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IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

ORIGINAL APPLICATION NO. 911 OF 2024

IN THE MATTER OF:

VIKASH

...Applicant

Versus

STATE OF UTTAR PRADESH & ORS.

...Respondent

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NEW DELHI

DATE: 26.05.2025

THROUGH



(RACHIT MITTAL)

Advocate for Respondent No. 8
MZ-24 & 25, Ansal Fortune Arcade,
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132

IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

ORIGINAL APPLICATION NO. 911 OF 2024

IN THE MATTER OF:

VIKASH

...Applicant

Versus

STATE OF UTTAR PRADESH & ORS.

...Respondent

REPLY ON BEHALF OF RESPONDENT NO. 8 – JHANSI
DEVELOPMENT AUTHORITY TO THE APPLICATION FILED BY
APPLICANT

MOST RESPECTFULLY SHOETH:

PRELIMINARY SUBMISSIONS:

1. That the captioned Application has been filed by the Applicant alleging the illegal/unauthorized construction and environmental violations on Araj no. 11,12,15,21,22,23,24,75, and 79 situated at Mauja Pichor, Jhansi, under the Jhansi Master Plan.
2. That the captioned application was listed on 04.11.2024 before this Hon'ble Tribunal, and this Hon'ble Tribunal passed the following orders:

1. *In pursuance to the previous order, the reply on behalf of Respondent No. 3-UP PCB has been filed. Learned Counsel appearing for Respondent No. 9-Municipal Commissioner, Jhansi submits that there are only two plots no. 17 and 24 under the ownership of Respondent No. 9 and in these plots, there is no encroachment.*
2. *Learned Counsel for the Respondent–State of UP representing Respondent Nos. 1,2,4,5,6 and 7 seek four weeks. Similar, prayer has been made by the Counsel for Respondent No. 8 seeking time to file Reply. Let the Reply by way of affidavit be filed by these Respondents within four weeks."*



साचिव,

झाँसी विकास प्राधिकरण, झाँसी ।

साचिव,

झाँसी विकास प्राधिकरण, झाँसी ।

3. That the present Reply is being filed by Respondent No. 8, i.e., Jhansi Development Authority (hereinafter referred to as "**answering respondent**") in compliance with the aforementioned order passed by this Hon'ble tribunal.
4. That at the outset, the answering Respondent denies each and every averment contained in the captioned application against the answering Respondent, except those which are admitted herein expressly.
5. That the captioned Application filed by the Applicant is replete with factual perversity and contains incorrect and misconceived submissions. It is submitted that the Applicant had pleaded incongruent averments and has based the Application on false surmise and vague conjectures. The Applicant made misleading and contradictory averments in his application and has blatantly suppressed material facts with an intent to mislead this Hon'ble Tribunal and hence, the captioned Application is liable to be dismissed.
6. According to the maps of the Jhansi Master Plan – 2021, the land use of the Araj No. 11, 12, 15, 21, 22, 23, 75, and 79 is Residential. However, on the receipt of the notice issued by this Hon'ble Tribunal in the captioned application, the answering Respondent issued a letter dated 25.10.2024 to the Joint Planner, Divisional Planning Wing, Division, Jhansi seeking clarification regarding the land use of the Araj No. 11, 12, 15, 21, 22, 23, 75, and 79 as per the Jhansi Master Plan - 2021. A true copy of the letter dated 25.10.2024 issued by the answering Respondent to the Assistant Planner,

Divisional Planning Wing, Division, Jhansi is annexed herewith and marked as **ANNEXURE – R8/1**

7. Pursuant to the aforesaid letter issued by the answering Respondent, the Joint Planner, Divisional Planning Department, Jhansi Town, and Country Planning Department, U.P. vide its letter dated 28.10.2024 informed the answering Respondent that they have conducted an investigation and survey of maps of Jhansi Master Plan – 2021 and Sajara maps of Araji No. 11, 12, 15, 21, 22, 23, 75, and 79. After investigation and survey, it was found that the land use of the Araji No. 11, 12, 15, 21, 22, 23, 75, and 79 as per the Jhansi Master Plan – 2021 is 'Residential'. The following table shows the land use of each Araji no. as per the Jhansi Master Plan - 2021:

S. No.	Araji No.	Land use as per Jhansi Master Plan - 2021
1.	11	Residential high density and proposed 24 mtr. road
2.	12	Residential high density and proposed 24 mtr. road
3.	15	Proposed 24 mtr. road
4.	21	Residential high density and proposed 24 mtr. road
5.	22	Residential medium density
6.	23	Residential medium density
7.	24	Residential medium density and semi-built
8.	75	Residential medium density and semi-built

9.	79	Residential medium density and proposed 24 mtr. road
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A true copy of the dated 28.10.2024 issued by the Joint Planner, Divisional Planning Department, Jhansi Town and Country Planning Department, U.P is annexed herewith and marked as **ANNEXURE – R8/2**

8. It is further submitted that an investigation is being conducted by the answering Respondent regarding the illegal/unauthorized constructions on the aforementioned Araji Nos. and if any illegal/unauthorized construction is found on the said premises, strict and appropriate action will be taken by the answering respondent.

PARAWISE REPLY:

9. That with regard to Para No. 1 of the application, it is submitted that the land use of Araji No. 11,12,15,17,21,22,23,79 and 75 mentioned in the application filed by the Applicant is residential, which has been described in detail in para no.8 of the preliminary submissions which is reiterated herein. The list as produced by the Applicant is wrong and mismatched with the master plan. After receiving notice from this Hon'ble Tribunal, the answering Respondent sought clarification from Joint Planner, Divisional Planning Wing, Division, Jhansi and it was informed that the land use of aforesaid land is residential.



सचिव,
झाँसी विकास प्राधिकरण, झाँसी ।

10. That with regard to para no. 2 of the Application, it is submitted that the Municipal Corporation, in its letter dated 09.10.2024, which was filed along with its report dated 03.11.2024 before this Hon'ble Tribunal, has admitted the ownership of the Araji No. 11, 12, 15, 21, 22, 23 and 79. Further, the Municipal Corporation has also submitted in the letter dated 09.10.2024 that there is no encroachment on Araji No. 17 and 24 as it is being protected by them.
11. That with regard to para no. 3 of the Application, it is submitted that the land use of the aforementioned Araji Nos. is residential, and the answering Respondent is conducting a survey and investigation to identify any illegal/unauthorized construction on the Araji No. 11, 12, 15, 21, 22, 23, 75, and 79. It is denied that a petrol pump is being constructed at Araji No. 23. It is further denied that illegal construction is being carried out on aforesaid land. The land use of aforesaid land is residential and no construction is being carried out other than residential.
12. That with regard to para no. 4 of the Application, it is submitted that the land belongs to Municipal Corporation. The Municipal Corporation has already submitted its response before this Hon'ble Tribunal and as per their reply there is no encroachment on Araji No. 17 and 24, and Araji No. 17 and 24 is being owned and protected by the Municipal Corporation.
13. That the contents of para 5 to 9 are denied being false, fictitious, ill motive, and misleading against the answering



Respondent save and except what is a matter of record. It is most humbly submitted that according to the survey and investigation conducted by the Joint Planner, Divisional Planning Department, Jhansi Town, and Country Planning Department, U.P. on the maps of Jhansi Master Plan – 2021 and Sajra Maps of Araji No. 11, 12, 15, 21, 22, 23, 75, and 79 it was found that the land use of the said Araji No. is 'Residential' and further, it is most humbly submitted that the answering respondent is investigating the illegal/unauthorized constructions on the aforementioned Araji Nos. and if any illegal/unauthorized construction is found on the said premises, strict and appropriate action will be taken by the answering respondent.

It is submitted that the answering Respondent has always been vigilant in exercising its duties and fulfilling its responsibilities with due care and consciousness at all times and also has been complying with the orders/ directions passed by this Hon'ble Tribunal from time to time. The answering Respondent undertake to comply the directions of this Hon'ble Tribunal and take necessary actions as per the directions.

NEW DELHI

DATE: 26.05.2025

THROUGH



RACHIT MITTAL

Advocate for Respondent No. 8



सचिव,

झाँसी विकास प्राधिकरण, झाँसी ।

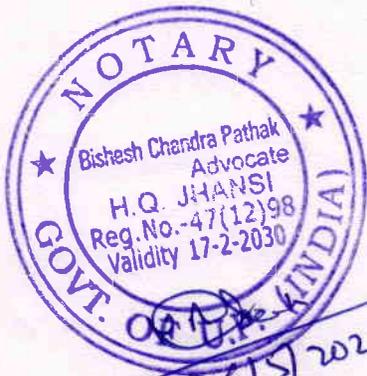
The contents of the above from paragraphs 1 to 2 are true and correct as per the official records. Nothing is wrong therein and nothing material has been concealed therefrom.

Verified at Jhansi today on this 26 day of May 2025

सचिव,
डॉसी DEPONENT डॉसी।

Identified

प्रमोद कुमार मिश्र, एडवोकेट
राजि० न० 146/88
सी कोड 130
मो० न० 9415594045



1116
2025
I certify that the foregoing statement
sworn before me this day at 11:00 AM,
by Shri/Smt./Kum. Upma Pandey
to whom the contents of this affidavit have
been read over and explained and who
is identified by Shri. P.K. Bishesh Adv
received the legal fee Rs.

BISHESH CHANDRA PATHAK
ADVOCATE
JHANSI DISTRICT
26/5/2025

JDA **झाँसी विकास प्राधिकरण, झाँसी**
JHANSI

सेवा में,

सहयुक्त नियोजक
 सम्भागीय नियोजन खण्ड,
 सम्भाग, झाँसी।

पत्रांक 2249 / जे0डी0ए0 / (2024-25)

दिनांक 25 अक्टूबर 2024

विषय :- ओ0ए0 संख्या-911/2024 विकास बनाम उ0प्र0 राज्य व अन्य के संबंध में।
 महोदय,

उपर्युक्त विषयक आपके कार्यालय के पत्र संख्या-992/झाँसी महा0/
 भू-उपयोग/2024-25 दिनांक 18 अक्टूबर 2024 का संदर्भ ग्रहण करने का कष्ट करें,
 जिसके क्रम में अवगत कराना है कि आपके कार्यालय द्वारा उपलब्ध कराये गये मौजा
 पिछोर तह व जिला झाँसी की सजरा शीट में आराजी संख्या-11, 12, 15, 21, 22, 23,
 24, 75 एवं 79 का भू-उपयोग नगर पार्क एवं प्रस्तावित 24.00मी. मार्ग है, परन्तु
 महायोजना-2021 के मानचित्र के अनुसार उक्त आराजी संख्या का भू-उपयोग आवासीय
 एवं प्रस्तावित 24.00मी. चौड़ा मार्ग है।

मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में ओ0ए0 संख्या-911/2024 विकास
 बनाम उ0प्र0 राज्य व अन्य की सुनवाई की तिथि 04.11.2024 है।

अतः आपसे अनुरोध है कि मौजा पिछोर तह व जिला झाँसी की सजरा शीट में
 आराजी संख्याओं का स्पष्ट भू-उपयोग/संशोधित सजरा शीट उपलब्ध कराने का कष्ट
 करें, जिससे सूचना शासन को समयान्तर्गत उपलब्ध करायी जा सके।

भवदीय

(जितेन्द्र सिंह सहरवार)
 नगर नियोजक

झाँसी विकास प्राधिकरण, झाँसी

प्रतिलिपि :-

1. उपाध्यक्ष, झाँसी विकास प्राधिकरण, झाँसी को सादर अवलोकनार्थ।
2. मुख्य नगर एवं ग्राम्य नियोजक, नगर एवं ग्राम्य नियोजन विभाग लखनऊ को आवश्यक कार्यवाही हेतु।
3. सचिव, झाँसी विकास प्राधिकरण, झाँसी को सूचनार्थ।
4. कार्यालय प्रति।

JS
 25.10.2024
 नगर नियोजक
 झाँसी विकास प्राधिकरण, झाँसी

531/संभागीय/उ.प.अ.141
29.10.24

Annexure-R-8/2

कार्यालय सहयुक्त नियोजक,
संभागीय नियोजन खण्ड, झाँसी,
नगर एवं ग्राम नियोजन विभाग, उ०प्र०,
803/4-ए निकट पी.एण्ड टी. कालोनी, ग्वालियर रोड, झाँसी।

पत्रांक- 1004/झाँसी महा०./भू-उपयोग/2024-25

दिनांक-28 अक्टूबर, 2024

सेवा में,

नगर नियोजक,
झाँसी विकास प्राधिकरण,
झाँसी।

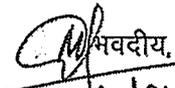
विषय- ओ०ए० संख्या-911/2024 विकास बनाम उ०प्र० राज्य व अन्य के संबंध में।

महोदय,

कृपया उपर्युक्त विषयक आपके कार्यालय पत्र संख्या 2249/जे.डी.ए./ (2024-25) दिनांक 25.10.2024 का सन्दर्भ ग्रहण करने का कष्ट करें। मा० राष्ट्रीय हरित अभिकरण, नई दिल्ली में योजित ओ०ए० संख्या-911/2024 के परिप्रेक्ष्य में मौजा पिछोर तहसील व जिला झाँसी के आराजी संख्या 11,12,15,21,22,23,24,75 एवं 79 का झाँसी महायोजना-2021 के अनुसार भू-उपयोग उपलब्ध कराये जाने की अपेक्षा की गई है। उक्त के सम्बंध में अधोहस्ताक्षरी एवं कार्यालय के कार्मिकों द्वारा झाँसी महायोजना-2021 के मानचित्र एवं मौजा पिछोर के सजरा मानचित्र पर ट्रांसफर भू-उपयोग का गहनता से मिलान/अवलोकन किया गया तथा उक्त आराजी संख्याओं का भू-उपयोग निम्नवत है-

क्र० सं०	आराजी संख्या	झाँसी महायोजना-2021 के अनुसार भू-उपयोग
1	11	आवासीय उच्च घनत्व एवं प्रस्तावित 24 मी० मार्ग
2	12	आवासीय उच्च घनत्व एवं प्रस्तावित 24 मी० मार्ग
3	15	प्रस्तावित 24 मी० मार्ग
4	21	आवासीय उच्च घनत्व एवं प्रस्तावित 24 मी० मार्ग
5	22	आवासीय मध्यम घनत्व
6	23	आवासीय मध्यम घनत्व
7	24	आवासीय मध्यम घनत्व एवं अर्द्ध निर्मित
8	75	आवासीय मध्यम घनत्व एवं अर्द्ध निर्मित
9	79	आवासीय मध्यम घनत्व एवं प्रस्तावित 24 मी० मार्ग

अतः इस कार्यालय की उक्त भू-उपयोग आख्या पर अपने स्तर पर भी परीक्षण/पुष्टि करते हुये सम्बंधित सूचना शासन को उपलब्ध कराने का कष्ट करें।


28.10.2024
(रविन्द्र कुमार गौतम)
सहयुक्त नियोजक

VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 911 OF 2024

IN THE MATTER OF:
VIKASH

...APPLICANT(S)

Versus

UNION OF INDIA & ORS.

... RESPONDENT(S)

KNOW ALL to whom these present shall come that I/We Jhansi Development Authority, the above-named Respondent No. 08 do hereby appoint,

RACHIT MITTAL [D/1041/2011]
ADVOCATE

MZ-24 & 25, ANSAL FORTUNE ARCADE, SECTOR 18, NOIDA – 201 301 U.P.

EMAIL: rachit@rmlawchambers.in

PH: +91 9873997047

(herein after called the advocates) to be my/our Advocate in the above-noted case authorize them :-

- To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.
- To sign file verify and present pleadings appeals cross-objections or petitions for executions review revision withdrawal compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.
- To fill and take back documents to admit and/or deny the documents of opposite party.
- To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
- To take execution proceedings.
- The deposit draw and receive money cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fees is paid. I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more that 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these present the contents of which have been understood by me/us on this 02nd Day of November 2025

Accepted subject to terms of fees.



RACHIT MITTAL
ADVOCATE



राचिता,
झॉसी विकास प्राधिकरण, झॉसी ।

CLIENT

