

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

M.A. No. 116/2023

IN

Original Application No. 779/2022

**IN THE MATTER OF:**

DEV RAT BHARDWAJ

...Applicant

VERSUS

STATE OF UTTAR PRADESH & ORS.

...Respondents

**I N D E X**

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NEW DELHI

DATE: 02.08.2024

FILED BY



**RACHIT MITTAL**

Advocate for Respondent No. 4

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**FACTUAL AND ACTION TAKEN REPORT IN COMPLIANCE  
WITH ORDER DATED 24.04.2024 OF THIS HON'BLE  
TRIBUNAL ALONG WITH SUPPORTING AFFIDAVIT ON  
BEHALF OF RESPONDENT NO. 4 – MEERUT DEVELOPMENT  
AUTHORITY**

**MOST RESPECTFULLY SHOWETH:**

1. That the above captioned application has been filed by the Applicant seeking certain directions against the illegal construction and encroachment which were made on the reserved land for park/open area as per the issued layout plan of Madhur Enclave, Meerut and other reliefs.
2. That Respondent No. 4 (**hereinafter referred to as Respondent**) filed a reply to the abovementioned application on 12.11.2022, wherein the following actions were taken by Respondent No.4 were mentioned:

*"(1) The layout plan of Madhur Enclave, Near  
Pallavpuram Phase-1, Roorkee Road, Meerut was*

*approved by the answering respondent vide Map No. 14/2010. As per the said layout, the area under parks was sanctioned as 2,590.00 sq. mtrs. out of the total area of site of 18,860.00 sq. mtrs.*

*(1) It was brought to the notice of the answering Respondent that in the said colony, some miscreants residing in the said colony tried to raise illegal construction in the land earmarked for park in front of Plot Nos. 81 and 64 near the main entrance gate. After gathering the said information, the answering Respondent at numerous instances got the work of illegal construction stopped at the site.*

*(I) On 28.09.2022, the applicant along with Mr. Anil Jain raised a complaint addressed with answering Respondent regarding illegal construction at the site which was earmarked for Park.*

*(iv) After receipt of the complaint, the answering Respondent vide letter dated 01.10.2022 apprised the Respondent No. 03 about the situation that some residents of the colony are trying to raise Illegal construction in the form of temple in the area earmarked for park in the colony. It was requested that the appropriate action may be taken so that the peace, law and order is not disturbed in the said area.*



(v) The answering Respondent issued a show cause notices dated 01.10.2022 to the developer I.e. M/s. Madhur Infra Developers Pvt. Ltd. under Section 26, 26(a), 27 and 28 of the Uttar Pradesh Urban Planning and Development Act, 1973 seeking response as to why the order of demolition and actions may not be taken against the developer for illegal construction.

(vi) The answering Respondent wrote a letter dated 01.10.2022 to the Station House Officer, P.S. Pallavpuram, Meerut requesting to get the illegal construction stopped at site.

(vii) The answering Respondent again issued a notice dated 03.10.2022 addressing developer and other persons to stop the Illegal construction at the said land.

(viii) The answering Respondent issued the show cause notice dated 07.10.2022 to the developer as to why the illegal construction raised may not be sealed.

(ix) Since developer did not turn up pursuant to various notices, the answering Respondent passed the sealing order under Section 28 (a)(1) of the Uttar Pradesh Urban Planning and Development Act, 1973 on 07.11.2022. It is pertinent to mention here that as per the said order, the date of sealing the unauthorized construction is fixed as 18.11.2022 and the same will be



*done subject to availability of the police force in order to carry out the sealing peacefully.*

*The answering Respondent thereafter wrote a letter dated 09.11.2022 addressing the Respondent No. 02 Informing that the sealing order has been passed and the sealing would be done on 18.11.2022 subject to the availability of the police force."*

3. That the Respondent on 23.11.2022 with the support of the police force sealed the illegal structure pursuant to its sealing order dated 07.11.2022 under Section 28 (a)(1) of the Uttar Pradesh Urban Planning and Development Act, 1973 and requested the Station Head Officer, Pallavpuram to take the area under its control and secure the same and ensure the public peace.
4. That Respondent brought to the knowledge of this Hon'ble Tribunal about the abovementioned compliance by filing an additional reply affidavit along with the photographs of the sealed premises on 05.12.2022 and the same were taken on record by this Hon'ble Tribunal vide order dated 06.12.2022.
5. That the Respondent No. 4 had also filed its factual and action taken report on 03.10.2023 in compliance of the order dated 18.01.2023 passed by this Hon'ble Tribunal and same was taken on record.

6. That the present factual and action taken report is being filed by Respondent in compliance with the order dated 24.04.2024 passed by this Hon'ble Tribunal.
7. It is to bring to the knowledge of this Hon'ble Tribunal that the construction of temple has been completed by the Respondent. Copies of the photographs of newly constructed temple are annexed herewith and marked as **ANNEXURE R-1**
8. It is pertinent to mention that the Respondent was in the process of shifting the idols of deity from the old temple in the newly constructed temple but the local residents apprised the Respondent that as per their religious beliefs, the shifting of idols of deity from one place to another in 'Sawan' month is forbidden. Thus, the Respondent had to stop the shifting of idols of deity for ensuring the public peace.
9. It is most humbly submitted that after the 'Sawan' month i.e., after 19.08.2024 the Respondent will shift the idols of deity from old temple in the newly constructed temple as per the local resident's religious beliefs and thereafter the illegally constructed site will be demolished by the Respondent.
10. It is submitted that the 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. The Respondent further undertakes to comply with any direction passed by this Hon'ble in course of the proceedings.

It is most humbly prayed that this Hon'ble Tribunal may please take aforesaid fact and action taken report on record.



RESPONDENT NO. 04

**NEW DELHI**

**DATE: 02.08.2024**

**FILED BY:**



**RACHIT MITTAL**  
Advocate for Respondent No. 4

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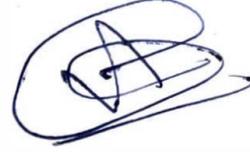
**AFFIDAVIT**

I, Arpit Yadav S/o Shri Suresh Chandra aged about 28 years working as Assistant Engineer, Meerut Development Authority, Meerut, U.P. do hereby solemnly affirm and declare as under: -

1. That I, in aforesaid capacity, is well conversant with the facts and circumstances of the case derived from information from the official records. Hence, I am competent to swear this affidavit.
2. That the present factual and action taken report is being filed in compliance with the Order dated 24.04.2024 passed by this Hon'ble Tribunal.
3. That I have read and understood the contents of the accompanying factual and action taken report. I state that the facts stated therein are true to my knowledge derived from the official record. The legal submissions are based on legal advice received and believed to be true.



4. That the annexures are true copies of their respective originals.



**DEPONENT**

**VERIFICATION**

I, the abovenamed deponent do hereby verify that the contents of this affidavit from paragraphs 1 to 4 are true to my knowledge. Nothing material has been suppressed. So, help me, God.

Verified on this 2nd day of August, 2024 at Meerut.



**DEPONENT**

Deventi Singh  
Arbit Yadav  
Rajpal Singh

जगपाल सिंह एडवोकेट  
चैम्बर न0-40, कलेक्ट्रेट बरार (बलरघाट)  
कचहरी, मेरठ, मो0-9837805162



**ATTESTED**  
  
**NOTARY**  
02-8-24

ANNEXURE R-1





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