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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1343 OF 2024

(Under Section 18(1) read with Sections 14, 15 & 17 of
National Green Tribunal Act 2010)

IN THE MATTER OF

Harish Yadav

...Applicant

VERSUS

State of Uttar Pradesh & Others

...Respondents

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APPLICANT

Through

Place:

Date: 24.06.2025

AMARNATH & BRAJESH KUMAR JHA
Counsels for Applicant
Bungalow No. 8-B, LGF,
Jangpura – B, Main Mathura Road
NEW DELHI – 110014

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...Respondents

NDOH : 01.07.2025

**REJOINDER ON BEHALF OF THE APPLICANT TO THE
REPLY FILED BY RESPONDENT NO. 12**

MOST RESPECTFULLY SHOWETH

- I. That the instant rejoinder is being filed on behalf of the applicant in response to the reply filed by the Respondent No.12

- II. Save and except what has been stated in the caption original application what are matters of record nothing contain in the reply should be deem to have been

admitted by the applicant by reason of non-traverse or non-express denial unless admitted herein.

- III. That the compliance report alongwith affidavit dated 24.02.2025 filed by the answering respondent is disputed as the compliance report was prepared prior to investigation was conducted on 18.03.2025.

BRIEF FACTS

- A. That the applicant filed the instant application against the environmental offences made by respondent no.2 while developing and constructing the Integrated Township - "ADITYA WORLD CITY" under the Housing Policy dated 21.05.2005 of Government of Uttar Pradesh.
- B. The respondent no.3 "GDA" has issued a licence for 185 acres of land for developing the integrated township to respondent no.2 in the year of 2006.
- C. That respondent no.2 in response to Housing Policy Dated 21.05.2005 seeks to develop Integrated

Township over an area of 185 acres of land falling different khasras located at Village Shahpur Bamheta, Dasna, Ghaziabad. The said Integrated Township is part of the Master Plan 2021 of respondent no.3. Accordingly, the respondent no.2 being one of the member of M/s. Agarwal Associates Consortium executed Development Agreement dated 07.05.2007 with respondent no.3 "GDA".

- D. That the respondent no.2/PP without having the valid EC, CTE, CTO and sanctions/permissions has started the development work and different type of buildings constructions in the said township.

SUBMISSION IN RESPONSE TO COMPLIANCE REPORT:

1. That the section 5 of Uttar Pradesh Protection of Trees Act, 1976 requires prior permission for felling and removing or cutting trees.

2. That the DPR and lay out plan of the integrated township having area 185 acres was approved by the respondent no. 3 "GDA" under UP housing policy and as per said policy the respondent no.2/PP has purchased 125 acres of land from the individual farmers on his own till 2010 and a proposal for balance 60 acres of land forwarded from "GDA" to Acquisition office- DM office Ghaziabad.

3. That consequently, a public notice u/s. 4 (i) of Land Acquisition Act, 1894 dated 02.11.2010 was published. The acquisition officer has appointed AAMIN commission for getting survey of properties on the land under acquisition on 04.11.2010. As per report submitted by the said AAMIN commission there were 52 live standing green trees on land of different khasras. On the basis of the report it can easily assumed that there were 500 approximately live standing green trees at the time of starting the development work. **Copy of AAMIN Commission Report is enclosed as Annexure - 1**

4. That the report dated 18.03.2025 submitted by Divisional director social forest tree division Ghaziabad concluded that “all constructions activities in the area have been fully completed and that the infrastructural development is in place and during her examination in the site she observed no evidence suggestive any unauthorised or illicit felling of trees at the time for her visit”

In view of the above facts submitted by applicant and observation made by respondent no. 12, it is matter of independent scientific enquiry require that whether these green trees are standing in the same khasra or not. In case these trees are not found in that case the same have been unauthorised fell down by the respondent no.2/PP.

5. That the respondent no. 12 should have given the report on the point scenario of the greenery before starting the development and at present to ascertain the cutting of the trees within the township. It is further admitted by the respondent no. 12 to ascertain

whether any trees were fell in contravention legal requirement during the period around 2008 to 2009 but in the present the development agreement was executed on 07.05.2007 and after that respondent no.2/PP started the development work immediately so report of the respondent no. 12 is denied and disputed being incomplete.

6. It is submitted that there were hundreds trees and bagh (orchard) of mangos, guava, black berry jaamun were destroyed by the respondent no.2/PP without any requisite permission. **(Photographs at the time of felling of trees being taken are Annexed as Annexure - 2)**

In view of the facts and circumstances of the case, and the submissions made hereinabove, it is respectfully prayed that this Hon'ble Tribunal may pleased to:

- a) Report submitted by the Respondent No. 12 is vague report and not considered relevant provision of law, therefore it is liable for rejection.

- b) To constitute and appoint the independent joint committee to ascertain the entire environmental damages cause by respondent no. 2.
- c) Pass any further order or direction that this Hon'ble Tribunal may deem fit, just and proper as per facts and circumstances in the interest of environment



APPLICANT

Through

Place:

Date: 24.06.2025



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Counsels for Applicant
Bungalow No. 8-B, LGF,
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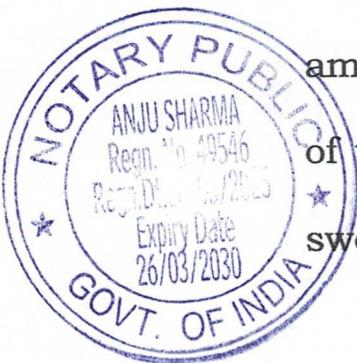
...Respondents

NDOH : 01.07.2025

AFFIDAVIT

I, Harish Yadav, S/o Shri Jagat Yadav, R/o 767, Shahpur,
Bamheta, Dasna, Ghaziabad – 201002, Uttar Pradesh, do
hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above noted case and
am well conversant with the facts and circumstances
of the case, as such am authorised and competent to
swear this affidavit.



24 JUN 2025

2. That I have read the contents of the accompanying rejoinder be read as part of this affidavit as the same are not being repeated herein for the sake of brevity.
3. That no part of it is false and nothing material has been concealed therein.

हरीश

DEPONENT

VERIFICATION :

Verified at DELHI on _____ of June, 2025 that the content of the affidavit is true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed for the sake of brevity.

हरीश

DEPONENT



ATTESTED
Anju Sharma
NOTARY PUBLIC
DELHI (INDIA)

24 JUN 2025

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धारा -4 (1)/18 के अन्तर्गत भू-अर्जन के प्रस्ताव को लिये परिसम्पत्तियों का प्रारूप -

परिसम्पत्तियों की सूची

ANNEXURE-1

ब्लॉक का नाम गाजियाबाद विकास प्राधिकरण योजना का नाम इन्स्टीटेड सिटी ग्राम शाहपुर
साहेदा परगना डासना तहसील व जिला गाजियाबाद

क्रमांक	खसरा नंबर	काश्तकार का नाम	नाम सम्पत्तियों का विवरण (भवन, वृक्ष आदि)
1	2	3	4
सूची संलग्न है।			

हस्ताक्षर

सकन अधिकारी अध्यापि निष्काय

प्रमाणित किया जाता है मैंने अपने अधीनस्थ कर्मचारी अमीन अहमद श्री के साथ दिनांक 24-11-2018 को स्थल निरीक्षण किया व उपरोक्त परिसम्पत्तियों को प्रस्तावित भूमि पर अवस्थित पाया। उपरोक्त दर्शित परिसम्पत्तियों के अलावा अन्य कोई परिसम्पत्ति अर्जित की जा रही भूमि पर स्थित नहीं पाया गया।

अमीन

अहमद

अपर जिलाधिकारी (मु.अ.क.)
खसरा अधिकारी
साहेदा परगना, गाजियाबाद

[Signature]

[Signature]

अपर निरीक्षण अधिकारी
अमीन

अपर जिलाधिकारी (मु.अ.क.)
खसरा अधिकारी, गाजियाबाद

अमीन

अमीन

अमीन

[Signature]

खमरा स०

समाप्ति विवरण

1671	2	एक पेड़ नीम, एक पेड़ कटुआ
1744	3	एक कमरा 15x10x10 छत टीन शीड, एक पेड़ पीपल, एक पेड़ गुलर, एक पेड़ नीम
1756	1	एक पेड़ आम
2026		630'x6'x9' बाउन्डीवाल,
1835	1	एक पेड़ कटुआ
1927	1	एक बोरिंग 4" एक हौज 5'x3' एक कुआ पक्का दो पेड़ कटुआ
1829	1	एक पेड़ कटुआ
1912	2	दो पेड़ कटुआ 1/4 भाग में 5' गहरे गड्ढे
2295	1	एक पेड़ कटुआ
2257	1	एक पेड़ नीम
1943	1	एक पेड़ नीम
1941	1	एक पेड़ नीम, एक पेड़ बेरी, एक पेड़ कटुआ, एक पेड़ पीपल
2259	13	चार पेड़ कटुआ दो पेड़ शीशम, चार पेड़ जामुन, नौ पेड़ सागवान
2282	2	एक बोरिंग 4" एक कमरा 10x8x8 छत कड़ी पटिया एक हौज 6'x5' दो पेड़ आम
2283	1	एक पेड़ नीम
2286	2	एक पेड़ शीशम, एक पेड़ नीम, एक बोरिंग 4"
2291	1	एक पेड़ कटुआ
2292	2	दो पेड़ कटुआ
1964	2	दो पेड़ कटुआ
1968	2	एक कमरा 15x8x8 छत कड़ी पटिया एक बोरिंग 4" ट्यूबवैल, एक हौज 5x5x4 दो पेड़ नीम, एक ग्राम देवला
2028	2	दो पेड़ शीशम
1670		60'x8'x9' में चार दुकाने, बिना छत के व चार कमरे 25'x9'x10'
1625		एक गैलरी 20x15x12 छत गाटर पटिया 390'x6'x9' बाउन्डी

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समाप्ति विवरण
अनुसूची संख्या -
समस्त -
बदलना

अनुसूची संख्या
...

अनुसूची संख्या
...

...

एस.के. श्रीवास्तव
अधि. अभ.

अपर जिलाधिकारी
सिपाई, गाजियाबाद

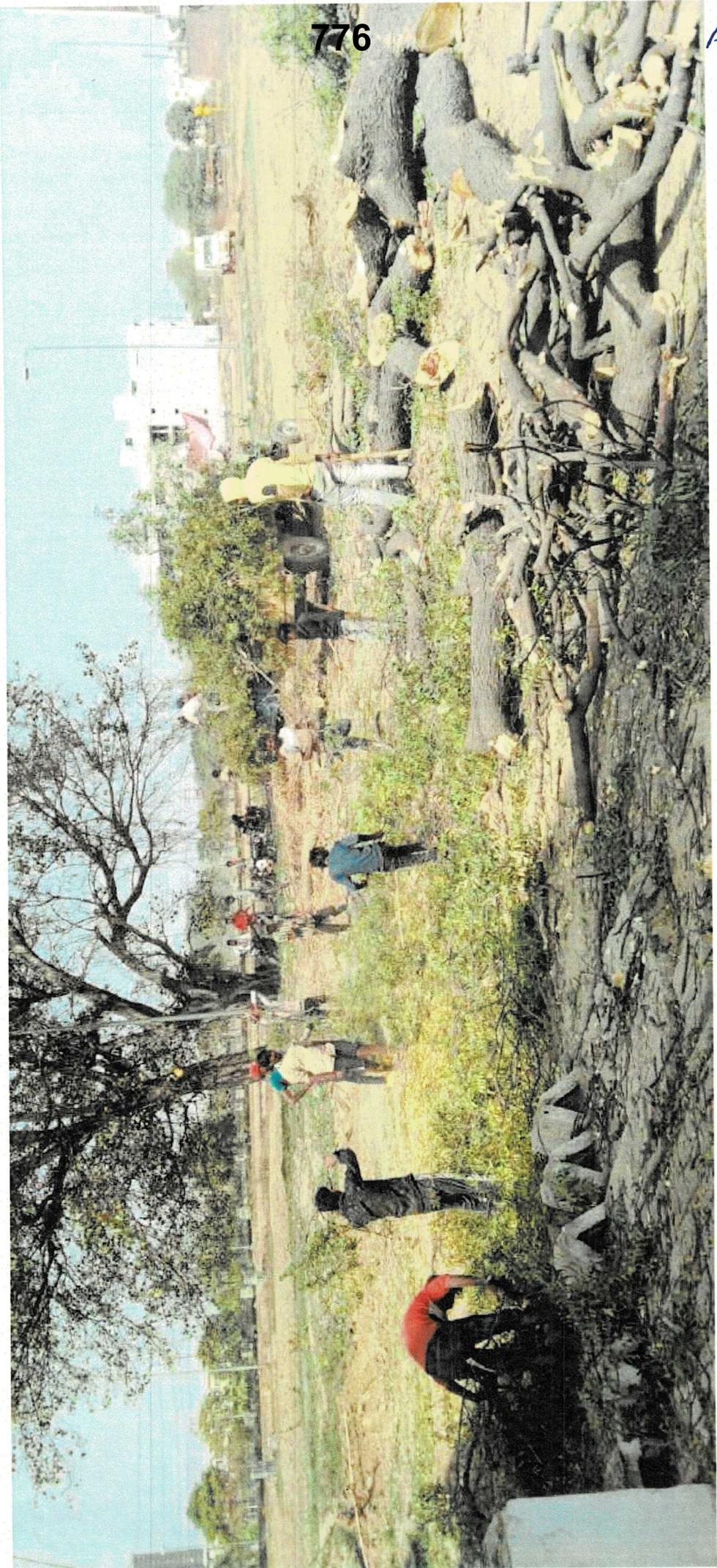
अपर जिलाधिकारी (अनुसूची)
सिपाई, गाजियाबाद

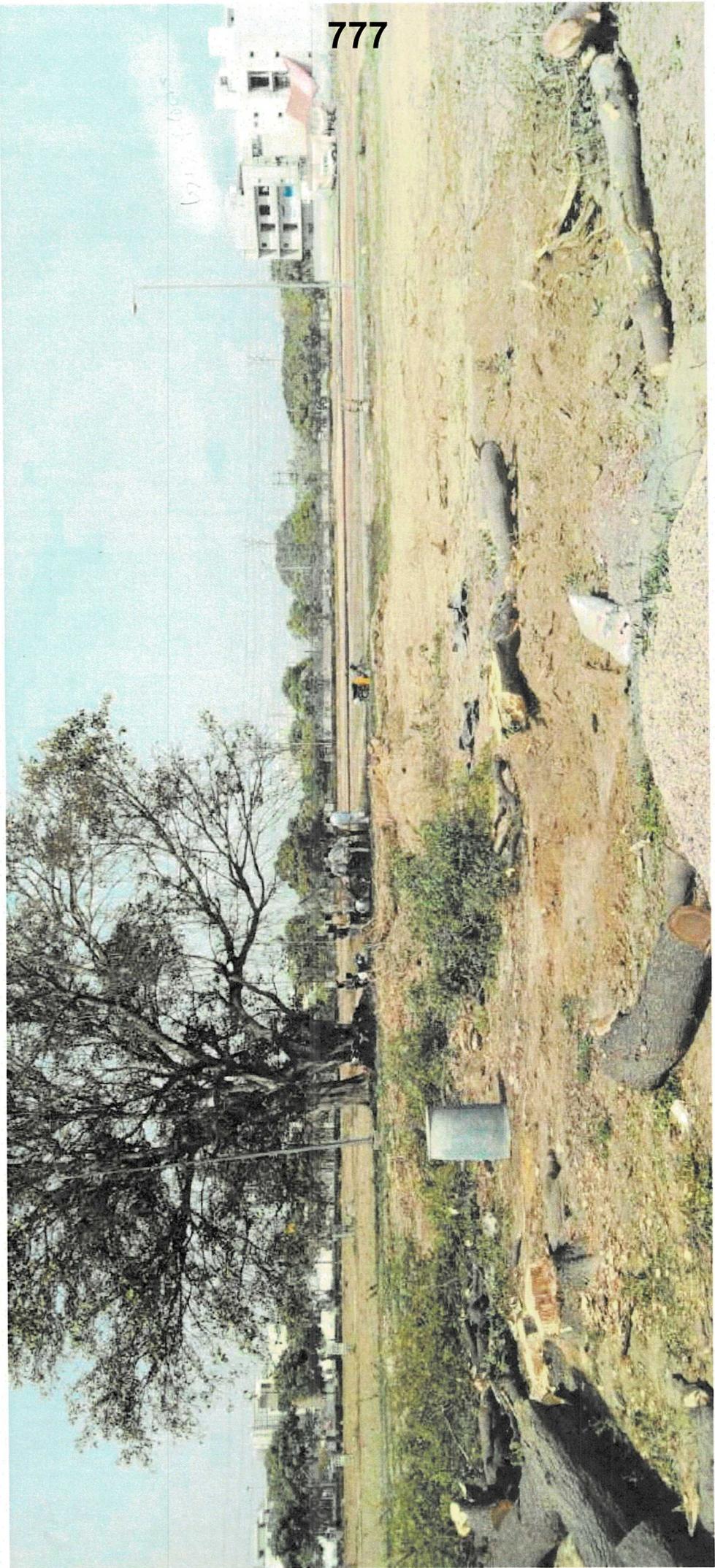
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ANNEXURE-

2

(12)





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(13)

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