

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

**IA NO.297 OF 2024
IN
O.A. 527OF 2023**

IN THE MATTER OF:

KAUTILYA SOCIETY & ANR.

... APPLICANTS

Vs.

UOI & ORS.

... OPPOSITE PARTY/ RESPONDENTS

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**AMIT TIWARI/CHETANYA PURI
ADVOCATES,**

**NEW DELHI
DATE: 23/09/2025**



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S.No.....Year..... 23925

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**... OPPOSITE PARTY/
RESPONDENTS**

IN RE:-SHASHANK SHEKHAR JHA & ORS.

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 Deleopment 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.



2. 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 OBJECTIONS:-

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 well aware of the fact that the area/ land of some of the applicants are falling within the defined limits of HFL. They are further aware that no permission for new constructions shall be granted within those ranges and even the repair/ renovation is also subject to various regulations. Despite knowing they have approached this Hon'ble Tribunal on the basis of false and bogus averments, which are not only factually incorrect but has been deliberately made and twisted to show that the



answering respondent is as such misinterpreting and misreading the orders passed in the present matter and using the same as per their whims and fancies to their choices.

PRELIMINARY SUBMISSIONS:-

1. That as per the directions passed by this Hon'ble Court, the answering respondent are granting permission for repaid/ renovations of the existing structure, subject to regulations within the regulated area. It is also important to state that no permission for any no construction within the regulated area are considered and the strict compliance of various orders passed by this Hon'ble Tribunal has been observed.
2. It is further relevant to mention here that under the directions passed by this Hon'ble Court and directions from Govt., fresh demarcations of HFL are also underway.
3. That recently vide the circular of State of UP, fresh directions have been received qua regulating repaid/ renovation of the existing structure, without creating any new construction, within the regulated zone of 200 Mtr. from HFL (present/existing) of river Ganga in the city of Varanasi and the same are observed under



s/moto-sensu.

[Handwritten signature]

REPLY ON MERITS:

1. That the contents of Para 1 under reply pertains to personal details of the applicant and as such needs no response. It is, however, submitted that the applicant though claimed to be the 'paikar' of other applicants, but have not filed any documents in support of its contentions.
2. That the contents of Para 2 under reply are neither admitted nor denied to the of the extent of details of the applicant or his family members or for that matter that they have been living in the city of Varanasi for generations, for want of knowledge or information. So far as the contents of undertaking any new construction/ repair/ renovation or having any unauthorized construction or not having any land/ house in the regulated or restricted area, as per the order passed by the Hon'ble Court is concerned, the same are denied. Contrary to the averments made, it is submitted that as per the addresses mentioned on the application of the all the applicants, some of the applicants are covered within 200 Mtr. from the banks of river Ganga whereas few of them are though beyond 200 Mtr. from the banks of river Ganga but within the limits of HFL. The answering respondent is in process of inspection and segregating the details of which of the applicants are within 200 Mtr. from banks of



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river Ganga, which of the applicants are within HFL and which of the applicants are outside these limits.

3-4. That the contents of Para 3 are the geographical, historical and cultural description and importance as well as the present-day situation of river Ganga which needs no explanation and admitted to be true. Whereas contents of Para 4 are matter of record and needs no reply.

5-6. That the contents of Para 5-6 under reply are is wrong and denied that UP Urban Planning and Development Act, 1973 (hereinafter be called Act of 1973) does not provide for the manner in which the development works are to be carried out in ancient cities or as to how monuments and buildings of historical and cultural importance are to be protected. Contrary to the allegations, it is submitted that Act of 1973 provides the basis framework of urban planning & development and it cannot be looked in to isolation. The Act of 1973 must be seen in the light of Ancient Monuments preservation act, and various guidelines by department of irrigation, department of environment and forest, Water, PWD and various other departments which are working together 24*7 for the betterments of

city making the life more smoothen for the public at large. Not only

his, Master Plan 2031 (Revised) coupled with Building Byelaws



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2025, are also in regulation as on date and the combined reading of all the acts, regulations and guidelines issued by various department are suffice for overall development of the ancient cities like 'Varanasi'. In fact, the combined reading shall also provide framework/ guidelines for individuals to carry out necessary repair/ renovation etc. in their property, subject to complying the rules and regulations provided under it.

7. That the contents of Para 7 under reply are not denied and admitted to be true. In addition to the above it is important to mention that with as on date Master Plan Master Plan 2031 (Revised) coupled with Building Byelaws 2025 are in regulation.

8-11. That the contents of Para 8-11 under reply are the matter of records and admitted to be correct and needs no further reply. It is submitted that the answering respondent are ensuring strict compliance of the order passed by this Hon'ble Court.

12. That the contents of Para 12 under reply are not denied and admitted to be correct. It is, however, submitted that the contents stated therein are in furtherance of the order dt. 28.04.2016 passed by this

Hon'ble Court.

13-17. That the contents of Para 13-17 are matter of records and need no reply and admitted to be correct.



18-21. That the contents of Para 18-21 under reply are wrong and denied, except wherever admitted specifically. It is denied that in compliance of direction passed by the Hon'ble Court, the answering respondent has placed notice boards arbitrarily, without understanding the orders of the Hon'ble Court. It is further denied that the answering respondent under the garb or complying with the directions are overreaching the orders of 27.07.2012 and/ or subsequent orders. It is further denied that the authorities while misinterpreting the orders are deliberately arm-twisting the residents by allowing/ permitting construction of their choice. Contrary to the allegations, it is submitted that it is in fact the applicants who are misjudging and misinterpreting the orders. As per the orders, no construction shall be permitted withing 200 Mtr. from the Highest Flood Level (HFL) and not just 200 Mtr. from the bank of river Ganga. In this regard it is worthy to mention that HFL is not a calculation or process of everyday and certain timelines has to be fixed for its measurements. As per the directions of this Hon'ble Court, the HFL was measured basis the Highest Flood in last years and further due to its unique route shape in the city of Varanasi, at some places, the HFL limits are going way beyond the banks of river Ganga. Whereas at some places the HFL point is



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much within the 200 Mtr. from the bank of river Ganga as on date. That the answering respondent has complied with each of the directions passed by the Hon'ble Court and has placed notice as per directions. It is not denied that some of the maps/ building plans are lying unapproved or rejected but not because of the whims and fancies of the answering respondent rather on account of the fact that the said lands/ areas are falling within the limits of 200 Mtr. from HFL. It is also not denied that at some places notice boards are placed far away from the banks of river Ganga due to fact of area falling within the limits of HFL.

22-23. That the contents of para 22-23 under reply are wrong and denied.

It is denied that the direction of 200 Mtr. from HFL has no basis or logic. It is further denied that relevant orders clearly establishes that the applicants' property is falling outside from HFL limits as defined in the orders. Contrary to the allegations alleged, it is submitted that the pursuant to the orders of the Allahabad High Court, the survey was conducted with the help of Flood Level Agencies and thereafter area limits falling in HFL was demarcated.

It is also worthy to mention that even the applicants has failed to show any documents reflecting that their properties are not within



the limits of HFL except by bald and vague allegations and thus the application so filed is liable to dismissed on this ground alone.

24-25. That the contents of Para 24-25 are wrong and denied. It is denied that the passing of the directions vide order 27.07.2012 was causing violation of fundamental rights of the applicants or that the said orders cause any obstructions or the answering respondents are misusing the authority vested under them, under the garb of the said order. It is further denied that the said order requires any modification qua these applicants, who despite having properties well within the defined outlines of 200 Mtr. from HFL, are trying misled the Hon'ble Court under the guise of false averments and are not entitled to any relief whatsoever and the application so filed is liable to be dismissed.

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 23rd 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

पंजीयन / Registration
क्र०सं०/Sr. No. 13097
दि०/Dt. 23.9.25
स्थान/Place. Varanasi
एड०/Adv. 24/1

By 
एड०Adv. दि०क०वा०
C.C.V. U.P.
23.9.2025


भारत सरकार
Government of India


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



आधार-आम आदमी का अधिकार


भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

पता:
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Kanpur, Kanpur Nagar,
Uttar Pradesh - 208017

Aadhaar-Aam Admi ka Adhikar





Gulzar Khan <gulzarkhan98@gmail.com>

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" <rc@juriscounsel.in>

Cc: Chetanya Puri <chetanya.puri@gmail.com>, 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 & Ors. PDF File Attach

Regard,

Office of

CHETANYA PURI & AMIT TIWARI

COUNSEL RESPONDENT NO 3

Enrol no D/1512/2010

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