

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 918 OF 2022**

IN THE MATTER OF:

Narendra Kushwaha ...Applicant
Versus
Union of India & Ors. ..Respondents

INDEX

S. NO.	PARTICULARS	PAGE NO.
1	Additional Affidavit on behalf of the Applicant	1-4
2	Annexure A-1 Copy of the relevant portions of the Joint Committee Report, dated 22.11.2021	5-8
3	Annexure A-2 Copy of the relevant pages of the Joint Committee dated 03.03.2023	9-14
4	Annexure A-3 Copy of the Government Order, dt: 29.02.2020,	15-16
5	Annexure A-4 Copy of the Jhansi Master Plan 2021	17
6	Proof of service	18

Through



AKASH VASHISHTHA
Advocate for the Applicant)
490, Lawyers' Chamber Block-II,
Delhi High Court, New Delhi-110002
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Dated:- 18.02.2025

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ADDITIONAL AFFIDAVIT ON BEHALF OF THE APPLICANT

The Applicant above-named

MOST RESPECTFULLY SHOWETH:

1. That the present Application raises substantial questions of environment and the deprivation of the Fundamental Right to a Clean and Healthy Environment arising out of the widespread illegal constructions and encroachments by Respondent Nos. 7 to 14 in connivance with the officials on the lands of Mauza-Dadiyapura, Pichhore, Jhansi Khas, Budha, Nayagaon, Simrawari, Khailar, Bijauli, Bhojla etc. of District Jhansi which are shown as green belt and parks as per Jhansi Master Plan of 2001 and 2021.
2. That vide Order, dated: 22.11.2024, this Hon'ble Tribunal had permitted the Applicant, herein, to place on record the details so as to demonstrate if the area for which he has made a complaint is a park in accordance with the documents of the Master Plan.
3. That in the list of land details attached to the Joint Committee Report, dated 22.11.2021 filed in O.A. 165/2021, Girja Shankar Rai and Ors. vs. State of Uttar Pradesh and Ors., the Mauja- Pichhore Arazi number 908, 909, 910, 911, 912, 917, 932, 933, 934, 935, 936, 752, 753, 754, 755, 817, 818, 819, 820, 821, 826, 827, 828,

829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 760, 856 have been described as “Nagar Park” in Jhansi Master Plan-2021.

(A True Copy of the relevant portions of the Joint Committee Report, dated 22.11.2021 filed in O.A. 165/2021, Girja Shankar Rai and Ors. vs. State of Uttar Pradesh and Ors. showing certain Arazi numbers of Mauja- Pichhore is annexed herewith and marked as **ANNEXURE A-1**)

4. That in the above case, in the report of the Joint Committee dated 03.03.2023 (At Page numbers 4 and 5), the complaint area Mauja-Budha' Arazi numbers 297, 298, 300, 304, 305 and Mauja- Jhansi Khas' Arazi number 751 have been described as block park in Jhansi Master Plan-2021.

(A True Copy of the relevant pages of the Joint Committee dated 03.03.2023 filed in O.A. 165/2021, Girja Shankar Rai and Ors. vs. State of Uttar Pradesh and Ors. is annexed herewith and marked as **ANNEXURE A-2**)

5. That till date the land numbers of Mauja Simrawari, Khailar, Bijauli, Bhojla etc. of district Jhansi, which are proposed for parks in Jhansi Master Plan 2021 have not been publicly displayed by Jhansi Development Authority, nor is such information being provided to the Applicant despite repeated requests made to the JDA.
6. That as per the Government Order, dt: 29.02.2020, issued in pursuance of the directions passed by this Hon'ble Tribunal in O.A No. 380/2018, *Park Avenue Plot Holders Welfare Society Union of India & Ors.*, the details of those plot numbers which are proposed for parks in Jhansi Master Plan 2021 are required to be publicly displayed and the same are also required to be uploaded on the website.

(A True Copy of the Government Order, dt: 29.02.2020, issued in pursuance of the directions passed by this Hon'ble Tribunal in O.A No. 380/2018, *Park Avenue Plot Holders Welfare Society Union of India & Ors.* is annexed herewith and marked as **ANNEXURE A-3**)

7. That the Arazi numbers, which are sought to be protected and maintained as Green/Park, and which Arazi numbers are also identified in the preceding paragraphs of this Affidavit are shown as Nagar Park in the Jhansi Master Plan 2021.

(A True Copy of the Jhansi Master Plan 2021 is annexed herewith and marked as **ANNEXURE A-4**)

PRAYER

In light of the aforestated facts and circumstances, this Hon'ble Tribunal may, graciously, be pleased to grant the reliefs as sought in the Original Application and/or pass any other or further Order(s) or direction(s) as this Hon'ble Tribunal may deem appropriate in the facts of the case.

12-5 03 21/18

APPLICANT

Through



AKASH VASHISHTHA

(Advocate for the Applicant)

490, Lawyers' Chamber Block-II,

Delhi High Court, New Delhi-110002

Ph.: 9717006866

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Affidavit

I, Narendra Kushwaha, S/o, Sh. Munna Lal Kushwaha, aged about 42 years, R/o Pichor, Bihind Medicial College, Police Station Nawabad, Jhansi Uttar Pradesh -284128, do presently at New Delhi do hereby solemnly affirm and state as under:

1. That I am the Applicant in the above titled Original Application and am conversant with the facts and circumstances described in the present case and as such, I am competent to swear this affidavit.
2. That the contents of the accompanying Submission are true and correct and nothing material has been concealed therefrom.

Handwritten signature

DEPONENT

VERIFICATION

Verified on this 18th day of February 2025 that the contents of the above affidavit are true and correct part of it is false and nothing material has been concealed therefrom.

Handwritten signature

DEPONENT



ATTESTED
Handwritten signature
NOTARY PUBLIC

Annexure A-1

झाँसी विकास प्राधिकरण, झाँसी

झाँसी महायोजना-2021 के अनुसार ग्राम-पिछोर तहसील व जिला झाँसी के नगर पार्क एवं प्रस्तावित महायोजना मार्ग की भूमि के अन्तर्गत आराजी संख्या का विवरण :-

क.सं.	भू-उपयोग	आराजी संख्या																																																																																																																																																																																																												
1	2	3																																																																																																																																																																																																												
1	मनोरंजन सुविधाएं (नगर पार्क)	22,	23,	682,	684,	685,	686,	689,	691,	692,	693,	694,	695,	696,	697,	722,	723,	724,	725,	726,	727,	728,	729,	731,	732,	733,	734,	735,	736,	737,	738,	739,	740,	741,	742,	743,	744,	745,	746,	747,	748,	749,	750,	751,	752,	753,	754,	755,	756,	757,	758,	759,	760,	761,	762,	763,	764,	765,	766,	757,	768,	769,	770,	771,	772,	773,	774,	775,	776,	777,	778,	779,	780,	781,	782,	783,	784,	785,	786,	787,	788,	789,	790,	791,	792,	793,	794,	795,	796,	797,	798,	799,	800,	801,	802,	803,	804,	805,	806,	807,	808,	809,	810,	811,	812,	813,	814,	815,	816,	817,	818,	819,	820,	821,	822,	823,	824,	825,	826,	827,	828,	829,	830,	831,	832,	833,	834,	835,	836,	837,	838,	839,	840,	841,	842,	843,	844,	845,	846,	847,	848,	849,	850,	851,	852,	853,	854,	855,	856,	871,	872,	873,	874,	875,	876,	877,	878,	879,	886,	887,	888,	891,	892,	893,	894,	895,	896,	897,	898,	899,	900,	901,	902,	903,	904,	905,	906,	907,	908,	909,	910,	911,	912,	913,	914,	915,	916,	917,	918,	919,	920,	921,	922,	923,	924,	925,	926,	927,	928,	929,	930,	931,	932,	933,	934,	व 935
2	मनोरंजन सुविधाएं (नगर पार्क) आंशिक भाग	21,	683,	687,	690,	698,	712,	717,	718,	719,	720,	721,	730,	863,	867,	868,	869,	880,	882,	883,	884,	889,	890,	व 936																																																																																																																																																																																						
3	महायोजना मार्ग (24 मी०/30मी०) आंशिक/पूर्ण	11,	12,	13,	14,	15,	16,	78,	79,	80,	93,	95,	96,	104,	105,	138,	139,	166,	206,	207,	208,	209,	216,	217,	218,	219,	220,	239,	256,	258,	295,	297,	298,	628,	630,	635,	637,	639,	640,	642,	652,	658,	660,	662,	664,	665,	669,	857,	858,	859,	860,	861,	865,	866,	867,	868,	869,	870,	880,	881,	882,	883,	884,	886,	889,	890,	990,	996,	999,	1000,	1001,	1030,	1032,	1017,	1107,	1167,	1263,	1265,	1266																																																																																																																															

पार्क एवेन्यू प्लॉट होल्डर्स वेलफेयर सोसाइटी बनाम यूनियन ऑफ इण्डिया व अन्य में मा. नेशनल ग्रीन ट्रिब्यूनल (NGT) में योजित याद संख्या-380/2018 में मा. नेशनल ग्रीन ट्रिब्यूनल (NGT) द्वारा दिनांक 18.01.2019 को पारित आदेश पर प्रमुख सचिव, आवास एवं शहरी नियोजन विभाग, उ.प्र. शासन की अध्यक्षता में आज दिनांक 25.01.2019 को पूर्वान्ह 10.30 बजे उपचारी उपाय हेतु आहूत बैठक का कार्यवृत्त।

1. उपस्थिति-श्री राकेश कुमार सिंह-1, विशेष सचिव, न्याय विभाग, श्री भीष्म लाल वर्मा, निदेशक, भू0310, श्री अनुप कुमार श्रीवास्तव, मुख्य नगर एवं ग्राम नियोजक, उ090 लखनऊ एवं श्री एन0आर0 वर्मा सलाहकार (नियोजन) आवास बन्धु, उ090।

2. मा. राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में योजित याद संख्या-380/2018 पार्क एवेन्यू प्लॉट होल्डर्स वेलफेयर सोसाइटी बनाम यूनियन ऑफ इण्डिया व अन्य में मा. नेशनल ग्रीन ट्रिब्यूनल (NGT) द्वारा दिनांक 18.01.2019 को निम्न आदेश पारित किया गया है :-

"In view of the earlier order dated 19.12.2018, wherein we were informed that the State Government is contemplating to have a policy on the issue. As an interim measure the State Government wants to take steps to bring out ordinance to prevent sale of land which are earmarked for green belt or park area in the master plan. We direct the Principal Secretary, Housing and Urban Development, Department of State of Uttar Pradesh to be present on the next date of hearing. He is further directed to thoroughly look into the issue so as to suggest measures in the relevant act under which it has been provided that the lands which are owned by the individuals a part of it or whole is earmarked has park and green area. Remedial measures need to be taken because such green belt marked areas are being sold by the individuals as they are holding its title and ownership."

List this matter on 13th February, 2019.

3. मा. नेशनल ग्रीन ट्रिब्यूनल (NGT) द्वारा महायोजना में प्रस्तावित ग्रीन बेल्ट क्षेत्रों में पड़ने वाली भूमि के क्रय-विक्रय किये जाने पर चिंता व्यक्त करते हुए उपाय सुझाये जाने के निर्देश दिये गये हैं जिससे महायोजनाओं में प्रस्तावित पार्क, खुले क्षेत्र, हरित पट्टिका में पड़ने वाली भूमि पर अनाधिकृत निर्माण न हो सके एवं उनके क्रय-विक्रय पर रोक लगायी जा सके। उपरोक्त के दृष्टिगत निम्न उपाय/सुझाव पर कार्यवाही हेतु निम्नवत् निर्णय लिया गया:-

- (1) जिस प्रकार राजस्व विभाग द्वारा खतौनी में विभिन्न श्रेणी एवं विषय विवरण यथा बंजर भूमि, खेतिहर भूमि, बाग, घासगाह, आबादी आदि दर्ज की जाती है उसी प्रकार राजस्व विभाग उक्त श्रेणियों में नई श्रेणी शामिल करते हुए पार्क, खुले क्षेत्र, हरित पट्टिका को भी श्रेणीबद्ध किया जाए जिससे कि भूमि के क्रय विक्रय के समय क्रेता-विक्रेता को महायोजना के अनुसार भू-उपयोग की जानकारी रहे। (कार्यवाही - राजस्व विभाग)
- (2) प्रमुख सचिव, आवास एवं शहरी नियोजन विभाग, उ.प्र. शासन के पत्रांक-डब्ल्यू/09/8-3-19-206विधि/2018टी.सी. दिनांक 16.01.2019 द्वारा प्रदेश के सभी विकास प्राधिकरणों, आवास एवं विकास परिषद तथा विनियमित क्षेत्रों को अपने-अपने अभिकरणों में प्रभावी महायोजना में अंकित पार्क, खुले क्षेत्र, हरित पट्टी भू-उपयोग का राजस्व अभिलेख विवरण, गाटा संख्या, खसरा संख्या, आराजी संख्या, क्षेत्रफल आदि विवरण तैयार कर सम्बन्धित जिले के जिलाधिकारी/स्टाम्प एवं निबन्धन विभाग को अविलम्ब उपलब्ध कराये जाने के निर्देश दिये गये हैं तथा अपने-अपने अभिकरणों के क्षेत्रान्तर्गत महायोजना में निर्धारित पार्क एवं हरित पट्टी के विरुद्ध हुए निर्माण कार्य को रोकथाम हेतु तत्काल सर्वे करा करके उनके विरुद्ध नियमानुसार कार्यवाही किये जाने की अपेक्षा की गयी है।

इस सम्बन्ध में यह भी निर्णय लिया गया है कि ऐसी पार्क व हरित पट्टिका से सम्बन्धित भूमि जिन्हें कि राजस्व अभिलेखानुसार अभिकरणों द्वारा गाटा संख्या, खसरा संख्या, आराजी संख्या, क्षेत्रफल के अनुसार सूची तैयार की गयी है, का विवरण राजस्व विभाग को भी उपलब्ध करा दिया जाय जिससे कि राजस्व विभाग अपनी खतीनी में उपरोक्तानुसार श्रेणीबद्ध कर सके।

यहां यह भी निर्णय लिया गया कि इस प्रकार तैयार की गयी सूची को जन-जागरूकता की दृष्टि से समाचार पत्रों में प्रकाशन तथा जहां-जहां पार्क व हरित पट्टिका भूमि स्थित हो, पर होर्डिंग बोर्ड लगाया जाय तथा समस्त अभिकरणों द्वारा अपनी अपनी वेबसाइट पर भी अपलोड कराया जाय। (कार्यवाही - प्रमुख सचिव, राजस्व विभाग, प्रमुख सचिव, स्टाम्प एवं निबन्धन विभाग, उपाध्यक्ष समस्त विकास प्राधिकरण एवं समस्त जिलाधिकारी, उ०प्र०)

- (3) सभी अभिकरणों में प्रभावी महायोजना में प्रस्तावित पार्क, खुले स्थल एवं हरित पट्टिका के कार्यान्वयन हेतु एक "महायोजना कार्यान्वयन निधि" का सृजन किया जाय जिस हेतु एक अलग नियमावली तैयार करते हुए मानचित्रों की स्वीकृति के समय प्राप्त होने वाले शुल्क, भू-उपयोग परिवर्तन से प्राप्त होने वाले शुल्क आदि का अंश इसमें रखा जाय जिससे कि उक्त निधि से महायोजना में प्रस्तावित पार्क, खुले स्थल एवं हरित पट्टिका की भूमि का अर्जन करते हुए विकास किया जा सके। इस सम्बन्ध में यह भी निर्णय लिया गया कि उक्त निधि में प्रदेश के अन्य सरकारी विभाग जो कि विकास कार्यों में अपना योगदान दे रहे भी अपना यथासम्भव अंश उक्त निधि में डालेंगे। (कार्यवाही - मुख्य नगर एवं ग्राम नियोजक, उ०प्र०)
- (4) Transferable Development Rights (TDR) का बायलॉज शीघ्र तैयार कर लागू किया जाय जिससे कि Transferable Development Rights (TDR) के आधार पर भी पार्क व हरित पट्टिका जैसे क्षेत्रों का अधिग्रहण व विकास कार्य शासकीय अभिकरणों द्वारा कराया जा सके। (कार्यवाही - मुख्य नगर एवं ग्राम नियोजक, उ०प्र०)
- (5) उ.प्र. नगर नियोजन एवं विकास अधिनियम-1973 की धारा-26 जो कि सार्वजनिक भूमि पर अतिक्रमण एवं बाधा से सम्बन्धित है को प्रभावी रूप से प्रवर्तन की कार्यवाही की जाय तथा क्षेत्रवार नगरों को अभिकरण में उपलब्ध अधिकारीगण के आधार पर विभाजित करते हुए प्रत्येक क्षेत्र के लिए एक प्रवर्तन अधिकारी नामित किया जाय।

वर्तमान में प्रभावी U.P. Parks, Play Ground and Open space (Preservation & Regulation) Act-1975 जो कि सभी नगर महापालिका, नगर पालिकाओं अथवा उ.प्र. नगर पालिका अधिनियम-1916 द्वारा अधिसूचित क्षेत्र एवं उ.प्र. टाउन एरिया एक्ट-1914 से आच्छादित सभी नगरों हेतु प्रभावी की गयी है, में यथा आवश्यक संशोधन करते हुए विकास प्राधिकरणों व विनियमित क्षेत्रों के लिए भी लागू किये जाने का निर्णय लिया गया। (कार्यवाही - मुख्य नगर एवं ग्राम नियोजक, उ०प्र० एवं आवास बन्धु)

- (6) प्रमुख सचिव, स्टाम्प एवं निबन्धन विभाग को सम्बोधित प्रमुख सचिव, आवास एवं शहरी नियोजन विभाग, उ.प्र. शासन के पत्रांक-डब्ल्यू०९(१)/८-३-१९-२०६विविध/२०१८टी.सी. दिनांक १६.०१.२०१९ के द्वारा मा. नेशनल ग्रीन ट्रिब्यूनल (NGT) द्वारा दिनांक १९.१२.२०१८ को पारित आदेश से अवगत कराते हुए अनुरोध किया जा चुका है कि समस्त अभिकरणों द्वारा प्रभावी महायोजना में निर्धारित पार्क, हरित पट्टिका क्षेत्र जिन्हें कि गाटा संख्या, खसरा संख्या, आराजी संख्या पर स्थानान्तरित कर उपलब्ध कराया जायेगा पर विक्रय विलेख के समय इस आशय का शपथ पत्र दोनों पक्षों से लिये जाने

-०३-

हेतु निर्देश जारी किये जाने की अपेक्षा की गयी कि विक्रय की जा रही भूमि/प्लॉट प्रभावी महायोजना के अन्तर्गत ग्रीन बेल्ट/हरित पट्टी अथवा पार्क क्षेत्र के भू-उपयोग से सम्बन्धित नहीं है।

इस सम्बन्ध में यह भी निर्णय लिया गया कि किसी भी भूमि का विक्रय विलेख करते हुए ग्रीन बेल्ट/हरित पट्टी अथवा पार्क क्षेत्र के भू-उपयोग में सम्बन्धित भूमि होने पर इस आशय की टिप्पणी विक्रय विलेख में अवश्य सम्मिलित किया जाए कि क्रेता द्वारा महायोजना में प्रस्तावित भू-उपयोग के विरुद्ध यदि कोई निर्माण किया जाता है तो विक्रय विलेख स्वतः समाप्त हो जायेगा एवं उक्त भूमि बिना मुआवजा के सरकार के पक्ष में निहित हो जायेगी। (कार्यवाही - प्रमुख सचिव, राजस्व विभाग, स्टाम्प एवं निबन्धन विभाग एवं उपाध्यक्ष, समस्त विकास प्राधिकरण)

अन्त में धन्यवाद के साथ बैठक समाप्त हुई।

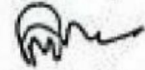
नितिन रमेश गोकर्ण
प्रमुख सचिव।

उत्तर प्रदेश शासन
आवास एवं शहरी नियोजन अनुभाग-3
संख्या-194/8-3-19-206 विविध/2018
लखनऊ : दिनांक: 05 फरवरी, 2019

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. प्रमुख सचिव, न्याय विभाग, उ.प्र. शासन।
2. प्रमुख सचिव, स्टाम्प एवं निबन्धन विभाग, उ.प्र. शासन।
3. प्रमुख सचिव, राजस्व विभाग, उ.प्र. शासन।
4. आवास आयुक्त, उ.प्र. आवास एवं विकास परिषद, उ.प्र.।
5. समस्त जिलाधिकारी, उत्तर प्रदेश।
6. उपाध्यक्ष, समस्त विकास प्राधिकरण, उत्तर प्रदेश।
7. मुख्य नगर एवं ग्राम नियोजक, उ.प्र., लखनऊ।
8. सलाहकार (नियोजन), आवास बन्धु, लखनऊ।
9. गार्ड फाइल।

आज्ञा से,



(मनीष चन्द्र श्रीवास्तव)
अनु सचिव।



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं०

Ref. No.

1190267

सी-2/NGT-07/23

दिनांक

Date ..03.03.23

To,

The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg, New Delhi.
E-mail - judicial-ngt@gov.in

Subject: Submission of Joint Committee report in compliance of directions issued by Hon'ble NGT vide order dated 02.01.2023 in O.A. No. 918/2022 Narendra Kushwaha Vs Union of India and Ors.

Sir,

In compliance of Hon'ble NGT order dated 02.01.2023 in the matter of O.A. No. 918/2022 Narendra Kushwaha Vs Union of India and Ors, the report of Joint Committee is being filed herewith.

It is requested that the aforesaid report of Joint Committee may be presented before the Hon'ble Tribunal for kind consideration.

Encl: As above.

Yours faithfully,

(Rajendra Singh)
Chief Environmental Officer
Circle-2

Factual Report regarding Hon'ble NGT order dated 02/01/2023 in the matter of O.A.

No.918/2022, Narendra kushwaha Vs Union of India & Ors.

1. Background

Hon'ble National Green Tribunal (NGT) in the matter of Original Application No. 918 of 2022, dated 02/01/2023, Narendra kushwaha Vs Union of India & Ors. directed as below:

1. *Grievance of the applicant Shri Narendra Kushwaha is in Tehsil and District Jhansi at Mouza-Dadiapura with Arajis no.1136,1154,155,1163,1164,1165,1168,1206 etc., Mouza-Pichor with Arajis Nos. 908,909,910,911,912,917,932,933,934, 935,936,752,753,754, 755, 817,818,819,820,821,826,827,828,829,830,831,832,833,834,835,836,837,838,839,840, 841,842,843,844,760,856 etc., Mouza-Jhansi Khas with Arajis No.751 etc., Mouza- Vudha with Arajis Nos. 38,123,132,133,297,298,300,304,305 etc. and Mouza-Nayagaon with Arajis Nos. 560/8, 560/9, the authorities are illegally allowing encroachment and permitting unauthorized construction over the land shown as green belt and parks as per Jhansi Master Plan of 2001 and 2021 and despite repeated complaints, no action has been taken by Administration. Encroachment and unauthorized construction has been allowed by the District Administration including the officials of Jhansi Development Authority in collusion with private individuals.*
2. *In Hon'ble NGT view before taking any further action in the matter, Factual report be obtained from the concerned authorities for which purpose Hon'ble NGT constitutes a committee comprising of District Magistrate, Jhansi and state PCB. Committee may visit the site and submit a factual report in the matter within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. State PCB will be the nodal agency for coordination and compliance.*
3. *The applicant may serve a set of papers on District Magistrate, Jhansi and State PCB and file affidavit of service within one week.*

2. Proceedings

- a. In compliance of the above order, Member Secretary, U P Pollution Control Board, Lucknow vide letter dated 10.01.23 (Annexure-1) has nominated Srimati Deepa Arora, Regional Officer, Pollution Control Board, Jhansi as representative of State Board. As per District Magistrate, Jhansi comment/order dated 04.01.2023, site visit is conducted on dated 09.01.23 by ADM(F/R) and Regional officer, Pollution Control Board, Jhansi in the presence of Secretary, Jhansi Development Authority.

[Handwritten signatures and initials in blue ink]

(2)

- b. For the compliance of above, District Magistrate, Jhansi further issued order dated 09.01.2023 to Vice-Chairman, Jhansi Development Authority and Regional Officer, Pollution Control Board, Jhansi to update the proceedings weekly on Friday in the same order he nominated ADM (Namami Gange) as a nodal officer for coordination and monitoring regarding Hon'ble NGT order related to Lakshmi Taal and Master Plan(Annexure-2).
- c. As per Hon'ble NGT order, Applicant, Sri Narendra Kuswaha (Environment, R.T.I. & Social activist) has sent 10 point complaint along with list of Araji Nos, Dated 06.01.23. On receipt, Regional Officer, PCB Jhansi issued letter dated 18.01.23 along with this complaint to get reply from authorities concerned (Annexure-3).
- d. In compliance of Hon'ble NGT order dated 02.01.23, District Magistrate issued office order dated 31.01.23 for speedy action in the case as per following committee (Annexure-4):
- i. Vice-Chairman, Jhansi development Authority, Jhansi : Chairman
 - ii. Nagar Ayukt, Nagar Nigam, Jhansi : Member
 - iii. ADM (Namami Gange), Jhansi : Member
 - iv. Regional officer, U P Pollution Control Board : Member
 - v. Tehsildar, Sadar, Jhansi : Member
- e. Meeting of the committee was conducted on dated 08.02.23 to follow up the matter with concerned authorities along with the review meeting regarding Hon'ble NGT O.A. No. 165/2021 Girjashanker rai & ors. Vs state of U.P. & ors. having similar subject as OA no. 918/2022 Narendra kushwaha & ors Vs Union of India & ors.

3. Site Verification

- a. During site verification on dated 09.01.23 (Annexure-5), houses found constructed on mentioned land blocks and it was decided by the committee to get the written factual status from the department concerned. Regional Officer, Pollution Control Board issued a letter dated 12.01.23(Annexure-6) to Secretary, Jhansi development Authority to know the land use of concerned Araji nos. in Mouza- Dadiapura, Pichore, Vudha, Jhansi Khas and Nayagaoun area, Completely/Partially unauthorized construction and status of map approval if any and copy to Nagar Ayukt, Nagar Nigam, Jhansi regarding allotment of house numbers to houses of mentioned Araji nos. and SDM, Sadar, Jhansi regarding Sale deed of Araji Nos. of mentioned Mouzas. Thereafter site inspection was conducted

[Handwritten signatures and initials in blue ink]

(3)

again on Dated 01.03.2023 with District Magistrate Jhansi, Vice Chairman, Jhansi Development Authority and Regional Officer, U.P. Pollution Control Board, Jhansi and as per the order, directions were issued to provide Compliance report. District Magistrate Jhansi has already visited above the mentioned mauzas /proposed city park area in the past as well regarding N.G.T. Orders.

4. Factual Status Report

a. In Pursuance to above site verification, Following facts have been brought to the notice through reply letter dated 13-02-2023 received from Incharge, Executive Engineer, Jhansi Development Authority and again latest updated report dated 01-03-2023 received from VC Jhansi Development Authority.

(Annexure-7), (Annexure-8)

- The subject is same as in Hon'ble NGT order 14.12 22 in O.A. No. 165/2021 Girjashanker Rai & ors. Vs state of U.P. & ors for encroachment in and around Lakshmi Taal area.
- As per Hon'ble NGT order in OA no. 165/2021 Girjashanker Rai & ors. Vs state of U.P. & ors. dated 14.12.22, Action has been initiated to remove illegal construction on proposed park land.
- To remove illegal construction on proposed park land under Jhansi master plan 2021, total 115 cases of demolition orders has been issued u/s section 27, 28(1) & 28(2) of U.P. town planning and development Act, 1973 as amended 1997.
- Against above actions, opposite parties of 26 matters have files petition in Hon'ble high court, Allahabad and court has given stay in the matters.
- Authority has tried for demolition action along with police force in the remaining cases but due to opposition by the local people, demolition could not be done.
- The remaining vacant land in the proposed park land of Jhansi Master Plan 2021, in order to impose ban on sale of land sign boards are installed at different places on vacant land.
- On the proposed park land in the Jhansi Master Plan 2021 in the revenue village- Pichore, Dadiapura and Taalpura, there are 2275 illegal construction identified by the survey team. Survey is ongoing in Mauza- Jhansi Civil and Jhansi Khas. At present, there is no illegal construction is going on. Challani action has been

Deepa I

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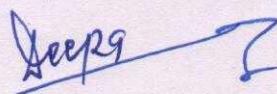
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(4)

initiated under section 27 of U.P. town planning and development act 1973. Thereafter, in the updated report dated 01.03.20222, it was mentioned that according to Jhansi Master Plan 2021, a city park is proposed in the revenue villages Pichhor, Dadiyapura, Talpura, Jhansi Khas and Jhansi Civil. Out of the land proposed for the city park, the survey team was constituted for 125.74 hectares (private tenants) of land in the revenue village-Pichhor, Dadiyapura and Talpura, despite all the obstacles. In spite of the presence of police force, there was strong protest by the private tenants. Due to shortage of staff in Jhansi Development authority, Jhansi, It took time to complete the survey work. According to the survey, out of 125.74 hectares (private cultivators) land, 25.32 hectares land is vacant, which is situated in scattered manner in different locations. A Total of 2390 buildings were found during the survey, in which action has taken under the relevant sections of the UP Town Planning and Development Act, 1973 (as amended in 1997). The said area is densely populated and about 13000 people reside in it. Due to strong opposition from the residents, the survey work has taken relatively longer time.

- Out of 125.74 hectares of land proposed for city park In Jhansi Master Plan 2021, 100.42 hectares of land has been approved by the Authority Board to make it residential on the basis of development of population there since 1970.
- In place of the proposed city park in Jhansi Master Plan-2021 a city park has been proposed In Jhansi Master Plan 2031 on 210.00 hectares of land in revenue village Bijauli. The proposed green area in Jhansi Master Plan 2021 is 1280.62 hectares, whereas the proposed green area in Jhansi Master Plan 2031 (Draft) is 2325.69 hectares. Regarding the proposed land area, the report of the Associate Planner, Town and Country Planning Department, Divisional Planning Khand, Jhansi can be seen observable. (photocopy attached)
- The survey work is being conducted by the team for Arazi numbers of revenue villages- Jhansi Khas, Vudha and Nayagaon, mentioned in the order dated 02.01.2023 of Hon'ble N.G.T. After the survey and according to the master plan, the land use of Arazi No. 38, 132 and 133 in Revenue Village-Budha is proposed as commercial (central activities-high level). The land use of Arazi No.-123 is proposed as residential (medium density) and the land use of Arazi No.-297, 298, 300, 304 and 305 is proposed as block park.





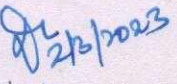
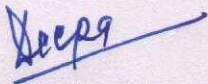



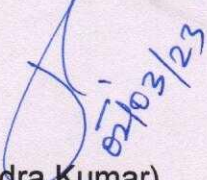




(5)

- Similarly, according to the Jhansi Master Plan 2021, land use of Arazi number-560/8 and 560/9 of Nayagaon revenue village is the proposed as industrial (large scale industry). According to the Jhansi Master Plan 2021, the land use of Arazi number-751 of Jhansi Khas revenue village is the proposed as block park.
 - While Continuing with the task of survey of the above revenue villages, the authority has so far surveyed 115 buildings. Out of these area jhansi khas is located amidst densely populated area due to which the survey work in these areas are likely to take 02 Months.
- b. As per reply received from revenue department (Tehsildar Sadar, Jhansi) dated 15.02.2023 (Annexure-9).
- At Mauza-Pichore & Dadiapura, the mentioned Araji's are listed as Sankramaneey Land and residence were found during inspection along with partial vacant plots roads.
 - Land of Gata No. 751 of Jhansi Khas is Sankramaneey and uses as Kabristan.
 - Agriculture activity is going on at land of araji mentioned at Mauza Vudha and land is sankramaneey.
 - Residential and partially vacant plots/roads exist on land of araji mentioned at Mauza Nayagaon.
- c. As per Hon'ble NGT order, Applicant, Sri Narendra Kuswaha (Environment, R.T.I. & Social activist 10 point complaint, Factual comparative chart is attached(Annexure-10).

Hence most respectfully, the factual status report is submitted as above in compliance of order dated 02.01.2023 of Hon'ble NGT OA No.-918/2022 .

 N.T. (Dr. Lal Krishna) Tehsildar, Sadar Jhansi	 (Deepa Arora) Regional Officer UPPCB, Jhansi	 (Ashok Kumar Singh) ADM (Namami Gange) Jhansi	 (Pulkit Garg) Nagar Ayukta Nagar Nigam, Jhansi
 (Alok Yadav) Vice-Chairmen Jhansi Development Authority Jhansi	 (Ravindra Kumar) District Magistrate Jhansi		

आलेख्य

अत्यंत महत्वपूर्ण/मा0 एन0जी0टी0 के आदेश
संख्या-168/आठ-3-20-206 विविध/18 टी.सी.

जा.सं./ह.अ.सं.
20/02/20 प्रेषक,

दीपक कुमार,
प्रमुख सचिव,
उत्तर प्रदेश शासन।

सेवा में,

1. उपाध्यक्ष,
समस्त विकास प्राधिकरण,
उ0प्र0 लखनऊ।
2. जिलाधिकारी/नियंत्रक प्राधिकारी,
समस्त विनियमित क्षेत्र,
उ0प्र0 लखनऊ।

आवास एवं शहरी नियोजन अनुभाग-3

लखनऊ : दिनांक : 19 फरवरी, 2020

विषय: भू-उपयोग के विरुद्ध अवैध निर्माण तथा विद्यमान नियमों के संबंध में कार्यवाही किये जाने
विषयक।

महोदय,

उपर्युक्त संबंध में अवगत कराना है कि मा0 राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में योजित
वाद संख्या-380/2018 पार्क एवेन्यू प्लॉट होल्डर्स वेलफेयर सोसाइटी बनाम भारत संघ व अन्य में
दिनांक 17.01.2020 को पारित आदेश के प्रभावी अंश निम्नवत् हैं :-

"..... In view of the aforesaid backdrop, we have been taken by surprise today when it was submitted on behalf of the State Government that a meeting has been called for discussions/consultation in respect of the issue involved in this case. A letter in this regard has been issued by the Deputy Secretary, Urban and Housing Department, State of UP on 14.01.2020 to eight officers which includes Principal Secretary, Law; Additional Chief Secretary, Revenue; Principal Secretary, Stamps and Registration; Principal Secretary, Infrastructure and Industrial Development Department, Principal Secretary, Urban Development Department; Principal Secretary, Text and Registration Department; Advisor (Planning), Urban Development and Advisor (Development), Urban Development Department. The meeting is proposed to be held on 22.01.2020 under the Chairmanship of the Chief Secretary.

A bare perusal of the letter dated 14.01.2020 reveals that all the officers who have been called are not directly concerned with the issue involved herein i.e. to prevent selling part of the land to other individuals for the purpose of residence, whereas the same is for park/open space.

Moreover, the meeting so called is only for the purpose of discussion. As mentioned earlier, on numerous occasions it has been stated before us on behalf of State Government that a policy would be immediately framed and looking to the nature of the issue involved, even an interim measure by way of an ordinance shall be taken so that no encroachments are made on land earmarked for parks and green belts.

The aforesaid narration of facts and the proceedings in this case wherein statements had been made on different occasions for the purpose of ensuring that the land meant for park and green belt would be retained safely without encroachment had all been without any result. We find that ever since the year 2014 when a representation was given to the concerning department and even during the pendency of the present case before us where many years have been passed, no concrete steps have been taken by State of Uttar Pradesh. We are sure that during this intervening period of more than five years much change must have taken place at the site and the land must have been used for different purposes by the individuals by claiming title in the property in question as having been purchased through registered sale deed. All this has happened due to the snail speed with which the respondent Government and its authorities have been proceeding.

In view of the above, we direct the Chief Secretary, State of Uttar Pradesh to take a final decision, for framing a policy or amending the relevant legislation for the purpose of saving/protecting the land which is meant for park and green belt under the Urban Master Plan of the State, on or before 31st January, 2020.

A copy of this order be sent to the Chief Secretary, State of Uttar Pradesh through e-mail forthwith.

List the matter on 12th February, 2020."

2- उक्त के क्रम में भू-उपयोग के विरुद्ध अवैध निर्माण तथा विद्यमान नियमों के परिप्रेक्ष्य में कार्यवाही किये जाने के संबंध में निम्नवत् निर्णय लिया गया है :-

- (1) विकास प्राधिकरण तथा विनियमित क्षेत्र में प्रभावी महायोजनाओं में प्रस्तावित पार्क, खुले स्थल, हरित पट्टिका, कीड़ा स्थल तथा महायोजना मार्ग भू-उपयोग से संबंधित गाटा संख्या/खसरा संख्या/आराजी संख्या का विवरण तथा सजरा मानचित्र पर सुपर इम्पोज

करते हुए मानचित्र संबंधित अभिकरण की वेबसाइट पर प्रदर्शित/अपलोड करते हुए जनपद स्तर के स्टाम्प एवं रजिस्ट्रेशन कार्यालय को तत्काल उपलब्ध कराया जाय।

(2) जनपद स्तर पर संबंधित प्राधिकरण/विनियमित क्षेत्र तथा नगर नियोजन विभाग से संबंधित अधिकारियों के साथ स्टाम्प एवं रजिस्ट्रेशन कार्यालय के अधिकारियों को महायोजना में प्रस्तावित भू-उपयोग के सजरा पर सुपर इम्पोज किये जाने तथा भूमि के गाटा संख्या भू-उपयोग आदि विवरण का विकय विलेख में अंकन के संबंध में वर्कशाप आयोजित करायी जाय।

3- अतएव मुझे यह कहने का निदेश हुआ है कि कृपया कृपया प्रश्नगत प्रकरण में उपरोक्तानुसार यथोचित कार्यवाही तत्काल सुनिश्चित कराने का कष्ट करें।

भवदीय,

(दीपक कुमार)
प्रमुख सचिव।

संख्या :168(1)/आठ-3-20-206 विविध/18टी.सी.-तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

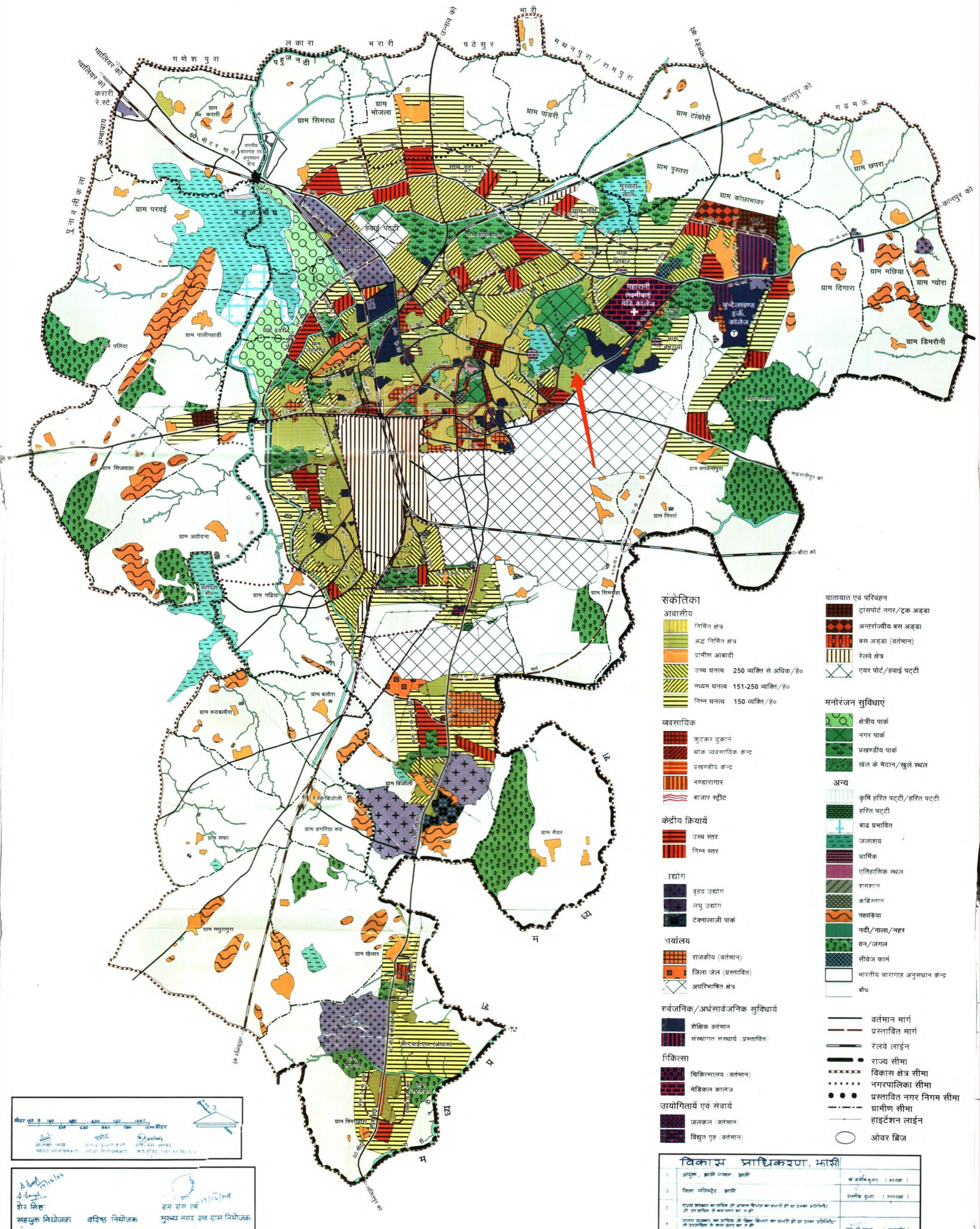
1. अपर मुख्य सचिव, राजस्व विभाग, उ०प्र० शासन।
2. प्रमुख सचिव, स्टाम्प एवं रजिस्ट्रेशन विभाग, उ०प्र० शासन।
3. मण्डलायुक्त, समस्त मण्डल, उत्तर प्रदेश।
4. आवास आयुक्त, उ०प्र० आवास एवं विकास परिषद, लखनऊ।
5. अनु सचिव, आवास एवं शहरी नियोजन अनुभाग-8 उ०प्र० शासन।
6. निदेशक, आवास बन्धु, उ०प्र० लखनऊ को इस आशय से प्रेषित कि संबंधित को आदेश की प्रति संबंधित को तामील कराते हुए विभागीय वेबसाइट पर अपलोड कराने का कष्ट करें।
7. गार्ड फाइल।

आज्ञा से,

(मनीष चन्द्र श्रीवास्तव)
अनु सचिव।

झाँसी महायोजना - 2021

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BASEMENT, JEWANSHAH TIRAHA
(9795314396-azharuddin)



नोट :- शासन के अर्धशासकीय पत्र संख्या 834/83-04-11 महा/02 टी.सी. दिनांक 13.12.2004 द्वारा प्रस्तावित भा.सी महायोजना 2021 की आपाति संख्या 106 (संश्ल संख्या-51) व 355 (संश्ल संख्या 64) के सम्बन्ध में शासन द्वारा दिये गये निर्देशानुसार महायोजना में आवश्यक संशोधन कर दिया गया है।

झाँसी सम्भगीय नियोजन खण्ड, नगर एवं ग्राम नियोजन विभाग, उ.प्र.



Copy of the Additional Affidavit on behalf of the Applicant in O.A. No. 918/2022 a

1 message

AKASH VASHISHTHA <akashvashishtha.official@gmail.com>

Wed, Feb 19, 2025 at 12:16 PM

To: bhanwar jadon <bhanwar09jadon@gmail.com>, bhanwar09@gmail.com, gigicgeorge.adv42@yahoo.in

Dear Sir,

Please find copy of the Additional Affidavit on behalf of the Applicant in O.A. No. 918/2022 attached.

Regards,

Akash Vashishtha
Advocate

 **Final Submission-1.pdf**
9696K

Reference No : - 0701109015752022

Date & Time : - Tue Dec 20 09:32:38 IST 2022

PREVIEW AND CONFIRM FOR FINAL SUBMISSION

Basic Details			
Location for Respondent	State of Uttar Pradesh	NGT Location	NEW DELHI (PRINCIPAL BENCH)
Case Type/Nature	Original Application	Case Title	NARENDRA KUSHWAHA Vs. UNION OF INDIA
Subject Matter		Remarks	
Act	ENVIRONMENT (PROTECTION) ACT, 1986	Subject Category	Municipal Park/public Park/Play Ground.
Whether person would like to be present before NGT	No		

FEES SECTIONS

Sections		
1	1000	1000
	Total Main Fees of Sections	= 1000

+

Document Fees Section			
1	Document Name Application.pdf	No. of Pages 5	No. of Copies 1
		Total Amount for Document	100
Total Pay Amount			1100

PETITIONER'S LIST

S. No.	Petitioner name	Aadhar Number	Petitioner address	State	District	Pincode	Mobile Number	E-mail Id
1	NARENDRA KUSHWAHA		PICHHORE	Uttar Pradesh	JHANSI	284128	9452041529	narendrakumarjhansi82@gmail.com

RESPONDENT'S LIST

S. No.	Respondent name	Aadhar Number	Respondent address	State	District	Pincode	Mobile Number	E-mail Id
1	UNION OF INDIA		SECRETARY PARYAVARAN BHAWAN, JOR BAGH ROAD	Delhi	NEW DELHI	110003		sahnk@cag.gov.in
2	state of uttar pradesh		shashtri bhawan lucknow	Uttar Pradesh	LUCKNOW			csup@nic.in
3	Principal Secretary		Govt. of U.P., Housing and	Uttar Pradesh	LUCKNOW	260001	222237161	awasbandhu@gmail.com

S. No.	Respondent name	Aadhar Number	Respondent address	State	District	Pincode	Mobile Number	E-mail Id
			Urban Planning					
4	Chairman & Commissioner Jhansi Development Authority Jhansi Division		Commissionary Compound Infront of, Circuit House Rd,	Uttar Pradesh	JHANSI	284001	9454417501	commjha@up.nic.in
5	District Magistrate Jhansi		collector compound jhansi,	Uttar Pradesh	JHANSI	284001	9454417547	dmjha@nic.in
6	vice chairman. Jhansi Development Authority		Commissionary Compound Infront of, Circuit House Rd,	Uttar Pradesh	JHANSI	284001	9889063999	jda_jhansi@rediffmail.com
7	Abdul Karim alias Sooke s/o Haji Khuda Baksh		R/o 325 Itwariganj, Jhansi,	Uttar Pradesh	JHANSI	284001	9889763715	jafarrayeen235@gmail.com
8	Zafar Rayeen		R/o 325 Itwariganj, Jhansi,	Uttar Pradesh	JHANSI		9889763715	jafarrayeen235@gmail.com
9	Akram s/o Yasin		748/1 Shivaji Nagar, Jhansi	Uttar Pradesh	JHANSI	284001	9415590083	Mohdakram111979@gmail.com
10	Muhammad Yasin s/o Wasir		748/1 Shivaji Nagar, Jhansi	Uttar Pradesh	JHANSI	284001	9415590083	Mohdakram111979@gmail.com
11	Arjun S/o Late bhagwandas		130 k sun shine school pichhor	Uttar Pradesh	JHANSI	284128	9889482323	9889482323
12	hari das alias hariram S/o Late bhagwandas		pichhore, near narayan bagh	Uttar Pradesh	JHANSI	284128	9112516088	9112516088
13	Smt Geeta Devi daughter Gyaprasad and wife Arvind Kumar		603 outside Datia Gate Jhansi	Uttar Pradesh	JHANSI	284002	8874844666	8874844666
14	K.R. Tokse		378/A Masiha ganj jhansi	Uttar Pradesh	JHANSI	284001	7398659244	7398659244
15	Principal Secretary Urban Development Govt. of U.P.		601, Babu Bhawan, Lucknow. up LUCKNOW, Uttar Pradesh,	Uttar Pradesh	LUCKNOW	260001	5222214564	psecup.urbandev@nic.in

UPLOADED DOCUMENT'S LIST

S. No.	Document Filed By	Sub Document Type	No. of Pages	Document Name
1	Petitioner	Complete-Petition	5	Application.pdf