

Next date of hearing is 09.01.2026

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

O.A. NO. 817 OF 2024

IN THE MATTER OF:

Raj Kumar

....Applicant

Versus

State of Uttar Pradesh & Ors.

.....Respondents

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New Delhi
Date: 05.01.2026

**BEFORE THE NATIONAL GREEN TRIBUNAL
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In the matter of –

Raj Kumar

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**REJOINDER OF THE APPLICANT TO THE AFFIDAVIT DATED
03.10.2025 FILED BY RESPONDENT NO. 2 UPPCB**

Most respectfully showeth –

I, Raj Kumar, aged 77 years, s/o Shri Surat Singh, r/o Halalpur, Baghpat, Chhaprauli, U.P. 250617, do hereby affirm and state on oath as under -

1. I am the Applicant above named and I am aware of the facts of the case and am competent to swear this affidavit in rejoinder to the affidavit dated 03.10.2025 filed by Respondent No.2 UPPCB.
2. At the outset it is submitted that the averments made in the affidavit under reply are denied, save and except what is specifically admitted to herein.
3. Before advertng to a para wise rejoinder, it is important for the Applicant to point out that vide order dated 26.05.2025, this Hon'ble Tribunal had granted time to the UPPCB to file a fresh report as to whether compliance of siting criteria is there by Respondents 4 and 7 brick kilns. In the same order this Hon'ble

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Tribunal has recorded the Applicant's statement that the challenge in respect of Respondents 5 and 6 is being given up since they were established prior to coming into force of the 2012 siting criteria. It is pursuant to this order that the affidavit dated 03.10.2025 has been filed by the UPPCB.

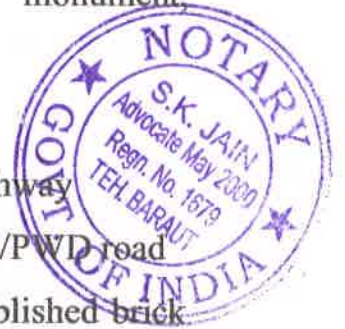
4. It is further important to point out that in the first affidavit filed by the UPPCB dated 18.10.2024, it has been categorically admitted that Respondent No.4 Mahadev Brick Field was established after obtaining Consent to Establish on 29.06.2013. Further Respondent No.7 Hanuman Brick Field was established after taking Consent to Establish on 31.08.2013. Thus, as per settled law, both the Respondent No.4 and 7 brick kilns having been established after the U.P. Brick Kilns (Siting Criteria for Establishment) Rules of 2012 were published, are bound to comply with the same.
5. In the affidavit under reply, it is stated that the SDM Baghpat has submitted a report that the Respondent No.4 and 7 brick kilns are found compliant with the siting criteria. The Applicant disputes the same and reiterates that the said brick kilns do not meet the siting criteria and are thus illegally operating and ought to be shut down. The report of the SDM Baghpat is generic in nature and does not give any specific details as to the siting of the brick kilns.
6. The report of the SDM Baghpat as annexed as **Annexure R-2/2** at page 348 in respect of Respondent No.4 states that –
 - (i) It is not situated within 5 km of municipal area;

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(15/10/25)



- (ii) It is not situated within 500 meters of an area having population of 100-150 persons or having 20 kuccha/pucca houses;
- (iii) That it is not within 1 km of registered hospital, school, public building, religious place, or place where flammable substances are stored
- (iv) That it is not within a radius of 5km from notified sensitive areas of zoo, wildlife sanctuary, historic monument, museum, etc.
- (v) It is not within 200 meters of railway track;
- (vi) It is not within 300 meters of national/state highway
- (vii) It is not within 100 meters of main district road/PWD road
- (viii) It is not within 800 meters of an already established brick kiln



7. An identical report is given qua Respondent No. 7 Hanuman Brick Field as **Annexure R2/3** at page 350.
8. It is on the basis of these reports that the UPPCB has concluded that the Respondent No.4 and 7 brick kilns are not violating the 2012 siting criteria. However it is most pertinent to note that the report is couched in negative terms, only to say that the brick kilns are not within the prohibited distances; but the actual distances of the brick kilns from the respective locations are not measured nor produced before this Hon'ble Tribunal. This cannot be said to be a proper report by which this Hon'ble Tribunal could be said to be apprised of the fact whether the 2012 siting criteria are being violated by the Respondent No.4 to 7 or not.

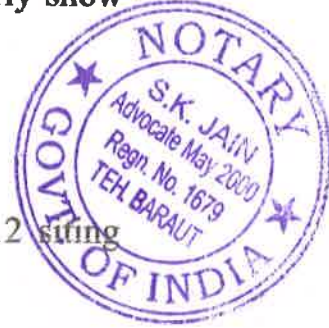
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C. J. JAIN

9. On the other hand, the Applicant in the OA has clearly set out the specific violations of the Respondent No.4 and 7 in the form of a table, at page 22 of the OA. In furtherance of the same, the Applicant is producing Google Earth images which clearly show the violations by the Respondent No.4 and 7 as under.

Respondent No.4 Mahadev Brick Field

10. Respondent No.4 Mahadev Brick Field violates the 2012 siting criteria as –
- (i) It is 760.8 meters from the Mosque at Village Halapur, thus violating Para 2(ii) of the 2012 siting criteria which prohibits establishment of brick kilns within 1 km of any religious place;
 - (ii) It is 761.04 meters from the Arya Samaj mandir at Village Halapur, thus violating Para 2(ii) of the 2012 siting criteria which prohibits establishment of brick kilns within 1 km of any religious place;
 - (iii) It is 616.34 meters from the Government Hospital at Village Halapur, thus violating Para 2(ii) of the 2012 siting criteria which prohibits establishment of brick kilns within 1 km of any hospital;
 - (iv) It is 594.24 meters from Hanuman Brick Field in Village Silana, thus violating para 2(vi) of the 2012 siting criteria which prohibits establishment of brick kilns within 800 meters of already established brick kilns
 - (v) It is also 761.9 meters from Mahadev Brick Field Khasra No. 75 Village Halapur thereby again violating para 2(vi) of the 2012 siting criteria which prohibits establishment of brick kilns within 800 meters of already existing brick kilns



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- (vi) It is within 706.51 meters of populated area thus violating para 2(i) of the 2012 siting criteria which prohibits establishment of brick kilns within 1km of residential area;
- (vii) It is 761.04 meters from the Maharishi Dayanand Public School at Village Halapur, thus violating Para 2(ii) of the 2012 siting criteria which prohibits establishment of brick kilns within 1 km of any school.

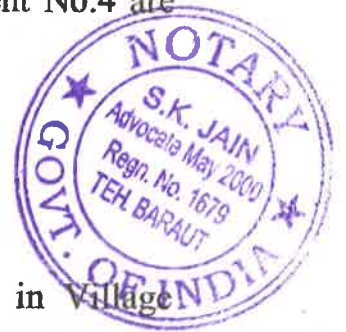
True copy of Google Earth images pertaining to Respondent No.4 are **Annexure A-1.**

Respondent No. 7 Hanuman Brick Field

11. Respondent No. 7 violates the siting criteria as –
- (i) It is 717.55 meters from Jaibhagwan Brick Field in Village Luhara, thus violating para 2(vi) of the 2012 siting criteria which prohibits establishment of brick kilns within 800 meters of already established brick kilns;
 - (ii) It is 594.24 meters from Mahadev Brick Field in Village Halapur, thus violating para 2(vi) of the 2012 siting criteria which prohibits establishment of brick kilns within 800 meters of already established brick kilns

True copy of Google Earth images pertaining to Respondent No.7 are **Annexure A-2.**

12. The said Google Earth images show concrete violations of the siting criteria by the Respondent No.4 and 7 brick kilns. The UPPCB affidavit, based on reports of SDM Baghpat, is generic in nature and makes no effort to measure the actual distance of the violating brick kilns from the respective areas. This is apart from

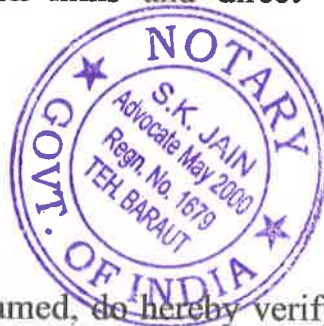


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the submissions made in the OA, which this Hon'ble Tribunal has already taken note of.

13. It is thus humbly prayed by the Applicant that this Hon'ble Tribunal be pleased to reject the report filed by the UPPCB, and hold that the Respondent No.4 and 7 brick kilns are unlawfully established in violation of the applicable 2012 siting criteria, and pass appropriate orders to quash and set aside the consent granted to these two brick kilns and direct that they be shut down immediately.



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DEPONENT

VERIFICATION -

I, the deponent above named, do hereby verify that the contents of the accompanying affidavit are true and correct to my knowledge, and that the annexures filed along with are true copies of their respective originals, and that nothing material is concealed.

Verified on this 3rd day of January 2026 at

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NOTARY

[Handwritten signature]

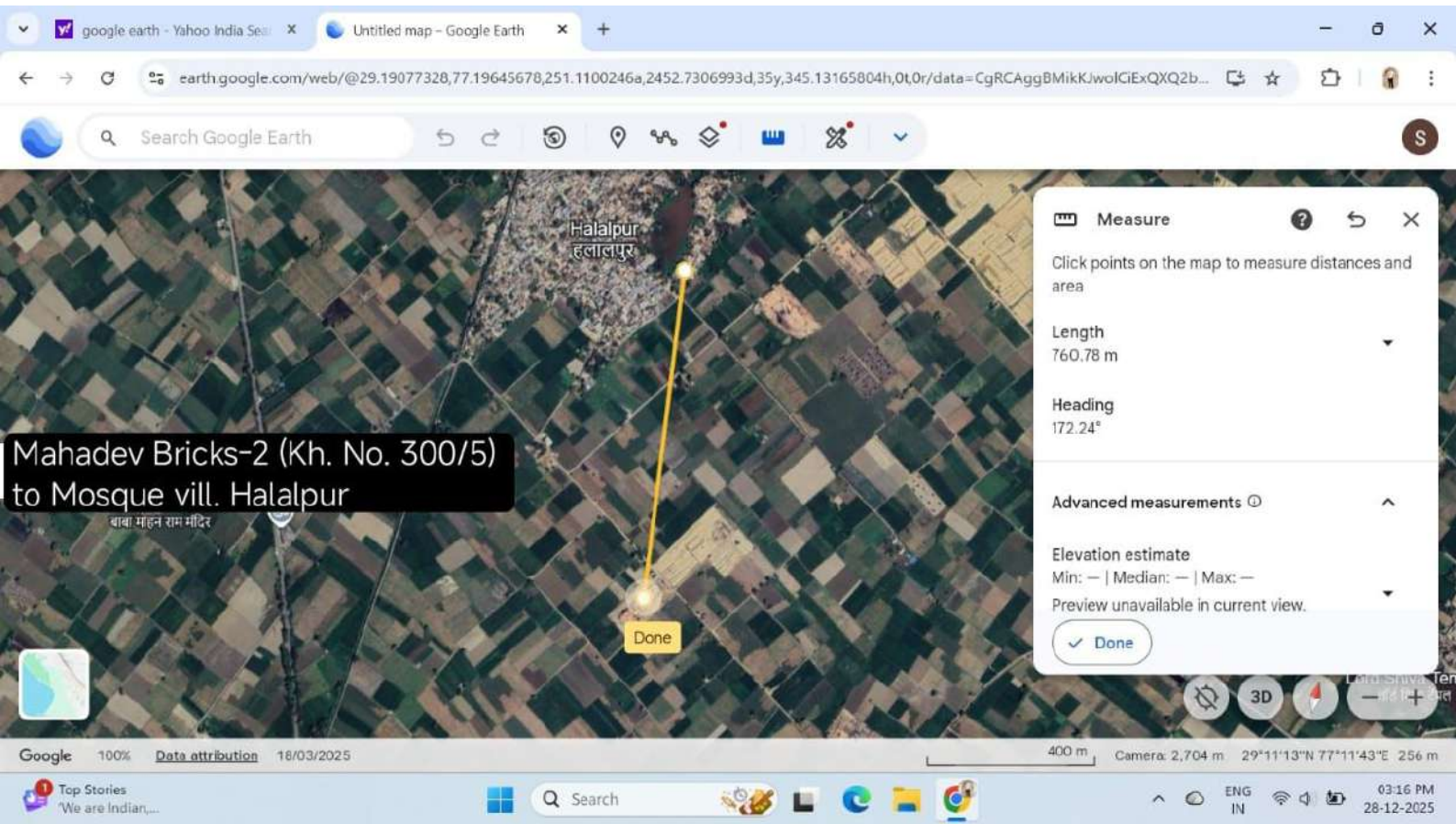
DEPONENT

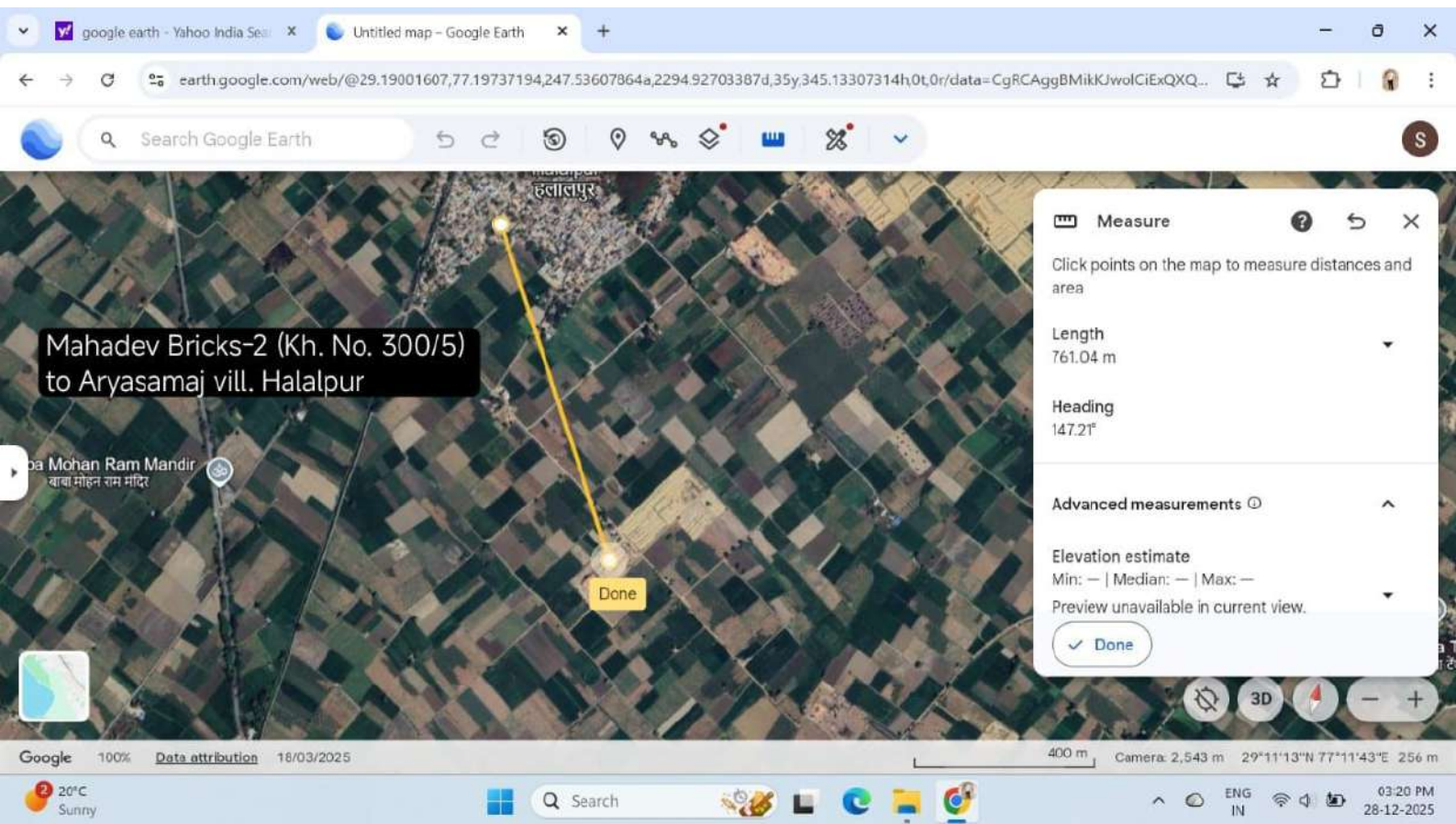
S. No. 0581-28 Date 3-1-26 Certified that
above noted Shri [Signature]
Identified by Shri [Signature]
Presented this affidavit before me at [Signature]
Am/Pm and solemnly affirmed the content
which were read over/translated and explained
to him Received Rs. [Signature]

SUSHIL KUMAR JAIN ADVOCATE
Notary Teh. Baraut (Baghpat)

[Handwritten signature]

ANNEXURE A-1

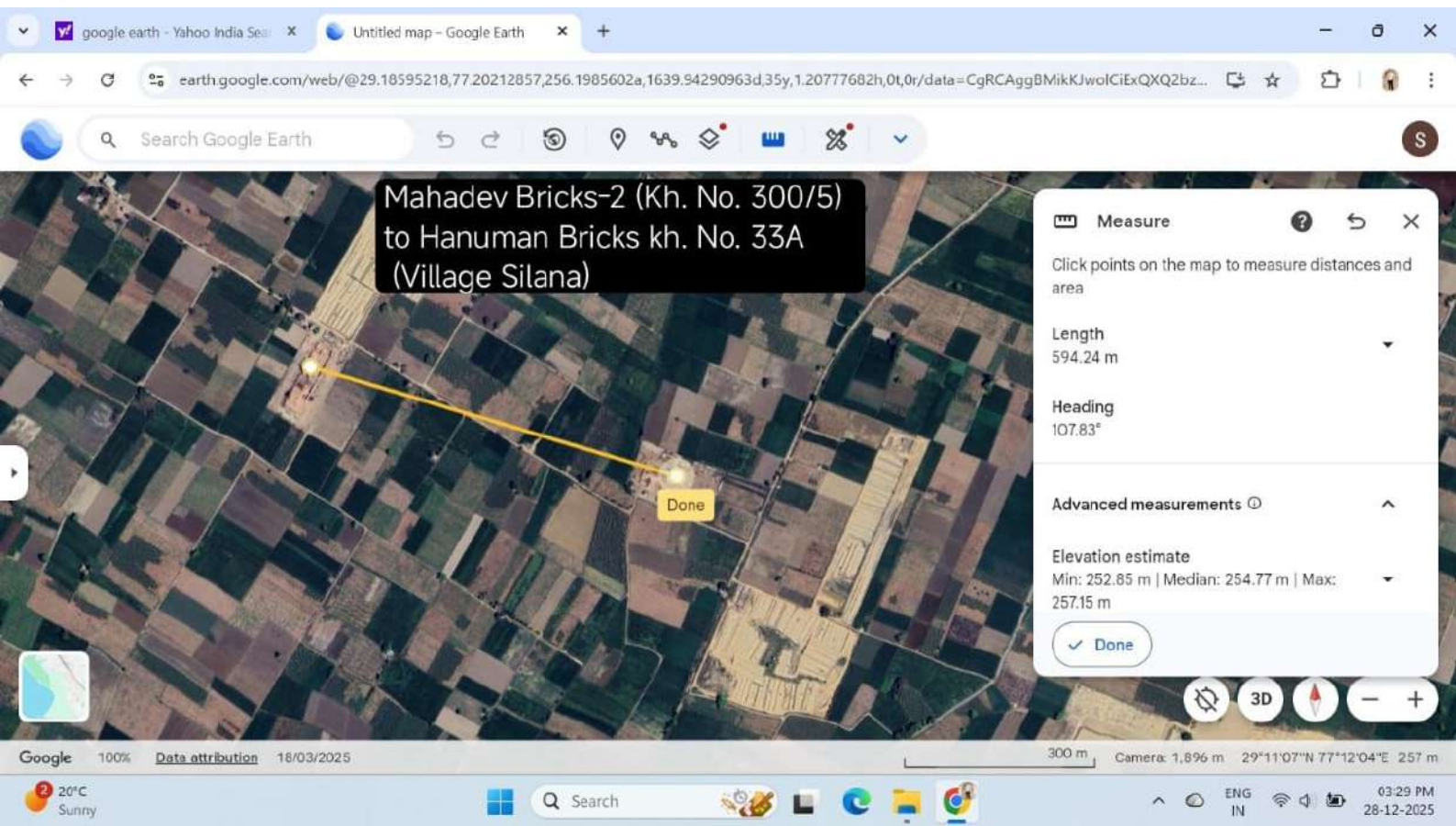




The screenshot shows a Google Earth interface with a satellite view of a rural area. A yellow line connects two points on the map, with a 'Done' button at the bottom of the line. A text box on the left reads 'Mahadev Bricks-2 (Kh. No. 300/5) to Govt. hospital vill. Halalpur'. A 'Measure' panel on the right displays the following data:

Measure	Value
Length	616.34 m
Heading	161.83°
Advanced measurements	Min: — Median: — Max: —

Additional information from the interface includes a scale bar of 300 m, camera height of 2,495 m, and coordinates 29°11'13"N 77°11'43"E. The system tray at the bottom shows a temperature of 20°C, sunny weather, and the date 28-12-2025.



google earth - Yahoo India Sea x Untitled map - Google Earth x +

earth.google.com/web/@29.19001607,77.19737194,247.53607864a,2294.92703387d,35y,345.13307314h,0t,0r/data=CgRCAggBMikKJwolCiExQXQ...

Search Google Earth

Mahadev Bricks-2 (Kh.no. 300/5) to Maharishi Dayanand Public school (Village Halalpur)

Done

Measure

Click points on the map to measure distances and area

Length
761.04 m

Heading
147.21°

Advanced measurements

Elevation estimate
Min: — | Median: — | Max: —
Preview unavailable in current view.

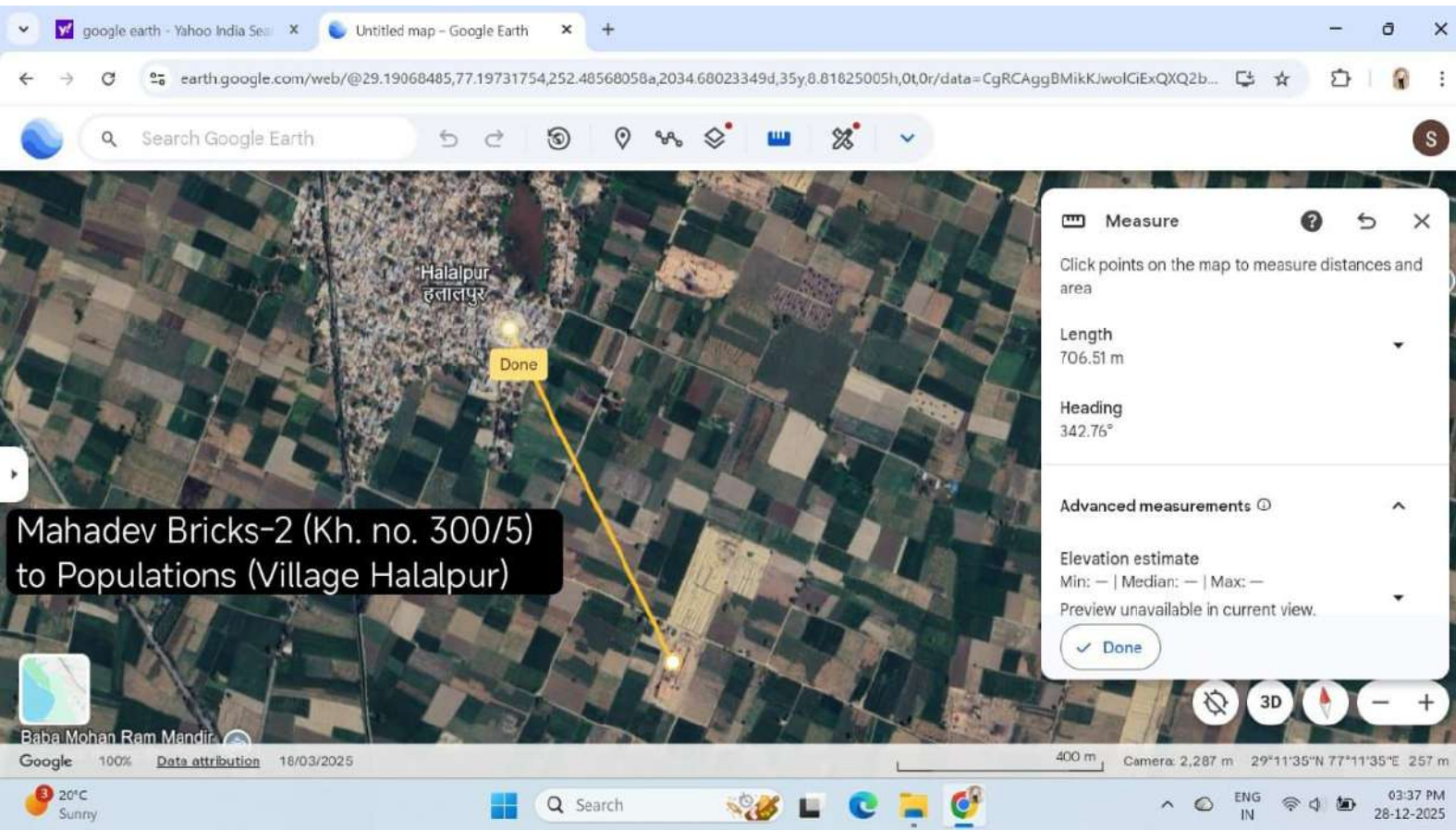
Done

Google 100% Data attribution 16/03/2025 400 m Camera: 2,543 m 29°11'13"N 77°11'43"E 256 m

20°C Sunny

Search

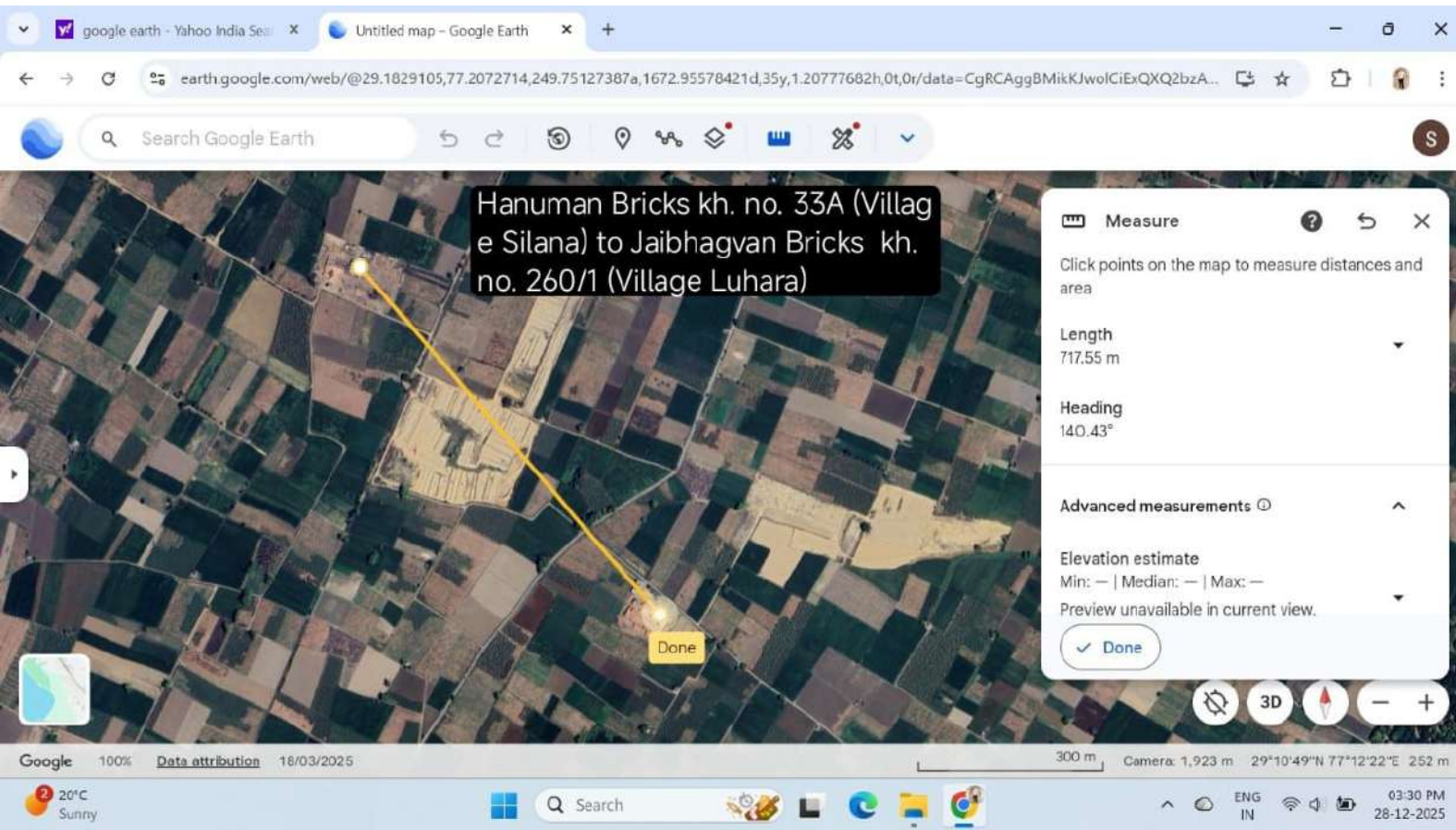
ENG IN 03:20 PM 28-12-2025

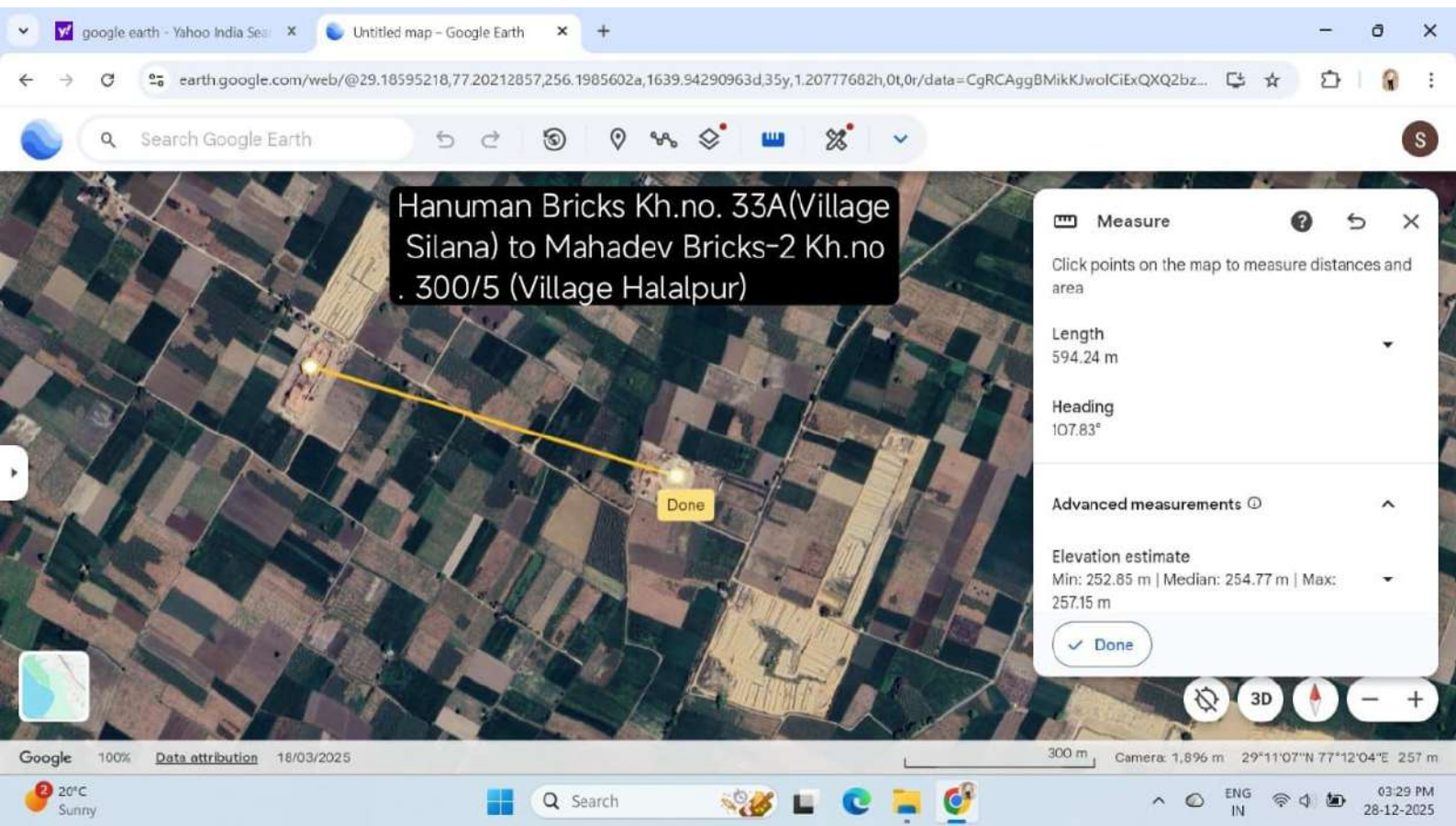


Bhar Thansen

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ANNEXURE A-2





Bharat Thakur

True Copy



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Proof of Service

Krishna Veer <krishnaveer100@gmail.com>

Advance service of Rejoinder of the Applicant in re : OA/817/24: Raj Kumar Vs. State of UP & Ors.

1 message

Krishna Veer <krishnaveer100@gmail.com>

Mon, Jan 5, 2026 at 2:23 PM

To: amit.shukla@lexweb.in, Mohini Priya <priya.mohini@gmail.com>, dmbag@nic.in, rowz.bpl-mef@nic.in

Dear Sir

Kindly find attached herewith the scanned copy of Rejoinder filed on behalf of Applicant re : OA/817/24: Raj Kumar Vs. State of UP & Ors.

Kindly treat this email as Advance service.

 **Rejoinder.pdf**
2202K