

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 793 OF 2022

IN THE MATTER OF:

Council of Engineers

.... Applicant

Versus

State of Punjab

.... Respondents

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NDOH - 28.01.2025

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Filed by



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COURT COMMISSIONER

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Dated: 21.01.2025

Place: New Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 793 OF 2022**

IN THE MATTER OF:

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**REPORT OF THE COURT COMMISSIONER IN COMPLIANCE
OF THE ORDER DATED 05.11.2024 PASSED BY THIS HON'BLE
TRIBUNAL**

MOST RESPECTFULLY SHOWETH:

1. That by means of the present Original Application, the Applicant has made complaint about encroachments made over Green Belts:
 - (i) by Lodhi Club and Sacred Heart Convent School, situated at BRS Nagar, Ludhiana by opening illegal gate entry as well as converting the Green Belt area into Parking Space;
 - (ii) by Municipal Corporation Ludhiana by allowing parking of Vehicles after concretization of huge area of Green Belts from Jagraon Road to Sherpur Chowk and;
 - (iii) by Municipal Corporation Ludhiana by constructing library building in the Green Belt/Park near Manju Cinema

in violation of directions of Hon'ble Supreme Court and this Tribunal, environmental norms and Master Plan of Ludhiana.

2. That this Hon'ble Tribunal, in view of the contradictory claims on the part of the Applicant and the Respondent No. 3 vis-à-vis actual position of encroachments on green belt has appointed the undersigned (Advocate Commissioner) to visit the site in question and to submit the report after verification of the factual position.
3. The verification of factual position was directed by this Hon'ble Tribunal primarily in view of the below contradictory claims being made by the Respondent No. 3 and the Applicant:

Additional Affidavit of Respondent No. 3 dated 02.10.2024	Additional Affidavit of the Applicant dated 01.11.2004
<p>Para 5:</p> <p><i>That as per the reports of the Assistant Town planner, Building Branch, Zone-C and site plan provided by XEN B&R Zone-C, which has already been submitted to this Hon'ble Court, suggests that the land in question is a part of Right of way alongside old G.T Road. Furthermore, it is abundantly clear from the Master Plan (Legend) that the said part of the land falls under the City park/Major Open Spaces, which was later on developed as park on this part of right of way to prevent it from any further encroachments on this right of way along old G.T. road, Green Belt/park was developed on the said part of land spanning over 1124 sq. yards. It is pertinent to mention that out of 1124 sq.</i></p>	<p>Para 3:</p> <p><i>That the land area under Park on which Library is constructed is 350 Sq. yards but the MCL has deliberately mentioned it as 1124 Sq yard. It is pertinent to humbly submit here that Respondent Corporation has mentioned the same park as 292 Sq meters i.e. 350 Sq yards in an Affidavit submitted before Hon'ble Punjab & Haryana High Court (Page No. 652). Further, MCL has mentioned covered area of building as 52 Sq yards but has not disclosed area covered using tiles in the park. The Applicant has measured the park area (along with concretization done in it) on 01-11-2024. The total area of park concretized using interlocking tiles and by construction of tiles comes out to be 195 Sq yards i.e. 55% of existing park area which is against the directions of this Hon'ble Tribunal. The copy of actual layout plan of park comprising of Library and interlocking tiles/Vitrified tiles/cement</i></p>

yards, only 52 sq. yd. area has been used for construction of Library for the benefits of Local community, which is only 4% of the total area of Park/Green Belt. This allocation falls within the permissible Limit of 15% which is mandated by the Government of Punjab vide notification no.5/65/2017-ILG 4/1021 dated 11.05.2017. Copy of Notification is attached herewith as Annexure 3.

concrete as measured by applicant is produced herewith as Annexure PX-8.

Para 4:

That the notification dated 13-04-2028 issued by Department of Local Government (Town Planning Wing), Punjab as produced earlier, the greenbelts must be protected from Parking of Vehicles (kindly refer to Annexure PX-1 Clause No. 17 at Page No. 640) However, the impugned greenbelts at Old GT Road as well as Lodhi Club Road are being used for parking of private vehicles.

Para 5:

That the Applicant has produced Photographs from Page No. 668 to 684 (Annexure PX-4) depicting almost 100% impermeable concretization done in other most of other part of Greenbelt along GT Road. The portion which is not concretized is also being used for parking by private Shop/showroom owners/vehicle repair workshops resulting into major Environmental damage. The overall area of stretch of greenbelts which is concretized by the Respondent MCL/private persons is almost 50% of total greenbelts along Old GT Road, thus such greenbelts may kindly be directed to be resituated by demolishing concrete impermeable flooring

Para 6:

That the Respondent School too has concretized the greenbelt area and using the area for parking of school vans (kindly refer Annexure P-1 at Page no. 18-19, Annexure PX-6 -

	<i>Page No. 685). Further, the Respondent Lodhi Club too have taken much wider entrance (67'wide) and using more than its half for private vehicle parking along with parking in greenbelt area (Annexure P-1 at Page No. 16- 18 and Annexure PF-1 at Page No. 354-356) and such act is in violation to directions of this Hon'ble Tribunal and notification dated 13-04-2018.</i>
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4. That the Court Commissioner appointed by this Hon'ble Tribunal visited the site in question on 01.12.2024. The following officials were also present at the site alongwith the Applicant when the inspection was conducted:

S.No.	Name	Designation	Site
1	Mr. Mohan Singh	ATP, Zone D	School and Lodhi Club Road
2	Mr. Bharat Malik	HMD, Zone D	School and Lodhi Club Road
3	Mr. Ravinder Walia	DM, Zone-D	School and Lodhi Club Road
4	Mr. Vikas Sethi	JE/BGR, Zone-D	School and Lodhi Club Road
5	Mr. Rakesh Singla	XEN, Zone-C	Old G.T Road and Library
6	Mr. Sandeep Kumar	SDO, Zone C	Old G.T Road and Library
7	Mr. Bhupinder Singh	SDO, Zone C	Old G.T Road and Library
8	Mr. Shashi Kant	SDO, Zone C	Old G.T Road and Library
9	Mr. Kuljeet Singh Mangat	ATP, Zone C	Old G.T Road and Library
10	Mr. Pawan Preet Singh	JE, Zone-C	Old G.T Road and Library
11	Mr. Rashpal Singh	JE, Zone-C	Old G.T Road and Library

12	Mr. Neeraj Jain	Zonal Commissioner, Zone B	School and Lodhi Club Road AND Old G.T Road and Library
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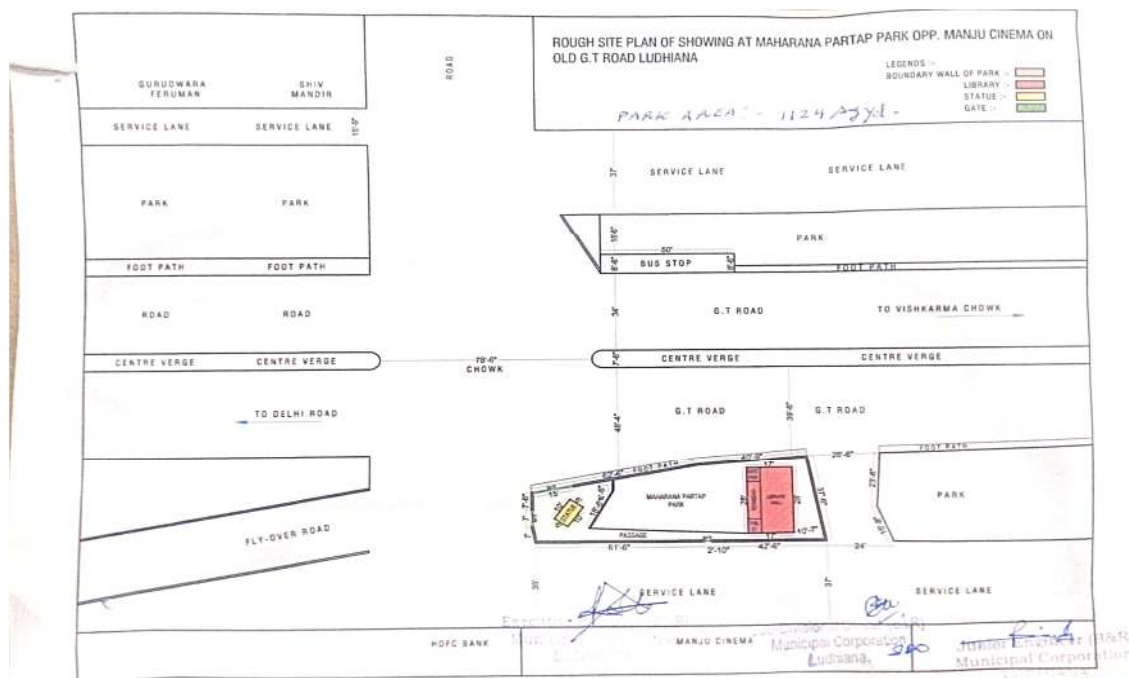
5. The details regarding measurements were sought from the municipal Corporation Ludhiana, which were provided by the officer concerned.

The area wise observations are as under:

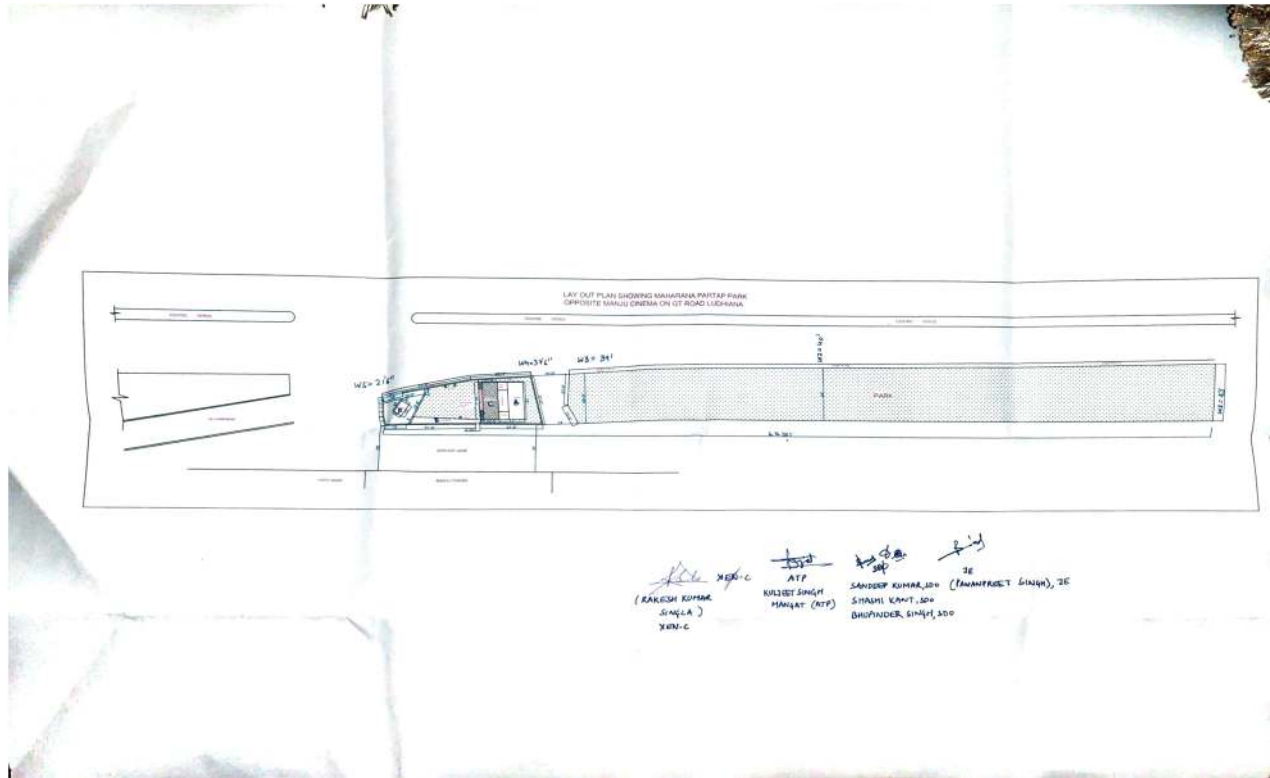
5A. LIBRARY (OLD GT ROAD)

The library Area at the Old GT Road was visited along with the officials of Municipal Corporation and the Applicant.

The map of the area as filed by the Municipal Corporation Ludhiana in its earlier Affidavits is as under:



The map provided by the Municipal Corporation, Ludhiana after the inspection of the site is as below:



The following information was provided by the Municipal Corporation, Ludhiana:

The estimate for the work of "Construction of Library in Maharana Partap Park Near Manju Cinema in W. No. 51 was approved from F&CC vide resolution no. 5148 dated 08.11.2024 with an estimate value of Rs.14.76 Lacs. The tender for the work was called after the approval from the F&CC. The work was awarded to M/S R.K. Construction with a tender value of Rs.14-72 Lacs vide F&CC Reso. No. 5892 dt 14.12.2021. The Layout plan of the area by the drawing branch is attached. The details of the Park is as tabulated below:-

A	Total Green Area of the Park	$L \times (W1 + W2 + W3 + W4 + W5)$ $561' \times (43'+40''+39'+37'6''+21'6'')$ $/ 5$ $=20308.2 \text{ S.ft. or } 1887.37 \text{ sqm}$
B	Covered area of the Library	$28' \times 17' = 476 \text{ s.ft. or } 44.23 \text{ sqm}$
C	Vitrified Tile in Platform of Library	$28'3'' \times 10'5'' = 294.36 \text{ sft or } 27.35 \text{ sqm}$

<i>D</i>	<i>Interlocking Tiles Area.</i>	$28'3'' \times 2'3'' = 63.56 \text{ sft or } 5.90 \text{ sqm}$
<i>E</i>	<i>PassaQe Area.</i>	$42'9'' \times 3'9'' = 160.31 \text{ sft or } 14.89 \text{ sqm}$
<i>F</i>	<i>Statue and Concrete Area.</i>	$(21'6'' + 29')/2 \times (15' + 29')/2$ $= 555.5 \text{ s.ft. or } 51.62 \text{ sqm}$
<i>T</i>	<i>Total Concrete Area.</i>	$44.23 + 27.35 + 5.90 + 14.89 + 51.62 = 143.99 \text{ sqm}$

1. *As per the report tabulated above:*

Total Green Belt Area (A) = 1887.37 sqm

Total Concrete Area including Library(T) = 143.99 sqm

Percentage of covered concrete area = 7.63 % (143.99 sqm)

As per the guidelines of NGT the covered concrete area is within 15% which is within the permissible limit.

2. *Master plan was enforced in year 2005 but the parking area was constructed in year 1999. The details of work executed for construction of parking area is given below:*

a) Construction of service lane & parking places on GT Road Vishkarma Chowk to Jagraon Bridge:

This work was awarded to M/S Garg Construction with the Tender Value of Rs. 23.33 Lacs vide F&CC Reso. No. 2628 dt 01.07.1999

b) Construction of Parking & providing wire mesh on GT Road from Vishkarma Chowk to Dholewal Chowk:

This work was awarded to M/S Vanistha Builders with the Tender Value of Rs. 27.11 Lacs vide F&CC Reso. No. 2686 dt 15.07.1999.

c) Construction of service lane and footpath from Dholewal Flyover to Sherpur Chowk:

This work was awarded to M/S J.K. Construction Co. with Tender Value of Rs. 48.22 Lacs vide F&CC Reso. No. 2819 dt 16.08.1999 (copy attached)

A true copy of the details provided by the Municipal Corporation, Ludhiana vis-à-vis the library area is annexed herewith and marked as **ANNEUXRE C/1**.

It is observed that at the Old GT Road, Manju Cinema is located. There is a service lane in front of Manju Cinema and besides the service lane a park is situated adjacent to Old GT Road. A right to way / slip way adjacent to the park connects the Manju Cinema with the Old GT Road, as can be seen in the above map.

The contention of the Municipal Corporation is that the area of the park in which the library is constructed should not be seen in isolation but there is park after the right of way and that area is also the area of the same park / green belt and must be considered in toto for deriving percentage area of construction.

On the other hand, the contention of the Applicant is that there is green belt after the right of way / slip way, which cannot be considered as park area and is a separate area. The Applicant stated that only the block where the library is constructed must be seen for deriving the percentage of constructed area.

It is noted that that the block where the library is constructed is about 350 Sq. Yards and broadly about 50% of the area is green and in the remaining area (i) library is constructed and (ii) covered with interlocking tiles.

The photographs from inside and outside the library was taken (of the park) and it was observed that the books were shelved inside the library.

A true copy of the photographs of the library, Park and outside area / Manju Cinema is annexed herewith and marked as **Annexure C/2**

5B. OLD GT ROAD:

The Municipal Corporation of Ludhiana is responsible for managing this stretch of Old G.T Road. However, the area is neither fenced nor properly maintained, leading to public misuse for parking vehicles. Some parts of the green belt have become the place of parking of vehicles. Also, several parts of green belts are being concretised for parking the vehicles.

At the same time, it is observed that the visitors who intend to visit the shops / showrooms besides the service lane, have no option to park their vehicles apart from places converted into non-designated parking spaces. In such situation, in the event these places are suddenly barred for parking of vehicles, the same would lead to jam / chaos at the main part of the Old GT Road. Hence, a systematic approach and designated parking spaces need to be developed at certain locations of the Old GT Road in order to plan the restoration of green areas encroached for parking.

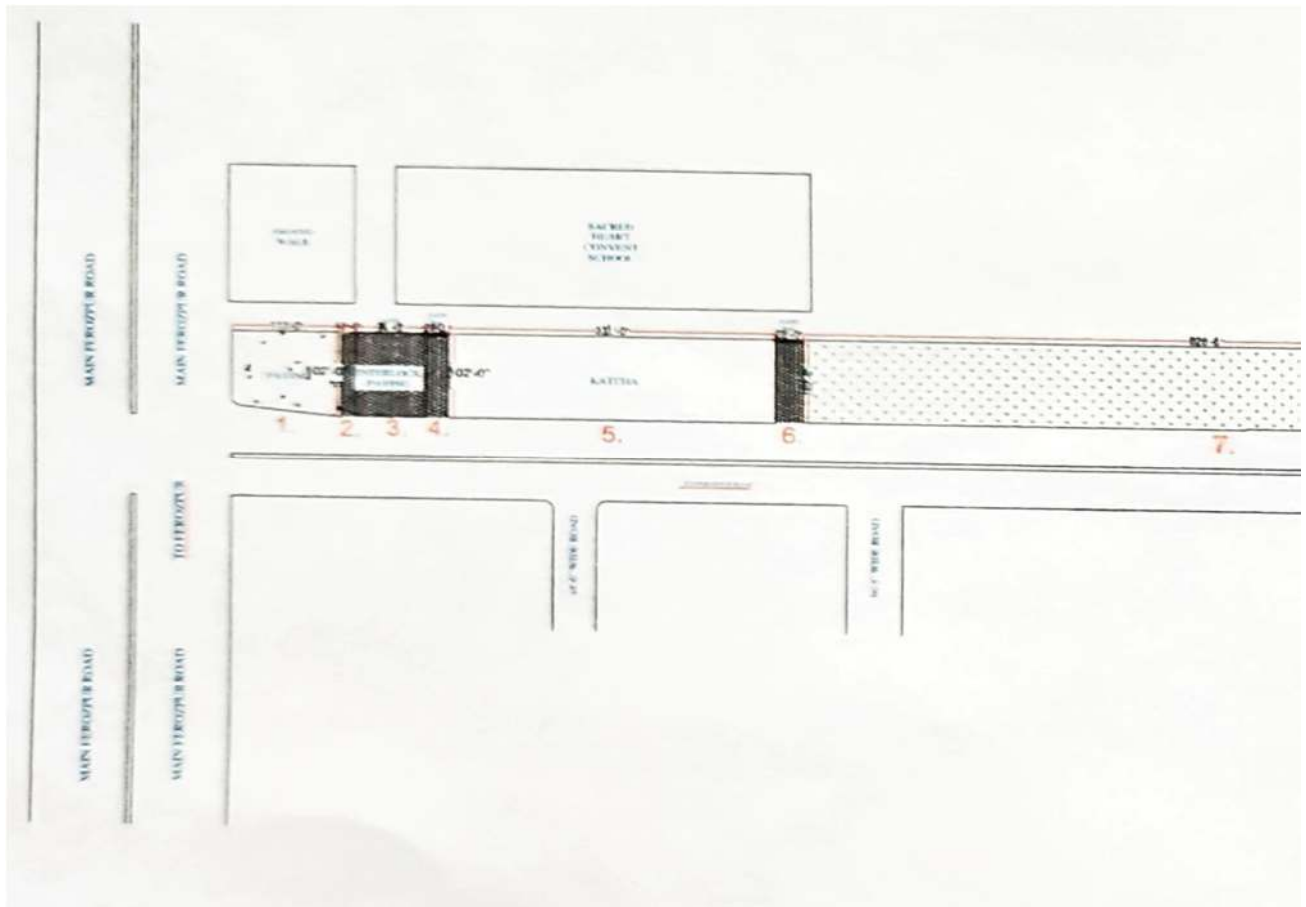
A true copy of the photographs of some part of green belt at Old GT Road area are annexed herewith and marked as **Annexure C/3**.

5C. SACRED HEART CONVENT SCHOOL:

The descriptions and measurement provided by the Municipal Corporation, Ludhiana are as under:

<i>S. No.</i>	<i>Description of Area at Lodhi Club Road</i>	<i>Area</i>
<i>1</i>	<i>front of grand walk (paver area)</i>	<i>113'-0"x 102'-0"</i>

2	<i>beside passage of grand walk (paver area)</i>	13'-0" 102'-0"
3	<i>Pocket in front of school (kacha area)</i>	74'-0"x 102'-0"
4	<i>In front of School Gate 1(paver area)</i>	23'-0"x 102'-0"
5	<i>Area between School Gate 1 and Gate 2 (kacha area)</i>	331'-0"x 102'-0"
6	<i>In front of School Gate 2 (paver area)</i>	28'-0" x 102'-0"



Sr. No. 3, which is mentioned as kaccha area is used for parking and is claimed to a designated / approved as parking area. The gate no. 1 which opens at BRS Bypass / Lala Sardari Lal Kapoor Road has a right of way (Sr. No. 4 in Map). Adjacent to the right of way is the green belt area (Sr. No. 5 in Map). There is an open gate between paver area (Sr. no. 4) and kaccha area / green belt at the area

mentioned as Sr. no. 5. This gives access to the green belt, where vehicles and school buses park. It was Sunday when the visit was made, hence no buses could be seen. However, it can well be assumed that the green area having open access is meant for parking of vehicles. The trees in this part of green belt are low in density as compared to the other parts of the green belt, which demonstrates that the area is used for parking.

It is, however, important to mention that in the event the said green area is immediately closed for parking, the vehicle of parents / wards and the buses would block the roads causing hardship to public at large. Hence, before any direction for barricading the green belt, it would be essential that an alternate arrangement for parking / stalling of vehicles is made.

A true copy of the details provides by the Municipal Corporation, Ludhiana vis-à-vis the School and the Lodhi Club is annexed herewith and marked as **ANNEUXRE C/4**.

A true copy of the photographs of and around Sacred Heart Convent School area are annexed herewith and marked as **Annexure C/5**.

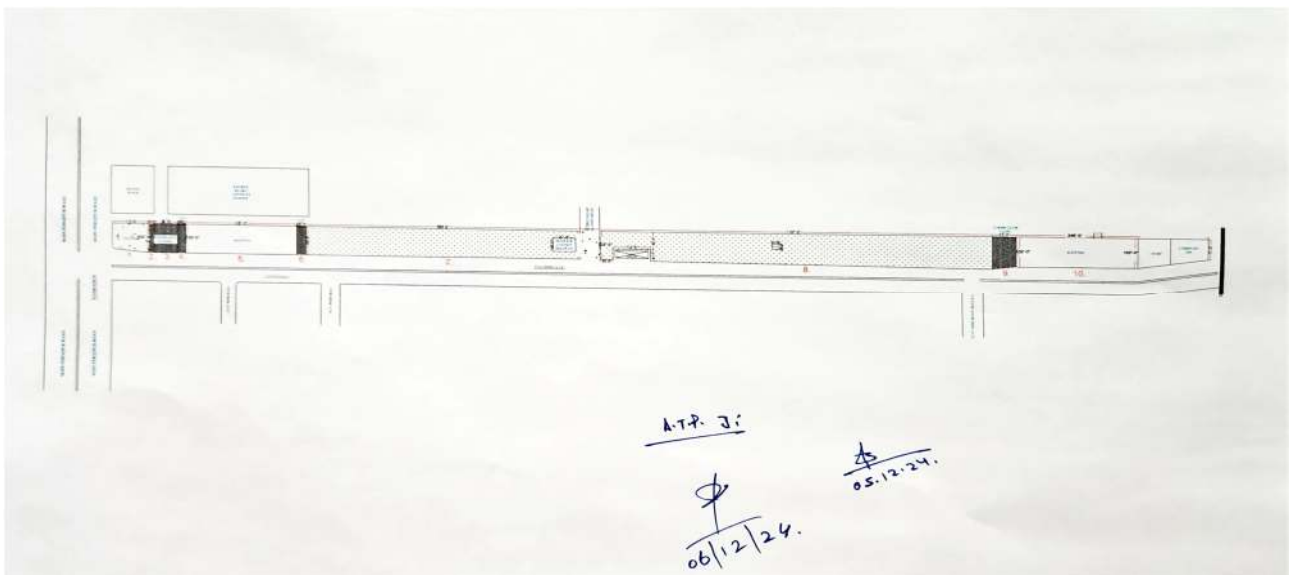
5D. **LODHI CLUB**

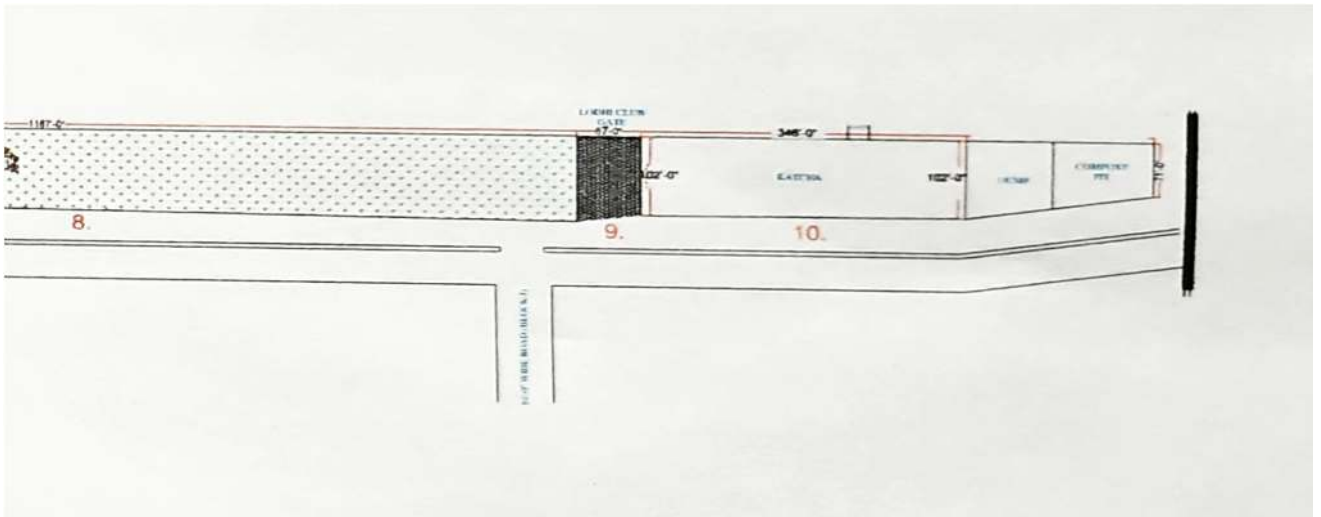
The Municipal Corporation, Ludhiana has provided the following particulars pertaining to the Lodhi Club area:

The area regarding Lodhi club falls in Improvement Trust Development Scheme 550 Acre Bhai Randhir Singh Nagar. The layout of the Scheme was developed with layout no. S.T.P.(L)26/77 dated 29/04/1977. The building control of the Scheme transferred to Municipal Corporation Ludhiana on 01/08/1994. As per this layout Lodhi Club Road is 300 feet wide. The detail of measurements as per record is given below:

S. No.	Description of Area at Lodhi Club Road	Area
1	front of grand walk (paver area)	113'-0"x 102'-0"
2	beside passage of grand walk (paver area)	13'-0" 102'-0"
3	Pocket in front of school (kacha area)	74'-0"x 102'-0"
4	In front of School Gate 1 (paver area)	23'-0"x 102'-0"
5	Area between School Gate 1 and Gate 2 (kacha area)	331'-0"x 102'-0"
6	In front of School Gate 2 (paver area)	28'-0" x 102'-0"
7	After gate 2 (kacha area)	826'-6"x 102'-0"
8	After B.R.S Nagar Road (kacha area)	1167'-0" x 102'-0"
9	Infront of lodhi Club Gate (Paver Area)	67'-0"x 102'-0"
10	Next to Lodhi Club Gate (kacha area)	346-0"x 102'-0"

The map as provided by the Municipal Corporation is as under:





A true copy of the data / description provided by Municipal Corporation, Ludhiana for the Lodhi Club area is already annexed as marked as annexure C/4.

During inspection of the site, it is observed that the paver area provided in front of the Lodhi Club was wide and several cars were parked even in this paver area (Sr. No. 9).

The area next to the paver area of the Lodhi Club is said to be the kaccha area, which in the green belt (Sr. no. 10). This area is connected with the paver area and only a temporary rope could be seen. It can well be assumed that this area (Sr. No. 10) is used for parking of vehicles of the Lodhi Club members / visitors). Also, very few trees were observed in this area.

A true copy of the photographs of and around Lodhi Club area are annexed herewith and marked as **Annexure AC/6**.

6. The undersigned took serious and sincere note of the order dated 05.11.2024 passed by this Hon'ble Tribunal. The inspection of sites in question was conducted with transparency and factual position is

being brought before this Hon'ble Tribunal without considering / giving credence the past materials on record.

7. That this report is submitted before this Hon'ble Tribunal for kind consideration and perusal.

Filed by



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COURT COMMISSIONER
D-54, SECTOR 48, NOIDA – 201303
MO. NOS.: 9999933220; 9999333220
Email: amit.shukla@lexweb.in

Dated: 21.01.2025

Place: New Delhi

15

Subject:- Order passed in Hon'ble National Green Tribunal Principal Bench Original Application No.793/2022 (Council of Engineers & Ors. Versus State of Punjab 7 Ors.)

The estimate for the work of "Construction of Library in Maharana Partap Park Near Manju Cinema in W.No.51" was approved from F&CC vide Reso. No. 5148 dt 08.11.2024 with an estimate value of Rs.14.76 Lacs. The tender for the work was called after the approval from the F&CC. The work was awarded to M/S R.K. Construction with a tender value of Rs.14.72 Lacs vide F&CC Reso. No. 5892 dt 14.12.2021. The Layout plan of the area by the drawing branch is attached. The details of the Park is as tabulated below:-

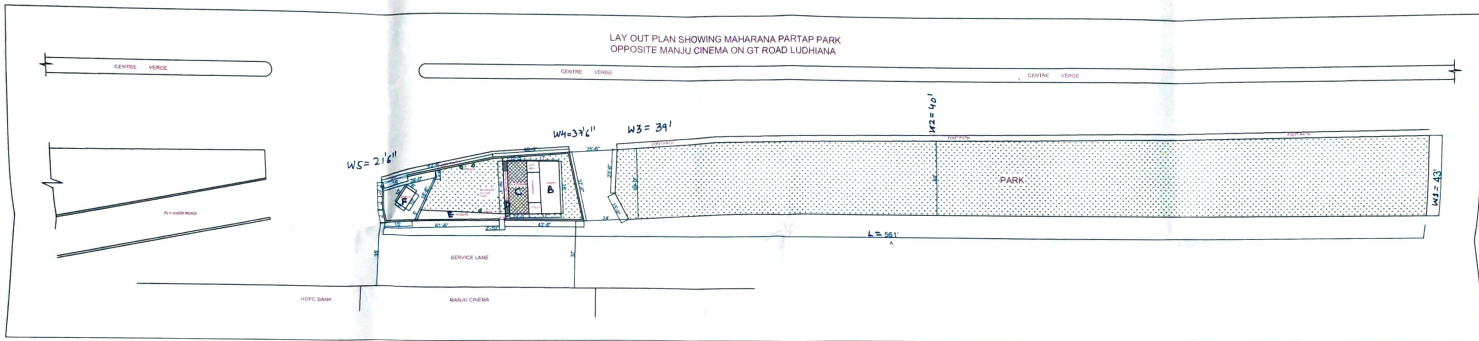
	(L) (W1 + W2 + W3 + W4 + W5)
Total Green Area of the Park. (A)	$561' \times \frac{(43'+40'+39'+37'+21')}{5}$ =20308.2 Sft or 1887.37 sqm
Covered area of the Library. (B)	28'X17'=476 sft or 44.23 sqm
Vitrified Tile in Platform of Library.(C)	28'3"X10'5" = 294.36 sft or 27.35 sqm
Interlocking Tiles Area.(D)	28'3"X2'3" = 63.56 sft or 5.90 sqm
Passage Area.(E)	42'9"X3'9" =160.31 sft or 14.89 sqm
Statue and Concrete Area.(F)	$\frac{(21'6"+29')}{2} \times \frac{(15'+29')}{2} = 555.5$ sft or 51.62 sqm
Total Concrete Area. (T)	44.23+27.35+5.90+14.89+51.62 = 143.99 sqm

- 1) As per the report tabulated above, total Green Belt Area.(A) = 1887.37 sqm
 Total Concrete Area including Library (T) = 143.99 sqm
 Percentage of covered concrete area. = $\frac{143.99 \text{ sqm}}{1887.37 \text{ sqm}} = 7.63 \%$

As per the guidelines of NGT the covered concrete area is within 15% which is within the permissible limit.

- 2) Master plan was enforced in year 2005 (attached) but the parking area was constructed in year 1999. The details of work executed for construction of parking area is given below:-
- Construction of service lane & parking places on GT Road Vishkarma Chowk to Jagraon Bridge:- This work was awarded to M/S Garg Construction with the Tender Value of Rs. 23.33 Lacs vide F&CC Reso. No. 2628 dt 01.07.1999 (copy attached)
 - Construction of Parking & providing wire mesh on GT Road from Vishkarma Chowk to Dholewal Chowk :- This work was awarded to M/S Vanistha Builders with the Tender Value of Rs. 27.11 Lacs vide F&CC Reso. No. 2686 dt 15.07.1999 (copy attached)
 - Construction of service lane and footpath from Dholewal Flyover to Sherpur Chowk:- This work was awarded to M/S J.K. Construction Co. with Tender Value of Rs. 48.22 Lacs vide F&CC Reso. No. 2819 dt 16.08.1999 (copy attached)

XEN.
 ACCP/SE
 RAKESH SINGHA XEN
 SANDEEP KUMAR(SD) MANPAT (ATP)
 BHUPINDER SINGH(SD)
 SHASHIKANT (SD)
 SPO
 KULDEET SINGH
 A.T.P.C
 J/E PAWAN PREET SINGH J.E



(Signature) XEN-C
(RAKESH KUMAR SINGLA)
XEN-C

(Signature) ATP
KULJEET SINGH
MANGAT (ATP)

(Signature) SDP
SANDEEP KUMAR, SDP (PANAPREET SINGH), JE
SHASHI KANT, SDP
BHUPINDER SINGH, SDP

(Signature) JE



Ludhiana, Punjab, India
Miller Ganj Road, Dholewal Chowk, Niran Kari Nagar,
Ludhiana, Punjab 141003, India
Lat 30.896101° Long 75.86633°
01/12/24 11:03 AM GMT +05:30



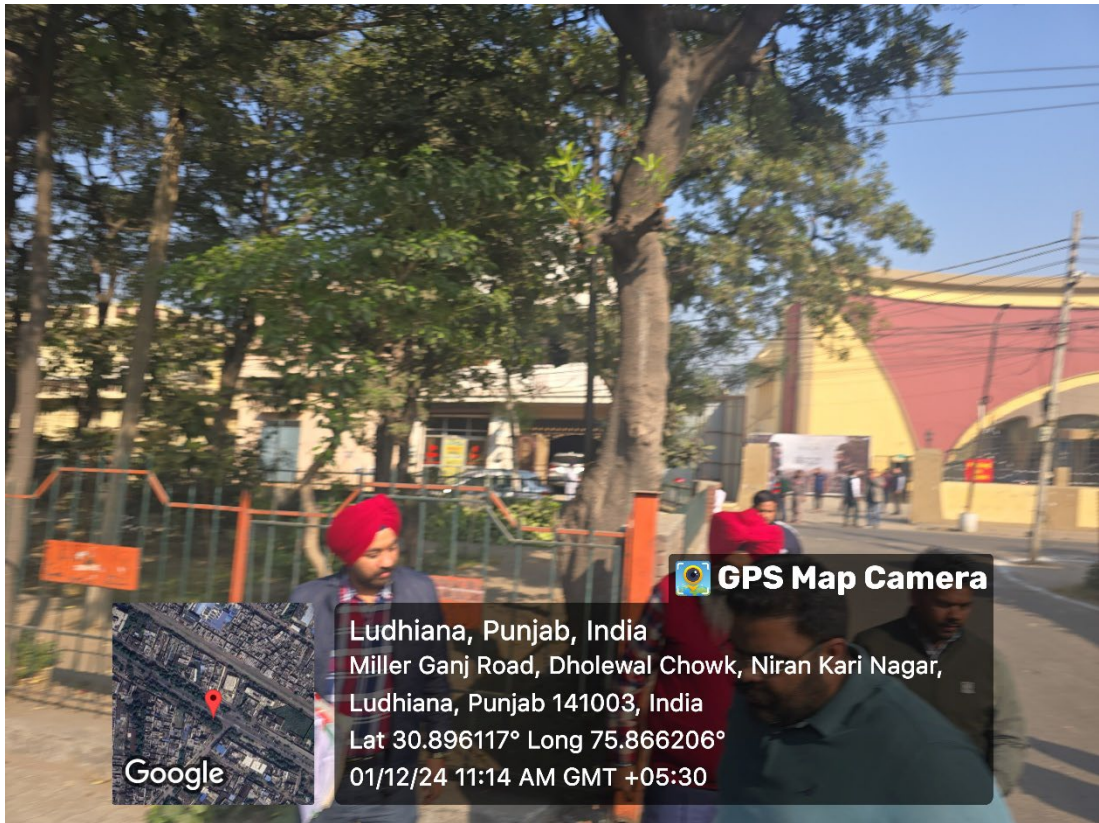
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Miller Ganj Road, Dholewal Chowk, Niran Kari Nagar,
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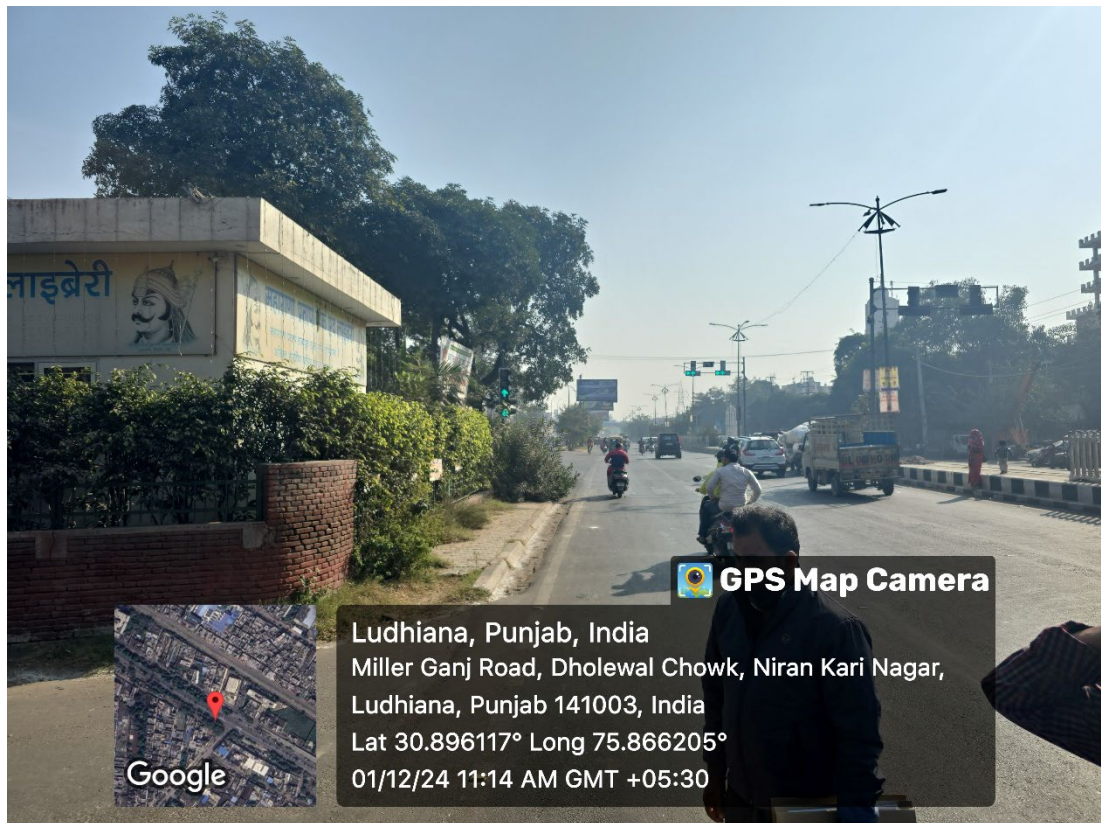


Library Entrance from Service Lane



Service Lane between Manju Cinema and Library





Old GT Road







ANNEXURE C/4

Subject :- Application no. 793 of 2022 Council of Engineers & Others V/S State of Punjab & others.

As per the information required regarding lodhi club road by NGT it is informed that the area regarding Lodhi club falls in Improvement Trust Development Scheme 550 acre Bhai Randhir Singh Nagar. The layout of the Scheme was developed with **layout no. S.T.P.(L)26/77 dated 29/04/1977.**(Copy attached). The building control of the Scheme transferred to Municipal Corporation Ludhiana on 01/08/1994. **As per this layout Lodhi Club Road is 300 feet wide.** The detail of measurements as per record is given below:-

Sr.No.	Description of area at Lodhi club road	Area
1.	front of grand walk (paver area)	113'-0" x 102'-0"
2.	beside passage of grand walk (paver area)	13'-0" x 102'-0"
3.	Pocket in front of school(kacha area)	74'-0" x 102'-0"
4.	In front of School Gate 1(paver area)	23'-0" x 102'-0"
5.	Area between School Gate 1 and Gate 2 (kacha area)	331'-0" x 102'-0"
6.	In front of School Gate 2 (paver area)	28'-0" x 102'-0"
7.	After gate 2 (kacha area)	826'-6" x 102'-0"
8.	After B.R.S. nagar road (kacha area)	1167'-0" x 102'-0"
9.	In front of lodhi Club Gate (paver area)	67'-0" x 102'-0"
10.	Next to lodhi Club Gate (kacha area)	346'-0" x 102'-0"

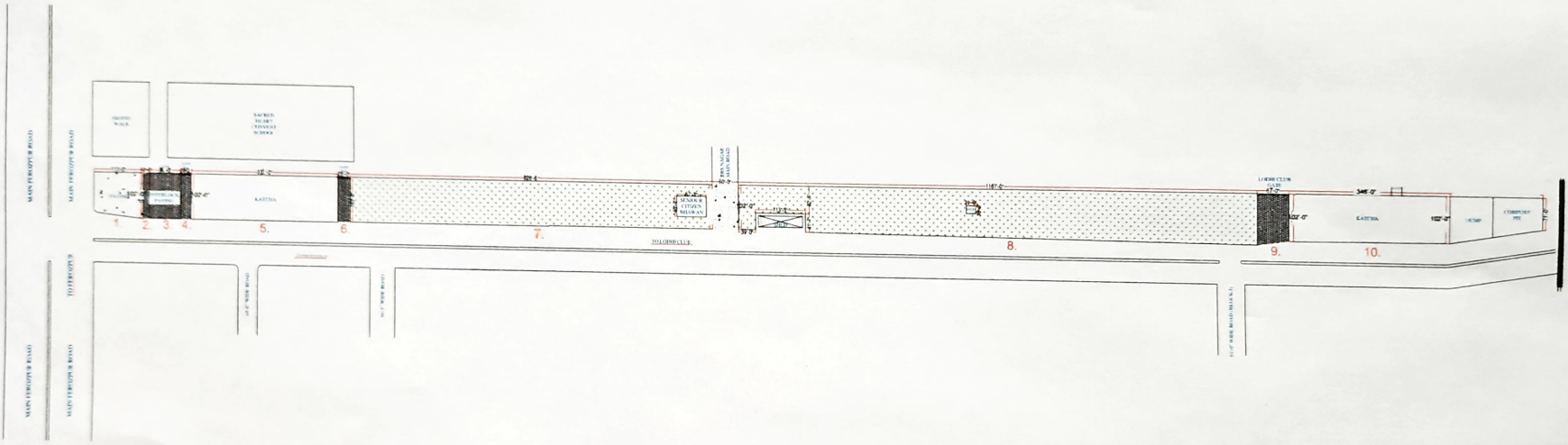
It is for your information only.

H.D.W/D/ATP-D

06/12/2024

05.12.24.

05/12/24



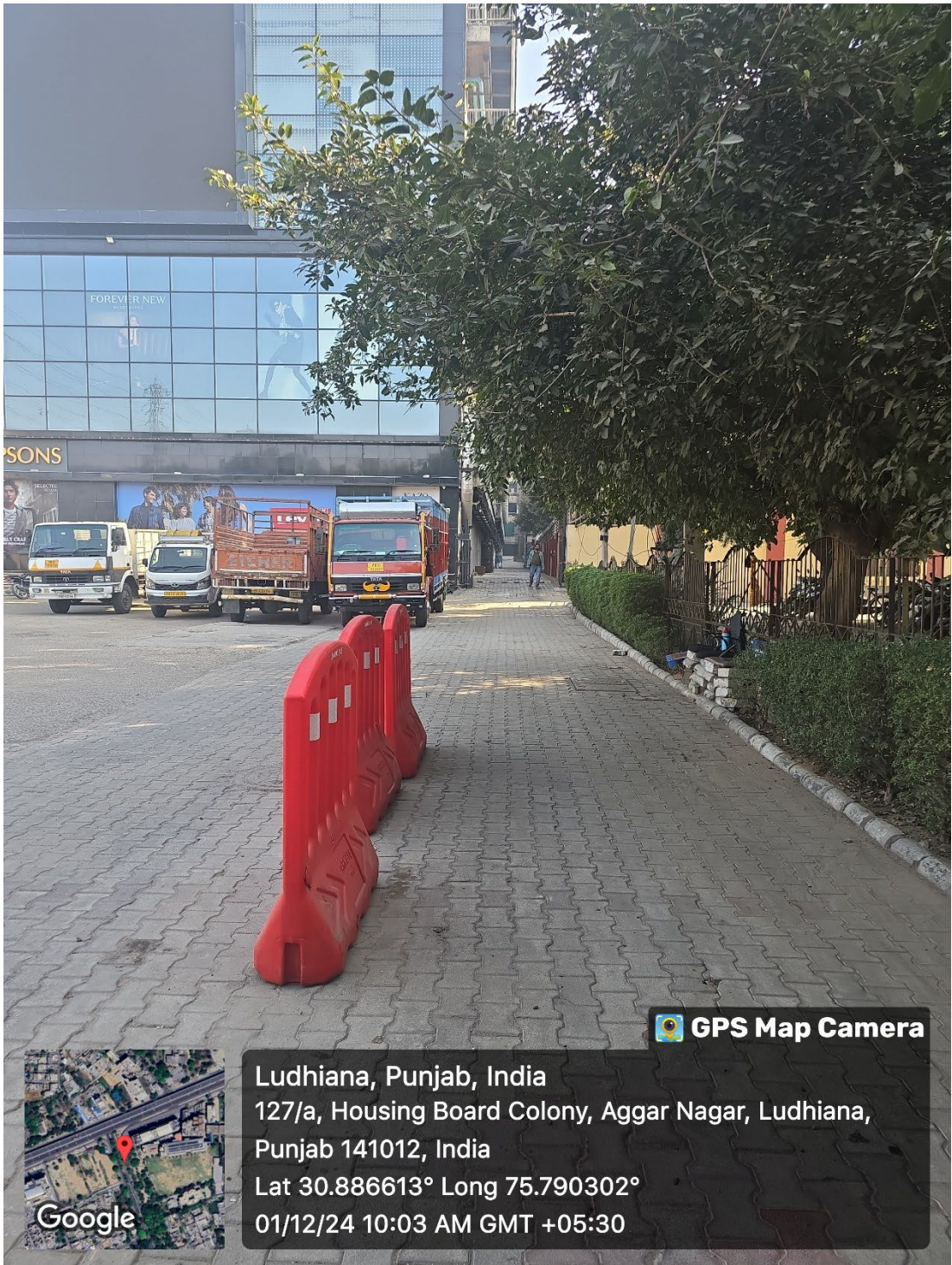
A.T.P. Ji

06/12/24.

~~AS~~
05.12.24.



Sr. No. 1



Sr. No. 2



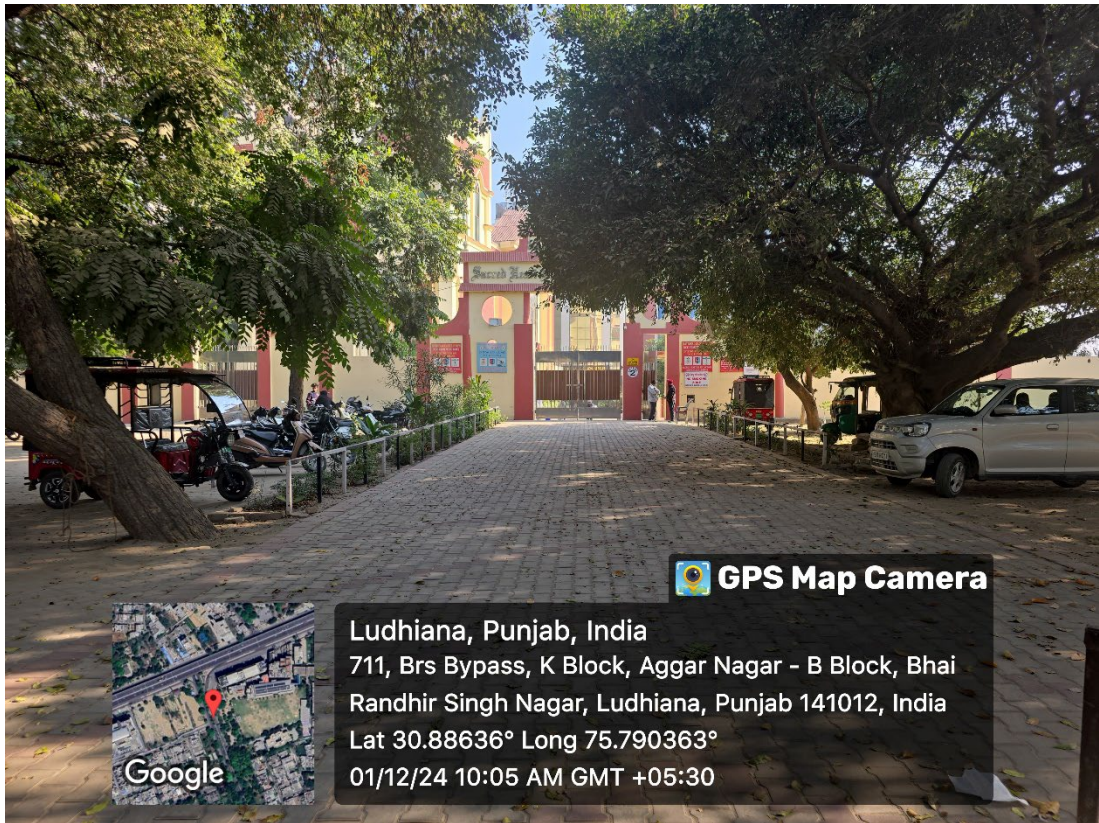
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Sr. No. 3



Sr. No. 3-4

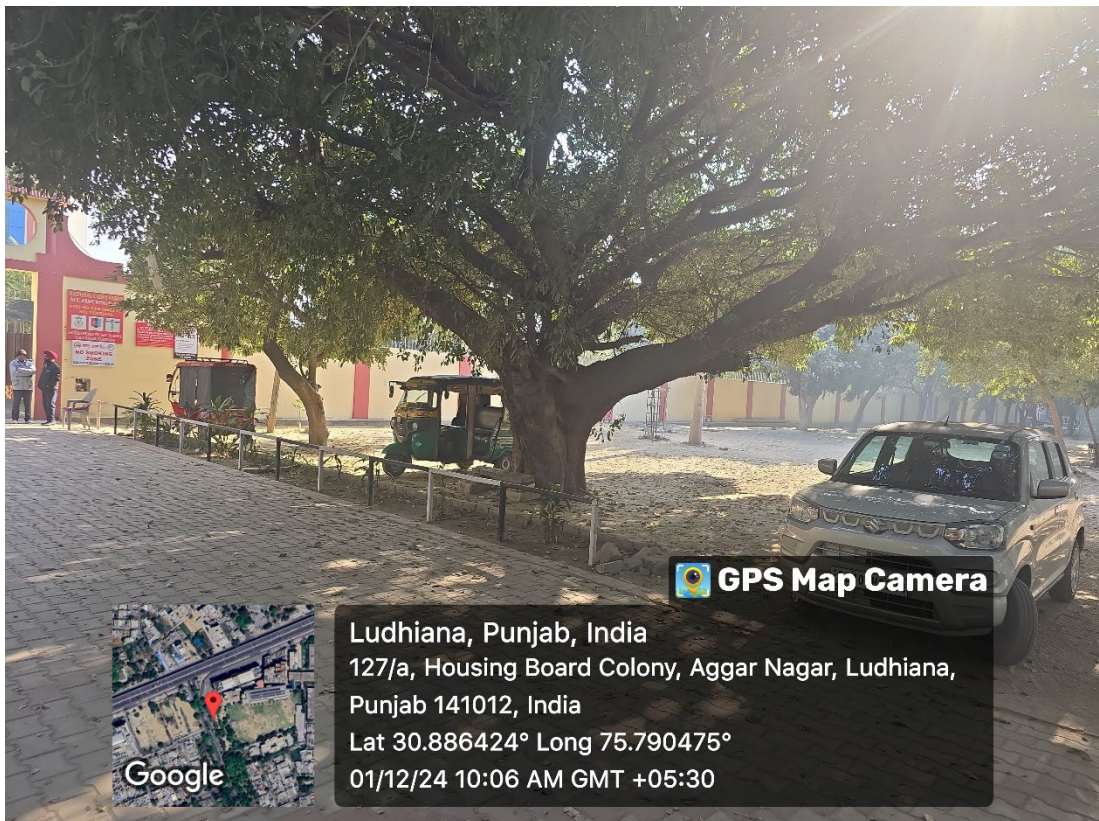


 **GPS Map Camera**



Ludhiana, Punjab, India
711, Brs Bypass, K Block, Aggar Nagar - B Block, Bhai
Randhir Singh Nagar, Ludhiana, Punjab 141012, India
Lat 30.88636° Long 75.790363°
01/12/24 10:05 AM GMT +05:30

Sr. No. 4

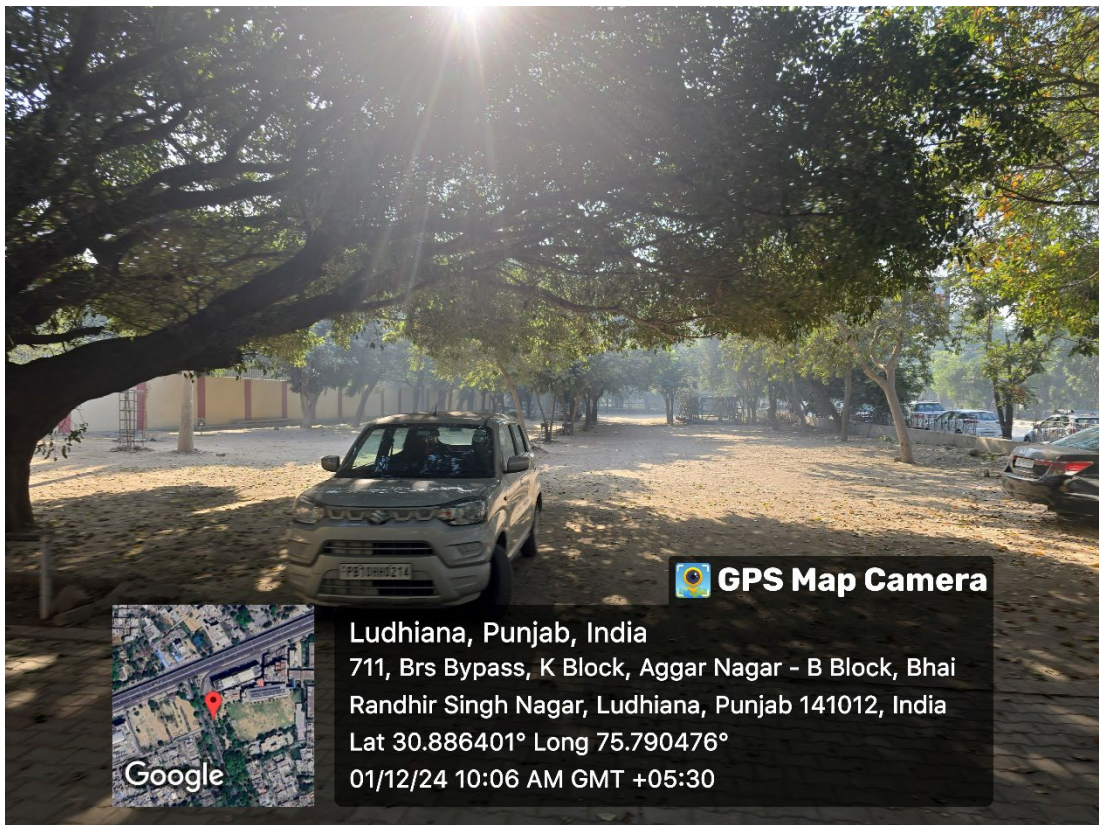


 **GPS Map Camera**

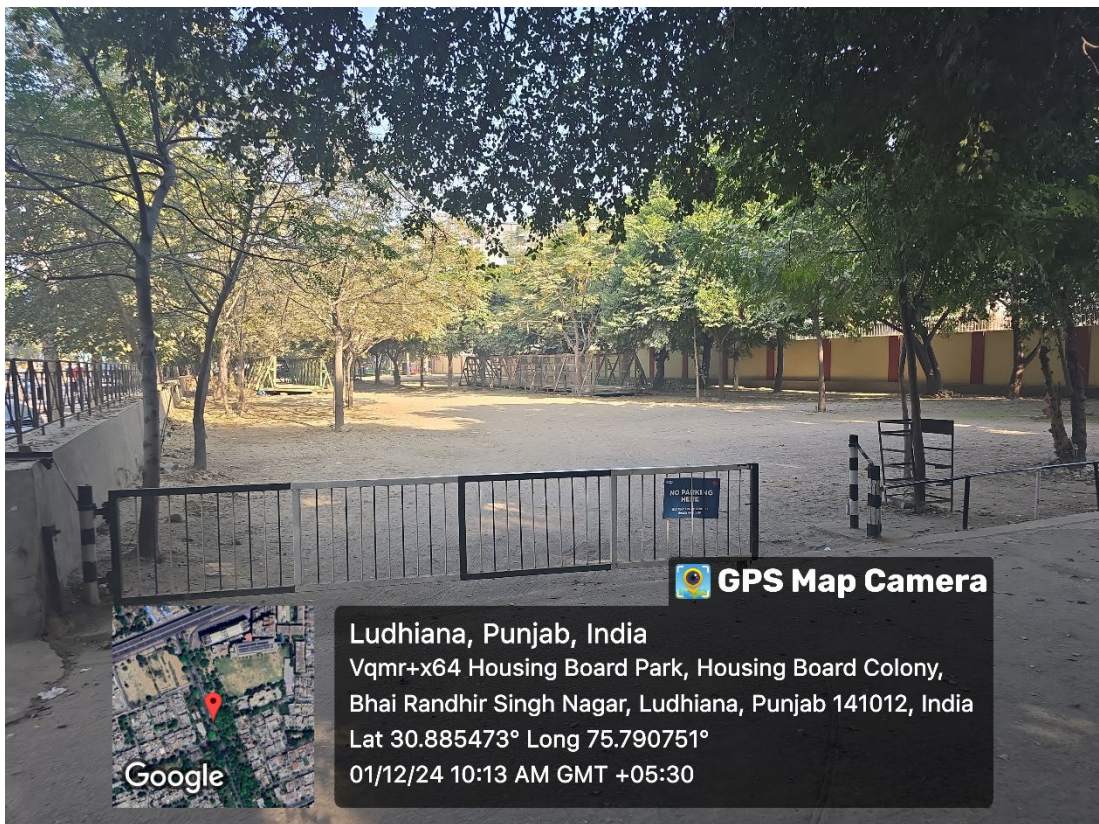


Ludhiana, Punjab, India
127/a, Housing Board Colony, Aggar Nagar, Ludhiana,
Punjab 141012, India
Lat 30.886424° Long 75.790475°
01/12/24 10:06 AM GMT +05:30

Sr. No. 4-5



Sr. No. 5 -From Left End



Sr. No. 5 -From Right End



Sr. No. 6



Sr. No. 7



Sr. No. 9



Sr. No. 9



GPS Map Camera
Ludhiana, Punjab, India
Vqjv+2g3, Block I, Bhai Randhir Singh Nagar, Ludhiana,
Punjab 141006, India
Lat 30.880067° Long 75.793478°
01/12/24 10:19 AM GMT +05:30

Sr. No. 10



GPS Map Camera
Ludhiana, Punjab, India
Vqjv+2g3, Block I, Bhai Randhir Singh Nagar, Ludhiana,
Punjab 141006, India
Lat 30.880021° Long 75.793522°
01/12/24 10:21 AM GMT +05:30

Sr. No. 10