

**BEFORE THE HON'BLE GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
ORIGINAL APPLICATION NO. 175 OF 2022**

**IN THE MATTER OF:**

**Vijay Kishor Goswami** .....Applicant  
**Versus**  
**State Government of Uttar Pradesh & Ors.** ...Respondents

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**RESPONDENT No. 4**

 **THROUGH**

**Mr. YAGYAWALKYA SINGH  
ADVOCATE  
A-131[LGF], Sector 46, Noida 201301  
7838848157  
info@dylawchambers.com**

BEFORE THE HON'BLE GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
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IN THE MATTER OF:

Vijay Kishor Goswami

.....Applicant

Versus

State Government of Uttar Pradesh & Ors.

...Respondents

REPLY ON BEHALF OF THE RESPONDENT NO.4 TO THE  
ORIGINAL APPLICATION FILED BY THE APPLICANT UNDER  
SECTION 14 & 15 OF THE NATIONAL GREEN TRIBUNAL ACT,  
2010.

MOST RESPECTFULLY SHOWETH:

**Preliminary Objections:**

1. **THAT** the contentions averred by the applicant in the Original Application No. 175/2022 are denied in totality since the claims made are not tenable and sustainable according to law as well as fact. The contentions made in the Original Application should not be presumed to be accepted in any sense neither direct nor indirect.



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- 2. THAT** the present Original Application should be dismissed with immediate effect in addition to the imposing of costs for wasting the precious time of the Hon'ble Tribunal and its resources as the present OA filed by the Applicant is devoid of any merits, false, frivolous and vexatious.
- 3. THAT** the government issued G.O. dated 23.03.2018 in pursuant to order dated 06.07.2016 in O.A. No. 165 of 2013. As per the G.O. the maximum width on the both side of the road is 0.50 mtr. and the maximum width of the footpath can be 1.50 meters only.
- 4. That** the Hon'ble Tribunal vide order dated 07.03.2022, constituted a Joint Committee comprising of State PCB, DFO and District Magistrate- Mathura (Uttar Pradesh) an directed the same to submit factual and action taken report within two months.
- 5. That** accordingly, to the order dated 0.03.2022, the constituted committee inspected the area on 18.05.2022 and has submitted report vide email dated 08.07.2022. The report of the Joint Committee is hereby Annexed as **ANNEXURE 1**.
- 6.** In the above captioned report, it was found that in Ramentri-Banke Bihari colony, road length of about 1.0 km having



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width as 11 metres from Nagar Nigam Park to Banke Bihari colony was concretized.

**7. That** it is pertinent to note that the road in Banke Bihari Colony connecting Nagar Nigam Park to Banke Biahri Colony is constructed by the Mathura Vrindavan Nagar Nigam (hereinafter termed as "MVNN"), which is of length of about 1.0 km having width as 11 metres. The road as mentioned in Banke Biahri Colony was constructed prior to the G.O dated 23.03.2018 the same has been notified to the joint committee vide letter dated 23.06.2021 the same is Annexed herein as **ANNEXURE 2** and the MVNN is working accordingly as per the G.O and the order of the Hon'ble Tribunal for all the future construction of roads.

**8. That** it is to inform that MVNN neither violated any G.O nor any order issued by the Hon'ble Tribunal in regard to the constructuion and maintenance of roads and footpaths. The roads concerned in Chaitanya Vihar & Kailash Nagar Colony /areas have been developed by Mathura Vrindavan Development Authority (respondent 3) and was handed over to MVNN in year 2021. That MVNN did not had any role in



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constructing these roads or regarding the planning of road construction and material used.

**9. That** MVNN's work is only to take care of the maintenance of the road which is handed over to them. It is to be informed that MVNN didn't do any addition or changes in any manner on the road but only maintain the same and keep in good condition.

**10. That** the allegation averred by the applicant against MVNN (Respondent No.4) are denied on the ground of being false, frivolous and misleading. It is submitted that there is no basis of filing the present O.A against the Respondent No.4 (hereinafter termed as "Respondent"), since the respondent has committed neither misconduct nor disobeyed any order of any competent authority or of any Judicial Forum. That the present application has nothing to do with the respondent since Respondent 4 has no role in the same.

**11.** That the present application is nothing but a brazen abuse of the power given to citizens to protect their rights against the government. The application lacks merits as well as the applicant deliberately ignores or hides the facts which are necessary in the present issue. It is submitted that the



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applicant fails to understand the chronology of the G.O, Hon'ble Tribunal order and the work done by the authorities in the city and without giving required consideration to the facts the applicant filed the present application which results in wasting of time of Hon'ble Tribunal as well as of the government authorities who can otherwise use this time for the betterment of their citizens.

**12.** That it is respectfully submitted that environment and public health are one of the prime concerns of the MVNN and it is working with utmost sincerity towards providing healthy environment to citizens in pursuance to the right to life as enshrined in Article 21 of the Constitution of India.

**13.** That it is submitted that the MVNN is fully aware of its social responsibility and committed to the cause of preservation of environment and shall take all necessary measures for the implementation of any order that may be passed by this Hon'ble Tribunal in letter and spirit

**14.** That the prayer against Respondent 4 are wrong and fallacious Therefore, Hon'ble Tribunal may be pleased to dismiss the present application outrightly while imposing the



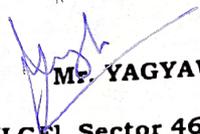
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नगर निगम पणजी वृन्दागम

exemplary cost on the applicant for filing such frivolous applications.

Place: New Delhi  
Date:

  
**RESPONDENT No. 4**

अधिरासी अभियन्ता  
नगर निगम मन्थल-मुन्दागन  
**THROUGH**

  
**MR. YAGYAWALKYA SINGH**  
**ADVOCATE**  
A-131[LG#], Sector 46, Noida 201301  
7838848157  
[info@dylawchambers.com](mailto:info@dylawchambers.com)



**VERIFICATION**

Verified at <sup>Mathura</sup> ~~New Delhi~~ on this <sup>29</sup> day of 11 2022. That the contents of above said affidavit are true to my knowledge and nothing material had been concealed their form.

अधिरासी अमियन्ता DEPONENT  
नगर निगम मथुरा-वृन्दावन



VIMAL KISHORE MATHUR  
Advocate, Notary Public, Mathura

—  
Rizwan Ahmad  
अधिकारी को से जानता हूँ उन्होंने  
कमरे/निर्णय मे सामने विद्ये है।  
—  
पहचानव .

The Contents of the affidavit doer  
read over & explained to Rizwan Ahmad  
who is identified by Shri. Shanti Pachan  
and oath attested to day 29.11.22  
at my office & noted down in presence  
Register No. 16195 Page  
Charged fees Rs. 30

Vimal Kishore Mathur  
Notary Public  
District Head Quarter Mathura



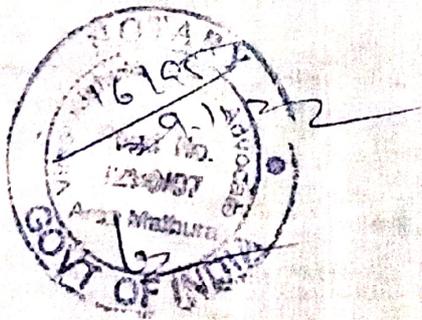
भारत सरकार  
Government of India



Download Date: 07/07/2021

Issue Date: 08/02/2021

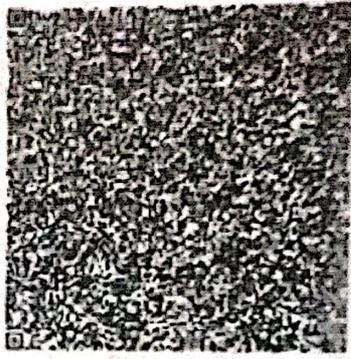
मेरा आधार, मेरी पहचान




भारतीय विशिष्ट पहचान प्राधिकरण


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**Factual and Action Taken Report regarding Hon'ble NGT order dated 07/03/2022 in the matter of O.A. No. 175/2022, Vijay Kishore Goswami Vs State of Uttar Pradesh & Ors.**

**1. Background**

Hon'ble National Green Tribunal (NGT) in the matter of Original Application No. 175 of 2022, dated 07/03/2022, Vijay Kishore Goswami Vs State of Uttar Pradesh & Ors. directed as below:

1. *Grievance of the applicant Mr. Vijay Kishore Goswami is against reckless and excessive concretization in the areas of Banke Bihar Colony, Ramanreti, Kailash Nagar, Chaitanya Vihar and along with Yamuna Parikrama Marg in the city of Vrindawan, Uttar Pradesh in the violation of the orders of this Tribunal in O.A. No, 165/2013, titled "Akash Vasihstha vs Union of India and the G.O. dated 23.03.2018 issued by the state of Uttar Pradesh.*
2. *Having regard to the allegations of the applicant, it appears necessary to ascertain the factual position in the matter through a joint committee of the State PCB, DFO and District Magistrate-Mathura. The State PCB will be the nodal agency for coordination and compliance. The joint committee may meet within four weeks and undertake site visit and look into the grievances of the applicant. Factual and action taken report may be furnished within three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

**2. Proceedings**

- a. In compliance of the above order, Member Secretary, U P Pollution Control Board, Lucknow vide letter dated 16.03.22 (Annexure-1) has nominated Sri D. K. Gupta, Regional Officer In-charge, Mathura as representative of State Board.
- b. District Magistrate, Mathura issued directions vide order dated 28.04.2022(Annexure-2) for ensuring site visit and to check the grievance of applicant in context of violation of Hon'ble NGT O.A. No, 165/2013, titled

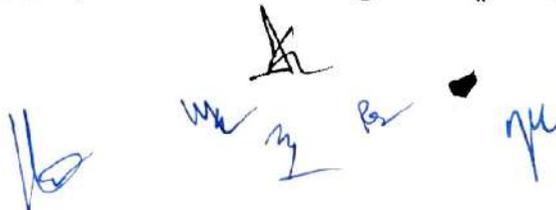
"Akash Vasihstha vs Union of India and the G.O. dated 23.03.2018 issued by the state of Uttar Pradesh and submit the latest report before 13.07.2022.

- c. Site inspection was conducted by the joint committee on date 18.05.2022.
- d. Meetings of the committee were conducted on dates 09.05.22, 25.05.22, 08.06.22, 15.06.22, 22.06.22, 28.06.22 to follow up the matter under the chairmanship of DM/ADM with concerned authorities and as per minutes of the meeting, compliance chart has been annexed (Annexure-3).

### 3. Factual Status Report

Site inspection was conducted by the joint committee ON 18.05.2022 (Annexure-4) in the presence of applicant, Shri Vijay Kishore Goswami (The petitioner). Major findings of Site inspection of the inspection committee are as follows-

- In Chaitanya Vihar, from Bhagwat niwas building to jagat guru kripalu parishad sansthan the road length is about 600 meters. whose width varies from 10 meters to 11 meters. It was found to have been concretized. (photographs annexed)
- In Ramanreti, the road length of about 1.0 km having width as 11 meters from Thakur ji ashram to radha krishna Pathak bageechee was found to have been concretized. (photograph annexed)
- In Ramanreti-Banke Bihari Colony, road length of about 1.0 km having width as 11 meters. from nagar nigam park to banke bihari colony was found to have been concretized. (photographs annexed)
- In Kailash nagar, the road length of approx. 2.0 km having width from 10 meters to 12.5 meters from dauji bageechee to sabji mandi was found to have been made with interlocking tiles completely. (photographs annexed)
- Yamuna parikrama marg is about 5.0 km in length is a Damar road (Coal Tar) and footpath has been made with interlocking tiles. (photographs annexed).



The inspection committee recommended that:-

On the basis of site inspection report, it was observed prima facie that Chaitanya vihar, ramanreti and banke bihari colony roads have been concretized completely. Kailash nagar road is made with interlocking tiles and parikrma marg footpath has been made with interlocking tiles. Hence in context of violation of directions of Hon'ble NGT OA No. 165/2013 Akash vasistha Vs Union of India order dated 05.07.2016 and further Nagar vikas anubhag-5, U P govt. G.O. dated 23.03.2018, notices should be issued to all concerned executive agencies viz. Mathura-Vrindawan Nagar Nigam, Mathura-Vrindawan Development Authority, Public works department and UP Rural Engineering Services, Mathura to get their replies.

#### 4. Action Taken Report

- 1) On the basis of the report of site inspection committee dated 18.05.2022 , notices were issued to all concerned executive agencies viz. Mathura-Vrindawan Nagar Nigam, Mathura-Vrindawan Development Authority, Public works department and UP Rural Engineering Services, Mathura to get their replies dated 24.05.2022 through designated nodal agency viz. SPCB officer. (Annexure 5)
- 2) Replies were received from concerned agencies as follows:
  - i) Executive Engineer, Rural engineering services, Mathura vide letter dated 16.06.22 (Annexure-5) informed that department has not conducted any work on the above mentioned locations.
  - ii) Chief Engineer, Mathura-Vrindawan Nagar Nigam vide letter dated 23.06.22 (Annexure-6) informed that Chaitanya vihar & Kailash Nagar colony/areas have been developed by Mathura-Vrindawan development authority, CC and interlocking tiles work was done and was handed over to Nagar Nigam in year 2021. In Banke Bihari colony, road is constructed prior to propagation of G.O., only maintenance of CC roads are being done.
  - iii) Chief Engineer, Mathura-Vrindawan development authority vide letter dated 28.06.2022 and 01.07.2022 (Annexure-7) has informed that In Kailash nagar, the road length approx. 2.0 km whose width varies from 10 meters to 12.5 meters from dauji bageechee to sabji mandi is made

with interlocking tiles completely in year 2014-15. G.S.B. and interlocking tiles have been used for carriage way and footpath. This activity is done prior to the G.O. dated 23.03.2018 and directions will be complied with in future work.

- iv) Executive Engineer, Provincial division, Public Works Department, Mathura vide letter dated 28.06.2022 and 30.06.2022 (Annexure-8) has informed that In chaitany vihar and ramanreti, old road is maintained with 15 cm CC work by the department and area around plantation has been kept earthen. On Yamuna parikrama marg, After 2018 no interlocking work is performed on footpath while earthen footpath is developed by braj teerth vikas parishad in place of interlocking tiles. No violation of G.O. is being done on the above two roads.

A summary of the positions communicated has been annexed with as annexure-9.



(D K Gupta)

Assist. Env. Engineer

U P Pollution Control Board

Mathura

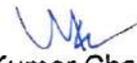


(P. K. Pandey)

Sub-divisional Officer

Social Forestry Department

Mathura



(Manoj Kumar Chaurasia)

Regional Officer (I/c)

U P Pollution Control Board

Mathura



(Yoganand Pandey)

A.D.M.(F/R)

Mathura



(Rajanikant Mittal)

Divisional Director

Social Forestry Division

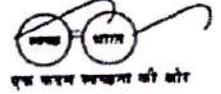
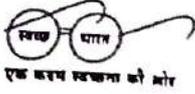
Mathura



(Navneet Singh Chahal)

District Magistrate

Mathura



## कार्यालय : नगर निगम मथुरा-वृन्दावन, मथुरा

पत्रांक: 220/308190/10/न.नि.न.ए / दिनांक: 23/06/2022

प्रेषक :-

मुख्य अभियन्ता  
नगर निगम मथुरा-वृन्दावन।

सेवा में,

विषय :- क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड  
भवन सं० 65 ए, बल्देवपुरी, महोली रोड़, मथुरा।  
मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा योजित ओ०ए० सं० 175/2022 विजय कुमार गोस्वामी बनाम स्टेट ऑफ यू०पी० एवं अन्य में पारित आदेश दिनांक 07.01.2022 के सम्बन्ध में।

उपरोक्त विषयक अपर नगर आयुक्त कार्यालय के पत्र 71/अ०न०आ०/न०नि०म०वृ०(वृन्दावन-जोन)/2022-23 दिनांक 16.06.2022 के सम्बन्ध में अवगत कराना है कि क्षेत्रीय कार्यालय उ०प्र० प्रदूषण नियन्त्रण बोर्ड के क्षेत्रीय अधिकारी (प्र०) श्री मनोज कुमार चौरसिया के पत्रांक 305/0-85/2022 दिनांक 24.05.2022 के द्वारा दिनांक 18.05.2022 के माध्यम से चाही गयी आख्या व नगर मजिस्ट्रेट, उप प्रभागीय वानिकी एवं क्षेत्रीय अधिकारी उ०प्र० प्रदूषण नियन्त्रण बोर्ड की टीम के द्वारा स्थलीय निरीक्षण के दौरान चेतन्य बिहार रमनरेती बाँके बिहारी क्षेत्र में पूर्णतः कंक्रीट कर पक्का कर देना एवं कैलाश नगर में इण्टरलॉकिंग टाइल्स तथा परिक्रमा मार्ग की सड़क के किनारे फुटपाथ को इण्टरलॉकिंग टाइल्स लगाकर पक्का कर दिये जाने पर प्रथम दृष्टया मा० एन०जी०टी० के ओ०ए० नं० 165/2019 आकाश वशिष्ठ बनाम यूनियन इण्डिया में पारित आदेश दिनांक 05.07.2016 एवं उक्त के अनुक्रम में जारी नगर विकास अनुभाग-5 उ०प्र० शासन के शासनादेश दिनांक 23.08.2018 में दिये गये निर्देशों के क्रम में अवगत कराना है कि कैलाश नगर एवं चेतन्य बिहार कालोनी मथुरा-वृन्दावन विकास प्राधिकरण द्वारा विकसित की गयी कालोनी है जिनकी सड़कों पर सी०सी० व इण्टरलॉकिंग का कार्य कराया गया है उक्त कालोनी नगर निगम मथुरा-वृन्दावन को दिनांक 22.10.2021 को हस्तगत हुयी है तथा परिक्रमा मार्ग का निर्माण लोक निर्माण विभाग मथुरा एवं मथुरा-वृन्दावन विकास प्राधिकरण द्वारा किया गया है वर्तमान में जिसके अनुरक्षण का कार्य भी लोक निर्माण विभाग मथुरा व मथुरा-वृन्दावन विकास प्राधिकरण द्वारा किया जा रहा है। बाँके बिहारी कालोनी क्षेत्र में शासनादेश निर्गत होने से पूर्व सड़क का निर्माण कार्य हुआ था तथा जिसके अनुरक्षण का कार्य नगर निगम मथुरा-वृन्दावन द्वारा कराया गया है।

भवदीय

मुख्य अभियन्ता  
नगर निगम मथुरा-वृन्दावन।

प्रतिलिपि:- नगर आयुक्त महोदय को सादर सूचनार्थ।

मुख्य अभियन्ता  
नगर निगम मथुरा-वृन्दावन।