

**IN THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
O.A. NO- 199/2024**

**IN THE MATTER OF**

Swami Omkaranand Dharma  
Samsthan

...Applicant

Versus

State of Uttarakhand & Ors

...Respondents

**INDEX**

<b>S. No</b>	<b>Particulars</b>	<b>Pages</b>
1.	Reply on behalf of Respondent No. 4 M/S German Bakery, along with Affidavit	1-11
2.	<b>Annexure P-1</b> A Copy along with translated copy of the Sales Deed dated 30.07.2002	12-28
3.	<b>Annexure P-2</b> A true copy of the Order dated 27.02.2021 passed by the Ld. Civil Judge, Tehri in Original civil suits 16 of 2019	29-32
4.	<b>Annexure P-3</b> A true copy of the notification dated 15.06.2021	33
5.	<b>Annexure P-4</b> A true copy of the Plaint in Original Civil Suits 17/2024	34-52
6.	<b>Annexure P-5</b> A true translated copy of the Show-Cause Notice dated 22.06.2024	53-56
7.	<b>Annexure P-6</b> A true copy along with translated copy of the Affidavit dated 08.07.2024 executed by the Petitioner	57-61
8.	<b>Annexure P-7</b> A true copy along with translated copy of the Sealing Order dated 13.09.2024	62-65
9.	<b>Annexure P-8</b> A true copy of the order dated 20.09.2024 passed by the Hon'ble High Court of	66-67

	Uttarakhand at Nainital in WPMS/2534/2024	
--	---	--

9. Proof of Service

68

Place: New Delhi

Date: 15.10.2024



KUNWAR & CO,  
G-27, Second Floor Jangpura  
Extension New Delhi 110014  
Info.kunwarco@gmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****Original Application No. 199 of 2024****IN THE MATTER OF:**

Swami Omkarananda Dharma

Samsthan

...Applicant

Versus

State of Uttarakhand & Ors.

...Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 4 M/S  
GERMAN BAKERY, RISHIKESH THROUGH ITS  
PROPRIETOR SH. DEVRAJ BHATT.**

1. That Respondent no. 4 M/s German Bakery, Rishikesh is filing the present reply in response to the Original Application No. 199 of 2024, which seems to have been registered on the basis of a vindictive letter petition preferred by the Applicant herein.
2. That the Complainant/Applicant is a Religious Trust being represented by its AR Dr. Anupam Vaid, and was the erstwhile owner of the subject property i.e. Land admeasuring approx. 230 sq. yd with Built Up room 12 x 12 ft at Khasra no. 260/264 Village Tapovan (LakshmanJhula) Tehsil Narendranagar, District TehriGarhwal.
3. That Respondent no. 4 is a proprietorship concern represented by its proprietor Sh. Devraj Bhatt, presently the owner of the subject property on which Sh. Devraj Bhatt runs a restaurant along with

a book store. It is pertinent to mention that Sh. Devraj Bhatt has been running the restaurant since 1995 and has over 11 employees.

### **PRELIMINARY OBJECTIONS**

4. That at the very outset, the answering Respondent begs to submit that the Applicant/Complainant has not come before this Hon'ble Tribunal with clean hands as fact of the present dispute being pending before other forums was deliberately and maliciously concealed from this Hon'ble Tribunal.
5. Letter Petition out of which the present proceedings arise is vindictive in nature and was preferred by the Complainant/Applicant with a view to arm twist the answering Respondent, burdening this Hon'ble Tribunal by initiating multiple proceedings, in pursuance of already pending disputes between the said parties. In this regard, it is further stated that the present application is not maintainable as the issue involved pertains to illegal construction of the subject property, which is already sub-judice before the District Development Authority as well as the Ld. Civil Judge, Tehri.
6. That the applicant has initiated parallel civil action i.e. Original Civil Suits/17/2024 against the answering respondent before the District Court, Tehri raising issues of illegal construction and further praying for a decree of permanent injunction from raising construction along with various other reliefs. In view of the said circumstances, it is evident that the applicant is engaging in a deliberate abuse of the legal process by weaving multiple proceedings with the sole intention of exerting undue pressure on the respondent. Such a vexatious and frivolous approach not only

undermines the efficiency and integrity of the justice system but also places an unnecessary burden on the court's resources.

7. That the subject matter of the present application is currently Sub-judice before the District Level Development Authority, Tehri, which had issued a sealing order dated 13.09.2024 and subsequently sealed the property on 16.09.2024. This sealing order was issued pursuant to erroneous and misconceived findings, and thus being aggrieved the answering respondent assailed the said proceedings by moving the Hon'ble High Court of Uttarakhand at Nainital in Writ Petition – WPMS/2534/2024, alleging that the sealing order was arbitrary, capricious, and without legal basis. The Hon'ble High Court of Uttarakhand was pleased to issue notice and grant stay of the proceedings before the District Level Development Authority vide order dated 20.09.2024. Therefore, due to the issue of illegal construction being pending before the Hon'ble High Court, the present proceedings in so far as they raise the same issue, are not maintainable.
8. That the present application is not maintainable as the same does not raise any substantial issue pertaining to environment, rather the issue pertains to illegal construction which is already taken in notice by the District Level Development Authority, Tehri and the applicant only alleges that the alleged construction is causing obstruction in the view of Ganga River from their facility.
9. That the property under question is subject matter of proceedings under the Uttarakhand Urban And Country Planning And Development Act, 1973 wherein the property in question was order to be sealed vide order dated 13.09.2024, and subsequently sealed on 16.09.2024. In this regard it is submitted that the

prayers sought under the present application, arising out of the alleged construction raised by the answering Respondent, have become infructuous in view of the property being sealed by the District Development Authority u/s 28-A of the Uttarakhand Urban And Country Planning And Development Act, 197, and therefore the present application/complaint is not maintainable.

10. That the issue of alleged illegal construction is already under consideration by the District Level Development Authority pursuant to the [relevant Act], the instant application before the National Green Tribunal is not maintainable. The Applicant's actions constitute forum shopping, as they are attempting to initiate the same cause of action before multiple forums, thereby abusing the judicial process.

#### **CORRECT FACTUAL POSITION**

11. The answering respondent seeks to put forth the factual position relating to the issue of illegal construction as being pending before the District Level Development Authority.
- a. The Answering Respondent no.4 purchased the subject property from the applicant vide registered Sales Deed dated 30.07.2002 for a total consideration of Rs. 4,00,000/-. It is stated that the Petitioner did not undertake any construction work and the same can be substantiated with the fact that before the execution of the Sales Deed, the Petitioner was already granted tenancy rights for running a restaurant in the subject property.

A Copy along with translated copy of the Sales Deed dated 30.07.2002 is annexed herewith as **Annexure no. 01** to this petition.

- b. That previously in the year 2019, the present applicant/complainant had filed Original Civil Suits 16/2019 before the Ld. Civil Judge, Tehri which raised similar issues of illegal construction as in the present matter. The said suit was dismissed as withdrawn vide order dated 27.02.2021 with costs payable to the defendant therein i.e. the answering respondent.

A true copy of the Order dated 27.02.2021 passed by the Ld. Civil Judge, Tehri in Original civil suits 16 of 2019 is annexed herewith and marked as **Annexure no. 02.**

- c. On 15.06.2021, the Secretary (In-Charge), Government of Uttarakhand issued a communication to Vice Chariman of All District Level Development Authority, Uttarakhand stating that the process of map approval in the New included Areas was postponed. It was further stated that the regulated areas prior to the year 2016, except the newly included areas can get their maps approved voluntarily. In this regard it is submitted that the ground floor of the property was constructed before any laws regarding approval of map were made. The property and construction on the first floor therein were made prior to the passing of judgement of this Hon'ble Tribunal in Enviro-Legal Action v. National Ganga River Basin Authority &Ors.

A true copy of the notification dated 15.06.2021 is annexed herewith and marked as **Annexure No. 03.**

- d. That on 07.06.2024, the applicant herein filed Original Civil Suit No. 17 of 2024 before the file of Ld. Civil Judge Senior Division, Tehri wherein the present applicant has sought reliefs in nature of injunction against the answering Respondent from raising construction on the subject property.

The prayers and nature of allegations contained therein make it amply clear that the issue which is raised before this Hon'ble Tribunal is similar to issue raised in the Civil Suit i.e. issue of illegal construction. It is further stated that the applicant is misusing the process of law by filing multiple proceedings of similar nature alleging the same issue. It is pertinent to mention that at present, the issue of illegal construction being carried out in the subject property is pending before the Ld. Civil Judge, Tehri and thus is not maintainable before this Hon'ble Tribunal.

A true copy of the Complaint in Original Civil Suits 17/2024 is annexed herewith and marked as **Annexure No. 4**

- e. That on 22.06.2024, a show cause notice u/s 27(1) of the Uttarakhand Urban And Country Planning And Development Act, 1973 was issued to the Answering Respondent alleging development without permission, permit, approval in view of S. 14 of the act. The said notice alleged that the map for the subject property was not approved by the Development Authority and thus, the answering respondent was summoned to appear before the Development Authority on 08.07.2024.

A true translated copy of the Show-Cause Notice dated 22.06.2024 is annexed herewith as **Annexure no. 05** to this petition

- f. That the answering respondent appeared before the Development authority on 08.07.2024 wherein the answering respondent was asked to submit an affidavit stating that no construction is being carried out on the subject property and that in future if construction is taken up then the deponent will get a map passed. In compliance of the same, the Petitioner

submitted his affidavit stating that in case starting of construction work map will be passed.

A true copy along with translated copy of the Affidavit dated 08.07.2024 executed by the Petitioner is annexed herewith and marked as **Annexure No. 06** to this Petition.

- g. That on 13.09.2024 Development Authority arbitrarily passed a Sealing Order u/s 28-A of the Uttarakhand Urban And Country Planning And Development Act, 1973 based on the erroneous observation that the answering respondent had not acted in accordance with what was stated by him through his Affidavit dated 08.07.2024 and has not applied for the approval of the map online. The order further directed sealing of the construction done on 16.09.2024 at 11:00 am which happened to be a Gazetted Holiday. And subsequently the subject property was sealed on 16.09.2024.

A true copy along with translated copy of the Sealing Order dated 13.09.2024 is annexed herewith and marked as **Annexure No. 7** to this petition

- h. That the answering respondent was constrained to move Hon'ble High Court of Uttarakhand at Nainital in Writ Petition – WPMS/2534/2024 wherein the proceedings against the alleged illegal construction were stayed vide order dated 20.09.2024. A true copy of the order dated 20.09.2024 passed by the Hon'ble High Court of Uttarakhand at Nainital in WPMS/2534/2024 is annexed herewith and marked as **Annexure No 08.**

## 12.PARA WISE REPLY TO THE COMPLAINT

- a. The contents of Para no.1 of the Letter Petition is introductory in nature and does not call for a reply

- b. The contents of para Para no. 2 of the Letter Petition are false to the extent that the Answering Respondent was an employee of the Complainant. The correct position is that the Answering Respondent was a tenant of the Applicant and operated a Restaurant in the name of German Bakery on the subject property. The contents of para no. 2 to the extent that the subject property was sold to the answering Respondent vide registered sales deed dated 30.07.2002 are correct and thus the answering respondent refrains to make any addition/correction to the said fact.

The contents of para no. 2 to the extent that illegal construction was carried out by Sh. Devraj Bhatt from August 2019 are wrong and denied. In this regard it is submitted the matters of illegal construction are subject matter of proceedings under Uttarakhand Urban And Country Planning And Development Act, 1973 District Level and therefore, the said issue cannot be raised by this Hon'ble Tribunal.

- c. That the contents of para no .3 of the Complaint are denied as the same do not apply to issue of the present case. A plain reading of the complaint would show that the grievance of the Applicant is with regard to illegal construction which is a subject matter of separate proceedings before the District Development authority, now pending before the Hon'ble High Court vide Writ Petition i.e.WPMS No. 2534 of 2024
- d. That the contents of para no .4 of the Complaint are denied as the same do not apply to issue of the present case. A plain reading of the complaint would show that the

grievance of the Applicant is with regard to illegal construction which is a subject matter of separate proceedings before the District Development authority, now pending before the Hon'ble High Court vide WPMS No. 2534 of 2024

- e. That the contents of para no. 5 are conspicuously clear that the grievance of the Applicant is with regard to obstruction of view caused due to the alleged illegal construction, a matter which is already subjudice before the District Court as well as the Hon'ble High Court at Uttarakhand and does not pertain to issue relating to damage to environment and thus, the contents of para no.5 are not to be entertained by this Hon'ble Tribunal.

13. In view of the facts and circumstances as brought forth by the answering Respondent no.4, it is most humbly prayed that this Hon'ble Tribunal may be pleased to reject the Application made by the Applicant as they are causing multiplicity of proceedings on the same subject matter which is pending before the Hon'ble High court of Uttarkahand.

Place: New Delhi

Date: 15.10.2024



KUNWAR & CO,  
G-27, Second Floor Jangpura  
Extension New Delhi 110014  
Info.kunwarco@gmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****Original Application No. 199 of 2024****IN THE MATTER OF:**

Swami Omkarananda Dharma

Samsthan Through its AR Dr.

Anupam Vaid

...Applicant

Versus

State of Uttarakhand &amp; Ors.

...Respondents

**AFFIDAVIT**

I, Devraj Bhatt, S/o Jay Ballabh Bhatt, aged about 52 yrs, owner of Respondent no. 4 German Bakery, R/o Tapovan Saray, Tapovan, Tehri Uttarakhand - 249192, do hereby solemnly affirm and state as under: **Presently at New Delhi**

1. I am the owner of the Respondent no. 4 German Bakery, therefore, I am duly competent to depose this affidavit in the aforesaid capacity.
2. That the accompanying reply has been drafted by my counsel under my instructions. I have read and understood the same. The facts and contents stated in the present Reply are true and correct to the best of my knowledge and have not been reproduced herein for the sake of brevity and same may kindly be read as part and parcel of this Reply.



3. The Annexure No. to filed herewith are true copies of their respective originals.

DEPONENT

**VERIFICATION:**

Verified that the content of my above affidavit are true and correct to the best of my knowledge and belief and no part if false and nothing has been concealed therein.

15 OCT 2024

Verified at New Delhi on this \_\_\_ Day of October, 2024.



DEPONENT

**ATTESTED**  
NOTARY PUBLIC  
(INDIA)

15 OCT 2024

Mr. Shashank  
D-1405/2006  
I identified the deponent who  
has signed in my presence



00DD 973540

### विक्रय-पत्र

हम कि स्वामी ओम्कारानंद धर्मसंस्थान, पंजीकृत कार्यालय ओम्कारानंद आश्रम, मुनिकीरेती, तहसील नरेन्द्रनगर, जिला टिहरी गढ़वाल द्वारा वर्तमान अध्यक्ष स्वामी विश्वेश्वरानन्द शिष्य ब्रह्मलीन स्वामी ओम्कारानन्द सरस्वती, निवासी- ओम्कारानंद आश्रम, मुनिकीरेती जिला टिहरी गढ़वाल।

.....विक्रेता

एवं

श्री देवराज भट्ट पुत्र श्री जय वल्लभ भट्ट, निवासी- ग्राम तपोवन, तहसील-नरेन्द्रनगर, जिला टिहरी गढ़वाल।

.....क्रेता

यह कि विक्रेता की एक सम्पत्ति खसरा नं. 260/274, ग्राम तपोवन (लक्ष्मण झूला), तहसील नरेन्द्रनगर, जिला टिहरी गढ़वाल में 360 वर्गगज भूमि है जिसमें से 194.88 वर्गमी० यानि 233 वर्गगज भूमि व उस पर एक पक्का भवन (रेस्टोरेंट) निर्मित है, को विक्रेता ने क्रेता श्री देवराज भट्ट पुत्र श्री जय वल्लभ भट्ट, निवासी- ग्राम तपोवन, तहसील-नरेन्द्रनगर, जिला टिहरी गढ़वाल, को मु० 4,00,000/- (चार लाख रुपये) में विक्रय कर दिया है तथा विक्रय मूल्य निम्न प्रकार से प्राप्त कर लिया है :-

*देवराज भट्ट*

*विक्रेता*



01AA 489541

-2-

1. मु० 2,00,000/- रुपये द्वारा चैक बैंक ऑफ इंडिया, शाखा सत्य साई धाम, लक्ष्मण झूला का पहले ही भुगतान प्राप्त कर लिया है।
2. मु० 1,00,000/- रुपये द्वारा चैक सं. 322651 दि. 16.7.2002 एस.बी.आई. स्वर्गाश्रम का पहले ही भुगतान प्राप्त कर लिया है।
3. मु० 25,000/- रुपये नगद पूर्व में प्राप्त कर लिये हैं।
4. मु० 75,000/- रुपये द्वारा चैक सं. 322652 दि. 19.9.2002 एस.बी.आई. स्वर्गाश्रम द्वारा प्राप्त कर लिये हैं।

इस प्रकार विक्रेता ने सम्पूर्ण विक्रय मूल्य 4,00,000/- रुपये क्रेता से प्राप्त कर लिया है तथा मौके पर विक्रित सम्पत्ति का कब्जा क्रेता को सौंप दिया है। क्रेता श्री देवराज भट्ट पहले ही विक्रित रेस्टोरेंट में किरायेदार की हैसियत से काबिज थे। इस प्रकार स्वामित्व व कब्जा क्रेता ने प्राप्त कर लिया है। अब विक्रित सम्पत्ति पर विक्रेता का कोई अधिकार व कब्जा नहीं रह गया है। सम्पत्ति का सम्पूर्ण विवरण विक्रय पत्र के अंत में दिया गया है।

*श्री देवराज भट्ट*

*श्री देवराज भट्ट*

N.O. 54 to 25000/8

54

क.स. 100 श्री देवराज महि आं की  
श्री. लोचन देव शिवानंद

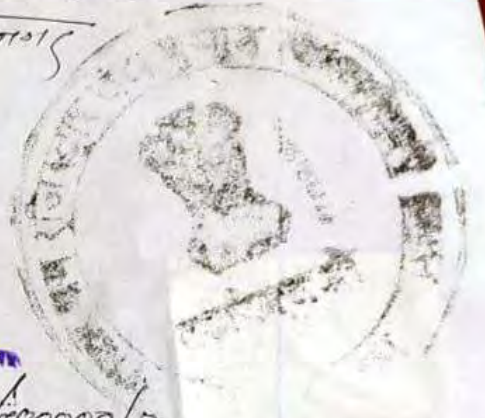
कोषाधिकारी  
बरेइलनगर  
दिल्ली गढ़वाल  
१५१-१०२

40000/-  
4-59-311/ श्री देवराज महि आं की  
5000/- 10000/- 50000/- 700

श्री देवराज महि आं की  
निवासी तपोवन एड्डे इलाहाबाद  
जिला लखनऊ  
भाज दिनांक 31-5-02 को समय 3-4  
बजे बिन के प्रस्तुत किया।

देवराज महि

31-5-2002



इसे लख पत्र का निबन्धन था श्री देवराज महि आं की  
इसका अंश 10000/- का प्रत्येक 100000/-  
वापस करना था

श्री देवराज महि आं की  
उद्देश्य के अन्तर्गत श्री देवराज महि आं की  
श्री देवराज महि आं की

निवासी तपोवन एड्डे इलाहाबाद  
नया श्री देवराज महि आं की  
जिला लखनऊ

देवराज महि

Devlalchand

31-5-2002

Sayal Sh.



दिल्ली गढ़वाल को श्री देवराज महि आं की

31-5-2002



-3-

यह कि स्वामी विश्वेश्वरानंद वर्तमान में स्वामी ओम्कारानंद धर्मसंस्थान के अध्यक्ष हैं। ट्रस्ट डीड के अनुसार ट्रस्ट को सम्पत्ति क्रय-विक्रय व बंधक रखने का अधिकार प्राप्त है तथा इस आशय का ट्रस्ट में प्रस्ताव भी पास हो रखा है जिसमें स्वामी विश्वेश्वरानंद को विक्रय पत्र निष्पादन का अधिकार प्राप्त है।

यह कि विक्रित सम्पत्ति हर तरह से पाक-साफ है, कहीं किसी बैंक, सरकारी कर्जें या वित्तीय संस्था के कर्जें में बंधित नहीं है तथा हर प्रकार से पाक साफ दशा में है। सम्पत्ति में किसी भी प्रकार का वाद-विवाद लंबित नहीं है।

श्रीमानंद

*Shri Manand*



-4-

यह कि विक्रित सम्पत्ति विक्रेता ने पूर्व में दिनांक 22.04.1991 को श्री कुंवर सिंह भंडारी पुत्र स्व० नारायण सिंह भंडारी, निवासी तपोवन, जिला टिहरी गढ़वाल से बजरिये पंजीकृत विक्रयपत्र क्रय की थी जो कि सब रस्ट्रार कार्यालय देवप्रयाग के अभिलेखों में बही नं.1, जिल्द 64, पृष्ठ 237, अति.बही नं.1, जिल्द 66, पृष्ठ 21 से 36 में नं. 279 पर दिनांक 23.4.1991 को दर्ज है। उक्त विक्रय पत्र के माध्यम से 360 वर्गगज भूमि खरीद की गयी थी जिसमें से 233 वर्गगज यानि 194.88 वर्गमी० भूमि क्रेता को विक्रय की जा रही है। सन् 1991 में खरीद के उपरान्त विक्रेता ने इस भूमि पर एक पक्का भवन 12x12 फीट का निर्माण किया जिस पर क्रेता वर्तमान में किरायेदारी में रेस्टोरेंट चला रहा है।

यह कि आज के बाद भविष्य में कभी भी विक्रित की गयी सम्पत्ति विक्रेता के स्वामित्व में दोष होने के कारण क्रेता के अधिकार से निकल जाए तो उस दशा में विक्रेता सम्पूर्ण विक्रय मूल्य मय ब्याज व हर्जाने के क्रेता को देने के लिए उत्तरदायी रहेंगे।

*Chhawan*

*कमल*



-5-

यह कि उक्त सम्पत्ति से सम्बन्धित आज से पहले के समस्त करों का भुगतान न हुआ हो तो उसका दायित्व विक्रेता का होगा तथा आज के पश्चात समस्त करों का भुगतान का दायित्व क्रेता का होगा।

यह कि भविष्य में उक्त सम्पत्ति के सम्बन्ध में कोई लेख या शपथपत्र देने की आवश्यकता हुई तो विक्रेता उक्त लेख या शपथपत्र देने के लिये उत्तरदायी रहेंगे।

यह कि यह विक्रय-पत्र विक्रेता एवं क्रेता एवं उनके उत्तराधिकारियों या स्थानापन्न व्यक्तियों पर भी बंधनकारी रहेगा।

रुद्राक्षर

K. K. K. K.



-6-

### विशेष विवरण

1. यह कि विक्रेता अनुसूचित जाति, जनजाति का व्यक्ति नहीं है।
2. यह कि विक्रित भूमि ग्राम तपोवन, तहसील नरेन्द्रनगर, जिला टिहरी गढ़वाल में स्थित है जिसमें कोई पेड़ व बाग नहीं है जो लक्ष्मणझूला पुल के बगल में स्थित है जिस पर 144 वर्गफीट का पक्का निर्माण है।
3. विक्रित भूमि का कुल रकबा 194.88 वर्गमी. है जिसका 1700/- रुपये प्रति वर्गमी० की दर से मूल्यांकन 3,31,311/- रुपये होता है तथा निर्मित भाग 144 वर्गफीट में रेस्टोरेंट बना है जिसका बाजारी मूल्य 1,08,000/- रुपये होता है। कुल मूल्यांकन 4,39,311/- रुपये होता है जिस पर स्टाम्प शुल्क 44,500/- अदा किया जा रहा है।
4. यह कि पक्षकारों के बीच में इससे पूर्व कोई अनुबन्ध पत्र निष्पादित नहीं हुआ है।
5. विक्रेता एवं क्रेता की फोटो श्री महावीर सिंह नेगी, एडवोकेट द्वारा सत्यापित है।

*[Handwritten signature]*

*[Handwritten signature]* 7



-7-

### विवरण विक्रित सम्पत्ति

एक सम्पत्ति खसरा नं. 260/274, ग्राम तपोवन (लक्ष्मण झूला), तहसील नरेन्द्रनगर, जिला टिहरी गढ़वाल, रकबा 194.88 वर्गमी० यानि 233 वर्गगज भूमि व उस पर निर्मित एक पक्का भवन (144 वर्गफीट), जिसकी सीमाएं व नाप निम्न प्रकार हैं:

- पूरब में - गंगानदी
- पश्चिम में - विक्रेता की शेष भूमि व पुल में जाने हेतु सीढ़ियां
- उत्तर में - विक्रेता की शेष 127 वर्गगज भूमि।
- दक्षिण में - लक्ष्मण झूला पुल में जाने हेतु सीढ़ियां।

*[Handwritten signature]*

*[Handwritten signature]* 8



-8-

अतः आज दिनांक 30.07.2002 को स्थान ऋषिकेश में यह विक्रय-पत्र निष्पादित कर दिया गया है ताकि प्रमाण रहे और वक्त जरूरत पर काम आवे।

ह० क्रेता

देवराज भट्ट  
(देवराज भट्ट)

ह० विक्रेता  
स्वामी ओम्कारानंद धर्मसंस्थान  
द्वारा अध्यक्ष

श्री विश्वेश्वरानन्द  
(स्वामी विश्वेश्वरानन्द)

गवाह: गोविन्द राम  
1. श्री गोविन्द राम पुत्र स्व० बूढाराम  
निवासी तपोवन, जिला टि०ग०।

2. स्वामी सच्चिदानंद शिष्य स्वामी ओम्कारानंद सरस्वती  
निवासी- ओम्कारानंद आश्रम, मुनिकीरेती, टि०ग०।

रचयिता : श्री महावीर सिंह नेगी, एडवोकेट, ऋषिकेश।

टंकणकर्ता : श्रीकान्त शर्मा, ऋषिकेश।

**SALES DEED**

That I Swami Om Karanand Dharma Sansthan, Registered Office Om Karanand Ashram, Muniki Reti, Tehsil Narendra Nagar, District Tehri Garhwal by the present President Swami Vishweshwara Nand, disciple of Brahmlin Swami Om Karananda Saraswati, resident of Om Karanand Ashram, Muniki Reti District Tehri Garhwal.

**Seller**

And

Shri Devraj Bhatt, son of Shri Jai Vallabh Bhatt, resident of Village Tapovan, Tehsil-Narendranagar, District Tehri Garhwal.

**Buyer**

That the seller has a property Khasra No. 260/274, Village Tapovan (Lakshman Jhula), Tehsil Narendranagar, District Tehri Garhwal having 360 sq. yard land out of which 194.88 sq. m. i.e. 233 sq. yard land and a permanent building (Restaurant) is constructed on it, which the seller has sold to the buyer Shri Devraj Bhatt son of Shri Jai Vallabh Bhatt, resident of Village Tapovan, Tehsil-Narendranagar, District Tehri Garhwal, for Rs. 4,00,000/- (four lakh rupees) and has received the sale price as follows:-

-2-

1. Payment of Rs. 2,00,000/- by cheque has already been received from Bank of India, Sathya Sai Dham Branch, Laxman Jhula.

2. Payment of Rs. 1,00,000/- by cheque No. 322651 dated 16.7.2002 SBI Swargashram has already been received.

3. Rs. 25,000/- in cash has already been received.

4. Cheque No. 322652 dated 19.9.2002 for Rs. 75,000/- has been received from SBI Swargashram.

Thus the seller has received the entire sale price of Rs. 4,00,000/- from the buyer and has handed over the possession of the sold property to the buyer on the spot. The buyer, Mr. Devraj Bhatt, was already occupying the sold restaurant as a tenant. Thus the buyer has acquired ownership and possession. Now the seller has no right or possession on the sold property. Complete details of the property are given at the end of the sale deed.

Sd/-

Sd/-

-3-

That Swami Vishwashvaranand is currently the President of Swami Omkaranand Dharmasansthan. According to the trust deed, the trust has the right to buy, sell and mortgage the property and a resolution to this effect has also been passed in the trust in which Swami Vishwashvaranand has the right to execute the sale deed.

That the property being sold is clean in every respect, is not tied up in any bank, government loan or financial institution loan and is in a clean condition in every respect. There is no dispute of any kind pending in the property.

Sd/-

Sd/-

That the property sold was earlier purchased by the seller on 22.04.1991 from Shri Kunwar Singh Bhandari, son of late Narayan Singh Bhandari, resident of Tapovan, District Tehri Garhwal through a registered sale deed which is recorded in the records of Sub Registrar Office Devprayag at Ibid No.1, Volume 64, Page 237, Addl. Ibid No.1, Volume 66, Page 21 to 36 at No. 279 dated 23.4.1991. Through the said sale deed, 360 sq. yard land was purchased out of which 233 sq. yard i.e. 194.88 sq. meter land is being sold to the buyer. After purchase in 1991, the seller constructed a 12x12 feet concrete building on this land on which the buyer is currently running a restaurant on rent.

That if at any time in the future the property sold goes out of the possession of the buyer due to some defect in the ownership of the seller then the seller shall be liable to pay the entire sale price along with interest and damages to the buyer.

Sd/-

Sd/-

That if all the taxes related to the said property have not been paid before today then it will be the responsibility of the seller and after today it will be the responsibility of the buyer to pay all the taxes.

That if in future there is a need to give any article or affidavit in relation to the said property then the seller will be responsible for giving the said article or affidavit.

That this sale deed will be binding on the seller and the buyer and also on their successors or assigns.

Sd/-

Sd/-

**It is therefore stated that**

1. The seller is not a person from Scheduled Caste, Tribe.
2. That the sold land is situated in Village Tapovan, Tehsil Narendranagar, District 2. Tehri Garhwal, in which there is no tree or garden, which is situated next to the Laxmanjhula bridge, on which there is a concrete construction of 144 sq. ft.
3. The total area of the sold land is 194.88 sqm. whose valuation is Rs. 3,31,31/- at the rate of Rs. 700/- per sqm. and the built-up portion is 144 sq. ft. in which the restaurant is built, whose market value is Rs. 1,08,000/-. The total valuation is Rs. 4,39,311/- on which stamp duty of Rs. 44,500/- is being paid.
4. That no contract has been executed before this between the parties.
5. Photograph of seller and buyer is verified by Shri Mahavir Singh Negi, Advocate.

Sd/-

Sd/-

**Description of Property**

A property Khasra no. 260/274, Village Tapowan (Laxman Jhula), Tehsil Narendranagar, District Tehri Garhwal, area 194.88 sq.m.

**East:** Ganga river.

**West:** Stairs leading to the remaining land and bridge belonging to the seller

**North:** The remaining 127 sq. yard land of the seller and

**South:** Stairs to go up Lakshman Jhula bridge

Sd/-

sd/-

Therefore, this sale deed has been executed today on 30.07.2002 at Rishikesh so that it remains as proof and can be used when needed.

Sign by Buyer

By President  
of Omkaranand Dharmasansthan

Sd/-

Sd/-

(Devraj Bhatt)

(Swami Visveswarananda)

**Witnesses:**

1. Shri Govind Ram son of Late Bootaram resident of Tapovan,  
District T.G.

Sd/-

2. Swami Sachchidanand disciple Swami Om Karanand  
Saraswati resident of Om Karanand Ashram, Muniki Reti, TG.

Sd/-

Author: Shri Mahavir Singh Negi, Advocate, Rishikesh. Sd/-

Typist : Srikant Sharma, Rishikesh. JD Sd/-

## Annexure P-2

## फोलियो

नकल प्रार्थना पत्र प्रस्तुत की तिथि	नकल नोटिस बोर्ड पर लगने की तिथि	नकल तैयार होने की तिथि	नकल निर्गत करने वाले अधिकारी के हस्ताक्षर
No-06 02/03/2021	2-3-2021 दो मार्च सर दो हजार इकतीस	3-3-2021 दोपहर 3-3-2021	दोपहर 3-3-2021

दिनांक- 01/03/2021

हो अधिवक्ता



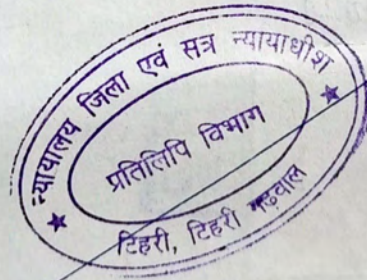
M. D. Bahuguna  
Advocate  
E.No.5395/83 New Tehri  
(Uttarakhand) 22723241  
Mob:9412026007

श्री 1520  
02/03/21

न्यायालय छिविल जाज शीठडिठ नई दिहरी गढ़वाल  
 मूल घाद 16/2019

स्वामी ओकारानन्द धर्म संस्कार बनाम देवराज भट्ट आदि

नकल आदेश दिनांक 27 02-2021 की सर्वप्रतिलिपि संलग्न है



— [Signature] —

न्यायालय सिविल जज सीडी0 नई टिहरी न्यायालय  
पूज्य वाद 16/2019

स्वामी ओंकारानन्द धर्म संस्था काठ देवराज भट्टि आदि

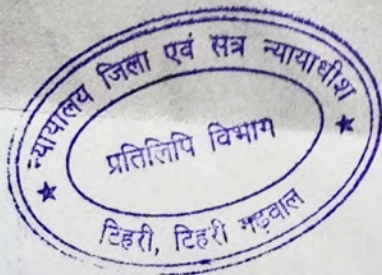
दिनांक-27.02.2021

वाद पुकारा गया। पुकार पर वादी के विद्वान अधिवक्ता श्री अभिषेक प्रभाकर तथा प्रतिवादी के विद्वान अधिवक्ता श्री एम0डी0 बहुगुणा न्यायालय में उपस्थित हुए। वादी स्वामी ओंकारानन्द की ओर से प्रस्तुत वाद का प्रत्याहरण करने के लिए प्रार्थना पत्र का0सं0 42क/1 लगायत 42क/2 प्रस्तुत किया गया। प्रार्थना पत्र पर पक्षकारों के विद्वान अधिवक्ताओं को सुना गया।

निस्तारण प्रार्थना पत्र का0सं0 42क1/1 लगायत 42क/2

यह प्रार्थना पत्र वादी के द्वारा प्रस्तुत किया गया है। प्रार्थना पत्र के अनुसार वादी ने प्रस्तुत वाद प्रतिवादी के विरुद्ध वादग्रस्त सम्पत्ति पर निर्माण कार्य करने से रोकने के लिए शाश्वत व्यादेश हेतु योजित किया है। वाद के लम्बित रहने के दौरान वादी ने माननीय उत्तराखण्ड उच्च न्यायालय, नैनीताल के निर्णय तथा राष्ट्रीय हरित ट्रिब्यूनल के आदेशों के उल्लंघन में वादग्रस्त सम्पत्ति पर अवैध निर्माण कर लिया है। फलस्वरूप, बदली हुई परिस्थिति में वादी द्वारा प्रस्तुत वाद में चाहा गया अनुतोष निरर्थक हो गया है तथा वादी को प्रतिवादी द्वारा किये गये अवैध निर्माण के विरुद्ध नयी कार्यवाही संस्थित करने की आवश्यकता होगी। वादी द्वारा इन परिस्थितियों में प्रस्तुत वाद का प्रत्याहरण करने की अनुमति इस प्रार्थना के साथ चाही गयी है कि वाद का प्रत्याहरण करने के उपरान्त आवश्यकता अनुसार उसे प्रतिवादी द्वारा किए अवैध निर्माण के विरुद्ध कार्यवाही संस्थित करने की छूट विकल्प प्रदान कर दिया जाये।

वादी के प्रार्थना पत्र पर प्रतिवादी के विद्वान अधिवक्ता के द्वारा मौखिक आपत्ति की गयी। विद्वान अधिवक्ता के कथन हैं कि वादी द्वारा बिना किसी वादकारण के प्रस्तुत वाद योजित कर दिया गया है। अनावश्यक वाद में अपना बचाव करने के लिए प्रतिवादी को काफी धन खर्च करना पड़ा है, जिसकी प्रतिपूर्ति करायी जानी आवश्यक है।



पत्रावली का अवलोकन किया। वादी ने प्रस्तुत वाद प्रतिवादी के विरुद्ध वादग्रस्त सम्पत्ति पर निर्माण कार्य करने से रोकने के लिए शाश्वत व्यादेश हेतु योजित किया है। पत्रावली के सम्यक् अवलोकन एवं प्रार्थना पत्र में दर्शाये गए कारणों पर विचारोपरान्त वादी द्वारा वाद का प्रत्याहरण व अपने दावे का परित्याग करने के लिए पर्याप्त आधार उपलब्ध हैं। अतः वादी का प्रार्थना पत्र का 0 सं 0 42 क 1/1 लगायत 42 क 1/2 प्रतिवादी को देय हर्जे की राशि मु 0 1000/- के साथ निम्न आदेशानुसार स्वीकार किया जाता है।

### आदेश

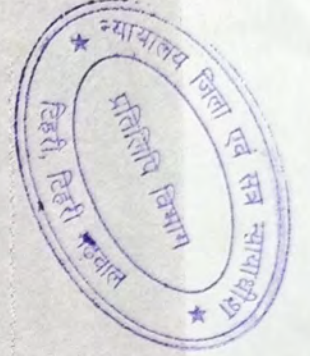
वादी द्वारा प्रस्तुत प्रार्थना पत्र अन्तर्गत आदेश 23 नियम 1 सिविल प्रक्रिया संहिता प्रतिवादी को देय मु 0 1000/- हर्जे पर स्वीकार किया जाता है। प्रतिवादी की आपत्तियों को तदनुसार निस्तारित किया जाता है। वादी द्वारा हर्जे की धनराशि एक सप्ताह में प्रतिवादी को अदा की जायेगी। तदपरोन्त वादी द्वारा योजित प्रस्तुत वाद प्रत्याहरण के आधार पर निस्तारित हो जाएगा। वादी को वादग्रस्त सम्पत्ति के सम्बन्ध में नए वादकारण के आधार पर परिसीमा काल के अधीन नया वाद योजित करने की छूट होगी। पत्रावली आवश्यक कार्यवाही उपरान्त अभिलेखागार दाखिल की जाये।

(सन्दीप कुमार)

सिविल जज (सीनियर डिविजन),  
टिहरी गढवाल

प्रतिलिपिकार  
पुलनाकार  
संख्या - 667 81714

छाया प्रतिलिपि  
मुख्य अधिकारी  
कार्यालय जिला जज,  
नई टिहरी, टिहरी गढवाल



संख्या- 1070/V-2/21-05(आ0)/2017 टी सी

प्रेषक,

सुरेन्द्र नारायण पाण्डे,  
सचिव (प्रभारी),  
उत्तराखण्ड शासन।

सेवा में

1. मुख्य प्रशासक,  
उत्तराखण्ड आवास एवं नगर विकास  
प्राधिकरण, देहरादून।
2. उपाध्यक्ष,  
विकास प्राधिकरण,  
देहरादून/हरिद्वार।
3. उपाध्यक्ष,  
समस्त जिला स्तरीय विकास प्राधिकरण,  
उत्तराखण्ड।
4. मुख्य नगर एवं ग्राम नियोजक,  
नगर एवं ग्राम नियोजन विभाग,  
देहरादून।

देहरादून, दिनांक 15 जून, 2021

आवास अनुभाग-2

विषय: वर्ष 2016 से पूर्व के प्राधिकरणों एवं विनियमित क्षेत्रों को छोड़कर नये सम्मिलित क्षेत्रों में मानचित्र स्वीकृति के संबंध में।

महोदय,

उपरोक्त विषयक अवगत कराना है कि आवास विभाग के शासनादेश संख्या-626/V-2/21-05(आ0)/2017 टी सी दिनांक 17.03.2021 के द्वारा वर्ष 2016 से पूर्व के प्राधिकरणों एवं विनियमित क्षेत्रों को छोड़कर नये सम्मिलित क्षेत्रों में मानचित्र स्वीकृति की प्रक्रिया को अग्रिम आदेशों तक स्थगित किया गया है।

2- उक्त के संबंध में सम्यक विचारोपरांत/ लिए गये निर्णय के क्रम में मुझे यह कहने का निर्देश हुआ है कि वर्ष 2016 से पूर्व के प्राधिकरणों एवं विनियमित क्षेत्रों को छोड़कर नये सम्मिलित क्षेत्रों में यदि कोई आवेदक स्वच्छता से मानचित्र स्वीकृत कराना चाहता है तो सम्बन्धित प्राधिकरण द्वारा मानचित्र स्वीकृति की कार्यवाही की जायेगी।

3- कृपया उपरोक्तानुसार अग्रतर आवश्यक कार्यवाही सुनिश्चित करने का ध्यान करें।

भवदीय

(सुरेन्द्र नारायण पाण्डे)  
सचिव (प्रभारी)

संख्या- 1070/V-2/21-05(आ0)/2017 टी.सी. तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. निजी सचिव, मा० मुख्यमंत्री जी, उत्तराखण्ड को मा० मुख्यमंत्री जी के संज्ञानार्थ।
2. निजी सचिव, सचिव, आवास विभाग, उत्तराखण्ड शासन।
3. गार्ड फाईल।

आज्ञा से,  
आप

(अर्पण कुमार रंजू)  
उप सचिव

# Annexures P-4

UKTG03-000066-2024

PUKTG030000662024\_1\_1



No. 3

**Civil Judge Senior Division**IN THE COURT OF Sri Mohammad Yaqoob  
Civil Judge Senior Division, , Tehri Garhwal.**SUMMONS TO APPEAR IN  
PERSON**

(O. 5, R. 3.)

**Original Civil Suits/17/2024  
Swami Omkarananda Dharma Samsthan Vs Devraj  
Bhatt****NEXT DATE : 20-06-2024**

To,

**Devraj Bhatt  
S/o Jai Bhallabh Bhatt, R/o Village Tapovan, Khasra No. 260/274 Tehsil Narendranagar,  
District Tehri Garhwal**

Whereas **Swami Omkarananda Dharma Samsthan** has instituted a suit against you for you are hereby summoned to appear in this Court in person on the **20-06-2024 at 11:00 o'clock in the forenoon**, to answer the claim; and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance of the day before mentioned, the suit will be heard and determined in your absence.

Given under my hand and the seal of the Court, this **07-06-2024**

**Civil Judge Senior Division**

Visit [ecourts.gov.in](http://ecourts.gov.in) for updates or download mobile app "**eCourts Services**" from Android or iOS

The process is system generated and transmitted in secured manner by authorised user as such physical signature not applied.

[-1-]

**In the Court of Civil Judge (Senior Division) Tehri**

**District Tehri Garhwal**

**Original Suit No. of 2024**

**Swami Omkarananda Dharma Samsthan** (a registered public religious trust) having its office at P.O. Sivananda Nagar-249192, Muni-Ki-Reti, District Tehri Garhwal, Uttarakhand, through its authorized representative **Mr. Pradeep Vaid** (age 65 year) S/o Late Mr. G. C. Vaid R/o Omkarananda Ashram, Himalayas, P.O. Sivananda Nagar-249192, Muni-Ki-Reti, District Tehri Garhwal, Uttarakhand.

.....**PLAINTIFF**

**VERSUS**

1) **Mr. Devraj Bhatt** S/o Mr. Jai Bhallabh Bhatt, Prop. German Bakery Address Village Tapovan (Lakshman Jhulla) Khasra No. 260/274, Tahsil Narendra Nagar District Tehri Garhwal, Uttarakhand.

2) **Tapovan Nagar Panchayat** through Its Authorized Officer Badrinath Road, Tapovan-248008, Tahsil Narendra Nagar District Tehri Garhwal, Uttarakhand.

Email: nagarpanchayattapovan@gmail.com

3) **District Level Development Authority Tehri** through District Development Officer Old DM Residence Narendra Nagar-249175 District Tehri Garhwal, Uttarakhand,

Email: ddo-tehri@uk.gov.in, dldatehriuk@gov.in

4) **Bhagirathi River Valley Development Authority** through Its Authorized Officer Branch Office At: House No. 70 Shatabdi Enclave, P.O. Nehru Gram Nathanpur, Jogiwala Dehradun-248001, Uttarakhand,

Email: aceo.brveda@gmail.com

5) **State Projects Management Group, Namami Gange, Uttarakhand** through Its Nodal Officer 105, Rajpur Road, Near RTO Office Dehradun-248001, Uttarakhand,

Email: spmgnrba.utk01@gmail.com

.....**DEFENDANTS**

[-2-]

- 6) **Swami Vishveshwarananda Saraswati**, Chief Managing Trustee / President of Swami Omkarananda Dharma Samsthan (A Registered Public Religious Trust) Having Its Office at P.O. Sivananda Nagar-249192, Muni-Ki-Reti, District Tehri Garhwal, Uttarakhand.
- 7) **Swamini Somashekharananda Saraswati**, General Secretary of Swami Omkarananda Dharma Samsthan (A Registered Public Religious Trust) Having Its Office at P.O. Sivananda Nagar-249192, Muni-Ki-Reti, District Tehri Garhwal, Uttarakhand.
- 8) **Swami Satchidananda Saraswati**, Treasurer of Swami Omkarananda Dharma Samsthan (A Registered Public Religious Trust) Having Its Office at P.O. Sivananda Nagar-249192, Muni-Ki-Reti, District Tehri Garhwal, Uttarakhand.
- 9) **Mr. M.K. Agnihotri**, Trustee of Swami Omkarananda Dharma Samsthan (A Registered Public Religious Trust), R/o D-1647, Idpl Township, Virbhadra, Rishikesh, Uttarakhand.
- 10) **Dr. Anupam Vaid**, Trustee of Swami Omkarananda Dharma Samsthan (A Registered Public Religious Trust), R/o Omkarananda Ashram Himalayas, Muni-Ki-Reti, District Tehri Garhwal, Uttarakhand.

.....**PERFORMA DEFENDANTS**

Sir,

The Plaintiff named above most respectfully submits as under:-

- 1)- That the Plaintiff is a Regd. Public Religious Trust through its Chief Managing Trustee Swami Vishveshwarananda, which set out with certain Aims and objects imparting the religious discourses and knowledge in respect of Religions of the World for the benefit of entire humanity and integrity beyond the barriers of caste, creed or any race etc. and to achieve the other ancillary objects as set out in the said trust.
- 2)- That Mr. Pradeep Vaid S/o Late Mr. G. C. Vaid has been appointed as authorized representative by the Board of Trustees through Resolution passed in their meeting held on 26-05-2024 to initiate the Legal Proceedings, issue Notice, File & Verify the present Suit and depose by way of Affidavit, file any other document, application and pursue the present case as desired

[-3-]

by the Plaintiff and as such Mr. Pradeep Vaid is competent to file & Verify the present plaint in the said capacity.

- 3)- That the Performa Defendant No. 6 is the Chief Managing Trustee / President of Plaintiff Trust. The Performa Defendant No. 7 is the General Secretary of Plaintiff Trust. The Performa Defendant No. 8 is the Treasurer of Plaintiff Trust. The Performa Defendant No 9 & 10 are the Trustees of Plaintiff Trust. The Performa Defendant No. 6 to 10 have been impleaded as Performa Defendants in the present suit being legal requirement and no relief is/are being sought against them.
- 4)- That the factual matrix of the case is that one Mr. Kunwar Singh Bhandari S/o Late Narayan Singh Bhandari was the actual owner of the property measuring 360 sq. yards Khasra No. 260/274, situated at Village Tapovan, (Lakshman Jhulla) Tahsil Narendra Nagar, District Tehri Garhwal, Uttarakhand, which was purchased by the Plaintiff Trust through its Chief Managing Trustee Swami Vishveshwarananda, through Regd. Sale Deed which has been registered in the office of sub-registrar Devprayag District Tehri Garhwal at Book No.1, Jild 64, Page 237, Addl. Book No.1, Jild No.66 from pages 21 to 36 at Document No. 279, Regd. on dated 23-04-1991.
- 5)- That the Plaintiff Trust sold part of his property out of the aforesaid property to the defendant no.1 having a Built-up a Room 12 X 12 feet (which was more fully described at the **schedule-A** given at the end of this plaint) as the defendant no.1 requested to earn his livelihood as he was the former employee of the Plaintiff Trust and was also running the small Restaurant of the Plaintiff Trust on rent at ground floor in the questioned property.
- 6)- That with the passage of time defendant no.1 proposed to purchase the said restaurant (which was more fully described at the **schedule-A** given at the end of this plaint) and as such the Plaintiff Trust had agreed considering his request to sell part of the property measuring 194.88 sq. meter (233 sq. yard) situated at Village Tapovan, (Lakshman Jhulla), Tahsil Narendra Nagar, District Tehri Garhwal, Uttarakhand, for a consideration amount of Rs.4,00,000/- as mentioned in the sale deed through Regd. Sale Deed which has been registered in the office of sub-registrar Devprayag District Tehri Garhwal at Book No.1, Jild No.151 from

[-4-]

pages 897 to 904 at Document No. 317, Regd. On dated 31-07-2002.

- 7)- That after purchasing the said part of property, defendant no.1 has started Renovation and has also raised Iron Pillars above the roof of the Restaurant and thereafter, from August 2019, raised illegal construction up to the 1<sup>st</sup> floor without getting it approved from the concerned authorities. The sold property is almost touching the Bank of River Ganga, approx 20 meters away & approx 70 meters from the middle of Ganga and as per law no construction is allowed within 200 meters of River Ganga as per the order of the Hon'ble National Green Tribunal, New Delhi.
- 8)- That the Plaintiff Trust also filed an Original Suit no. 16 of 2019, Swami Omkarananda Dharma Samsthan Vs Mr. Devraj Bhatt, in the court of Civil Judge (SD) Tehri Garhwal against the defendant no. 1 about the then illegal construction raised by the defendant no.1 and during the pendency of the said suit, the defendant no. 1 completed the illegal construction upto the 1<sup>st</sup> floor, therefore the plaintiff filed an application for withdrawal of the suit being infructuous and also sought liberty to file a new suit with the new / fresh Cause of Action and the said suit was dismissed as withdrawn with the liberty to file fresh suit.
- 9)- That after withdrawal of the said suit the defendant no.1 is threatening to further raise the illegal construction on 28-08-2023 at the top of 1<sup>st</sup> floor to erect the 2<sup>nd</sup> floor and has been collecting the Building material for the same without getting the approved sanctioned plan from the concerned authority or any of the defendant no. 2 to 5. Hence the plaintiff made a complaint dated 11-09-2023 to the defendants' no. 2 to 5 against the said threat and also to demolish the already existing illegal construction but no action has been taken by the defendants' no. 2 to 5 till date.
- 10)- That thereafter on 28-02-2024 the defendant no.1 has also extended the Threat through one of the Plaintiff employee working in the plaintiff trust's other property known as Omkarananda Dipeshwar Mandir to illegally grab the remaining 127 sq. yards vacant land / plot (which was more fully described at the **schedule-B** given at the end of this plaint) belonging to the Plaintiff Trust situated adjacent the German bakery of Defendant no.1.

[-5-]

- 11)- That the defendant no.1 also approached to defendant no.2 on 25-05-2024 and at the request/connivance of defendant no.1 the officer of defendant no.2 also visited the site of the defendant no.1 and he instigated to defendant no.1 to illegally grab the land of the Plaintiff (which was more fully described at the **schedule-B** given at the end of this plaint) with the intention to pressurize & to deviate the plaintiff from the illegal construction and threat of the defendant no.1 to grab the remaining vacant land with the Connivance of the Officials of defendant no. 2.
- 12)- That the defendant no.1 time to time and lastly on 28-05-2024 extended the threat to the plaintiff to raise further illegal construction to erect 2<sup>nd</sup> floor on the top of the Roof of the First Floor of German bakery. It is pertinent to mention that the defendant no.1 may start the illegal construction on any day. Hence this suit before this Hon'ble Court to restrain the defendant no.1 to further raise the illegal construction and to also issue direction to demolish the already existing illegal construction raised earlier without sanction plan by the sanctioning authority.
- 13)- That incase the defendant no.1 succeeds in his illegal design to construct / to erect the 2<sup>nd</sup> floor on the roof of the restaurant German bakery, the same will heavily obstruct the view to the Holy Ganga of the Temple of the Plaintiff namely Omkarananda Dipeshwar Mandir. However at the time of purchasing the Restaurant from the plaintiff, the defendant no.1 had firmly and strongly assured that No Second floor would be constructed on roof of the First floor of the Restaurant so that the view of the Holy River Ganga from Omkarananda Dipeshwar Mandir could not be obstructed. The plaintiff relied on the version of the defendant no.1 being the former employee and as such a simple sale deed without incorporating any condition was executed on the belief that the defendant no.1 will honor his words in future being an old employee of the plaintiff trust.
- 14)- That the defendant no. 2 to 5 are the statutory authorities which are duty bound to ensure that the Law enacted by the legislature and the directions issued by the courts may be implemented in true spirits. The Hon'ble Courts time to time issued certain directions in respect to maintain & keep clean the Holy Ganga River and in this context the Hon'ble National Green Tribunal

[-6-]

(NGT) vide its order / judgment dated 10-12-2015, in OA No. 200 of 2014 **M. C. Mehta Vs Union of India and ors** has inter-alia directed that as an interim measure, at least 100 meter from middle of the river would be treated and dealt with as 'Eco sensitive and prohibited zone. No activity whether permanent or temporary in nature will be permitted to be carried on in this zone including camping.

15)- That the area beyond 100 meters and less than 300 meters would be treated as regulatory zone in the hilly terrain, for which the State will comply with the above directions. The area up to 200 meters shall be the prohibited area in the plain terrain and more than 200 meters and less than 500 meters would be treated as regulatory zone. Area/river bank/flood plain 2 kms upstream to Rishikesh and till Border of the State of Uttarakhand towards Uttar Pradesh in river Ganges would be treated as plain terrain while upstream to the above terrain as hilly terrain.

16)- That it is further held in another judgment vide order dated 15-12-2017, the Hon'ble NGT has directed that no construction would be permitted in the Flood Plain in consonance with the judgment of the Tribunal in the case of **Indian Council for Enviro-Legal Action Vs. National Ganga River Basin Authority & Ors**. Hon'ble NGT reiterated that in the area falling within 50 meters from edge of the river in the hilly terrain, no construction would be permitted, nor any other activity carried out and its shall be treated as Prohibitory Zone. Beyond 50 meters and upto 100 meters in the hilly terrain it shall be treated as Regulatory Zone. Regulatory activity shall be notified by the State and till that time there shall be no construction activity permitted in that area. Once the river enters the plain or even hilly areas where width of the river is more than 70 meters, in that event area of 100 meters from the edge of the river shall be treated as Prohibitory Zone while 100 meters to 300 meters would be treated as Regulatory Zone and till the time the State notifies the restricted activities, there shall be no construction activity even in the Regulatory Zone.

17)- That the defendant no.1 is grossly violating the aforesaid directions of the Hon'ble Courts and had illegally erected the 1<sup>st</sup> floor without obtaining the sanctioned plan and now again

[-7-]

threatening the plaintiff to erect the second floor on the roof of the restaurant and when the plaintiff objected the illegal acts of the defendant no.1 he extended the threat to grab the remaining part vacant plot of the plaintiff trust with the Connivance of the Officials of defendant no.2.

**18)-** That the plaintiff's Temple namely "**Omkarananda Dipeshwar Mandir**" is a very old "**Siddhapeeth of Lord Rama**" having the front view to the Holy River Ganga & Lakshman Jhulla. The illegal construction raised by defendant no.1 is nearly at the distance about 35 feet away from the said Omkarananda Dipeshwar Mandir at the front site of the Plaintiff Temple which is obstructing heavily the view to the Holy Ganga as well as obstructing the Fresh Air to the Temple of the Plaintiff. The defendant no.1, in case succeeds in his illegal design & threats as mentioned above to raise further illegal construction on top of 1<sup>st</sup> floor of suit property which completely overshadows the view of holy Omkarananda Dipeshwar Mandir from the site of Holy River Ganga and Lakshman Jhulla. Hence this suit for Permanent & Mandatory Injunction before this Hon'ble Court.

**19)-** That the defendant no. 2 to 5 have not taken any action despite the fact they have received the complaint against the defendant no.1 (Illegal Construction of Suit property) and have not acted as per the direction of the various Courts. Hence they have been arrayed as party in the suit so that the proper directions maybe issued to implement the law as mentioned above in true spirits.

**20)-** That on 04-06-2024, the officials of the plaintiff Trust were extremely surprised when the letter/notice No. 57/Land-Inquiry-No Objection/2024-2025 dated 29-05-2024 issued by Defendant No. 2 reached the office of the plaintiff Trust and asked the Plaintiff for the papers of "his building (German bakery restaurant)" however the German Bakery is situated at part of the land sold to the Defendant No. 1, after reading this letter, it has become clear that the illegal work/construction done and attempted to be done by defendant No. 1 was in the knowledge of defendant No. 2 from the beginning and now it becomes clear that some officers of defendant No. 2 have been in collusion with defendant No. 1 and are harassing to the Plaintiff under the garb of this notice.

[-8-]

- 21)- That the acts of the defendant no.1 are illegal, unlawful, wrongful as the defendant no.1 is threatening to erect the 2<sup>nd</sup> floor on the roof of first floor of German Bakery near Lakshman Jhulla which may heavily over shadow the front view of the Plaintiffs Temple. The Plaintiff has no other legal remedy left except to file the present suit for the redressal of the grievance of the Plaintiff Trust. Hence this suit before the Hon'ble Court.
- 22)- That the suit property is situated at Village Tapovan, (Lakshman Jhulla) Tahsil Narendra Nagar District Tehri Garhwal, Uttarakhand and the defendant no.1 is working for Gain within the territorial Jurisdiction of this Hon'ble Court. The plaintiff remaining plot/ property & **Omkarananda Dipeshwar Mandir** are situated within in the jurisdiction of this Hon'ble Court, hence this Hon'ble Court has Jurisdiction to entertain, try and adjudicate upon the present Suit.
- 23)- That the cause of action firstly 'arose on 28-08-2023 when the Defendant no.1 threatened to erect the 2<sup>nd</sup> floor. The cause of action further arose on 11-09-2023 when the Plaintiff made a complaint to defendant's no. 2 to 5 in respect of the illegal construction raised by the defendant no.1 but no action was taken by the said defendants till now. It again arose on 28-02-2024 when the defendant no.1 also extended the Threat through one of the Plaintiffs employee who is working in **Omkarananda Dipeshwar Mandir** near the German bakery of Defendant no.1 to illegally grab the remaining part vacant land / plot adjacent to defendant no.1 i.e. measuring 127 sq. yards belonging to the Plaintiff Trust. It again arose on 25-05-2024 when the officer of defendant no.2 visited at site. It again arose on 28-05-2024 when the defendant no.1 extended the threat to the plaintiff to raise the further illegal construction to erect 2<sup>nd</sup> floor on the top of the Roof of the First Floor of German bakery. It lastly arose on 04-06-2024 when the Defendant No. 2 served the notice to the Plaintiff Trust with the connivance of the Defendant No. 1 without any reason with the malafide intention to harass the Plaintiff, the cause of action still subsists as the defendant no.1 may execute his threat at any moment. Hence this suit before the Hon'ble Court.

[-9-]

24)- That suit for purpose of jurisdiction and valuation is valued at Rs. 10,00,000/-. The court fees as under is being paid :-

- (a) That relief-"A" is for Permanent Injunction and is valued at Rs. 4,00,000/-. The maximum court-fee of Rs. 500/- is being paid on the said amount.
- (b) That relief-"B" is for Permanent injunction and is valued at Rs. 4,00,000/-. The maximum court-fee of Rs. 500/- is being paid on the said amount.
- (c) That relief-"C" is for Mandatory injunction and is tentatively valued at Rs. 1,00,000/-. The maximum court-fee of Rs. 500/- is being paid on the said amount.
- (d) That relief-"D" is for Mandatory injunction and is tentatively valued at Rs. 1,00,000/-. The maximum court-fee of Rs. 500/- is being paid on the said amount.

It is therefore prayed that a decree for the following relief be granted in favour of the plaintiff and against the defendants :-

- a) Pass an Order/ Decree of Permanent Injunction in favour of the plaintiff Trust and against the defendant No.1 and his representatives, agents, Legal Heirs, Employees or any other person working on his behalf for restraining them to raise any Further Illegal construction or erect the 2<sup>nd</sup> floor upon the Roof of the First floor of German bakery (which was more fully described at the **schedule-A** given at the end of this plaint) which will over shadow the front view of Plaintiff's **Omkarananda Dipeshwar Mandir**.
- b) Pass a Decree of Permanent injunction restraining the defendant no.1 to illegally grab the vacant/plot land of the Plaintiff Trust measuring 127 sq. yards (which was more fully described at the **schedule-B** given at the end of this plaint) which is adjacent to the German Bakery.
- c) Pass a Decree of Mandatory injunction directing the defendant no. 2 to 5 to demolish the illegal construction on the roof of the German Bakery as 1<sup>st</sup> floor on the bank of Holy Ganga River raised by defendant no.1 without obtaining the sanctioned construction plan from the concerned authorities and also under the Directions given by the Apex Courts.

[-10-]

- d) Pass a Decree of Mandatory injunction directing the defendant no. 2 to 5 to take the necessary legal action against the defendant no.1 as per law to maintain & keep neat & clean the banks of Holy Ganga River.
- e) Pass any other order/relief, which the Hon'ble Court deems fit and appropriate in the facts and circumstances of the case in favor of plaintiff against the defendants in the interest of justice, prayed accordingly.
- f) That full cost of the suit be awarded in favour of the plaintiff and against the defendants.

**Schedule-A**

A Property bearing Khasra No. 260/274, situated at Village Tapovan, (Lakshman Jhulla) Tahsil Narendra Nagar, District Tehri Garhwal, Uttarakhand, area 194.88 sq. meters or 233 sq. yards (known as German Bakery), bounded as under:

East: Ganga River.

West: Remaining Land of Plaintiff & Stairs to go on Laxman Jhulla Bridge.

North: Remaining Adjacent 127 sq. yards Land of Plaintiff.

South: Stairs to go on Laxman Jhulla Bridge.

**Schedule-B**

Remaining part of Property bearing Khasra No. 260/274, situated at Village Tapovan, (Lakshman Jhulla) Tahsil Narendra Nagar, District Tehri Garhwal, Uttarakhand, area 127 sq. yards (adjacent to German Bakery), bounded as under:

East: German Bakery belonging to Defendant No. 1.

West: Road.

North: Property of Mr. Bhadari.

South: Stairs to go on Laxman Jhulla Bridge.

.....Plaintiff

Swami Omkarananda Dharma Samsthan

Through its authorized representative **Mr. Pradeep Vaid**

[-12-]

[-11-]

**Verification:-**

I, **Mr. Pradeep Vaid**, authorized representative of the above named Plaintiff do solemnly declare that whatever has been stated in Para 1 to 21 of the Plaint are true to my personal knowledge and the para no. 22 to 23 are true to the legal advice received by me which I believe to be true. Verified at Tehri, on this 07-06-2024.

.....Plaintiff

Swami Omkarananda Dharma Samsthan

Through its authorized representative **Mr. Pradeep Vaid**

Dated:- 07-06-2024

Presented By:-

(Anzar Husain Pasha & Rohit Gupta)

Advocates

[-12-]

In the Court of Civil Judge (Senior Division) Tehri

District Tehri Garhwal

Original Suit No. of 2024

Swami Omkarananda Dharma Samsthan

VERSUS

Mr. Devraj Bhatt and others

Affidavit of Mr. Pradeep Vaid (age 65 year)  
S/o Late Mr. G. C. Vaid R/o Omkarananda  
Ashram, Himalayas, P.O. Sivananda Nagar-  
249192, Muni-Ki-Reti, District Tehri  
Garhwal, Uttarakhand.

I, the deponent, named above do hereby solemnly affirm and declare on oath as under:-

- 1- That the deponent is authorized Representative of the Plaintiff Swami Omkarananda Dharma Samsthan (a registered public religious trust) having its office at P.O Sivananda Nagar-249192, Muni-Ki-Reti, District Tehri Garhwal, Uttarakhand and as such, is fully acquainted with the facts deposed to hereunder.
- 2- That plaintiff has filed the suit before Hon'ble Court and for the sake of brevity the contents therein are not being repeated. That the contents of Para 1 to 21 of the Plaint are true to my personal knowledge and the para no. 22 to 23 are true to the legal advice received by me which I believe to be true and the same be kindly treated as part of our present affidavit.

(Deponent)

I, the deponent above named do hereby verify at Tehri that the contents of above affidavit from para 1 to 2 are true to my personal knowledge. Verified on 07-06-2024.

(Deponent)

**In the Court of Civil Judge (Senior Division) Tehri**

**District Tehri Garhwal**

**Original Suit No.                      of 2024**

**Swami Omkarananda Dharma Samsthan**

**VERSUS**

**Mr. Devraj Bhatt and others**

Sir,

For the reasons disclosed in the annexed affidavit, it is respectfully prayed that by way of ad-interim injunction against the defendant No.1 and his representatives, agents, Legal Heirs, Employees or any other person working on his behalf for restraining them to raise any Further Illegal construction or erect the 2<sup>nd</sup> floor upon the Roof of the First floor of German bakery (which was more fully described at the **schedule-A** given at the end of plaint) which will over shadow the front view of Plaintiff's **Omkarananda Dipeshwar Mandir** and further pass an ad-interim injunction against the defendant No.1 and his representatives, agents, Legal Heirs, Employees or any other person working on his behalf restraining them to illegally grab the vacant/plot land of the Plaintiff Trust measuring 127 sq. yards (which was more fully described at the **schedule-B** given at the end of plaint) which is adjacent to the German Bakery till the disposal of the suit.

.....Plaintiff

Swami Omkarananda Dharma Samsthan

Through its authorized representative **Mr. Pradeep Vaid**

Dated:- 07-06-2024

Presented By:-

(Anzar Husain Pasha & Rohit Gupta)

Advocates



of German bakery (which was more fully described at the **schedule-A** given at the end of plaint) which will over shadow the front view of Plaintiff's **Omkarananda Dipeshwar Mandir** and further pass an ad-interim injunction against the defendant No.1 and his representatives, agents, Legal Heirs, Employees or any other person working on his behalf restraining them to illegally grab the vacant/plot land of the Plaintiff Trust measuring 127 sq. yards (which was more fully described at the **schedule-B** given at the end of plaint) which is adjacent to the German Bakery till the disposal of the suit

- 7- That the annexures of this affidavit are true and exact copies of their respective originals.

**(Deponent)**

I, the deponent above named do hereby verify at Tehri that the contents of above affidavit from para 1 to 7 are true to my personal knowledge. Verified on 07-06-2024.

**(Deponent)**

**In the Court of Civil Judge (Senior Division) Tehri**

**District Tehri Garhwal**

**Original Suit No. of 2024**

**Swami Omkarananda Dharma Samsthan**

**VERSUS**

**Mr. Devraj Bhatt and others**

**Application under section 80(2) of Civil Procedure Code, 1908**

Sir,

For the reasons disclosed in the annexed affidavit, it is respectfully prayed that the Plaintiff be permitted to file the present suit without giving notice under Section 80(1) of the Code of Civil Procedure, 1908 (As amended by Act No. 22 of the year 2002) and the suit be registered.

.....Plaintiff

Swami Omkarananda Dharma Samsthan

Through its authorized representative **Mr. Pradeep Vaid**

Dated:- 07-06-2024

Presented By:-

(Anzar Husain Pasha & Rohit Gupta)

Advocates



- 5- That the Plaintiff has a prima facie case.
- 6- That the balance of convenience also lies in favour of the Plaintiff.
- 7- That it is in the interest of justice that the Plaintiff should be allowed to file the present suit without serving notice under section-80(1) of the Code of Civil Procedure, 1908 (as amended by Act No. 22 of the year 2002). If the Hon'ble Court does not grant permission, the Plaintiff will suffer irreparable loss, which cannot be compensated by money.

**(Deponent)**

I, the deponent above named do hereby verify at Tehri that the contents of above affidavit from para 1 to 7 are true to my personal knowledge. Verified on 07-06-2024.

**(Deponent)**



Uttarakhand Housing & Urban Development Authority  
Department of Housing, Govt. of Uttarakhand  
Rajeev Gandhi Multipurpose Complex, Dispensary Road  
Dehradun - 248001 Telefax - 0135-2719500



District Level Development Authority Tehri  
Old Collectorate Building Campus  
Narendra Nagar, Tehri Garhwal  
Email: ddatehriuk@gmail.com

# Annexure P-5

## कारण बताओ नोटिस

आदेश/वाद संख्या : UCMS/TSN/C/0121/2024/27(I)

दिनांक: 22/06/2024

Narendranagar

श्री देवराज भट्ट,

German Bakery Restaurant, Laxman Jula, Tapovan, Tehri Garhwal.

उत्तराखण्ड नगर एवं ग्राम नियोजन तथा विकास अधिनियम, 1973 की धारा 27 (1) के अधीन नोटिस जो की आपके द्वारा उपरोक्त की धारा (14) में वर्णित आज्ञा / अनुज्ञा / स्वीकृति प्राप्त किये बिना या प्राप्त अनुज्ञा / स्वीकृति के शर्तों का उल्लंघन करते हुए (शर्तों का उल्लेख किया जाए)

मानचित्र विकास प्राधिकरण से स्वीकृत नहीं है। Ground floor Books & Bakery and First Floor yoga class, Area-203.52 वर्ग मीटर, लम्बाई-19.20, चौड़ाई-10.60 मी०

स्थल : German Bakery Restaurant, Laxman Jula, Tapovan, Tehri Garhwal.

सीमायें East - 0  
North - 0

West - 0  
South - 0

कार्य का विवरण दे : मानचित्र विकास प्राधिकरण से स्वीकृत नहीं है। Ground floor Books & Bakery and First Floor yoga class, Area-203.52 वर्ग मीटर, लम्बाई-19.20, चौड़ाई-10.60 मी०

का अनाधिकृत विकास कार्य / निर्माण कार्य प्रारम्भ कर दिया गया है / कर रहे है / पूरा कर लिया गया है। तथा जिसका विवरण निम्न प्रकार से है।

तथा जिसका किया जाना उपरोक्त अधिनियम की धारा 27 के अन्तर्गत दण्डनीय अपराध भी है। अतः उपरोक्त धारा 26 के अधीन अधिकारों पर प्रतिकूल प्रभाव पड़े बिना आपसे यह अपेक्षा की जाती है कि आप इस प्राधिकरण के अधि०अभि०/सचिव /उपाध्यक्ष कार्यालय मे दिनांक July 08, 2024 पूर्वाह्न/अपराहन (समय: 11:00 AM ) स्वयं अथवा अपने यथाविधि प्राधिकृत अपने यथाविधि प्राधिकृत अभिकर्ता द्वारा उपस्थित होकर कारण बतायें तथा आवश्यक सबूत पेश करे कि आप द्वारा किया गया उपरोक्त निर्माण को ध्वस्त कर देन या अन्य तरह से हटा देने के आदेश क्यों ना दिये जाएँ।

उपाध्यक्ष / सचिव / संयुक्त सचिव / सहायक अभियंता  
जिला स्तरीय विकास प्राधिकरण टिहरी

नोट:-

- 1) आपका ध्यान उपरोक्त अधिनियम की धारा 26(9) की ओर दिलाया जाता है जिसके अधीन आप उपरोक्त कृत्य के लिए अर्थदंड के भागी भी हो सकते हैं जो ५०००० (पचास हजार रुपये) तक हो सकता है और जारी रहने वाले अपराध की दशा में अतिरिक्त अर्थ दंड जो उस प्रत्येक दिन के लिए जिसके दौरान ऐसा अपराध उसके प्रथम बार दोष सिद्ध होने के पश्चात जारी रहता है २५०० (दो हजार पाच सौ रुपये) प्रतिदिन हो सकेगा के लिए दण्डनीय हो सकता है।
- 2) आपका ध्यान उक्त अधिनियम की धारा 26 (३) की ओर दिलाया जाता है जिसकी अधीन आप जैसे व्यक्ति जो उपरोक्त अधिनियम की धारा 2५ के अधीन किसी भूमि या भवन में प्रवेश पाने को अधिकृत है, के प्रवेश में बाधा डालता है अथवा ऐसे प्रवेश के पश्चात ऐसे व्यक्ति को उत्पीड़ित करते है तो आप कारावास से जिसकी अवधि ६ माँस तक हो सकती है या जुर्माना रुपये १००० (एक हजार) तक का हो सकता है अथवा दोनों के दंडनीय होंगे।
- ३) वादी सुनवाई में आने से पूर्व प्राधिकरण की वेब साईट <https://uhuda.uk.gov.in/easeapp/> पर अपना registration करना सुनिश्चित करें।

उक्त स्थल की अद्यतन फोटो भी आपको संलग्न कर भेजी जा रही है ।

**SHOW CAUSE NOTICE**

Order No.:

Dated: 22/06/2024

UCMS/TSN/C/0121/2024/27(1)

Narendranagar

Sh. Devraj Bhatt,

German Bakery Restaurant, Laxman Jula, Tapovan, Tehri  
Garhwal.

Notice under Section 27 (1) of the Uttarakhand Town and Country Planning and Development Act, 1973 for construction of any building without obtaining the permission, permit/approval mentioned in Section (14) above or in violation of the conditions of the permission/approval obtained (conditions to be mentioned)

Map is not approved by development authority. Ground floor Books & Bakery and First Floor Yoga class. Area-203.52 sq.m, Length 19.20. Width-10.60 m

Location : German Bakery Restaurant, Laxman Jula, Tapovan,  
Tehri Garhwal.

Boundaries

East-0

West-0

North-0

South-0

Given details of the work: The map is not approved by the development authority. Ground floor Books & Bakery and First Floor yoga class. Area-203.52 sq.m., length 19.20, width-10.60 m. Unauthorized development work/construction work has been started/is being done/has been completed. And its details are as follows.

And whose doing is also a punishable offence under Section 27 of the above Act. Therefore, without prejudice to the rights under Section 26 above, you are expected to appear in person or through your duly authorized agent in the office of the Chief Engineer / Secretary / Vice Chairman of this Authority on July 08, 2024 forenoon / afternoon (time: 11:00 AM) and show cause and produce necessary evidence as to why the above construction done by you should not be ordered to be demolished or removed in any other way.

Vice Chairman / Secretary  
/ Joint Secretary / Assistant  
Engineer District Level  
Development Authority

Note-

1) Your attention is invited to section 26(1) of the said Act under which you are liable for the above act to be punished with fine which may extend to Rs.50000 (Fifty thousand rupees) and in case of a continuing offence with an additional fine which may extend to Rs.2500 (Two thousand five hundred rupees) per day for every day during which such offence continues after the first conviction for the same.

2) Your attention is invited to section 26(3) of the said Act under which if you obstruct the entry of any person who is authorised to have access to any land or building under section 25 of the said Act or after such entry harasses such person, you shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs.1000 (One thousand) or with both.

3) Before coming to the hearing, the plaintiff must ensure to register himself on the Authority's website <https://uhuda.uk.gov.in/easeapp/>.

Digitally signed by Digvijay Nath Tiwari



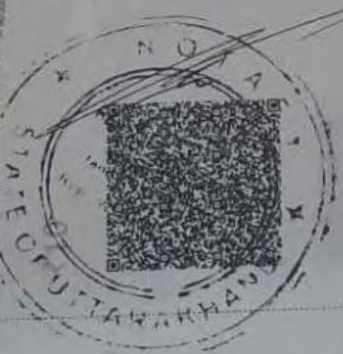
सत्यमेव जयते

INDIA NON JUDICIAL

Government of Uttarakhand

e-Stamp

Certificate No. : IN-UK30767597854718W  
 Certificate Issued Date : 08-Jul-2024 02:31 PM  
 Account Reference : NONACC (SV)/ uk1236604/ NARENDRA NAGAR/ UK-TG  
 Unique Doc. Reference : SUBIN-UKUK123660468392232655003W  
 Purchased by : DEVRAJ BHATT  
 Description of Document : Article 4 Affidavit  
 Property Description : NA  
 Consideration Price (Rs.) : 0  
 (Zero)  
 First Party : DEVRAJ BHATT  
 Second Party : NA  
 Stamp Duty Paid By : DEVRAJ BHATT  
 Stamp Duty Amount(Rs.) : 10  
 (Ten only)



*[Signature]*  
 Stamp Vendor  
 Narendra Nagar P.O.

Please write or type below this line

समक्ष:- श्रीमान सचिव, जिला स्तरीय विकास प्राधिकरण टिहरी गढ़वाल ।  
शपथ पत्र

मैं देवराज भट्ट पुत्र श्री जय वल्लभ भट्ट निवासी जर्मन बैकरी रेस्टोरेन्ट, तपोवन जिला टिहरी गढ़वाल ईश्वर को साक्षी मानकर शपथपूर्वक निम्नलिखित कथन करता हूँ:-

1. यह कि शपथकर्ता का उपरोक्त नाम-पता सही एवं सत्य है ।

*[Signature]*

08/07/24

**Statutory Alert:**

1. The authenticity of this Stamp certificate should be verified at 'www.shrestamp.com' or using e-Stamp Mobile App of Stock Holding. Any discrepancy in the details on this Certificate and as available on the website / Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.



## INDIAN NON JUDICIAL

Government of Uttarakhand

## e-Stamp

**Certificate No.** : IN-UK30767597854718W

Certificate Issued Date : 08-Jul-2024 2:31 P.M.

Account Reference : NONACC (SV)/ uk 1236604/  
NARENDRA NAGAR/ UK-  
TG

Unique Doc. Reference : SUBIN-UKUK-  
123660468392232655003W

Purchased By : DEVRAJ BHATT

Description of Document : Article 4 Affidavit

Property Description : NA

Consideration Price (Rs) : 0  
(Zero)

First Party : DDEVRAJ BHATT

Second Party : NA

Stamp Duty Paid By : DEVRAJ BHATT

Stamp Duty Amount(Rs.) : 10  
(Ten Only)

Sd/- Sd/- Sd/-

Before - Mr. Secretary, District Level Development Authority,  
Tehri Garhwal.

### **AFFIDAVIT**

I, Devraj Bhatt, son of Shri Jai Ballabh Bhatt, resident of German Bakery Restaurant, Tapovan, District Tehri Garhwal, swear in the name of God as witness

I make the following statement:-

1. That the above name and address of the deponent is correct and true.
2. That no construction work is being carried out by the deponent at the place Tapovan Patti Dhamandasyun Tehri Garhwal.
3. That the deponent received a show cause notice No. UCMS/TSN/R/0121/2024/27 (1) dated 22.06.2024 from your department, as a result of which the deponent has appeared in the office and no construction has been done by the deponent.
4. That in case of starting the construction work the deponent will get the map passed from the department.
5. It is requested that necessary guidelines be issued to the affidavit for its preparation.

Sd/-

### **VERIFICATION**

The above mentioned deponent hereby certifies today on 08.07.2024 at place <illegible> that I have signed the above mentioned paras 1 to 5 in my personal knowledge and belief. I

consider them to be correct and true, and I hereby put my signature on the same.

Sd/-

कार्यालय

जिला स्तरीय विकास प्राधिकरण टिहरी

पुराना जिलाधिकारी आवास, प्रथम तल, निकट बस अड्डा, नरेन्द्रनगर टिहरी गढ़वाल।

Website- ddatehri.in

E-mail-ddatehriuk@gmail.com

पत्रांक - 230

/जि0स्त0वि0प्रा0 / 2024-25

दिनांक - 13 / 09 / 2024

न्यायालय संयुक्त सचिव, जिला स्तरीय विकास प्राधिकरण टिहरी नरेन्द्रनगर,

जिला स्तरीय विकास प्राधिकरण बनाम श्री देवराज भट्ट

सीलिंग आदेश

विकास क्षेत्र में अनाधिकृत निर्माण के सम्बन्ध में अवैध निर्माण कार्य करने पर प्राधिकरण द्वारा उत्तराखण्ड नगर एवं ग्राम नियोजन तथा विकास अधिनियम - 1973 (संशोधित अधिनियम-2013) की धारा 27(1) के अंतर्गत योजित वाद संख्या UCMS/TSN/C/0121/2024 दिनांक 22.06.2024 द्वारा वाद योजित किया गया है, उक्त भवन जिला स्तरीय विकास प्राधिकरण के अस्तित्व में आने से पूर्व में ही निर्मित है जिसकी लम्बाई 19.2 मी0 एवं चौड़ाई 10.06 मी है एवं क्षेत्रफल 203.52 वर्ग मी0 है जिसके नीचे के भूतल पर 02 कमरे तथा भूतल पर बुक स्टोर एवं बेकरी चलाई जा रही है, तथा प्रथम तल पर योगा हाल का निर्माण किया गया है। विपक्षी को स्वीकृत मानचित्र दिखाने हेतु अवगत कराया गया परन्तु विपक्षी द्वारा कोई भी स्वीकृत मानचित्र नहीं दिखाया गया उक्त अनाधिकृत भवन गंगा नदी के किनारे निर्मित है। विपक्षी श्री देवराज भट्ट को भेजे गये नोटिस के सापेक्ष में जिला स्तरीय विकास प्राधिकरण टिहरी कार्यालय में दिनांक 09.07.2024 सुनवायी के दौरान विपक्षी श्री देवराज भट्ट दिये गये शपथ पत्र द्वारा अवगत कराया गया कि उनके द्वारा मानचित्र स्वीकृत करा लिया जायेगा, परन्तु अभी तक विपक्षी द्वारा प्राधिकरण से न ही मानचित्र स्वीकृति ऑनलाईन आवेदन किया गया है और न ही मानचित्र स्वीकृति हेतु कोई प्रयास किया गया है, उक्त अनाधिकृत भवन गंगा नदी के किनारे निर्मित होने के कारण उक्त अनाधिकृत भवन को सील किया जाना उचित है।

आदेश

विपक्षी द्वारा स्थल पर प्राधिकरण से अनुमति प्राप्त किये बिना निर्माण किया गया है, जो उत्तराखण्ड नगर एवं ग्राम नियोजन तथा विकास अधिनियम - 1973 (संशोधित अधिनियम-2013) की सुसंगत धाराओं का उल्लंघन है। अतः प्राधिकरण अधिनियम की धारा - 28ए के अन्तर्गत किये गये निर्माण को दिनांक- 16/09/2024 को पूर्वान्ह 11:00 बजे सील किये जाने के आदेश पारित किये जाते हैं। अतः विपक्षी श्री देवराज भट्ट को आदेशित किया जाता है कि वह सील की तिथि से पूर्व उक्त परिसर को खाली कर दें।

विपक्षी को यह भी आदेशित किया जाता है कि स्थल पर लगायी गयी सील को न तो क्षतिग्रस्त करें और न होने दें क्योंकि उक्त कृत्य शासकीय कार्यों में बाधा डालना एवं सरकारी सम्पत्ति को क्षति पहुंचाने के समान है, जो कि कानूनन अपराध है। आदेश की एक प्रति स्थल पर चस्पा हों तथा एक प्रति विपक्षी को तामील की जाये।

संयुक्त सचिव

जिला स्तरीय विकास प्राधिकरण टिहरी  
नरेन्द्रनगर, जिला टिहरी गढ़वाल।

पत्रांक/दिनांक-यथोक्त।

प्रतिलिपि-

1. जिलाधिकारी महोदय, टिहरी गढ़वाल को सादर सूचनार्थ प्रेषित।
2. उपाध्यक्ष महोदय, जिला स्तरीय विकास प्राधिकरण, टिहरी को सादर सूचनार्थ प्रेषित।
3. वरिष्ठ पुलिस अधीक्षक, जिला टिहरी गढ़वाल को सादर सूचनार्थ प्रेषित।
4. अपर जिलाधिकारी/सचिव, जिला स्तरीय विकास प्राधिकरण, टिहरी को सादर सूचनार्थ प्रेषित।
5. उप जिलाधिकारी, नरेन्द्रनगर, टि0ग0 को सील की कार्यवाही को शान्तिपूर्वक सम्पन्न कराने हेतु आवश्यक कार्यवाही हेतु प्रेषित।
6. प्रभारी निरीक्षक, मुनि की रैती टिहरी गढ़वाल को इस आशय के साथ कि सील हेतु नियम तिथि पर आवश्यक पुलिस बल उपलब्ध कराना सुनिश्चित करें।

Digitally signed by DEVENDRA SINGH NEGI

Date:13-09-2024 11:26:11

Office of

**District Level Development Authority Tehri**

**Old District Magistrate House, First Floor, Near Bus Stand, Narendranagar  
Tehri Garhwal.**

Website- [ddatehri.in](http://ddatehri.in)

E-mail-[ddatehriuk@gmail.com](mailto:ddatehriuk@gmail.com)

Letter No. 230/JIT/2024-25

Dated-13/09/2024

Court Joint Secretary, District Level Development Authority Tehri  
Narendranagar, District Level Development Authority Vs Shri Devraj Bhatt

**SEALING ORDER**

In relation to unauthorized construction in the development area, the Authority has filed a case under Section 27(1) of the Uttarakhand Town and Village Planning and Development Act 1973 (Amendment Act-2013) through case number UCMS/TSN/C/0121/2024 dated 22.06.2024. The said building was constructed before the District Level Development Authority came into existence, whose length is 19.2 m and width is 10.06 m and area is 203.52 sq.m., below which 02 rooms are being run on the ground floor and a book store and bakery are being run on the ground floor. And a yoga hall has been constructed on the first floor. The opponent was informed to show the approved map, but no approved map was shown by the opponent. The said unauthorized building is built on the banks of the river Ganga. In relation to the notice sent to the opponent Shri Devraj Bhatt, during the hearing on 09.07.2024 in the office of District Level

Development Authority Tehri, the opponent Shri Devraj Bhatt undertook through an affidavit that he would get the map approved, but till now the opponent has neither applied for map approval online from the authority nor has any effort been made for map approval, since the said unauthorized building is constructed on the banks of river Ganga, it is appropriate to seal the said unauthorized building.

### **Order**

The opponent has constructed the site without obtaining permission from the authority, which is a violation of the relevant sections of the Uttarakhand Town and Village Planning and Development Act 1973 (Amendment Act-2013). Therefore, orders are passed to seal the construction done under Section 28A of the Authority Act on 16/09/2024 at 11:00 am. Therefore, the opponent Shri Devraj Bhatt is ordered to vacate the said premises before the date of sealing.

The opponent is also ordered not to damage the seal put on the site or let it be damaged. Because the said act is equivalent to obstructing government work and damaging government property, which is a crime by law. One copy of the order should be pasted at the site and one copy should be served to the opponent.

Joint Secretary

District Level Development  
Authority Tehri Narendranagar, District  
Tehri Garhwal.

Letter number/date as mentioned.

Copy to-

1. Respectfully sent to District Magistrate, Tehri Garhwal for information.
2. Respectfully sent to Vice Chairman, District Level Development Authority, Tehri for information.
3. Respectfully sent to Senior Superintendent of Police, District Tehri Garhwal for information.
4. Respectfully sent to the Additional District Magistrate/Secretary, District Level Development Authority, Tehri for information.
5. Sent to Sub-District Magistrate, Narendra Nagar, for necessary action to complete the sealing process of T.G. peacefully.
6. To the Inspector in Charge, Muni ki Reti Tehri Garhwal with the intent to ensure provision of necessary police force on the scheduled date for sealing

**106**  
**Annexure P-8**

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPMS No.2534 of 2024 <b><u>Hon'ble Pankaj Purohit, J.</u></b></p> <p>Mr. Kumar Shashank with Ms. Soniya Chawla, learned Ccounsel(s) for petitioner.</p> <p>2. Mr. Rajesh Pandey with Mr. Suyash Pant, learned Standing Counsel(s) for the State/respondent no.1.</p> <p>3. Mr. Rahul Consul, learned Counsel for respondent no.2.-DLDA, Tehri.</p> <p>4. Heard.</p> <p>5. By means of this petition, petitioner has brought to challenge the order dated 13.09.2024 passed by respondent no.2 thereby sealing the un-authorized construction raised by petitioner.</p> <p>6. It is contended by learned Counsel for petitioner that petitioner purchased the subject property in the year 2002 while the Uttarakhand Urban and Country Planning and Development Act, 1973 was made applicable to the area in question in the year 2016-2017. It was further submitted that petitioner purchased 'German Bakery' situated in Laxman Jhula Tapowan Rishikesh which was established in the year 1995. It is further submitted that the petitioner has not raised any construction un-authorizedly, and therefore, impugned order is bad in law and deserves to be set aside.</p> <p>7. Per contra, learned Counsel appearing for respondent no.2 drew attention of the Court to the affidavit filed by petitioner to the selfsame respondent wherein it is stated that if petitioner starts any construction work, he would definitely get the map sanctioned from the Department. This affidavit was submitted by petitioner pursuant to the</p>

show cause notice dated 22.06.2024. He further submitted that petitioner has not got the map sanctioned as per the affidavit given by him.

8. From a perusal of the impugned order, it appears that the impugned order has wrongly interpreted the affidavit filed by petitioner.

9. In such view of matter, the matter involves the issues to be deliberated upon and for that purpose, a counter affidavit would be required. Let respondent no.2 file counter affidavit in the matter within four weeks.

10. List on 26.11.2024.

11. Till then, the effect and operation of order dated 13.09.2024 passed by respondent no.2 shall remain stayed.

12. Stay application (IA/1/2024) stands disposed of.

**(Pankaj Purohit, J.)**  
20.09.2024

*R.Dang*

108

68



Kunwar Co. <info.kunwarco@gmail.com>

---

**Advance Service of Reply on behalf of R-4 in OA No. 199/2024**

2 messages

---

**Kunwar Co.** <info.kunwarco@gmail.com>

Tue, Oct 15, 2024 at 1:34 PM

To: "officeofkaushalgautam@gmail.com" <officeofkaushalgautam@gmail.com>

Sir,  
PFA, Reply on behalf of R-4 in OA No. 199/2024 fro your record and reference.  
Regards,  
Piyush Tonk  
Advocate for Respondent No.4



NGT Petition.pdf

---

**Kunwar Co.** <info.kunwarco@gmail.com>

Tue, Oct 15, 2024 at 1:39 PM

To: Mukesh Verma <mvermadv@gmail.com>

[Quoted text hidden]