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

Rejoinder Affidavit

IN

O.A. No. 171 OF 2025

(Under Section 14 read with section 15 and 18 of the National Green Tribunal Act, 2010)

IN THE MATTER OF:

MANGALA YADAV

S/o Late Pyare Lal Yadav

R/O Village- Malokhar, Bahadurpur

Tahsil- Mughal Sarai

District- Chandauli, U.P.

...APPLICANT

Vs.

1. STATE OF U.P.

Though Principal Secretary

**Housing and Urban Planning Development Bapu Bhawan, U.P. at Lucknow, Pin
Code 226001 Contact No. 05222214564 Email - psecup.urbandev@min.in**

**2. Vice Chairman, Varanasi Development Authority, Sikraul, Varanasi, Pin
Code 221102 Contact No. 7518102802 Email-vcvda.vns@nic.in**

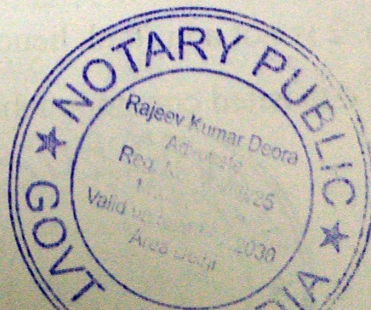
**3. Zonal Officer, Zone 5th Varanasi Development Authority, Sikraul, Varanasi,
Pin Code 221102 Contact No. 07518102822
Email - vdavaranasi@gmail.com**

**4. Commissioner Varanasi Division, Katchehry Varanasi, Pin Code 221002
Contact No. 0542-2282345 Email commanvar@nic.in**

**5. Special Secretary, Housing and Urban Planing, Room No. 707, Bapu
Bhawan, Lucknow, Pin Code 226001 Contact No. 05224060683 Email-
jmdnagaarupjn@gmail.com**

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.....RESPONDENTS



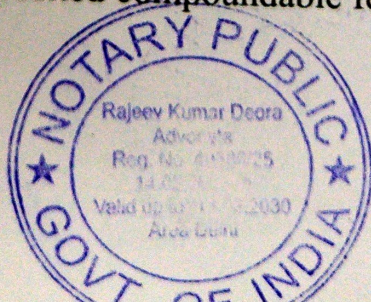
**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT AGAINST
THE COUNTER AFFIDAVIT FILE BY THE RESPONDENTS**

MOST RESPECTFULLY SHOWETH:

1. Para No. 1 and 2 of the counter affidavit are need no reply. It is further stated that unless any averments is specifically admitted or traversed the same any by treated as denied.
2. It is necessary to clarified that on 08.12.2025 the Respondent No. 1,3,4 and 5 have taken and granted 4 weeks time to file reply and 3 weeks time was granted to file rejoinder to the application. In compliance of order, the Respondent No. 2 has filed counter affidavit and on 27.02.2026 Respondent No. 3 and 4 has adopted the same counter and the applicant receive counter very late at the time of date fixed i.e. 27.02.2026 . After much waiting for counter of Respondent No. 1 & 5 the Applicant is filing his Rejoinder Affidavit in short delay about 10 days. Which is not deliberately and liable to be Condoned in the interest of justice.

REPLY OF PRELIMINARY OBJECTIONS:-

1. That the para No. 1 of the primarily objection is baseless. Hence denied in reply it is submitted that O. A is maintainable because this Hon'ble Tribunal has issued notice after considering the facts and record of the application and the application came before this Hon'ble Tribunal after adopting proper forums as well as Hon'ble High Court Allahabad whereas the matter was referred to this Hon'ble Tribunal.
2. That the para No. 2 is not admitted, hence denied in reply it is submitted that the applicant has deposited compoundable fee Rs. 4050/- and compoundable



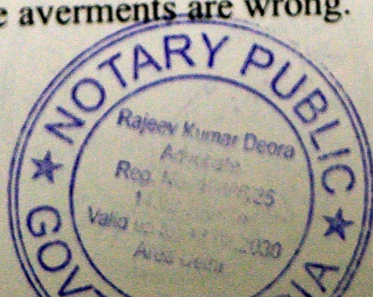
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map before Respondent No. 3. Whereas revenue inspector has prepared Naksha Nazari of Arazi No. 82 on 13.11.2019. It is further submitted that the applicant is owner of the Arazi No. 82 received by their ancestor and kaccha house/ shop constructed by their ancestors ad-measuring area 30 * 80 Square feet thereafter the applicant has also made Pukka house since long back about 50 years over the property in question full stop the applicant has reconstructed some portion of the house and no new construction is going on.

3. That the para No. 3 of the preliminary objection not admitted hence denied in reply it is submitted that the applicant has obtained the compoundable map and submitted before the respondent No. 3 for obtaining the permission for repair/reconstruction but the respondent No. 3 has already rejected the compoundable map deliberately in the year 2023 and passed demolition order.

REPLY OF PRILIMINARY SUBMISSIONS:-

1. Para No. 1 of the Preliminary submission needs no comment that is related to the jurisdiction.
2. That the content of Para No. 2 is matter of record therefore needs no reply in clarification regarding construction on basement label is not admitted in reply it is submitted that it is clear bare perusal of the annexed photograph that the construction was made on first floor in front side of balcony to safe the rain.
3. That the content of para No. 3 is not admitted hence denied in reply is submitted that the averments regarding survey of area covered within the outline of 200 meters of HFL is not proved because the respondents authority has not filed any area map as well as sanctioned map there by it may clear that the property in question i.e. Arazi No. 82 comes within the HFL zone. Therefore the above averments are wrong.



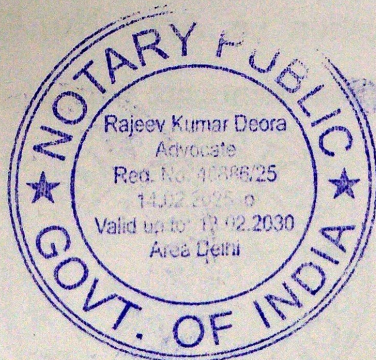
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4. That the content of para No. 4, 5, 6, 7, 8, 9 and 10 is matter of record needs no reply.
5. That the content of wrongly mentioned para No. 10 instead of para No. 11 is partly admitted and partly denied regarding O.A No. 527/ 2023 titled as Kautilya Society and Ors. Vs. State of U.P. and another is pending before this Hon'ble Tribunal for the adjudication therefore till The Final Decision by this Hon'ble Tribunal is in effective.

OBJECTION FOR REPLY ON MERIT:-

1. That the reply of para No. 1, 2 and 3 are therefore needs no reply.
2. That reply of para No. 4 is partly admitted and partly denied in reply it is submitted that the applicant has availed remedy and came before this Hon'ble Tribunal after liberty granted by the Hon'ble High Court Allahabad. It is very wrong view opined that upon failure to secure any order from the concerned authority the applicant has lost further remedy there is no legal bar to approach the Hon'ble Tribunal.
3. That the content of para No. 5 is not admitted hence denied in reply it is submitted that the averment made in O.A is genuine and liable to be allow in the interest of Justice because the respondents has not issued notice for other neighbor construction near the property in question. The photographs clearly shows that some construction already established near the applicant house and other the residential houses are already showing. The copy of photographs are annexed herewith and marked as **Annexure No. RA-1.**

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OBJECTION FOR REPLY TO GROUNDS:-

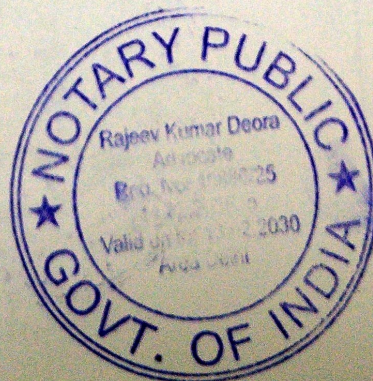
1. That the grounds A, B mentioned in the O.A is not wrong and based on facts and available records, therefore the matter could not be dismissed barley on this ground.
2. That the reply of ground C is not admitted hence denied in reply it is submitted that the applicant has complied the section 15 of the 1973 Act and the respondent has not compiled the sub clause 3, wherein it is mentioned in **Section 15 (3) (1) as under-**

(3) "On the receipt of an application for permission under sub-section (1), the [Vice-Chairman] after making such inquiry as it considers necessary in relations to any matter specified in clause (d) of sub-section (2) of Section 9 or in relation to any other matter, shall, by order in writing either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such Permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show because why the permission should → not be refused:

Provided further that the 4[Vice-Chairman] may before passing any order on such application give an opportunity to the applicant to make any correction therein or to supply any further particulars of documents or to make good any deficiency in the requisite fee with a view to bringing it in conformity with the relevant rules or regulations:

[Provided also that before granting permission, referred to in Section 14, the Vice-Chairman may get the fees and the charges levied under sub-section (2-A) deposited.]



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(4) Where permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant."

3. That the reply of Grounds D and e are related two order passed by this Hon'ble Tribunal their four not required denied.
4. That the grounds f and G of the O.A is genuine and it is stated correct. The wait of prove against Such averment is under gone to the respondents.
5. That the reply of Grounds H and I related to the statutory provision which cannot be ignored therefore all denial submission are liable to be set a-side against the respondents and permanent relief liable to be issued in favor of the applicant and annexure RA-1 annexed with this affidavit is true and part of Rejoinder Affidavit

It is further read that the present O.A and claimed relief is level to be allow in favor of the applicant in the interest of justice.

PRAYER

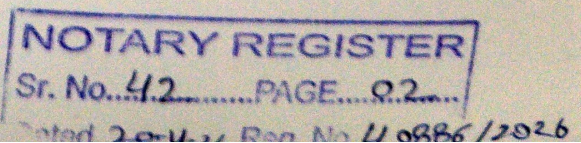
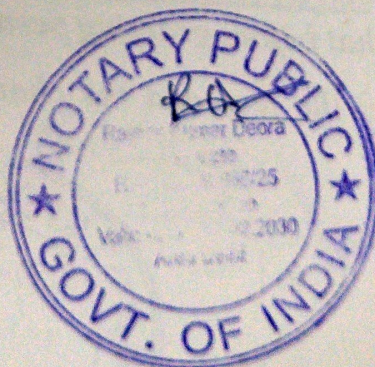
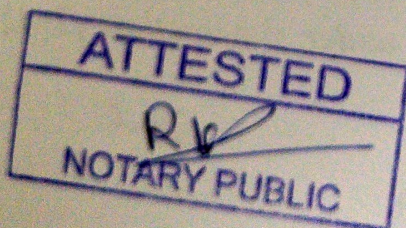
In the light of above-mentioned facts and circumstances it is prayed that the O.A is liable to be allow in terms of submission made above.
It is prayed accordingly.

राजेश यादव
DEPOTENT

VERIFICATION:-

Verified at New Delhi on 20th day of April, 2026 that the contents of the above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

राजेश यादव
DEPOTENT



I Identified the deponent who has signed in my presence
ShivNethi



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