

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH SITTING AT NEW DELHI
INTERIM APPLICATION NO. _____ OF 2025
IN
EXECUTION APPLICATION NO. 26 OF 2025
IN
ORIGINAL APPLICATION NO. 351 OF 2019

IN THE MATTER OF
RAJA MUZAFFAR BHAT

APPLICANT

VERSUS

UNION TERRITORY OF JAMMU AND KASHMIR
AND ORS

RESPONDENT

IN RE:

ABDUL RASHID RAINA
(Authority Holder)

OBJECTOR

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New Delhi
14 November 2025

APPLICANT
THROUGH



RAKESH MALHOTRA AND BHARAT MALHOTRA
ADVOCATES

FOR TRITENT LEGAL LLP
LAW FIRM| NEW DELHI
8/29 L.G.F EAST PATEL NAGAR
NEW DELHI-110008
+91-8447151507
Bharatmal2@gmail.com



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IN RE:

**ABDUL RASHID RAINA
(Authority Holder)**

OBJECTOR

**OBJECTION PETITION ON BEHALF OF THE OBJECTORS
UNDER THE PROVISIONS OF ORDER 21 RULE 58 READ
WITH RULES 97, 99, AND 101 OF THE CIVIL PROCEDURE
CODE, 1908, AND JOINTLY READ WITH SECTION 14,
COUPLED WITH SECTION 16 AND SECTION 19 OF THE
NATIONAL GREEN TRIBUNAL ACT OF 2010.**

MOST RESPECTFULLY SHOWETH:

A. EXORDIUM

1. The Objectors to the Present Execution Application are preferring the present Objections under the relevant statute of law, inter alia, particularly under the Provisions of the Code of Civil Procedure, 1908, for short, CPC and National Green Tribunal Act, 2010, for

short, NGT Act, whereby, the Objectors wish to place before this Hon'ble Tribunal, the correct facts, concerning the area of Kreentchoo-Chandara.

2. The Objectors, who are the farmers, have appointed Mr Raina through an Authority Letter to establish the correct facts, which the Applicant has distorted before this Hon'ble Tribunal. *The Objectors are filing the present objection petition, limited, to the area concerning Kreentchoo-Chandhara in the Union Territory of Jammu and Kashmir. The Copy of the Authority Letter is appended as Annexure A-1.*

B. TRUE AND CORRECT FACTS

3. Perusal of the Record reveals that the Issue for consideration before this Hon'ble Tribunal in the Original Application Number 351 of 2019, as filed, was for the prevention of unscientific dumping of waste and encroachment of Hokersar Wetland, Wular Lake and Kreentchoo-Chandhara Wetland in the Union Territory of Jammu and Kashmir.

4. By Late Orders as passed by this Hon'ble Tribunal, the scope of the consideration was thus extended to protection of all wetlands in the Country in keeping the line with the observation of the Hon'ble Supreme Court that 2,01,503 Wetlands that the Union of India has mapped should continue to be protected on the principles as envisaged under Rule 4 of the Wetlands (Conservation and Management) Rules, 2010.
5. The Hon'ble Supreme Court, as noted in the Order for which the Applicant seeks Execution, directed that the Central Government will identify and inventory the wetlands with the assistance of the State Governments and communicate the Court's order to the State Government. Vide Order dated 25 November 2021, this Hon'ble Tribunal is pleased to issue specific directions.
6. Notably, an Execution Application under the provisions of Section 25 of the NGT Act was filed by the Applicant, inter alia, alleging several non-compliances on the part of the Respondent. The attention of this Hon'ble Tribunal is drawn to Para 10 of the Execution Application, wherein the Applicant, through an affidavit, makes specific averments, contending that the Union Territory of Jammu and Kashmir or the National Wetland Authority have failed to

comply with the order and the directions contained in the order dated 25 November 2021.

7. The Objectors are aggrieved and submitting this objection petition regarding the concerns raised in Para 19 and other Paragraphs of the Execution Application, that Kreentchoo-Chandhara is suffering severe degradation due to its proximity to the National Highway, NH-44. A significant part of the wetland has been filled with earth material, likely to facilitate road construction, followed by an irrigation canal, which once flowed through Kreentchoo-Chandhara. This canal has been encroached upon and filled in to make way for a motorable road. Furthermore, the Applicant alleges that the road was originally a narrow pukka road, but it has been significantly widened and is gradually being transformed into an entirely constructed road. As a result, the alleged wetland has experienced a notable decline in its ecological functions. The Objections raised by the Objectors are based on the following points:

- I. SUPPRESSION OF MATERIAL FACTS**

8. The Objectors state that the Applicant, Mr Raja Muuzaffar Bhat, who claims to be a concerned citizen, has not approached this Hon'ble Court with clean hands. The Objector states that there is a school named Birla Open Minds International School, Pampore, situated on

NH 44, Pampore, Galander, Kashmir, approximately 10 M from the Link Road, which concerns the Applicant.

9. The Objectors also argue that the staff and officials of Birla Open Minds International School, Pampore, have been putting undue pressure on the local farmers who are currently Objectors to force them to sell their agricultural land. When the farmers refused to give up their land, the school officials, in collaboration with the Applicant, began interfering with the ongoing use of the longstanding access road, i.e., the Link Road.
10. It is respectfully noted that the Applicant, Mr Raja Muzzafar Bhat, has a close personal connection with the son of the school's founder, having been his schoolmate and a close acquaintance. This relationship accounts for the Applicant's sudden interest in this matter, concerning the link road, which was not present in the Original Application and clearly exposes the underlying motive behind these proceedings by presenting facts that go beyond the scope of the order for which the current enforcement was filed.
11. The Objectors claim that the real intent behind filing this application is to pressure the farmers into selling their land at a significantly

undervalued price through a distress sale. Their strategy is clear: by threatening to shut down a link road used continuously for over ten years, the Applicant and school officials seek to make access difficult and inconvenient for the farmers, forcing them to sell. If the link road is closed or an adverse order is issued, the farmers who rely on this route will face a detour of nearly 8 kilometres. This would create substantial hardship and clearly serve the malicious aims of the Applicant and school authorities.

12. It is also important to note that the link road is located more than 500 metres from the alleged wetland, assuming such a wetland exists. As a result, it falls entirely outside any possible buffer zone, and the issue of wetlands will be addressed separately in later submissions. Currently, the Applicant's behaviour and motives, which appear to involve collusion with officials of Birla Open Minds International School, are sufficient to demonstrate the suppression of material facts and abuse of process.
13. Therefore, the Objectors respectfully request that this Hon'ble Court order the Applicant to disclose via affidavit whether he has any personal, professional, or financial ties to the school or its promoters, so that the true nature of his involvement can be clarified.

14. The stream of administration of justice must remain pure so that the integrity of the court's environment can invigorate all the organs of the State. Those who pollute the judicial atmosphere need to be carefully addressed to uphold the dignity of the court's environment; this also ensures it can fairly administer justice to everyone's satisfaction.
15. Anyone who resorts to fraud, obstructs the course of judicial proceedings, or acts with an ulterior motive hampers the administration of justice. Such individuals should be appropriately dealt with, not only to punish them for the wrongdoing but also to discourage others from engaging in similar acts that undermine public confidence in the justice system.

II. WETLAND

16. The Link Road, as alleged by the Applicant, existed well before 2013 and does not pass through any wetland area. The Department of Wildlife has formally taken it over; therefore, it is an old track outside the Department's official jurisdiction.
17. The attention of this Hon'ble Tribunal is drawn to the List of 91 Ramsar Sites filed by the Respondents, which indicates that there are

limited Wetlands in the Jammu and Kashmir Region and that there is no wetland recorded at the estate of Chandhara.

18. The inhabitants, i.e., the objectors, have applied for the restoration of the link road connecting Chandhara and Kreenchoo with NH-44, as the said link road has existed for several decades and earlier work has already been done on it through MGNREGA and other development schemes of the Rural Development Department.
19. It is further submitted that several other link roads in the vicinity are fully constructed with pucca connectivity, and no objection has ever been raised regarding their existence or use. Singling out the present link road, despite its long-standing alignment and public utility, reflects nothing more than a misuse of the process.
20. The Applicant's intent becomes highly questionable, as the targeted obstructions of only this particular road appear motivated and contrary to the broader pattern of development already underway in the area.
21. The Objectors need the link road mentioned because they rely on its opening and maintenance for their farming activities. Tractors, tillers, and other vehicles use this road to travel to and from paddy fields

and saffron land. Additionally, the road is crucial for schoolchildren because it provides the shortest, most direct route. According to the Applicant, the road is situated away from the local wetlands.

22. The present Execution Application is neither maintainable in law nor on the facts and is likely to be dismissed at the outset.
23. The Applicant has sought to project the area known as Kreentchoo—Chandhara as a wetland and has further alleged that a road has been illegally constructed through the wetland, resulting in ecological degradation. These assertions are wholly incorrect and contrary to official land and revenue records. The factual and documentary record shows that Survey Nos. 35, 69, 788, and 5456 are recorded in revenue records as “Sarkar Makbooa Mohkama” land, classified respectively as “gair mumkin nambal / irrigation land / kul,” and not as wetland.
24. The recent work conducted only involves the repair and reinforcement of the existing link road. No new road has been constructed. The RCC pipes have been laid solely to facilitate drainage and smooth water flow, and not to alter any wetland ecosystem. Thus, the allegation that construction activity has resulted

in wetland destruction or encroachment is factually baseless and untenable.

25. The area identified by the Applicant as a wetland is more than one kilometre from the road. Therefore, no environmental or ecological impact on any wetland has occurred.

26. It is essential to observe that the Applicant has not presented these material facts before this Hon'ble Tribunal and appears to lack understanding of the ground realities. The Application seems driven by activism rather than by any genuine local or vested interest.

27. Local inhabitants and residents for daily access to agricultural fields, educational institutions, healthcare centres, and markets use the link road in question. Any attempt to block or dismantle this road would cause severe hardship and violate the right to livelihood and dignity guaranteed under Article 21 of the Constitution of India.

28. The issue at hand stands squarely covered by the recent judgment of the Hon'ble Supreme Court in **Auroville Foundation v. Navroz Kersasp Mody & Ors.**, 2025 INSC 347, in the said judgment, the Hon'ble Supreme Court has held that while environmental principles

form part of the law of the land, they must be applied in a manner that balances competing constitutional rights. The Hon'ble Court observed as follows:

“17. Though it is true that the ‘Precautionary Principle’ and the ‘Polluter Pays Principle’ are part of the environmental law of the country, it is equally true that while the right to clean environment is a guaranteed fundamental right under Articles 14 and 21 of the Constitution of India, the right to development through industrialisation equally claims priority under fundamental rights particularly under Articles 14, 19 and 21 of the Constitution of India. There is therefore a need for ‘Sustainable Development’ harmonising and striking a golden balance between the right to development and the right to clean environment. In N.D. Jayal & Anr. Vs. Union of India & Ors., it is observed as under: -

“25. Therefore, the adherence to sustainable development principle is a sine qua non for the maintenance of the symbiotic balance between the rights to environment and development. Right to environment is a fundamental right. On the other hand, right to development is also one. Here the right to “sustainable development” cannot be singled out. Therefore, the concept of “sustainable development” is to be treated as an integral part of “life” under Article 21. Weighty concepts like intergenerational equity (State of H.P. v. Ganesh Wood Products [(1995) 6 SCC 363]), public trust doctrine (M.C. Mehta v. Kamal Nath [(1997) 1 SCC 388]) and precautionary principle (Vellore Citizens [(1996) 5 SCC 647]), which we declared as inseparable ingredients of our environmental jurisprudence, could only be nurtured by ensuring sustainable development. ”

...Empasis Supplied

29. The objectors, who are the local inhabitants, are more concerned than the applicant about protecting the environment and preventing any

activity that could harm the ecological balance. However, it is also important to present the true and accurate picture that the link road, as stressed by the applicant, *is firstly* an old road. *Secondly*, there is no wetland within at least 500 metres, and the wetland that is alleged is quite far away.

30. The Present Objections are filed in the interest of justice, and the Objectors reserve their right to file additional documents or present further facts, if required, subject to the leave and approval of this Hon'ble Tribunal.

31. **PRAYER**

In view of the submissions made above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- A. Dismiss the Execution Application No. 26 of 2025 as not maintainable qua the Preposition of Link Road in Kreentchoo-Chandhara in the Union Territory of Jammu and Kashmir.
- B. Until the disposal of the present objections, this Hon'ble Court should restrain the applicant and the respondent from taking any coercive steps regarding the Link Road in question, in Kreentchoo-Chandhara, in the Union Territory of Jammu and Kashmir.

Pass any other order(s) as this Hon'ble court may deem fit in the light of justice, equity and conscience.

AND FOR WHICH THE OBJECTOR/APPLICANT IN DUTY BOUND SHALL EVER PRAY.

New Delhi
____ November 2025



OBJECTORS

THROUGH



RAKESH MALHOTRA AND BHARAT MALHOTRA
ADVOCATES
TRITENT LEGAL LLP
LAW FIRM | NEW DELHI
8/29, L.G.F, EAST PATEL NAGAR
NEW DELHI- 110008
bharatmal2@gmail.com
+91-8447151507

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UNION TERRITORY OF JAMMU AND KASHMIR AND ORS
RESPONDENTS

IN THE MATTER OF

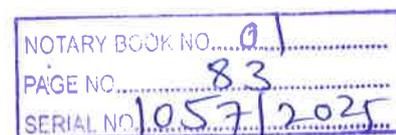
ABDUL RASHID RAINA
(Authority Letter Holder)

OBJECTORS

AFFIDAVIT

I, Abdul Rashid Raina, Son of Mohd. Subhan Raina, aged 52 years, Resident of Partly Ward No.1, Namblabal, Pampre, Jammu and Kashmir, 192121, presently at New Delhi, do hereby solemnly affirm and declare as under

1. The Deponent is the Authority Holder of the 20 Objectors in the accompanying execution petition and is therefore familiar with the facts of this case, making the Deponent competent to swear this affidavit.
2. The contents of the Present Objection Petition are correct to the best of my knowledge and belief, and nothing material has been concealed therefrom. I state that I have not filed any other Petition before this Hon'ble Court.



- 3. I state that the annexures filed with the Objection Petition are true copies of their respective originals.
- 4. That no part of this Affidavit is false and nothing material has been concealed therefrom.



DEPONENT

VERIFICATION

I, **Abdul Rashid Raina**, swear this Affidavit that the contents of my above affidavit are true and correct to my knowledge and belief. No part of it is false, and nothing relevant has been concealed therein.

Verified at New Delhi on this 13 NOV 2025 day of November 2025



DEPONENT

SWORN BEFORE ME

ATTESTED



NAVNEET KUMAR
 NOTARY DELHI-R-57476
 Government of India
 NEW DELHI,

13 NOV 2025



EXECUTANT IDENTIFIED
 BY SHRI. 

S-169, DDA Hog Market
 Rajendra Place, New Delhi
 Mob.: 9810079352

AUTHORITY LETTER

Date: 11 / 11 / 2025

We, the undersigned farmers of District Pulwama, Jammu & Kashmir, do hereby authorize **Mr. Abdul Rashid Raina**, bearing Aadhaar Card No. **9470 5225 5120**, resident of **Partly Ward No.1, Namblabal, Pampore, Jammu & Kashmir**, to act, appear, and represent us collectively before the **Hon'ble National Green Tribunal (NGT)** and any other competent authority in connection with matters concerning our agricultural land and related interests.

We further authorize him to **sign, verify, and file pleadings, affidavits, vakalatnamas, representations, and other necessary documents** on our behalf, and to take all actions, steps, and proceedings as may be required for safeguarding and pursuing our collective interests before the Hon'ble Tribunal and other forums.

This authorization is given voluntarily and shall remain valid until revoked in writing by the undersigned.

Authorized Representative:**Mr. Abdul Rashid Raina**

Aadhaar No.: 9470 5225 5120

Resident of Partly Ward No.1, Namblabal, Pampore, Jammu & Kashmir

Authorized by the following farmers:

S.NO	Name	Aadhar Card Number	Address and Mobile Number	Signatures/Thumb Impressions
1.	Muhammad Razaq	3382 8722 3173	Chandhara	[Signature]
2.	Abdul Rashid Rather	2051 5346 9616	Chandhara	[Signature]
3.	Bashir Ah Rather	9090 5152 9642	Lethara Chandhara	[Signature]
4.	Abdul Haseeb Rather	3175 6356 0465	Chandhara	[Signature]
5.	Chandhar Rather	5050 1392 1941	Chandhara	[Signature]
6.	Muhammad Iqbal Rather	4003 9395 5011	Chandhara	[Signature]
7.	Shahidul Mujib Rather	6570 4001 4020	Chandhara	[Signature]
8.	Rashid Tari	3225 5053 5331	Pampore	[Signature]
9.	Mansoor Ah Rather	9103 1112 2923	Pampore	[Signature]
10.	Abdul Haseeb Rather	9656 1322 5631	Pampore	[Signature]
11.	Abdul Mujib Rather	3220 3736 7435	Chandhara	[Signature]
12.	Mansoor Ah Rather	5201 4677 9139	Chandhara	[Signature]
13.	Faisal Akhad	3225 8881 4163	Chandhara	[Signature]
14.	Shahid Ah Rather	7962 7281 3933	Chandhara	[Signature]
15.	Abdul Mujib Rather	7426 0376 0731	Chandhara	[Signature]
16.	Muhammad Bano	6432 1152 2955	Chandhara	[Signature]
17.	Muhammad Haseeb Rather	5220 6233 4635	Chandhara	[Signature]

JUNAD ASHRAF
SARPANCH
CHANDHARA

18.	Nadifa Rashid	6855 5348 0209	Pampore	NA
19.	Muft. Mudd Ashraf	8593 4763 6887	Pampore	M
20.	Alauddin Muzaffar	7244 3806 1548	Pampore	N

Place: Pampore, J&K
Date: 11 / 11 / 2025


JUNAIL
SARPANCH
CHANDHARA

Signatures of Authorized Representative:
Mr. Abdul Rashid Raina





IN THE COURT OF HON'BLE NATIONAL GREEN TRIBUNAL

Suit / Appeal No. EXECUTION APPLICATION 26 JURISDICTION of 2025
In re :-

RAJA MUZAFFAR BHAT Plaintiff/Appalaint/Petitioner/Complainant

VERSUS

UNION TERRITORY OF JAMMU & KASHMIR Defendant/Respondent/Accused

KNOW ALL to whom these present shall come that I/We ABDUL RAHIM PAJNA (Authority letter)
Hudu) the above named objection do hereby appoint

TRITENT LEGAL LLP

Law Firm | New Delhi

Rakesh Malhotra R.K. Tripathi Sahil Ahuja Bharat Malhotra

D/1105/2015

Taksh Suri Kushal Malhotra Kartikey Sharma Abhijit Singh
D/6290/2022

Corporate Office : 8/29, L.G.F., East Patel Nagar, New Delhi-110008

Tel.: 011-41021009, Mob.: 91-98102 39071, 91-8447151507

E-mail: rakeshmat2@yahoo.com, officerrakeshmalhotra@gmail.com,

bharatmal2@gmail.com, chambersoftritentlegall

(herein after called the advocate/s) to be my/our Advocate in the above not

To act, appear and plead in the above-noted case in this Court or lon ar
be tried or heard and also in the appellate Court including High Court and
each Court by me/us

To sign, file verify and present pleadings, appeals, cross-objections
revision, withdrawal, compromise or other petitions or affidavits or other documents
necessary of proper for the prosecution of the said case in all its stages subjects to p
stage,

To file and take back documents, to admit and/or deny the documents of opposite party

To withdraw or compromise the said case or submit to arbitration any differences or disputes that m
touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipt thereof and to do all other acts and
things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruction any other Legal Practitioner authorising him to exercise the power and authority
hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our
behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts by the Advocates or his substitute in
the matter as me/our own acts, as if done by me/us to all intents and proposes.

And I/We undertake that I/We or my/our duly authorised agent would appear in Court on all hearings and will
inform the Advocate for appearance when the case is called.

And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result
of the said case. The adjournments costs whenever ordered by the Court shall be of the Advocate which he shall
receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee the prosecution of
the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby
agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the
case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have
been understood by me/us on this 15th day of November 2020
Accepted subject to the terms of the fees.

[Signature]
Advocate's

Client

[Signature]
Client

