

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

**IA NO.296 OF 2024  
IN  
O.A. 527 OF 2023**

**IN THE MATTER OF:**

KAUTILYA SOCIETY & ANR.

... APPLICANTS

Vs.

UOI & ORS.

... OPPOSITE PARTY/ RESPONDENTS

**INDEX**

<b>S. NO.</b>	<b>PARTICULARS</b>	<b>PAGE NOS.</b>
1.	Counter Affidavit on behalf of Respondent No.3, Varanasi Development Authority	<b>1-7</b>
2.	Proof of Service	<b>8</b>

*Chetanya*

AMIT TIWARI/CHETANYA PURI  
ADVOCATES,

NEW DELHI  
DATE: 23/09/2025

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RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT**

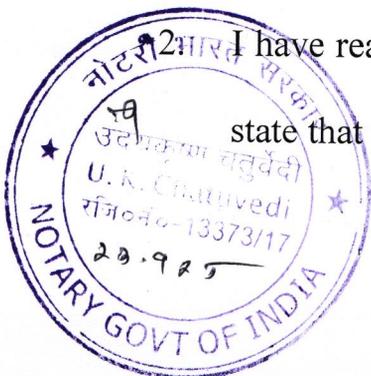
**NOS. 3, VARANASI DEVELOPMENT AUTHORITY**

**MOST RESPECTFULLY:**

I, Saurabh Dev Prajapati S/o Shri Sharavan Kumar Prajapati aged about 32 years, posted currently as Zonal Officer at Varanasi Development Authority, Varanasi do hereby solemnly affirm and declare as under:

1. That I am well conversant with the facts and circumstances of the case and thus I am competent and authorized to swear/ file this Counter Affidavit on behalf of the Respondent No.3, Varanasi Development Authority, before this Hon'ble Tribunal.

I have read and understood the contents of the IA under reply and I state that the contents of the IA are denied to the extent that they are



inconsistent with the submission made by the answering Respondents under the present reply. It is further stated that unless any averment is specifically admitted or traversed, the same may be treated as denied.

**PRELIMINARY OBEJECTIONS:-**

1. That the present IA is not maintainable and is liable to be dismissed as the applicant has not approached the Hon'ble Tribunal with clean hands and has stated incorrect and inconsistent facts and thus the IA so filed is liable to be dismissed on this ground alone.
2. That the present IA as filed by the applicant is further not maintainable as the applicant despite being aware of the fact that the permission was granted to the erstwhile owner in the year 1979, on the application for repair/ reconstruction of the property, much prior to even institution of the present case and despite having permission the erstwhile owner was failed to undertake any repair work. Even the present applicant who became the owner in the year 1994 has failed to do any repair and renovation and now under the garb of the present application are trying to stall the action of the respondent



4

**PRELIMINARY SUBMISSIONS:-**

1. That neither any notice has been issued nor is pending inter-alia for demolition of the property of the applicants, addressed K-3/30, Mohalla Gai Ghat (Buchai Tola) Varanasi.
2. Even though the property of the applicants are very much within the boundaries of the HFL, however, being the old construction a permission for repair and renovation, could be granted for existing structure, if applied for, through the proper channel. It is only the applicants, who could explained the issue pertains to demolition of the property, as alleged by them.

**REPLY ON MERITS:**

- 1-2. That the contents of Para 1-2 of the IA under reply are matter of record and as such needs no reply. However, the applicants be put to proof that they are the resident and in occupation of the property since the year 1993.
- 3-4. That in response to the contents of Para 3-4, it is submitted that the applicants be put to strict proof in respect of their documents thereto. However, going by the contents of the sale deed as submitted by the applicant along with their IA, it can be seen that the property was construction to Ground + 2 Floors in the year 1993,



if the documents assumed to be genuine. Rest of the contents as alleged needs no reply.

5. That the contents of Para 5 are wrong and denied and the applicant be put to strict proof in respect of their claim that the applicant No.2 & 3 are the only legal heirs late Radhey Shyam Upadhya, who died on 08.01.2014.

6-8. That the contents of Para 6-8 are matter of records and needs no reply.

9-10. That the contents of para 9-10 are not denied and admitted to be correct. It is correct that the Respondent No.3, pursuant to orders passed by this Hon'ble Tribunal (some of the order passed by the Hon'ble High Court of Allahabad prior to transfer of the case before this Hon'ble Tribunal) must have undertaken the job of demolition of unauthorized construction. However, whether demolition took place at the applicant's property also or not, it could not be verified at this stage. Even the pleadings of the applicant in this regard are very much vague and contradictory by itself. As at one hand the applicant claims that Respondent No.3 did demolition and at the other hands it admits the same as unauthorized construction.

Further, the pleadings are silent and rather vague, as to when and how the demolition drive, if any, was conducted by the Respondent



No.3, wherein the unauthorized portion of the applicant's property was demolished. It is further vague on account of which part/portion of which room or at what floor has been demolished by the Respondent No.3. It is worthy to mention that the though the applicants' claim that they are residing in the property since 1993 and the existing construction is 100 years old. However, they have not filed any documents to show that they are actually residing there or the construction is as old as they claim it to be.

11. That the contents of the Para 11 under reply are wrong and denied.

It is denied that any circular or notice has been issued by the Respondent No.3 is under process to demolition of any property, unless the same is new construction in contravention of the various orders passed by this Hon'ble Tribunal. So far as the repair and renovation of the existing structure are concerned, the same are permitted as per the norms established by the answering respondent in the lights of orders passed by this Hon'ble Tribunal.

12-13. That the contents of Para 12-13 are wrong and denied for

want of knowledge. As submitted in the preceding para the applicants though have claimed that the existing structure is 100

years old but has failed to put any documents in that regard. Further

the map as annexed to alleged sale deed is a raw map without



defining further specification and can neither looked into nor relied upon at the stage.

14-15. That the contents of Para 14-15 are wrong and denied. It is denied that the applicants are either necessary or the proper party to joined in the proceedings in terms of such vague averments so made in the application. It is further denied that any rights of the applicants are being infringed vide the orders passed by this Hon'ble Tribunal.

16-17. That the contents of Para 16-17 are wrong and denied. It is denied that any notice or circular is pending or issued qua the property of the applicants or the applicants needed to be protected by this Hon'ble Tribunal is respect of any demolition qua their property. It is submitted that vide the orders of this Hon'ble Tribunal, the guidelines were framed by the answering respondent and permission are granted for repair and renovations of the existing structure of the properties falling within the regulated area from the banks of river Ganga. It is further submitted that the applicants are trying mischief under the garb of seeking protection on the basis of vague and unclear averments and therefore they are not entitled to any relief whatsoever.



Last Para is prayer before this Hon'ble Tribunal and in the lights of abovementioned submissions, the application as filed by the applicant is not maintainable and is liable to be dismissed.

**PRAYER**

In the light of the abovementioned facts and circumstances, it is respectfully prayed that this Hon'ble Court may be please to dismiss the present application.

It is prayed accordingly.

DEPONENT

**VERIFICATION:-**

Verified at Varanasi on this 23<sup>rd</sup> day of Sep, 2025, that the contents of the above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

DEPONENT

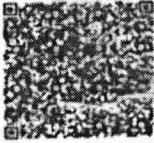


पंजियन / Registration  
क्र०सं०/Sr. No. 13-09-08  
दि०/Dt. 23 9 25  
स्थान/Place. Varanasi  
एड०/Adv. U.K. Choudhary

By. Uday Choudhary  
एड०Adv. दि०क०वा०  
C.C.V.U.P.  
23 9/25


**भारत सरकार**  
**Government of India**


**सौरभ देव प्रजापति**  
**Saurabh Dev Prajapati**  
**जन्म तिथि/DOB: 02/07/1993**  
**पुरुष / MALE**



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**आधार-आम आदमी का अधिकार**


**भारतीय विशिष्ट पहचान प्राधिकरण**  
**Unique Identification Authority of India**

**पता:**  
**S/O शरवन कुमार प्रजापति,**  
**जी-562, कैलाश विहार,**  
**नंदरानी गेस्ट हाउस, अवास**  
**विकास न.1, कल्याणपुर,**  
**कानपुर, कानपुर नगर,**  
**उत्तर प्रदेश - 208017**

**Address:**  
**S/O Sharavan Kumar Prajapati, G-**  
**562, Kailash Vihar, Nandrani Gest**  
**House, Avas Vikas No.1, Kalyanpur,**  
**Kanpur, Kanpur Nagar,**  
**Uttar Pradesh - 208017**

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**Aadhaar-Aam Admi ka Adhikar**





Gulzar Khan &lt;gulzarkhan98@gmail.com&gt;

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**Counter Affidavit filed on behalf of Respondent no 3 in OA No. 527/2023 of IA No. 296 of 2024 and IA No. 297 of 2024**

1 message

**Gulzar Khan** <gulzarkhan98@gmail.com>

Wed, Sep 24, 2025 at 9:17 PM

To: "rc@juriscounsel.in" &lt;rc@juriscounsel.in&gt;

Cc: Chetanya Puri &lt;chetanya.puri@gmail.com&gt;, tiwariamit22@yahoo.com

Sir,

Service of Counter Affidavit filed on behalf of Respondent no 3 in OA No. 527/2023 of IA No. 296 of 2024 and IA No. 297 of 2024

Kautilya Society and Anr VS Union of India &amp; Ors. PDF File Attach

Regard,

Office of

CHETANYA PURI &amp; AMIT TIWARI

COUNSEL RESPONDENT NO 3

Enrol no D/1512/2010

246-A Lawyers Chambers, Block – 1,

Delhi High Court, New Delhi-110003

Ph. 9810884689

E-mail: [chetanya.puri@gmail.com](mailto:chetanya.puri@gmail.com)

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**2 attachments****IA 296 of 2024 Kautilya Society vs. UOI.pdf**  
3795K**IA 297 of 2024 Kautilya Society vs. UOI.pdf**  
4778K