

BEFORE NATIONAL GREEN TRIBUNAL, NEW DELHI  
IN  
**ORIGINAL APPLICATION NO. 216 OF 2021**

OBJECTION REPORT

Ved Prakash Aggarwal ( In person ) **Versus**

**.... Applicant.**

District Magistrate Ghaziabad & Ors.

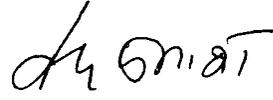
....Respondents

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Dated: 09/06/2022

Applicant



In Person

( Ved Prakash Aggarwal )

**C-16, Sector 3, Chiranjiv Vihar , Ghaziabad**

**201002 |**

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**Mobile No 9873084288**

**BEFORE NATIONAL GREEN TRIBUNAL , NEW DELHI.**

**Objection Report file by the Applicant in Respect of compliance report filed by the Additional District Magistrate ( City ) , Ghaziabad on dt 23.05.2022 Vide Letter No. 1193/ST-ADM (City)/ 2022 dated 23.05.2022**

In

ORIGINAL APPLICAION No 216 Of 2021

**IN THE MATTER OF :**

Ved Prakash Aggarwal ( In Person ) .....Applicant

v/s

District Magistrate Ghaziabad & Ors.

.....Opposite Party

**MOST RESPECTFULLY SHOWETH :**

**PRELIMINARY OBJECTIONS / SUBMISSIONS:**

1. That the Compliance Report present before Hon'ble National Green Tribunal , New Delhi by Additional District Magistrate , Ghaziabad ( City ) on behalf of District Magistrate , Ghaziabad , the same is false and incomplete report prepared by Irrigation Department. The same report had also been produced by Irrigation Department before Hon'ble Tribunal on 17.09.2020 and 09/03/2021 , the applicant had presented his respective objection report before Hon'ble Tribunal on 13.11.2020 and thereafter, on 18.11.2020 and and 29/05/2021.

*dy 6/11/21*

2. The Applicant is aggrieved from the compliance report presented before Hon`ble Tribunal by the Additional District Magistrate ( City ) Ghaziabad on behalf of District Magistrate, Ghaziabad against the order passed by the Hon`ble Tribunal on dt. 01/09/2021 in OA 2016 /2021 ,
3. That by filing fake, misleading compliance report repeatedly, the respondent waste the valuable time of Hon`ble Tribunal and also waste the time and money of the applicant.
4. The District Magistrate, Ghaziabad did not comply the order dated 01.09.2021 passed by the Hon`ble National Green Tribunal, New Delhi in O.A. No. 216/2021 relevant portion of the order ....

***“ In the present application, it is stated that the applicant approached the District Magistrate, Ghaziabad with the grievance that there was encroachment of public land which was a drain but the District Magistrate has not considered the same. The drain which has been encroached has significant ecological functions to perform and encroachment would be detrimental to the environment. The applicant has annexed photographs in support of grievance.***

***Accordingly, we find it appropriate to require the District Magistrate, Ghaziabad to file response in the matter within one month from today by e-mail at [judicial-](#)***

*dy 6/11/21*

***[ngt@gov.in](mailto:ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. ``***

***In view of above, we permit the applicant to put forward the said objections to the District Magistrate, Ghaziabad who may look into the same and take further remedial action within one month.***

5. That the compliance report submitted by the Additional District Magistrate ( City ) Ghaziabad , on behalf of the District Magistrate, Ghaziabad, is based on the information given by the Officials of the Ghaziabad Development Authority, Ghaziabad and Irrigation department .
6. That the names of main encroachers are firstly, Ghaziabad Development Authority, Ghaziabad, who has constructed road on the part of the land of Rajwaha .
7. That the officers of the irrigation department and GDA inspected the extent of Encroachment of the land of the `tikri rajwaha` taken place. It is like to put a thief to catch a thief.
8. That the District magistrate, Ghaziabad has asked the Irrigation Department and GDA to conduct the enquiry/investigation, whereas the Irrigation Department is continuously saying since last four years that it is not encroachment on the land of Tikri Rajwaha. Thereafter, Irrigation Department starts saying after a few days that Private Builder in the name and style of Landcraft

*A. S. M. S.*

Developers Pvt. Ltd. has encroached the land of Irrigation Department and on 18.12.2018 it has issued notice against M/s. Landcraft Developers Pvt. Ltd.

9. That the RTI reply dated ..... from the Irrigation Department disseminate the information that Distributory Tikri Rajbaha starts from 08 mile 03 furlong to 28 mile 02 furlong which means that the Distributory Tikri Rajbaha is 20 miles long in Ghaziabad itself, whereas the enquiry report is of less than 1 mile. Now, the report of the District Magistrate, Ghaziabad has hidden the encroachment of roughly 19 miles which has been done by GDA, in connivance with private developers.
10. That in the compliance report which was presented by the Additional District Magistrate, Ghaziabad ( City ) on behalf of the District Magistrate, Ghaziabad, on dt 23/05/2022 , the photographs have been submitted of certain points where there no encroachment.
11. That as per information received from the irrigation department that they do not know the extent of Tikri Rajwaha, then on what basis have they said in their report that there are no encroachments?
12. That the compliance report presented by the Additional District Magistrate ( City ) Ghaziabad , on behalf of the District Magistrate , Ghaziabad, is Incomplete, fake & false .

*dy 6/12/18*

13. That the Rajvaha is multipurpose and useful for the public in general and for the Biodiversity in particular.
14. That the work of Rajvaha is not only to irrigate the land but also various works in the interest of general public, such as (1) to prevent the flood in the area, (2) to recharge ground water (3) Carry on rainy water and waste water to satisfy the thrust of cattle and birds, despite of it, there are other various benefits.
15. That the Appellant is striving to get the justice for more than four years.
16. That the Applicant is filing complaint repeatedly before the Hon`ble Green Tribunal and have spent a huge amount of money for the last four years, but he could not get justice.
17. That considering the harm/damage to the environment already done by the Respondents, huge fine should be imposed upon them.
18. That as in the original prayer, please appoint an unbiased investigation agency

### **Grounds**

- a) Because compliance report false and incomplete , report prepared by Irrigation Department. The same report had also been produced by Irrigation Department before Hon`ble Tribunal on 17.09.2020 and 09/03/2021.

*A. Omkar*

- b) Because the irrigation department does not know what the width of the Rajwaha is, and where its flow was |
- c) Because names of main encroachers are firstly, Ghaziabad Development Authority, Ghaziabad, who has constructed road on the part of the land of Rajwaha .
- d) Because photo graphs of the encroachment land of tikri rajwaha from encroachers were pasted by the applicant in there objection report were not called false in the compliance report.
- e) Because photographs submitted are taken from such a angle that physical encroachment, by way development has been hidden e.g..
- f) Because the irrigation department sometimes says that there are no encroachment, sometimes it says there are encroachment and issued notice .

### **Prayer**

- i) That the as originally prayed please appoint a unbiased investigation agency. Or
- ii) Order passed / issue direction to investigation agency to comply the order passed by the Hon`ble this Tribunal on dt 01/09/2021 in OA 216/2021.

*Ay Omari*

iii) Pass any other order (s) in favour of Applicant as this Hon'ble Court deems proper and fit in the interest of Justice.

Place Ghaziabad

Applicant

Dated : 09/06/2021

Ved Prakash Aggarwal

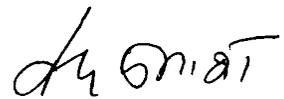
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**AFFIDAVIT**  
**IN**  
**OBJECTION REPORT**

**In**

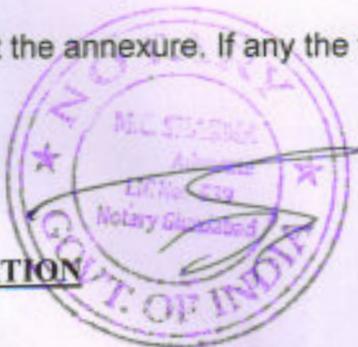
**ORIGINAL APPLICATION NO. 216 OF 2021**

**Ved Prakash Aggrawal Versus District Magistrate Ghaziabad**  
**& Ors.**

I, Ved Prakash Aggarwal aged about 56 years , S/o Late Sh. Raghubar Dayal R/o C-16, Sector 3, Chiranjeev Vihar, Ghaziabad – 201002, Uttar Pradesh, do hereby solemnly affirm and state as under:

1. That I am the Applicant in above mentioned matter and well conversant with the facts of the case and hence am competent to swear to this affidavit in support of the accompanying Objection Report .
2. That I have gone through the contents of the accompanying Objection Report which has been drafted by me in Hindi & translated in English from translator , I am submitting Party in person that the same are true and correct to the best of my knowledge and belief and are based on the records made available.
3. That the annexure. If any the true copies of their respective originals. .

**VERIFICATION**



**DEPONENT**

*deonar*

Verified at Ghaziabad on this day i.e. 08-06-2022 that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.

Place Ghaziabad  
Dated 08/06/2022

**ATTESTED**  
 Certified that Deput/Affidavit of  
 Identified by chh.  
**MUKESH CHANDRA BHARMA**  
 Notary Ghaziabad (U.P.)

**DEPONENT**

*deonar*