

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 355 OF 2025

THE MATTER OF:

Jitendra Seth

.... Applicant

Versus

State of Uttar Pradesh & Ors.

.... Respondents

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NDOH : 21.04.2026

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2.	<u>Annexure- 1</u> A true copy of the inspection report dated 24.09.2025 alongwith the photographs taken during the course of inspection and gee-coordinates	

Respondent No.5

Through



(HARSHITA RAGHUVANSHI)

Advocate for the Respondent No.3,

Chamber No. 439, 4th Floor,

Block D, Additional Building Complex,

Supreme Court, New Delhi-01

Dated: 19.04.2026
New Delhi

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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ORIGINAL APPLICATION NO. 355 of 2025

IN THE MATTER OF:
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...Applicant

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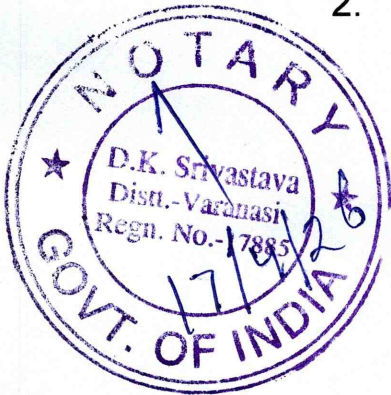
S No...789.....20.26...State of Uttar Pradesh & Ors.

...Respondent(s)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.-5,
UTTAR PRADESH POLLUTION CONTROL BOARD.

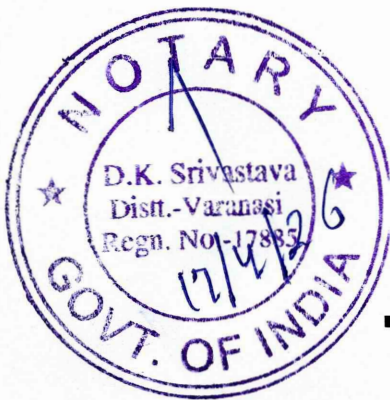
I, Rohit Singh, aged about 5.3... years S/o Shri. M. C. Sachan
presently posted as R.O....., Uttar Pradesh Pollution
Control Board (hereinafter referred to as UPPCB),
..Varanasi..... do hereby solemnly affirm and state on oath
as under:

1. That I the deponent in official capacity mentioned above,
am acquainted with the facts and circumstances of the
case and as such I am competent and authorized to
swear this affidavit.
2. That by mean of the present Original Application a plea
of the Applicant is that there is a water body situated in
Arazi Nos. 69A and 69B, Mauza Shivpur, Tehsil Sadar,
District Varanasi, Uttar Pradesh which is known as
Shivpur Pond (Talab). The grievance of the Applicant is
that the said water body has been encroached upon.



[Handwritten signature]

3. That the present matter was taken up by this Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as Hon'ble Tribunal) on 24.07.2025 when Learned Counsel for the Applicant seeks short adjournment. Further, the matter has also been adjourned on next date fixed i.e. 28.10.2025. Upon considering the seriousness of the matter this Hon'ble Tribunal vide its order dated 27.01.2026 was pleased to direct the answering respondent to file the reply.
4. That it is pertinent to mention here that the UPPCB effectively after knowing about the grievance vide order dated 24.07.2025 passed by the Hon'ble Tribunal, the officials of the UPPCB have undertaken the site visit and carried out the inspection on 24.09.2025, wherein following observation has been made:
- At the time of inspection the pond mentioned in the complaint letter, located in Arazi No. 69A and 69B, Mauja-Shivpur, Tehsil-Sadar, District-Varanasi, with geo-coordinates of latitude 25.356485 and longitude 82.953251. The said pond is located behind the house of Mrs. Indu Pandey W/o Mr. Jahimohan Pandey and behind the M/s Sangam Hospital, Mauja-Shivpur, Tehsil-Sadar, District-Varanasi.
 - During the course of an inspection, dense trees were found on the pond, and the pond in question was not found to be filled with water. Representatives present at the time of inspection informed that the pond in question had been



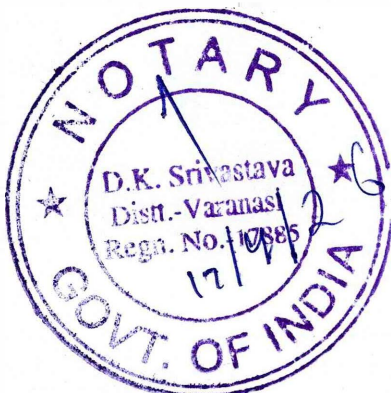
[Handwritten signature]

completely dry for approximately 10 to 12 year, and the currently, no domestic, effluent from the surrounding area is collected at the site. Reason for the pond being dry, sample collection could not be carried out.

A true copy of the inspection report dated 24.09.2025 alongwith the photographs taken during the course of inspection and geo-coordinates is being annexed herewith and marked as **Annexure-R5/1**.

5. It is most respectfully submitted that this answering respondent shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in instant original application.
6. 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 noting material has concealed therefrom.

The above response on behalf of the Uttar Pradesh Pollution Control Board is being submitted before this Hon'ble Tribunal for kind perusal and consideration.



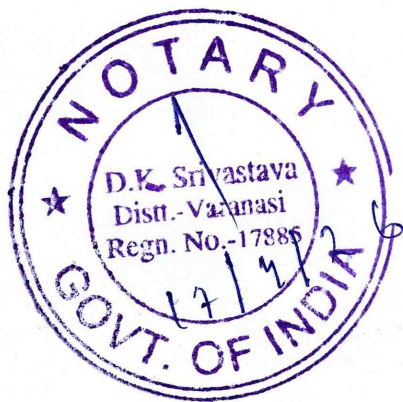

DEPONENT

VERIFICATION

Verified at ...Varanasi... on this the 17th day of April, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.



DEPONENT



SWORN BEFORE ME AND
SOLEMNY AFFIRM SIGNATURE
AND CONTENTS VERIFIED

D.K. SRIVASTAVA Advocate
NOTARY, Govt. Of INDIA
VARANASI Regn. No.-17885

17/4/26

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओरिजिनल एप्लीकेशन नं0 355/2025 (आई.ए. नं.—499/2025) जितेन्द्र सेठ बनाम उत्तर प्रदेश एवं अन्य में पारित आदेश दिनांक 24.07.2025 के अनुपालन में श्री जितेन्द्र सेठ द्वारा की गयी शिकायत के सम्बन्ध में शिकायती स्थल की निरीक्षण आख्या।

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओरिजिनल एप्लीकेशन नं0 355/2025 (आई.ए. नं.—499/2025) जितेन्द्र सेठ बनाम उत्तर प्रदेश एवं अन्य में पारित आदेश दिनांक 24.07.2025 के अनुपालन में शिकायती स्थल का निरीक्षण इस कार्यालय द्वारा दिनांक 24.09.2025 को किया गया। निरीक्षण के समय श्री रवि यादव दुकानदार एवं डा0 विनय कुमार पाण्डेय उपस्थित थे। स्थलीय निरीक्षण के समय पाये गये तथ्यों एवं उपस्थित प्रतिनिधि द्वारा उपलब्ध करायी गयी सूचना के अनुसार विस्तृत निरीक्षण आख्या निम्नवत् है —

1. मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओरिजिनल एप्लीकेशन नं0 355/2025 (आई.ए. नं.—499/2025) जितेन्द्र सेठ बनाम उत्तर प्रदेश एवं अन्य में पारित आदेश दिनांक 24.07.2025 के मुख्य कार्यकारी अंश निम्नवत् है :—

"..... 2. The record reflects that the Applicant had filed Public Interest Litigation (PIL) No. 1698 of 2023, before the Division Bench of the High Court of Allahabad which by order dated 08.08.2023 while refusing to interfere in the matter had granted following liberty to the Applicant:

- xxx,.....,xxx,.....,xxx
3. We are afraid that in such matters, we cannot interfere in the matter. The petition is, accordingly, dismissed. However, the petitioner will be at liberty to apprise the authority concerned about any illegal construction being made by the private respondents."
4. Learned Counsel for the Applicant seeks short adjournment to obtain instructions, if in pursuance to the said liberty Applicant had approached the concerned authority complaining about the illegal construction on the pond in question. The prayer is allowed.
2. निरीक्षण के समय शिकायती पत्र में वर्णित पॉण्ड आराजी नं0-69ए एवं 69बी, मौजा-शिवपुर, तहसील-सदर, जिला-वाराणसी में स्थित है, जिसका जिओ को-आर्डिनेट्स-25.356485 अक्षांश एवं 82.953251 देशान्तर है। उक्त पॉण्ड श्रीमती इन्दू पाण्डेय पत्नी श्री जयमोहन पाण्डेय के घर के पीछे एवं मेसर्स संगम हास्पिटल, मौजा-शिवपुर, तहसील-सदर, जिला-वाराणसी के पीछे स्थित है।
3. निरीक्षण के समय उक्त पॉण्ड पर सघन वृक्ष पाये गये तथा संदर्भित पॉण्ड में जल भराव नहीं पाया गया। निरीक्षण के समय उपस्थित प्रतिनिधियों द्वारा अवगत कराया गया कि संदर्भित पॉण्ड लगभग 10 से 12 वर्षों से पूर्णतः सूखा हुआ है तथा वर्तमान में किसी भी तरह का आस-पास से जनित घरेलू बहिष्ठाव इत्यादि उक्त स्थल पर एकत्रित नहीं होता है। निरीक्षण के समय पॉण्ड सूखा होने के कारण नमूना एकत्रण का कार्य नहीं किया जा सका।
4. निरीक्षण के समय लिए गये फोटोग्राफ्स निम्नवत् हैं —



उक्त आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।

क्षेत्रीय अधिकारी,

6/11/25

cb
06/11/25
(सी0पी0 वर्मा)
वैज्ञानिक सहायक

Gk
06/11/2025
(सुशील कुमार)
सहायक वैज्ञानिक अधिकारी



शिकायती पत्र में वर्णित पॉण्ड आराजी संख्या-69ए एवं 69बी, मौजा-शिवपुर, तहसील-सदर, जनपद-वाराणसी, जिसका जिओ को-आर्डिनेट्स 25.36485 अक्षांश एवं 82.953251 देशान्तर है।