

**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**

*And in the Matter of*

ABDUL RASHID RAINA

**PROPOSED RESPONDENT**

*(Authority Holder)*

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New Delhi  
December 1, 2025

**PROPOSED RESPONDENT**

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Note

The Authority Letter and Vakalatnama stands filed with the Implementation Application



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OBJECTORS

**OBJECTIONS AS FILED BY THE OBJECTORS TO THE  
PRESENT EXECUTION APPLICATION**

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.*

#### **A. 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 certain 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 a fully 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 exerting 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. It is respectfully noted that the Applicant, Mr Raja Muzzafar Bhat, has a close personal connection with the son of the school's trustee, having been his schoolmate and a close acquaintance. This relationship accounts for the Applicant's sudden interest in this matter and clearly reveals the underlying motive behind these proceedings.

10. 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.

11. 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. 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.

12. 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.
13. 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

14. The Link Road, as alleged by the Applicant, existed well before 2013 and does not pass through any wetland area. The Department of Wildlife Protection has formally taken it over; therefore, it is an old track outside the Department's official jurisdiction, hence it is outside the purview of Wetlands (Conservation and Management Rules) of 2017.
15. 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.
16. 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 exists from several decades and earlier work has already been done on the said road through MGNREGA and other development schemes of the Rural Development Department.
17. The Objectors require the mentioned Link Road because they are farmers by profession and need its opening and maintenance for

farming purposes, where tractors, tillers, and other vehicles are necessary to travel to and from paddy and saffron land. It is also vital for school children, as the road is the easiest and quickest route, and it is far from the wetland if all exist in the area as per the Applicant.

18. The present Execution Application is neither maintainable in law nor on the facts and is likely to be dismissed at the outset.
19. That the Applicant has sought to project the area known as Krcntchoo–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.
20. 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.
21. 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.

22. Thus, the allegation that construction activity has resulted in wetland destruction or encroachment is factually baseless and untenable.

23. 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.

24. 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.

25. Local inhabitants and residents use the link road in question for daily access to agricultural fields, educational institutions, healthcare centres, and markets. 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.

26. 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

27. Thus, the legal stance established by the Hon'ble Supreme Court clearly shows that development and environmental protection are not mutually exclusive. Sustainable development requires a balanced and practical approach that safeguards the environment while also permitting legitimate developmental and livelihood activities.

28. 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.

29. 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.

30. This Hon'ble Court, by its Order dated 21 November 2025, also granted liberty to the Objectors to withdraw the earlier filed Objections with liberty to file fresh Objections, *inter alia*, contending the correct prepositions, and the Objectors are filing the same with the leave of the 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.
- C. Conduct an Inquiry from the Criminal Investigation Department to ascertain the proper and correct facts concerning the Applicant and the Road.

D. 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 OBJECTORS IN DUTY BOUND  
SHALL EVER PRAY.



OBJECTORS

THROUGH

22 November 2025  
New Delhi



**RAKESH MALHOTRA AND BHARAT MALHOTRA  
ADVOCATES**

**TRITENT LEGAL LLP  
LAW FIRM| NEW DELHI**

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Counsel for the Objectors

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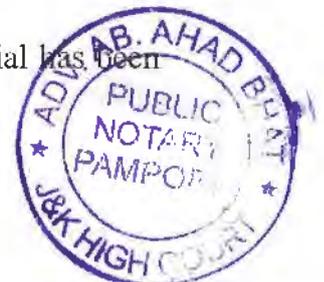
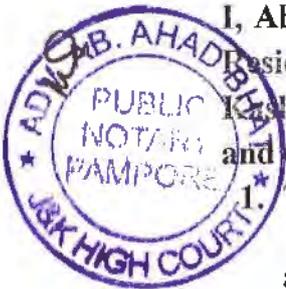
**ABDUL RASHID RAINA**  
(Authority Holder)

**PROPOSED RESPONDENT  
NO.10/PRESENT EXECUTION  
APPLICANT**

**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 Applicants in the accompanying interim Application as filed in the 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 Impleadment Application are correct to the best of my knowledge and belief, and nothing material has been



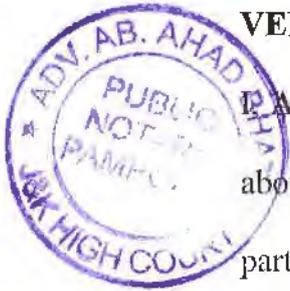
concealed therefrom. I state that I have not filed any other Petition before this Hon'ble Court to seek Impleadment in the Present Matter.

3. I state that the annexures filed with the Interim Application are true copies of their respective originals.

4. That no part of this Affidavit is false and nothing material has been concealed therefrom.

*[Handwritten Signature]*  
DEPONENT

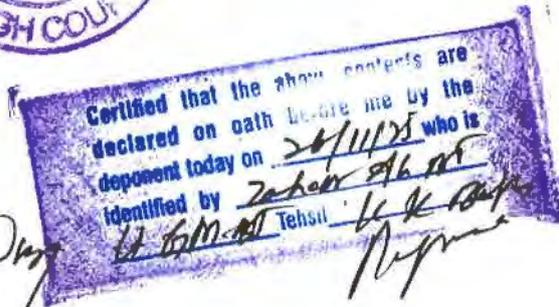
**VERIFICATION**



**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 Srinagar on this \_\_\_\_ day of November 2025

*[Handwritten Signature]*  
DEPONENT



*[Handwritten Signature]*  
ABDUL AHAD BHAT  
Adv. J&K H. Court  
Pub. Notary Pampore

*[Handwritten Signature]*  
*[Handwritten Signature]*