

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

E.A. NO 13 OF 2024
IN
O. A. NO. 598 OF 2019

IN THE MATTER OF:

SHARIQ ABBAS ZAIDI & ANR.APPLICANTS

VERSUS

STATE OF UTTAR PRADESH & ORS ...RESPONDENTS

**OBJECTIONS ON BEHALF OF THE APPLICANTS
TO THE COMPLIANCE AFFIDAVIT FILED BY
COMMISSIONER MUNICIPAL CORPORATION
GHAZIABAD I.E. RESPONDENT NO. 4 DATED
29.08.2024**

(FOR INDEX:- Kindly See Inside)

New Delhi
Dated..7..12.2024

Filed BY

Shariq *Mansi*
S.A ZAIDI & MANSI CHAHAL

ADVOCATE

CHAMBER NO- 7, TRISHUL TOWER

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New Delhi
Dated 07.12.2024

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GHAZIABAD I.E. RESPONDENT NO. 4 DATED
29.08.2024**

MOST RESPECTFULLY SHOWETH:

1. That the above captioned matter is pending for adjudication before this Honourable Tribunal.
2. That the present Execution Application was filed by the applicants for execution of the order dated 04.03.2020 passed in O.A. No. 598 of 2019 titled as Shariq Abbas Zaidi & Anr. vs. State of Uttar Pradesh & Ors, wherein this Hon'ble Tribunal disposed of the aforesaid O.A. by recording the statement of the Commissioner, Municipal Corporation Ghaziabad had present in person on

that date that the greenbelt will be protected and he would ensure that no parking in the said area takes place and the entire land will be enclosed by the barbed wire fencing within 15 days.

3. That this Hon'ble Tribunal in its previous order dated 20.05.2024 have imposed the cost of Rs. 10,000 on Respondent No. 4 for not comply with order and granted further four weeks' time to file a proper compliance report. The relevant part of the order is reproduced herein as such:-
- "...Hence, we have no option but to impose the Cost of Rs. 10,000/- upon the Respondent No. 4 for not complying with the previous order and not submitting the proper report and for granting further four weeks times to Respondent no. 4 to comply with the order and file a proper compliance report. Let the cost be deposited by Respondent No. 4 before***

the Registrar General of the Tribunal within three weeks".

4. That accordingly, Compliance Affidavit filed by the Commissioner Municipal Corporation Ghaziabad dated 29.08.2024 before this Honourable Tribunal.
5. That it is humbly submitted that the compliance affidavit filed by the Commissioner Municipal Corporation Ghaziabad is lacking the material particulars. The compliance affidavit /report are false and vague wherein true facts have been concealed thereof from the Honourable Tribunal.
Hence, the applicant raises certain objections to the compliance affidavit /report dated 29.08.2024.
6. That the objections of the applicants are as follows:-
 - A. That it is humbly submitted that the applicants mentioned in the petition that unauthorized encroachment have been made on the greenbelt starting from U.P. Gate to till Dabur building in

Kaushambi, Ghaziabad by cutting down trees and plants by nurseries and stall owners to establishing their commercial activities. Moreover, the illegal parking is also being taking place on metallic roads in front of pacific mall which resulting in a huge traffic jam. Furthermore, the Ghaziabad Nagar Nigam have also constructed the passenger waiting stand for bus on the main metallic road, right in front of pacific mall which is however causing congestion of traffic on the main metallic road, thus making the already polluted area to worst polluting area. Neither any encroachments have been removed by the respondent nor any action has been taken in this regard and conditions still remain the same. **The Latest Photographs showing illegal parking /authorized construction on metallic road in front of pacific mall is annexed as ANNEXURE A/1.**

B. That the applicants objects to the compliance affidavit/report filed by Commissioner, Municipal Corporation Ghaziabad wherein the Respondent No. 4 states that they have made all necessary efforts to made the greenbelt encroachment free and restored its original condition, which is objectionable and contrary to the facts that nothing is being done on ground, no physical inspection done, neither any encroachment have been removed nor any action has been initiated to ensure the compliance of the order of this Hon'ble Tribunal.

The latest photographs showing illegal encroachment on greenbelt by nurseries owners are annexed as ANNEXURE A/2.

C. That moreover the last portion of the greenbelt which falls in front of Dabur Building near Kaushambi Police Station is being encroached by the Police Station for dumping the seized and

accidental vehicles in the greenbelt is still not being removed from the encroachment due to which various trees has been cut down to dump the accidental vehicles there. **Latest photographs of encroachment on greenbelt converted into dumping yard are annexed as ANNEXURE A/3.**

7. That the above objections raised by the applicants against the compliance affidavit /report filed by the Commissioner Municipal Corporation Ghaziabad depicts the current status of compliance affidavit /report is nothing but a totally false, incomplete and frivolous report, which is prepared with the ulterior motives and deserves to be rejected.

8. PRAYER

In view of the aforesaid facts and circumstances it is prayed that this Honourable Tribunal may graciously be pleased to:-

- a. Reject the Compliance Affidavit /report filed by Commissioner Municipal Corporation Ghaziabad and imposed the heavy penalty on the Respondent No. 4 for not complying the orders of this Hon'ble Tribunal dated 04.03.2020 & 20.05.2024.
- b. Direct the Respondents Authorities to conduct a fresh inspection and file the compliance report before this Hon'ble Tribunal.
- c. Pass any orders /directions that may be deemed necessary and fit on the facts and circumstances of the case.

New Delhi
Dated. 07.12.2024

Through

S.A. Zaidi *Mansi*
**S.A. ZAIDI & MANSI CHAHAL
ADVOCATES**

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

E.A. No. 13/2024

IN

O.A. No.598/2019

IN THE MATTER OF:

SHARIQ ABBAS ZAIDI & ANR.APPLICANTS
VERSUS

STATE OF UTTAR PRADESH & ORS.RESPONDENTS

AFFIDAVIT

I Shariq Abbas Zaidi, Advocate R/o 605, Trishul Tower, Kaushambi, Ghaziabad, Uttar Pradesh:-201010, presently at New Delhi do here by solemnly affirm and declare as under:

1. That I am the Applicant No. 1 in the above noted case therefore I am fully conversant with the fact of the case I am competent to sign and swear this Affidavit.
2. That the accompanying Objections/Rejoinder has been drafted by my counsel and the same has been read over and explain to me and I say and declare that the same are true and correct.



3. That the Contents of accompanying Objections/Rejoinder be read as part and parcel of this affidavit as the same are not repeated herewith for the sake of brevity.

shariq
DEPONENT

VERIFICATION

Verified at Delhi on this 04 DEC 2024 day of _____, 2024 that the contents of my above Affidavit are true and correct to my knowledge and nothing material has been concealed there from.

I Identify the deponent who has Signed/Put T.V. in my presence

(Signature)

shariq
DEPONENT



Certified that the above Named Deponent identify by Shri/Smt. (S. Azhar) Solemnly affirmed before me at Delhi. S. No. 1176 The contents of the affidavit which have been read & explained to me are true and correct
Notary

ATTESTED
(Signature)
A.N. Singh, Adv.
Notary Public
Govt. of India, New Delhi

04.12.2024

04 DEC 2024

**THE LATEST PHOTOGRAPHS SHOWING ILLEGAL PARKING
/AUTHORIZED CONSTRUCTION ON METALLIC ROAD IN
FRONT OF PACIFIC MALL**





**THE LATEST PHOTOGRAPHS SHOWING ILLEGAL
ENCROACHMENT ON GREENBELT BY NURSERIES OWNERS**





**LATEST PHOTOGRAPHS OF ENCROACHMENT ON
GREENBELT CONVERTED INTO DUMPING YARD**







