

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 918 OF 2022

IN THE MATTER OF:

Narendra Kushwaha

Applicant

Versus

Union of India & Ors.

Respondents

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DOH: 01.03.2024

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Filed By:

(R.R. KUMAR)

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Dated: 26/02/24

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**AFFIDAVIT OF SHRI ALOK YADAV, VICE
CHAIRMAN, JANSI DEVELOPMENT AUTHORITY,
IN COMPLIANCE OF ORDER DATED 03.01.2024**

I, Alok Yadav, aged about 33 years, S/o Shri V.S. Yadav, Vice Chairman, Jhansi Development Authority (JDA), having office at Jhansi Development Authority, Commissioner Compound, Circuit House Road, Gwal Toli, Jhansi, Uttar Pradesh-284001, presently at New Delhi, do hereby most solemnly state and affirm as under:



1. I say that this affidavit is being filed by the deponent in compliance of Order dt 03.01.2024 of this Hon'ble Tribunal. I say that the deponent herein was posted as the Vice Chairman of JDA in June 2022.

2. I say that under Master plan of 2021 with effect from 04.05.2005, the disputed area of about 170 Hectare of land out of

which about 125 hectare is private land, was reserved for 'Recreational Facility /City Park'. The said parcel of land was however never acquired by the State Government due to paucity of funds. Over last few decades, many houses have been constructed over the said parcel of land.

3. I say that no permission was obtained from JDA by the occupants/owners for raising any construction in the said area. I say that the owners/occupants of the said land have given representation under Section 54 of the U.P. Urban Planning and Development Act, 1973 for the change in land use, which is pending consideration with the State Government. Nonetheless, these homes were provided with basic amenities such as water, electricity connections etc. by various other agencies/departments from time to time and it is a densely populated area. It may be noteworthy that in the draft Master plan 2031, the same area is earmarked as 'residential' in terms of land use, however, the said issue is pending consideration with the State Government.

4. I say that JDA is duty bound to implement the Orders of this Hon'ble Tribunal. It may be noteworthy that a large number occupants/owners of the properties in the concerned area have approached Hon'ble High Court of Allahabad and Ld. Appellate Tribunal against the Notices of JDA, and have obtained stay orders. I say that though the deponent herein had



indicated to this Hon'ble Tribunal on the previous occasion that the removal/demolition orders against the illegal structures may be carried out within a period of six months. However, it is respectfully submitted, that the volume of work in these matters have gone up many folds due to legal complications and multiple litigation by the occupants/owners before various forum. I say that JDA is a small organization with limited manpower consisting of about total of 15-18 working staff only. It is further submitted that execution of this Hon'ble Tribunal's Orders requires coordination with multiple government agencies due to law-and-order issues arising out of efforts of JDA to expeditiously implement the orders of this Hon'ble Tribunal. It is therefore submitted that in the assessment of the deponent herein, the process will require about 8-10 months, subject to resolution of the disputes raised by the occupants/owners before the Hon'ble High Court /Superior Court.

5. I say that notices have been issued to occupants/owners of about 2705 unauthorised constructions and demolition orders have been passed in respect of about 649 unauthorized constructions. I say that after 03.01.24 further demolition orders in 200 matters have been passed. In all 849 demolition orders have been passed by JDA. I say that more than 633 occupants/owners of unauthorized construction have approached the Hon'ble High Court of Allahabad. It is submitted that most of these cases have multiple petitioners. I say that on or



about 345 stay orders have been received by JDA in these matters. It is further submitted that there are about 65 Appeals which are pending in these matters before the Ld. Appellate Tribunal. I say that action will be taken in respect of other unauthorized constructions and entire process is likely to be completed expeditiously during the time line indicated as aforesaid. I say that JDA is making all out effort to conclude these matters as soon as possible from its own end.

6. I say that the Officers/Staff members of JDA are facing difficulty/physical threat in executing the orders of this Hon'ble Tribunal from the local population. I say that because of efforts of JDA in expediting these matters, the local administration of Jhansi is also facing impediments by the occupants/owners of such properties by way of lager scale dharna, road blockage, gherao etc. making it difficult for the officers of local administration of Jhansi as well as JDA to implement the orders of this Hon'ble Tribunal expeditiously. Such lager scale dharna, road blockage, gherao etc. has led to major law and order issues thereby resulting into inordinate delay in execution of the orders of this Hon'ble Tribunal. The deponent is however duty bound to implement the orders of this Hon'ble Tribunal. True Copy of Report of JDA along with Newspaper Report of lager scale dharna, road blockage, gherao etc, is annexed as Annexure -A.



7. I say that the Counter Affidavits along with Stay Vacation Applications filed by JDA in Civil Misc. Writ Petition No.11931/2023 and Civil Misc. Writ Petition No.3154/2023 before Hon'ble High Court of Allahabad, as directed by this Hon'ble Tribunal vide its Order dt. 03.01.2024, are being placed on record as **Annexure – B (Collectively)**.

8. I say that notwithstanding the aforesaid temporary impediments in the implementation of this Hon'ble Tribunal's Orders, JDA is duty bound and shall continue to implement the Orders of this Hon'ble Tribunal - subject to further orders of Hon'ble High Court of Allahabad and Ld. Appellate Tribunal - with the help of local administration and other administrative agencies concerned.

9. I say that what is stated in this affidavit and enclosed documents therewith, are true to my knowledge based upon perusal of files/records of these matters as maintained by JDA, in due course of my duty and I believe the same to be true. The annexures annexed and marked in this affidavit are true copies and are necessary for just and fair adjudication of the matter. The deponent craves for liberty of this Hon'ble Tribunal to file further affidavit/s with better particulars, if necessary or directed by this Hon'ble Tribunal.



10. I say that this is my true statement.

[Handwritten signature]

DEPONENT

VERIFICATION:

I, Alok Yadav, the deponent mentioned above do hereby most solemnly affirm and verify that what is stated in the above Affidavit is true to my knowledge and I believe the same to be true.

Verified at New Delhi on *26/2/2024* 2024.



[Handwritten signature]

DEPONENT

Identified by
[Handwritten signature]
R.K. Sharma, Notary
2/22/2024

IDENTIFIED BY

ATTESTED

Notary Public, Delhi
(As Presented)

26/02/2024



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कार्यालय झाँसी विकास प्राधिकरण, झाँसी

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संख्या- /जे.डी.ए./मा0रा0हरि0अधि0/(2023-24)

दिनांक फरवरी, 2024

Annexure - A

आख्या

विषय :- मा0 राष्ट्रीय हरित अधिकरण, के मूल प्रा0पत्र सं0-918/2022 नरेन्द्र कुशवाहा बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश 03.01.2024 के अनुपालन विषयक।

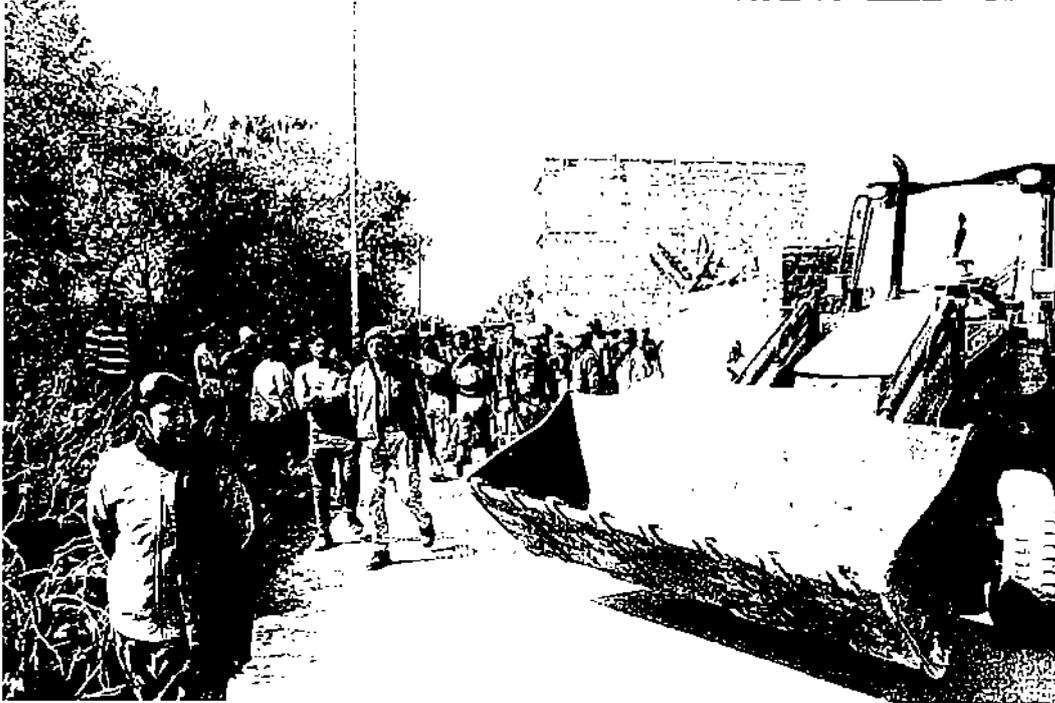
उपर्युक्त विषयक मा0 राष्ट्रीय हरित अधिकरण में मूल प्रा0पत्र सं0-918/2022 नरेन्द्र कुशवाहा बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 03.01.2024 के अनुपालन में राजस्व ग्राम-बूढ़ा, झाँसी खास एवं नयागांव में प्रस्तावित नगर पार्क की भूमि के सर्वेक्षण का कार्य किया गया था तथा जिसमें अब तक कुल 2705 अनाधिकृत निर्माण चिन्हित किये गये हैं, तथा उ0प्र0 नगर नियोजन एवं विकास अधिनियम 1973 (यथा संशोधित 1997) की सुसंगत धारा के अन्तर्गत नोटिस जारी किये जा चुके हैं। पूर्व में 649 अनाधिकृत निर्माणों के विरुद्ध ध्वस्तीकरण आदेश पारित किये गये थे। इसके अतिरिक्त दिनांक 03.01.2024 के आदेश के उपरान्त 200 नये ध्वस्तीकरण आदेश जारी किये गये। इस प्रकार प्रकरण में अब तक कुल 849 ध्वस्तीकरण आदेश पारित किये जा चुके हैं।

इन अनाधिकृत निर्माणकर्ताओं/भू-स्वामियों को पूर्व में अधिनियम की सुसंगत धारा के अन्तर्गत नोटिस जारी करने के पश्चात 10 प्रकरणों में ध्वस्तीकरण की कार्यवाही की गयी। यह भी उल्लेखनीय है कि मा0 उच्च न्यायालय के समक्ष 633 याचिका प्रस्तुत की गयी, जिसमें 345 प्रकरणों में स्थगन आदेश प्राप्त हुये हैं, 288 प्रकरण लंबित हैं तथा आयुक्त, झाँसी मण्डल झाँसी के समक्ष 65 अपीलें प्रस्तुत की गयी हैं।

प्राधिकरण के प्रवर्तन दल एवं पुलिस प्रशासन द्वारा दिनांक 10.01.2024 को ध्वस्तीकरण कार्यवाही हेतु संयुक्त टीम मौके पर पहुची जहाँ भारी जन विरोध का सामना करना पड़ा तथा सिर्फ 01 ध्वस्तीकरण संभव हो पाया।



प्राधिकरण के प्रवर्तन दल एवं पुलिस प्रशासन एवं तैनात मजिस्ट्रेट के साथ दिनांक 12.01.2024 को ध्वस्तीकरण के मामलों में ध्वस्तीकरण कार्य की अग्रिम कार्यवाही प्रारम्भ करते हुये 09 अवैध निर्माणों को ध्वस्त किया गया।



इसके उपरान्त बड़े पैमाने पर सार्वजनिक प्रतिरोध तथा भारी जनशैलाव के कारण अग्रिम ध्वस्तीकरण में पूर्णतः अवरोध उत्पन्न कर दिया गया, तथा ग्वालियर झांसी हाईवे को पूर्णतः बंद कर दिया गया, जिससे प्रशासन के समक्ष शांति व्यवस्था की समस्या उत्पन्न हो गयी और किसी प्रकार की जनहानि न होने पाये इसलिये स्थल पर ध्वस्तीकरण की कार्यवाही पुनः रोकनी पड़ी।



दिनांक - 13-01-24, जम्मू आवाज में प्रकाशित।

संघर्ष

अवैध निर्माण ठहाने पहुंची जेडीए की टीम को घेरा, लगाया जाम

एनजीटी के निर्देश पर झांसी खास में कार्यवाही करने पहुंची थी टीम, लोगों ने हाथों में उठाए पत्थर, अफसरों ने समझाकर खुलवाया जाम

आगरा बजस्ता ख्यूरो

झांसी: झारखी खास में एनजीटी के निर्देश पर विद्यार्थी-कर्मचारी ने जाम चढ़ा कर विधायक वकील या बने अवैध निर्माण को बंद करने में सफलता प्राप्त की। एनजीटी के निर्देश पर विद्यार्थी-कर्मचारी ने जाम चढ़ा कर विधायक वकील या बने अवैध निर्माण को बंद करने में सफलता प्राप्त की।



एनजीटी के निर्देश पर विद्यार्थी-कर्मचारी ने जाम चढ़ा कर विधायक वकील या बने अवैध निर्माण को बंद करने में सफलता प्राप्त की।

एनजीटी के निर्देश पर विद्यार्थी-कर्मचारी ने जाम चढ़ा कर विधायक वकील या बने अवैध निर्माण को बंद करने में सफलता प्राप्त की।

विद्यार्थी-कर्मचारी ने जाम चढ़ा कर विधायक वकील या बने अवैध निर्माण को बंद करने में सफलता प्राप्त की।

विद्यार्थी-कर्मचारी ने जाम चढ़ा कर विधायक वकील या बने अवैध निर्माण को बंद करने में सफलता प्राप्त की।

अफसरों की गद्दी के ध्वंस हो गए। लोगों ने तो एनजीटी के निर्देश पर विद्यार्थी-कर्मचारी ने जाम चढ़ा कर विधायक वकील या बने अवैध निर्माण को बंद करने में सफलता प्राप्त की।

पर जाम चढ़ा कर विधायक वकील या बने अवैध निर्माण को बंद करने में सफलता प्राप्त की।

दिनांक 15-01-24, अमर उजाला में प्रकाशित।

ध्वस्तीकरण की कार्रवाई के विरोध में अनशन शुरू

आंदोलन हुआ तेज, पहले डडियापुरा में जुटे लोग, फिर अनशन पर बैठे

अमर उजाला ब्यूरो

झांसी: पिछली महायोजना में नगर पार्क और प्रखंडीय पार्क के लिए प्रस्तावित जमीन पर जेडीए द्वारा की जा रही ध्वस्तीकरण की कार्रवाई के विरोध में लोगों ने आंदोलन तेज कर दिया है। रविवार को पहले डडियापुरा में लोग इकट्ठा हुए और फिर दोपहर में कचहरी चौराहा स्थित गांधी उद्यान में बेमियादी अनशन पर बैठ गए।

रविवार को सुबह करीब 11 बजे डडियापुरा में लोग इकट्ठा हुए। दोपह्न गनगोरिया ने कहा कि अगर भूमि नगर पार्क के लिए प्रस्तावित थी, तो राजस्वों पर रोक क्यों नहीं लगाई गई। जमीन का अधिग्रहण क्यों नहीं किया गया। यहां बने मकानों का गृहकर नगर निगम में जमा हो जा है।

संजय कुशवाहा ने कहा कि जेडीए की टीम लगातार आ रही है। इससे लोग दुखरत हैं। उन्होंने कहा कि जेडीए की कार्रवाई के विरोध में लोगों का संजय राव बल कि कई घरों के भी मकान बर्बाद बने हैं। वहीं, गांधी उद्यान में धरने पर बैठे अटल विहार त्रिजेंद्रसिंह बेलफेयर

सोसाइटी के प्रबंधक राहुल एजपूत ने



ध्वस्तीकरण के खिलाफ प्रदर्शन करते लोग।

कहा कि जेडीए ने डडियापुरा, जलपुर, पिछोर, झांसी खाम के सैकड़ों मकानों के ध्वस्तीकरण की कार्रवाई करने के नोटिस दिए हैं।

धरना स्थल पर पूर्व केंद्रीय यंत्री प्रदीप सिंह ने कहा कि जेडीए की कार्रवाई के विरोध में 2021 का प्रस्ताव वापस हो गया है। इसको जल्द मजबूती मिल जाए तो ये मकान आवासीय क्षेत्र में आ जाएंगे और समस्या का स्थायी समाधान हो जाएगा।

धरना-पदरसन में सोसाइटी अध्यक्ष सुदीप दीक्षित, भानु सहाय, शफीक अहमद,



एनजीटी के अदेश पर नगर पार्क और प्रखंडीय पार्क की जमीन पर बने निर्माण को तोड़ने की कार्रवाई की जा रही है। नोटिस भी लगाए गए जा रहे हैं।

अध्यक्ष सुदीप दीक्षित ने कहा कि जेडीए की कार्रवाई के विरोध में लोगों का संजय राव बल कि कई घरों के भी मकान बर्बाद बने हैं। वहीं, गांधी उद्यान में धरने पर बैठे अटल विहार त्रिजेंद्रसिंह बेलफेयर

दिलीप प्रखरपति, धृव राजपूत, भुवन विक्रम, राजेंद्र सिंह यादव, संदीप, दिनेश प्रजापति, अमित रिंछारिय, जितेंद्र नारायण, जयहिंद यादव मौजूद रहे।

दिनांक -16-01-24, अमर उजाला में प्रकाशित।

दूसरे दिन भी अनशन पर डटे लोग, बोले- न गिराएं मकान

झांसी: पिछली महायोजना में नगर पार्क और प्रखंडीय पार्क की जमीन पर हुए निर्माणों को ध्वस्त करने की जेडीए की कार्रवाई के विरोध में लोगों का दूसरे दिन भी अनशन जारी रहा।

एनजीटी के निर्देश पर जेडीए द्वारा पिछोर, डडियापुरा समेत विभिन्न क्षेत्रों में नगर पार्क की जमीन पर बने निर्माणों को गिराया जा रहा है। इसके विरोध में कई मुहल्लों के लोग रविवार से कचहरी चौराहा स्थित गांधी उद्यान में धरने पर बैठ गए हैं। धरने पर बैठे डडियापुरा के संजय वाजपेयी ने कहा कि 25 साल पहले उनका मकान बना था। तब जेडीए का भी गठन नहीं हुआ था- ऐसे में नक्शा कहां से पास कराते।

पिछोर निवासी प्रभा विश्वकर्मा ने कहा कि मकान न गिराया जाए। जब तक मांग पूरी नहीं होगी, तब तक अनशन जारी



गांधी उद्यान में अनशन करते लोग।

रहेगा। वहीं, जेडीए उपाध्यक्ष आलोक यादव का कहना है कि एनजीटी के निर्देश पर ही नगर पार्क, प्रखंडीय पार्क की जमीन पर बने निर्माणों के ध्वस्तीकरण की कार्रवाई की जा रही है। ब्यूरो

दिनांक 16.01.2024 को निर्धारित कार्यक्रम के अनुसार प्राधिकरण के प्रवर्तन दल एवं पुलिस प्रशासन के साथ पुनः ध्वस्तीकरण की कार्यवाही अनशन एवं प्रबल विरोध के चलते किया जाना सम्भव नहीं हो सका।

दिनांक 17-01-24, दिल्ली जलदा में एकाधिक।

मकानों के ध्वस्तीकरण के आदेश के खिलाफ अनशन जारी

झोंसी: महानगर के डडियापुरा गीजा के तालपुरा, पिछेरा, झोंसी खास के 9 हजार से अधिक मकानों के ध्वस्तीकरण आदेश के विरोध तथा महानगर की महायोजना 2031 को लागू करने की माँग को लेकर गौधी उद्यान में चल रहा अनिश्चितकालीन धरना आज भी जारी रहा।

धरना स्थल पर पहुँच कर नगर मैजिस्ट्रेट विधेश ने अनशनकारियों से बात की। इस दौरान मुख्यमन्त्री को सम्बोधित ज्ञापन नगर मैजिस्ट्रेट को दिया गया। इधर, धरना स्थल पर अपनादल की नेत्री दीपमाला



झोंसी: नगर मैजिस्ट्रेट को ज्ञापन देते लोग।

कुशवाहा व बुन्देलखण्ड निर्माण मॉर्चा पर पहुँचकर आन्दोलन को समर्थन के अध्यक्ष भानु सहाय ने धरना स्थल दिया। आन्दोलनकारियों ने कहा कि

समस्या के स्थायी समाधान होने तक अनशन जारी रहेगी। अनशन स्थल पर बड़ी संख्या में महिला व पुरुष जमे रहे। अनशनकारियों में राहुल राजपूत, सुदीप दीक्षित, ध्रुव राजपूत एड. प्रीतम सिंह, प्रेमो, राजीव श्रीवास्तव, अमित, न्यायना पटेल, दिनेश चौधरी, प्रभा विश्वकर्मा, राजेश पचौरी, अमित द्विवेदी, महेश गोस्वामी, अरुण विश्वकर्मा, गोविन्द दास प्रजापति, दीपक शर्मा, जीतू प्रधान, राजेन्द्र प्रसाद, नीरज यादव, प्रमोद व्यास, अवधेश, काजल, सीमा आदि उपस्थित रहे।

दिनांक -17-01-24, आगरा जलदा में एकाधिक

निर्माण गिराने के विरोध में अनशन जारी

झोंसी: पिछली महायोजना में नगर पार्क, प्रखंडीय पार्क के लिए प्रस्तावित भूमि पर जने अवैध निर्माण को एनजीटी के निर्देश पर जडीए द्वारा गिराने के विरोध में लोगों का अनशन तीसरे दिन भी जारी रहा। अनशन पर बैठे लोगों ने कहा कि निर्माणों को गिराने की कार्यवाही पर तुरंत रोक लगाई जाए। जब तक उनकी समस्या का स्थायी हल नहीं निकल जाता है, तब तक वो अनशन जारी रखेंगे। अनशन स्थल पर दीपमाला कुशवाहा, भानु सहाय भी पहुंचे। इस दौरान ड्र. नारायण शुक्ला, राहुल राजपूत, सुदीप दीक्षित, ध्रुव राजपूत, प्रीतम सिंह, राजीव श्रीवास्तव, अमित, साधना पटेल, दिनेश चौधरी, प्रभा विश्वकर्मा, राजेश पचौरी, अमित द्विवेदी मौजूद रहे। अन्यो

अनशन की निरंतरता में प्रभावित व्यक्तियों द्वारा भूख हड़ताल प्रारम्भ कर दी गयी तथा आमरण अनशन भी प्रारम्भ कर दिया गया, इस आमरण अनशन में विभिन्न राजनैतिक दलों के प्रतिनिधियों तथा नेताओं द्वारा आश्वासन दिया जाता रहा है। इसी प्रकरण को लेकर विभिन्न राजनेताओं द्वारा निरंतर उOप्रO सरकार तथा शासन स्तर पर मुलाकातें चलती रही।

दिनांक 18.01.24, आठ उठावा में उकाशित

लिखित आश्वासन मिलने के बाद ही खत्म करेंगे अनशन

ध्वस्तीकरण के विरोध में अनशन कर रहे लोगों ने सदर विधायक से मांगा लिखित आश्वासन



अनशनकारियों को संबोधित करते सदर विधायक रवि शर्मा।



मुख्य सचिव से मुलाकात करते गरीब विधायक जवाहर राजपूत।

संवाद न्यूज एजेंसी

झांसी। पिछली महायोजना में नगर पार्क, प्रखंडीय पार्क के लिए प्रस्तावित भूमि पर बने अवैध निर्माण को एनजीटी के निर्देश पर जेडीए द्वारा गिराने के विरोध में लोगों का अनशन बुधवार को भी जारी रहा। इस दौरान अनशन स्थल पर पहुंचे सदर विधायक रवि शर्मा से लोगों ने निर्माणों को गिराने की कार्रवाई पर तुरंत रोक लगाने की मांग की। इस पर सदर विधायक ने शासन से वार्ता

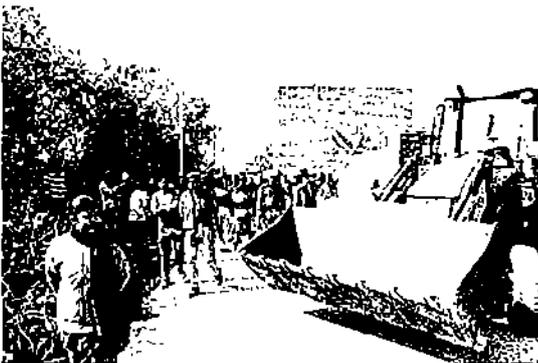
करने और मकान नहीं टूटने देने की बात कही। जिस पर अनशनकारियों ने लिखित आश्वासन की मांग की। वहीं गरीब विधायक जवाहर लाल राजपूत ने लखनऊ में मुख्य सचिव दुर्गा शंकर मिश्र से मुलाकात करके मकानों को एनजीटी के आदेश पर ध्वस्त करने की कार्रवाई रुकवाने की मांग की। एनजीटी के आदेश पर पिछोर, डडियापुरा और तालपुरा में मकानों के ध्वस्तीकरण की कार्रवाई को रोकने के लिए क्षेत्र के निवासी गांधी

मुख्य सचिव से मिले गरीब विधायक, कार्रवाई पर रोक लगवाने की मांग की

वहीं गरीब विधायक जवाहर लाल राजपूत ने मुख्य सचिव को पत्र लिखते हुए कहा कि डडियापुरा पिछोर क्षेत्र में साल 1970 से लगभग दस हजार परिवार रह रहे हैं। एनजीटी के आदेश के बाद झंसी विकास प्राधिकरण ने आवासीय क्षेत्रों को नगर पार्क के लिए आरक्षित होने के कारण ध्वस्तीकरण करने की तैयारी की है। उन्होंने मांग की कि महायोजना का डाफ्ट अनुमोदित हो जाता है तो लोग बेघर होने से बच जाएंगे।

मुख्य सचिव से मिले गरीब विधायक, कार्रवाई पर रोक लगवाने की मांग की। वहीं गरीब विधायक जवाहर लाल राजपूत ने मुख्य सचिव को पत्र लिखते हुए कहा कि डडियापुरा पिछोर क्षेत्र में साल 1970 से लगभग दस हजार परिवार रह रहे हैं। एनजीटी के आदेश के बाद झंसी विकास प्राधिकरण ने आवासीय क्षेत्रों को नगर पार्क के लिए आरक्षित होने के कारण ध्वस्तीकरण करने की तैयारी की है। उन्होंने मांग की कि महायोजना का डाफ्ट अनुमोदित हो जाता है तो लोग बेघर होने से बच जाएंगे।

पूर्व निर्धारित ध्वस्तीकरण कार्यक्रम के अनुसार दिनांक 24.01.2024 को प्राधिकरण के प्रवर्तन दल तथा पुलिस प्रशासन की उपस्थिति में कार्यवाही के दौरान भारी जन विरोध का सामना करना पड़ा तथा प्रवर्तन दल को बिना किसी ध्वस्तीकरण किये वापस लौटना पड़ा।



दिनांक 06.01.24, आठ उठावा में उकाशित।

अनशनकारियों ने शुरू की भूख हड़ताल, मिले सांसद

झंसी। अनशनकारियों के विरोध में शुरुआत ध्वस्तीकरण में रुक जाने और प्रवर्तन दल को वापस लाने के लिए लोगों ने जेडीए द्वारा ध्वस्त करने की कार्रवाई के विरोध में 18 दिनों से तीन अनाक पर बंद है। बुधवार को लोगों ने भूख हड़ताल शुरू कर दी। वहीं, खसू ने भूख हड़ताल शुरू करने पर जेडीए को तुरंत रोक लगाने से अनशन पर बंद होने से कहा की और विरोध कार्रवाई के लिए समर्थन का अनुरोध किया।

विधायक जवाहर राजपूत ने मुख्य सचिव को पत्र लिखते हुए कहा कि डडियापुरा पिछोर क्षेत्र में साल 1970 से लगभग दस हजार परिवार रह रहे हैं। एनजीटी के आदेश के बाद झंसी विकास प्राधिकरण ने आवासीय क्षेत्रों को नगर पार्क के लिए आरक्षित होने के कारण ध्वस्तीकरण करने की तैयारी की है। उन्होंने मांग की कि महायोजना का डाफ्ट अनुमोदित हो जाता है तो लोग बेघर होने से बच जाएंगे।



दिनांक 26.01.2024, कैथिक जयपुर में आयोजित।

मकानों के ध्वस्तीकरण के विरोध में धरना जारी

मकानों के ध्वस्तीकरण के विरोध में धरना जारी

झाँसी : महायुजता 2031 लागू कराने एवं गीजा चालपुरा, डहियापुरा, पिछेर, झाँसी खारा के 9 हजार मकानों के ध्वस्तीकरण के आदेश दिए जाने के विरोध में गांधी उद्यान में दिया जा रहा धरना गुरुवार को 12वें दिन भी जारी रहा।



झाँसी : अनशनकारियों के साथ भीमूद कैथिक संतद।

यहाँ अनशनकारियों से मिलने पहुंचे क्षेत्रीय सांसद अनुराग शर्मा ने आश्वासन दिया कि किसी भी मकान को गिरते नहीं दिया जाएगा। उनकी समस्या का विधिपूर्वक हल निकाला जाएगा। अनशनकारियों ने कहा कि जब तक उनकी समस्या

का हल नहीं होगा, यह आन्दोलन जारी रखेंगे। इस बीच 5 सदस्यो रहल रजपूत, सुदीप महाराज, अजय शिखर, अर्जुन सिंह

कुशवाहा, इ नारायण सिंह ने भूख हड़ताल आरम्भ कर दी। इस संके पर संजय वाजपेयी, इन्द्र नारायण शुक्ला, मनोज शुक्ला, रजनीष

बीवास्तव, अरुण विश्वकर्मा, सुनील विश्वकर्मा, प्रभा, साधना पटेल, अनामिका, पुनम रजपूत, पूजा, सुव आदि उपस्थित रहे।

दिनांक 31.01.2024 को पुनः ध्वस्तीकरण कार्यवाही के दौरान ध्वस्तीकरण दल को भारी जन विरोध तथा आक्रोश का सामना करना पड़ा। परिणामतः ध्वस्तीकरण का कार्य सम्भव नहीं हो सका।



योगी से मिले बिहारी, एनजीटी के चक्रव्यूह में कैसे 9 हजार परिवारों की दास्तां सुनाई

17वें दिन भी अनशन जारी

महायुजता 2031 लागू करने पर दल ध्वस्तीकरण विरोध, चालपुरा, डहियापुरा, पिछेर, झाँसी के 9 हजार मकानों के ध्वस्तीकरण के आदेश दिए जाने के विरोध में गांधी उद्यान में धरना जारी है।

17वें दिन भी अनशन जारी है। धरना करने वाले लोगों का कहना है कि सरकार को ध्वस्तीकरण के आदेश को वापस लेना चाहिए।

अनशनकारियों ने कहा कि वे अपने मकानों को गिराने नहीं देंगे।

क्षेत्रीय सांसद अनुराग शर्मा ने धरना करने वालों से मिलने के बाद कहा कि सरकार को ध्वस्तीकरण के आदेश को वापस लेना चाहिए।

अनशनकारियों ने कहा कि वे अपने मकानों को गिराने नहीं देंगे।

दिनांक - 01.02.24, आरक्षक आदेश में प्रकाशित

मकान बचाने के लिए जारी रहा अनशन

आंदोलनकारियों ने कहा- लिखित आदेश न मिलने तक चलता रहेगा धरना



अनशन के दिनों में मकानों के आंदोलनकारियों ने धरना शुरू कर दिया



अनशन के दिनों में आंदोलनकारियों ने धरना शुरू कर दिया

अनशन जारी

एनजीटी ने मकानों के धरनाकारियों को लिखित आदेश न मिलने तक चलता रहेगा धरना

एनजीटी ने मकानों के धरनाकारियों को लिखित आदेश न मिलने तक चलता रहेगा धरना

एनजीटी ने मकानों के धरनाकारियों को लिखित आदेश न मिलने तक चलता रहेगा धरना

हिंदू धर्म के लोग भी धरना शुरू कर दिया



अनशन के दिनों में मकानों के आंदोलनकारियों ने धरना शुरू कर दिया

सदर विधायक ने कहा- विधानसभा में उठाएंगे एनजीटी का मुद्दा

सदर विधायक ने कहा- विधानसभा में उठाएंगे एनजीटी का मुद्दा



सदर विधायक ने कहा- विधानसभा में उठाएंगे एनजीटी का मुद्दा

सदर विधायक ने कहा- विधानसभा में उठाएंगे एनजीटी का मुद्दा

दिनांक - 02.02.24, आरक्षक आदेश में प्रकाशित

ध्वस्तीकरण की कार्रवाई पर रोक लगे: विधायक

झांसी। पिछली महायोजना में नगर पार्क, प्रखंडीय पार्क के लिए प्रस्तावित भूमि पर बने निर्माणों को एनजीटी के निर्देश पर जेडीए द्वारा ध्वस्त करने की कार्रवाई रोकने के लिए गरीब विधायक जवाहर राजपूत ने राखनक में अपर मुख्य सचिव शहरी विकास नितेश गुलकर्णी से मुलाकात की। विधायक ने डंडियापुरा, तालपुरा, पिछोर, झांसी खास के लोगों की समस्या बताई। कहा कि 10,000 परिवारों के लोग इन क्षेत्रों में 1970 से अपना मकान बनाकर निवास रह रहे हैं। यदि यहाँ ध्वस्तीकरण की कार्रवाई जारी रही तो बड़ी संख्या में लोग बेघर हो जाएंगे। उन्होंने कहा कि यदि जेडीए द्वारा शासन को भेजे गए महायोजना 2031 का डाफ्ट अनुमोदन कर स्वीकृत कर दिया जाए तो इन क्षेत्रों में मकानों के ध्वस्तीकरण से बचा जा



विधायक जवाहर राजपूत ने मुख्य सचिव शहरी से मुलाकात की।

18वें दिन भी लोगों का अनशन जारी

झांसी। एनजीटी के निर्देश पर पिछली महायोजना में नगर पार्क, प्रखंडीय पार्क के लिए प्रस्तावित जमीन पर बने अनेक निर्माणों को धरने की जेडीए की कार्रवाई के विरोध में लोगों का धरना भी अनशन जारी रहा। अनशनकारियों से सदर विधायक रवि शर्मा ने भी मुलाकात की। उन्होंने कहा कि इस मामले को विधानसभा में भी उठाया जाएगा। इस दौरान राहुल राजपूत, सुदीप महाराज, तारारण सिंह, अजय कुमाराबा, धन राजपूत, राजीव श्रीवास्तव, राजवीर, प्रीतम सिंह मौजूद रहे।

दिनांक 05.02.2024 को ध्वस्तीकरण कार्यवाही के दौरान प्रवर्तन दल को जन आक्रोश के साथ विभिन्न राजनैतिक दलों के प्रतिनिधियों द्वारा किये जा रहे विरोध प्रदर्शनों का भी सामना करना पड़ा तथा किसी भी प्रकार का ध्वस्तीकरण कार्य संपादित नहीं हो सका।



पुनः दिनांक 09.02.2024 को प्रवर्तन दल तथा पुलिस प्रशासन की संयुक्त ध्वस्तीकरण टीम को बढ़ते जन आक्रोश, भूख-हड़ताल, कैंडिल मार्च तथा राजनैतिक दबाव के चलते बिना किसी कार्यवाही के वापस लौटना पड़ा। कार्यवाही के दौरान प्राधिकरण के अधिकारियों द्वारा आक्रोशित जनता को बार-बार यह समझाया गया कि कार्यवाही सिर्फ अवैध निर्माणों पर ही की जा रही है। समझाने पर जनमानस आक्रोशित हो गया और महिलायें व बच्चें जे0सी0बी0 के सामने आ गये, जिससे कार्य रोकना पड़ा।



यह भी उल्लेख करना है कि प्रखण्डीय पार्क एवं नगर पार्क की भूमि के 10 वर्ष तक अधिग्रहित न किये जाने के परिणाम स्वरूप विभिन्न प्रभावित व्यक्तियों द्वारा मा10 अपर मुख्य सचिव, उ0प्र0 शासन को उ0प्र0 नगर नियोजन एवं विकास अधिनियम 1973 की धारा 54 के अन्तर्गत नोटिस जारी की गयी। इसके साथ ही 611 याचिकायें मा10 उच्च न्यायालय, इलाहाबाद के समक्ष प्रस्तुत की जा चुकी हैं। जिनमें से 345 प्रकरण पर स्थगन आदेश प्राप्त हुये हैं तथा प्राधिकरण द्वारा इन याचिकाओं में प्रतिवाद किया जा रहा है।

आख्या सेवा में प्रेषित है।

Annexure - B (Collectively)

10

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

COUNTER AFFIDAVIT

On behalf of Respondent Nos.2 and 3

IN

Civil Misc. Writ Petition No. 11931 of 2023

(District : Jhansi)

Uma Devi and 84 others Petitioners

Versus

State of U.P. and 04 others Respondents.

Affidavit of Jitendra Singh
Saharwar aged about 42 years
Son of Sri Babu Lal Saharwar
resident of House No. 18 Udai
Nagar Colony, Sagar Road,
Vidisha, Madhya Prasad 464001.
Occupation - Service
Religion - Hindu
Aadhar No. 9097 6419 0367

(Deponent)

I, the deponent above named do here by solemnly
affirm and state on oath as under.

1. That the deponent is presently posted and
working as Town Planner in Jhansi Development

Authority and has been authorized to file this Counter Affidavit on behalf of Respondent Nos. 2 and 3 as such he is fully acquainted with the facts and circumstances of the case deposed to below:

2. That the contents of the above noted writ petition along with its annexures and affidavit and also contents of Supplementary Affidavit filed by the petitioners have been read over and explained to the deponent, which he has fully understood and is in a position to give parawise reply to the same as under.

3. That the present Counter Affidavit is being filed in compliance of the order dated 11.4.2023 passed by this Hon'ble Court. The Hon'ble Court was further pleased to direct the aforesaid writ petition to be connected with writ petition No. 3154 of 2023 (Usha Devi and others versus State of U.P. and others) as having similar controversy involved in both the petitions pertaining to "land use" of petitioners land reserved for Recreational Facility (City Park) in the Master Plan 2021, effective from 2005, without acquiring the land of the petitioners, which till date stands recorded in their names in revenue records and the pendency of proceeding initiated by the petitioners under Section 54

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of the Act 11 of 1973 at the end of the State Government/respondent No.1.

4. That a detailed Counter Affidavit has been filed in the connected writ petition No. 3154 of 2023.

PARAWISE REPLY

5. That the contents of Paragraph Nos. 1 to 4 of the writ petition being matter of record, need no comment.

6. That regarding the contents of Paragraph No. 5 of the writ petition, it is stated that against the 'land use' of land reserved for Recreational Facility (City Park) no residential or non-residential map can be sanctioned by the answering Respondent, after the Notification Master Plan 2021.

7. That the contents of Paragraph No. 6 of the writ petition are not admitted as stated that the 'No Objection Certificate' issued by Jhansi Nagar Nigam or Revenue Department, only specifies that land over which construction is intended to be raised does not belong to Nagar Nigam or Government. The issuance of NOC does not rectify the unauthorized construction raised by the

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petitioners without sanctioned map. It is also clarified that NOC is only valid in the area where the Development Authority has sanctioned the layout for residential activity.

8. That the contents of Paragraph No. 7 of the writ petition need no reply being matter of record. However, it is submitted that the answering Respondent was neither informed by the petitioner regarding electricity and water connections, nor the answering Respondent was taken into confidence by the concerned Departments before extending their services to the petitioners.

9. That the contents of Paragraph No. 8 of the writ petition are admitted, but due to paucity of fund neither the State Government nor the Jhansi Development Authority acquired the land reserved for Recreational Facility (City Park), thus the land of the petitioners remained in the name of the owners in Revenue records.

10. That the contents of Paragraph No. 9 of the writ petition need no reply from the answering Respondents, as being provision laid down in Section 54 of the Act 11 of 1973, where the land of the petitioners/land owners have been reserved but not acquired after expiry of 10

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years from the date of Notification of Master Plan 2021 effective from 2005.

11. That the contents of Paragraph No. 10 of the writ petition are not admitted, hence denied and in reply thereto it is stated that any construction raised in violation of sections 14 and 15 of the Act 11 of 1973 stand unauthorized, illegal and subject to proceeding under the provision of the Act No. 11 of 1973.

12. That regarding the contents of Paragraph No. 11 of the writ petition, it is stated that the final draft of the Jhansi Master Plan 2031 has already been sent to the State Government for approval vide letter No 664/J.D.A./Jhansi Master Plan 2031 (2023-24) dated 26.6.2023. Copy of letter dated 26.6.2023 is being filed herewith and marked as Annexure No.CA-1 to this counter affidavit.

13. That regarding the contents of Paragraph No. 12 of the writ petition it is stated that survey was conducted by the answering Respondent, under the direction of Hon'ble National Green Tribunal to assess the number of unauthorized constructions raised against the 'land use' of the land reserved for 'Recreational Facility (City Park)'. The show cause notices have been issued against the

petitioners regarding the unauthorized constructions raised by them without permission/approval of sanctioned map. Photocopy of order passed by the Hon'ble National Green Tribunal is being filed herewith and marked as Annexure No.CA-2 to this counter affidavit.

14. That regarding the contents of Paragraph No. 13 of the writ petition, it is stated due to paucity of fund, neither the State Government nor Jhansi Development Authority acquired the land reserved for 'Recreational Facility (City Park). No development work however could proceed due to bulk of the unauthorized constructions raised by the petitioners, taking benefit of their names recorded in Revenue Records.

15. That regarding the contents of Paragraph No. 14 of the writ petition, it is stated suitable reply has been given in preceding paragraphs. As far as Notice/ Application us 54 of the Act 11 of 1973 is concerned, the decision on the same is to be taken by the State Government/ Respondent No.1.

16. That the contents of Paragraph Nos. 15 and 16 of the writ petition need no reply from the answering Respondent, being matter of record.

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17. That regarding the contents of Paragraph No. 17 of the writ petition, it is submitted that on the applications filed by the petitioners under Section 54 of the Act 11 of 1973, an appropriate decision has to be taken by the State Government.

18. That regarding the contents of Paragraph No. 18 of the writ petition, it is stated that the answering Respondent is only concerned whether the constructions raised in Development Area is in accordance with the provisions of Act 11 of 1973. In case of violation of sections 14 and 15 of the Act 11 of 1973, the entire constructions raised by any one, shall be illegal and unauthorised. Thus in view of averments made above, the answering Respondent issued notices to the petitioners under Section 27 of the Act 11 of 1973 in violation of section 14 of the Act.

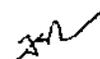
19. That regarding the contents of Paragraph No. 19 of the writ petition, it is stated that proper decision under Section 54 of the Act 11 of 1973 is to be taken by the State Government/Respondent No.1 and not by the answering Respondent.

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20. That regarding the contents of Paragraph No. 20 of the writ petition, it is stated that the Final Draft of Master Plan 2031 has been sent to the State Government for approval on 26.6.2023, the proposal unless and until is approved, does not have any impact. The show cause notices have been issued against the petitioners regarding illegal unauthorized constructions raised over the land reserved for Recreational Facility (City Park), without any approval, permission or sanctioned map. The order of demolition is only passed in cases where the noticees did not turn up to show cause, even after being given several opportunities by the answering Respondent.

21. That regarding the contents of Paragraph No. 21 of the writ petition, it is stated that under Section 54 of the Act of 1973, notice/application the entire decision is to be taken by the State Government/respondent No.1. However, as far as the action of answering Respondent is concerned, show cause notice under Section 27 of the Act 11 of 1973 has already been issued against the illegal and unauthorized constructions raised by the petitioners in violation of Sections 14 and 15 of the Act 11 of 1973.

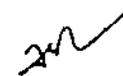
22. That the contents of Paragraph No. 22 of the writ petition are admitted. Show cause notices have been



rightly served upon the petitioners as the constructions raised by them were without approval/sanction of map, thus are in violation of Section 14 of the Act 11 of 1973.

23. That regarding the contents of Paragraph No. 23 of the writ petition, it is stated that few petitioners have submitted applications for sanction of map after the notification of Master Plan 2021 effective from 2005, as such the map cannot be sanctioned against the land use of land reserved for City Park by the answering Respondent.

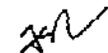
24. That regarding the contents of Paragraph No. 24 and 25 it is submitted that the decision of the notice/application under Section 54 of the Act 11 of 1973 is to be taken by the State Government/respondent No.1. However in view of the show cause notice issued by the answering Respondent under Section 27 of the Act 11 of 1973, against the unauthorized constructions raised by the petitioners in violation of Section 14 of Act 11 of 1973, and averments made herein above, it is expedient and necessary in the interest of justice that this Hon'ble Court may be pleased to take the Counter Affidavit on record and dismiss the writ petition being devoid of merits and vacate the interim order dated 11.4.2023



otherwise the answering Respondent will suffer irreparable loss and injury.

I, the deponent above named do here by verify that the contents of paragraphs No. of this affidavit are true to my personal knowledge those of paragraph No. of this affidavit are based on record and those of paragraph No. of this affidavit are based on legal advice which all I believe to be true that no part of it is false and noting material has been concealed in it.

So, help me God.


(Deponent)

I, **PRABHAT TRIPATHI**, Advocate, High Court, Allahabad do hereby declare that the person making and swearing this affidavit is known to me personally.

(PRABHAT TRIPATHI)
(Advocate)

Advocate on Roll No. A/P0660/2012

Solemnly affirmed before me on this th day of
Sept., 2023 at about A.M./P.M. by the deponent
who has been identified by the aforesaid Advocate.

I have satisfied myself by examining the deponent
that she understands the contents of this affidavit, which
has been read over and explained to him by me.

OATH COMMISSIONER

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD

CIVIL MISC. STAY VACATION APPLICATION NO.
OF 2023
(Under Section 151 of C.P.C.)

On behalf of Respondent Nos. 2 and 3

IN

CIVIL MISC. WRIT PETITION NO. 11931 OF 2023
(Under Article 226 of Constitution of India)

(DISTRICT : JHANSI)

1. Uma Devi Wife of Ram Babu
Resident of H. No. 277, Near Jio Tower Rajpoot
Colony, Pichhor, Jhansi.
2. Hasmat Jahan Wife of Mumtaz Khan
Resident of H. No. 231/H, Rajpoot Colony, Pichhor,
Jhansi.
3. Vandana Wife of Ram Sahodar
Resident of Rajpoot Colony, Pichhor, Jhansi.
4. Sadhana Rajpoot Wife of C.B. Rajpoot
Resident of Rajpoot Colony, Pichhor, Jhansi.
5. Rahul Yadav Son of Dayaram Yadav
Resident of H. No. 272/2, Rajpoot Colony, Pichhor,
Jhansi.
6. Saroj Lata Wife of Late Ramesh Chandra
Resident of Rajpoot Colony, Pichhor, Jhansi.
7. Archana Devi Wife of Amit Kumar
Resident of Rajpoot Colony, Pichhor, Jhansi.
8. Laxmio Devi Wife of Avadh Bihari
Resident of Rajpoot Colony, Pichhor, Jhansi.
9. Virendra Singh Son of Chandan Singh
Resident of Rajpoot Colony, Pichhor, Jhansi.

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10. Bhupendra Singh Son of Gokul Prasad
Resident of Rajpoot Colony, Pichhor, Jhansi.
11. Nasiban Bano Wife of Jumman Khan
Resident of H. No. 274, Rajpoot Colony, Pichhor,
Jhansi.
12. Amrita Singh Wife of Bhupendra Singh
Resident of H. No. 85/A, Rajpoot Colony, Pichhor,
Jhansi.
13. Ruchi Rai Wife of Dinesh Rai
Resident of Rajpoot Colony, Pichhor, Jhansi.
14. Krishna Bai Wife of Murlidhar
Resident of H. No. 30/2K, Rajpoot Colony, Pichhor,
Jhansi.
15. Anirudh Singh Son of Malkhan Singh
Resident of Rajpoot Colony, Pichhor, Jhansi.
16. Ramprakash Son of Late Bhagwan Das
Resident of H. No. 359, Rajpoot Colony, Pichhor,
Jhansi.
17. Rajendra Kumar Sharma Son of Jawahar Lal
Resident of Rajpoot Colony, Pichhor, Jhansi.
18. Raksh Pal Singh Son of Jagdish Prasad
Resident of Rajpoot Colony, Pichhor, Jhansi.
19. Jasoda Rani Wife of Govindas
Resident of H. No. 265, Rajpoot Colony, Pichhor,
Jhansi.
20. Kranti Wife of Brijnandan
Resident of Rajpoot Colony, Pichhor, Jhansi.
21. Sunita Wife of Jamuna Prasad
Resident of H. No. 263, Rajpoot Colony, Pichhor,
Jhansi.
22. Malkhan Singh Son of Harprasad

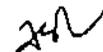
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- Resident of Rajpoot Colony, Pichhor, Jhansi.
23. Imarti Devi Son of Keshri Sharan
Resident of H. No. 295, Rajpoot Colony, Pichhor,
Jhansi.
 24. Usha Devi Wife of Rajendra Kumar
Resident of Rajpoot Colony, Pichhor, Jhansi.
 25. Kranti Wife of Ajay
Resident of Rajpoot Colony, Pichhor, Jhansi.
 26. Dhaniram Son of Mante Pal
Resident of H. No. 1289/Q, Rajpoot Colony,
Pichhor, Jhansi.
 27. Seema Devi Wife of Dipendra Singh Yadav
Resident of H. No. 2293, Rajpoot Colony, Pichhor,
Jhansi.
 28. Kumar Gaurav Son of Om Prakash
Resident of H. No. 755/BA, Rajpoot Colony,
Dadiyapura, Jhansi.
 29. Mohal Lal Son of Tulsiram
Resident of H. No. 755/B-2, Rajpoot Colony,
Dadiyapura, Jhansi.
 30. Kuldeep Pratap Singh Son of Shatrughan Singh
Resident of Dadiyapura, Jhansi.
 31. Hari Singh Son of Jiyalal
Resident of Rajpoot Colony, Pichhor, Jhansi.
 32. Gyanwati Wife of Laxmiprasad Verma
Resident of Rajpoot Colony, Pichhor, Jhansi.
 33. Moolchandra Jatav Son of Mangli Prasad
Resident of Pichhor, Jhansi.
 34. Krishna Pratap Singh Son of Suraty Singh
Resident of Dadiyapura, Jhansi.
 35. Krishna Devi Wife of Anil Kumar Raikwar

- Resident of Dadiyapura, Jhansi.
36. Nandani Wife of Sagar
Resident of Rajpoot Colony, Pichhor, Jhansi.
37. Pratiba Rajpoot Wife of Rajendra Singh
Resident of Rajpoot Colony, Pichhor, Jhansi.
38. Keshkunwar Wife of Jaytam Singh
Resident of H. No. 1693/3C-1, Rajpoot Colony,
Pichhor, Jhansi.
39. Mahesh Kumar Son of Gajju Prasad
Resident of H. No. 756/5D, Dadiyapura, Jhansi.
40. Ramshri Wife of Santosh Kumar
Resident of Dadiyapura, Jhansi.
41. Manvendra Singh Son of Ayodhya Singh
Resident of Dadiyapura, Jhansi.
42. Shahdin Begam Wife of Raheesh Khan
Resident of 456/2, Talpura Abbot Market, Jhansi.
43. Bharti Rani Wife of Arjun Singh Rajpoot
Resident of Rajpoot Colony, Pichhor, Jhansi.
44. Pawan Kumar Patarsiya Son of Badri Prasad
Resident of Shivaji Nagar, Dadiyapura, Jhansi.
45. Pramod Kumar Son of Narayan Das
Resident of H. No. 3214, Dadiyapura, Narayan
Bagh Road, Jhansi.
46. Geeta Devi Wife of Suresh Kumar
Resident of H. No. 312, Rajpoot Colony, Pichhor,
Shivaji Nagar, Jhansi.
47. Raju Agarwal Son of Rambabu Agarwal
Resident of H. No. 251/1, Rajpoot Colony, Pichhor,
Shivaji Nagar, Jhansi.
48. Savitri Devi Sen Wife of Gajendra Sen
Resident of H. No. 2280, Dadiyapura, Jhansi.

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49. Mithlesh Kumari Wife of Siyaram
Resident of H. No. 755/4B, Dadiyapura, Jhansi.
50. Aakash Sahu Son of Sunil Sahu
Resident of H. No. 755/A-6, Dadiyapura, Narayan
Bagh Road, Jhansi.
51. Sudha Singh Wife of Arvind Kumar Singh
Resident of 1241/7, Shivajio Nagar, Talpura,
Jhansi.
52. Usha Parihar Wife of Narendra Singh
Resident of H. No. 161/3, Rajpoot Colony, Pichhor,
Jhansi.
53. Jagroop Singh Son of Phool Singh
Resident of H. No. 176, Rajpoot Colony, Pichhor,
Jhansi.
54. Rashmi Sengr Wife of Ramendra Singh Sengar
Resident of H. No. 161/1, Rajpoot Colony, Pichhor,
Jhansi.
55. Devendra Kumar Patel Son of Karan Singh
Resident of H. No. 2402/2, Dadiyapura, Shivaji
Nagar, Jhansi.
56. Ladkunwar Wife of Ramswaroop Ahirwar
Resident of H. No. 756/22C, Dadiyapura, Narayan
Bagh Road, Jhansi.
57. Thakurdas Son of Ratan Lal
Resident of H. No. 1468, Dadiyapura, Shivaji
Nagar, Jhansi.
58. Rajeshwari Devi Wife of Gangaprasad
Resident of Village Nari, Tehsil Konch, District
Jalaun.
59. Savitri Devi Wife of Lakhan Singh



- Resident of Village & Post Karguwan, District Jhansi.
60. Shamim Iqbal Son of Mohammad Hussain
Resident of 1066/8D, Civil Line, Near Prakash Hotel, Jhansi.
61. Naim Khan Son of Late Nazimuddin Khan
Resident of 226, Rajpoot Colony, Pichhor, Jhansi.
62. Nahim Son of Sultan Khan
Resident of 1436, Bahar Unnao Gate, Jhansi.
63. Nisar Khan Son of Shahadat Khan
Resident of Bahar Sainyar Gate, Jhansi.
64. Julie Son of Azad
Resident of 132, Madhiya Mohalla Govind Chauraha, Jhansi.
65. Afroz Jahan Wife of Abdul Shamim
Resident of 180, A Block, Maudaha, District Hamirpur.
66. Noorjahan Wife of Mohd. Idrish Khan
Resident of 180, A Block, Maudaha, District Hamirpur.
67. Babita Wife of Saligram
Resident of Rajpoot Colony, Pichhor, Jhansi.
68. Rahul Agrawal Son of Mahesh Chandra Agrawal
Resident of Katra Market, Moth, Jhansi.
69. Late Sultan Khan Son of Late Kaley Khan since Deceased through his legal heir wife of Hasina Begum, Resident of Resident of Rajpoot Colony, Pichhor, Shivaji Nagar, Jhansi.
70. Hasina Begam Wife of Late Sultan Khan
Resident of Rajpoot Colony, Shivaji Nagar, Jhansi.
71. Mohammad Ashfaq Khan Son of Late Sultan Khan

- Resident of No. 230, Rajpoot Nagar, behind Sudha Nursing Home, Shivaji Nagar, Jhansi.
72. Abdul Aziz Khan Son of Subrati Khan
Resident of Takiyapura, Chirgaon, Jhansi.
73. Anisa Bano Wife of Muhamamad Rahees
Resident of 786/6, Shivaji Nagar, Jhansi.
74. Sufia Begum Wife of Peerbaksh Mansoori
Resident of Puliya No. 9, Jhansi.
75. Shiv Prem Sharan Son of Prashuram Rajpoot
Resident of Village & Post- Karguna, Tehsil Moth, District Jhansi.
76. Basant Lal Son of Chaturbhuj
Resident of Bharosa, Moth, District Jhansi.
77. Khursid Ahmad Son of Zaki Ahmad
Resident of Rajpoot Nagar, Jhansi.
78. Sagir Ahmad Son of Zaki Ahmad
Resident of 190/A1, Rajpoot Nagar, Jhansi.
79. Sahid Khan Son of Rasid Khan
Resident of 174, Rajpoot Nagar, Jhansi.
80. Bihari Lal Son of Matadeen
Resident of 22/1, Jharna Gate, behind Panchali Hotel, Jhansi.
81. Muhammad Islam Son of Haji Mohammad Yasin
Resident of 748A, Resident of Dadiyapura, Shivaji Nagar, Near Masjid, Jhansi.
82. Rajnikant Kashyap Son of Jagdish Prasad Kashyap
Resident of Maharana Pratap Nagar, Pichhor, Jhansi.
83. Pushpa Devi Wife of Virendra Singh Rajpoot
Resident of Gumnawara, Pichhor, Jhansi.

84. Beena Agrawal Wife of Jawahar Lal Agrawal
Resident of Shivaji Nagar, Jhansi.
85. Rajkumari Rajpoot Wife of Kalyan Singh Rajpoot
Resident of Gumnawara, Pichhor, Jhansi.
- Petitioners

Versus

1. State of U.P. through Secretary, Housing and Urban Planning Anubhag-3, Lucknow.
 2. Vice President, Jhansi Development Authority, Jhansi.
 3. Secretary, Jhansi Development Authority, Jhansi.
 4. Sanyukt Niyaojik, Sambhageey Niyojan Khand, Jhansi, Nagar Evam Niyojan Vibhag, U.P. T & T Colony, Gwalior Road, Jhansi.
 5. District Magistrate, Jhansi.
- Respondents

To,

The Hon'ble the Chief Justice and his other companion Judges of the aforesaid Hon'ble Court.

The humble application of the above named Applicant, Most Respectfully showeth as under:-

1. That the full facts and circumstances of the case have been given in the accompanying affidavit which forms part of the present application.

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2. That for the reasons stated in the accompanying affidavit, it is expedient in the interest of justice that this Hon'ble Court may be pleased to take the Counter Affidavit on record and dismiss the writ petition being devoid of merits and vacate the interim order dated 11.4.2023 otherwise the answering Respondents will suffer irreparable loss and injury.

3. That this application is being filed on _____, 2023 and will come up before the Hon'ble Court on _____, 2023.

PRAYER

It is, therefore, Most Respectfully prayed that this Hon'ble Court may be pleased to take the Counter Affidavit on record and dismiss the writ petition being devoid of merits and vacate the interim order dated 11.4.2023 otherwise the answering Respondent will suffer irreparable loss and injury.

Dated : Sept. , 2023

(PRABHAT TRIPATHI)

Advocate

Counsel for the Respondent No. 2

Chamber No. 41, High Court Allahabad

Advocate on Roll No. A/P0660/2012

MOBILE NO. 9415239533

PR

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

COUNTER AFFIDAVIT

On behalf of Respondent No.2

IN

Civil Misc. Writ Petition No. 3154 of 2023

(District : Jhansi)

Usha Devi and 177 others Petitioners

Versus

State of U.P. and 03 others Respondents.

Affidavit of Jitendra Singh
Saharwar aged about 42 years
Son of Sri Babu Lal Saharwar
resident of House No. 18 Udai
Nagar Colony, Sagar Road,
Vidisha, Madhya Prasad 464001.
Occupation - Service
Religion - Hindu
Aadhar No. 9097 6419 0367

(Deponent)

I, the deponent above named do here by solemnly
affirm and state on oath as under.

1. That the deponent is presently posted and working as Town Planner in Jhansi Development Authority and has been authorized to file this Counter Affidavit on behalf of Respondent No. 2 and as such he is fully acquainted with the facts and circumstances of the case deposed to below:

2. That the contents of the above noted writ petition along with its annexures and affidavit and also contents of Supplementary Affidavit filed by the petitioners have been read over and explained to the deponent, which he has fully understood and is in a position to give parawise reply to the same as under.

3. That the present Counter Affidavit is being filed in compliance of the order dated 11.4.2023 passed by this Hon'ble Court. The Hon'ble Court was further pleased to direct the aforesaid writ petition to be connected with writ petition No 8051 of 2022 (Arjun Singh and others versus State of U.P. and others) as having similar controversy involved in both the petitions pertaining to "land use" of petitioners land reserved for Recreational Facility (City Park) in the Master Plan 2021, effective from 2005, without acquiring the land of the petitioners,



which till date stands recorded in their names in revenue records and the pendency of proceeding initiated by the petitioners under Section 54 of the Act 11 of 1973 at the end of the State Government/respondent No.1.

4. That a detailed Counter Affidavit has been filed in the connected writ petition No. 8051 of 2022. However no Rejoinder Affidavit has been filed till date by the petitioners

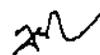
5. That before giving parawise reply, some facts are necessary to be brought before the Hon'ble Court for proper adjudication of the matter under consideration.

6. That under the relevant provisions of Uttar Pradesh Urban Planning and Development Act, 1973 (hereinafter referred to as the Act 11 of 1973) a survey of 39 villages in Gram Pichor etc. was done in the year 1999 in region of Jhansi Development Authority, for Master Plan 2021 and a draft was prepared and placed before the Board of Jhansi Development Authority for approval. After getting the approval of the Board, the draft was further sent to the Government which accorded its approval of the Master Plan 2021 vide its notification No. 5091/8-Aa-3-

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2004-11 Maha 2008 T.C. Lucknow dated 20.12.2004 and after publication in newspaper, as provided in Section 12 of the Act 11 of 1973, on 4.5.2005, the Master Plan-2021 became effective. In the Master Plan 2021, the Land Use of about 37.73 hectares of land of farmers were reserved for 'Recreational Facility (City Park) in the centre of the City of Jhansi near Laxmi Tal, but due to paucity of funds, neither the Jhansi Development Authority nor the State Government acquired the reserved land, as such the same continued to be recorded in the name of farmers/owners in revenue record. In the area reserved for 'City Park' some of the land of the petitioners were also reserved in the total area of 37.73 hectares.

7. Once the Master Plan 2021 came into existence and a declaration of Land Use of certain land are reserved for 'Recreational Facility (City Park), the Land Use of the land cannot be changed except in accordance with provisions and procedures laid down in the Act 11 of 1973. Thus the hands of respondents in grant of permission for construction are tied up, as no map for construction can be sanctioned against the land use of Master Plan, 2021 by the authority.



8. The alternative remedies available to petitioner are under sections 13 and 54 of Act 11 of 1973. For invoking the remedy under section 13 of the Act 11 of 1973, the petitioners are required to give an application for conversion of land use, along with requisite fee, before the Vice Chairman, Jhansi Development Authority under the provisions of "The Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Land Use Conversion Charge) Rules, 2014 and amended Rules dated 16.12.2016. However no such applications have been given to the office of respondents by the petitioners till date.

9. The other remedy available to the petitioners is under section 54 of the Act 11 of 1973, where a notice is required to be given to the State Government after expiry of 10 years from the date of publication of Master Plan 2021, where the Land Use of Land reserved for 'Recreational Facility (City Park) has not been acquired. If the Government fails to acquire such reserved land within 6 months from the date of notice, then after expiry of 6 months, the same shall be deemed to be free from any acquisition. The petitioners have given notice/ application under Section 54 which is pending disposal



at the end of State Government/Respondent No.1. However, no action is required to be taken at the end of the answering Respondent.

10. That some petitioners taking benefit of their names recorded in revenue records have sold their land to other persons, who after purchasing the land by registered sale deed have started raising construction without permission or sanctioned map, thus proceedings under sections 27 and 28 of Act 11 of 1973 have rightly been initiated against the illegal constructions as no map can be sanctioned by the Jhansi Development Authority against the declared Land Use of land reserved for 'Recreational Facility (City Park).

PARAWISE REPLY

11. That the contents of Paragraph Nos. 1 to 4 of the writ petition being matter of record, need no comment.

12. That regarding the contents of Paragraph No. 5 of the writ petition, it is stated that against the 'land use' of land reserved for Recreational Facility (City Park) no residential or non-residential map can be sanctioned by

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the answering Respondent, after the Notification Master Plan 2021.

13. That the contents of Paragraph No. 6 of the writ petition are not admitted as stated that the 'No Objection Certificate' issued by Jhansi Nagar Nigam or Revenue Department, only specifies that land over which construction is intended to be raised does not belong to Nagar Nigam or Government. The issuance of NOC does not rectify the unauthorized construction raised by the petitioners without sanctioned map. It is also clarified that NOC is only valid in the area where the Development Authority has sanctioned the layout for residential activity.

14. That the contents of Paragraph No. 7 of the writ petition need no reply being matter of record. However, it is submitted that the answering Respondent was neither informed by the petitioner regarding electricity and water connections, nor the answering Respondent was taken into confidence by the concerned Departments before extending their services to the petitioners.

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15. That the contents of Paragraph No. 8 of the writ petition are admitted, but due to paucity of fund neither the State Government nor the Jhansi Development Authority acquired the land reserved for Recreational Facility (City Park), thus the land of the petitioners remained in the name of the owners in Revenue records.

16. That the contents of Paragraph No. 9 of the writ petition need no reply from the answering Respondents. as being provision laid down in Section 54 of the Act 11 of 1973, where the land of the petitioners/land owners have been reserved but not acquired after expiry of 10 years from the date of Notification of Master Plan 2021 effective from 2005.

17. That the contents of Paragraph No. 10 of the writ petition are not admitted, hence denied and in reply thereto it is stated that any construction raised in violation of sections 14 and 15 of the Act 11 of 1973 stand unauthorized, illegal and subject to proceeding under the provision of the Act No. 11 of 1973.

18. That regarding the contents of Paragraph No. 11 of the writ petition, it is stated that the final draft of the

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Jhansi Master Plan 2031 has already been sent to the State Government for approval vide letter No 664/J.D.A./ Jhansi Master Plan 2031 (2023-24) dated 26.6.2023. Copy of letter dated 26.6.2023 is being filed herewith and marked as Annexure No.CA-1 to this counter affidavit.

19. That regarding the contents of Paragraph No. 12 of the writ petition it is stated that survey was conducted by the answering Respondent, under the direction of Hon'ble National Green Tribunal to assess the number of unauthorized constructions raised against the 'land use' of the land reserved for 'Recreational Facility (City Park)'. The show cause notices have been issued against the petitioners regarding the unauthorized constructions raised by them without permission/approval of sanctioned map. Photocopy of order passed by the Hon'ble National Green Tribunal is being filed herewith and marked as Annexure No.CA-2 to this counter affidavit.

20. That regarding the contents of Paragraph No. 13 of the writ petition, it is stated due to paucity of fund, neither the State Government nor Jhansi Development Authority acquired the land reserved for 'Recreational

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Facility (City Park). No development work however could proceed due to bulk of the unauthorized constructions raised by the petitioners, taking benefit of their names recorded in Revenue Records.

21. That regarding the contents of Paragraph No. 14 of the writ petition, it is stated suitable reply has been given in preceding paragraphs. As far as Notice/ Application us 54 of the Act 11 of 1973 is concerned, the decision on the same is to be taken by the State Government/ Respondent No.1.

22. That the contents of Paragraph Nos. 15 and 16 of the writ petition need no reply from the answering Respondent, being matter of record.

23. That regarding the contents of Paragraph No. 17 of the writ petition, it is submitted that on the applications filed by the petitioners under Section 54 of the Act 11 of 1973, an appropriate decision has to be taken by the State Government.

24. That the contents of Paragraph No. 18 of the writ petition being matter of record, needs no reply.

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25. That regarding the contents of Paragraph No. 19 of the writ petition, it is stated that the answering Respondent is only concerned whether the constructions raised in Development Area is in accordance with the provisions of Act 11 of 1973. In case of violation of sections 14 and 15 of the Act 11 of 1973, the entire constructions raised by any one, shall be illegal and unauthorised. Thus in view of averments made above, the answering Respondent issued notices to the petitioners under Section 27 of the Act 11 of 1973 in violation of section 14 of the Act.

26. That regarding the contents of Paragraph No. 20 of the writ petition, it is stated that proper decision under Section 54 of the Act 11 of 1973 is to be taken by the State Government/Respondent No.1 and not by the answering Respondent.

27. That regarding the contents of Paragraph No. 21 of the writ petition, it is stated that the Final Draft of Master Plan 2031 has been sent to the State Government for approval on 26.6.2023, the proposal unless and until is approved, does not have any impact. The show cause notices have been issued against the petitioners

regarding illegal unauthorized constructions raised over the land reserved for Recreational Facility (City Park), without any approval, permission or sanctioned map. The order of demolition is only passed in cases where the noticees did not turn up to show cause, even after being given several opportunities by the answering Respondent.

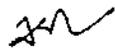
28. That regarding the contents of Paragraph No. 22 of the writ petition, it is stated that under Section 54 of the Act of 1973, notice/application the entire decision is to be taken by the State Government/respondent No.1. However, as far as the action of answering Respondent is concerned, show cause notice under Section 27 of the Act 11 of 1973 has already been issued against the illegal and unauthorized constructions raised by the petitioners in violation of Sections 14 and 15 of the Act 11 of 1973.

29. That regarding the contents of Paragraph Nos. 23 and 24 of the writ petition, it is stated that in view of the averments made herein above, it is expedient and necessary in the interest of justice that this Hon'ble Court may be pleased to take the Counter Affidavit on record and dismiss the writ petition being devoid of merits and vacate the interim order dated 11.4.2023

otherwise the answering Respondent will suffer irreparable loss and injury.

I, the deponent above named do here by verify that the contents of paragraphs No. of this of this affidavit are true to my personal knowledge those of paragraph No. of this affidavit are based on record and those of paragraph No of this affidavit are based on legal advice which all I believe to be true that no part of it is false and noting material has been concealed in it.

So, help me God.


(Deponent)

I, **PRABHAT TRIPATHI**, Advocate, High Court, Allahabad do hereby declare that the person making and swearing this affidavit is known to me personally.

(PRABHAT TRIPATHI)

(Advocate)

Advocate on Roll No. A/P0660/2012

Solemnly affirmed before me on this th day of
Sept., 2023 at about A.M/P.M. by the deponent
who has been identified by the aforesaid Advocate.

I have satisfied myself by examining the deponent
that she understands the contents of this affidavit, which
has been read over and explained to him by me.

OATH COMMISSIONER

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

**CIVIL MISC. STAY VACATION APPLICATION NO.
OF 2023**

(Under Section 151 C.P.C.)

On behalf of Respondent No.2

In

Civil Misc. Writ Petition No. 3154 of 2023
(Under Article 226 of the Constitution of India)

(DISTRICT: JHANSI)

1. Usha Devi wife of Jitendra Kumar Dohare Resident of Dadiyapura Shivaji Nagar, Jhansi.
2. Sarvesh Kumar son of Hakim Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
3. Suman wife of Ramlal Resident of Dadiyapura Shivaji Nagar Jhansi.
4. Savita Yadav wife of Sarvesh Kumar Resident of Dadiyapura Shivaji Nagar Jhansi.
5. Suresh Singh Sengar son of Mahaveer Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
6. Mohini Tiwari wife of Ashok Kumar Tiwari Resident of Dadiyapura Shivaji Nagar Jhansi.
7. Santosh Raje wife of Satyapal Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
8. Devidas Kushwaha son of Kalicharan Kushwaha Resident of Dadiyapura Shivaji Nagar Jhansi.
9. Rati Devi wife of Shivraj Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
10. Sandhya Sahu wife of Rajesh Sahu Resident of

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Dadiyapura Shivaji Nagar Jhansi.

11. Asha Singh wife of Abhilash Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
12. Narayan Singh Rajpoot son of Bhaiya Lal Resident of Dadiyapura Shivaji Nagar Jhansi.
13. Shushman Verma wife of Pramod Kumar Resident of Dadiyapura Shivaji Nagar Jhansi.
14. Laxman son of Jugal Kishor Resident of Dadiyapura Shivaji Nagar Jhansi.
15. Kalpana Rajpoot wife of B.S. Rajpoot Resident of Dadiyapura Shivaji Nagar Jhansi.
16. Viran son of Kamta Prasad Resident of Dadiyapura Shivaji Nagar Jhansi.
17. Meera Devi wife of Govind Das Resident of Dadiyapura Shivaji Nagar Jhansi.
18. Manju Bajpai wife of Mukesh Bajpai Resident of Dadiyapura Shivaji Nagar Jhansi.
19. Sukh Devi wife of Ramprakash Resident of Dadiyapura Shivaji Nagar Jhansi.
20. Rampyari wife of Ram Prakash Resident of Dadiyapura Shivaji Nagar Jhansi.
21. Chandra Pal Sonkar son of Mool Chand Resident of Dadiyapura Shivaji Nagar Jhansi.
22. Anita Gupta wife of Manoj Gupta Resident of Dadiyapura Shivaji Nagar Jhansi.
23. Longshri wife of Narendra Pal Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
24. Ashutosh Jawaliya wife of Mewalal Resident of Dadiyapura Shivaji Nagar Jhansi.
25. Asha Ahirwar wife of Dinesh Ahirwar Resident of Dadiyapura Shivaji Nagar Jhansi.

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26. Vijay Shrivastava wife of Bhagwati Prasad Resident of Dadiyapura Shivaji Nagar Jhansi.
27. Keshkali wife of Ashok Rajpoot Resident of Dadiyapura Shivaji Nagar Jhansi.
28. Meera Devi wife of Nandkishor Suman Resident of Dadiyapura Shivaji Nagar Jhansi.
29. Ramu son of Om Prakash Resident of Dadiyapura Shivaji Nagar Jhansi.
30. Rekha Devi wife of Mukesh Yadav Resident of Dadiyapura Shivaji Nagar Jhansi.
31. Neeta Pastor wife of Ghanshyam Resident of Dadiyapura Shivaji Nagar Jhansi.
32. Shanti Devi wife of Babu Lal Kushwaha Resident of Dadiyapura Shivaji Nagar Jhansi.
33. Devendra Singh Chauhan son of Harnath Resident of Dadiyapura Shivaji Nagar Jhansi.
34. Sunita Bhaskar wife of Balram Bhaskar Resident of Dadiyapura Shivaji Nagar Jhansi.
35. Nidhi Sharma wife of Dilip Kumar Resident of Dadiyapura Shivaji Nagar Jhansi.
36. Krishna Kumar Singh son of Gayadeen Resident of Dadiyapura Shivaji Nagar Jhansi.
37. Sunil Kumar Kushwaha son of Hariram Resident of Dadiyapura Shivaji Nagar Jhansi.
38. Phoolmati wife of Kalicharan Rajpoot Resident of Dadiyapura Shivaji Nagar Jhansi.
39. Laxman Prasad Gandhi son of Chiple Resident of Dadiyapura Shivaji Nagar Jhansi.
40. Dhankumari Gurung daughter of Niramaya Gurung Resident of Dadiyapura Shivaji Nagar Jhansi.

41. Ajay Kumar wife of Virendra Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
42. Kulbhushan Singh son of Indra Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
43. Pritam Singh Yadav sxon of Lakhon Singh Yadav Resident of Dadiyapura Shivaji Nagar Jhansi.
44. Ram Singh Rajpoot son of Kunwkar Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
45. Sunita Yadav wife of Rajkumar Yadav Resident of Dadiyapura Shivaji Nagar Jhansi.
46. Mithlesh Tripathi wife of Jawahar Lal Tripathi Resident of Dadiyapura Shivaji Nagar Jhansi.
47. Rajni Devi wife of Prahlad Yadav Resident of Dadiyapura Shivaji Nagar Jhansi.
48. Sripat Sahay son of Ramprakash Resident of Dadiyapura Shivaji Nagar Jhansi.
49. Atardulaiya wife of Sitaram Resident of Dadiyapura Shivaji Nagar Jhansi.
50. Geeta Soni wife of Hotilal Resident of Dadiyapura Shivaji Nagar Jhansi.
51. Ramkishori wife of Jiyalal (Disease) Resident of 255 Rajpoot Nagar Pichor Jhansi.
52. Amresh wife of Lalji Gujar Resident of Dadiyapura Shivaji Nagar Jhansi.
53. Jahar Singh son of Prabhu Dayal RESIDENT OF 331 Rajpoot Nagar.
54. Mithlesh Shrivastava wife of Uma Shankar Resident of Dadiyapura Shivaji Nagar Jhansi.
55. Ramswaroop Raikwar son of Summer Resident of 321/1 Rajpoot Nagar Pichhor Jhansi.
56. Rajendra Prasad Shrivastava son of Gulab Chand

- Resident of 321/1 Rajpoot Nagar Pichhor Jhansi.
57. Man Mohan Rajpoot son of Govindram Resident of Rajpoot Nagar Pichhor Jhansi.
 58. Betiraja wife of Kushal Pal Singh Resident of Rajpoot Colony Pichhor Jhansi.
 59. Sushila wife of Girand Singh Resident of Rajpoot Colony Pichhor Jhansi.
 60. Krishna Devi wife of Kalyan Singh Resident of Rajpoot Colony Pichhor Jhansi.
 61. Shanti Devi wife of Rajkumar Resident of Rajpoot Colony Pichhor Jhansi.
 62. Dhiraj Rai wife of Kamta Prasad Resident of Rajpoot Colony Pichhor Jhansi.
 63. Kanti Gupta wife of Pradeep Kumar Gupta Resident of Dadiyapura Shivaji Nagar Jhansi.
 64. Asha wife of Chatur Singh Resident of 330 Rajpoot Colony Pichhor Jhansi.
 65. Bitul Devi wife of Kishori Lal Resident of Dadiyapura Shivaji Nagar Jhansi.
 66. Suman wife of Durg Singh Resident of 394 Rajpoot Nagar Pichhor Jhansi.
 67. Laxmikant Purohit son of Ramsewak Purohit Resident of 254 Rajpoot Nagar Pichhor Jhansi.
 68. Balveer Singh son of Janki Prasad Resident of Dadiyapura Shivaji Nagar Jhansi.
 69. Kiran Devi wife of Kanta Prasad Resident of Dadiyapura Shivaji Nagar Jhansi.
 70. Shikha wife of Jasi Ram Resident of Dadiyapura Shivaji Nagar Jhansi.
 71. Gomti Devi wife of Prakash Chandra Resident of Rajpoot Nagar Pichhor Jhansi.

72. Parkash Chandra son of Babu Lal Resident of Rajpoot Nagar Pichhor Jhansi.
73. Gyanju Raje wife of Mohar Singh Resident of Rajpoot Nagar Pichhor Jhansi.
74. Ramkali wife of Ramdayal Resident of Dadiyapura Shivaji Nagar Jhansi.
75. Pushpa Devi wife of Ramesh Kumar Resident of Rajpoot Nagar Pichhor Jhansi.
76. Rekha wife of Kailash Narayan Resident of 330 Rajpoot Nagar Pichhor Jhansi.
77. Suyendra Rai son of Kamta Prasad Rai Resident of Rajpoot Nagar Pichhor Jhansi.
78. Umawati wife of Dilip Resident of Dadiyapura Shivaji Nagar Jhansi.
79. Rajendra Prasad son of Meharwan Singh Resident of Rajpoot Nagar Pichhor Jhansi.
80. Urmila Devi wife of Lekhraj Pal Resident of Rajpoot Nagar Pichhor Jhansi.
81. Arvind Agnihotri son of Ramlal Agnihotri Resident of Rajpoot Nagar Pichhor Jhansi.
82. Vatidevi wife of Prabhudayal Resident of 294 Rajpoot Nagar Pichhor Jhansi.
83. Sabbir son of Wasir Resident of 250 /B Rajpoot Nagar Pichhor Jhansi.
84. Savitri wife of Kamal Rai Resident of Dadiyapura Shivaji Nagar Jhansi.
85. Deeoak Singh son of Sharad Kumar Singh Resident of Maharanapratap Nagar Pichhor.
86. Priyanka wife of Ashwindar Singh Resident of Dadiyapura Shivaji Nagar Jhansi.
87. Rajendra Prasad son of Gangasagar Resident of

Dadiyapura Shivaji Nagar Jhansi.

88. Razik Khan son of Mumtaj Khan Resident of Rajpoot Nagar Pichhor Jhansi.
89. Rukaiya Bano wife of Mohd. Akram Resident of Rajpoot Nagar Pichhor Jhansi.
90. Sattar Khans son of Bahdur Khan Resident of Rajpoot Nagar Pichhor Jhansi.
91. Haleema Khan wife of Habib Khan Resident of Rajpoot Nagar Pichhor Jhansi.
92. Habib Ahmad son of Maulana Siddique Ahmad Resident of Rajpoot Colony Pichhor Jhansi.
93. Sunil Kumar son of Nathuram Resident of 279 Rajpoot Nagar Pichhor Jhansi.
94. Sunita Devi wife of Room Singh Resident of Rajpoot Colony MLB Pichhor Jhansi.
95. Reshima Khan wife of Mujibur Rehman Resident of Rajpoot Nagar Pichhor Jhansi.
96. Hasina wife of Peerbaksh Resident of Rajpoot Nagar Pichhor Jhansi.
97. Saliha Sani wife of Mohd. Moinuddin Resident of 228/1 Rajpoot Nagar Pichhor Jhansi.
98. Reshma Khatoon wife of Mohd. Amish Siddiqui Resident of 1726 Shivaji Nagar Rajpoot Colony Pichhor Jhansi.
99. Prabhu Dayal son of Neksai Resident of Maharana Pratap Nagar Pichhor Jhansi.
100. Amir Kirmani son of Jahid Kirmani Resident of Rajpoot Nagar Pichhor Jhansi.
101. Anisha Bano wife of Ibadat Khan Resident of Rajpoot Nagar Pichhor Jhansi.
102. Sahajahn Begum wife of Salcem Resident of

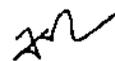
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Rajpoot Nagar Pichhor Jhansi.

103. Saleem Khan, Ismile Khan son of Babu Khan
Resident of Rajpoot Nagar Pichhor Jhansi.
104. Usha Singh wife of Dharendra Singh Resident of
Rajpoot Nagar Pichhor Jhansi.
105. Rajkumari wife of Sultan Singh Resident of
Rajpoot Nagar Pichhor Jhansi.
106. Prem Narayan Shivhare son of Matadeen Shivhare
Resident of 230/G-C Rajpoot Nagar Pichhor
Jhansi.
107. Vandana Shivhare wife of Anand Shivhare Resident
of 230/3B Rajpoot Nagar Pichhor Jhansi.
108. Saiyed Mohd Ali son of Saiyed Sahadat Ali Resident
of Rajpoot Nagar Pichhor Jhansi.
109. Rekha Prajapati wife of Arvind Kumar Resident of
Rajpoot Nagar Pichhor Jhansi.
110. Kamla Prajapati wife of Ramsiya Prajapati Resident
of Rajpoot Nagar Pichhor Jhansi.
111. Sahrukh Khan son of Sattar Khan Resident of
Rajpoot Nagar Pichhor Jhansi.
112. Sahid Khan son of Ishak Khan Resident of
Rajpoot Nagar Pichhor Jhansi.
113. Mohd. Jahid son of Mohd. Tahir Resident of 228/1
Rajpoot Nagar Pichhor Jhansi.
114. Nasreen wife of Mohd. Sharif Resident of Rajpoot
Nagar Pichhor Jhansi.
115. Raziya Begam wife of Abdul Kayum Resident of
Rajpoot Nagar Pichhor Jhansi.
116. Pawan Kumar Prajapati son of Narayan Das
Resident of Rajpoot Nagar Pichhor Jhansi.
117. Laxmi Prajapati wife of Ravindra Prajapati Resident

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- of Rajpoot Nagar Pichhor Jhansi.
118. Kesav Singh son of Sugar Singh Resident of Rajpoot Nagar Pichhor Jhansi.
 119. Swarajya Singh son of Kirpal Singh Resident of Rajpoot Nagar Pichhor Jhansi.
 120. Jitendra Singh Rajpoot son of Narayan Singh Resident of Rajpoot Nagar Pichhor Jhansi.
 121. Vikram Singh son of Ramesh Chandra Resident of Rajpoot Nagar Pichhor Jhansi.
 122. Vishnu Swaroop Dubey son of Atma Ram Dubey Resident of Dadiyapura Shivaji Nagar Jhansi.
 123. Laxmi Narayan Dubey son of Atma Ram Dubey Resident of Dadiyapura Shivaji Nagar Jhansi.
 124. Ramesh Prasad son of Atma Ram Dubey Resident of Dadiyapura Shivaji Nagar Jhansi.
 125. Bhaiyalal son of Atma Ram Resident of Dadiyapura Shivaji Nagar Jhansi.
 126. Ramswaroop Dubey son of Atma Ram Dubey Resident of Dadiyapura Shivaji Nagar Jhansi.
 127. Om Prakash Dubey son of Atma Ram Dubey Resident of Dadiyapura Shivaji Nagar Jhansi.
 128. Maniram Dubey son of Atmaram Dubey Resident of Dadiyapura Shivaji Nagar Jhansi.
 129. Rizwana Khan wife of Saiyad Nihali Ali Hasmi Resident of 247/2R Rajpoot Nagar Pichhor Jhansi.
 130. Poonam Rai wife of Amit Rai Resident of Dadiyapura Shivaji Nagar Jhansi.
 131. Chiraunji Devi BVaghel wife of Ramkumar Baghel Resident of Rajpoot Nagar Jhansi.
 132. Om Prakaksh Mishra son of Bhagirath Mishra



- Resident of 24 Banglaghat Jhansi.
133. Ram Prakash Mishra son of Bhagirath Mishra
Resident of 24 Banglaghat Jhansi.
134. Jay Prakash Mishra son of Bha girath Mishra
Resident of 24 Banglaghat Jhansi.
135. Chandra Prakash Mishra son of Bhagirath Mishra
Resident of Banglaghat Jhansi..
136. Saroj Mishra son of Mahendra Prakash Mishra
Resident of 24 Banglaghat Jhansi.
137. Nitin Mishra son of Prakash Mishra Resident of 24
Banglaghat Jhansi.
138. Arvind Kumar son of Ramsiya Resident of
Rajpoot Nagar Pichhor Jhansi.
139. Rajesh Sharma son of Raghuvir Sharan Resident of
Rajpoot Nagar Pichhor Jhansi.
140. Devendra Pratap Singh Gaur son of Bishwambhar
Singh Gaur Resident of 1313 Shivaji Nagar
Jhansi.
141. Sangeeta Singh Gaur wife of Devendra Pratap
Singh Gaur Resident of 1313 Shivaji Nagar Jhansi.
142. Praveen Tomar son of Jai Prakash Resident of H.
No. 760/1 Dadiyapura Shivaji Nagar Jhansi.
143. Pawan Kumar Jha son of Shri Satya Narayan
Resident of 159 Ganj Sadar Bazar Jhansi.
144. Rekha Jha wife of Shri Pawan, Kumar Jha Resident
of 149 Ganj Mohalla Thane ke samne Sadar Bazar
Jhansi.
145. Manoj Kumar son of Shri Shyam Sundar Resident
of 22 Mada Dilvali Baghaira Jhansi.
146. Pooran Lal Pal son of Ramdeen Pal Resident of
Village Bhaddokhar District Jhansi.

147. Sumit Mishra son of Vinod Kumar Mishra Resident of 11/9 Daidyapura Shivaji Nagar Jhansi.
148. Shaheena Kaleem wife of S.M. Tariq Resident of A-1-103/4 Jakir Nagar Okhla New Delhi.
149. Dr., Shaheena Kaleem wife of Mohd. Tariq Resident of 1693/2A, Behind Narayan Bagh Maharana Pratap Nagar Jhansi.
150. Rajesh Kumar Singh son of Shivpal Singh Resident of Village Ratauli Tehsil Maudha District Hamirpur.
151. Mayank Verma son of Rakesh Kumar Resident of 1138/A outside Bada Gaon gate Jhansi.
152. Geeta Sahu wife of Ashok Kumar Sahu Resident of 127 Taalpura Jhansi.
153. Uma Devi wife of Suresh Prasad Resident of 153 Village Sarol Tehsil Moth District Jhansi.
154. Om Shiv son of Chhakilal Resident of Narayan Bagh Road, Dadiyapura Jhansi.
155. Pushpa wife of Ramavtar Resident of 57 Village Bijna Tehsil Tehrali Jhansi.
156. Pushpa Sahu wife of Ramavtar Resident of Bijna Tehsil Tehrali Jhansi.
157. Mahirban Singh son of Dhuram Resident of 19, Darabatayau Post- Vijaygarh Tehsil Tehroli District Jhansi.
158. Lalta Prasad son of Ghamandi Lal Resident of 389 Ambargarh Tehsil, District Jhansi.
159. Gajendra Singh son of Rajendra Singh Resident of 149B Dadiyapura District Jhansi.
160. Sandhya Devi wife of Yogesh Chandra Resident of 548 Bamroli Tehsil Moth District Jhansi.

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161. Urmila Devi wife of Ram Prakash Resident of 421/B Kanpur Road Shivaji Nagar District Jhansi.
162. Sunita Sahu wife of Pawan Kumar Resident of Bijna Tehsil Tehrali District Jhansi.
163. Pramod Kumar son of Atma Ram Resident of Village- Singaar Tehsil Garautha District Jhansi.
164. Pramod Kumar son of Atma Ram Resident of Village Singaar Tehsil Garautha District Jhansi.
165. Sapna Devi wife of Jitendra Kumar Resident of Village Pulia Tehsil Moth District Jhansi.
166. Smt. Atar Dulaiya wife of Babu Lal Resident of 76 Village Pulia Tehsil Moth District Jhansi.
167. Gopal Verma son of Moti Lal Verma Resident of 411 Mohalla Chick Sadar Bazar District Jhansi.
168. Haridas Srivas son of Durga Prasad Resident of Village Sagarwara Tehsil Palera District Tikamgarh.
169. Shankar Srivas son of Durga Prasad Resident of Village Sagarwara Tehsil Palera District Tikamgarh.
170. Yatendra Singh son of Kanhaiya Lal Resident of 411 Sadar Bazar, Chick Mohalla District Jhansi.
171. Rampati Devi daughter of Pancham Lal Resident of Bijna Tehsil District Jhansi.
172. Smt. Indra Devi Rai wife of Satya Prakash Rai Resident of Village Hati Tehsil Tehrali District Jhansi.
173. Kesar wife of Devi Dayal Resident of Shivaji Nagar Jhansi.
174. Sabina wife of Ajmeri Resident of Rajpoot Nagar Pichhor Jhansi.
175. Kumar son of Gajraj Singh Resident of Rajpoot Nagar Pichhor Jhansi.

176. Kiran Anuragi Wife of Pankaj Kumar Resident of Gumnawara Gannu Ke Talab ke pas Jhansi.
177. Lovely wife of Arvind Sen Resident of Gumnawara Gannu Ka Talab ke pas Jhansi.
178. Archana Lodhi wife of Indrapal Singh Resident of Gumnawara Gannu ke Talab Ke pas Jhansi.

Versus

1. State of U.P. through Secretary, Housing and Urban Planning, Anubhag-3, Lucknow.
2. Secretary, Jhansi Development Authority, Jhansi.
3. Sanyukt Niyaojik, Sambageey Niyojan Khand, Jhansi Evam Niyojan Vibhag, U.P. T & T Colony, Gwalior Road, Jhansi.
4. District Magistrate, Jhansi

----- Respondent

To,

The Hon'ble the Chief Justice and his other companion Judges of the aforesaid Hon'ble Court.

The humble application of the above named Applicant, Most Respectfully showeth as under:-

1. That the full facts and circumstances of the case have been given in the accompanying affidavit which forms part of the present application.

2. That for the reasons stated in the accompanying affidavit, it is expedient in the interest of justice that this Hon'ble Court may be pleased to take the Counter Affidavit on record and dismiss the writ petition being devoid of merits and vacate the interim order dated 11.4.2023 otherwise the answering Respondent will suffer irreparable loss and injury.

3. That this application is being filed on _____, 2023 and will come up before the Hon'ble Court on _____, 2023.

PRAYER

It is, therefore, Most Respectfully prayed that this Hon'ble Court may be pleased to take the Counter Affidavit on record and dismiss the writ petition being devoid of merits and vacate the interim order dated 11.4.2023 otherwise the answering Respondent will suffer irreparable loss and injury.

Dated : Sept. , 2023

(PRABHAT TRIPATHI)

Advocate

Counsel for the Respondent No. 2
Chamber No. 41, High Court Allahabad

Advocate on Roll No. A/P0660/2012

MOBILE NO. 9415239533

