

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

**E.A.NO. 29 OF 2023
IN
O.A. NO. 07 OF 2020**

IN THE MATTER OF:

VINAY KUMAR GUPTA & ANR.APPLICANTS

VERSUS

STATE OF HARYANA & ORS.RESPONDENTS

**REPLY ON BEHALF OF THE APPLICANT TO THE
I.A. FILED BY RESPONDENT NO. 6**

(FOR INDEX – Kindly See Inside)

**NEW DELHI
DATED: 01.2024**

FILED BY:


**S.A. ZAIDI & MANSI CHAHAL
ADVOCATES
CHAMBER NO-7, TRISHUL TOWER
KASHAMBI, GHAZIABAD, U.P
CONTACT: 9868369914, 8377863559
EMAIL:-MANSICHAHAL104@GMAIL.COM**

1

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

E.A.NO. 29 OF 2023

IN

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IN THE MATTER OF:

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STATE OF HARYANA & ORS.RESPONDENTS

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NEW DELHI

DATED: 01.2024

FILED BY:

Shamir Mansi
S.A.ZAIDI & MANSI CHAHAL
ADVOCATES

CHAMBER NO-7, TRISHUL TOWER

KASHAMBI, GHAZIABAD, U.P

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STATE OF HARYANA& ORS.RESPONDENTS

**REPLY ON BEHALF OF THE APPLICANT TO THE
I.A. FILED BY RESPONDENT NO. 6**

MOST RESPECTFULLY SHOWETH:

1. At the very outset it is submitted that the Respondent No. 6 has suppressed the vital information and the true facts and as such the I.A filed by the Respondent No. 6 deserves dismissal at the very threshold on the count of suppression of material facts and for misleading the Honorable Tribunal.
2. That the Respondent No. 6 in year 2020 had filed a Civil Suit having No. CS-591-2020 before the Civil Judge, (Junior Division) Faridabad for

claiming ownership in which he prayed ad Interim Stay but the Ld. Civil Judge declined to give him the stay. **True Copy of Order dated 25.02.2020 is annexed as ANNEXURE A/1.**

3. That against the order dated 25.05.2020, the respondent No. 6 filed Civil Appeal No. CMA No-05/2020 before Additional District Judge Faridabad. The Ld. ADJ also rejected the Appeal and vide its order dated 18.09.2020, very specifically stating that ***the appellant (i.e. Respondent No. 6) has received the compensation vide cheque No-099361/000994, dated 30.11.1971 and has also put his thumb impression in the record of the respondents now the appellants have no right whatsoever over the suit property and Ld. Civil Judge has rightly dismissed the stay application. The True Copy of Order***

dated 18.09.2020 passed by Ld. ADJ, Faridabad is annexed as ANNEXURE A/2.

4. That the Respondent No. 6 then, against the above order approached filed the Writ Petition under article 226 /227 of Constitution of India for direction to the Respondents to release /de-notify the land bearing Khasra No. 85/16/2. The Hon'ble High Court without going into the merits of the case directed the HSVP to consider and decided the representation dated 16.09.2020 in accordance with law.

The True Copy of the Honorable High Court order dated 08.01.2021 in CWP-282-2021 is annexed as ANNEXURE A/3.

5. That the Respondent No. 6 neither approached the HSVP nor moved any representation before the concern authorities, in compliance of the Honorable High Court order.

6. That the latest Jamabandi record shows that the Khasra No. 85/16/2 has been acquired by the HSVP and the name of HSVP is recorded in the revenue records. The name of the Respondent No.6 has been removed from it. **The True Copy of Jamabandi is annexed as ANNEXURE A/4.**
7. That in the Dakhil Kharij record also, the name of the HSVP is being shown in the record and the name of Respondent No. 6 and his family members is been removed. **The True Copy of record of Dakhil Kharij is annexed as ANNEXURE A/5.**
8. That the respondent No. 6 has concealed these true and important facts & documents from this Honorable Tribunal. The I.A filed by the Respondent No. 6 is vague & malicious in nature and is thus liable to be dismissed with exemplary costs.

PRAYER

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

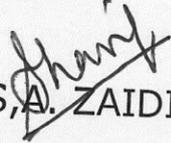
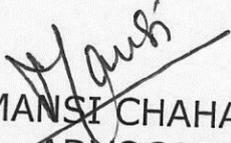
- a. Direct the HSVP & Deputy Commissioner, Faridabad to comply with the order of this Hon'ble Tribunal dated 02.09.2020 and to take immediate remedial action in accordance with law.
- b. Direct the HSVP & Deputy Commissioner Faridabad to demolish the illegal encroachment made on the Public Park House No. 1792 & 1796 of Sector-8, Faridabad, Haryana by the Respondent No-6 and restore the park in its original position.
- c. Impose the Environmental Compensation on respondent No. 6 for damaging and destroying the public park.

- d. Impose exemplary cost on Respondent No. 6 concealing true and correct facts and fling vague I.A before this Hon'ble Tribunal.
- e. To pass any order that may be deemed necessary and fit on the facts and circumstances of the aforesaid case.

New Delhi
Date:01.2024

Applicant

Through


S.A. ZAIDI & 
MANSI CHAHAL
ADVOCATES

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

E.A. NO. 29 OF 2023

IN

O.A. NO. 07 OF 2020

IN THE MATTER OF:

VINAY KUMAR GUPTA & ANR.

....APPLICANTS

VERSUS

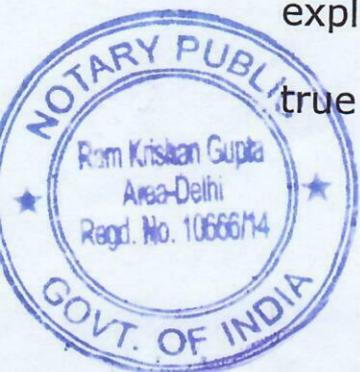
STATE OF HARYANA & ORS.

.....RESPONDENTS

AFFIDAVIT

I Chander Sein, S/o Mukhitiyar Singh R/o House No-1775,
Near Sector-3, Old Bridge, Shi Sector-8, Faridabad,
Haryana:-121006, presently at New Delhi do here by
solemnly affirm and declare as under:

1. That I am the Pairokar for the Applicant 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 application 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 application be read as part and parcel of this affidavit as the same are not repeated herewith for the sake of brevity.

Chander Sain

DEPONENT

VERIFICATION

Verified at Delhi on this 22 JAN 2024 day of January, 2024 that the contents of my above Affidavit are true and correct to my knowledge and nothing material has been concealed there from.

Chander Sain

DEPONENT



ATTESTED

[Signature]
**NOTARY
DELHI (INDIA)**

22 JAN 2024

Om Prakash & Others Vs. HSVP & Anothers 10

Present: Sh. P.N. Indoria counsel for plaintiff.
Sh. Kamal Bhati counsel for defendant No. 1 & 2.
Sh. Amit Behl counsel for applicant.

In pursuance of notice defendant No. 1 and 2 have entered appearance through counsel.

At this juncture, ld. Counsel for the plaintiff has pressed upon ad interim injunction. It is submitted that plaintiff is absolute owner in possession of Khasra No. 85//16/2(0-13). It is contended that defendants have arbitrarily issued memo bearing No. 452 dated 10.2.2020 by virtue of which they are bent upon to demolish the construction of the plaintiff over the suit property. In order to establish his ownership over the property reliance is placed of record of rights for the year of 2013-2014 which reflects plaintiff to be the owner in possession of the suit property. It is contended that the defendant is bent upon to dispossess the plaintiff and interfere in her peaceful possession . Ad-interim stay is prayed for.

Ld. Counsel for the defendant has vehemently opposed the grant of stay. It is submitted that Killa No. 16 was acquired by the Land Acquisition Department and thus plaintiff no locus over the suit property. It is contended that the said killa was acquired by two separate awards one in the year 1971 and another in the year 1973. Accordingly, a prayer for declining the ad interim has been made.

Heard. Record Perused. Though evidently the record of rights for the year 2013-14 reflects plaintiff to be the owner of Killa No. 16/2(0-13). However to rebut the claim of the plaintiff, defendant has placed on record copy of both the awards i.e. award passed in the year 1971 and

award passed in the year 1973. Pursuant to the said award possession of Killa No. 16/1(3-17) was taken in the year 1973 and possession of Killa No. 16/2 (0-13) was taken in the year 1971. That defendants have shown mutation reflecting the suit property to be vested in HUDA Department. Plaintiff has failed to state anything rebutting the existence of land acquisition awards. Moreover, the department concerned have issued memo dated 10.2.2020 to the plaintiff to vacate the property. Accordingly at this stage, no prima facie case in favour of plaintiff is made out. No ground for ad-interim stay is made out, hence the same is declined.

At this juncture, an application under Order I Rule 10 moved by applicant. Let the case be listed for 1.5.2020 for filing reply to the same.

Sakshi Saini
Civil Judge (Junior Division)
Faridabad. UID No.HR-0518

Date of Order : 25.2.2020
Typed by Sonia
Next date : 1.5.2020

True copy
H

CNR No.: HRFB01-002858-2020

1

CIS No.: CMA-30-2020

Om Parkash & others Vs. Haryana Shahri Vikas Pradhikaran and another

IN THE COURT OF K. P. SINGH, ADDITIONAL DISTRICT
JUDGE, FARIDABAD. (UID : HR0160)

CMA No.: 8

Dt. of Instt.: 03.03.2020

Dt. of order: 18.09.2020

1. Om Prakash aged about 78 years s/o Sh. Jagdish
2. Surender, aged about 39 years
3. Kanhiya, aged about 29 years
4. Yogesh, aged about 26 years, sons of Sh. Ved Prakash,
all residents of village Sihi, Sector 8 Faridabad.

Versus

--Appellants/Plaintiffs.

1. Haryana Shahri Vikas Pradhikaran (HSVP) through its Administrator,
HSVP Building, Sector 12 Faridabad, Haryana
2. The Sub Divisional Engineer (Survey) Haryana Shahri Vikas Pradhikaran,
HSVP Building, Sector 12 Faridabad, Haryana.

--Respondents/defendants

**CIVIL MISC. APPEAL AGAINST THE ORDER DATED
25.02.2020 PASSED BY MS. SAKSHI SAINI, CIVIL JUDGE
(JR. DIVISION) FARIDABAD VIDE WHICH SHE HAS
DISMISSED/DECLINED THE AD INTERIM STAY ON THE
APPLICATION UNDER ORDER 39 RULE 1 AND 2 READ
WITH SECTION 151 CPC OF THE
PLAINTIFFS/APPELLANTS.**

Present: Shri C. S. Sharma, Adv. for appellants/plaintiffs
(in person)

Shri Kamal Bhati, Adv. for respondents/defendants
(in person)

ORDER:

Appellants-plaintiffs have filed the present civil miscellaneous appeal
against the order dated 25.02.2020 passed by Ld. Civil Judge (Jr. Division)
Faridabad vide which their stay application was dismissed.

2. Facts which are necessary for adjudication of the present appeal are

K. P. Singh,
ADJ
Faridabad, UID : HR0160
18.09.2020

CNR No.: HRFB01-002858-2020

3

CIS No.: CMA-30-2020

Om Parkash & others Vs. Haryana Shahri Vikas Pradhikaran and another

consider that fact. Ld. Counsel has requested that the appeal may be accepted and the impugned order be set aside and the respondents-defendants be restrained from dispossessing the appellants-plaintiffs from the suit property. Ld. Counsel for the appellants has also relied upon following case laws:

1. *Prataprai N. Kothari vs. John Braganza* reported in 1999 (3) RCR (Civil) 119 (SC)
2. *Tarsem Singh and others vs. State of Haryana and others* reported in 2005 (3) RCR (Civil) 645 (P & H)
3. *Manmohan Service Station vs. Mohd. Haroon Japanwala* reported in 1995 (34) RCR (Civil) 348 (Delhi)
4. *Amrik Singh and another vs. Smt. Nasib Kaur and another* reported in 1972 PLJ 465, F.C.
5. *Ranjit Singh vs. The Financial Commissioner Revenue, Punjab and others* reported in 1981 PLJ 205, (P & H)
6. *Partap Singh etc. vs. Smt. Kamla Devi* reported in 1988 LJR (Revenue) 205 F.C.

5. Ld. Counsel for the respondents-defendants has contended that the suit property has already been acquired by the respondents-defendants in the year 1971 and its compensation was also received by Jagdish son of Shera Predecessor in the interest of the appellant vide cheque no.099361/000994 dt.30.11.1971 and also put his thumb impression in the record of the respondents now the appellants have no right whatsoever over the suit property and Ld. Civil Judge has rightly dismissed the stay application.

6. I have heard Ld. Counsel for parties and have gone through the trial court file.

7. Since, appellants in para no.4 (iii) of their plaint have admitted that

K. P. Singh,
ADJ
Faridabad, UID : HR0160
18.09.2020

CNR No.: HRFB01-002858-2020

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CIS No.: CMA-30-2020

Om Parkash & others Vs. Haryana Shahri Vikas Pradhikaran and another

entries in their favour qua the suit property in question. Appellants cannot claim any rights over suit property merely on the basis of demarcation report dated 27.09.2007 that same has not been acquired because the respondents have adduced all the relevant documents regarding acquisition of the property in question as per law and regarding taking its possession in due course of law as well as about the receiving of its compensation. Ld. Civil Court has rightly dismissed the stay application of the appellants after taking into consideration all the relevant record and the well reasoned order of the Ld. Civil Court does not require any interference. Hence, appeal is hereby dismissed. I have no doubt regarding case laws laid down by Ld. Counsel for appellants; *Prataprai N. Kothari vs. John Braganza, Tarsem Singh and others vs. State of Haryana and others, Manmohan Service Station vs. Mohd. Haroon Japanwala, Amrik Singh and another vs. Smt. Nasib Kaur and another, Ranjit Singh vs. The Financial Commissioner Revenue, Punjab and others and Partap Singh etc. vs. Smt. Kamla Devi (supra)*, which are not applicable to the facts and circumstances of the present appeal. LCR be sent back to the Ld. Lower Court.

File be consigned to the records.

Announced in open court:
Dated: 18.09.2020

(Ram Singh
Steno Gr.II)

(K. P. Singh)
Addl. District Judge,
Faridabad.
UID No.HR0160

K. P. Singh,
ADJ
Faridabad. UID : HR0160
18.09.2020

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CWP-282-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-282-2021

Date of decision: 8.1.2021

OM PRAKASH SHARMA AND ANR

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr.Abhinav Aggarwal, Advocate for
Mr.KP Singh, Advocate for the petitioners

Mr.Ankur Mittal, Addl.AG, Haryana

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of direction to the respondents to release/denotify the land of the petitioners bearing Khasra No. 85/16/2 (0 kanal 13 marlas) situated within the revenue estate of Village Sihi in view of Section 101 and 101A of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Learned counsel appearing on behalf of the petitioners states that at this stage, he would be satisfied, if a direction is issued to respondent No.4 – Chief Administrator, Haryana Shahari Vikas Pradhikaran (HSVP), Sector 6, Panchkula to consider and decide the representation

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CWP-282-2021

2

dated 16.9.2020 (Annexure P-6) expeditiously.

Heard.

A complete set of paper book has already been handed over to the learned State counsel.

In view of the above, without adverting to the merits of the case, the present petition is disposed of with a direction to respondent No.4 – Chief Administrator, Haryana Shahari Vikas Pradhikaran (HSVP), Sector 6, Panchkula to consider and decide the representation dated 16.9.2020 (Annexure P-6) in accordance with law within three months from the date of receipt of the certified copy of the judgment. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioners is admissible to them, in such eventuality, the consequential relief be allowed to them, within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioners is not admissible or made out, in that case, a speaking order be passed in the matter.

[JITENDRA CHAUHAN]
JUDGE

[VIVEK PURI]
JUDGE

8.01.2021

gsv

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No

Time copy
[Signature]

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कच्चा

--- लाल आरम्भ ---

पड़ता बशरह 7728 तबदील मंलकियत

खेवट

न.1

---लाल समाप्त---

7728 तबदील मंलकियत

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आधिकारिक
नकल को वेरीफाई करने के लिए QR कोड को स्कैन करें।



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Gmail - REPLY ON BEHALF OF APPLICANT TO I.A OF R- 6 IN E.A NO. 29/2023

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Mansi Chahal <mansichahal104@gmail.com>

REPLY ON BEHALF OF APPLICANT TO I.A OF R- 6 IN E.A NO. 29/2023

1 message

Mansi Chahal <mansichahal104@gmail.com>

22 January 2024 at 14:44

To: SURENDER VATS <surendervts9@gmail.com>, rkhuranalegal@gmail.com

Pls find attached the reply on behalf of the applicant to the I.A of respondent No. 6 in matter titled as Vinay kumar gupta vs State of Haryana (E.A No 29/2023 in O.A 07/2020)

Regards
Mansi Chahal
Adv for applicants
M:- 8377863559

 **REPLY TO IA OF RESPONDENT 6 VINAY KUMAR GUPTA VS STATE OF HARYANA.pdf**
9854K