

To,

The Registrar

National Green Tribunal

New Delhi

Subject: O.A. No. 793 of 2022 (Council of Engineers & ors. Vs. State of Punjab & ors.) –
Objections to report submitted by the Joint Committee comprising of the District
Magistrate, Municipal Commissioner of Ludhiana and member from PPCB.

Sir,

I am enclosing herewith objections to the to report submitted by the Joint Committee
comprising of the District Magistrate, Municipal Commissioner of Ludhiana and member
from PPCB in the aforesaid Original Application.

Kindly allow it to be placed on records.

Yours faithfully,



Er. Kapil Dev

(Petitioner No. 2)

In O.A. No. 793 of 2022

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

(In Original Application No. 793 of 2022)

Council of Engineers & ors. Applicants

Vs.

State of Punjab & ors Respondents

Subject: Objections to Reply submitted by Joint Committee comprising of the District Magistrate, Municipal Commissioner & representative of PPCB in O.A. No. 793 of 2022 – humble request to set aside the report.

Hon'ble sir,

Respectfully Sheweth,

Preliminary Submissions by the Applicants:

It is humbly submitted that the Joint Committee has tried to mislead by hiding the important facts & submitting false & fabricated report regarding Lodhi Club Road as well as from Jagraon Bridge to Sherpur Chowk which are actually greenbelts & Parks as per official records too. Accordingly, it is humbly submitted as under:

i. **Regarding Sacred Heart Sr. Sec. School:** The School has two gates

(entrance) from Main Ferozepur Road and thus the claim of Right of Way (ROW) for it is wrong & based upon fabricated facts. Further, the School Authorities have failed to present any approved building plan in which the gate towards impugned area (greenbelt) has been approved by MCL or LIT at the time of sanctioning the layout plan. Further any Right of Way doesn't conform or allow parking of vehicles in Greenbelt areas.

- ii. **Similarly regarding Lodhi Club**, it is humbly submitted that no gate towards impugned area has been approved by MCL or LIT as the actual entrance is from Public Road towards other side i.e. I-Block (Eastern side) & Club authorities have failed to submit any Approved Building plan too. Thus there is no question of Right of Way for Lodhi Club too. Further any Right of Way doesn't conform or allow parking of vehicles in Greenbelt areas.
- iii. That Municipal Corporation Ludhiana has developed the impugned area as park and same has been physically verified by MoEFCC in their report submitted to this Hon'ble Tribunal Separately. It is pertinent to submit here that in 2019, the MCL flouted tender in the name of "REHABILITATION OF GREEN BELT LODHI CLUB ROAD – CHILDREN FRIENDLY PARK" (UNDER AMRUT SCHEME) & the project was completed at impugned Road which clearly depicts that the impugned area is greenbelt as per official records too but the Joint committee has not taken such things on record despite submitting reply by the applicant. Similar issue had arisen in the year 2015 and MCL had issued notice (581/ATP D, on August 21) to Lodhi Club to remove the encroachment. The first two pages of tender are

produced herewith as **Annexure PO-1**. The copy of news published regarding encroachment by Lodhi Club in August 2015 in which details of notice and comments of ATP Bindra (of MCL) are mentioned is produced herewith as **Annexure PO-2**.

- iv. That regarding illegal massive concretization in greenbelts and parks by MCL as well as impugned library building in Park & illegal parking at Old G.T. Road, it is humbly submitted that the Municipal Corporation Ludhiana vide its resolution No. 3207/3 dated 22.10.1999 **had developed Green Spaces and Parks on both sides of the Road** & as per letter No. 218/Horti/D dated 26-11-2022 of J.E. Horticulture department of MCL (translated copy along with screenshot of notings & proceedings mentioned in the same is produced as **Annexure PO-3**), the area in which library has been constructed is Public Park, accordingly the same have been recorded in the Master Plan. It is pertinent to submit here that as per Master Plan as well as physically verified at site by MoEF&CC, the impugned area is green belt & park which has been admitted by the Joint Committee in their reply at page No. 8 also.
- v. That applicant submitted two replies via email to queries raised by the Joint Committee in this regard with applicability of Master Plan as well as above produced facts, however the Joint Committee has failed to mention these important facts in its report to give undue advantage to Lodhi Club, School & MCL. The copy of Reply dated 22-11-2022 & Reply dated 24-11-2022 sent via email are produced herewith as **Annexure PO-4** & **Annexure PO-5**.

vi. That as per Section 80 of The Punjab Regional and Town Planning and Development Act, 1995: **After coming into operation of any Master Plan in any area and subject to the other provisions of this Act, no development in respect of, or change of use of, any land shall be undertaken or carried out, in that area –**

(a) without obtaining the permission in writing as provided for hereafter ; and

(b) without obtaining a certificate from the Competent Authority certifying that the development charge or betterment charge asleviable under this Act has been paid or that no such charges are leviable:

Despite knowing all such facts, MCL itself, Lodhi Club, Convent School & other private persons are being allowed to continue to damage the Environment by illegal Encroachment over land of greenbelt and library building has been illegally constructed over park by the Urban local body.

GROUNDNS FOR OBJECTIONS IN DETAILS:

1. **Reply to Point No. 4 at Page no. 2:** As already submitted above, the Municipal Corporation Ludhiana has developed the impugned area as park and same has been physically verified by MoEFCC in their report submitted to this Hon'ble Tribunal Separately. It is pertinent to submit here that in 2019, the MCL flouted tender in the name of "Rehabilitation of GREEN

BELT Lodhi Club Road – Children Friendly Park” (under AMRUT **scheme**) &
the project was completed at impugned Road which clearly depicts that
the **impugned area is greenbelt as per official records too** but the
Joint committee has deliberately not taken such important facts on record
despite submitting reply by the applicant. Further, It is specifically
mentioned at line No. 3 of Joint Committee Report that “As per report
received from District Town Planner vide letter No. 2647 dated 25-11-2022,
the particular site around the Lodhi Club and Sacred Heart Convent
School, BRS Nagar; Jagraon Bridge to Sherpur Chown near Manju Cinema
has been **indicated as green belt on Master Plan**. Further, one
separate report submitted by Member of Joint Committee i.e. MoEF&CC,
the area has clearly been mentioned as **GREEN BELT**. Further the
Municipal Corporation Ludhiana vide its resolution No. 3207/3 dated
22.10.1999 **had developed Green Spaces and Parks on both sides of**
the Road & accordingly the same has been recorded in the Master Plan.
However, despite knowing all these facts & even replies submitted by the
Petitioner, the Joint committee comprising of Deputy Commissioner
Ludhiana, Municipal Commissioner Ludhiana and Member from PPCB is
intentionally trying to give unlawful benefit to Lodhi Club as well as
Sacred Heart Senior Secondary School with intent to cause damage to
Environment by hiding the real facts from this Hon’ble Tribunal. It is
pertinent to humbly submit here that the Deputy Commissioner of
Ludhiana (District Magistrate) is President of Lodhi Club as an Ex- officio.

2. **Reply to Point No. 5 at Page no. 3:** That if the Lodhi Club Road has been 300' Road till date, it is matter of concern that how and why Municipal Corporation Ludhiana (MCL) developed both sides of existing roads as **GREENBELTS** by spending huge amount of Public Money and how MCL mentioned the name of tender as **Rehabilitation of Green Belt Lodhi Club Road – Children Friendly Park** (under AMRUT scheme **using 76.35 Lakhs of Public Money!**. **Despite such facts produced before the Joint Committee by the Petitioner, the Joint Committee has failed to produce such facts before this Hon'ble Tribunal.** It is pertinent to submit here that in the reply submitted to queries of Joint Committee regarding Master Plan, the applicant has specifically mentioned as under:

- i. That some of the relevant statutory provision of **The Punjab Regional and Town Planning and Development Act, 1995** for Master Plan are produced as under:

Section 77: At any time after the date on which the ****[.....]** Master Plan for a planning area comes into operation the Designated Planning Agency may with the prior approval of the *****[State Government]**, make such minor changes in the Master Plan, as may be necessitated by typographical land cartographical errors and omissions, details of proposals not fully indicated on plan or changes arising out of the implementation of the proposals in the Master Plan:

Provided that no such change shall be made unless the same is in the public interest and is notified to the public.

Section 79: After the coming into operation of any Master Plan in any

area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such Master Plan :

Provided that the Competent Authority may allow the continuance of any use of any land, for a period not exceeding ten years, upon such terms and conditions as may be provided by regulations made in this behalf for the purpose and to the extent, for and to which it was being used on the date on which such a Master Plan came into operation.

Section 80: After coming into operation of any Master Plan in any area and subject to the other provisions of this Act, no development in respect of, or change of use of, any land shall be undertaken or carried out, in that area -

(a) without obtaining the permission in writing as provided for hereafter ; and

(b) without obtaining a certificate from the Competent Authority certifying that the development charge or betterment charge as leviable under this Act has been paid or that no such charges are leviable:

- ii. That the **section 356** of the Punjab Municipal Corporation Act,1976 is produced as under:

Improvement scheme and rehousing scheme to comply with master plan and zonal development plan. - No improvement scheme or

rehousing scheme framed under this Chapter after a development plan or the City or a zonal development plan for any part thereof has been prepared in accordance with law shall be valid unless such scheme is in conformity with the provisions of the development plan or the zonal development plan.

It is pertinent to humbly submit here that the land on which Lodhi Club has been constructed, was allotted to one AVIATION CLUB and as heard, some part of it was named in the LODHI CLUB by some manipulations which means, the entire land is still not in the name of Lodhi Club. **There is no plan approved by Ludhiana Improvement Trust or MCL in the name of Lodhi club with entry from impugned area (greenbelt).** It is pertinent to submit here that Right of Way is given to those properties which have no direct access from any Public Road. However, **the Lodhi club has legal access from Public Road from I-Block side i.e. Eastern side. Similarly, the Convent School has legal access from Public Road towards Northern side i.e. Ferozpur Road and it has made two gates over that side too. Thus both Club & School have no legal right of Right of Way (ROW) through impugned area (Greenbelt).** It is further pertinent to submit here that despite asked by Petitioner in meeting conducted by Joint Committee on 21-11-2022, even School has **failed to submit APPROVED BUILDING PLAN** and even the Joint committee has **not mentioned anywhere regarding APPROVED BUILDING PLAN in its report submitted to this Hon'ble Tribunal.**

3. **Reply regarding Point No. 6 at Page No. 3:** That the width of the Old G.T. Road from Jagraon Bridge to Sherpur Chowk is wider and MCL vide its resolution No. 3207/3 dated 22.10.1999 **had developed Green Spaces and Parks on both sides of the Road** & accordingly the same has been recorded in the Master Plan. It is pertinent to submit here that as per letter No. 218/Horti/D dated 26-11-2022 of MCL (translated copy of same is produced as **Annexure PO-1**), the area in which library has been constructed is Public Park. The same has been physically verified by member of Joint Committee i.e. MoEF&CC in the report submitted to this Hon'ble Tribunal separately. **Despite knowing the provisions of Master Plan read with The Punjab Regional and Town Planning and Development Act, 1995 & section 356 of the Punjab Municipal Corporation Act** and above all, Environmental laws, the Joint Committee has wrongly and deliberately mentioned regarding section 224/225 of the Punjab Municipal Corporation Act, 1976 **without considering the mandatory provisions of Master Plan.**

4. Reply to Point No. 7 of Report: As above

5. Reply to Point No. 8 of Report: The Petitioner humbly submits as under:

- i. That despite mentioning in the report that "though sites are not in compliance of master plan as well as deliberately hiding the facts regarding tender in the name of **"Rejuvenation of Greenbelt into Children Park on Lodhi Club Road"** by MCL. Despite knowing the

facts that both School as well as Club have **failed to submit any APPROVED BUILDING PLANS for Right to Way** through the impugned area (greenbelt). Further, in green belt towards Lodhi Club and School side, One Senior Citizen Bhawan, one Tubewell and footpaths & boundary wall have been constructed using interlocking tiles in the green belts by MCL & the trees in the land have been planted in proper planning and proper distance from each other. **The report separately submitted by MoEF&CC clearly confirms all such facts.** From above produced facts, the Right of Way (ROW) as mentioned by Joint Committee seems to be under influence to give unlawful benefits to both of them, thus such impugned report may please be set aside.

- ii. That keeping in view of resolution No. 3207/3 dated 22.10.1999 for development of Parks/greenbelts from Jagraon Bridge to Sherpur Chowk as well as facts produced by MoEF&CC in its report submitted separately, letter No. 218/Horti/D dated 26-10-2022 issued by MCL depicting area where library building has been constructed in park, the Joint Committee has intentionally and deliberately given wrong & fabricated facts to give unlawful benefits to MCL to convert greenbelts from Jagraon Bridge to Sherpur Chowk into Paid Parking by damaging the Environment. Thus, the Report submitted by the Joint Committee comprising of the District

Magistrate, Municipal Commissioner & member of PPCB is factitious and against the provisions of prevailing Acts read with Master Plan of Ludhiana, thus liable to be set aside.

- iii. That COCP No. 165 of 2022 has been filed by persons against this illegal construction of library in park and despite admitting the facts that the land on which library has been constructed is Park, the Joint Committee has intentionally tried to evade from its lawful duty of clearly mention the findings in its report.

PRAYER:

That keeping in view of above produced facts & Environment laws, the Petitioner humbly prays to this Hon'ble Tribunal as under:

1. That the Report submitted by Joint Committee comprising of District Megistrate, Municipal Commissioner of Ludhiana and member from PPCB being based on false & fabricated, may please be set aside

And

2. orders may please be passed as per the prayer as submitted by the Petitioners in Main Petition (O.A. 793 of 2022) may please be allowed

And

3. Appropriate orders as deemed to be fit may please be issued to the Joint

Committee for hiding the real facts and intentionally & deliberately preparing the report with false & fabricated facts of Right of Way & thus wasting the precious time of this Hon'ble Tribunal.

And

4. Any other as deemed to be fit by this Hon'ble Tribunal.

Date: 18-03-2023

Place: Ludhiana



Er. Kapil Dev

(Petitioner No. 2)



STANDARD BIDDING DOCUMENT
FOR
PROCUREMENT OF WORKS

Rehabilitation of Green Belt Lodhi club Road- Children Friendly Park

at

**Ludhiana Town, (District Ludhiana)
Punjab.
(Under AMRUT)**

(Estimated Cost Rs 76.35 lakh)

**Volume -2
Section -5**

TECHNICAL CONDITIONS, SPECIFICATIONS & REQUIREMENTS

MAY, 2018

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(COPY OF NEWS PUBLISHED ON 27-08-2015 IN LUDHIANA TRIBUNE EDITION)

Available on link: <https://www.tribuneindia.com/news/archive/features/mc-notice-to-lodhi-club-124958>

Tribune News Service

Ludhiana, August 26

The leading Lodhi Club here has been served a notice by the Municipal Corporation. The civic body has asked the club to remove the encroachment on a 300-foot area/green belt on its own or else be ready to face the music.

The notice was served by MC through memo number 581/ATP D, on August 21.

The Assistant Town Planner, SS Bindra, said the complaint was filed by a woman resident during an online Sangat Darshan of the Deputy Chief Minister. The complainant said 300-foot area/green belt, which was a public property, had been encroached on by the club. "The club management has been given seven days' time to remove the encroachment or else action will be taken as per the law," said Bindra.

Meanwhile, an official of the Ludhiana Improvement Trust (LIT) said the club can make a request to the Trust to provide it 300-foot land for passage. "But before that it has to be cleared by the MC House. The land is managed by the MC but it belongs to the LIT," said the official.

Baljit Singh, an RTI activist, alleged that the club was constructed by flouting norms. He said it had not responded to MC notice to pay property tax. Besides, visitors to the club park vehicles on the road, which causes inconvenience to the general public, he alleged.

Club given 7 days time

"The club management has been given seven days time to remove the encroachment or else action will be taken as per the law." — SS Bindra, Assistant Town Planner

TRANSLATED COPY OF LETTER PREPARED BY J.E. HORTICULTURE ALONG WITH SCREENSHOT OF NOTINGS & PROCEEDINGS BY MC OFFICIALS

218/Horti/D

26/10/22

Subject: Application for maintenance of the park opp. Manju theatre

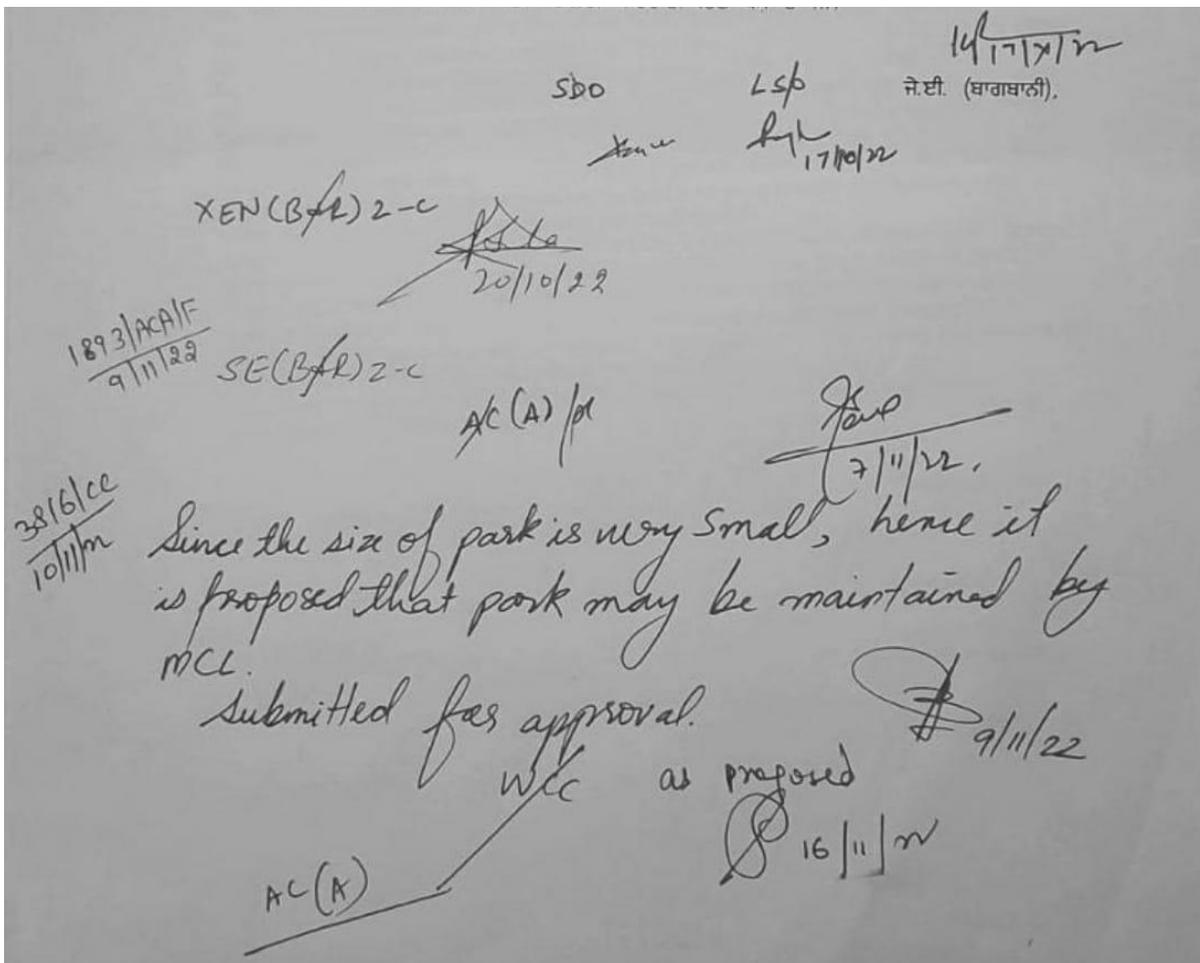
With reference to above cited subject it is informed that a request letter has been received from Manju Theater M/s Pictures Exhibitor, G.T. Road, Ludhiana for maintenance of Park opposite Manju Cinema. In this context it is informed that the Finance & Contract committee vide resolution No. 5139 dated 24-08-2017 had given charge of maintenance to Maharana Partap Rajput Sabha (Regd.) for a period of 5 years. The Maharana Partap Rajput Sabha (Regd.) had given request letter to extend the maintenance period. Because the file regarding maintenance of park is under progress, the request for same can be considered only after decision taken in this regard.

Report is submitted for your information and further action

- Sd -

J.E. (Horticulture)

SCREENSHOT OF PROCEEDINGS & NOTING IN LETTER ARE AS PRODUCED FOLLOW:





Engineers Council <engineerscouncilindia@gmail.com>

Direction of the Hon'ble NGT in O.A. 793 of 2022 - submission regarding applicability of Master Plan of Ludhiana

Engineers Council <engineerscouncilindia@gmail.com>

Tue, Nov 22, 2022 at 10:03 PM

To: dc.ldh@punjab.gov.in, Commissionermcl@gmail.com, ronz.chd-mef@nic.in, chairman.ptl.ppcb@punjab.gov.in, adcmcl3@gmail.com, additionalcomm.mcl@gmail.com, ceeludhiana@yahoo.com

To,

The Joint Committee
(formulated by the Hon'ble NGT in O.A. No. 793 of 2022)**Subject: Regarding applicability of Master Plan of Ludhiana****Reference: Meeting conducted by the Joint committee on 21-07-2022 at 11:00 AM complying with the direction of the Hon'ble NGT in O.A. 793 of 2022.**

Sirs,

Please refer to the meeting conducted by the Joint Committee headed by the Municipal Commissioner of Ludhiana, formulated as per the orders dated 07-11-2022 of Hon'ble NGT in O.A. No. 793 of 2020. The meeting was attended by three office bearers of Petitioner Association & we had submitted that as per provisions of Master Plan, the impugned area along Lodhi Club Road as well as Jagraon Bridge to Sherpur Chowk are Greenbelts. **The undersigned petitioner submitted a printout of screenshots of relevant portions of both the locations from Master Plan of Ludhiana clearly depicting impugned areas as greenbelts too.** During the meeting, Adv. Harish Rai Dhanda on behalf of Respondent No. 6 submitted that the provisions of the Master Plan are valid for new development schemes only. When asked by the Municipal Commissioner & the ADC, the MC as well as LIT officials said that the information must be available with DTP, PUDA. Adv. Dhanda further asked whether the Master Plan is mandatory under statutory provisions or it is just a directive/guideline. In order to ascertain the access through green belt, the Petitioners requested to check the approved layout plan of buildings of both Lodhi Club as well as the School, but both the respondents failed to show the approved layout plan & MC as well as LIT officials kept mum on it. The Municipal Commissioner directed the concerned officials of MCL & LIT present in the meeting to get the information on both issues from DTP & by going through Master Plan Report. **We were also asked to provide the information as per Master Plan Report & other relevant documents.**

Accordingly, to best of our knowledge & information, it is submitted as under:

1. That Master Plan of Ludhiana has been prepared by the authorities as per Notification No. 12/45/2006-4HGI4/5553 dated 18th July 2007 in which it is mentioned as under;

Whereas it appears to the Governor of Punjab that to meet the challenge of rapid growth of Ludhiana City and to provide for a workable framework for comprehensive planned and regulated development, **preparation of Statutory Master Plan of Ludhiana City is very essential.** Hence **in order to develop Ludhiana City** and its surroundings in an orderly manner and to prepare its Master Plan under " The Punjab Regional and Town Planning and Development Act, 1995", the Governor of Punjab is pleased to declare the Local Planning area of Ludhiana City within the meaning of sub section(1) of section 56 of the Punjab Regional and Town Planning Development Act(Amendment) Act, 2006.

2. That the draft of Master Plan 2021 of Ludhiana was prepared by PUDA and after inviting Objections/suggestions from stakeholders (including Govt. offices) following the well laid down procedure, **the Master Plan of Ludhiana was notified under section 70(5) of Punjab Regional & Town Planning and Development Act, 1995 vide notification no. 7466 CTP(Pb)/SL-65 dated 12/9/08.** The Master Plan drawing has been prepared precisely and all the development zones which includes Residential areas, commercial areas, mixed use land areas, agricultural land, industrial areas, water-bodies as well as recreation grounds, parks, green belts etc. have specifically been marked/shown with detailed legends depicting all these areas. A detailed project report is also part & parcel of the Master Plan.
3. That some of the relevant statutory provision of The Punjab Regional and Town Planning and Development Act, 1995 for Master Plan are produced as under:

Section 77: At any time after the date on which the ****[.....]** Master Plan for a planning area comes into operation the Designated Planning Agency may with the prior approval of the *****[State Government]**, make such minor changes in the Master Plan, as may be necessitated by typographical and cartographical errors and omissions, details of proposals not fully indicated on plan or changes arising out of the implementation of the proposals in the Master Plan:

Provided that no such change shall be made unless the same is in the public interest and is notified to the public.

Section 79: After the coming into operation of any Master Plan in any area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such Master Plan :

Provided that the Competent Authority may allow the continuance of any use of any land, for a period not exceeding ten years, upon such terms and conditions as may be provided by regulations made in this behalf for the purpose and to the extent, for and to which it was being used on the date on which such a Master Plan came into operation.

Section 80: After coming into operation of any Master Plan in any area and subject to the other provisions of this Act, no development in respect of, or change of use of, any land shall be undertaken or carried out, in that area –

- (a) without obtaining the permission in writing as provided for hereafter ; and
 (b) without obtaining a certificate from the Competent Authority certifying that the development charge or betterment charge as leviable under this Act has been paid or that no such charges are leviable:

Xxx xxx xxx

Section 86(2): **Any person who continues to use or allows the use of any land or building in contravention of the provisions of a **** [Master Plan prepared or under preparation or revision]**** without having been allowed under section 80 or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed or without complying with the terms and conditions Under which the continuance of such use is allowed **shall be punishable with imprisonment of either description for a term which may extend to three years or with fine which may extend to ten thousand rupees**, or , with both, and in the

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case of continuing offence with a further fine which may extend to one thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

4. That the section 356 of the Punjab Municipal Corporation Act, 1976 is produced as under:
Improvement scheme and rehousing scheme to comply with master plan and zonal development plan. - *No improvement scheme or rehousing scheme framed under this Chapter after a development plan or the City or a zonal development plan for any part thereof has been prepared in accordance with law shall be valid unless such scheme is in conformity with the provisions of the development plan or the zonal development plan.*

The word Improvement is defined in detail in the Punjab Municipal Corporation Act, 1976.

5. That one relevant provisions of Punjab Model Building Byelaws, 2018 mandatory to be followed by ULBs are produced as under:

Clause 3.10.3 Layout Plan:

The layout plan shall be formulated as per the norms of Master Plan and shall be approved as per the procedure followed by the Authority, under the provisions of relevant Act

6. That as per Clause 5.7.6.2 Ludhiana-Ambala G.T. Road originating from Dholewal Chowk of Master Plan Report produced as under:

The green belt is mostly encroached by commercial and industrial establishment abutting on this road and few section of this green belt has become a dumping place for refuge, garbage and industrial waste etc

From the above paragraph of the Master Plan Report, it is clear that the land along Old GT Road i.e. from Sherpur Chowk to Jagraon Bridge is GT Road.

7. That one tender with name **“Rehabilitation of Green Belt Lodhi Club Road – Children Friendly Park” (under AMRUT scheme)** was flouted in May 2018 by the Municipal Corporation Ludhiana with estimated cost of Rs 76.35 Lakhs & LIT who is claiming the road to be 300' wide without any green belt, has been clearly marked as green belt in the tender document. **Further, in green belt towards Lodhi Club and School side, One Senior Citizen Bhawan, one Tubewell and footpaths & boundary wall have been constructed using interlocking tiles in the green belts by MCL.** The trees in land under consideration i.e. green belt are around 15-25 years of age and were planted with proper planning and distance from each other. From this, it is once again crystal clear that the land along Lodhi Club Road is green belt.

It is pertinent to mention here that If the land was not greenbelt, such development works were not allowed to be done on land which was being referred as Road by MCL & LIT in the meeting.

8. That if Master Plan provisions were applicable on new development only, the survey of existing developed areas of the city was not required. Further, the building of Zone-D, Municipal Corporation Ludhiana constructed over green belt by going against Sarabha Nagar Development Scheme would also become illegal. Similar is the condition at many other locations too.

9. That if Master Plan Ludhiana was applicable for new development only, why Industries situated in old developed areas (depicted as Mixed Land Use areas in Master Plan) is being asked to shift from MLU to

Industrial Areas before September 2023 on ground of Master Plan 2007-2031 Provisions, whereas the Industry is existing since many years before the notification of Master Plan.

10. Above all, we have already produced directions of Hon'ble Supreme Court as well as Hon'ble Green Tribunal in our petition according to which, land use change of recreational areas, parks and greenbelts as shown in Master Plan is not allowed as it will change the prime motive of the land left for parks and green belts. We further submitted orders dated 27-01-2022 passed by Hon'ble NGT in O.A. 10/2022 to the ADC along with printouts of screenshots of relevant portions of the Master Plan depicting both the areas as Green Belts.

That from above produced facts, **it is undoubtedly clear that the Master Plan is a mandatory statutory document to be followed under statutory provisions of laws for all old as well as new Town Planning Schemes** and cannot be deliberately denied by the concerned authorities including MCL & LIT. Any improvement in the existing scheme has to be complied with the Master Plan provisions. With enactment of the Master Plan, the utility of land areas has been fixed and has to be followed by the development authorities at all times unless changed after following the due procedure as produced above. **Thus, the lands under question along Lodhi Club Road as well as Jagraon Bridge to Sherpur Chowk are GREEN BELTS and a major portion of these greenbelts is being used illegally for Parking of vehicles as well as by opening of illegal entry gates by the respective respondents.**

Hence submitted.

Thanking you,

Yours faithfully,

Er. Kapil Dev
President, Council of Engineers
(Petitioner in person)
In O.A. 793 of 2022
Mobile: 98720-07872



Direction of the Hon'ble NGT in O.A. 793 of 2022 - submission regarding applicability of Master Plan of Ludhiana

Engineers Council <engineerscouncilindia@gmail.com>

Thu, Nov 24, 2022 at 2:46 PM

To: Municipal Corporation <adcmcl3@gmail.com>, dc.lhd@punjab.gov.in, Commissionermcl@gmail.com, ronz.chd-mef@nic.in, chairman.ptl.ppcb@punjab.gov.in, ceeludhiana@yahoo.com, ceeldh.ppcb@punjab.gov.in

Dear sirs,

Greetings of the day

Please refer to your trailing email asking for Micro Level Planning in Master Plan Report for areas under question, it is submitted as under:

1. The Master Plan has been prepared precisely for Ludhiana after a detailed survey by Government Authorities.
2. That the Master Plan of City depicts mandatory type/nature for usage of land falling within the Master Plan. It cannot be changed until amendment in Master Plan after following the due procedure as explained earlier. The development of any city has to be done as per prevailing laws read with the Master Plan of the City.
3. That regarding Micro Level Planning, you may go through Municipal Corporation Act, Punjab Model Building Byelaws etc. in which it is clearly mentioned that the **layout plan shall be formulated as per the norms of Master Plan and shall be approved as per the procedure followed by the Authority, under the provisions of relevant Act which means, the building plan of any property can only be approved under the category (either Residential/Commercial/Industrial etc. keeping in view the statutory provisions of Master Plan). Further as already mentioned in my previous reply, *Improvement scheme and rehousing scheme to comply with master plan and zonal development plan. Thus the micro level planning for infrastructure development works has to be done according to statutory provisions read with the Master Plan Report & layout plan.***
4. That in regard to the Green Belt from Sherpur Chowk to Jalandhar Bypass through Dholewal (Old GT Road), we have come across one information that this Road was handed over to MCL by PWD in the year 1995. **The Municipal Corporation Ludhiana vide its resolution No. 3207/3 dated 22.10.1999 had developed Green Spaces and Parks on both sides of the Road & thus the same has been recorded in the Master Plan.** However, the officials of MCL present in the meeting have hidden this important fact about resolution from the Joint Committee which is strongly condemned by the petitioners.
5. **That Municipal Corporation Ludhiana, Ludhiana Improvement Trust as well as GLADA are development authorities equipped with complete information and thus all three departments should be having knowledge of applicability of the Master Plan of Ludhiana.**

As per our reply dated 22-11-2022 and above produced facts, the Master Plan provisions are mandatory and the lands under question along Lodhi Club Road as well as Jagraon Bridge to Sherpur Chowk are GREEN BELTS and a major portion of these greenbelts is being used illegally for Parking of vehicles as well as by opening of illegal entry gates by the respective respondents.

Hence Submitted.

Er. Kapil Dev
President, Council of Engineers
(Petitioner in person)
In O.A. 793 of 2022
Mobile: 98720-07872

[Quoted text hidden]

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Regards

Er. Kapil Arora
President
98720-07872