



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय, चंडीगढ़ /Integrated Regional Office, Chandigarh



F. No.: 01-02/2022/Misc./Env.

By Email
Dated: 06.01.2023

To,

- 1) Deputy Commissioner, Ludhiana
Email: dc.ldh@punjab.gov.in , acg.ludhiana.punjab.gov.in
- 2) The Member Secretary Punjab Pollution Control Board,
Vatavaran Bhavan, Nabha Road,
Patiala, Punjab 147001
Email: msppcb@gmail.com msppcb@punjab.gov.in

Sub: OA No. 793/2022- Council of Engineers & Ors. Vs. State of Punjab & Ors.
Ref: Hon'ble NGT vide orders dated 07.11.2022 and 20.12.2022.

Madam/Sir,

I am directed to refer above subject, representative of this office has visited the site in question in the order of Hon'ble Tribunal dated 07.11.2022. (**Annexure 1**) Although, the inspection was carried out on 13.12.2022 with reference to allegation no. (i) & (iii) of the order of Hon'ble Tribunal, however, the allegation mentioned in no. (ii) could not be verified on the same date as the same was neither shown nor discussed to the representative of this office.

Above report (**Annexure 2**) was sent to Municipal Commissioner Ludhiana through email dated 19.12.2022 (**Annexure 3**). It has been observed from Hon'ble NGT vide order dated 20.12.2022 (**Annexure 4**) that the said report has not been submit and further directed to submit within 15 days. MC, Ludhiana requested to this office vide email dated 31.12.2022 to submit the site visit report in the subject matter. It seems that they had not acknowledged this office report sent vide email dated 19.12.2022.

Thereafter, the representatives of this office again visited the site in question while informing MC Ludhiana vide email dated 04.01.2023 (**Annexure 5**) w.r.t. the allegation number (ii) on 04.01.2023. The detailed factual report in this matter was submitted by this office to MC Ludhiana vide letter dated 05.01.2023. (**Annexure 6**)

The detailed factual report is also submit to your good office in the compliance of Hon'ble NGT orders dated 07.11.2022 and 20.12.2022 for further necessary action pl.

Encl: As Above

K.K. Garg
06/01/2023

(Dr. K.K Garg)
Joint Director (S)/Sci "D"
Integrated Regional Office, Chandigarh

Copy to:

- 1) Hon'ble NGT (judicial-ngt@gov.in).
- 2) The Municipal Commissioner Ludhiana for further n/a pl. (Email adcmcl3@gmail.com).

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 793/2022

Council of Engineers & Ors.

Applicants

Versus

State of Punjab & Ors.

Respondents

Date of hearing: 07.11.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Applicant in person.

Application under the provisions of the National Green Tribunal Act, 2010.

ORDER

1. The applicant-Council of Engineers, which is an association of Engineers including Civil Engineers and is having its Head Office at Ludhiana has filed the present application under the provisions of the National Green Tribunal Act, 2010 complaining 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. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the

enactments specified in Schedule I to the National Green Tribunal Act, 2010.

3. Notices alongwith copies of the application and documents attached therewith be issued to Respondents requiring them to file their response/ reply to the allegations made in the application within one week by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

4. In view of the serious nature of the allegations made in the application and in view of the provisions of the Code of Civil Procedure, 1908 empowering the Court to ex-parte appoint a Local Commission to make local investigation for the purpose of elucidating any matter in dispute, we also consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of Regional Officer, MoEF & CC, Chandigarh, Commissioner, Municipal Corporation, Ludhiana, State PCB and the Deputy Commissioner, Ludhiana and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within 15 days by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. Under the statutory provisions made in the enactments specified in schedule I to the National Green Tribunal Act, 2010 the Statutory Authorities are bound to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment, even without/before filing of any application before and passing of any order by this Tribunal or any other Court and the

Statutory Authorities cannot ignore or violate the statutory obligations imposed on them.

6. In view of this legal perspective, we consider it essential to direct that in case the Joint Committee observes any violation of the environmental norms, then it shall forward a copy of its report to the concerned Statutory Authorities including the State PCB and the Deputy Commissioner, Ludhiana who shall take appropriate remedial action by giving notice to/hearing the concerned persons and following due process of law and shall submit their action taken reports separately within 15 days from the date of receipt of a copy of the report of the Joint Committee by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

7. List for further consideration on 20.12.2022.

8. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to Regional Officer, MoEF & CC, Chandigarh, Commissioner, Municipal Corporation, Ludhiana, State PCB and the Deputy Commissioner, Ludhiana by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

November 07, 2022
AG

REPORT OF THE JOINT COMMITTEE

Subject: Site visit report in respect of OA 793 of 2022, Council of Engineers &Ors. Vs State of Punjab &Ors., before Hon'ble NGT, Principal Bench at New Delhi.

The Hon'ble National Green Tribunal, Principal Bench vide order dated 07.11.2022 constituted a Joint Committee comprising Regional Officer, MoEF& CC, Chandigarh, Commissioner, Municipal Corporation, Ludhiana, State PCB and the Deputy Commissioner, Ludhiana.

The relevant extract of the said order is reproduced hereunder: -

“.....In view of the serious nature of the allegations made in the application and in view of the provisions of the Code of Civil Procedure, 1908 empowering the Court to ex-parte appoint a Local Commission to make local investigation for the purpose of elucidating any matter in dispute, we also consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of Regional Officer, MoEF& CC, Chandigarh, Commissioner, Municipal Corporation, Ludhiana, State PCB and the Deputy Commissioner, Ludhiana and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within 15 days by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.....”

The complaints are 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.

A. MEETING OF THE JOINT COMMITTEE ON DATED 21.11.2022:

In compliance of the Hon'ble NGT orders, the joint committee held its first meeting on 21-11-2022 (copy of minutes of meeting is annexed as **AnnexureA-1**). In addition to the Joint Committee, the applicant, Counsel of Engineers &Ors& representative of the concerned project/Establishments

VA

i.e., Principal of Sacred Heart Senior Secondary School, BRS Nagar and President of Lodhi Club were invited to the meeting. The joint committee heard the main concerns/issues raised by the complainant. The representative of the School & Lodhi Club voiced their concerns as to how the area has been allocated to them as part of the Town planning scheme of Ludhiana Improvement Trust, if the said areas were part of the Greenbelt as per master plan of Ludhiana. The committee decided to look into the extant rule position *vis-à-vis* the concerns of the affected parties, both complainant and the Municipal Corporation of Ludhiana, Sacred Heart Senior Secondary School, BRS Nagar and President of Lodhi Club. It was decided to undertake field visit subsequently.

B. FIELD VISIT DATED 13.12.2022:

There are two main project proponents namely, Lodhi Club and Sacred Heart Convent School who have been questioned in the complaint. The projects of these proponents are located along with the road site (from Jagraon Road to Sherpur Chowk) under question. Library building which is allegedly built in the Green Belt/Park near Manju Cinema was also visited.

Further, to verify encroachment into the questioned 'Green Belt' area and facts involved in the grievances, satellite maps between 2013 to 2022 were seen on the GOOGLE map in time scale mode to understand the changes in land use over the said period.

C. OBSERVATIONS ON THE ISSUES RAISED BY HONB'LE COURT:

The main observations on- **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** as follows:

1. It is evident from site visit and Google images that the area under question is about 3.25 ha. having length of approx. 900 mt and width of ranging from 35 mt to 60 mt (**Map 1**).
2. Both the concerned project proponents i.e., Sacred Heart Convent School and Lodhi Club have gate entry towards the site under question (**Photos 1 & 2**, respectively).
3. It is noted from the Google Image that both project proponents constructed approach road by using interlocking concrete block pavements to access their entrances. In case of Lodhi Club the approach road was constructed recently in year 2020.
4. Whether or not the entries are legal is a matter of further investigation by the Statutory Authorities.

5. Parking areas have been developed and allowed by the Municipal Corporation, Ludhiana adjacent to the entrance of the both Sacred Heart Convent School (**Map 2; Photo 3**) and Lodhi Club (**Map 3; Photo 4**) highlighted as Parking Area 'A' and Parking Area 'B', respectively, on the **Map 1**.
6. Both parking areas were in use and 'No Parking Zone' has not been marked at any parking side by the Municipal Corporation, Ludhiana, as observed during the site visit.
7. Parking area of school side (Parking Area 'A') is measuring approx. 0.18 ha. area and interlocking tiles have been used. The construction was started somewhere the starting of year 2014.
8. Parking area of Lodhi Club side is measuring approx. 0.11 ha. However, interlocking tiles have not been used here.
9. A well-developed green belt was noticed in this whole area under question (**Map 1, Photo 5**), except the parking area and approach roads.

Encroachments made over Green Belts (ii) by Municipal Corporation Ludhiana by allowing parking of Vehicles after concretization of huge area of Green Belts from Jagraon Road to Sherpur Chowk:

This whole stretch was neither shown to undersigned nor discussed during the site visit.

Encroachments made over Green Belts (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:

1. Library building has been constructed (**Photo 6**) by the Municipal Corporation Ludhiana on the area of approximately 650 sq. feet, somewhere in the end of year 2021 in a corner of the park/green belt under question. It is pertinent to mention here that a COCP no. 165 of 2022 is pending in Hon'ble High Court regarding the same matter. Thus, the matter is not investigated further.

D. END NOTE:

It is evident from the above that the green belt area in question has been reduced over period of time from 2013-2022 due to change of land use and construction of parking area and approach road to the project proponents at BRS Nagar. It is pertinent to mention here that the construction of paved roads

and parking areas has been developed after 2014 at BRS Nagar, which is after the finalization of the declaration of the Master Plan of the city in 2008. However, the detailed investigation on approvals of approach roads, demarcation of designated greenbelt as per Ludhiana Master Plan, 2008 and temporal changes of the land use by two project proponents could provide meaningful inferences. The undersigned understood after due deliberations and site visit that Notified Master Plan on 2008 was not complied while the land use change was made.

Vimal
19/12/2022

Dr. Vimal Kumar Hatwal,
Addl. Director/Scientist 'E'
MoEF&CC, IRO Chandigarh

Photo 5: Greenbelt at Site.

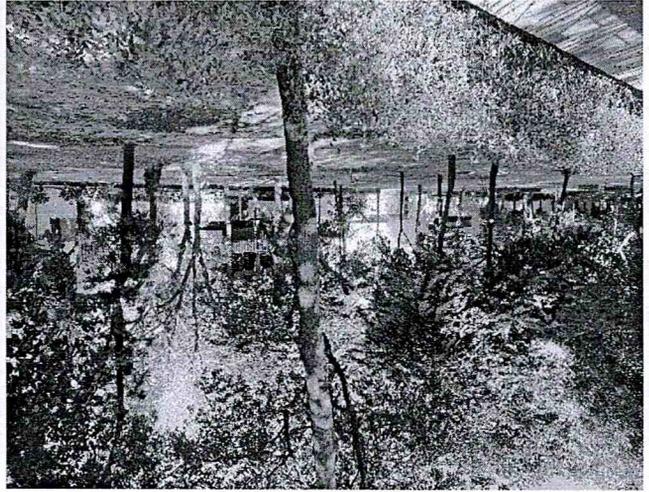


Photo 3: Parking Area 'A' at Site.

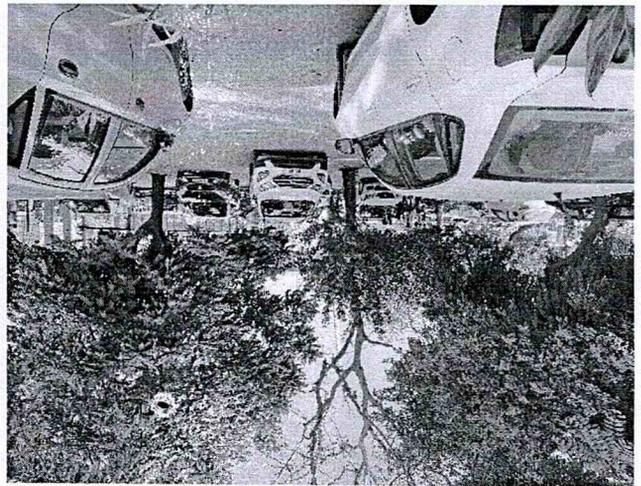


Photo 1: Entry Gate of Sacred Heart Convent School at Site.

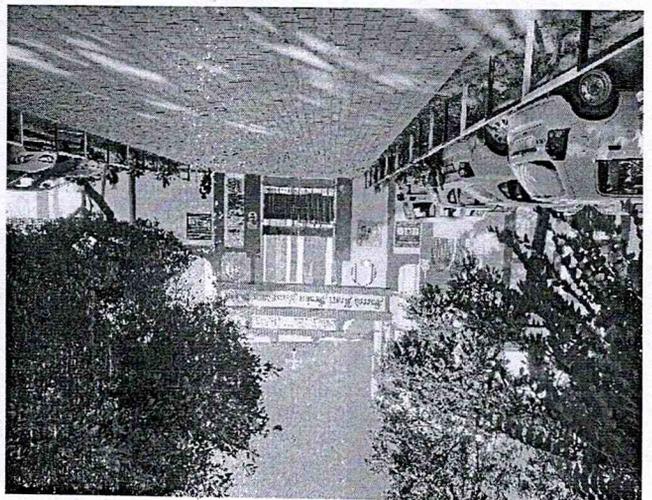


Photo 4: Parking Area 'B' at Site.

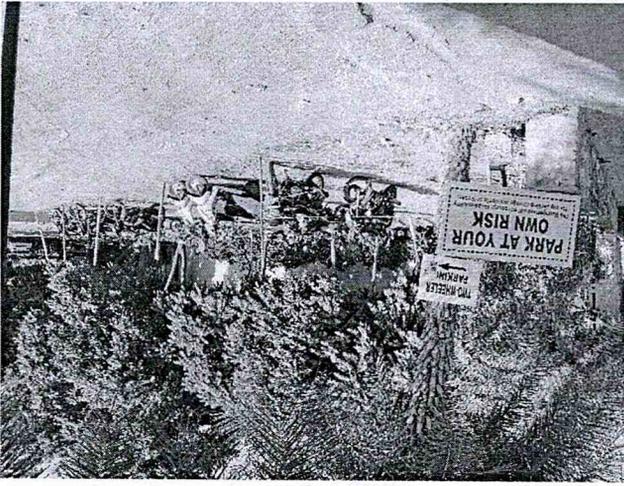


Photo 2: Entry Gate of Lohi Club at Site.

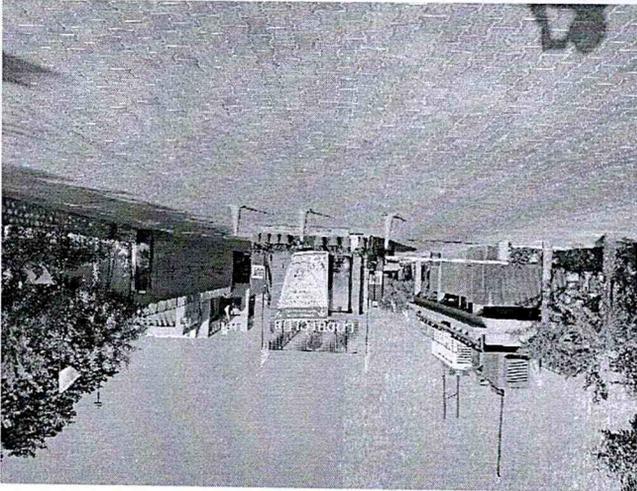
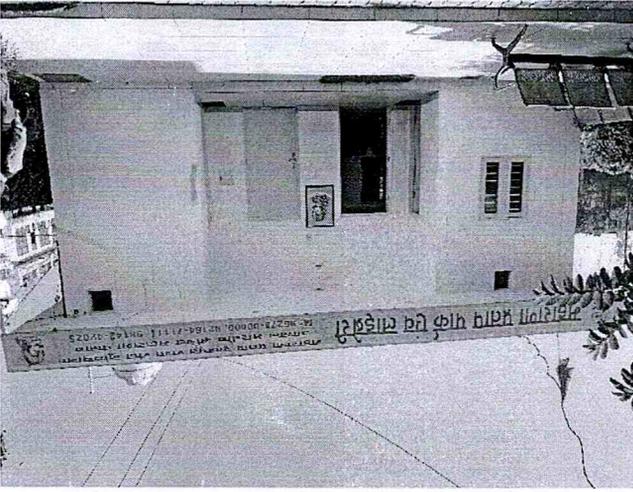
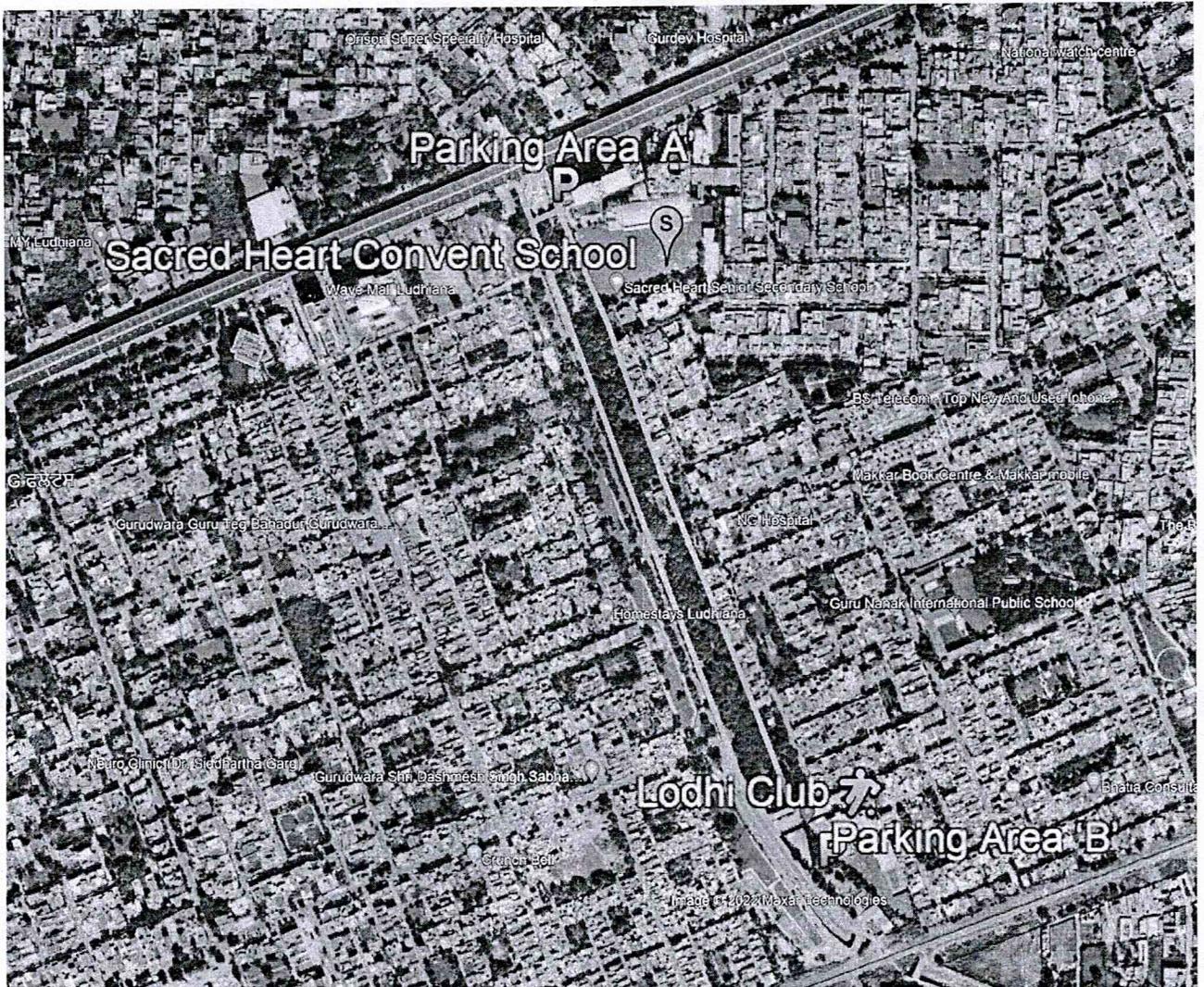


Photo 6: Constructed Library Building at Site.





Map 1. Showing Greenbelt Area Under Question, Parking Areas 'A' & 'B' as per grievances on Google imagery dated 12.10.2022.



Map2: Parking Area 'A'



Map3: Parking Area 'B'

Site visit report in respect of OA 793 of 2022, Council of Engineers & Ors. Vs State of Punjab & Ors., before Hon'ble NGT, Principal Bench at New Delhi- reg.

From : Environment Wing IRO Chandigarh <ecompliance-nro@gov.in> Mon, Dec 19, 2022 05:37 PM
1 attachment

Subject : Site visit report in respect of OA 793 of 2022, Council of Engineers & Ors. Vs State of Punjab & Ors., before Hon'ble NGT, Principal Bench at New Delhi- reg.

To : adcmcl3@gmail.com, DC Ludhiana <dc.ldh@punjabmail.gov.in>, joint comm m <joint.comm.m@gmail.com>, Member Secretary PPCB <msppcb@punjab.gov.in>

Cc : Legal Monitoring Cell <lmc.moefcc@gov.in>

Bcc : Dr. Vimal Kumar Hatwal <vk.hatwal@gov.in>

Sir/Madam,

I am directed to bring to your kind notice that the edited draft report returned by MC, Ludhiana is not acceptable in its present form as the 2nd point of the complaint highlighted in the Hon'ble NGT order dated 07.11.2022 i.e., Encroachments made over Green Belts by Municipal Corporation Ludhiana by allowing parking of Vehicles after concretization of huge area of Green Belts from Jagraon Road to Sherpur Chowk was not shown to the committee members during the site visit on 13.12.2022.

Please find attached herewith the signed copy of my report for your kind consideration and further submission to NGT as an individual report.

Warm Regards,

Dr. Vimal Kumar Hatwal

Add. Director/Scientist 'E'

Environment Wing,

Integrated Regional Office,

Ministry of Environment, Forest & Climate Change

Bays No. 24-25, Sector 31 A, Dakshin Marg,

Chandigarh - 160030

— **Report of the Joint Committee.pdf**

2 MB

Item No. 13

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 793/2022

Council of Engineers & Ors.

...Applicants

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 20.12.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Kapil Dev, in person (through VC).

Respondents: Ms. Harithi Kambiri, Advocate for Municipal Corporation, Ludhiana.

Application under the provisions of the National Green Tribunal Act, 2010.

ORDER

1. The applicant-Council of Engineers, which is an association of Engineers including Civil Engineers and is having its Head Office at Ludhiana, has filed the present application under the provisions of the National Green Tribunal Act, 2010 complaining 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. Vide order dated 07.11.2022, notices were ordered to be issued to the respondents for requiring them to file their response/reply to the allegations made in the application within one week. A Joint Committee comprising of Regional Officer, MoEF&CC, Chandigarh, Commissioner, Municipal Corporation, Ludhiana, State PCB and the Deputy Commissioner, Ludhiana was also constituted and directed to submit its report within 15 days and to send a copy of its report to the concerned Statutory Authorities including the State PCB and the Deputy Commissioner, Ludhiana who were ordered to take appropriate remedial action by hearing the concerned persons and following due process of law and to submit their action taken reports separately within 15 days from the date of receipt of a copy of the report of the Joint Committee.

3. However, report of the Joint Committee has not been received so far.

4. Learned Counsel appearing for Municipal Corporation, Ludhiana seeks some more time to file report of the Joint Committee.

5. The request is allowed. The Joint Committee is again directed to submit its report **within 15 days** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF and send copy of its report to concerned Statutory Authorities for compliance in terms of order dated 07.11.2022.

6. It is clarified that if the report is not submitted within the permitted period, exemplary costs may be imposed on the Members of the Joint Committee.

7. List for further consideration on 09.01.2023.

8. A copy of this order be forwarded to Regional Officer, MoEF&CC, Chandigarh, Commissioner, Municipal Corporation, Ludhiana, State PCB and the Deputy Commissioner, Ludhiana by email for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 20, 2022
AVT

----- Forwarded Message -----

From: "Regional Officer MoEF IRO Chandigarh" <ronz.chd-mef@nic.in>
To: adcmcl3@gmail.com
Cc: "Krishan Kishor Garg"
<krishankishor.garg@gov.in>, ravinder7pk@gmail.com
Sent: Wednesday, January 4, 2023 10:23:07 AM
Subject: Re: Reg. OA No.793/2022 - Council of Engineers & Ors Versus
State of Punjab & Ors.

Respected Sir,

With reference to above email, I am directed to inform that Dr. K.K. Garg Scientist B/Joint Director (M : [8114439730](tel:8114439730)) of this office along with Sh. Ravinder Singh Technical Officer shall be visiting the site as per allegation No. 2 for verification of the fact on the ground and you are kindly to arrange to call all others members of the committee constituted by Hon'ble NGT.

Further coordination may be done with Dr. K.K. Garg on his Mobile Number.

With kind regards,

PS to Dy. Director General of Forest (Central)
Integrated Regional Office
Ministry of Environment, Forest and Climate Change,
Bays No. 24 & 25, Sector 31-A, Dakshin Marg, Chandigarh-160 030
Telephone : [0172 2638061](tel:01722638061), Fax [0172 2638135](tel:01722638135)
Email : ronz.chd-mef@nic.in
Website: www.parivesh.nic.in



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय, चंडीगढ़ /Integrated Regional Office, Chandigarh



By Email

F. No.: 01-02/2022/Misc./Env.

Dated: 05.01.2023

To,
The Municipal Commissioner
Ludhiana

Sub: OA No. 793/2022- Council of Engineers & Ors. Vs. State of Punjab & Ors.

Ref: Your email dated 03.01.2023.

Madam/Sir,

With reference to the above-mentioned subject, representatives of this office again visited the site on 04.01.2023 along with officials of Municipal Corporation, Ludhiana to verify the allegations mentioned in Point No. (ii) of the Hon'ble NGT Order dated 07.11.2022.

Please find enclosed Joint Inspection Report for further necessary action.

Encl: As Above

(Dr. Gobind Sagar Bharadwaj)
Dy. Director General of Forest
Integrated Regional Office, Chandigarh

Joint Inspection Report of the site visit undertaken by Dr. KK Garg, Joint Director (S)/Scientist-D and Shri Ravinder Singh, Technical Officer (Forestry) Grade-I, Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Chandigarh on 4th January, 2022 as per the directions of Hon'ble National Green Tribunal, New Delhi vide its order dated 7th November, 2022 in OA No. 793 of 2022 in the matter of "Council of Engineers and Others verses State of Punjab" regarding illegal encroachments (ii) by the Municipal Corporation, Ludhiana by allowing parking of vehicles after concretization of huge area of green belt from Jagron Road to Sherpur Chowk: reg.

It is pertinent to mention here that OA No. 793 of 2022 in the matter of "Council of Engineers and Others verses State of Punjab" regarding illegal encroachments over green belt by MC Ludhiana has been heard before the Hon'ble NGT on 07.11.2022 and on that day Hon'ble Tribunal constitute a Joint Committee comprising of Regional Officer, MoEF & CC, Chandigarh, Commissioner, Municipal Corporation, Ludhiana, State PCB and the Deputy Commissioner, Ludhiana and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within 15 days by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

2. Accordingly, the site in question was visited by this office on 13.12.2022 w.r.t. allegation no. (i) & (iii) of the applicant and detailed factual report in this regard on the subject has been submitted to the MC Ludhiana vide email dated 19.12.2022 (**Annexure-1**), because allegation no. (ii), i.e., by the Municipal Corporation, Ludhiana by allowing parking of vehicles after concretization of huge area of green belt from Jagron Road to Sherpur Chowk, did not shown to the then investigating officer of this office.

3. It is pertinent to mention here that Hon'ble NGT vide its order dated 20.12.2022 observed that The Joint Committee has not filed any report as directed by the Hon'ble Tribunal in its earlier order dated 07.11.2022 whereas report of IRO, MoEF&CC, Chandigarh has already been submitted to the MC Ludhiana vide email dated 19.12.2022. Accordingly, acting upon the request of learned counsel appearing for MC Ludhiana seeking some more time to file report of The Joint Committee, Hon'ble Tribunal directed The Joint Committee to submit its report within 15 days by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF and send copy of its report to concerned Statutory Authorities for compliance in terms of order dated 07.11.2022.

4. Consequent upon the above direction of Hon'ble Tribunal, MC Ludhiana requested this office to visit the site in question and submit a report, without acknowledging this office report submitted on 19.12.2022. Consequently, keeping in the view the seriousness of the case, the Regional Officer, IRO, MoEF&CC, Chandigarh directed the both undersigned officers to visit the site in question and submit a detailed factual report on allegation no. (ii) of the applicant by 05.01.2022.

5. Pursuant to the instructions of the Regional Officer, IRO-Chandigarh, undersigned reached the site in question i.e. Jagron Road to Sherpur Chowk at Ludhiana on 04.01.2023 at 12.30 PM. At the outset, undersigned explained about the purpose of the proposed site visit and discussed other facts on the project in detail with applicant Shri Kapil Dev and Shri Kulwant Singh and office staff of MC Ludhiana. The Team comprises the following members (attendee copy attached):

| | | |
|-------------------------|---|--|
| Dr. Krishan Kishor Garg | : | Scientist-D, IRO, MoEF&CC, Chandigarh |
| Ravinder Singh | : | Technical Officer (Forestry) Grade-I, Representative of Integrated Regional Office, MoEF&CC, Chandigarh. |
| Rakesh Singla | : | Executive Engineer, MC, Ludhiana |
| Pradeep Sehgal | : | Asst. Town Planner, MC, Ludhiana |
| Pawan Preet Singh | : | Junior Engineer (B&R), MC, Ludhiana |
| Rashpal Singh | : | Junior Engineer (B&R), MC, Ludhiana |
| Manish Arora | : | MC, Ludhiana |
| Kapil Dev | : | Applicant |
| Kulwant Singh | : | Applicant |

GRIEVANCE OF THE COMPLAINANT(S)

6. On the site, undersigned requested both applicants/complainants viz. Sh. Kapil Dev and Sh. Kulwant Singh to explain their grievance and accordingly they submitted as under:

- **The Municipal Corporation, Ludhiana illegally encroached the green belt by allowing parking of vehicles after concretization of huge area of green belt from Jagron Road to Sherpur Chowk.**

ACTUAL POSITION ON THE GROUND

7. During the site visit Joint Inspection Team observed that the land in question is green belt owned and maintained by the MC, Ludhiana. Officials of the MC, Ludhiana accepted that they area the illegal owner of this land. But most of the area of said green belt on both side of the road has been found encroached and concretized by the MC, Ludhiana for parking of the vehicles of the local beneficiaries of the adjoining area. In addition to this,

applicant has' also brought to the notice of the Joint Inspection team that MC Ludhiana has made public auction for parking lots with multistory parking etc. on the said green belt. A news paper cutting provided by the applicant is annexed at **Annexure-2** and photographs of the site along with KML file are annexed at **Annexure-3**.

FINDING IN THE INQUIRY

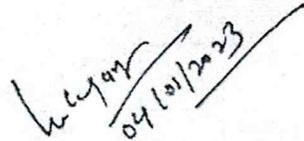
8. It is evident from the site visit that:

- (i) The MC Ludhiana is the legal owner of the land in question i.e. green belt.
- (ii) The MC Ludhiana failed to maintain the green belt as green belt by converting it as parking lots.

Encls: as above


04 JAN 2023

(Ravinder Singh)
Technical Officer (Forestry), Grade-I,
Ministry of Environment, Forests and
Climate Change, IRO, Chandigarh


04 JAN 2023

(Dr. Krishan Kishor Garg), Joint
Director (S)/Scientist-D
Ministry of Environment, Forests
and Climate Change, IRO,
Chandigarh

Date: Wednesday, January 4, 2023

REPORT OF THE JOINT COMMITTEE

Subject: Site visit report in respect of OA 793 of 2022, Council of Engineers & Ors. Vs State of Punjab & Ors., before Hon'ble NGT, Principal Bench at New Delhi.

The Hon'ble National Green Tribunal, Principal Bench vide order dated 07.11.2022 constituted a Joint Committee comprising Regional Officer, MoEF& CC, Chandigarh, Commissioner, Municipal Corporation, Ludhiana, State PCB and the Deputy Commissioner, Ludhiana.

The relevant extract of the said order is reproduced hereunder: -

".....In view of the serious nature of the allegations made in the application and in view of the provisions of the Code of Civil Procedure, 1908 empowering the Court to ex-parte appoint a Local Commission to make local investigation for the purpose of elucidating any matter in dispute, we also consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of Regional Officer, MoEF& CC, Chandigarh, Commissioner, Municipal Corporation, Ludhiana, State PCB and the Deputy Commissioner, Ludhiana and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within 15 days by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF....."

The complaints are 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.

A. MEETING OF THE JOINT COMMITTEE ON DATED 21.11.2022:

In compliance of the Hon'ble NGT orders, the joint committee held its first meeting on 21-11-2022 (copy of minutes of meeting is annexed as **AnnexureA-1**). In addition to the Joint Committee, the applicant, Counsel of Engineers & Ors& representative of the concerned project/Establishments

i.e., Principal of Sacred Heart Senior Secondary School, BRS Nagar and President of Lodhi Club were invited to the meeting. The joint committee heard the main concerns/issues raised by the complainant. The representative of the School & Lodhi Club voiced their concerns as to how the area has been allocated to them as part of the Town planning scheme of Ludhiana Improvement Trust, if the said areas were part of the Greenbelt as per master plan of Ludhiana. The committee decided to look into the extant rule position *vis-à-vis* the concerns of the affected parties, both complainant and the Municipal Corporation of Ludhiana, Sacred Heart Senior Secondary School, BRS Nagar and President of Lodhi Club. It was decided to undertake field visit subsequently.

B. FIELD VISIT DATED 13.12.2022:

There are two main project proponents namely, Lodhi Club and Sacred Heart Convent School who have been questioned in the complaint. The projects of these proponents are located along with the road site (from Jagraon Road to Sherpur Chowk) under question. Library building which is allegedly built in the Green Belt/Park near Manju Cinema was also visited.

Further, to verify encroachment into the questioned 'Green Belt' area and facts involved in the grievances, satellite maps between 2013 to 2022 were seen on the GOOGLE map in time scale mode to understand the changes in land use over the said period.

C. OBSERVATIONS ON THE ISSUES RAISED BY HONB'LE COURT:

The main observations on- **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 as follows:**

1. It is evident from site visit and Google images that the area under question is about 3.25 ha. having length of approx. 900 mt and width of ranging from 35 mt to 60 mt (**Map 1**).
2. Both the concerned project proponents i.e., Sacred Heart Convent School and Lodhi Club have gate entry towards the site under question (**Photos 1 & 2**, respectively).
3. It is noted from the Google Image that both project proponents constructed approach road by using interlocking concrete block pavements to access their entrances. In case of Lodhi Club the approach road was constructed recently in year 2020.
4. Whether or not the entries are legal is a matter of further investigation by the Statutory Authorities.

5. Parking areas have been developed and allowed by the Municipal Corporation, Ludhiana adjacent to the entrance of the both Sacred Heart Convent School (Map 2; Photo 3) and Lodhi Club (Map 3; Photo 4) highlighted as Parking Area 'A' and Parking Area 'B', respectively, on the Map 1.
6. Both parking areas were in use and 'No Parking Zone' has not been marked at any parking side by the Municipal Corporation, Ludhiana, as observed during the site visit.
7. Parking area of school side (Parking Area 'A') is measuring approx. 0.18 ha. area and interlocking tiles have been used. The construction was started somewhere the starting of year 2014.
8. Parking area of Lodhi Club side is measuring approx. 0.11 ha. However, interlocking tiles have not been used here.
9. A well-developed green belt was noticed in this whole area under question (Map 1, Photo 5), except the parking area and approach roads.

Encroachments made over Green Belts (ii) by Municipal Corporation Ludhiana by allowing parking of Vehicles after concretization of huge area of Green Belts from Jagraon Road to Sherpur Chowk:

This whole stretch was neither shown to undersigned nor discussed during the site visit.

Encroachments made over Green Belts (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:

1. Library building has been constructed (Photo 6) by the Municipal Corporation Ludhiana on the area of approximately 650 sq. feet, somewhere in the end of year 2021 in a corner of the park/green belt under question. It is pertinent to mention here that a COCP no. 165 of 2022 is pending in Hon'ble High Court regarding the same matter. Thus, the matter is not investigated further.

D. END NOTE:

It is evident from the above that the green belt area in question has been reduced over period of time from 2013-2022 due to change of land use and construction of parking area and approach road to the project proponents at BRS Nagar. It is pertinent to mention here that the construction of paved roads

and parking areas has been developed after 2014 at BRS Nagar, which is after the finalization of the declaration of the Master Plan of the city in 2008. However, the detailed investigation on approvals of approach roads, demarcation of designated greenbelt as per Ludhiana Master Plan, 2008 and temporal changes of the land use by two project proponents could provide meaningful inferences. The undersigned understood after due deliberations and site visit that Notified Master Plan on 2008 was not complied while the land use change was made.


19/12/2022

Dr. Vimal Kumar Hatwal,
Addl. Director/Scientist 'E'
MoEF&CC, IRO Chandigarh

Photo 5: Greenbelt at Site.

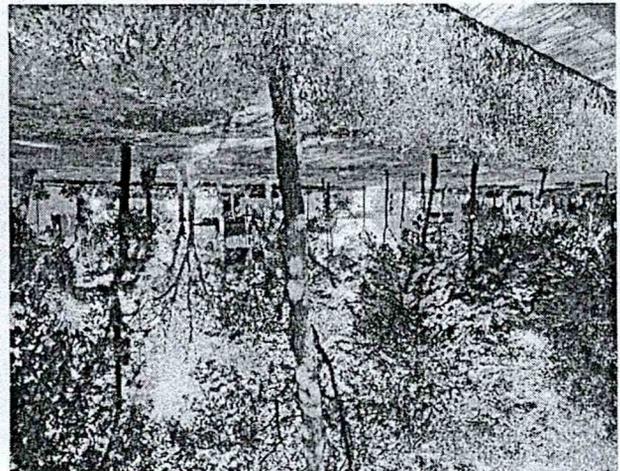


Photo 6: Constructed Library Building at Site.

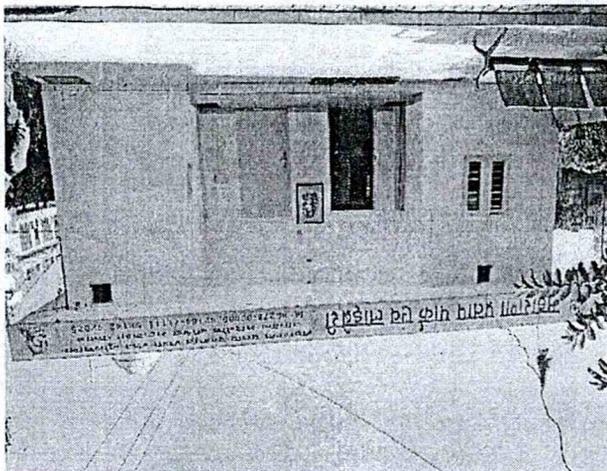


Photo 3: Parking Area 'A' at Site.

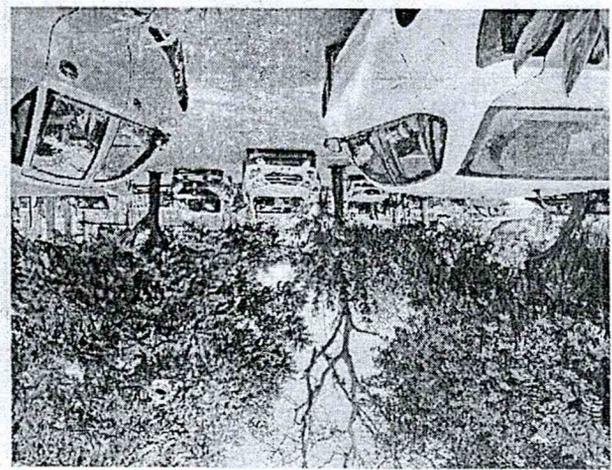
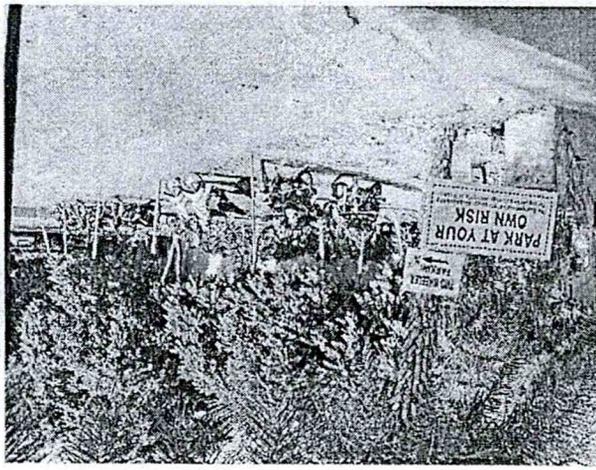


Photo 4: Parking Area 'B' at Site.



School at Site.

Photo 1: Entry Gate of Sacred Heart Convent

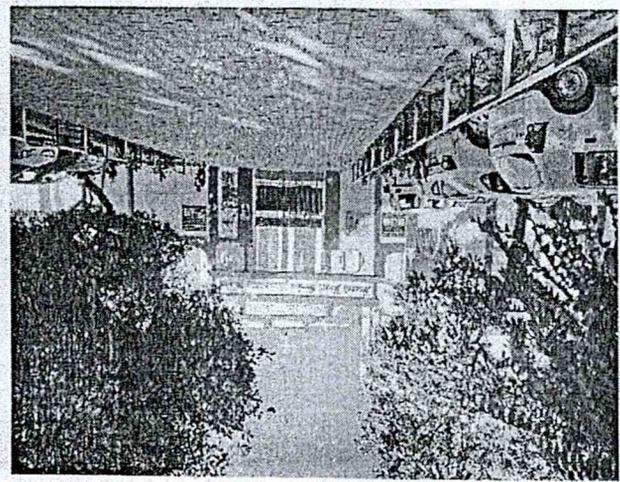
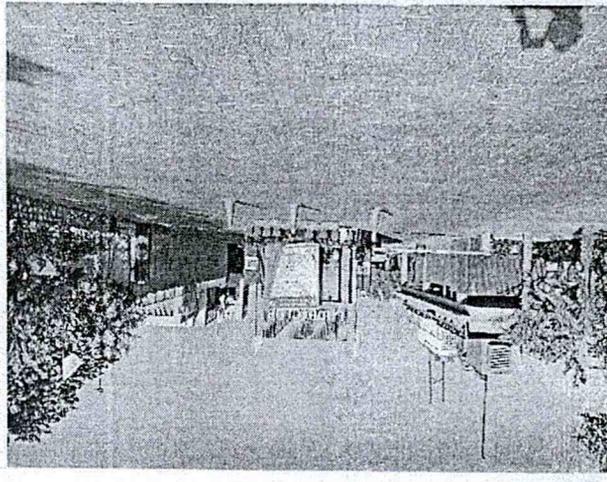
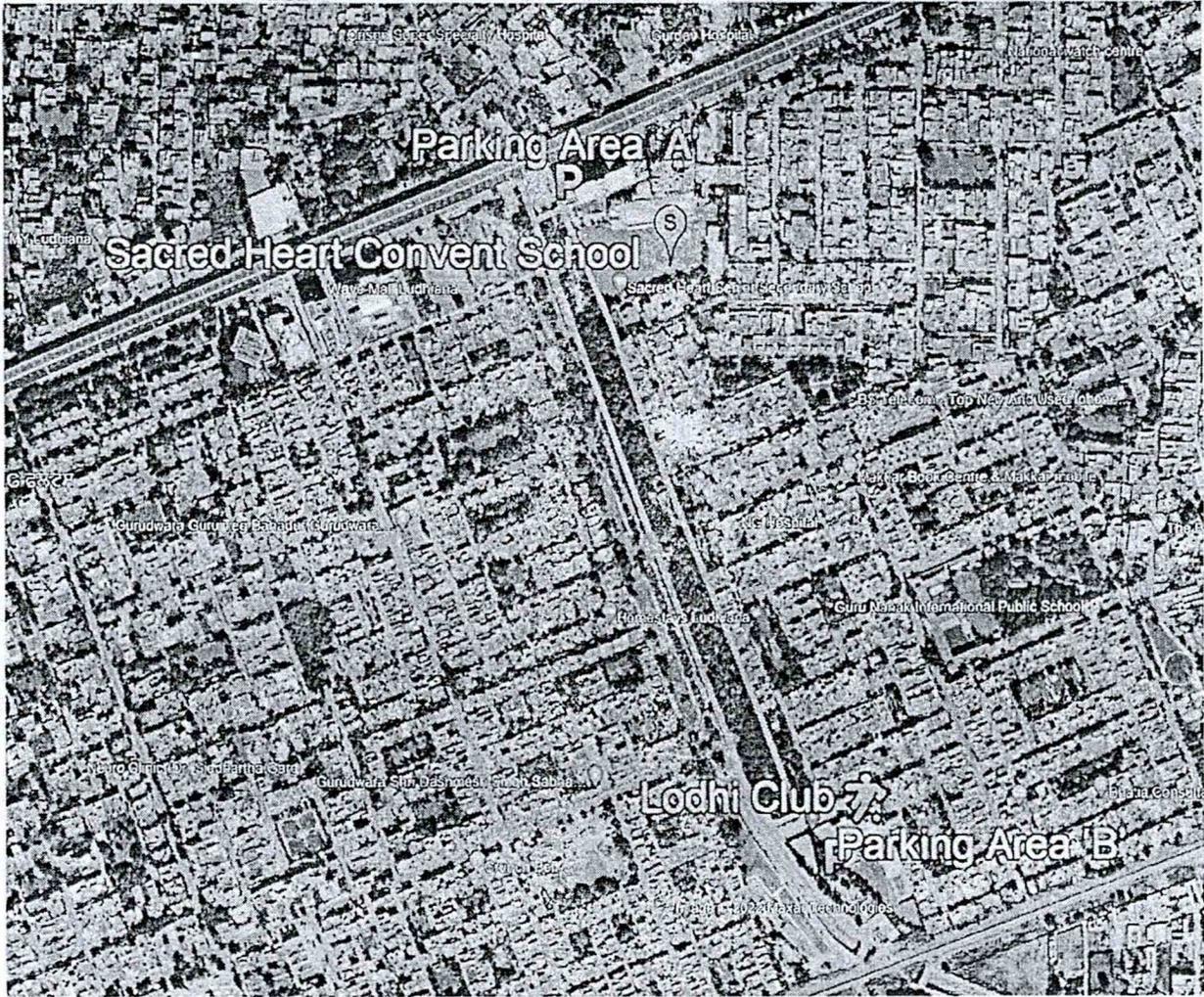
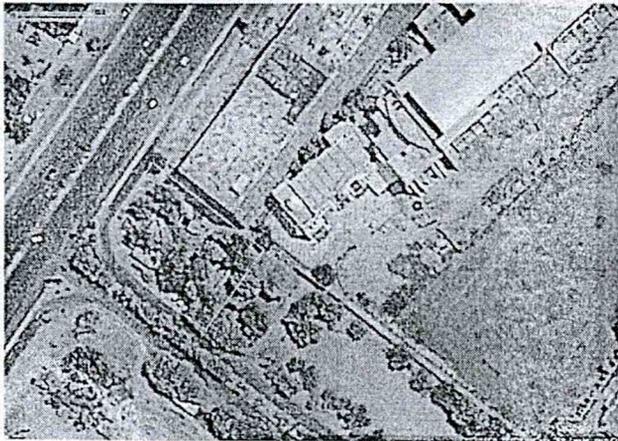


Photo 2: Entry Gate of Lodihi Club at Site.





Map 1. Showing Greenbelt Area Under Question, Parking Areas 'A' & 'B' as per grievances on Google imagery dated 12.10.2022.



Map2: Parking Area 'A'



Map3: Parking Area 'B'

Home / Cities / Chandigarh News / Ludhiana MC floats tender to hire parking contractors, e-auction in O...

Ludhiana MC floats tender to hire parking contractors, e-auction in Oct first week

Chandigarh News

Published on Sep 20, 2022 03:43 AM IST

Ludhiana MC superintendent Harvinder Dhalla confirmed that a tender had been floated to hire private contractors through e-auction, which will be held in the first week of October.

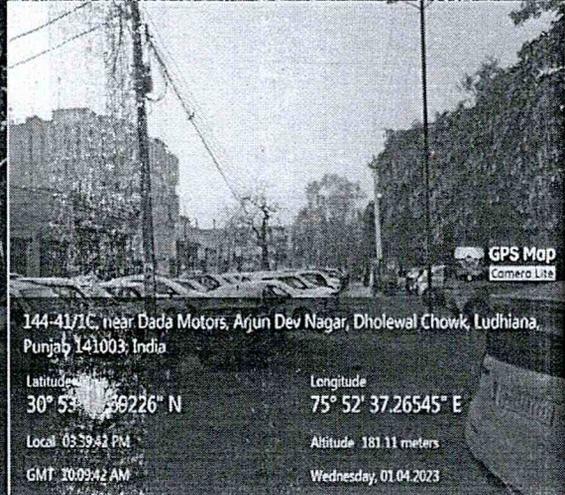
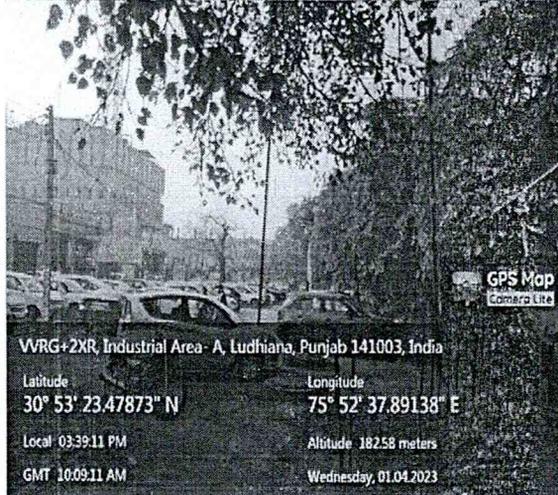
PARKING LOTS TO BE E-AUCTIONED

| PARKING LOT | RESERVE PRICE |
|--|---------------|
| Feroze Gandhi Market | ₹1.26 crore |
| Multi-storey parking near MC Zone A office | ₹1.8 crore |
| Below the flyover near Gill Road Chowk | ₹2.93 lakh |
| Jagraon Bridge to Dholewal Chowk | ₹20.82 lakh |
| Dholewal Chowk to Sheerpur Chowk | ₹20.82 lakh |
| Main Sarabha Nagar Market | ₹28.40 lakh |
| Bhadaur House | ₹31.61 lakh |
| Tuition Market in Model Town Extension | ₹26.8 lakh |
| BRS Nagar Market near Orient Cinema | ₹21.21 lakh |



The MC had taken over the parking lots after the previous contractors' term ended, but locals have alleged that private parties continue to collect parking fee and "fleece and misbehave" with the public. (HT File)

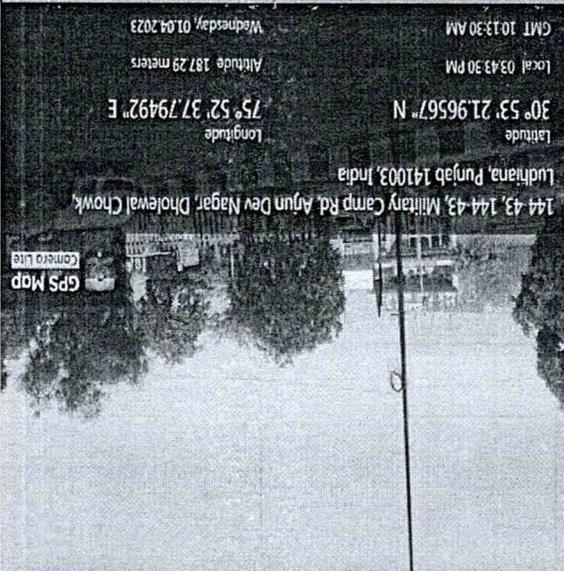
Annexure-3





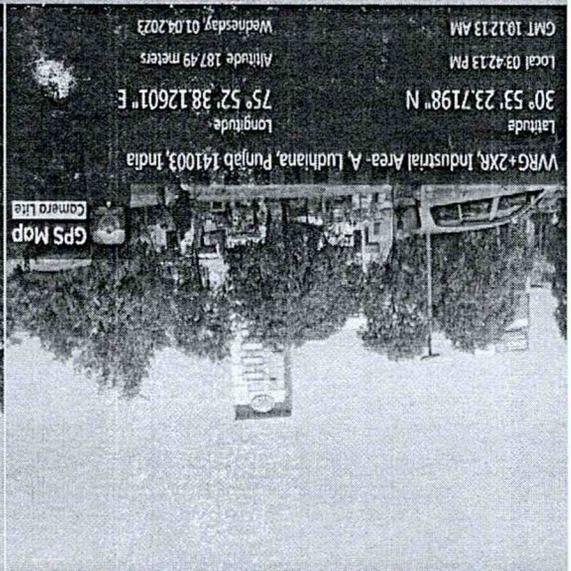
VVRG+2XR, Industrial Area - A, Ludhiana, Punjab 141003, India
Latitude 30° 53' 23.7198" N
Longitude 75° 52' 38.12601" E
Altitude 187.49 meters
Local 03:42:23 PM
GMT 10:12:23 AM
Wednesday, 01.04.2023

GPS Map
Camera Lite



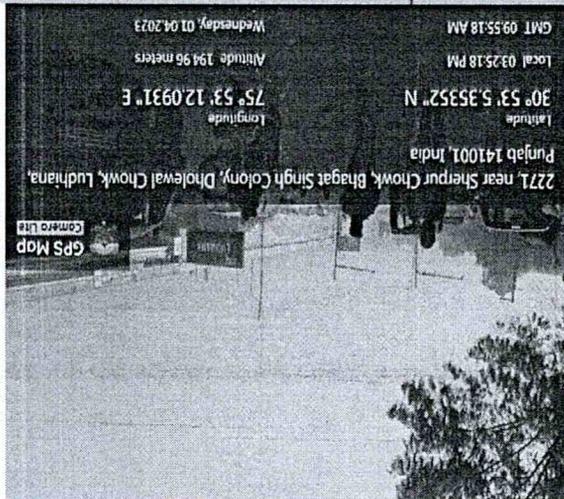
144 43, 144-43, Military Camp Rd, Angun Dev Nagar, Dholewal Chowk, Ludhiana, Punjab 141003, India
Latitude 30° 53' 21.9567" N
Longitude 75° 52' 37.79492" E
Altitude 187.29 meters
Local 03:43:30 PM
GMT 10:13:30 AM
Wednesday, 01.04.2023

GPS Map
Camera Lite



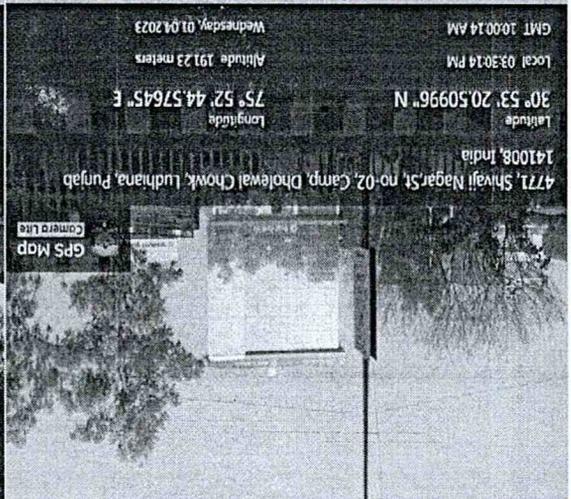
VVRG+2XR, Industrial Area - A, Ludhiana, Punjab 141003, India
Latitude 30° 53' 23.7198" N
Longitude 75° 52' 38.12601" E
Altitude 187.49 meters
Local 03:42:13 PM
GMT 10:12:13 AM
Wednesday, 01.04.2023

GPS Map
Camera Lite



2271, near Sheerpur Chowk, Bhagat Singh Colony, Dholewal Chowk, Ludhiana, Punjab 141001, India
Latitude 30° 53' 5.35352" N
Longitude 75° 53' 12.0931" E
Altitude 194.96 meters
Local 03:25:18 PM
GMT 09:55:18 AM
Wednesday, 01.04.2023

GPS Map
Camera Lite

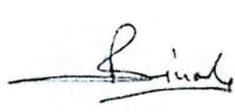
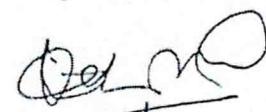
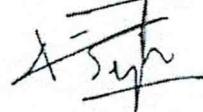


4771, Shivalji Nagar St, no-02, Camp, Dholewal Chowk, Ludhiana, Punjab 141008, India
Latitude 30° 53' 20.50996" N
Longitude 75° 52' 44.57645" E
Altitude 191.23 meters
Local 03:30:14 PM
GMT 10:00:14 AM
Wednesday, 01.04.2023

GPS Map
Camera Lite

ATTENDANCE SHEET

LIST OF PARTICIPANTS REMAIN PRESENT DURING
 SITE VISIT ON 04/01/2022 in the
 COMPLIANCE OF AIT ORDER OA NO - 793/2022

| S. NO. | NAME | Department/ Designation | Sign |
|--------|-------------------|---|---|
| 1. | Laksh Singh | Executive Engineer 9780039488 |  |
| 2. | Hardeep Sehgal | Asstt. Town Planner M.C. LDH. 98140-22455 |  |
| 3. | PAWAN PREET SINGH | J.C (BER) 98886-63023 |  |
| 4. | Rashpal SINGH | J.C 78883 39061 (BER) |  |
| 5. | Momish Arora | Ben. Ed. Impact 2 98150 89864 |  |
| 6. | Er. Kapil Dev | President Council of Engineers 9872007872 |  |
| 7. | Er. Kulwant Singh | Vice President COE 9780000914 |  |