

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(In O.A No. 793 of 2022)

In the matter of:

Council of Engineers

..... Applicants

vs.

State of Punjab & ors.

.....Respondents

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. 1 (in person) and is filing an additional submission regarding misleading facts as well as deliberately becoming Ex-parte by MCL in case (filed by Private Society against MCL in district courts at Ludhiana) pertaining to impugned park comprising of illegal library building with malafide intentions to disobey directions of this Hon'ble Tribunal to deliberately avoid restitution of park in original shape as already directed by the Hon'ble Tribunal.
- That the contents of Para no. 1 to 5 of Additional Submission dated 15-12-2024 along with Annexures are true to best of my knowledge.



Know the Deponent/Executants personally and he/she has Signed/Thumb Impression in my presence.

903
16-12-2024

Place: Ludhiana
Dated: 15.12.2024

Certified that the affidavit SPA/GPA has been readover & explained to the deponent executant who seemed directly to understand the same at the making above statement

[Signature]
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: 15.12.2024

ATTESTED AS IDENTIFIED

**NOTARY PUBLIC
LUDHIANA (PB)**

[Signature]
DEPONENT

16 DEC 2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI
(In O.A. No. 793 of 2022)

In the matter of:

Council of Engineers & ors.

Vs

State of Punjab & ors.

Additional submission by Applicant No. 2, Er. Kapil Dev regarding regarding misleading facts as well as deliberately becoming Ex-parte by MCL in case (filed by Private Society against MCL in district courts at Ludhiana) pertaining to impugned park comprising of illegal library building with malafide intentions to disobey directions of this Hon'ble Tribunal to deliberately avoid restitution of park in original shape as already directed by the Hon'ble Tribunal.

Hon'ble sir

Respectfully sheweth

The Petitioners humbly submit as under:

1. That during proceedings of last hearing, the counsel for MCL had submitted before this Hon'ble Tribunal that the books of impugned library building are being collected for process of shifting and the action as per orders dated 04-10-2024 will be taken immediately after shifting the books from the impugned library building.

2. That no such action has been taken and during the visit on 01-12-2024 by the Court Commissioner appointed by this Hon'ble Tribunal, the books were still in the Almiras in the room and no action is taken by MCL for bringing the park to its original shape.
3. That One Society in the name of Maharana Partap Rajput Sabha filed one Civil Suit (CIS No. 11027 of 2024) in this district court against the MCL in the month of October 2024 pertaining to the impugned park and despite receiving the summons as well as issue raised by the Applicant Er. Kapil Dev vide email to the Additional Secretary of Local Govt. Department but MCL failed to appear before the court till date. The proceedings of evidence for declaring MCL as Ex-Parte are in progress and even after getting information regarding the said suit, the MCL once again failed to appear in the court on 04-12-2024. The copy of orders passed by District Court in CIS 11027 of 2024 till date are produced herewith as **Annexure PX-9**. The copy of complaint filed with the Secretary of Local Govt. Department by Petitioner is produced herewith as **Annexure PX-10** and copy of new published in regard with non-appearance of MCL in district courts is produced herewith as **Annexure PX-11**.
4. That the MCL is deliberately and with malafide intentions not appearing the above case (CIS No. 11027 of 2024) so that the Plaintiff Society may get the decision in its favour and such deliberate act by

MCL is being done to create hurdle in implementation of orders of this Hon'ble Tribunal.

5. The MCL is deliberately delaying in implementation of orders of this Hon'ble Tribunal. It is pertinent to humbly mention here that MCL is maintaining the park by itself but by not appearing in the district courts in the said case, MCL deliberately & intentionally wants to give possession of Public Park to the private society and such act is also against Environment laws.

Keeping in view of the above facts, this Applicant humbly pray to this Hon'ble Tribunal to initiate proceeding u/s 26 of NGT Act 2010 for failing to implement orders dated 04-10-2024 issued by this Hon'ble Tribunal for restitution of Park in its original shape and issue and allow the prayer as submitted in Original Application.

Dated: 15-12-2024

Place: Ludhiana



Kapil Dev

(Applicant No. 2 in person)

CIS No: CS-11027-2024

Maharana Partap Rajput Sabha Vs Municipal Corporation

Present: Sh. Sudesh Mahajan, Advocate for the plaintiff.

Suit received by way of entrustment. Report of Reader seen. Court fee properly made good. It be registered. On request of plaintiff, notice to defendants be issued by way of RC/AD as well as ordinary summons for 16.10.2024.

Date of Order: 11.10.2024

Rinu Steno-III

(Kavita)

Civil Judge (Junior Division)

Ldh/UID No. PB0588

CNR No: PBLD020108192024

CIS No: CS-11027-2024

MAHARANA PARTAP RAJPUT SABHA VS MUNICIPAL CORPORATION
LUDHIANA

Present: Sh. SUDESH MAHAJAN Advocate for the plaintiff.
None for defendants.

Summons sent to defendants received back served through clerk. Neither the defendants appeared in person nor anyone appeared on their behalf. Case has been called several times during the day. It is already 4.30 Pm. No further wait is justified. Hence, defendants are ordered to be proceeded against exparte. Now to come up for 04.11.2024 for exparte evidence of plaintiff.

Date of Order: 22.10.2024
Rinu Steno-III

(Kavita)
Civil Judge (Junior Division)
Ldh/UID No. PB0588

CNR No: PBLD020108192024

CIS No: CS-11027-2024

MAHARANA PARTAP RAJPUT SABHA VS MUNICIPAL CORPORATION
LUDHIANA

Present: Sh. SUDESH MAHAJAN Advocate for the plaintiff.
Defendants ex parte VOD 22.10.2024.

PW1 Amrinder Govind Rao tendered into ex parte evidence his
duly sworn affidavit Ex. PA along with documents. The case is adjourned to
04.12.2024 for remaining ex parte evidence of plaintiff.

Date of Order: 04.11.2024

Rinu Steno-III

(Kavita)

Civil Judge (Junior Division)

Ldh/UID No. PB0588

CNR No: PBLD020108192024

CIS No: CS-11027-2024

MAHARANA PARTAP RAJPUT SABHA VS MUNICIPAL CORPORATION
LUDHIANA

Present: Sh. SUDESH MAHAJAN Advocate for the plaintiff.
Defendants exparte VOD 22.10.2024.

PW2 Sant Singh and PW3 GAutam tendered into exparte
evidence their duly sworn affidavit Ex. PB and Ex. PC. The case is adjourned
to 03.01.2025 for remaining exparte evidence of plaintiff.

Date of Order: 04.12.2024

Rinu Steno-III

(Kavita)

Civil Judge (Junior Division)

Ldh/UID No.PB0588

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ANNEXURE PX-10



Engineers Council <engineerscouncilindia@gmail.com>

Complaint against the Municipal Commissioner Ludhiana as well as unknown staff of Municipal Corporation Ludhiana for deliberately not appearing in the Court of Law in CS-11027-2024) resulting in MCL as Ex-Parte in a matter pertaining to Public Park situated opp. Manju Cinema, Dholewal Chowk, Ludhiana.

Engineers Council <engineerscouncilindia@gmail.com>

Wed, Nov 20, 2024 at 3:17 PM

To: "secy.lg" <secy.lg@punjab.gov.in>

The Principal Secretary
Department of Local Government
Plot No. 3, Sector 35A
Chandigarh

Subject: Complaint against the Municipal Commissioner Ludhiana as well as unknown staff of Municipal Corporation Ludhiana for deliberately not appearing in the Court of Law in CS-11027-2024) resulting in MCL as Ex-Parte in a matter pertaining to Public Park situated opp. Manju Cinema, Dholewal Chowk, Ludhiana.

Sir,

This is for your information and immediate necessary action as under:

1. That one Park with area measuring 350 sq yards is situated opposite Manju Cinema, near Dholewal Chowk Ludhiana on which one Library building was constructed by the Municipal Corporation Ludhiana by going against the Environment Norms.
2. That the undersigned association Council of Engineers along with its members filed an Original Application with Hon'ble NGT (O.A. 793 of 2022 – Council of Engineers & ors. vs. State of Punjab & ors.) against the construction of Library in the said park along with other Environmental Issues. It is pertinent to mention here that the Hon'ble NGT vide orders dated 04-10-2024 has pleased to direct the MCL for restoration of Park within two weeks and the MCL had taken the plea of shifting of books from the Library during the hearing held on 05-11-2024.
3. That the undersigned Association has come to know that that one Society in the name of "Maharana Partap Rajput Sabha" has filed a Civil Suit (CS-11027-2024) against the Municipal Corporation Ludhiana regarding the aforementioned Public Park in the month of October 2024 and the summons sent to the Respondent Corporation served through the clerk were received back by the respected Court of Civil Judge (JD), Ludhiana. However, no one from Municipal Corporation appeared on 22-10-2024 as well as on 04-11-2024 and **MCL has been declared Ex-Parte on 04-11-2024** and the matter has been

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adjourned to 04-12-2024 for remaining exparte evidence of Plaintiff. The copy of all four orders are attached for ready reference and perusal.

4. That despite being aware of the facts that the matter is pending before the Hon'ble NGT since last more than two years and as per documents of MCL, the Park was to be given for maintenance purposes to the Plaintiff "Maharana Partap Rajput Sabha" under Park Management Policy but the same was withheld by the Municipal Commissioner of Ludhiana in the year 2022. Further, it has come to our knowledge that Municipal Corporation Ludhiana has appointed one lady staff for the said park and salary is also being given to her, however we do not have any documentary evidence of the same and it is a matter of investigation too.

5. That from the act of Municipal Commissioner as well as other unknown persons have deliberately not appeared before the respected court through any counsel and became exparte, it appears that the Municipal Commissioner as well as other unknown staff of MCL wants to lose possession of the Public Park and such an act of not appearing in the court of law by the Public authority (a State as per Article 12 of Constitution of India) is an act of failing to perform its lawful duty in protection of Public of Public Property and thus probe into the same is need of the hour and strict action may please be taken against them. Further, such an act is also likely to be done to save themselves from the directions of Hon'ble NGT for demolition orders of Library constructed by going against the directions of Hon'ble Supreme Court as well as environment norms. If so, such an act of the department will be against the Environment too.

Sir, keeping in view of lawful duty for protection of Public Properties by the Public Servants as per service rules and the Punjab Municipal Corporation Act 1976, the undersigned association requests you to take lawful action against the Municipal Commissioner as well as the other unknown staff and further direct the Municipal Commissioner to appoint the counsel in the aforementioned Civil Suit to defend the Public Property (Park). The undersigned association is going to submit the facts before the Advocate Commissioner (appointed in O.A. 793 of 2022) as well as with the Hon'ble NGT before the next date of hearing scheduled to be held on 17-12-2024.

Regards

Council of Engineers
Through its President Er. Kapil Dev
#186-E, BRS Nagar,
Ludhiana

Mobile: 9872007872

 **Copy of orders in CS-11027-2024.pdf**
117K

Engineers' body files plaint against MC chief for not appearing before court

LIBRARY ON GREEN BELT

TRIBUNE NEWS SERVICE

LUDHIANA, NOVEMBER 20

The Council of Engineers (CoE) has filed a complaint against the Municipal Commissioner as well as other unidentified staff of the Municipal Corporation, Ludhiana, for deliberately not appearing in the court of law and becoming ex parte in the matter pertaining to a public park situated near Dholewal Chowk.

The council has shot a complaint to the Principal Secretary in this regard.

The case was filed by the council through its president Er Kapil Arora in October 2022 regarding the park with area measuring 350 sq yards, situated near Dholewal Chowk, on which a



A library built in a park near Dholewal Chowk in Ludhiana.

library building was constructed by the MC by going against the environment norms.

The National Green Tribunal (NGT) on October 4, 2024, directed the MC for restoration of the park within two weeks and the MC had taken the plea of shifting books from the library during the hearing held

on November 5.

Now, the petitioner has come to know that one society in the name of 'Maharana Partap Rajput Sabha' has filed a civil suit against the MC regarding the park in October 2024 and pleaded not to get the library in the park demolished as they had been looking after the library

and spent money on its books.

"The summons sent to the respondent corporation served through the clerk were received back by the Court of Civil Judge (JD), Ludhiana. However, no one from MC

Not appearing in court by public authority was an act of failing to perform its lawful duty in protection of public property. Complaint

appeared on October 22, 2024, as well as on November 4 and the MC has been declared ex parte on November 4 and the matter has been adjourned to December 4, for remaining ex parte evidence," Arora said.

"Despite being aware of the facts that the matter is pending before the NGT since the past

over two years, the park was given for maintenance purposes to 'Maharana Partap Rajput Sabha' under the Park Management Policy," he added.

The MC chief as well as other unidentified persons have deliberately not appeared before the court through any counsel and became ex parte and it appears that the MC Commissioner and other staff of the civic body want to lose possession of the park and not appearing in the court of law by the public authority was an act of failing to perform its lawful duty in protection of public property and thus, probe into the same was need of the hour and strict action should be taken against them, said Arora in a complaint submitted to the Principal Secretary.

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Engineers Council <engineerscouncilindia@gmail.com>

Service of Document in O.A. 793 of 2022

Engineers Council <engineerscouncilindia@gmail.com>

Mon, Dec 16, 2024 at 12:16 PM

To: CommLudhiana <Commissionermcl@gmail.com>, joint.comm.m@gmail.com

Dear sir,

PFA service of document - Additional submission by Applicant No. 2 in O.A. of 793 of 2022 being filed with Hon'ble NGT.

Regards

Council of Engineers through Er. Kapil Dev
(Applicant in person)
#186-E, BRS Nagar,
Ludhiana
Mobile: 9872007872



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

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