

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

O. A. No. 275/2023

IN THE MATTER OF:

MAHESH KUMAR

..... APPLICANTS

VERSUS

STATE OF UTTAR PRADESH & ORS.

..... RESPONDENTS

NDOH: 27.07.2023

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RESPONDENT NO. 5

Through

Dated: 26.07.2023
New Delhi

Nishi Kant Singh
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BEFORE THE NATIONAL GREEN TRIBUNAL
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O. A. No. 275/2023

IN THE MATTER OF:

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VERSUS

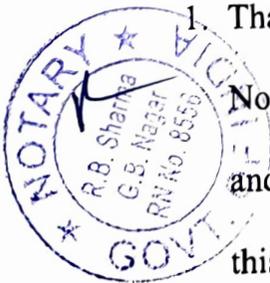
STATE OF UTTAR PRADESH & ORS.

..... RESPONDENTS

ACTION TAKEN REPORT/COMPLIANCE AFFIDAVIT FOR
AND ON BEHALF OF THE RESPONDENT NO.5/NOIDA
AUTHORITY IN TERMS OF ORDER DATED 20.04.2023
PASSED BY THIS HON'BLE TRIBUNAL

I, Kiran Veer Singh, S/o- Late Sri Chatar Singh, Aged about 55 years, working as Senior Manager, Work Circle-10 with New Okhla Industrial Development Authority having office at Main Administrative Building, Sector-6, Noida, Gautam Buddha Nagar-201301, do hereby solemnly affirm and state as under:

1. That I am working as Senior Manager, Work Circle-10 with Noida Authority and as such I am well acquainted with the facts and circumstances of the case and therefore competent to affirm this affidavit.



करीबी ऑफिस
नया दिल्ली

के० वी० सिंह
वरि० प्रबन्धक (सिविल)
वर्क सर्किल-10, नोएडा

26.07.23

2. That the present Action Taken Report/Compliance Affidavit is being filed by the Respondent No.5/Noida Authority in respectful compliance of the Order dated 20.04.2023 passed by this Hon'ble Tribunal in the above captioned matter.
3. That this Hon'ble Tribunal vide its order dated 20.04.2023 have directed the Answering Respondent to file an Action Taken Report pertaining to alleged illegal construction carried out by certain persons/violators in Village Lkhnawali, Greater Noida which comes under the flood plain area of Yamuna & Hindon Rivers.
4. That so far as the illegal construction in Khasara No.652 & 673 pertaining to village Lakhnawali is concerned, a Notice dated 19.09.2022 (Hereinafter referred as "First Notice") was issued by the Senior Manager, Work Circle-10 of the Noida Authority to the alleged violators asking for stopping unauthorized construction with immediate effect and further to remove the unauthorized construction done so far within seven days, otherwise the authority would start demolition work of such unauthorized construction and the expenses incurred in removing such unauthorized construction would be recovered as



के० वी० सिंह
वरि० प्रबन्धक (सिविल)
वर्क सर्किल-10, नोएडा

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वरि० प्रबन्धक (सिविल)
वर्क सर्किल-10, नोएडा

26.07.2023

land revenue. The Authority vide same said notice intimated to the violators that if they wish to file any written reply they can do so within seven days from the date of receipt of said Notice dated 19.09.2022. It is submitted that the said Notice dated 19.09.2022 issued by the Senior Manager, work Circle-10 Noida Authority has been annexed by the Applicant himself in the Original Application as **Annexure-20 at Page No.77.**

5. That pursuant to the aforesaid notice the alleged violators filed their written reply with Senior Manager, Work Circle-10 of the Noida Authority. It is submitted that the said written reply filed by the violators were not satisfactory and as such a final Notice/Demolition Order dated 15.02.2023 was issued by the Senior Manager, Work Circle-10, Noida and the Deputy Collector, Noida, to the violators thereby directing demolition of construction existing over Khasra No.652 and 673. A copy of the Notice 15.02.2023 issued by the Senior Manager, Work Circle-10, Noida and the Deputy Collector, Noida directing demolition of construction existing over Khasra No.652 and 673 is being annexed herewith and marked as **ANNEXURE-1.**



सिद्धि सिंह
संस्थान, नोएडा
नोएडा, नोएडा

के० वी० सिंह
वरि० प्रबन्धक (सिविल)
वर्क सर्किल-10, नोएडा

6. That the alleged violators being aggrieved by the said Notice/Demolition Order dated 15.02.2023 issued by the Senior Manager, Work Circle-10, Noida and the Deputy Collector, Noida filed Writ Petition being Writ-C No.15166/2023 before the Hon'ble Allahabad High Court. The Hon'ble High Court disposed of the said Writ Petition vide order dated 05.05.2023 observing as under:

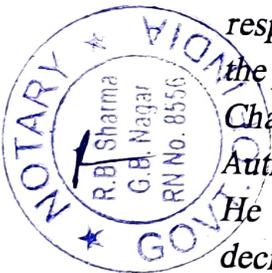
"The petitioner has challenged the order dated 15.02.2023 passed by Senior Manager, Work Circle 10 NOIDA and Deputy Collector, NOIDA, directing demolition of constructions existing over Khasra No. 652 and 673.

Sri Kaushalendra Nath Singh, learned counsel for the respondent authority submits that against the impugned order, the petitioner has alternative remedy of filing appeal before the Chairman under the New Okhala Industrial Development Authority (Building & Regulation) Act, 2010.

He further states that in case any appeal is filed, it will be decided expeditiously and no coercive action will be taken until the appeal is decided.

Accordingly, the instant petition is disposed of by providing that in case any appeal is filed within two weeks from today, the same will be decided by the competent authority within next four weeks and until the appeal is decided, no coercive action shall be taken against the petitioner in pursuance of the impugned order. The petitioner will not raise any further construction on the spot.

A copy of the Order dated 05.05.2023 passed by the Hon'ble Allahabad High Court in Writ-C No.15166/2023 is being annexed herewith and marked as ANNEXURE-2.



के० वी० सिंह
वरि० प्रबन्धक (सिविल)
वर्क सर्किल-10, नोएडा

उपरोक्त कार्य
कमिश्नर नोएडा
के वरिष्ठ अधिकारी के
आदेश पर किया गया

26.07.23

7. That the pursuant to the said order dated 05.05.2023 passed by the Hon'ble Allahabad High Court in the said Writ-C No.15166/2023 the alleged violators have filed their Representation/Appeal before Chairman/CEO, Noida Authority under New Okhla Industrial Development Authority(Building & Regulation) Act, 2010 and the same is under consideration and is yet to be decided on merit.

8. I say that the contents hereof are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed thereof.



DEPONENT
के० वी० सिंह
वरि० प्रबन्धक (सिविल)
वर्क सर्किल-10, नोएडा

VERIFICATION

Verified at _____ on this _____ day of _____, 2023 that the contents of the above affidavit are true and correct to the best of knowledge and belief and nothing material has been concealed therefrom.

ATTESTED

RAMBIR SHARMA
Advocate Notary
(G B Nagar)

DEPONENT

26 JUL 2023

के० वी० सिंह
वरि० प्रबन्धक (सिविल)
वर्क सर्किल-10, नोएडा

की भूमि पर पर अवैध एवं अनधिकृत निर्माण किया गया है। उपरोक्त नोटिस के द्वारा प्रस्तावित अवैध एवं अनधिकृत निर्माण को हटाने की अपेक्षा की गयी थी, अन्यथा की दशा में अवैध एवं अनधिकृत निर्माण को नौएडा प्राधिकरण द्वारा हटाए जाने के संबंध में विधिक कार्रवाई की जायेगी और इसमें होने वाले व्यय की वसूली भी मू-राजस्व के बकाये की भांति सर्वसंबंधित से ही की जानी थी। इसके साथ ही यदि उपरोक्त अवैध एवं अनधिकृत निर्माण के संबंध में सर्वसंबंधित एवं अन्य हितव्यक्त (यदि कोई हों) को कोई लिखित उत्तर देना हो तो 07 दिवस के अन्दर वे अपना पक्ष वस्तु प्रबंधक, वर्क सर्किल-10, नौएडा के समक्ष किसी भी कार्य दिवस में प्रस्तुत कर सकते थे।

उक्त नोटिस के जवाब में पक्षधारों द्वारा किये गये अवैध एवं अनधिकृत निर्माण के निरुद्ध प्राधिकरण स्तर से दिनांक 19.09.2022 को जारी नोटिस के जवाब में प्रस्तुत अपने प्रत्यावेदन में उपरोक्त किये गये/ किये जा रहे निर्माण के संबंध में भूतन निगमावली के गणित प्रावधानों एवं नूतना रबीकति के संबंध में तथा प्राधिकरण से किसी प्रकार की अनुमति प्राप्त करने के संबंध में कोई उत्तर नहीं दिया गया।

यह भी उल्लेखनीय है कि खसरा संख्या- 652 व 673 की भूमि नौएडा की अधिसूचित क्षेत्र की भूमि है, जो यमुना नदी के डूब क्षेत्र के अन्तर्गत है। प्रस्तावित अनधिकृत/अवैध निर्माण से नौएडा के समुचित नियंत्रण, अदरक्षण, सुविधाओं के विकास एवं जनसामान्य के हितों पर विपरीत प्रभाव पड़ेगा, जबकि नौएडा प्राधिकरण के प्रचलित नियमों/ शर्तों एवं उOप्रO आंदोलिक क्षेत्र विकास अधिनियम-1976 के अनुसार प्राधिकरण की अनुमति प्राप्त किए बिना किसी भी प्रकार का निर्माण किया जाना अनुमत्त नहीं है। अतः प्रस्तावित भूमि पर किया गया निर्माण अवैध एवं अनधिकृत है।

अतएव उपरोक्त तथ्यों के आलोक में श्री दीपक पुत्र ब्रह्म सिंह उर्फ दिग्गु संतोष, राजीव निO ग्राम इलाहाबाद, सैO- 86, नौएडा को इस कार्यालय द्वारा जारी किये गये नोटिस दिनांक 19.09.2022 को अंतिम किया जाता है। इसके साथ ही अदेशित किया जाता है कि प्राप्त लखनावली स्थित खसरा संख्या- 652 व 673 की नौएडा प्राधिकरण की अधिसूचित क्षेत्र की भूमि है, पर आप एवं अन्य हितव्यक्त (यदि कोई हों) द्वारा किये गये अवैध एवं अनधिकृत निर्माण को इस नोटिस के जारी होने के दिनांक से 07 दिन के अन्दर स्वयं हटा लें अन्यथा प्रस्तावित अवैध एवं अनधिकृत निर्माण को हटाने के लिए समुचित उपाय अपनाते हुए अस्तीकरण को कार्यवाही प्राधिकरण द्वारा की जायेगी, जिसपर होने वाले व्यय की वसूली भी मू-राजस्व के बकाये की भांति सर्वसंबंधित से ही की जायेगी।


डिप्टी कलेक्टर
नौएडा




वरिO प्रबंधक
वर्क सर्किल-10, नौएडा

प्रतिलिपि:-

- ✓ 1. विशेष कार्याधिकारी (भूलेख) महोदय को सादर सूचनाार्थ।
- ✓ 2. महाप्रबंधक (सिविल) महोदय को सादर सूचनाार्थ।
- ✓ 3. सिटी मजिस्ट्रेट /थानाध्यक्ष, थाना-नॉलेज पार्क, ग्रेटर नौएडा को इस आशय से कि उक्त खसरा नम्बर पर अनधिकृत निर्माण न होने दें।


डिप्टी कलेक्टर
नौएडा


वरिO प्रबंधक
वर्क सर्किल-10, नौएडा


केO वीO सिंह
वरिO प्रबंधक (सिविल)
वर्क सर्किल-10, नौएडा



221

Neutral Citation No. - 2023:AHC:114862-DB

Court No. - 21

8

Case :- WRIT - C No. - 15166 of 2023

Petitioner :- Green Valley Colony Resident Welfare Association

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ageet Kumar Singh, Yadavendra Dwivedi

Counsel for Respondent :- C.S.C., Kaushalendra Nath Singh

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Rajendra Kumar-IV, J.

Heard learned counsel for the parties.

The petitioner has challenged the order dated 15.02.2023 passed by Senior Manager, Work Circle 10 NOIDA and Deputy Collector, NOIDA, directing demolition of constructions existing over Khasra No. 652 and 673.

Sri Kaushalendra Nath Singh, learned counsel for the respondent authority submits that against the impugned order, the petitioner has alternative remedy of filing appeal before the Chairman under the New Okhala Industrial Development Authority (Building & Regulation) Act, 2010.

He further states that in case any appeal is filed, it will be decided expeditiously and no coercive action will be taken until the appeal is decided.

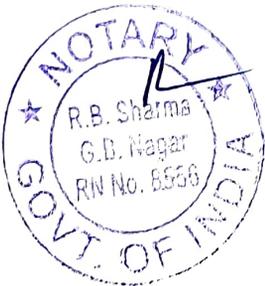
Accordingly, the instant petition is **disposed of** by providing that in case any appeal is filed within two weeks from today, the same will be decided by the competent authority within next four weeks and until the appeal is decided, no coercive action shall be taken against the petitioner in pursuance of the impugned order. The petitioner will not raise any further construction on the spot.

Order Date :- 5.5.2023

Manoj

(Rajendra Kumar-IV, J.) (Manoj Kumar Gupta, J.)

के० वी० सिंह
वरि० प्रबन्धक (सिविल)
वर्क सर्किल-10, नोएडा



BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI

VAKALATNAMA



Original Application No. 275/2023



Mahesh Kumar
Vs.

State of Uttar Pradesh & Others.

I/we New Okhala Industrial Development Authority, PO- NOIDA, Distt. Gautam Budh Nagar, UP Through its Assistant Law Officer the undersigned do hereby nominate and appoint **Mr. Abdhesh Kumar Chaudhary**, Advocate to be counsel in the above matter and for me/us and on my/our behalf to appear, plead act and answer in the above Court or any appellate Court or any Court to which the business is transfer in the above matter, and to sign and file petitions, statements accounts, exhibits, compromises or other document whatsoever, in connection with the said matter arising there form, and also to apply for and receive all documents or copies of document, depositions, etc. and to apply for issue of summons and other writs of subpoena and to apply for and get issued any arrest, attachment of other execution warrant or order and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, However, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town, them, and in such and event my/our said advocate shall not be bound to appear before the court and if may/our said advocate deth appear in the said case he shall be entitled to an outstation fee and other expenses of traveling, lodging, etc. Provided also that if the case be dismissed by default, or if it be proceeded ex-parte, the said advocate (s) shall not be held responsible for the same. And all whatever my/our said advocate (s) shall I lawfully do. I do here by agree to and shall in future ratify and confirm.

ACCEPTED:-

(Signature)
(ABDHESH CHAUDHARY)....Advocate
D/2498A/1999



Signature of Client.....

(Signature)
(MAKISHA SURI)
D/412H/2000

(Signature)
(NISHI KANT SINGH)

(Signature)
(GREETANJALI SETIA)
D/3817/2020

For and on behalf of New Okhla Industrial Development Authority Distt. Gautam Budh Nagar.

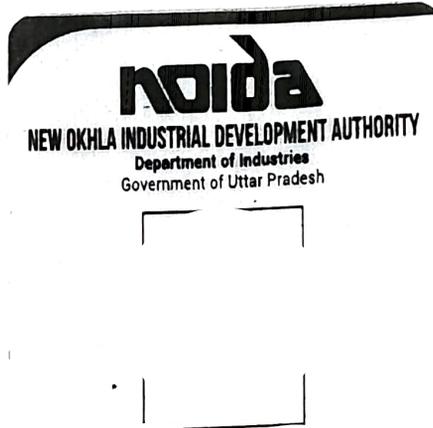
(Signature)
(MEENA YADAV) (VINAYAK MISHRA)

UP/10607/22

(Signature)
22/3/23
नरदेव
सहायक विधि अधिकारी
नौराज

Identified
Nishi Kant Singh

D/1396/2016

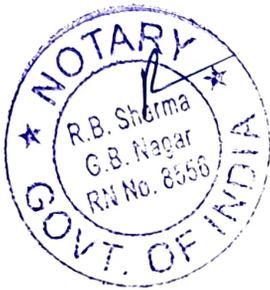


 Sign. of Issuing Authority

FATHER'S N

(Handwritten signature)

के० वी० सिंह
 वरि० प्रबन्धक (सिविल)
 बर्क सर्किल-10, नोएडा



OFFICE :
 Main Administration Building,
 Sector-6, Noida-201301
 Distt. Gautam Buddha Nagar U.P. (India)

Date of Birth
 Blood Group
 Eme. Cont. Pers
 Emergency Cont
 Residence Address.

Permanent Address

Emp. Mobile No. : 9-

(Handwritten signature)
 Emp. Signature /
 Thumb Imp.