexed herewith and marked as **ANNEXURE A-1**.

6. That on the basis of the reports of the UPPCB, and the reply submitted by the answering Respondent, this Hon'ble Tribunal on 11.07.2025, was pleased to pass the following order:

*5. Though the compliance affidavit dated 19.03.2025 has been filed by the MCG, but the said compliance affidavit does not reflect that the above deficiencies have been cured and the damage caused to the park has been repaired and the park has been restored to its original position.*

*6. Learned Counsel appearing for the MCG has referred to the communication Annexure-D (page 161) to put forth the plea that vide Notification dated 25.09.2024 the area concerned has been placed outside the limits of the Municipal Corporation, but the said Notification was issued about one year after the order of the Tribunal. Therefore, solely on the basis of the said notification, the MCG cannot avoid the responsibility.*

*7. In this background, learned Counsel for the MCG has sought further four weeks' time to file a fresh compliance affidavit*

7. That it is most respectfully submitted that the area of land which is the subject matter of this issue is essentially an "Open Space" and not "Park" as described in the Master Plan of UPSIDA, for the reason that this area is maintained by the UPSIDA. Most respectfully it is again submitted that the 'Parks' and 'Open Spaces' are governed by The Uttar Pradesh Parks, Playgrounds and Open Spaces(Preservation and Regulation) Act, 1975. The copy of the Act is annexed herewith and marked as **ANNEXURE A-2**.

8. That as per the Act, *supra*, there is a distinction between Open Space and Park, which is as under:

**3. Definitions** -In this Act, unless the context otherwise requires-

*"open space" means any land (whether enclosed or not), belonging to the State Government or any local authority, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and whole or the remainder of which is used for purposes of recreation, air or light;*

*"park" means a piece of land on which there are no buildings of which not more than one- twentieth part is covered with or buildings, and the whole or the remainder of which is laid out as a garden with trees, plants or flower-beds or as a lawn or as a meadow and maintained as a place for the resort of the public for recreation, air or light;*

*"playground" means a piece of land adapted for the purpose of play, game or sport and used by any educational institution or club or other association;*

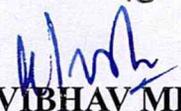
*"prescribed" means prescribed by rules under this Act.*

9. That it is most respectfully submitted that the Municipal Corporation kept on maintaining the disputed open space until it was handed over to the UPSIDA for maintenance and up-keep.
10. That it is most respectfully submitted before this Hon'ble Tribunal that owing to the public demands, the works in the open space was done by the Municipal Corporation by utilizing funds given by the Govt under AMRUT 2.0 scheme. The land belongs to the UPSIDA and now the maintenance of area has also been entrusted to UPSIDA. The parameter of maintenance of the 'open space' and 'parks' are different. Therefore, the work of the open space in question was done in accordance with the standards of the open space.

11. That it is most respectfully submitted that the Municipal Corporation has attempted its best to regularly maintain and up-keep the clean standards of the open space in question.
12. That nothing material is concealed herefrom.

*Through Counsel*

(I/c Hort. )

  
**VIBHAV MISHRA**

Ch No.221, CK Daphtary Lawyers' Chamber,  
Tilak Lane, Supreme Court of India, ND-110001  
(E): [vibhavamishraoffice@gmail.com](mailto:vibhavamishraoffice@gmail.com)  
(M): 9473565666

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (P.B.) AT NEW DELHI

M.A. No. 67 OF 2024

IN

OA No. 659 OF 2023

IN THE MATTER OF:

Ashish Rawal

.... Applicant

Versus

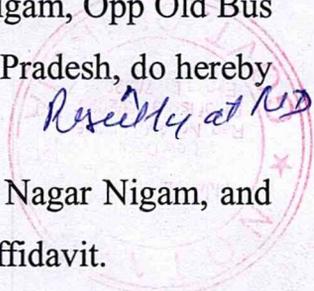
State of UP & Ors

... Respondents

**AFFIDAVIT**

I, Anuj Kumar Singh, S/o Late Sh. R.D. Singh, aged about 44 Yrs, presently posted as Horticulture Incharge at the Ghaziabad Nagar Nigam, Opp Old Bus stand, Ghaziabad Nagar Nigam, District Ghaziabad, Uttar Pradesh, do hereby depose and state on oath s under:

1. That I am duly authorized officer of the Ghaziabad Nagar Nigam, and as such competent to swear and depose the present affidavit.
2. That the contents of the accompanying reply have been drafted by the empanelled counsel under my instructions and the contents of the reply are true and correct the best of my knowledge derived out of records.
3. That the contents of the accompanying reply have been explained to me in vernacular and have been drawn based on instructions given to the empanelled counsel which are true and correct and nothing material is concealed here from.



Identified  
UP 7230-16  
IDENTIFIED

19 JAN 2026

*[Signature]*  
DEPONENT

VERIFICATION:

Verified at New Delhi on this, 19<sup>th</sup> Day of January, 2026, that the contents of the present affidavit are true and correct to the knowledge of the deponent derived out of records



CERTIFIED THAT THE DEPONENT  
Shri/Smt./Km.....  
S/o, W/o, D/o.....  
R/o.....  
Identified by Shri/Smt.....  
has solemnly affirmed before me at Delhi  
at St. No.....  
that the contents of the affidavit which have  
been read & explained to him are true and  
correct to his knowledge.

Notary Public, Delhi

*[Signature]*  
DEPONENT

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 04/2025**

**IN THE MATTER OF:**  
**SUSHIL RAGHAV**

...**APPLICANT**

**VERSUS**

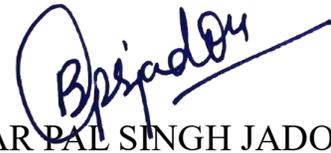
STATE OF U.P. & ORS.

...**RESPONDENT(s)**

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S. NO.	PARTICULARS	PAGE NO.
1.	REPLY BY THE REGIONAL OFFICER, UTTAR PRADESH POLLUTION CONTROL BOARD, GHAZIABAD, STATE OF U.P. IN COMPLIANCE OF ORDER DATED 03.09.2025 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI	
2.	A COPY OF THE JOINT COMMITTEE REPORT IS ANNEXED HEREWITH AND MARKED AS ANNEXURE-1	

**THROUGH COUNSEL**



BHANWAR PAL SINGH JADON  
COUNSEL FOR UP PCB, GHAZIABAD  
[bhanwar09jadon@gmail.com](mailto:bhanwar09jadon@gmail.com) | 6375115224

**DATE: 17/11/2025**

**PLACE: NOIDA**

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 04/2025**



**IN THE MATTER OF:**  
**SUSHIL RAGHAV**

**...APPLICANT**

**VERSUS**

**STATE OF U.P.& ORS.**

**...RESPONDENT(s)**

**REPLY BY THE REGIONAL OFFICER, UTTAR PRADESH POLLUTION  
CONTROL BOARD, GHAZIABAD, STATE OF U.P. IN COMPLIANCE OF  
ORDER DATED 03.09.2025 PASSED BY THE HON'BLE NATIONAL  
GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI**

I, Ankit Singh, aged about 38 years, S/o Shri Ajit Singh, posted as Regional Officer, UP PCB, Ghaziabad, U.P., do hereby solemnly affirm and state as under:

1. That I, Regional Officer, UP PCB, am fully conversant with the facts of the case and am competent and authorized to swear the present Affidavit.
2. That in the present matter, the issue of the land of Khasra Numbers mentioned in Annexure A-3 (8 lands in question) in Industrial Area Site IV,



**17 NOV 2025**

Sahibabad, in village Maharajpur, Karkarmodel and Jhandapur, was earmarked as park but in an illegal manner Nagar Nigam, Ghaziabad is changing status by raising illegal and unauthorized constructions thereon.

3. That the Hon'ble Tribunal vide order dated 03.09.2025 has directed the answering respondent to file their reply. The operative paragraph of the order is stated below:

*“...5. Learned Counsel appearing for the Respondent No. 4 also seeks four weeks' time to file the reply.*

*6. List on 18.11.2025...”*

4. That the Hon'ble Tribunal vide order dated 10.01.2025 had constituted a Joint Committee comprising of the District Magistrate, Ghaziabad and Uttar Pradesh Pollution Control Board, Ghaziabad (hereinafter referred to as “UPPCB”). The Hon'ble Tribunal had directed the joint committee to inspect and visit the lands in question and file the factual position and current status. The relevant part of the aforementioned order is stated below:

*“...5. Further in order to have current status and factual position of the park, we constitute a joint Committee comprising District*



17 NOV 2025

*Magistrate, Ghaziabad and Uttar Pradesh Pollution Control Board  
(hereinafter referred to as 'UP PCB').*

*6. The District Magistrate, Ghaziabad shall be the nodal authority.*

*7. The said committee shall visit the site, collect relevant information  
and submit a detailed factual report atleast three days before the next  
date of hearing..."*

5. That in compliance of the directions issued by the Hon'ble Tribunal, the Joint Committee carried out the inspection dated 04.02.2025 to ascertain the truthfulness of the allegations.

A copy of the Joint Committee Report is annexed herewith and marked as **ANNEXURE-1.**

6. That the observations made by the Joint committee during the inspection dated 04.02.2025 are as follows:

- i. Land shown at **serial no 1,2,3,5, which is called park land by applicant** in OA has been shown as **open space in layout map** of industrial area site-iv Sahibabad Ghaziabad by UPSIDA. **During visit construction on various structures & activities were found thereon.**



17 NOV 2025

- ii. **Land shown at serial no 4, is earmarked as park land in the layout map of industrial area site-iv Sahibabad Ghaziabad by UPSIDA. During visit park land was found encroached by under taken Parking Area being used by some industries, transformer and mobile tower.**
  - iii. **Land shown at serial 6 which is called park land by applicant in OA has been shown as open space in the layout map of Industrial Area site-iv Sahibabad Ghaziabad by UPSIDA and there is no open space and commercial shops and *abadi* was found at site.**
  - iv. **Land shown at serial no. 7 which is called park land by applicant in O.A. which is not mentioned in the layout map of Industrial Area site-iv Sahibabad Ghaziabad by UPSIDA.**
  - v. **Land shown at serial no. 8, which is called park land by applicant in O.A. has been shown as open space in the layout map of Industrial Area site-iv Sahibabad Ghaziabad by UPSIDA. During visit some industries have been found to be established at site.**
7. Hence, the present affidavit is being filed for the kind consideration and perusal of this Hon'ble Tribunal.



17 NOV 2025

8. I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.

*[Handwritten signature]*

**DEPONENT**

**VERIFICATION**

Verified at Ghaziabad on this 17 day of November, 2025, that the contents of the above affidavit from paragraphs 1 to 8 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

*[Handwritten signature]*

**DEPONENT**



**ATTESTED**

*[Handwritten signature]*  
(Sandeep Sharma)  
Reg. No. 1180/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)

17 NOV 2025

**INSPECTION OF SITE IN QUESTION IN COMPLIANCE TO ORDER DATED 10.01.2025 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI. IN THE MATTER OF SUSHIL RAGHAV VERSUS STATE OF UTTAR PRADESH & ORS.**

**1. BACKGROUND:-**

Original application was filled by the applicant raising substantial question related to the encroachment because of the illegal construction activities under taken on the land ear marked as park in the layout map of industrial area site-iv Sahibabad Ghaziabad and illegal manner changing status by municipal corporation Ghaziabad by raising unauthorized construction there on. The above referred matter was taken on 10.01.2025 for hearing and Hon'ble National Green Tribunal vide order dated 10.01.2025 constituted joint committee to conduct site visit and submit detailed factual status. The operative part of order is reproduced below:-

*".....2. Our attention has been drawn to a letter dated 11.01.2023 Annexure A-5 at page 54 sent by Deputy General Manager (Civil) to the Uttar Pradesh State Industrial Development Authority which states that in an illegal manner Nagar Nigam Ghaziabad is changing land use of the park by raising unauthorized and illegal construction.*

*5. Further in order to have current status and factual position of the park, we constitute a joint Committee comprising District Magistrate, Ghaziabad and Uttar Pradesh Pollution Control Board (hereinafter referred to as 'UP PCB')...."*

**2. COMPLIANCE:-**

In compliance to order dated 10.01.2025 a meeting of officials of UPSIDA, UPPCB and Nagar Nigam, Ghaziabad was held on 03.02.2025 under the chairmanship of Additional District Magistrate (City) Ghaziabad to discuss the issues and site visit. Accordingly inspection of site in question was carried out on



ATTESTED  
(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)

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04.02.2025 to ascertain the truthfulness of allegations. Following observations were made by joint committee-:

1. UP State Industrial Development Authority (UPSIDA) has developed Industrial Area site-iv Sahibabad Ghaziabad. Layout map of industrial area is annexed as **Annexure-1**
2. Joint team visited the park land as mentioned in original application by applicant and status of same is tabulated below:-

Sr. no.	Park land mentioned in OA by applicant	Status of land ear marked in layout map of industrial area by UPSIDA	Present status at site
1.	'Park' situated at A block right side of plot no. A-46, north side of Central Electronic Limited (CEL), behind plot no. C-18, D-16/1, D-16, D-17, D-18, D-19, D-20 and near Jhandapur village at site IV industrial area Sahibabad, Ghaziabad	Open space	Construction of smart mechanized solid waste transfer station, primary school, jhandapura, 40mld, TSTP over head tank, nursery structure by Forest Department small factories, temple and shops.
2.	'Park' situated at site IV industrial area just opposite to Karkarmodel village surround by industrial plot no. 18/43, 44, 45, E-1, 2, 3, 4, 5, 6, 7 and opposite to Atlas Cycles Pvt ltd. on Solat road.	Open space	Construction of a concrete stage an over head tank and public toilet.
3.	Park situated near Bharat Electronics Ltd. on the right and village abadi on the left near plot no. M5-6 of Maharajpur Village.	Open space	Construction of Primary School Maharajpur, public toilet, commercial shops, temple, dwelling units,



ATTESTED

(Sandeep Sharma)  
Reg. No. 1186/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)

20 FEB 2025

			mosque and roads.
4.	Park surrounded by plot nos 1-A, 4A/12 to 4A/14 and plot No. 7,8,9,10 and 12, 13, 14 of karkarmodel village area.	Park	Parking Area being used by some industries, transformer and mobile tower,
5.	Park land adjacent to plot no 29B, 30B and surrounded by old abadi apposite to Sahibabad village bearing khasra no- 532,401,	Open space	No open space commercial shops and abadi found at site.
6.	Park land adjacent to plot no 24A to 26A, bearing khasra no 436, 440, and 441 of Sahibabad village	Open space	No open space commercial shops and abadi found at site.
7.	Park land near plot no- 3A/3 and Surrounded by Abadi	Not mentioned in layout map	No Open Space at site.
8.	Plot No 59/2/1 Surrounded by Abadi As per layout plan,	Open space	No Open Space, some industries Are established at site

### 3. Observations of the site visit:-

- I. Land shown at serial no 1,2,3,5, which is called park land by applicant in OA has been shown as open space in layout map of industrial area site-iv Sahibabad Ghaziabad by UPSIDA. During visit construction on various structures & activities were found thereon.
- II. Land shown at serial no 4, is earmarked as park land in the layout map of industrial area site-iv Sahibabad Ghaziabad by UPSIDA. During visit park land was found encroached by under taken Parking Area being used by some industries, transformer and mobile tower.
- III. Land shown at serial 6 which is called park land by applicant in OA has been shown as open space in the layout map of Industrial Area site-iv Sahibabad Ghaziabad by UPSIDA and there is no open space and commercial shops and abadi was found at site.



ATTESTED

(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Chaudhary (U.P.)

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IV. Land shown at serial no. 7 which is called park land by applicant in O.A. which is not mentioned in the layout map of Industrial Area site-iv Sahibabad Ghaziabad by UPSIDA.

V. Land shown at serial no. 8, which is called park land by applicant in O.A. has been shown as open space in the layout map of Industrial Area site-iv Sahibabad Ghaziabad by UPSIDA. During visit some industries have been found to be established at site.

Keeping in view of above facts, a letter was issued to Regional manager UP State Industrial Development Authority (UPSIDA) on dated 17.02.2025 to be clarified for what purposes is shown the open space in the layout map of Industrial Area site-iv Sahibabad Ghaziabad and if there are encroachment on the park land then take action and informed about action taken. Further in relation to encroached upon park land shown at sl. No. 04 in the table, necessary action should be ensured. The copy of letter dated 17.02.2025 is attached herewith as Annexure-2

**4. Photographs taken during visit are given below:-**

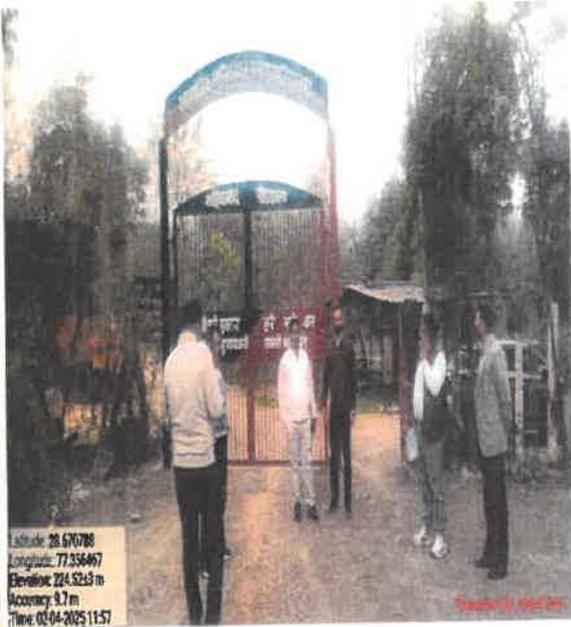
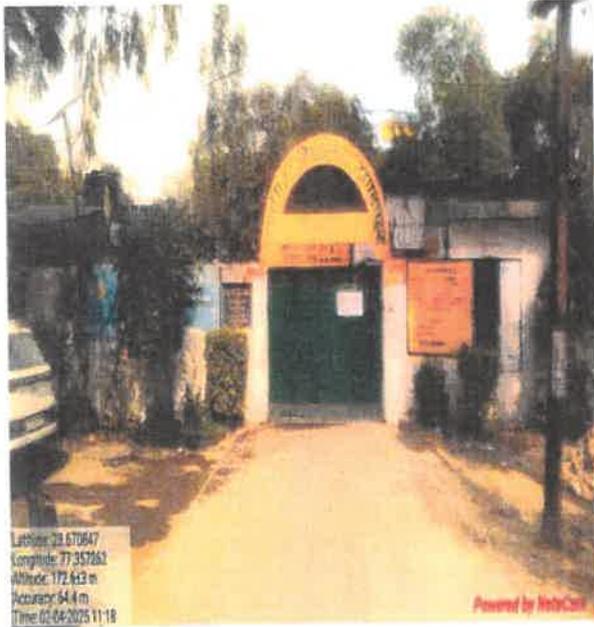
- **Photograph of land shown at sl. no. 01:-**



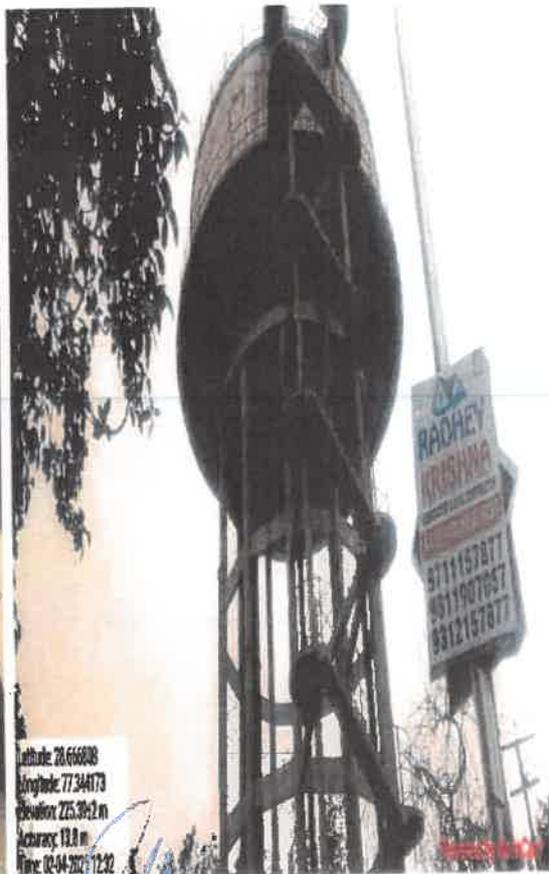
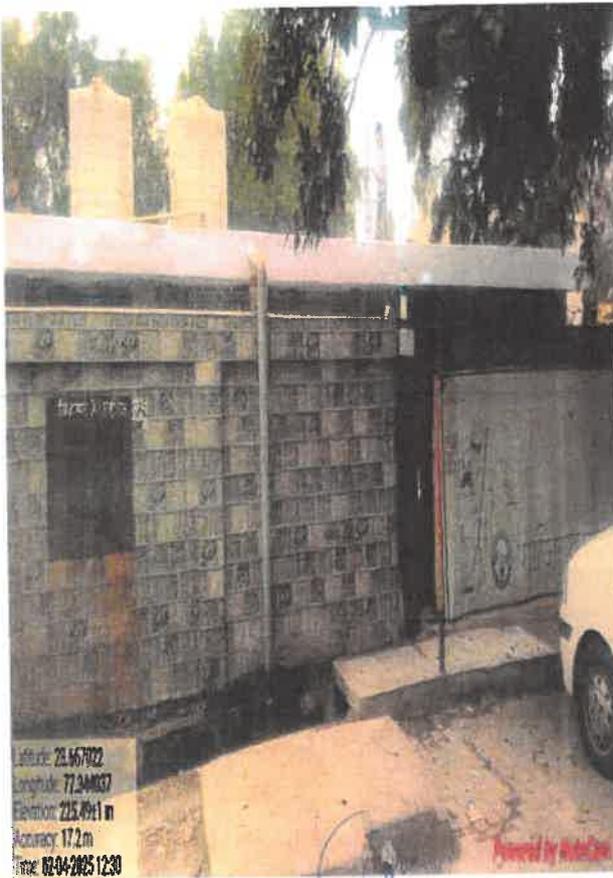
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Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (J.P.)

20 FEB 2025



• Photograph of land shown at sl. no. 02:-



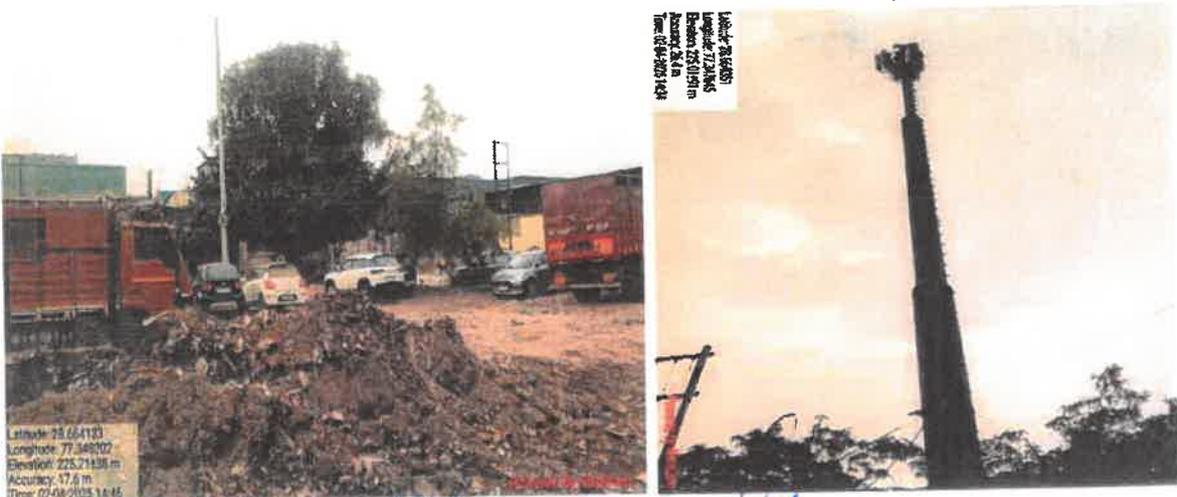
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(Sandeep Sharma)  
Reg. No: 1136/98  
NOTARY PUBLIC  
Chazlabad (U.P.)

20 FEB 2025

• Photograph of land shown at sl. no. 03:-



• Photograph of land shown at sl. no. 04:-



NOTARY  
Sandesh Sharma  
Reg. No. 1136/98  
CHAZIABAD

ATTESTED

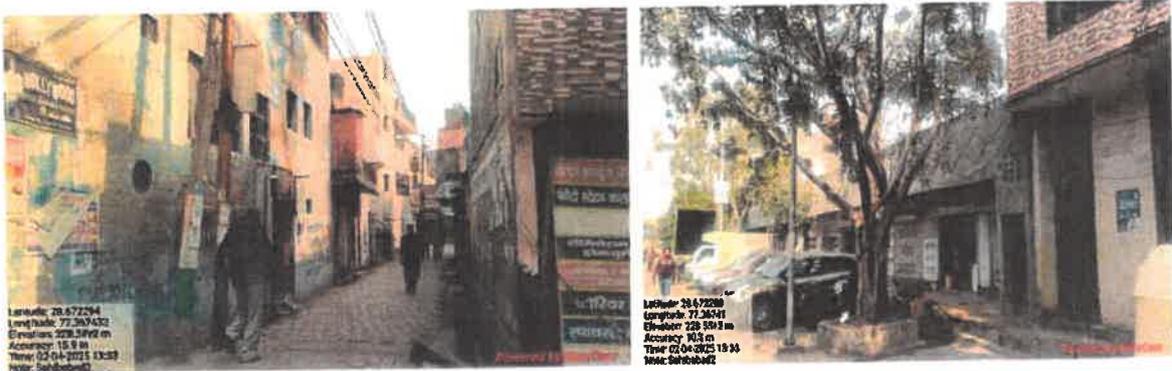
(Sandesh Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Chaziabad (U.P.)

20 FEB 2025

- Photograph of land shown at sl. no. 05:-



- Photograph of land shown at sl. no. 06:-



- Photograph of land shown at sl. no. 07:-



ATTESTED

(Gandesh Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Chhazabad (U.P.)

20 FEB 2025

- Photograph of land shown at sl. no. 08:-



The above report is being submitted for kind consideration and perusal of this Hon'ble Tribunal.

  
(N.K. Pandey)

Assistant Environmental Engineer  
U.P.C.B  
Ghaziabad

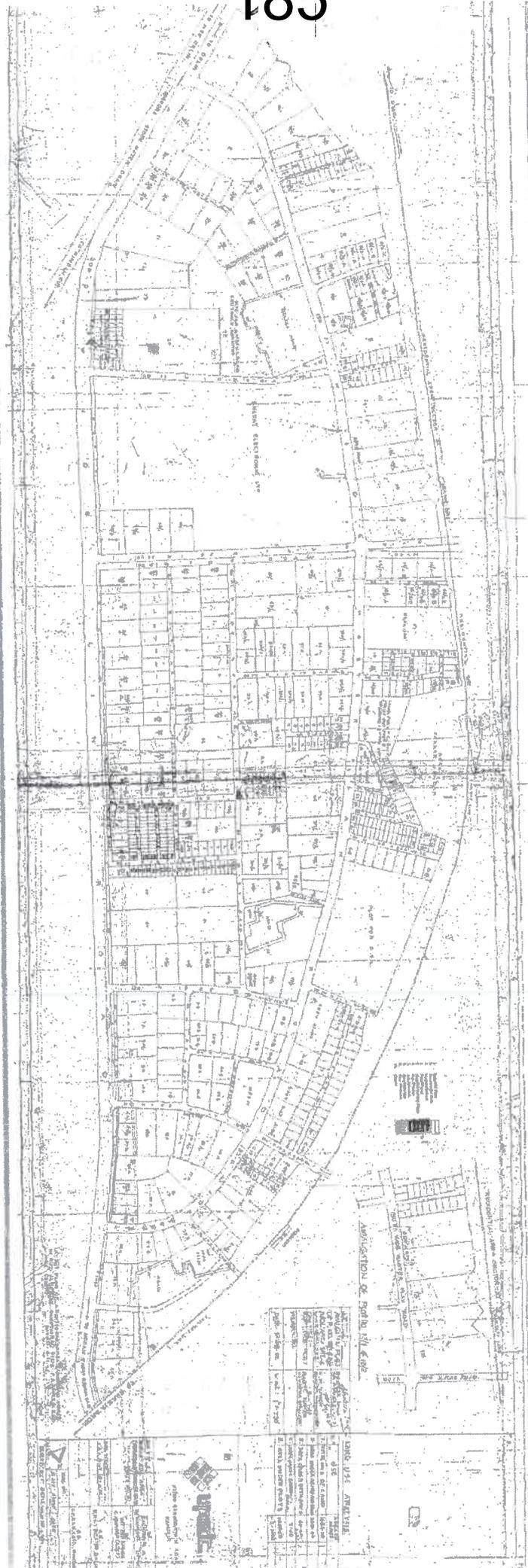
  
(Gambhir Singh)

Additional District Magistrate (City)  
Ghaziabad



  
ATTESTED  
(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)

20 FEB 2025



ATTESTED

(Sandeep Sharma)  
 Reg. No. 1164/98  
 NOTARY PUBLIC  
 Chandigarh (J.P.)

20 FEB 2025

**THE UTTAR PRADESH PARKS, PLAYGROUNDS AND OPEN SPACES  
(PRESERVATION AND REGULATION) ACT, 1975**

(U. P. ACT No. 55 OF 1975)

AN ACT

[As passed by the Uttar Pradesh Legislature]

**To provide for preservation and regulation of parks, playgrounds and open spaces in Uttar Pradesh. It is hereby enacted in the Twenty sixth Year of the Republic of India as follows:-**

Short title, extents and commencement

Definitions

Variation or revocation of list

Maintenance of parks, playground and open spaces

Obligation of owner of parks, playgrounds, etc

Removal of unauthorised persons

Interim preservation of parks etc

Preparation and submission of lists of parks, playgrounds and open spaces

Revision of list by Government

Prohibition of the use of parks, play grounds and open spaces in certain cases

Prohibition of construction of buildings, etc

Submission of annual returns

Penalties

Power to make rules

**1. Short title, extent and commencement-**

(1) This Act may be called the Uttar Pradesh Parks, Play grounds and Open Spaces (Preservation and Regulation) Act, 1975.

It shall apply to the areas included in every Nagar Mahapalika under the Uttar Pradesh Nagar Vahapalika Adhinyam, 1959, and every municipality or notified area tinder the U. P. Municipalities Act, 1916 and every town area under the U.P. Town Areas Act, 1914, and to such other areas as the State Government may, from time to time, by notification in the Gazette, specify in this behalf.

It shall come into force on such date, as the State Government may, by notification in the Gazette, appoint, and different dates may be appointed for different local areas.

**2. Preparation and submission of lists of parks, playgrounds and open spaces.-**

(1) After the commencement of this Act in any areas. a list, with plans and maps, of all parks. playgrounds and open spaces in, such area, shall be prepared, and published by such authority within such time and in such manner as may be prescribed.

(2) Any person interested may, within three months of the date of publication of the list under sub-section (1), submit his objections and suggestions in writing in respect of anything contained in or relating to such list to the prescribed authority.

(3) The prescribed authority may, after considering the objections and suggestions, if any, received under sub-section (2) and after making such further enquiry, if any, as it thinks fit, approve the list with or without modification.

(4) The list, approved by the prescribed authority under sub-section (3) shall be in such form and contain such particulars and shall be published in such manner as may be prescribed.

(5) Any plan, map or document forming part of or referred to in any list published under sub-section (1) or sub-section (4), as the case may be, shall be available to the public for inspection at such place and such time as may be prescribed.

### **3. Definitions -In this Act, unless the context otherwise requires-**

"open space" means any land (whether enclosed or not), belonging to the State Government or any local authority, on which there are no buildings or of which not more than one-twentieth part is covered with buildings, and whole or the remainder of which is used for purposes of recreation, air or light;

"park" means a piece of land on which there are no buildings of which not more than one-twentieth part is covered with or buildings, and the whole or the remainder of which is laid out as a garden with trees, plants or flower-beds or as a lawn or as a meadow and maintained as a place for the resort of the public for recreation, air or light;

"playground" means a piece of land adapted for the purpose of play, game or sport and used by any educational institution or club or other association;

"prescribed" means prescribed by rules under this Act.

### **4. Revision of list by Government-**

(1) Any person who has any objection to the list approved by the prescribed authority, may, within such time as may be prescribed, make a representation in writing to the State Government.

(2) On such representation, the State Government may call for the records of the case from the prescribed authority and after giving the parties concerned an opportunity of being heard, and if necessary, after making such further inquiry, as it may consider necessary ; revise the list.

(3) The list, as revised under sub-section (2), shall be published in the Gazette and in such other manner as may be prescribed.

### **5. Variation or revocation of list-**

The State Government may at any time, either suo motu, or at the instance of a local authority, or of any person interested, add to, vary or revoke a list approved under Section 3 or revised under Section 4.

Before making any such addition, variation or revocation, the State Government shall publish, in the prescribed manner, a draft of such addition, variation or revocation together with a notice specifying a date on or after which such draft will be taken into consideration and shall consider such objections and suggestions as may be received in respect of such draft before the date so specified.

### **6. Prohibition of the use of parks, play grounds and open spaces in certain cases.-**

No park, playground or open space, specified in the list published under Section 3 or Section 4, as the case may be, shall except with the previous sanction of the prescribed authority, be used

for any purpose other than the purpose for which it was used on the date immediately preceding, the date of commencement of this Act.

### **7. Maintenance of parks, playground and open spaces.-**

The local authority shall maintain in a clean and proper condition all parks, playgrounds and open spaces belonging to or vested in it and included in the list published under Section 3 or Section 4

### **8. Prohibition of construction of buildings, etc.-**

No person shall, except with the previous sanction of the prescribed authority, construct any building or put up any structure likely to affect the utility of the park, playground or open space specified in the list published under Section 3 or Section 4.

### **9. Obligation of owner of parks, playgrounds, etc.-**

(1) In the case of a park or playground not vested in a local authority, but included in the list published under Section 3 or Section 4, the prescribed authority may, by notice, require the owner or occupier of such park or playground-

to maintain such park or playground in a clean and proper condition; or

to remove or alter any projection, encroachment or obstruction in or over any such park or playground or to make within a date specified in the notice such repairs to any building in such park or playground as the prescribed authority may consider necessary.

If the owner or occupier fails to comply with the notice under sub-section (1) the prescribed authority shall itself arrange, through such agency, as it thinks fit-

to maintain such park or playground in a clean and proper condition; or

to remove or alter the projection, encroachment or obstruction; or

to make such repairs, as it may consider necessary,

and the cost of such maintenance or removal, alteration or repairs shall be recoverable from such owner or occupier in such manner as may be prescribed.

(2) Any dispute as to the amount of cost recoverable under sub-section (2), shall be decided by the State Government, whose decision shall be final.

(3) The prescribed authority may, instead of or in addition to taking action, as indicated in sub-section (4) cause the land to be acquired under the Land Acquisition Act, 1894, for the purpose of elective management of the land as a park or playground.

Any owner or occupier of a playground desiring to convert a playground to any use other than as a playground may give notice to the State Government to purchase his rights, title and interest in the playground, and if the State Government does not signify its readiness and willingness within date of receipt of such notice to purchase such rights, six months from the title and interest, he may put such playground to such use as he desires.

**10. Submission of annual returns-**

(1) The prescribed authority shall submit to the State Government in such form and with such particulars, as may be prescribed, an annual return in respect of the parks, playgrounds and open spaces included in the list published under Section 3 or Section 4.

The return referred to in sub-section 1.1) shall also contain a list of -the parks and playgrounds in respect of which action was taken under sub- section (2) of Section 9, together with particulars as regards the nature of the action taken in respect of them and the steps taken in regard to their proper maintenance.

**11. Removal of unauthorised persons-**

If any person enters or remains in any park, playground or open space belonging to or vested in the State Government or a local authority, in contravention of any direction issued in that behalf by the State Government or, as the case may be, by such authority, he may without prejudice to any other proceedings Which may be taken against him, be removed from such park, playground or open space by any police officer or any other person acting on behalf of the State Government or such local authority, as the case @nay he who may use such force for the purpose as may be necessary.

**12. Penalties -**

Whoever throws any rubbish into any park, play- ground or open space specified in the list published under Section 4 or Section 5 or gets over the railings or fence or steals or damages the fruits, flowers, plants, grass or any other thing whatsoever therein or commits any nuisance therein, shall be punishable with imprisonment for a term which may extend to one month or with fine or with both.

**13. Interim preservation of parks etc -**

Until the preparation and publication of a list of parks, playgrounds and open spaces under this Act, (which shall be completed within a period of two years from the commencement of this Act) no land which is an open space or is used as a park or playground immediately preceding the date of commencement of this Act shall be used or dealt with for any purpose except as such park or playground save with the prior permission in writing of the prescribed authority.

**14. Power to make rules -**

(1) The State Government may, by notification in the Gazette make rules for the purpose of carrying out the provisions of this Act.

In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for-

controlling or regulating the admission of persons to, and the conduct of persons in and in the vicinity of parks, Playgrounds P and open spaces;

restricting or prohibiting the admission of animals or any class of animals to any park, playground on open space;

removing from any park, playground on open space any person who is therein in contravention of any order or direction of any authority issued under this Act;

the time Within which the annual return under Section-10 shall be submitted to the State Government;

the procedure to be followed under sub-section (2) of Section 9; and

all matters expressly required or allowed by this Act to be prescribed.

(3)All rules made under this Act shall as soon as may be after they are made, be laid before each House of the State Legislature while it is in session for a total period of not less than thirty days comprised in its one session or more than one successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications or annulments as the two Houses of the Legislature may, during the said period, agree to make so, however, that any such modifications or annulments shall be without prejudice to the validity of any- thing previously done thereunder.