

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

REPLY ON BEHALF OF RESPONDENT NO.6

IN

ORIGINAL APPLICATION NO. 433 of 2023

**IN THE MATTER OF**

HARPAL SINGH

.....Applicant

VERSUS

STATE OF UTTAR PRADESH AND ORS.

.....Respondents

**INDEX**

SL.NO.	PARTICULAR	ANNEXURE	PAGE NO.
1.	Reply on behalf of respondent no. 6 i.e Nagar Palika Parishad Muzaffarnagar		1 - 5
2.	Copy of the letter dated 16.01.2024	Annexure A-1	6 - 8
3.	Copy of the Order dated 18.01.2024 passed by Hon'ble National Green Tribunal	Annexure A-2	9 - 10
4.	Copy of the letter dated 6.3.2024	Annexure A-3	11 - 13

THROUGH

DATE: 24.06.2024



**RAUNAK PAREKH**  
COUNSELS FOR THE RESPONDENT NO.6

Basement No.2, Block B3,

Manu Apartment, Mayur Vihar-1, Delhi-91

ENROLLMENT NO.:- UP/117/2011

PH. NO. 9919024666

Email: raupar1986@gmail.com

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.....Respondents

**REPLY ON BEHALF OF RESPONDENT NO. 6 I.E NAGAR PALIKA  
PARISHAD MUZAFFARNAGAR**

1. That the Answering Respondent in the present application is a Municipality / Nagar Palika Parishad and is governed by Uttar Pradesh Municipalities Act 1916. The territorial limit which is also known as Municipal Limit, as defined under Section 2(9-A) is fixed and notified by State Government from time to time.
2. The Hon'ble National Green Tribunal took cognizance of the letter petition/Application filed by the Applicant and directed the formation of a Joint Committee comprising representatives from the UPPCB, Northern Railways, Public Works Department (PWD), and the District Magistrate (DM) of Muzaffarnagar. The Committee was tasked to inspect the site, verify the facts, and take remedial actions. The "Action Taken/Compliance Report" prepared by the Uttar Pradesh Pollution Control Board (UPPCB)

(2)

in response to the Hon'ble National Green Tribunal's directives concerning a complaint filed by the Applicant.

3. That the finding of the Joint Committee confirmed that the agricultural land was filled with sewage from the drain. The drain passed through various areas including residential colonies and the FCI warehouse, before running parallel to the railway line and crossing a highway. The applicant's agricultural land was found to be at a lower gradient compared to the drain, exacerbated by soil removal activities, causing the overflow of sewage onto the land. But the said committee failed to highlight that the land of the Applicant is outside the municipal limit of Nagar Palika Parishad Muzaffarnagar and the answering respondent has no jurisdiction in the said area. It is also necessary to state that the agricultural land of the Applicant is 4-5 km away from the municipal limit of Muzaffarnagar.
4. That in this regards a letter dated 16.01.2024 was addressed by Executive Officer, Muzaffarnagar to Consultant (Judicial), National Green Tribunal, New Delhi, stating that the said contaminated dirty water is not coming from any road or drain/nallah under the limits of Municipal Council, Muzaffarnagar. In the letter it was clarified that the boundary of Municipal Council, Muzaffarnagar is at a distance of about 4-5 sq. km from the land (2.5 bigha) of Shri Harpal Singh (Applicant). The copy of the said letter dated 16.01.2024 is marked as **ANNEXURE A-1**.
5. That the said matter was listed before Hon'ble National Green Tribunal on 18.01.2024. Previous Executive Officer namely Mr. Hemraj personally appeared before this Hon'ble Court and informed the factual situation by stating that the area in question is outside the municipal limits of Nagar Palika Parishad, Muzaffarnagar. After hearing the matter the Hon'ble Court was pleased to implead Zila Panchayat Raj Adhikari Muzaffarnagar through the Executive Officer as respondent no. 7. The Hon'ble Court also

3

exempted Executive Officer from personal appearance. The copy of the order dated 18.01.2024 is marked and annexed as **ANNEXURE A2**

6. That on 6.03.2024 another letter was issued by Executive Officer, Nagar Palika Parishad, Muzaffarnagar namely Mrs. Pragya Singh. It is necessary to mention here that Mrs. Pragya Singh took charge as Executive Officer on 16.02.2024. In the said letter dated 6.3.2024, it is mentioned that National Green Tribunal through it's order dated 17.10.2023 made Municipality a defendant. In compliance of the said order of the National Green Tribunal the then Executive Officer Mr. Hemraj orally apprised the court that the area regarding which the applicant has filed the present application is out side the municipal limits of Nagar Palika Parishad, Muzaffarnagar and therefore it is not possible for Nagar Palika Parishad to take any action in this regard. The copy of the said letter dated 6.03.2024 is marked and annexed as **ANNEXURE A3.**
7. It is humbly prayed that in light of the above mentioned facts the Answering Respondent be relieved from any liability as Nagar Palika Parishad has no role in repairing or maintaining the Drains located near the land of the Applicant.
8. The present Reply along with the Annexures be taken on Record and the Answering Respondent

  
अधिकाारी  
नगर पालिका परिषद  
RESPONDENT NO.6  
EXECUTIVE OFFICER

NAGAR PALIKA PARISHAD, MUZZAFFARNAGAR

(4)

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

AFFIDAVIT ON BEHALF OF RESPONDENT NO.6

IN

ORIGINAL APPLICATION NO. 433 of 2023

**IN THE MATTER OF**

HARPAL SINGH

.....Applicant

VERSUS

STATE OF UTTAR PRADESH AND ORS.

.....Respondents

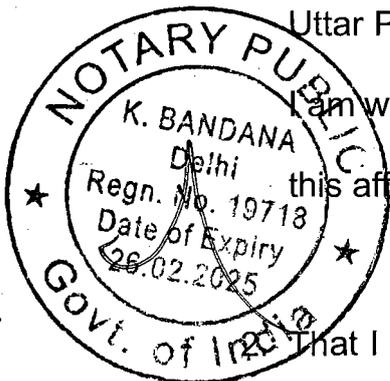
**AFFIDAVIT**

I, Pragma Singh aged about 38 years W/O Pawan Kumar Singh working as Executive Officer of Nagar Palika Parishad, Muzaffarnagar, Uttar Pradesh, residing at Executive Officer Government Houses , South Civil Line, Muzaffarnagar present at New Delhi do hereby state on oath and declare as under :

1. That I am the Executive Officer of Nagar Palika Parishad, Muzaffarnagar, Uttar Pradesh in the above-mentioned matter and as my official capacity.

I am well conversant with the facts of the case hence competent to swear this affidavit.

That I was transferred to Muzaffarnagar and I took charge as Executive Officer, Nagar Palika Parishad, Muzaffarnagar on 16.02.2024.



5

3. That I have read and understood the accompanying reply paragraph to , along with Annexures, which has been prepared by the lawyer upon my instructions. I say that whatever is stated therein are true and correct on the basis of documents available on record and to the best of my knowledge and belief.

4. That the Annexures are True Copies of their original.

Notary, Adv  
24/6/24  
**IDENTIFIED**

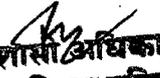
  
अधिशारी अधिकारी  
**DEPONENT**  
नगर पालिका परिषद  
मुजफ्फरनगर

Verification:

I, above named deponent, hereby verify that the contents of the above affidavit are true and correct to my knowledge and belief. Nothing material has been concealed therefrom.  
Verified at New Delhi on Day of June, 2024.

**NOTARY PUBLIC**  
K. BANDANA  
Delhi  
Regn. No. 19718  
Date of Expiry  
26.02.2025  
**Govt. of India**

24 JUN 2024

  
अधिशारी अधिकारी  
**DEPONENT**  
नगर पालिका परिषद  
मुजफ्फरनगर

**NOTARY PUBLIC**  
K. BANDANA  
Delhi  
Regn. No. 19718  
Date of Expiry  
26.02.2025  
**Govt. of India**

**ATTESTED**  
**NOTARY PUBLIC DELHI**  
Govt. of India  
Mob.: 9654768498

6

32

ANNEXURE A1

कार्यालय नगर पालिका परिषद, मुजफ्फरनगर।

प्रेषक:

अधिसासी अधिकारी,  
नगरपालिका परिषद,  
मुजफ्फरनगर।



सेवा में,

कंसल्टेन्ट (जुडिशियल)  
नेशनल ग्रीन ट्रिब्यूनल,  
फरीदकोट हाउस, कॉपरनिकस मार्ग,  
नई दिल्ली-110001.

पत्रांक: 2142-सा0प्र0/2023-24

दिनांक: 16/01/2024

विषय:-श्री हरपाल सिंह पुत्र स्वर्गीय दीवान सिंह, बामनहेडी, पोस्ट, रामपुर, तहसील सदर, मुजफ्फरनगर द्वारा मा0 नेशनल ग्रीन ट्रिब्यूनल के समक्ष प्रस्तुत आवेदन के क्रम में पंजीकृत ओ0ए0सं0 433/2023 के सम्बन्ध में।

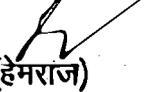
महोदय,

कृपया मा0 नेशनल ग्रीन ट्रिब्यूनल के नोटिस दिनांक 14.08.2023 का अवलोकन करने की कृपा करें। जिसके अन्तर्गत श्री हरपाल सिंह पुत्र स्वर्गीय दीवान सिंह, बामनहेडी, पोस्ट, रामपुर, तहसील सदर, मुजफ्फरनगर द्वारा मा0 नेशनल ग्रीन ट्रिब्यूनल के समक्ष प्रस्तुत आवेदन के क्रम में पंजीकृत ओ0ए0सं0 433/2023 के सम्बन्ध में अवगत कराना है कि श्री हरपाल सिंह द्वारा उक्त शिकायत में बताया गया है कि जनपद-मुजफ्फरनगर में ग्राम बामनहेडी के निकट रूडकी रोड रेलवे ब्रिज के समीप उनकी लगभग 2.5 बीघा कृषि भूमि है। जिसमें दूषित पानी भरा रहता है।

उक्त के परिपेक्ष्य में न्यायहित में आपको निम्नानुसार अवगत कराना है कि उक्त दूषित व गंदा पानी नगर पालिका परिषद, मुजफ्फरनगर की सीमा के अन्तर्गत वाले किसी मार्ग अथवा नाली/नाला के कारण नहीं आ रहा है यहा यह भी स्पष्ट करना है कि श्री हरपाल सिंह की भूमि (2.5 बीघा) से नगर पालिका परिषद, मुजफ्फरनगर की सीमा लगभग 4-5 वर्ग कि0मी0 की दूरी पर है।

अतः महोदय उक्त स्थल नगर पालिका परिषद, मुजफ्फरनगर की सीमा से 4-5 कि0मी0 दूरी पर स्थित है, और नगर पालिका परिषद, मुजफ्फरनगर की सीमा का दूषित व गन्दा पानी नहीं जता है, जिस कारण आपसे अनुरोध है कि कृपया उपरोक्त पंजीकृत ओ0ए0सं0-433/2023 को पालिका स्तर से निक्षेपित करने की कृपा करें

भवदीय

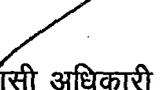
  
(हेमराज)

अधिसासी अधिकारी  
नगरपालिका परिषद  
मुजफ्फरनगर।

प्रतिलिपि:-निम्नलिखित को सादर सूचनार्थ प्रेषित।

1-जिलाधिकारी महोदय, मुजफ्फरनगर।

2-अपर जिलाधिकारी (प्रशासन)/प्रभारी अधिकारी (स्थानीय निकाय), मुजफ्फरनगर।

  
अधिसासी अधिकारी  
नगरपालिका परिषद  
मुजफ्फरनगर।

7

Nagar Palika Parishad, Muzaffarnagar

From,  
Executive Officer  
Municipal Council,  
Muzaffarnagar.

To,  
Consultant (Judicial)  
National Green tribunal  
Faridkot House, Copernicus Marg,  
New Delhi-11001

Letter no.-2142/SA.PRA./2023-24

Date-16/01/2024

Subject: In relation with the application in the OA no. 433/2023 filed by Shri Harpal Singh S/o late Diwan Singh, Bamanheri, Post: Rampur, Tehsil: Muzaffarnagar in National Green Tribunal.

Sir,

It is requested that the order dated 14.08.2023 should be seen and referred to in the case no. 433/2023 filed by Shri Harpal Singh S/o late Diwan Singh, Bamanheri, Post: Rampur, Tehsil: Muzaffarnagar in front of the National Green tribunal informing the tribunal that he has almost 2.5 bigha of agricultural land near District- Muzaffarnagar in Gram- Bamanheri on roorkee road railway bridge which is filled with contaminated water.

8

In view of the above, in the interest of justice we want you to inform the court that the above contaminated and dirty water is not because of any brook or usage (drain) in the jurisdiction of Municipality/Nagar Palika Parishad and that the agricultural land of shri Harpal Singh is also situated almost 4-5 km away from the authority's jurisdiction.

Therefore, the above said land is situated 4-5 km away from the municipal limits of Nagar Palika Parishad and waste water of Nagar Palika Parishad does not flow in that area. For this reason it is humbly prayed that in above mentioned matter i.e. OA no. 433 of 2023, Nagar Palika Parishad be discharged from all the charges.

(Hemraj)  
Executive Officer  
Municipal Council,  
Muzaffarnagar.

Copy to:- Inform the following authorities:

1. District Officer, Muzaffarnagar
2. Upper District Officer (administrative)/ Officer-in-charge (local body),  
Muzaffarnagar

Executive Officer  
Municipal Council,  
Muzaffarnagar.

9

ANNEXURE A2

Item No. 23

Court No. 1

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 433/2023

Harpal Singh

Applicant

Versus

State of Uttar Pradesh &amp; Ors.

Respondents

Date of hearing: 18.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD EXPERT MEMBER**

Applicant: None for the applicant.

Respondent: Mr. Raunak Parekh, Mr. Abhishek Sharma and Mr.  
Hitesh Sohni, Advocates for Respondent No. 6.  
Mr. Harvansh Singh Assistant Engineer, Provincial  
Division, Public Works Department, Muzaffarnagar.

**Application is registered based on a letter petition received by E-mail.**

**ORDER**

1. This original application registered on the basis of letter petition raises the issue of discharge of effluent from the drain passing through the land of railways near Roorkee Road Railway Bridge near village Bamanheri, Muzaffarnagar and overflowing into the agricultural field of the applicant.

2. The Tribunal by order dated 17.10.2023 had impleaded Municipal Council, Muzaffarnagar through its Executive Officer as respondent no. 6 and issued notice to it.

(10)

3. Learned Counsel for the respondent no. 6 submits that the area in question falls outside the municipal limits of Municipal Council, Muzaffarnagar.
4. The report dated 11.10.2023 filed by the Joint Committee states that the drain in question comes within the jurisdiction of the Zila Panchayat Raj Adhikari Muzaffarnagar. Therefore, Zila Panchayat Raj Adhikari Muzaffarnagar through the Executive Officer is impleaded as respondent no. 7. Let notice be issued to the respondent no. 7 for filing the reply atleast one week before the next date of hearing.
5. The respondent no. 6 is also directed to file the response atleast one week before the next date of hearing.
6. The personal appearance of the officers directed in the earlier proceedings is dispensed with till further order.
7. List on 19.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 18<sup>th</sup>, 2024  
O.A. No. 433/2023  
ag

## कार्यालय नगर पालिका परिषद, मुजफ्फरनगर

प्रेषक,

अधिकासी अधिकारी  
नगर पालिका परिषद,  
मुजफ्फरनगर।



सेवा में,

ANNEXURE-A3

कंसल्टेन्ट (जुडिशियल)  
नेशनल ग्रीन ट्रिब्यूनल  
फरीदकोट हाउस, कॉपरनिकस मार्ग,  
नई दिल्ली-110001

पत्रांक-2454/सा0प्र0/2023-24

दिनांक- 06/03/2024

विषय:-श्री हरपाल सिंह पुत्र स्वर्गीय दीवान सिंह, बामनहेडी, पोस्ट, रामपुर, तहसील, मुजफ्फरनगर द्वारा  
मा0 नेशनल ग्रीन ट्रिब्यूनल के समक्ष प्रस्तुत आवेदन के क्रम में पंजीकृत ओ0ए0सं0 433/2023  
के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक अवगत कराना है कि मुकदमा संख्या-433/2023 में नेशनल ग्रीन ट्रिब्यूनल  
ने दिनांक-17.10.2023 के आदेश द्वारा नगर पालिका परिषद, मुजफ्फरनगर को प्रतिवादी के रूप में  
पक्षकार बनाया था। उक्त आदेश के अनुपालन हेतु तदसमय के अधिकासी अधिकारी श्री हेमराज जी  
दिनांक-18.01.2024 को मा0 न्यायालय के समक्ष उपस्थित होकर मौखिक रूप से मा0 न्यायालय को  
अवगत कराया कि उक्त विषयांकित क्षेत्र नगर पालिका परिषद, मुजफ्फरनगर की सीमा क्षेत्र से बाहर  
होने के कारण शिकायतकर्ता द्वारा किये गये आवेदन के सम्बन्ध में नगर पालिका परिषद, मुजफ्फरनगर  
द्वारा कोई भी कार्यवाही की जानी सम्भव नहीं है। शिकायत सम्बन्धित क्षेत्र की समस्या का निस्तारण  
ग्राम पंचायत बामनहेडी, पोस्ट, रामपुर, तहसील, मुजफ्फरनगर द्वारा ही किया जाना सम्भव होगा।

अतः उपरोक्त विवरणानुसार आख्या अग्रिम कार्यवाही हेतु सादर सेवा में प्रस्तुत है।

अधिकासी अधिकारी  
नगरपालिका परिषद  
मुजफ्फरनगर

प्रतिलिपि:-मा0 अध्यक्ष महोदया नगर पालिका परिषद, मुजफ्फरनगर की सेवा में सादर सूचनार्थ प्रेषित।

अधिकासी अधिकारी  
नगरपालिका परिषद  
मुजफ्फरनगर

12

Nagar Palika Parishad, Muzaffarnagar

From,  
Executive Officer  
Municipal Council,  
Muzaffarnagar.

To,  
Consultant (Judicial)  
National Green tribunal  
Faridkot House, Copernicus Marg,  
New Delhi-11001

Letter no.-2454/SA.PRA./2023-24  
Date-06/03/2024

Subject: In relation with the application in the case 433/2023 filed by Shri Harpal Singh S/o late Diwan Singh, Bamanheri, Post: Rampur, Tehsil: Muzaffarnagar in National Green Tribunal.

Sir,

In the above-mentioned subject, in the case number 433/2023 the National Green Tribunal through its order dated 17.10.2023 made Municipality/Nagar Palika Parishad a defendant. In the compliance of the same order, the then Executive officer Shri Hemraj appeared and stated in front of the court that the area regarding which the applicant has filed the present application is out of the territorial

13

jurisdiction of Municipality/Nagar Palika Parishad and thus, Municipality has no authority in passing any decisions on the above application such power is only vested with Gram Panchayat Bamanheri, Post: Rampur, Tehsil: Muzaffarnagar.

Hence, the above report should be presented in further proceedings.

Executive Officer  
Municipal Council,  
Muzaffarnagar.

Copy to:- Chairman, Nagar Palika Parishad.

Executive Officer  
Municipal Council,  
Muzaffarnagar.