

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,

NEW DELHI

Original Application No.287 of 2022

**IN THE MATTER OF:**

Sh. Amit Kishore & Others .....Applicant

Versus

Uttar Pradesh State Pollution  
Control Board & Others .....Respondents

**Reply on behalf the respondent No.3 U.P. Avas Evam Vikas  
Parishad**

N.D.H.O. 7.9.2022

**Index**

Sr.	Particulars	Pages
1.	Reply on behalf the respondent No.3 U.P. Avas Evam Vikas Parishad	1-6

**Filed On.5.9.2022**



(VEERA KAUL SINGH)  
Advocate for the Respondent No.3

|

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original application No. 287 of 2022

IN THE MATTER OF

Sh. Amit Kishore & Others

... Applicants

Versus

Uttar Pradesh State Pollution Control Board & ORs. ...

Respondents

REPLY 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. Avs 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. Avs Evam Vikas Parishad and am well versed with the facts and circumstances of the case and have perused the documents pertaining to the present case and is competent and authorized to swear this affidavit.
2. That I have gone through the contents and various averments made in the Original Application filed by the Applicant. It is submitted that all the averments made in the said Application are specifically denied unless they are admitted hereunder.

A:

3. That it is most important to submit here that the Answering Respondent i.e. the Uttar Pradesh Awas Evam Vikas Parishad is the Housing Board of the State of Uttar Pradesh and a Statutory Body created and constituted by the U.P. Awas Evam Vikas Parishad Adhiniyam, 1965. The Answering Respondent provides affordable housing for the economically weaker sections of the society.
3. That it is submitted here that the present Application pertains to the issue of destruction and encroachment of the Green belt situated in Sector 15 and 17 of the Vasundhara Awas Yojna, Vasundhara, Ghaziabad. The Vasundhara Awas Yojna was launched and developed by the Answering Respondent no. 3 i.e. U.P. Awas Evam Vikas Parishad under Housing Scheme No.3. The said Yojna is spread over an area of 1316.86 acres and is divided into 19 sectors. A road running through the Yojna divides it into two equal parts. On one side of the road the Answering Respondent has developed about 5,50,145 sq. mts. of green belt having 123 nag of park and 80 nag of open space. The said Yojna is equipped with all the necessary public services like sewer, water, parks, roads, green belt etc.
4. That is in important to submit here that subsequently, on completion the said Yojna was handed over to Ghaziabad Nagar Nigam, under Section 41 of the U.P Awas Evam Vikas Parishad Adhiniyam, 1965, for the purpose of maintaining the public services vide contract dated 30.10.2002. It is submitted here that the Answering Respondent had handed over the Yojna to Ghaziabad Nagar Nigam along with Rs.340



A:

lacs and a Sewer jetting machine that was already installed there. Moreover, As per the contract, the said Yojna was handed over with certain terms and conditions. According to the terms and conditions of the contract the Ghaziabad Nagar Nigam could not make any changes to the basic structure, façade and the services provided by the Answering Respondent without a prior written permission. A copy of the handing over letter is already enclosed as Annexure B with the Original Application.

5. The Applicants informed vide letter dated 22.9.2021 to the Answering Respondent that Ghaziabad Nagar Nigam has destroyed and encroached upon the green belt in Sector 15 and 17 of the Yojna. It has also been brought to notice of the Answering Respondent that Ghaziabad Nagar Nigam has cut down several trees, removed wire fencing and constructed a concretized platform on which a vending zone has been inaugurated. Ghaziabad Nagar Nigam has set up 63 iron made shops and handed over the keys to the shopkeepers.
6. That it is important to bring to the notice of this Hon'ble Tribunal that a vending zone was proposed to be set up in Sector 10, 12 and 14 of Vasundhara, Ghaziabad that had been marked for setting up in accordance with a proposal passed by the Architecture and Planning Section of the Answering Respondent. Therefore, Ghaziabad Nagar Nigam has acted in violation of the aforementioned proposal and has illegally set up the vending zone. Therefore, Ghaziabad Nagar Nigam must remove the said encroachment from the green belt situated in



*Am*

sector 15 and 17 of the Vasundhara Awas Yojna and restore the said green belt to its original form.

7. That it is pertinent to submit here that in furtherance of the complaint of the residents/applicant dated 22.9.2021, the Answering Respondent no.3 had requested the Ghaziabad Nagar Nigam to remove the encroachment and revive the green belt vide letter dated 1.10.2021. Moreover, the Answering Respondent has also requested the District Magistrate to take immediate action in this regard in order to avoid protest by the residents vide letter dated 26.10.2021. Copies of the aforesaid letters are already enclosed with this Application as Annexure 'D'.
8. That the Answering Respondent after completing a project handed it over to the Ghaziabad Nagar Nigam in the present matter. Thereafter, it is the duty of the Nagar Nigam to maintain the public services and ensure that a clean and hygienic environment is provided to the residents to live in. Moreover, it is also the duty of the maintaining authority to not act in a manner that is detrimental to the residents and the public at large. Hence, in light of what has been stated herein above, it is most humbly submitted that Ghaziabad Nagar Nigam is duty bound to remove the said encroachment. Furthermore, at this stage, it is the duty of the police and the District Magistrate and other enforcement agencies to ensure the said encroachment is removed immediately and the green belt is restored to its original state.



*[Handwritten signature]*

9. That is it submitted here that the Answering Respondent is ready and willing to follow all the directions falling from this Hon'ble Tribunal in letter and spirit and shall extend all its support the other Respondent Authorities in getting the said encroachment removed as soon as possible.

### **PARAWISE REPLY**

1. That the facts and circumstances of the case have been set out in detail in the accompanying Reply Affidavit and the same are not being repeated for the sake of brevity, and the Answering Respondent craves indulgence of this Hon'ble Court to allow them to refer and rely on the same at the time of hearing of Application.
2. That the contents of para 1 is factual matrix and needs no comments.
3. That the contents of para 2 is a matter of record and needs no comments.
4. That the contents of Para 3 are denied for the reason that the Answering Respondent had requested the Ghaziabad Nagar Nigam to remove the encroachment and revive the green belt vide letter dated 1.10.2021. Moreover, the Answering Respondent has also requested the District Magistrate to take immediate action in this regard in order to avoid protest by the residents vide letter dated 26.10.2021.
5. That the contents of para 4 and 5 are matter of record, needs no comments.



6. That the contents of para 6 and 9 are related to the Ghaziabad Nagar Nigam and need no reply by the answering respondent no.3.
7. That the contents of para 10 qua the Answering Respondent no.3 is a matter of record.
8. That the contents of para 11 and 12 are denied for the reason that the Answering Respondent had handed over the Yojna to Ghaziabad Nagar Nigam along with Rs.340 lacs and a Sewer jetting machine that was already installed there. Moreover, as per the contract, the said Yojna was handed over with certain terms and conditions. According to the terms and conditions of the contract the Ghaziabad Nagar Nigam could not make any changes to the basic structure, façade and the services provided by the Answering Respondent without a prior written permission.



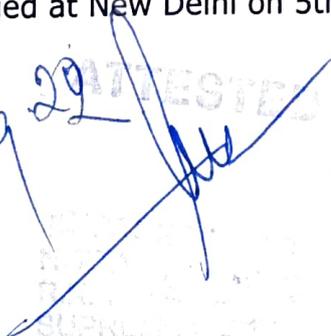
DEPONENT

**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 all I believe to be true and no part of it is false and nothing material has been concealed.

Verified at New Delhi on 5th Day of September, 2022.



05.09.22  






DEPONENT