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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 287 OF 2022

IN THE MATTER OF:

Sh. Amit kishor & Others

....Applicants

Vs.

Uttar Pradesh State Pollution control board & Ors.

....Respondents

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Dated:17.4.2023



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BEFORE THE NATIONAL GREEN TRIBUNAL
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Original application No. 287 of 2022

IN THE MATTER OF

Sh. Amit Kishore & Others ... Applicants

Versus

Uttar Pradesh State Pollution Control Board and Ors. ... Respondents

REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 3
UP AVAS EVAM VIKAS PARISHAD

I, Aman Tyagi S/o Anil Kumar Tyagi, aged about 33 years, working as Executive Engineer, C.D.- Ghaziabad-1, U.P. Avas Evam Vikas Parishad, Vasundhara, Ghaziabad, U.P. presently at New Delhi, do hereby solemnly affirm and state as under:

1. That the deponent is working as the Executive Engineer in the U.P. Avas Evam Vikas Parishad and is well versed with the facts and circumstance of the case and has perused the documents pertaining to the present case and is competent and authorized to swear this affidavit.
2. That the Hon'ble Tribunal vide Order dated 21.02.2023 and 17.03.2023 had directed the answering Respondent i.e., Uttar Pradesh Avas Evam Vikas Parishad to state whether the land in front of C.W.R. Overhead tank, which was demarcated as vending zone and on which Iron Shops/ Kiosks were installed, is part of Green Belt or not.

That at the outset, it is important to mention that the Answering Respondent No. 3 i.e., Uttar Pradesh Avas Evam Vikas Parishad



developed the Vasundhara Avas Yojana which was subsequently handed over to Ghaziabad Nagar Nigam vide handing over contract dated 30.10.2002. That in view of the aforesaid, the Ghaziabad Nagar Nigam took over the responsibility of overall upkeep and maintenance of the said area. That the said handing over was effectuated under Section 41 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965.

4. That a perusal of Section 41 of the U.P. Avas Evam Vikas Parishad Adhiniyam, 1965 would show that once the Board hands over any area to the local authority, within whose jurisdiction it lies, the said area vests in such local authority. Pursuantly, the area has to be maintained, repaired, lighted and cleansed by such local authority. Therefore, the obligation to maintain the area so handed over by the Board, rests completely with the local authority i.e., Ghaziabad Nagar Nigam in the present case.
5. That as per the approved lay-out plan of Sec-15, Vasundhara Yojna, a 4 mtr. wide Green Belt was planned on the edge of 45 mtr. road (towards Sec-15). In the present context the said green belt is till the CWR's 9 mtr. Road on one side. The boundary wall of the CWR is constructed adjacent to the 45 mt. road. There is no green belt on the CWR boundary. However, the green belt continues on both the sides of the CWR, interjected by the 18 mt. wide on the left side of the CWR.

There is no green belt on the CWR boundary. Therefore, any Vendors/ Vending zone allotted by the Ghaziabad Nagar Nigam, in front of the CWR boundary wall, is part of the 45 mtr. wide road. Also any Vendors/ Vending zone allotted by the GNN in front of the Commercial



(Handwritten mark)

Plots, between the 9 mtr. wide road and the 45 mtr. wide road is in the Green Belt. It is pertinent to mention that as per the hand-over and layout plan of the Sec-15, Vasundhara Yojna, the land in front of the CWR was not demarcated as a Vending Zone by the U.P. Avas Evam Vikas Parishad.

6. That it is pertinent to submit here that regarding this issue, the Housing Commissioner had a meeting with the Commissioner, Ghaziabad Nagar Nigam on 8.4.2023. In that meeting it was conveyed by the Ghaziabad Nagar Nigam that they are in the process of resettlement of vendors to nearby Vaishali Yojna for which they have written to the Ghaziabad Development Authority.

A.ii
DEPONENT

VERIFICATION:

I, the deponent above named do hereby solemnly swear and verify that the contents of above mentioned paragraphs of this affidavit are true to my knowledge; and are based on the perusal of record and on legal advice which I believe to be true and no part of it is false and nothing material has been concealed.

Verified at New Delhi on ¹¹ 7 APR 2023

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Identified by

A.ii
DEPONENT



ATTESTED
Notary Public, Delhi
(As Presented)
11 7 APR 2023