

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

(In Original Application No. 793 of 2022)

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Date: 27-06-2025
Place: Ludhiana

(Er. Kapil Dev)
(Applicant No. 2)
Email: aroraengineers@gmail.com
Mobile: 9872007872

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 & orsRespondents

Additional submission by Applicant No. 2, Er. Kapil Dev regarding non-compliance of orders dated 04-102-2024 of this Hon'ble Tribunal as well as actual and factual condition of Greenbelts due to illegal parking by Respondent School, Lodhi Club at Greenbelt at Lodhi Club as well as concretization & parking of vehicles at greenbelt along old G.T. Road by Public as well as showroom owners for commercial & other activities by going against directions of Hon'ble Supreme Court as well as this Hon'ble Tribunal.

Hon'ble sir

Respectfully sheweth

The Petitioners humbly submit as under:

REGARDING IMPUGNED LIBRARY BUILDING:

1. That this Hon'ble Tribunal vide orders dated 24-03-2025 is pleased to direct as under:

Para No. 2. Compliance report regarding compliance of order dated 04.10.2024 be also filed by Municipal Corporation, Ludhiana within one month.

Xxx xxx xxx

Para No. 3. List on 02.07.2025 for final hearing.

4. Pleadings may be completed before that day and if any responses/additional responses are to be filed by any of the respondents then the same may be filed within one month and if any rejoinder is to be filed by the applicant, the same may be filed within next one month and no further opportunity shall be granted for this purpose.

2. That despite directions of this Hon'ble Tribunal (supra), the Respondents have failed to file the responses within one month from 24-03-2025. It is pertinent to humbly submit here that despite repeated directions by this Hon'ble Tribunal, the Municipal Commissioner of Ludhiana has failed to comply with the orders dated 04-10-2024 as well as 24-03-2025 and thus liable to be prosecuted under section 28 read with section 25 of NGT Act 2010. Two photographs clicked on 27-06-2025 depicting impugned library building still in existence despite directions of this Hon'ble Tribunal are produced herewith as **Annexure PX-17**.

3. That at time of construction of library, the Respondent MCL was well aware of the facts that there are directions of Hon'ble Supreme Court

as well as this Hon'ble Tribunal that the purpose of greenbelts and parks cannot be changed. The officials cannot avoid legal consequences by claiming that they were unaware of the law ("ignorantia juris non excusat" - "ignorance of law is not an excuse"). The MCL cannot even take the excuse of wastage of Public Money as such money should be recovered from the concerned officials involved in violating the directions of law. **It is pertinent to humbly submit here the act of encroachment over the Greenbelts and Parks has not stopped here as they have continued to construct buildings over there even after 2022-23** i.e. after filing of case by the Applicants. Some of such new buildings constructed in park after year 2022 are:

- i. Dog Café Shop constructed by MCL at Dog Park, adjoining Baba Ishar Singh Public School, BRS Nagar, Ludhiana started in 2023-24.
- ii. Under-Construction Scrap Yard/Demolition waste/Seva Kendra Building (GPS Location 30.927703, 75.844817) at Greenbelt area of Old G.T. Road, Ludhiana.
- iii. One Building constructed over land of Park at Citizen Enclave, Barewal Awana, Ludhiana.
- iv. Construction of two Buildings (including one library) started on 13-11-2023 & 20-06-2024 at Vishavkarma Park, Janta Nagar, Ludhiana.

- v. Construction of Health centre in year 2023-24 & under-construction Commercial Vegetable Market at greenbelt, opposite Shiv Mandir, Old G.T. Road, Ludhiana.
4. That after getting the information from some vigilant citizens, the Public Action Committee through Er. Kapil Dev (Applicant) served notice on 23-05-2025 upon MCL and others for restitution of all such parks/greenbelts within three weeks but no action has been taken till date by the Respondent Municipal Commissioner. The matter pertaining to all such illegal building constructed in Public Parks and Greenbelts is being taken in separate petition by Public Action Committee along with its members. It is pertinent to humbly submit here that the MCL even deliberately provided wrong information regarding on-going construction of buildings in Greenbelt area at old G.T. Road (near Budha Dariya) under RTI Act 2005. The copy of news published in three leading newspapers regarding latest encroachments over Public Park and Greenbelts by MCL by starting to constructing buildings after 2022 are produced herewith as **Annexure PX-18**.
5. That as heard from some lower rank officials of MCL that the impugned library building is being protected from demolition due to interference of one Politicians and MCL won't take action at-least till Punjab Assembly Elections in 2027. **Further, from the act of Municipal Commissioner of Ludhiana, it is crystal clear that he**

has no respect for directions of the Hon'ble Supreme Court as well as this Hon'ble Tribunal & is deliberately defying the orders again and again. The existences of impugned building in Park as well as construction of new buildings at various greenbelts and Parks even after filing of this petition by the Applicants are strong evidence against malafide intentions of the Municipal Commissioner of Ludhiana, thus liable to Punished under section 28 of the NGT Act, 2010.

REGARDING PARKING OF VEHICLES IN GREENBELT ALONG G.T. ROAD AND LODHI CLUB ROAD:

6. That after admission of the fact that the impugned locations are greenbelts (as per the provisions of master plan of Ludhiana) before this Hon'ble Tribunal by MCL, the directions of Hon'ble Supreme Court in **Lal Bahadur vs. State of U.P. & ors. (2018) 15 SCC407, Bangalore Medical Trust vs. B.S. Muddappa & ors. (1991) 4 SCC 54**, as well as this Hon'ble Tribunal is binding on the Respondents. The Applicant has already produced the facts regarding encroachments over Greenbelts along Old G.T. Road as well as Lodhi Club Road greenbelt in submissions dated 14/02/2025 & 27/02/2025. Further, at the time of visit by the learned Court Commissioner, the Lodhi Club didn't use the Park area for purpose of Parking of vehicles of its members but later-on is using the same for parking on regular basis. Four Photographs Clicked on 27-06-2025 depicting park & access area of entrance given from greenbelt being

used for vehicle parking by Lodhi Club is produced herewith as **Annexure PX-19**.

7. That there is summer vacations in Respondent School and no vehicles are being parked here as on date but once the School is reopened, the greenbelt will be used for parking of School Vans as well as Vehicles of Staff. Further, major portion of greenbelt has been concretised by the Respondent School by laying interlocking tiles and the photographs pertaining to same have already been produced before this Hon'ble Tribunal in submission dated 14-02-2025 for kind consideration.
8. That the Hon'ble Supreme Court has recognized that converting parks into parking areas can lead to a loss of green space and negatively impact groundwater recharge. This is because parks play a crucial role in absorbing rainwater and replenishing groundwater, while paved surfaces like parking lots reduce this natural process. The Hon'ble Supreme Court highlights the environmental consequences of such conversions, emphasizing the need to balance urban development with ecological concerns. The Supreme Court affirmed that it is the duty of constitutional courts to protect the environmental rights of citizens. This was also reiterated by the court in –
 - i. The M.C. Mehta case (lays down the concept of 'absolute liability'),
 - ii. The Godavarman Thirumulpad case (redefined the concept of 'forests') and

- iii. The recent (2024) case where SC ruled that citizens have a “right against the adverse effects of climate change” which means development cannot come at the cost of the environment.

The Hon'ble Apex Court's stance aligns with the public trust doctrine, which suggests that natural resources like groundwater are held in trust by the government for the benefit of the public. Any actions that deplete or damage these resources should be carefully considered and minimized. It is well known fact that the concretisation of greenbelts and parks results into depletion of groundwater table.

9. That this Hon'ble Tribunal vide orders dated 04-03-2020 in a case title Shariq Abbas Zaidi & anr. Vs. State of U.P. & ors. (O.A. No. 598 of 2019) has pleased to issued directions to the Commissioner, Municipal Corporation Ghaziabad as under:

*In this case the Learned Counsel for the applicant has fairly submitted that all other compliances have now been done except that **the cars of the visitors of respondent no. 5 are still being parked in the green belt area.** Further, he submits that the green belt area across the road is also being used by respondent no.5 for marriage purposes.*

*In response to the submission made by the applicant, **Commissioner, Municipal Corporation, Ghaziabad, present in person, submits that he has recently visited the site and would ensure that no parking in the said area takes place.***

He has also submitted that in order to prevent the use of green belt for marriage purposes Municipal Corporation has already started raising RCC pillars and thereafter the entire land would be

enclosed by barbed-wire fencing. He further submits that the exercise would be done within 15 days from today.

In view of the aforesaid submissions and statements made by the respective parties, we deem it proper to dispose of this application. However, it is made clear that in case the statement made on behalf of Municipal Corporation Ghaziabad is not complied with within the stipulated time, the applicant would be at liberty to approach the Tribunal again and in such a situation deterring cost would be awarded for not executing the statement made before us today.

10. That as submitted earlier in submissions by the Applicant, as per the policy notified as per the Clause 17 of Notification No. CTP(LG)/2018/1177 dated 13- 04-2018 issued by Department of Local Government (Town Planning Wing) regarding Public Parking Policy for Municipal Corporation Town of Punjab **“the Area Parking plans need to maintain judicious mix of green spaces for healthy neighbourhoods to reduce health risk among residents and children. All green areas and neighbourhood parks need to be protected from parking”**.

Keeping in view of the facts produced above, the Applicants humbly pray to this Hon’ble Tribunal as under:

Kindly accept our prayer as submitted in the Original Application as under:

- i. **the restitution of Green Belt by closing the Entrance Gate of both Lodhi Club as well as Sacred Heart Convent School as well as removal of interlocking tiles fixed over land of Green Belt for access to illegal entrance and planting samplings of indigenous trees and shrubs.**

- ii. **The Restitution of Green Belts located along Roadside from Jargon Bridge to Sherpur Chowk, Ludhiana by stopping the parking of vehicles as well as removal of concrete surface and planting samplings of indigenous trees and shrubs.**
- iii. **to impose fine (as deem fit by this Hon'ble Tribunal) on Respondent No. 2, 3, 5 & 6 for deliberately ignoring the direction of the Hon'ble Supreme Court as well as this Hon'ble Tribunal issued in a similar matter (O.A. No. 199 of 2022) and not acting on Notice & its reminder given by the Petitioner Association.**
- iv. **Any other as deemed to be fit by this Hon'ble Tribunal.**

AND

beside above prayer, keeping in view of deliberate non-compliance of orders of this Hon'ble Tribunal dated 04-10-2024 as well as 24-03-2025 by Municipal Commissioner of Ludhiana, the applicants humbly prays this Hon'ble Tribunal to initiate proceeding u/s 28 of NGT Act 2010 read with section 25 of NGT Act against the Municipal Commissioner of Ludhiana.

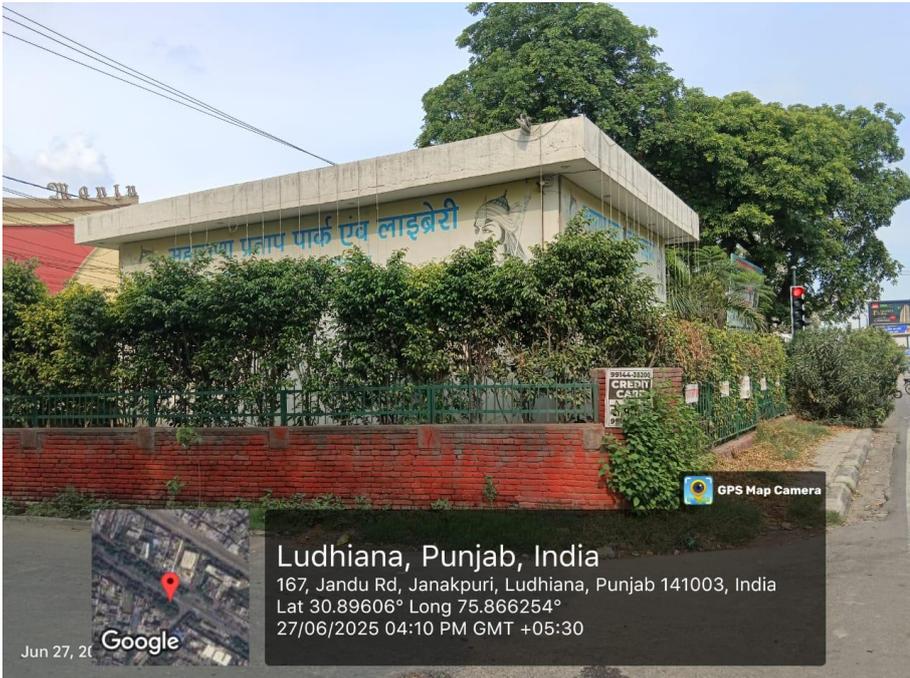
Dated: 27-06-2025

Place: Ludhiana



(Applicant No. 2 in person)

ANNEXURE PX-17



ANNEXURE PX-18

News dated 24-05-2025

City's green spaces under threat, says residents' body

Ludhiana is losing its green lungs due to unchecked construction, allege Kuldeep Singh Khaira

HT Correspondent

ludhiana@hindustantimes.com

LUDHIANA: Raising concern over the shrinking green spaces in the city, the Public Action Committee (PAC) has complained to the Ludhiana municipal corporation and Ludhiana Improvement Trust (LIT) for allegedly constructing buildings within city's greenbelts, highlighting a complete violation of Supreme Court and National Green Tribunal (NGT) orders.

In a complaint submitted to the principal secretary of the local bodies department, PAC members urged immediate intervention, warning that if action is not taken within three weeks, they will approach the National Green Tribunal.

PAC member Kuldeep Singh



The library being constructed at Vishkarma Park at Janta Nagar in Ludhiana.

HT PHOTO

Khaira pointed out that Ludhiana, already battling with critical pollution levels, continues to lose its green lungs due to unchecked construction. "There is already a scarcity of parks in the older parts of the city and in many unplanned colonies. Despite this, greenbelts are being encroached upon under

the nose of MCL and LIT," he said.

Social activists Kapil Arora and Gurpreet Singh Plaha said that similar illegal constructions had earlier been ordered for demolition, including the MC Zone-D extension building, which was razed following NGT directions.

"Even after clear orders, public funds are being used for fresh constructions in green zones, be it the Barewal Awana park area, the dog park in BRS Nagar, or a library structure in Janta Nagar. It shows that authorities are ignoring legal precedents and environmental concerns," said social activist Arora.

PAC members Jaskirat Singh and Preet Dhanao said that repeated complaints on the mSewa App and to various departments had gone unanswered.

"Green areas are being sacrificed for unapproved construction, and the money spent is ultimately coming out of public pocket. It should be recovered from the officials who gave such illegal approvals," they added.

The Public Action Committee strongly emphasised that such actions go against the spirit of sustainable development. "Instead of working towards environmental protection, these authorities seem more interested in pleasing political interests," said the members.

ग्रीन बैल्ट्स में करवाए जा रहे पक्के निर्माण, लोकल बॉडी, नगर निगम और लुधियाना इंफ्रूवमेंट ट्रस्ट को लीगल नोटिस

सवेरा न्यूज/दीपक

पब्लिक एक्शन कमेटी ने भिजवाए हैं नोटिस

लुधियाना, 23 मई: पब्लिक एक्शन कमेटी ने स्थानीय निकाय विभाग, नगर निगम और इंफ्रूवमेंट ट्रस्ट लुधियाना को ग्रीन बैल्ट और पार्कों में बार-बार अतिक्रमण करवाने और उन वहां इमारतों का निर्माण जारी रखने के विरोध में कानूनी नोटिस भेजा है। बता दें कि सुप्रीम कोर्ट तथा नेशनल ग्रीन ट्रिब्यूनल ने ग्रीन बैल्ट एरिया में पक्के निर्माणों पर रोक लगा रखी है।

पब्लिक एक्शन कमेटी के पदाधिकारी कुलदीप सिंह खैहरा और डॉ. अमनदीप सिंह बैस के अनुसार लुधियाना पहले से ही गंभीर प्रदूषण की चपेट में है। वहीं, शहर में ग्रीन बैल्ट और पार्कों की भी कमी है। नगर निगम और ग्लाडा के कुछ अधिकारियों व मुलाजिमों की मिलीभगत से अवैध रूप से विकसित नई कालोनियों में भी हरियाली विकसित करने के लिए विशेष प्रावधान लागू नहीं हो सके हैं। वहीं शहर में जो ग्रीन बैल्ट या पार्क उपलब्ध है भी, वहां पर पक्के निर्माण करवाए जा रहे हैं।

कपिल अरोड़ा व गुरप्रीत सिंह के अनुसार कुछ समय पहले ही नेशनल ग्रीन ट्रिब्यूनल ने लुधियाना प्रशासन को ग्रीन बैल्ट्स से कब्जे हटाने के लिए आदेश जारी किए थे, परंतु नगर निगम और लुधियाना इंफ्रूवमेंट ट्रस्ट के

अधिकारियों का रवैया बता रहा है कि वे एन.जी.टी. का सम्मान नहीं करते हैं। वे ट्रिब्यूनल के आदेश को लागू करवाने की बजाय अपने सियासी आकाओं को खुश करने को अधिक तवज्जों दे रहे हैं।

बता दें कि एनजीटी के आदेशों के बाद नगर निगम जोन जोन-डी के साथ सटे पार्क में बिल्डिंग को पहले ही ध्वस्त कर दिया गया है और एक अन्य मामले में ओल्ड जीटी रोड पर पार्क में लाइब्रेरी भवन के साथ हुए पक्के निर्माण तोड़ने का आदेश दिया है। आरोप है कि इन आदेशों के बावजूद नगर निगम और ट्रस्ट के अधिकारी पार्कों में पक्के निर्माण करवाने को तवज्जों देने से गुरेज नहीं कर रहे हैं। कपिल अरोड़ा का कहना है कि ओल्ड जी.टी. रोड, बाड़वाल अवाना, वीआरएस नगर में डॉंग पार्क, जनता नगर में लाइब्रेरी बिल्डिंग और अन्य स्थानों पर ग्रीन बैल्ट में पक्के निर्माण करवा पब्लिक के पैसों की बर्बादी की जा रही है। जसकीरत सिंह ने बताया कि एम-सेवा पोर्टल पर पार्कों में पक्के निर्माणों के विरोध में शिकायत दर्ज करवाई गई थी लेकिन सुनवाई नहीं की गई, इसलिए अब कानूनी नोटिस जारी किए गए हैं।

News published in Punjab Kesari on 22-06-2025

विवाद के बाद नगर निगम ने कबूला ग्रीन बैल्ट की जगह में हो रहा निर्माण, आर.टी.आई. एक्ट के तहत गलत जानकारी देने की हुई पुष्टि

लुधियाना, 21 जून (हिदेश): नगर निगम द्वारा विवाद के बाद मन्ना सिंह नगर के बाहर ग्रीन बैल्ट की जगह में हो रहा निर्माण कबूल लिया है जिससे एक्सोसियन द्वारा आर.टी.आई. एक्ट के तहत गलत जानकारी देने की भी पुष्टि हो गई है। इस मामले में एन.जी.ओ. के सदस्यों द्वारा ग्रीन बैल्ट को जगह में अविध कब्जा होने की शिकायत की गई है जिसके लिए नगर निगम के एक्सोसियन द्वारा आर.टी.आई. एक्ट के तहत मुहैया करवाई गई जानकारी को आधार बनाया गया है जिसमें

आर.टी.आई. में हुआ खुलासा : नगर निगम के पास नहीं है मन्ना सिंह नगर की ग्रीन बैल्ट में बन रही बिल्डिंग की मंजूरी का रिकार्ड

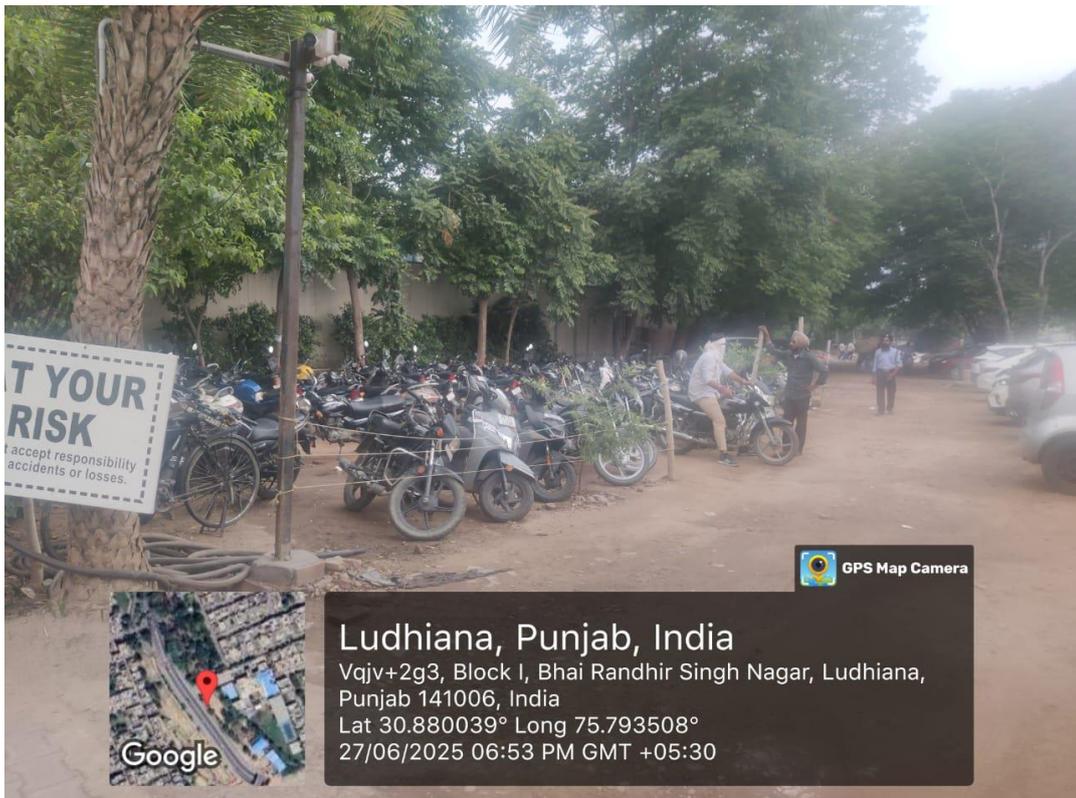
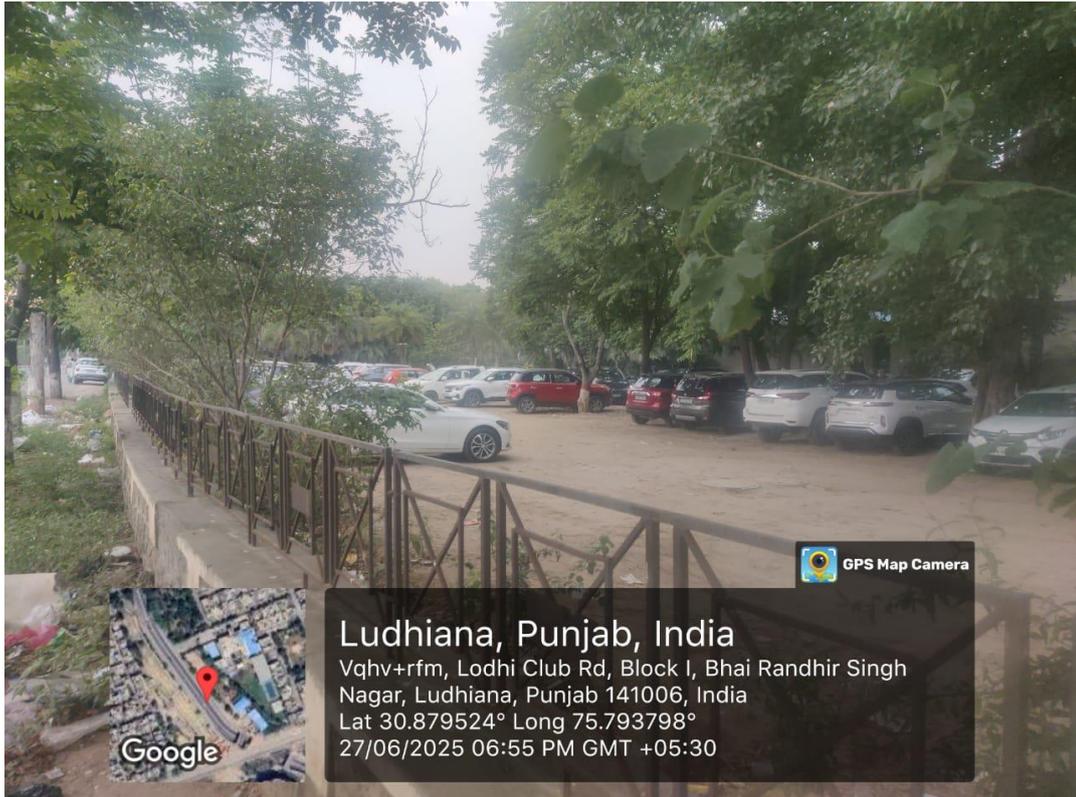
बड़ा सवाल : आश्चर्य किन्तु फंड से किया जा रहा है निर्माण

मन्ना सिंह नगर के बाहर ग्रीन बैल्ट की जगह में बन रहे स्ट्रक्चर के बारे में बी. एंड आर. ब्रांच द्वारा कोई जानकारी होने से ही इंकार कर दिया है और इस संबंध में कोई प्रस्ताव को मंजूरी न देने की बात कही गई है। इस संबंध में चीफ मिनिस्टर से लेकर चीफ ौक्रेटरी व लोकल बॉडी विभाग को शिकायत पहुंचने के बाद नगर ने यू-टर्न ले लिया है जिसके तहत खुद कमिश्नर द्वारा सफाई दी गई है कि ग्रीन बैल्ट की जगह पर कोई कब्जा नहीं किया जा रहा है। नगर निगम के मुताबिक इस जगह पर हुए कब्जे हटाने के बाद दोबारा कब्जा होने से रोकने के लिए चारदीवारी की गई है अब वृद्धे नाले के नजदीक स्थित साइट पर किसी एमरजेंसी से निपटने के लिए स्टोर बनाया जा रहा है जिससे नगर निगम के एक्सोसियन द्वारा पहले ग्रीन बैल्ट की जगह में हो रहे निर्माण को लेकर आर.टी.आई. एक्ट के तहत गलत जानकारी देने की पुष्टि हो गई है।

ANNEXURE PX-19

PARK & ACCESS AREA GIVEN FOR ENTRANCE BEING USED AS PARKING BY LODHI CLUB AS ON 27-06-25





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 Submission 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:-

1. That the deponent is Applicant No. 2 (in person) in O.A. No. 793 of 2022 and is filing an Additional Submission before this Hon'ble National Green Tribunal.
2. That the contents of Para no. 1 to 10 dated 27-06-2025 along with Annexures are true to best of my knowledge.

Place: Ludhiana
Dated: 27.06.2025

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: 27.06.2025

Certified that the affidavit S.P.A./G.P.A. has been readover & explained to the deponent executant who seemed directly to understand the same at the marking thereof.

[Signature]
DEPONENT

ATTESTED AS IDENTIFIED

[Signature]
DEPONENT

NOTARY PUBLIC
LUDHIANA (PB)

27 JUN 2025

1347
27-06-2025



Know the Deponent/Executant personally and he/she has expressed in my presence

840



Engineers Council <engineerscouncilindia@gmail.com>

Service of documents in O.A. No. 793 of 2022

Engineers Council <engineerscouncilindia@gmail.com>

Fri, Jun 27, 2025 at 11:14 PM

To: CommLudhiana <Commissionermcl@gmail.com>, lodhclub.ldh@gmail.com, "secy.lg" <secy.lg@punjab.gov.in>, dc.ldh@punjab.gov.in, ldh_it_2009@yahoo.co.in, info@sacredheartschoolludhiana.com

Dear sir,

PFA service of document - Submission dated 27-06-2025 by Applicant No. 2 in O.A. of 793 of 2022 (Council of Engineers & ors. vs. State of Punjab & ors.) being filed with the Hon'ble NGT by the Applicants.

Regards

Council of Engineers through Er. Kapil Dev
(Applicant in person)
in O.A. No. 793 of 2022
#186-E, BRS Nagar,
Ludhiana
Mobile: 9872007872



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