

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 641/2023

IN THE MATTER OF:

SUMAN CHAUHAN

.....APPLICANT(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

.....RESPONDENT(s)

INDEX

S.No.	PARTICULARS	PAGE NO.
1.	RESPONSE ON BEHALF DISTRICT MAGISTRATE, GAUTAM BUDHHA NAGAR IN COMPLIANCE OF THE ORDER DT. 09.05.2025 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL	
	ANNEXURES	
2.	COPY OF THE LAST ORDER DT. 01.04.2024 AND WRIT PETITION NO. 10021/2023 ANNEXED HEREWITH AS ANNEXURE A-1	
3.	COPY OF THE MEMO OF PARTIES ANNEXED HEREWITH AS ANNEXURE A-2	
4.	COPY OF THE NOTICE DT. 08.06.2022 ANNEXED HEREWITH AS ANNEXURE A-3	

824

THROUGH COUNSEL

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BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR STATE OF U.P.

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Ph: 9639286572

DATE: 02.09.2025

PLACE: NOIDA

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 641/2023



IN THE MATTER OF:

SUMAN CHAUHAN APPLICANT(s)

VERSUS

STATE OF UTTAR PRADESH & ORS. RESPONDENT(s)

RESPONSE ON BEHALF DISTRICT MAGISTRATE, GAUTAM

BUDDHA NAGAR IN COMPLIANCE OF THE ORDER DT. 09.05.2025

PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL

I, Medha Roopam, aged about 34 years, W/o Manish Bansal, presently posted as District Magistrate, Gautam Buddha Nagar, do hereby solemnly affirm and state as under:-

1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and is competent and authorized to swear the present affidavit.
2. That I state that the contents of the affidavit have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.



**I. DIRECTIONS OF THE HON'BLE TRIBUNAL ON THE
LAST DATE OF HEARING**

3. That the present matter was last listed for hearing on 09.05.2025, wherein the Hon'ble Tribunal directed as under:

" Applicant present in person submits that this is the main petition and other petitions mentioned in paragraph 3 of the application for withdrawal have been connected with this petition. Referring to the counter affidavit on page no. 74 he has submitted that same issue is involved in these petitions. He submits that issue of raising unauthorized construction on the flood plain of river Yamuna is involved in these writ petitions which is pending consideration before High Court of Allahabad"

**II. PENDENCY OF WRIT PETITIONS BEFORE THE HON'BLE
HIGH COURT OF ALLAHABAD**



4. That as per the order dated 09.05.2025, the following writ petitions are pending before the Hon'ble High Court of Allahabad involving the same subject matter:

WRIC/13936/2023, WRIC/14752/2023, WRIC/18162/2024, WRIC/18194/2024, WRIC/18196/2024, WRIC/18241/2023, WRIC/18464/203, WRIC/18496/2023, WRIC/18544/2023, WRIC/18584/2023, WRIC/20367/2023, WRIC/20487/2023, WRIC/20489/2023, WRIC/20490/2023, WRIC/22864/2023, WRIC/23221/2022, WRIC/23727/2023, WRIC/25541/2023, WRIC/35523/2023, WRIC/40220/2023, WRIC/40383/2023, WRIC/43423/2023, WRIC/44474/2023, WRIC/5511/2024, WRIC/7371/2024, WRIC/8983/2023, WRIC/28957/2023, WRIC/10021/2023-Ratna Mitra VS New Okhla Industrial development Authority and others.

5. It is respectfully submitted that all the Writ Petitions pending before the Hon'ble High Court of Allahabad are connected with the main Writ Petition No. 10021/2023. That the prayer of the said Writ Petition has been reproduced as under for ready reference:

"PRAYER

It is, therefore, respectfully prayed that this Hon'ble Court may graciously be pleased to:-

a. Issue a writ of mandamus or any other appropriate writ, order or direction quashing the order dated 14.02.2023 passed by respondent no. 1 vide Letter No. NOIDA/LR/23/2619 as being devoid of jurisdiction, arbitrary and illegal;

b. Issue a writ of mandamus or any other appropriate writ, order or direction commanding and directing the Respondents not to take any coercive action or pass any adverse order without seeking prior approval from this Hon'ble High Court;

C. To issue any other appropriate order deemed necessary considering the facts and circumstances of the present matter."

A Copy of the last order dt. 01.04.2024 and Writ Petition No. 10021/2023 has been annexed herewith as **ANNEXURE A-1**.

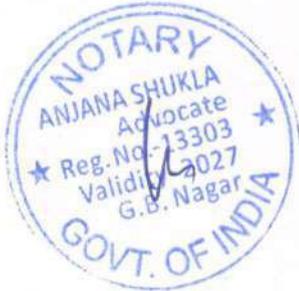
6. That it is germane to clarify that WRIT/28957/2023 pertain to a separate issue and is not connected with WRIT/10021/2023, rather WRIT/28957/2023 is merely the filing number of the said main Writ Petition No. 10021/2023. Therefore, total 27 Writ Petition are pending before the Hon'ble High Court of Allahabad with respect to the similar issue.



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7. That upon intricate perusal of the records, it has been observed by the Deponent that the names of 11 Applicants in the present O.A. correspond with the names of certain Petitioners in 6 Writ Petitions pending before the Hon'ble High Court of Allahabad. Specifically,

- (i) in **Writ Petition No. 40383 of 2023**, Petitioner Nos. 1, 2 and 3 correspond to Applicant Nos. 13, 33 and 32;
- (ii) in **Writ Petition No. 22864 of 2023**, Petitioner Nos. 3, 4 and 6 correspond to Applicant Nos. 29, 19 and 34;
- (iii) in **Writ Petition No. 43423 of 2023**, Petitioner No. 3 corresponds to Applicant No. 33;
- (iv) in **Writ Petition No. 18496 of 2023**, Petitioner Nos. 2 and 7 correspond to Applicant Nos. 47 and 15;
- (v) in **Writ Petition No. 20367 of 2023**, Petitioner No. 3, 4, 14 and 15 corresponds to Applicant No. 3, 47, 15, 36;
- (vi) in **Writ Petition No. 18584 of 2023**, Petitioner No. 2 corresponds to Applicant No. 41;



However, though the fathers' or husbands' names of such Applicants and Petitioners appeared to be the same, their addresses as recorded in the respective Writ Petitions did not match. Consequently, despite such similarity in fathers' or husbands' names, the mismatch of addresses creates ambiguity, and hence no conclusive inference could be drawn to establish that the said Applicants in the O.A. and the Petitioners in the Writ Petitions are one and the same person.

Copy of the memo of parties have been annexed herewith as **ANNEXURE A-2.**

8. That in all the above Writ Petitions, the Petitioners have objected the Public Notice dt. 08.06.2022 issued by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar, wherein it has been directed to the general public that, under the provisions of the Uttar Pradesh Industrial Area Development Act, 1975, no construction is permissible within the notified area of NOIDA without prior approval of the Authority. It cautions that unauthorized construction alters the nature of land, hampers planned development, and adversely affects public interest. The Authority clarifies that no other department or body has the jurisdiction to grant construction permissions in the notified area, and despite repeated notices, warning boards, demolition drives, and information circulated through its official website, instances of illegal construction continue to rise. Accordingly, the notice strictly prohibits any construction in the notified submerged area, warns that unauthorized structures will be demolished at the cost of the violator (recoverable as land revenue), and states that legal action will also be initiated against encroachers.



A Copy of the notice dt. 08.06.2022 has been annexed herewith as **ANNEXURE A-3**.

9. That the deponent is duty bound to fulfil the obligation which are assigned under the law and directions passed by this Hon'ble Tribunal. The Deponent is fully committed to ensure strict adherence to the orders of this Hon'ble Tribunal and undertakes to faithfully comply with any further directions or instructions that may be issued by this Hon'ble Tribunal, without demur or delay.
10. Hence, the present response is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.

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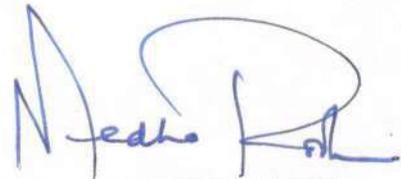


DEPONENT

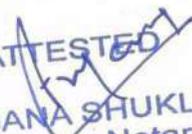


VERIFICATION

Verified at Surajpur, Greater Noida, Gautam Buddha Nagar on this 02 day of September, 2025, that the contents of the above affidavit from paragraphs 1 to 10 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



DEPONENT

ATTESTED

ANJANA SHUKLA
Advocate Notary
Distt. G.B. Nagar

02 SEP 2025

Case :- WRIT - C No. - 10021 of 2023

Petitioner :- Ratna Mitra

**Respondent :- New Okhla Industrial Development Authority And
2 Others**

Counsel for Petitioner :- Pushkar Mehrotra

**Counsel for Respondent :- A.S.G.I.,Ankur
Agarwal,Kaushalendra Nath Singh,Rajesh Tripathi**

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Mr. V.K. Singh, learned Sr. Advocate, assisted by Mr. Pushkar Mehrotra, learned counsel for the petitioner and Mr. Rajesh Tripathi, learned counsel for the respondent No.2.

2. In deference to the order dated 21.2.2024 passed by this Court, pleadings have been exchanged between the parties. However, till date no objection/counter affidavit has been filed by the respondent No.2 in the matter.

3. On the joint request made by the parties, let the matter be listed *on 18.04.2024.*

4. It is open to the respondent No.2 to file objection/counter affidavit on or before the next date fixed in the matter.

5. Interim order, if any, stands extended till the next date of listing.

Order Date :- 1.4.2024

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196

IN THE HIGHCOURT OF JUDICATURE AT ALLAHABAD

INDEX

IN

CIVIL MISC. WRIT PETITION NO. 10021 OF 2023

(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

DISTRICT: GAUTAM BUDDHA NAGAR

RATNA MITRA

...PETITIONER

VERSUS

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY & ORS.

...RESPONDENTS

S. NO.	PARTICULARS	DATES	ANNEX.	PAGE NO.
1.	Dates and Events			1 - 5
2.	Stay Application			6 - 7
3.	Writ Petition Under Article 226 of the Constitution of India			8 - 66
4.	A copy of the impugned order	14.02.2023	1	67 - 76
5.	A copy of the sale deed issued in favor of the Petitioner	06.03.2013	2	77 - 98
6.	A copy of the order	11.08.2022	3	99 - 100
7.	A copy of the decree passed by the Civil Judge	30.08.1999	4	101 - 116
8.	A copy of the order	15.09.2015	5	117 - 123
9.	A copy of the public notice issued by the CEO, Noida Authority, Gautam Buddh Nagar	08.06.2022	6	124 - 125
10.	A copy of the order in CMWP No.17175 of 2022	14.06.2022	7	126 - 128
11.	A copy of the order in WRIT C No. 18520/2022	07.07.2022	8	129 - 130
12.	A copy of the representation/objection by the Petitioner to the Respondent No. 1	16.07.2022	9	131 - 156

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13.	A copy of the affidavit filed by the Principal Secretary, Irrigation, State of U.P. before the Hon'ble NGT in OA No. 89/2013	28.11.2013	10	157-161
14.	A copy of the Notification by the Central Government	07.10.2016	11	162-181
15.	A copy of the order passed by Hon'ble NGT in OA 89/2013	20.05.2013	12	182-186
16.	A copy of the order passed by Hon'ble NGT in OA 89/2013	10.02.2017	13	187-191
17.	Affidavit			192-194
18.	Vakalatnama			195

Dated: 22 / 03 / 2023

(PUSHKAR MEHROTRA)

Advocate

Adv. Roll No. A/P-0604/2012

Counsel for the Petitioners

38/1, Taskhand Marg,

Prayagraj - 211001

Mob. No. 945450122m

7754913304

(DEVIKA KAPOOR)

Advocate

Adv. E Roll No. D/6112/2019

Counsel for the Petitioners

1C/1 Dayanand Marg, Prayagraj

Mobile No. 9935614489

Email: contact@devikakapoor.in

IN THE HIGHCOURT OF JUDICATURE AT ALLAHABAD**DATES AND EVENTS****IN****CIVIL MISC. WRIT PETITION NO. _____ OF 2023**
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)**DISTRICT: GAUTAM BUDDHA NAGAR**

RATNA MITRA

...PETITIONER**VERSUS**

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY & ORS.

...RESPONDENTS

S. No.	DATES	EVENTS
1.	06.03.2013	Sale deed registered in favor of the Petitioner herein with the Sub Registrar of Gautam Buddha Nagar and duly recorded in Bahi No. 1, Jild No. 12691 Page No. 369 to 404 at Serial No. 4913, for a registration charge at the then prevailing circle rate of Rs. 1,50,00,000/- per hectare for developed fenced farmland with gate and road access as per notification of DM.
2.	20.05.2013	The Hon'ble National Green Tribunal in OA 89/2013 Akash Vashishtha & Anr. Vs. Union of India & Ors. vide its ad-interim injunction granted restraint on any illegal/unauthorized construction on the flood plain zone of river Yamuna in the NCT of Delhi, State of Haryana and State of Uttar Pradesh.
2.	07.10.2016	Ministry of Water Resources, River Development, and Ganga Rejuvenation issued notification bearing (S.O. 3187 (E) which clearly stipulates about the prevention, control and abatement of environmental pollution in River Ganga and its tributes.

2.	10.02.2017	The Hon'ble National Green Tribunal in 89/2013-Akash Vashishtha & Anr. Vs. Union of India & Ors. disposed off the case with directions to the parties to take steps in accordance with the changes brought out by the Notification bearing (S.O. 3187 (E) dated 07.10.2016.
3.	16.10.21017	Thereafter, the Hon'ble National Green Tribunal in 5/2017 Akash Vashishtha & Anr. Vs. Union of India & Ors. has disposed of the review petition against the order dated 10.02.2017
4.	10.11.2020	Harit Kisan Kalyan Samiti (hereinafter referred to as 'HKKS/SAMITI') is a registered society with registration number GBN/05578/2020-21, governed by its own Memorandum of Association and Rules of Association. The Society represents the interests of its members who are owners of agricultural land in the State of Uttar Pradesh, specifically in Sector-135. The members of the HKKS, including Petitioner herein, are from all walks of life including senior citizens, retired bureaucrats and retired members of the armed forces some of whom have been using their land and construction raised thereupon since 2010.
5.	20.11.2020	That some of the members of the HKKS had made representations to the District Magistrate, Gautam Budh Nagar with a copy to the Chief Secretary, State of Uttar Pradesh, <i>inter alia</i> conveying that the members are not in 'active flood plain areas' as defined by the Notification bearing (S.O. 3187 (E) dated 07.10.2016. However, the members of the HKKS have not received any reply to the said representation.
6.	08.06.2022	That the CEO of the Respondent No.1 issued a Public Notice through a social media platform-

		Twitter. It is pertinent to mention that certain members of the HKKS, including some of the Petitioner herein, were made aware of the said notice through twitter only and no separate individual notice has been issued to any of the Petitioner herein.
7	13.06.2022	That writ petition bearing CMWP No.17175 of 2022 was filed by 53 members of HKKS before this Hon'ble High Court of Judicature at Allahabad challenging the aforesaid public notice dated 08.06.2022 issued by respondent no.1/NOIDA Authority. It is pertinent to mention that the petitioner herein is also a member of HKKS/SAMITI, and identically situated to the 53 members of Petitioner therein, who could not approach this Hon'ble Court by way of the said writ petition.
8	14.06.2022	This Hon'ble Court vide its order dated 14.06.2022 was pleased to permit the Petitioner therein to file objection to the public notice dated 08.06.2022 and directed the Respondent Authority to decide the same by way of speaking order, meanwhile directing the parties to remain status quo.
	07.07.2022	Another Writ Petition bearing no 18520/2022 was preferred on behalf of 27 members of HKKS before this Hon'ble Court who were identically situated to the Petitioner in CMWP No. 17175/2022, but were not covered under the directions passed therein. This Hon'ble Court vide its order dated 07.07.2022 was pleased to allow the Writ Petition and dispose it off in terms of the directions passed in CMWP No. 17175/2022. The Petitioner herein was arrayed as Petitioner no. 17 in the aforesaid Writ Petition.
	16.07.2022	The Petitioner herein, while duly complying with

		<p>directions passed by this Hon'ble Court vide its order 07.07.2022 in WRIT C. No. 18520/2022 titled Kapila Infra Projects Limited & 26 Ors Vs. NOIDA & Ors, filed its objections with the Respondent Authority against the public notice dated 08.06.2022 issued by the CEO, NOIDA</p>
11.08.2022		<p>That a group of farm owners belonging to villages Nangla/Nangli Khadar filed a writ petition before this Hon'ble High Court vide Writ Petition No. CMWP No 23221/2022 inter-alia challenging the order dated 27.07.2022 passed by the Respondent No. 1 issued in response to similar Objections/representations filed by the farm owners therein to the public notice dated 08.06.2022. In reliance of newspaper reports, it appears that the order of Respondent No. 1 challenged in the aforementioned petition is nearly identical to the order passed by Respondent No. 1 as challenged in the present Writ Petition.</p> <p>This Hon'ble Court vide its order dated 11.08.2022 issued notice on the said petition and 2 weeks' time was allowed to the Respondent Authority to file its Counter Affidavit and was pleased to list the same on 13.09.2022.</p> <p>However, to the best of the knowledge of the Petitioner herein, the matter has not been taken up since.</p>
14.02.2023		<p>The Respondent No. 1 herein vide its order dated 14.02.2023 rejected the objections /representations made by the Petitioner in a mechanical manner with complete non-application of mind, and failed to effectively deal with the contentions raised by the Petitioner herein.</p> <p>passed the impugned order with a mechanical approach.</p> <p>It is noteworthy to mention that the order passed by the Respondent No. 1 herein against the Petitioner herein is an order.</p>

5 (190)

		rejection order issued to the group of similar farm owners dated 27.07.2022 which is under challenge before this Hon'ble Court in Writ Petition No. CMWP No 23221/2022.
9.	February 2023	Hence this present Writ Petition.

Dated: 22/03/2023

(PUSHKAR MEHROTRA)

Advocate

Adv. Roll No. A/P-0604/2012

Counsel for the Petitioners

38/1, Taskhand Marg,

Prayagraj - 211001

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Adv. E Roll No. D/6112/2019

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6
189**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

CIVIL MISC. STAY APPLICATION NO. _____ OF 2023
(UNDER SECTION 151 C.P.C.)

IN

CIVIL MISC. WRIT PETITION NO. OF 2023
(Under Article 226 of the Constitution of India)**DISTRICT: GAUTAM BUDDHA NAGAR**RATNA MITRA D/o Late Sh. D.N. Das R/o
KB-001, Sector 63A, Noida, Uttar Pradesh- 201307**...PETITIONER****Versus**

1. NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY
THROUGH ITS CHIEF EXECUTIVE OFFICER AT
ADMINISTRATIVE COMPLEX SECTOR 6, NOIDA - 201301,
DISTRICT. GAUTAM BUDH NAGAR, UTTAR PRADESH, INDIA
2. NATIONAL MISSION FOR CLEAN GANGA
MINISTRY OF JAL SHAKTI (DEVELOPMENT OF WATER
RESOURCES, RIVER DEVELOPMENT, & GANGA
REJUVENATION) GOVERNMENT OF INDIA
1ST FLOOR, MAJOR DHYAN CHAND NATIONAL STADIUM,
INDIA GATE, NEW DELHI, 110002
3. STATE OF UTTAR PRADESH THROUGH ITS CHIEF
SECRETARY

...RESPONDENTS**To**The Hon'ble the Chief Justice and his other Companion Judges of
the aforesaid Court.The humble application of the above named applicants most
respectfully showeth as under:

1. That the full facts and circumstances of the case are given in
the accompanying writ petition in detail which forms part of
this application and may be treated the same.
2. That in view of the full facts and circumstances stated above it
is expedient in the interest of justice that this Hon'ble Court

7 (128)

may graciously be pleased to issue an ad-interim mandamus commanding and directing the respondents no. 1 not to take any coercive action against the Petitioner in pursuance of the impugned notice dated 14.02.2023 (passed by respondent no. 1) during the pendency of the present writ petition, otherwise the applicants/Petitioner shall suffer irreparable loss and injury.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to issue an ad-interim mandamus commanding and directing the respondents no. 1 not to take any coercive action against the Petitioner in pursuance of the impugned notice dated 14.02.2023 (passed by respondent no. 1) during the pendency of the present writ petition, otherwise the applicants/Petitioner shall suffer irreparable loss and injury.

It is further most respectfully prayed that the impugned notice dated 14.02.2023 passed by the Respondent No. 1, i.e. NOIDA, in response to the representation/objections filed by the Petitioner herein to the public notice dated 08.06.2022 be quashed.

And/or may pass such other and further orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Dated: 22 / 03 / 2023

(PUSHKAR MEHROTRA)

Advocate

Adv. Roll No. A/P-0604/2012

Counsel for the Petitioners

38/1, Taskhand Marg,

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Adv. E Roll No. D/6112/2019

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IN THE HIGHCOURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. WRIT PETITION NO. _____ OF 2023
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(DISTRICT: GAUTAM BUDDHA NAGAR)

1. Ratna Mitra D/o Late Sh. D.N. Das R/o
KB-001, Sector 63A, Noida, Uttar Pradesh-
201307 **...Petitioner**

Versus

1. New Okhla Industrial Development Authority through its Chief Executive Officer at Administrative Complex Sector 6, Noida - 201301, District. Gautam Budh Nagar, Uttar Pradesh, India
2. National Mission for Clean Ganga
Ministry of Jal Shakti (Development of Water Resources, River Development, & Ganga Rejuvenation) Government of India
1st Floor, Major Dhyan Chand National Stadium, India Gate, New Delhi, 110002
3. State of Uttar Pradesh through its Chief Secretary

...Respondents

THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUDGES
OF THE AFORESAID COURT.

The humble writ petition of the above named Petitioner most respectfully showeth as under:

1. That the present writ petition is being filed (under Article 226 of the Constitution of India) by the Petitioner seeking a writ of mandamus or any other appropriate writ, order or direction for quashing the impugned order dated 14.02.2023 passed by the Respondent No. 1/NOIDA, whereby it has rejected the objections/representations made on behalf of the Petitioner herein in pursuance and compliance of the direction passed by this Hon'ble Court in CMWP No.

9 (186)

18520/2022 vide its order dated 07.07.2022, in relation to the general public notice dated 08.06.2022, whereby the Respondent had directed the removal of structures raised on the farmlands situated in Sector 135 Noida, District Gautam Budh Nagar, U.P. A copy of the impugned order dated 14.02.2023 is annexed herewith and marked as **ANNEXURE P-1.**

2. That the Petitioner is the full and undisputed owner in possession of the property described as "developed and fenced farmland with road access" in the village Nangla Nangli, Pargana Dadri, District Gautam Buddha Nagar, Uttar Pradesh vide sale deed registered on 06.03.2013 and duly recorded in Bahi No. 1, Jild No. 12691 Page No. 369 to 404 at Serial NO. 4913 with the Sub Registrar of Gautam Buddha Nagar. The property description is as under:

Fenced developed Farmland with road access comprising 0.1265 HA situated in Khata No.3 of Khet No. 248/6 measuring 16-18-0 pukhta identified in the sale deed as Plot No. 24 Phase-2 of Green Beauty Farm.

A copy of the sale deed issued in favor of the Petitioner herein is annexed herewith and marked as **ANNEXURE P-2.**

3. That the Petitioner herein is a member Harit Kisan Kalyan Samiti, which was the original Petitioner in *CMWP No 17175 of 2022* registered society with registration number GBN/05578/2020-21, governed by its own Memorandum of Association and Rules of Association.

10 (185)

4. At the outset it is humbly submitted that despite the specific direction of this Hon'ble Court vide its order dated 07.07.2022 in *CMWP No. 18520 of 2022*, upon the Respondent No. 1/ Noida Authority to pass a speaking order, however, the impugned order has been passed by the in a completely mechanical manner which is reflective of a complete non-application of mind and to that extent is arbitrary and unreasonable since it has failed to deal with the specific contentions raised by the Petitioner herein and has been passed on completely extraneous considerations.
5. It is relevant to mention herein that a similar Petition has been filed before this Hon'ble Court by identically situated farm owners, inter-alia challenging the rejection of their objections to the public notice dated 08.06.2022 bearing *CMPW No. 23221/2022* titled *Rajesh Aggarwal & Ors Vs. New Okhla Industrial Development Authority & Anr.* That this Hon'ble Court vide its order dated 11.08.2022 issued notice on the said petition and 2 weeks' time was allowed to the Respondent Authority to file its Counter Affidavit and was pleased to list the same on 13.09.2022. However, to the best of the knowledge of the Petitioner herein, the matter has not been taken up since. A copy of the order dated 11.08.2022 passed by this Hon'ble Court is annexed herewith and marked as **ANNEXURE P-3**
6. The mechanical manner in which the Respondent Authority has been passing the rejection orders of the representations issued to it in pursuance of the orders passed by this Hon'ble Court is apparent from the

11 (181)

templated manner in which the same are being issued to different individuals. It is pertinent to note that the rejection order challenged in CMPW No. 23221/2022 and the impugned order in the present Writ Petition have glaring similarity in passages, which is reflective of the blatant manner in which the Respondent Authority has rejected the objections passed by individuals, without specifically dealing with each individual contention/representation.

7. The mechanical manner and non-application of mind by the Respondent Authority is also manifestly apparent from the fact that it has even failed to take into account the correct village in which the land of the Petitioner herein falls, and has gone ahead and commented on the notification status of village Chak Mangrola, which in fact has no connection or bearing upon the land of the Petitioner herein whatsoever, and essentially falls under villages Nangla Nangli, Uttar Pradesh.

The Respondent Authority has not even bothered to assess the Village in which the land of the Petitioner herein falls, and has mechanically stated that the farm house mentioned in the petition has been constructed by the Petitioner in the flood plain zone of village Chak Mangraula, which is absolutely contrary to the factual position.

8. It is pertinent to mention that on 30.08.1999, the Civil Judge Senior Division, Ghaziabad in *Civil Suit no 1387/97 titled Farm and Farum India Ltd Vs NOIDA Authority* while dealing with the notification pertaining to the villages including Nangli Nangla, wherein the present Petitioner's land is also

12 (183)

located, held that no permission is required for carrying out any construction from the NOIDA authority and a decree of injunction was passed, thereby restraining the NOIDA Authority from interfering in the possession and development activity being carried out by the plaintiff therein. A copy of the decree dated 30.08.1999, passed by the Civil Judge is annexed herewith and marked as **ANNEXURE P-4**

9. Thereafter, the Authority filed an appeal bearing *First Appeal No. 1082/1999 titled New Okhla Industrial Development Authority Vs Farm and Farum India Ltd.*, before this Hon'ble Court assailing the decree dated 30.08.1999. That vide judgment dated 15.09.2015, this Hon'ble Court held that mere fact that village Nangli Nangla has been declared as Industrial Development Area, ipso facto would not result in the inclusion of that area in the notified master plan and dismissed the said appeal. The relevant extract of the judgment is reproduced herein below:

"9. The only question up for consideration to decide this appeal is "whether plaintiff-respondent could not have proceeded to carry on development activities over the disputed land without prior permission of the defendant-appellant"

10. The sole witness produced by the defendant-appellant as D.W-1 before the Court below admitted in his cross-examination that disputed land was not acquired by Noida. He also admitted that in Master Plan, disputed land was reserved for agricultural use. The owners in possession of disputed property were well within their right to use the same for agricultural purposes. He also admitted that plaintiff-respondents were not carrying on any industrial work on the disputed land but have a right to make Kaccha passage to reach their agricultural land and can also install tube well etc.

13 (18)

11. *Learned counsel for defendant-appellant could not place nay document or otherwise evidence which was part of record to show that disputed premises was made part of Master Plan under section 8 of the Act, 1976. The findings recorded by the Trial Court in this regard could not be shown to be incorrect and perverse. The mere fact that village Nagli Nagla has been declared as Industrial Development Area, ipso facto would not result in the inclusion of that area in the notified master plan. No provision was placed before this Court, despite repeated quarry, to show, if disputed land was not part of Master Plan, still no activity whatsoever could be carried out by plaintiff-respondent without permission of defendant-appellant..."*

It is submitted that the aforesaid order was never challenged by the Authority therefore the findings on the issue are conclusive and have attained finality. A copy of the order dated 15.09.2015 is annexed herewith and marked as **Annexure P-5**

10. Furthermore, it is imperative to state that the Petitioner herein by way of its objections to the public notice dated 08.06.2022, took a categorical exception to the same, inter-alia stating that the land of the Petitioner does not fall within the flood plain region or the active flood plain region of river Yamuna, and therefore, the question of applicability of the public notice upon the Petitioner does not arise.

However, the Respondent herein has categorically failed to deal with the afore-said objection, and has simply proceeded on the assumption that the land of the Petitioner herein falls within the flood plain region of Yamuna, without any basis whatsoever. Furthermore, it must also be brought to the notice of this Hon'ble Court, that the Respondent herein by way of the

14 (181)

impugned order has failed to point any provisions under law or any order by any competent authority, whereunder it has been empowered to carry out any demolitions with respect to the farm lands, and therefore has miserably failed to justify its jurisdictional authority qua any action to be taken upon the lands of the Petitioner herein. It is humbly submitted that the impugned order dated 14.02.2023 deserves to be quashed on this ground alone.

11. It is humbly submitted that the impugned rejection order passed by the Respondent Authority has merely proceeded to arrive at bald conclusions which are neither backed with any reasoning under law nor on fact. The Respondent Authority has not only categorically failed to bring out any provision under law or delegation of power to demonstrate that it has the necessary jurisdiction to pass the public notice for demolition of the alleged farm houses built on the flood plain region, but has also failed to even show from record that the lands owned by the Petitioner herein have in fact been notified or demarcated by the competent authorities as the flood plain region.

12. The Respondent Authority, while dealing with the objections raised by the Petitioner herein to the Public Notice dated 08.06.2022 in the impugned order, has interestingly quoted and relied upon letters and orders dated 02.07.2022 and 29.06.2022 which have been passed subsequent in time to the issuance of the public notice which was challenged by the Petitioner herein itself, and therefore grossly erred in placing any reliance

15-180

upon the same. It is humbly submitted that no reliance can be placed on subsequent letters or communications to justify the legality of a notice issued prior in time and the Respondent cannot be permitted to take shelter of subsequent events to justify its past action.

13. It is humbly submitted that the Respondent cannot be permitted to aprobate and reprobate at the same time, since on the one hand, the registration charges for the land in question of the Petitioner herein were charged at a circle rate as high as Rs. 1,50,00,000/- per hectare for developed fenced farmland with gate and road access as per notification of the DM, however, the circle rate for undeveloped agricultural land in the area had been fixed by the Registrar at a far lower rate of Rs. 85,00,000/- per hectare. It is submitted that the Respondent Authority cannot now be permitted to call into question the nature or use of the land of the Petitioner herein, when on account of its very nature, the Registrar has charged a much higher registration charges.
14. That the nature of the land belonging to the Petitioner is developed fenced farmland with gate and the Petitioner herein is currently undertaking BIOFLOC fish farming in the said plot, which is not only widely promoted by the Government of India by is also subsidized by the Ministry of Fisheries, Government of India.
15. That a temporary small structure of about 15 sq. yards area has been raise in the plot, which is

16 (77)

being utilized by the Petitioner herein for keeping essential food materials for BIOFLOC fish farming.

It is submitted that the structure thus rose by the Petitioner is in due compliance of the applicable regulations for such use of the land. It is further relevant to mention that the construction raised by the Petitioner is purely temporary in nature, and the land is being used in accordance with the prescribed land use after paying the appropriate registration charges and that the use of the land and structures thereupon are fully compliant with such land use.

16. That this is the first writ petition that is being filed by the Petitioner and no other writ petition is filed on the same material fact and for the aforesaid relief and against the same cause of action before this Hon'ble Court either at Allahabad or at Lucknow.

17. That no notice of caveat has been so far served on the Petitioner by the Respondents till the filing of the present petition.

18. In the previous rounds of litigation, two Writ Petitions were filed on behalf of some of the members of the Harit Kisan Kalyan Samiti before this Hon'ble Court bearing *CMWP No.17175 of 2022 titled Harit Kisan Kalyan Samiti Vs New Okhla Industrial Development Authority & Ors.*, and *CMWP No. 18520/2022 titled Kapila Infra Projects Limited & Ors. Vs. New Okhla Industrial Development Authority & Ors.* preferred by individual

17/178

members of the Samiti including the Petitioner herein, who was Petitioner no. 17 in CMWP No. 18520/2022, inter-alia challenging the general public notice dated 08.06.2022 issued by the Respondent.

19. The Respondent No.1/NOIDA Authority issued a public notice dated 08.06.2022 whereby a blanket declaration had been issued stating that all construction on the Yamuna Flood Plains is illegal and liable for demolition. A copy of the public notice dated 08.06.2022 issued by the CEO, Noida Authority, Gautam Buddh Nagar is annexed herewith and marked as **ANNEXURE P-6**.

20. This Hon'ble Court vide its orders dated 14.06.2022 and 07.07.2022 respectively was pleased to dispose of the aforementioned Writ Petitions with a direction upon the parties to maintain status quo for a period of 20 days and directed the members of HKKS to file objections before the Respondent Authority which shall be decided by way of a speaking order by the Authority. A copy of the orders dated 14.06.2022 and 07.07.2022 are annexed herewith and marked as **ANNEXURE P-7** and **ANNEXURE P-8** respectively.

21. It is humbly submitted that the Petitioner herein in compliance of the aforementioned orders dated 14.06.2022 and 07.07.2022 filed its detailed respective objections before the Respondent No. 1/ Noida Authority vide representation dated 16.07.2022. A copy of the representation dated 16.07.2022 is annexed herewith and marked as **ANNEXURE P-9**.

22. Curiously the impugned notice dated 14.02.2023 has been received by the Petitioner herein through private email address (kailashmnr8@gmail.com) and has not received from any reg. post/ courier service or any official channel of the Respondent Authority.

23. It is humbly submitted that the Petitioner herein, by way of its detailed objection dated 16.07.2022 placed the factual as well as legal position before the Respondent Authority and the same are briefly outlined hereinunder:

- A. Registration for land completed in accordance with the applicable law.
- B. No violation of any law for the time being in force, and the constructions raised by the Petitioner herein are valid and permissible and no permission is required by any local body in case the construction is of temporary/semi-permanent in nature.
- C. Village Nangla/Nangli Khadar is not a notified area; and Village Nangla/Nangli is not included in the master plan and thus outside the jurisdiction of Noida authority.
- D. The Public notice is violative of the principles of natural justice which are mandatory for any such notice. It was submitted by the Petitioner herein that no individual notice detailing the non-compliance was served upon the person who as alleged to commit such non-compliance, and that no opportunity has been granted for a personal hearing by the Authority.

176

E. The Authority is acting in direct contradiction to provisions of the Uttar Pradesh Industrial Development Area Act, 1976. It was categorically submitted by the Petitioner herein that the Authority has not been granted any power under the Uttar Pradesh Industrial Development Area Act, 1976 to demolish any structure within its notified area. The Authority has not been given any power to carry out any demolition under the Uttar Pradesh Industrial Development Area Act, 1976. Therefore, the Authority is required to show through its speaking order that it has the power to carry out such demolitions under the Uttar Pradesh Industrial Development Area Act, 1976. It was requested that in case the authority has been granted to the Noida Authority vide any order, notifications etc. to carry out such demolition work, the details of the same maybe intimated to the Petitioner.

F. It was further submitted by the Petitioner herein that the Authority has incorrectly contended that in the Public Notice that the Uttar Pradesh Industrial Development Area Act, 1976 prohibits any construction on 'flood plains'. It is submitted that there is no provision under the Uttar Pradesh Industrial Development Area Act, 1976 or the regulations issued thereunder that prohibit "any construction on Flood Plains". Therefore, the Authority was required to show through its speaking order under which provision of the Uttar Pradesh Industrial Development Area Act, 1976 or the

regulation issued thereunder such a restriction has been provided for. The Authority was also asked to clarify if such section or regulation (if any) is retrospective in nature. If not, it was sought to confirm if it has conducted any survey or examination of which structures are prior to such a restriction (if any) or after. In the event, any such examination or report has been prepared the Authority was requested to provide the relevant survey reports and orders to evidence that the constructions on the Land are in contravention of such a restriction (if any).

- G. It was further contented by the Petitioner herein that the Authority has incorrectly placed reliance on order of the National Green Tribunal dated May 20, 2013 which has been vacated by order of the National Green Tribunal dated February 10, 2017 in light of the Gazette Notification dated 07.10.2016 issued by the Ministry of Water Resources, River Development, and Ganga Rejuvenation (S.O. 3187(E), inter-alia direction all states including the state of Uttar Pradesh to act in terms of the 2016 notification. However, the Public Notice dated 08.06.2022 has been passed in complete ignorance of the directions passed by the Hon'ble NGT and the 2016 notification issued by the Central Government.
- H. Additionally, it was submitted that no construction has been done on the Land in violation of any applicable law including the River Ganga (Rejuvenation, Protection and Management)

2 (174)

Authorities Order, 2016. It was submitted by the Petitioner herein that while demolishing any construction on "flood plains", the State of Uttar Pradesh is required to act in terms of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 issued by the Central Government. This has also been reiterated by the NGT in its order dated February 10, 2017 in OA 89/2013 *Akash Vashishtha and Anr. v. Union of India & Ors.* Since no construction has been done by the Petitioner on the Land on any "active flood plains" as provided for under the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, there is no non-compliance by the Petitioner and therefore any demolition by the Authority in this regard would be illegal. Furthermore, near the lands of members of the Petitioner society's, there is a State Government operated *gaushala* and other structures that are actually concrete in nature as opposed to the constructions of members of the Petitioner that are prefabricated. It was further submitted that in the event, the Authority or the State of Uttar Pradesh is of the view that the Land falls within either of the above definitions, it was requested to share the survey reports showing the same.

- I. Another objection raised by the Petitioner herein by way of its objection was that in the event, the State of Uttar Pradesh/the Authority has not demarcated the area designated as active flood plains in terms of

22 (73)

the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 issued by the Central Government, the State of Uttar Pradesh is required to act in accordance with the direction passed by the National Green Tribunal in para 182.3 (ii) of its 13.07.2017 judgment in the matter of *M.C. Mehta Vs. Union Of India OA No. 200 of 2014*, wherein the Hon'ble Tribunal stated that **where no identification and demarcation of floodplains has been done, a distance of 100 meters from the edge of the river would be designated as no development/construction zone.** The Petitioner categorically submitted that the Land does not fall within this area at all and therefore even on this ground the proposed action by the Authority is contrary to the orders of the Hon'ble National Green Tribunal.

J. Furthermore, another objection raised by the Petitioner herein was that a detailed survey is necessary before demolition of any structure, and to check whether such constructions are causing interruption in the continuous flow of water or pollution in river ganga or its tributaries, in terms of the 2016 Notification issued by the Central Government, proviso to para 6, sub clause 3.

24. The petitioner herein is constrained to move the present writ petition for the reason that despite the orders dated 14.06.2022 and 07.07.2022 passed by this Hon'ble Court in the previous Writ Petitions whereby the

Respondent Authority was directed to decide the representations/objections made by the Petitioner herein by way of a speaking order, the Respondent No. 1 Authority has failed to discharge its duty/mandate placed upon by this Hon'ble Court. It is humbly submitted that the Respondent Authority has failed to deal with the contentions raised by the Petitioner herein in a reasoned manner, and impugned order has errors apparent on the face of record. It is humbly submitted that such manifest arbitrariness and patent illegality is in teeth of the aforementioned orders dated 14.06.2022 and 07.07.2022 passed by this Hon'ble Court.

That the Impugned order passed by the Respondent No. 1 where by it has proceeded to decide the objection of the Petitioner herein is not only arbitrary, but is without any express power and has been passed by a complete non-application of mind.

25. The Respondent No. 1 has miserably failed to deal with the contentions raised by the Petitioner herein in toto and has passed the impugned order with a pre-determined approach and reeks of complete non-application of mind and is arbitrary on the face of record. The Respondent herein vide the impugned order dated 14.02.2023 has merely passed a templated order and has failed to follow the order of this Hon'ble Court in true letter and spirit.

26. At the outset it is humbly submitted that the impugned order dated 14.02.2023 as passed by the Respondent No. 1 essentially places its reliance upon several internal letters issued by several Government Officials

29 (7A)

and departments, however, neither the same have been made available to the Petitioner herein for her consumption, nor are the same available in the public domain. The impugned order merely refers to such communications in passing without a proper and complete description of the same, and therefore the veracity of the same is highly questionable.

Even in arguendo, without admitting the same, if the existence of the said letters is assumed to be valid, the application of the same cannot be retrospective in nature and to that extent, are essentially inapplicable to the Petitioner herein.

It is relevant to mention that the Respondent Authority has erroneously placed reliance on letters which have been issued subsequent in time to the issuance of the public notice, and therefore no reliance can be placed on the same to justify the public notice which has in fact been issued prior in time.

27. That the members of Harit Kisan Kalyan Samiti, including the Petitioner herein are owners of agricultural land in the State of Uttar Pradesh, specifically in Sector-135 and are from all walks of life including senior citizens, retired bureaucrats and retired members of the armed forces, some of whom have purchased and have been using their respective land/property as back as 2010. It is significant to mention herein that registered sale deeds and mutations were carried out for agricultural purposes in favor of the petitioner herein by the bhumidar/farmers

which were duly annexed by the members of the Petitioner along with their individual representations/objections made to the Respondent Authority in response to the Public Notice dated 08.06.2022. It is submitted that the Respondent no. 1 vide its impugned order dated 14.02.2023 has incorrectly referred to the land and property of the Petitioner herein as encroachments, whereas the same has been duly registered under land use as "developed farm land" and for which the Petitioner herein has in fact even paid a higher and enhanced stamp duty as per the specified land use which is different from agricultural land. Therefore, it does not lie in the mouth of the Respondents to now turn around and label such lands and construction as encroachments.

28. It is humbly submitted that the impugned order is wholly without jurisdiction and in excess of the powers conferred upon it under the Uttar Pradesh Industrial Area Development Act, 1976 (*hereinafter referred to as "the 1976 Act"*) and completely against the orders passed by this Hon'ble Court.

29. It is relevant to mention that though the Respondent Authority avers that no construction is permitted within the notified regions under the UP Industrial Area Development Act 1976, the provisions of the Act on which reliance has been placed by it, i.e. Section 10 and Section 17 nowhere provide or even remotely suggest or allude to the same. In the absence of the aforesaid, the conclusion drawn by the Respondent Authority is

baseless and does not come to the aid of the Authority, therefore, the constructions raised by the Petitioner herein, being temporary in nature cannot be held to be illegal.

The Authority has categorically failed to show any provision under law or from record that any permissions were required to be obtained by the Petitioner herein for raising any construction on its land.

30. Furthermore, the reliance placed by the Respondent Authority upon the provisions under the New Okhla Industrial Development Area Building Regulations, 2010 ("**Regulations**") is also highly misplaced since Clause 20.3 only provide for "unauthorized development", whereas the Respondent Authority has failed to demonstrate the counts on which the allegation that the construction of the Petitioner has been considered as unauthorized development. It is pertinent to mention that the Respondent No.1 is purportedly deriving its jurisdiction from clause 20.2 and 20.3 of the regulations and same are reproduced hereinbelow;

Clause 20.2 'Unsafe building' An unsafe building shall be considered to constitute danger to public safety hygiene and sanitation and shall be restored by repair or demolished or dealt with as otherwise directed by the Chief Executive Officer of the Authority.

Clause 20.3 'Unauthorised development' In case of unauthorised development, the Chief Executive Officer or an authorized officer by the Chief Executive Officer shall —

- (i) *Take suitable action which may include demolition of unauthorized works, sealing of premises, prosecution and criminal proceedings against the offenders in pursuance of relevant Acts in force.*

- (ii) (ii) *Take suitable action against the technical person concerned*

However, the aforementioned clauses are only and specifically applicable to the building activities within the urbanized area in terms of Clause 1.3 of the regulations.

Clause 1.3 is reproduced herein below;

"1.3 Chapter 1 to IV shall apply to building activities within the urbanisable area and Chapter V, shall apply to the area designated for agricultural use by the Authority."

A plain reading of the aforesaid provisions alongside the nature of land of the Petitioner as evidenced from the sale deed makes it abundantly clear that the powers conferred upon the authority under regulations 20.2 and 20.3 are inapplicable in the present case since the nature of the land of the Portioner is "*agricultural and farm land*".

31. It is relevant to state here that the Respondent Authority has proceeded on the pre-determined approach that the land of the Petitioner herein falls under flood plain region of river Yamuna, whereas the aforesaid fact remains unsubstantiated in the entire impugned order. The Authority has failed to bring forth any material document or record wherefrom it can be adduced that the land of the Petitioner in facts falls under the Flood plain region.

32. On the contrary, it is imperative to state here that an affidavit was filed before the Hon'ble NGT in OA No. 89 of 2013 titled Akash Vasistha & Anr. Vs. Union Of India and Ors. Shri Deepak Singh, Principal Secretary, Irrigation, Government of Uttar Pradesh dated 28.11.2013 wherein it was specifically admitted that

there is no issuance of any notification for flood plain area, and the said process is yet to be carried out.

A copy of the affidavit filed by the Principal Secretary, Irrigation, State of U.P. before the Hon'ble NGT in OA No. 89/2013 is annexed herewith and marked as **ANNEXURE P-10.**

33. It is submitted that the public notice dated 08.06.2022 issued by Respondent No. 1 and the subsequent impugned order dated 14.02.2023 issued by Respondent No. 1 have been purportedly issued under the provisions of the 1976 Act, inter-alia stating that all construction activities are prohibited on the flood plains of Yamuna River and therefore are liable to be demolished by the Respondent Authority.

However, quite to the contrary, there is no provision under the Act of 1976 which empowers the Respondent Authority to carry out any demolition. It is humbly submitted that the Respondent Authority being a creature of statute, is bound to act within the four corners of the statutory provisions and cannot assume any power unto itself which has not been expressly conferred upon it under the Act, 1976. It is also significant to mention herein that the Respondent Authority has failed point out any specific provision under the said act which empowers it to order/carry out demolition of structures made by individuals such as the Petitioner herein.

34. It is of paramount importance to state here that the Central Government vide its notification dated 07.10.2016 issue the River Ganga (Rejuvenation,

Protection and Management) Authorities Order (hereinafter referred to as the "2016 Notification") whereby a comprehensive framework has been devised by the Central Government for constituting authorities at the Central, State and District levels to take measures for prevention, control and abatement of environmental pollution in River Ganga and its tributaries and to ensure continuous adequate flow of water so as to rejuvenate the River Ganga to its natural and pristine condition. The aforesaid notification was necessitated in light of the unique importance ascribed to River Ganga which are geographical, historical, socio-cultural and economic in nature thereby giving it the status of a national river.

A copy of the Notification dated 07.10.2016 is annexed herewith and marked as **ANNEXURE P-11**.

The aforesaid notification was issued by the Central Government taking cognizance of the urgent need to make provisions for inspection of premises, plants, equipment, etc and giving directions to the authorities as may be necessary to take steps for prevention, control and abatement of environmental pollution in the River Ganga.

It is relevant to mention herein that the aforesaid notification expressly defines river ganga under clause 3(1)(u) to also include its tributaries which was further been defined under Clause 3(1)(ze) and expressly includes River Yamuna and therefore the aforesaid notification squarely applies to river Yamuna and the same is reproduced hereinunder:

“3(ze) “tributaries of River Ganga” means those rivers or streams which flow into River Ganga and includes Yamuna River, Son River, Mahananda River, Kosi River, Gandak River, Ghaghara River and Mahakali River and their tributaries or such other rivers which National Council for Rejuvenation Protection and Management of River Ganga may, by notification, specify for the purposes of this Order”

35. It is humbly submitted that the impugned order dated 14.02.2023 is wholly without any jurisdiction as the aforementioned 2016 notification issued by the Central Government expressly confers power upon the National Mission for Clean Ganga as the only authority to exercise power and discharge functions as specified under the order.

It is a settled principle of law that a special legislation takes precedence over a general statute and therefore when the express power to deal with all issues arising out of River Ganga and its tributaries, including any construction and prohibition thereof have been conferred upon a specific authority constituted by the Centre, then it is impermissible under law for the Respondent Authority to assume such power which was neither conferred to it under any statute nor delegated to it. It is humbly submitted that by way of the public notice dated 08.06.2022 and the impugned notice dated 14.02.2023, the Respondent Authority has essentially assumed a jurisdiction upon itself without any statutory basis whereas the same has expressly been dealt with by way of the aforesaid Notification of 2016 issued by

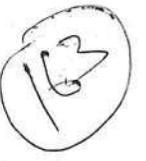
164

the Central Government and as such as encroached upon such exercise of power by the Centre.

36. That the Authority vide the impugned notice has made passing refence to minutes of meeting of District Disaster Management Authority, Gautam Budh Nagar dated 30.09.2020, as well as meeting of the District ganga Committee, Gautam Budh Nagar dated 25.10.2021, 25.04.2022 and 19.05.2022, whereunder directions have been passed by the District Magistrate, Gautam Budh Nagar for removal of illegal structures on the Yamuna and Hindon River Flood plains.

37. However, neither has the Authority annexed the same for consumption of the Petitioner herein nor has it placed any passage of the aforesaid meeting on record to show any delegation of power unto the Respondent for carrying out the aforesaid work of demolition. The averments made by the Authority of the aforementioned meeting are extremely general in nature and do not point out any specifications as to how the flood plain area has been determined by the said authorities, and whether the land of the Petitioner herein falls within the said zone.

38. That the provisions of the Disaster Management Act, 2005, however, nowhere confer such extraordinary power of directing demolition of properties. It is submitted that Section 34 of the said Act provides for the duties and powers of the District Disaster Management Authority in case of *possibility* of disaster



and may recommend to any authority to take such measures as are necessary in its opinion.

It is humbly submitted that the aforesaid provision is general in nature and cannot be invoked or rather abused by the Respondent No. 1 for justifying its actions which do not have any statutory basis otherwise, and as such it cannot be permissible under law for an authority to abuse such a general provision for justifying illegal actions taken contrary to statutory provisions otherwise. Even assuming but not admitting the position as pointed out by the Respondents herein, the District Disaster Management Authority is required to make recommendations only in case of possibility of a disaster and upon due assessment of the same. However, in the present case at hand, the state and district authorities have acted in a completely arbitrary manner without even properly making a survey so as to delineate what areas constitute an active flood plain, which would in fact reveal that the office of the new Okhla Bird Sanctuary Metro Station and markets in and around which have been developed by the Respondent Authority are at a far greater risk of flooding since they are located at a much shorter distance from the riverbed as compared to the properties of the Petitioner herein.

39. Furthermore, it has been stated by the Respondent No.1 in the impugned order that the District Ganga Committee has held several meetings for making Yamuna pollution free and for checking encroachments on the flood plains of river Yamuna. However, the

impugned order aside from merely referring to certain letters, has failed to show the express activity undertaken by any authority which has reviewed the constructions made on the alleged properties or even carries out the exercise of demarcation of active flood plain area, which is the only region upon which construction is prohibited.

Therefore, any action taken by the Authority without proper procedure is liable to be struck down as unreasonable use of power without devising a mechanism for arriving at bald conclusions and orders for demolition.

40. It is a well settled principle of law that a public body invested with statutory powers must not exceed its powers and must keep within the limits of the authority committed to it.

41. The Hon'ble Supreme Court in **Shri Sitaram Sugar Co. Ltd. Vs. Union of India** reported (1990) 3 SCC 223 has held that a repository of power acts ultra vires when he acts in excess of his power in the narrow sense or when he abuses his power by acting in bad faith or for an inadmissible purpose. The relevant extract of the said judgment is reproduced hereinbelow:

"51. A repository of power acts ultra vires either when he acts in excess of his power in the narrow sense or when he abuses his power by acting in bad faith or for an inadmissible purpose or on irrelevant grounds or without regard to relevant considerations or with gross unreasonableness. See Associated Provincial Picture Houses Ltd. Vs. Wednesbury Corporation. In the words of Lord Macnaghten in Mayor & C.

Westminster Corporation Vs. London and North Western Railway.

"... It is well settled that a public body invested with statutory powers such as those conferred upon the corporation must take care not to exceed or abuse its powers, It must keep within the limits of the authority committed to it. It must act in good faith. And it must act reasonably. The last proposition is involved in the second, if not in the first."

The Hon'ble Supreme Court in **Barium Chemicals Ltd.**

Vs. Company Law Board reported at AIR 1967 SC 295

has held as under:

"...The Authority has to act in accordance with and within the limits of that legislation, its order can also be challenged if it is beyond those limits or passed on grounds extraneous to the legislation or if there are no grounds at all for passing it or if the grounds are such that no one can reasonably arrive at the opinion or satisfaction requisite under the legislation. In any one of these situations it can well be said that the authority did not honestly form its opinion or that in forming it, it did not apply its mind to the relevant facts."

In **Bhavnagar University v. Palitana Sugar Mill (P)**

Ltd., (2003) 2 SCC 111, it held by the Hon'ble Supreme

Court that:

"40. The statutory interdict of use and enjoyment of the property must be strictly construed. It is well settled that when a statutory authority is required to do a thing in a particular manner, the same must be done in that manner or not at all. The State and other authorities while acting under the said Act are only

creature of statute. They must act within the four corners thereof."

Further, in **Delhi Airtech Services (P) Ltd. v. State of U.P.** (2011) 9 SCC 354, the Hon'ble Supreme Court held that:

"129. Statutes which encroach upon rights, whether as regards person or property, are subject to strict construction in the same way as penal Acts. It is a recognized rule that they should be interpreted, if possible, so as to respect such rights and if there is any ambiguity, the construction which is in favour of the freedom of the individual should be adopted."

The Hon'ble Supreme Court in **K.T. Plantation Pvt. Ltd. v. State of Karnataka** (2011) 9 SCC 1 held that a person cannot be deprived of his property merely by an executive fiat without any specific legal authority or without the support of law made by a competent authority. The relevant paragraph of the aforesaid judgment is reproduced hereinbelow:

"168. Article 300-A proclaims that no person can be deprived of his property save by authority of law, meaning thereby that a person cannot be deprived of his property merely by an executive fiat, without any specific legal authority or without the support of law made by a competent legislature. The expression "property" in Article 300-A confined not to land alone, it includes intangibles like copyrights and other

36 (159)

intellectual property and embraces every possible interest recognised by law.

169. This Court in **State of W.B. v. Vishnunarayan and Associates (P) Ltd.**, while examining the provisions of the West Bengal Great Eastern Hotel (Acquisition of Undertaking) Act, 1980, held in the context of Article 300-A that the State or executive officers cannot interfere with the right of others unless they can point out the specific provisions of law which authorises their rights."

It is humbly submitted that the impugned order dated 14.02.2023 is not only perverse but legally untenable as it has been passed without jurisdiction. The National Mission for Clean Ganga as framed under the 2016 notification issued by the Central Government is the only statutory authority which has been conferred with the power of reviewing whether any construction made on the banks, active flood plain of river Yamuna, made prior to 2016 is liable to be removed.

42. It is submitted further that the Respondent No. 1/NOIDA Authority by way of the impugned order dated 14.02.2023 proceeds to assume powers in garb of orders of the Hon'ble NGT passed in year 2013, when the Hon'ble NGT itself vide its subsequent order has held that for all aspect relating to for prevention, control and abatement of environmental pollution in River Ganga and its tributaries the mechanism under 2016 notification shall be adopted. The Hon'ble National Green Tribunal vide its order 22.02.2021 in O.A.

37 158

593/2017 titled **Paryavaran Suraksha Samiti & Anr vs Union of India & Ors.** was pleased to observe as hereunder-

“Need for improved Monitoring Mechanism in the light of Notification dated 07.10.2016 issued by the Ministry of Water Resources, River Development, and Ganga Rejuvenation

30. The Ministry of Water Resources, River Development, and Ganga Rejuvenation has issued Notification dated 07.10.2016 in respect of management of River Ganga under the Environment (Protection) Act, 1986 called **“River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016”** (the Ganga Order) constituting authorities at National, State and District Levels called ‘National Ganga Council’, ‘Empowered Task Force on River Ganga’, ‘State Ganga Rejuvenation, Protection and Management Committee’ and ‘District Ganga Committees’. Further, ‘National Mission for Clean Ganga’ (NMCG) has been constituted. The object of the said notification is to **abate pollution and rejuvenate river Ganga, maintain e-flow, restrict activities on the river banks and other allied issues.”**

“Conclusion

37. In view of the above, we are of opinion that the monitoring by the Tribunal cannot be unending and must now be taken over by the concerned authorities.

The river rejuvenation committees in the States/UTs, as per directions of the Chief Secretaries may perform their obligations accordingly which may be monitored by the Central Monitoring Committee, headed by Secretary, Jal Shakti, as directed earlier.

38. We find that the monitoring mechanism introduced as per directions of this Tribunal in the form of RRCs at the States level and CMC at the Central level is to an extent identical to the monitoring mechanism laid down under the River Ganga Rejuvenation, Protection and Management Authorities Notification 2016. **However, mechanism under the 2016 notification being statutory and exhaustive, it will be better that the same is adopted for all the river stretches as issues involved are common.** The Empowered Task Force on river Ganga headed by Union Minister of Jal Shakti may exercise all powers and discharge all functions in relation to all the polluted river stretches in the same manner as the functions entrusted to it under the River Ganga 2016 order for control of pollution and rejuvenation of polluted river stretches.

43. In light of the aforesaid, it is abundantly clear that the Respondent No. 1 has proceeded to pass both the public notice dated 08.06.2022 and impugned order dated 14.02.2023 in complete derogation and disregard of the mechanism under the 2016 notification, which expressly only prohibits construction on "active flood plain area" of the river Ganga or its tributaries and even otherwise has solely conferred the power of review of such construction only upon the National Mission for Clean Ganga. Therefore, any action by the Respondent Authority while dealing with alleged construction on flood plain of river Yamuna is illegal and cannot be sustained in law for want of jurisdiction. It is a settled principle of law that any authority deriving its powers under any statutory enactment must only function within the contours of such enactment and cannot act beyond the powers conferred upon it.

It is submitted further that the definition of flood plain area as it appears to have been adopted by the Respondent Authority is where a flood occurs once every 25 years. While the State of Uttar Pradesh and the Authority is bound to act in accordance with the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 and not under this standard, it is submitted that even against this standard of being an area where a flood occurs every once in 25 years, the land of Petitioner does not fall within the definition of a "flood plain".

156

44. It is submitted that the property belonging to the Petitioner herein does not fall within the impermissible area even as per the 2016 notification, which only prohibits construction in the "active flood plain area" of River Ganga or its tributaries. It is of utmost importance to state that the property of the Petitioner is situated at a distance of 2 kms approx. from the river bed of Yamuna river.

To the best of the knowledge of the Petitioner, *active flood plain* has only been defined under the **Ganga River basin- Management Development Plan 2015 (hereinafter GRBMP, 2015)**, as submitted by a consortium of 7 IITs which was mandated to submit its report under an MoU with the Ministry of Environment and Forest. The said report provides that active flood plain is the 2.33 year return flood and provides as under:

*"The "valley" and "active floodplain" of a river defines the space that it occupies for performing its natural functions. "Floodplain" is an area that is inundated during flood. "Valley" is a wider topographical low occupied by the river and its floodplains over a longer time. **Standard hydrological criteria of defining "active floodplain" is the 2.33 year return flood.**"*

Furthermore GRBMP-2015 also defines "active flood plains" being lands that gets inundated by a flood having a mean recurrence interval of 2.33 years and the relevant portion of the same is as hereunder-

Glossary of Technical Terms

"(a) "Active Flood Plain" is the area on the two sides of a river that gets inundated by a flood having a mean recurrence interval of 2.33 years."

It is categorically submitted that the property of the Petitioner has not experienced any flooding for past

many decades and therefore cannot be said to be in the prohibited zone of Active flood plain. It is submitted that there is no historical data to suggest that the land belonging to the Petitioner was flooded in the past 2.33 years (to be categorized as an active flood plain).

45. It is submitted further that the Respondent no 1 has erroneously placed reliance upon the order dated 20.05.2013 passed by Hon'ble National Green Tribunal, Principal Bench in OA No. 89/2013 titled **Akash Vashistha & Anr. Vs. Union of India & Ors.** whereby an ad-interim injunction was granted restraining any illegal/unauthorized construction on the flood plain zone of river Yamuna in the NCT of Delhi, State of Haryana and State of Uttar Pradesh. However, the Respondent Authority has completely lost sight of the fact that subsequent to the passing of the aforementioned order dated 20.05.2013 of the Hon'ble NGT, the Central Government issued the 2016 Notification whereafter the aforesaid application before the NGT came to be disposed of vide order dated 10.02.2017 with a direction that the center and states may act in accordance with the notification dated 2016 and in accordance with law.

Resultantly, the interim order dated 20.05.2013 merged with the later and final order for disposal dated 10.02.2017, which expressly gives primacy to the 2016 Notification issued by the Central Government wherein construction is only prohibited upto the 'active flood plain area'. Therefore, the reliance placed by the Respondent Authority on the order dated 20.05.2013

41 (15)

passed by the Hon'ble National Green Tribunal is misplaced and without merit. A copy of the orders dated 20.05.2013 and 10.02.2017 are annexed herewith and marked as **ANNEXURE P-12** and **ANNEXURE P-13** respectively.

46. Further on, it becomes significant to state that no determination whatsoever was arrived at by the Respondents with respect to the property belonging to the Petitioner herein and it has simply proceeded to declare all constructions as illegal in a sweeping manner without any application of mind and in contravention to the due procedure established under law. There has been no demarcation of flood plain zone by the State authorities till date and therefore such action taken by the Respondent herein is unreasonable and arbitrary abuse of power.

It is relevant to mention herein that the Hon'ble National Green Tribunal vide its judgment dated 13.07.2017 in **OA No. 200/2014 titled M.C. Mehta Vs. Union Of India reported at 2017 NGTR (3) PB1** has observed that *"till the demarcation of the floodplains and identification of permissible and non-permissible activities by the State Government of this judgement, we direct that 100 meters from the edge of the river would be treated as no development/construction zone in Segment-B Phase-I(Haridwar to Unnao, Kanpur)"*

47. The Petitioner herein is the lawful owner of the *"agricultural and farm land"* as recorded in the sale deed

42 (153)

and registration documents ownership documents issued by the relevant governmental authorities. As evidenced from the above, the Regulations *inter alia* specifically allow ownership of such land *and* further regulate the manner in which construction may be permitted in such areas. The Petitioner is in fact compliant with all the requirements of the above regulations. Therefore, it is submitted that the Petitioner has not carried out any unauthorized construction on their land.

48. That further on, even if the concerns raised by the Respondent pertaining to 'flood plains' are taken into consideration, it is relevant to note that in terms of the notifications and report issued by the Central Government, construction activities may be prohibited in the '*active flood plain*' areas, and such construction is permitted and regulated in flood plain areas.

49. The Petitioner submits that the subject land does not in fact fall within the definition of active flood plain area. Reliance in this regard may be placed on paragraph 3(1) (definition of flood plain) and paragraph 6(3) of the Notification as well as the definition contained in the GRBMP, 2015 Report. The relevant portion of the Notification and the Report has been reproduced below:

Notification

(1) "flood plain" means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years;

6. Prevention, control and abatement of environmental pollution in River Ganga and its tributaries..



(1) No person shall discharge, directly or indirectly, any untreated or treated sewage or sewage sludge into the River Ganga or its tributaries or its banks:

Provided that where a local authority does not have, on the date of commencement of this Order, sewerage scheme or infrastructure for collection, storage, transportation and disposal of sewage or sewage sludge or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such local authority shall, within a period, specified by National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of sewage in the territorial area of the local authority.

(2) No person shall discharge, directly or indirectly, any untreated or treated trade effluent and industrial waste, bio-medical waste, or other hazardous substance into the River Ganga or its tributaries or on their banks:

Provided further that where an industry or industrial area management does not have, on the date of commencement of this Order, industrial effluent treatment scheme or infrastructure for collection, storage, transportation and disposal of trade effluents industrial waste, bio-

medical waste, or other hazardous substance, etc.

or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such industry or industrial area management shall, within a period so specified

by the National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of trade effluent and industrial waste,

bio-medical waste, or other hazardous substance in the jurisdiction of the industry or industrial area management.

(3) No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries:

Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee:

Provided further that in case any such construction has been completed, before the

44 (15)

commencement
 this Order, in of
 River Bank of River Ganga or its
 tributaries or active flood plain
 area of River Ganga or its tributaries, the
 National Mission for Clean Ganga shall review
 such
 constructions so as to examine as to whether
 such constructions are causing interruption in
 the
 continuous flow of water or pollution in River
 Ganga or its tributaries, and if that be so, it
 shall cause
 for removing them.

Report

Glossary of Technical Terms (Page 66)

"(a) "Active Flood Plain" is the area on the two side
 s of a river that gets inundated by a flood having a mean
 recurrence interval of 2.33 years."

50. It is of significance to state herein that the Respondent Authority has acted in a gravely prejudicial manner while referring to and interpreting the provisions of the 2016 notification by way of its impugned rejection order dated 14.02.2023. It is submitted that the Respondent Authority has conveniently quoted para 6, sub clause 3 thereof in the impugned notification, and has completely omitted to deal with the proviso to the said clause, which also assumes great importance. While sub clause 3 of para 6 provides that no structure shall be raised on the active flood plain area of River Ganga and its tributaries, the proviso states and carves an exception for those constructions which have been completed before the commencement of the notification, inter-alia stating that the National Mission for Clean Ganga shall review such constructions so as to examine whether such constructions are causing any interruption in the continuous flow of water or pollution

45 (150)

in River Ganga or its tributaries and if so, then cause of removing them.

51. The aforesaid provision has been deliberately omitted by the Respondent Authority knowing fully well that the construction of the Petitioner herein is much prior in time than the coming into force of the 2016 notification, and therefore, even if it is assumed for the sake of argument though denied otherwise, that the land of the Petitioner herein falls within the active flood plain area of Yamuna, even then the Construction of the Petitioner herein is expressly covered under the said provision and without any prior review by the NMCG alone and determination thereof, the said structure cannot be removed.
52. It is, therefore, submitted that it is incumbent upon the Respondent No. 1 to take into consideration the aforesaid Central Government notification whereby exceptions have been duly carved out and serve an effective notice expressly stipulating the instances of illegality in such construction. It is further submitted that the aforesaid notification expressly states that even for constructions made prior to 2016, the National Mission for Clean Ganga may review such construction and determine whether the same is causing hindrance to the natural flow of the river and thereafter may take steps for removing such structures.
53. That there is urgency in the present matter since the Petitioner is apprehending demolition of its construction in pursuance of the impugned order dated 14.02.2023

without any authority of law, and therefore requires immediate consideration by this Hon'ble Court otherwise Petitioner will suffer irreparable loss and injury.

54. That since the Respondent has failed to take into consideration the representation made by the Petitioner herein and has passed the impugned order dated 14.02.2023 without appreciating the same, therefore the Petitioner is left with no other alternate remedy except to invoke writ jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

Grounds

- A. Because the passing of the impugned order dated 14.02.2023 by the Respondent No. 1 is arbitrary, unreasonable and reeks of inherent lack in jurisdiction, and is therefore in contravention of the orders dated 14.06.2022 and 07.07.2022 of this Hon'ble Court and patently illegal and in teeth of the directions of this Hon'ble Court.

The Hon'ble Supreme Court in **Subrata Roy Sahara Vs. Union of India and Others** reported 2014 8 SCC 470 concluding the same held as under:

"185.2) Disobedience of orders of a Court strikes at the very root of the rule of law, on which the judicial system rests. Judicial orders are bound to be obeyed at all costs. Howsoever grave the effect may be, is no answer for non-compliance of a judicial order. Judicial orders cannot be permitted to be circumvented. In exercise of contempt jurisdiction, Courts have the power to enforce compliance of judicial orders, and also, the power to punish for contempt."

Further, in **Director Of Education, Uttranchal and Others Vs. Ved Prakash Joshi and Others** 2005 6 SCC 98 the

Hon'ble Supreme Court reaffirmed the importance of due compliance by holding that Right or wrong, the order has to be obeyed. Flouting an order of the Court would render the party liable for contempt.

- B. Because the impugned order dated 14.02.2023 has been passed by the Respondent Authority in a completely mechanical manner which is reflective of a complete non-application of mind and to that extent is arbitrary and unreasonable since it has failed to deal with the specific contentions raised by the Petitioner herein and has been passed on completely extraneous considerations.
- C. Because the observations in the impugned order dated 14.02.2023 stating that occupation of Petitioner on its land as encroachments is wholly erroneous, incorrect and untenable. It is humbly submitted that the Petitioner is a lawful owner and occupant of the property in question and is apprehensive that Respondent No. 1 may carry out illegal demolitions of its property, which action would be without any authority under law. It is humbly submitted that in the present case the question of the Petitioner being an encroacher is baseless and an afterthought as the Respondent Authority itself in its public notice dated 08.06.2022 has not objected to ownership of the land but only the alleged unauthorized construction done in some of the areas of Section 135, Gautam Budh Nagar.
- D. Because the impugned common order dated 14.02.2023 is *prima facie* illegal and is contrary to law and is ultra vires of the provisions under the Uttar Pradesh Industrial Area Development Act, 1976 which does not confer any power upon the Respondent Authority to carry out demolitions.

E. Because the impugned common order dated 14.02.2023 displays a lack of application of mind since it has categorically failed to deal with the contentions raised by the Petitioner herein by way of its objections. It is of utmost significance to mention here that the afore-stated objection was filed by the Petitioner herein pursuant to the directions passed by this Hon'ble Court vide its orders dated 07.07.2022 wherein the public notice dated 08.06.2022 was challenged by the Petitioner herein along with other members of Harit Kisan Kalyan Samiti and an express direction was passed upon the Respondent Authority to pass a reasoned order upon consideration of the objections and representations filed by members of the society therein.

However, the impugned order has been passed by the Respondent No. 1 Authority in complete ignorance of the directions passed by this Hon'ble Court and the same have not been followed in letter and spirit. It is humbly submitted that the Respondent has passed a merely templated order without any application of mind and without dealing with the specific contentions raised by the Petitioner herein.

It is relevant to mention herein that a similar Petition has been filed before this Hon'ble Court by identically situated farm owners, inter-alia challenging the rejection of their objections to the public notice dated 08.06.2022 bearing *CMPW No. 23221/2022 titled Rajesh Aggarwal & Ors Vs. New Okhla Industrial Development Authority & Anr.*

The mechanical manner in which the Respondent Authority has been passing the rejection orders of the representations

issued to it in pursuance of the orders passed by this Hon'ble Court is apparent from the templated manner in which the same are being issued to different individuals. It is pertinent to note that the rejection order challenged in *CMPW No. 23221/2022* and the impugned order in the present Writ Petition have glaring similarity in passages, which is reflective of the blatant manner in which the Respondent Authority has rejected the objections passed by individuals, without specifically dealing with each individual contention/representation.

The mechanical manner and non-application of mind by the Respondent Authority is also manifestly apparent from the fact that it has even failed to take into account the correct village in which the land of the Petitioner herein falls, and has gone ahead and commented on the notification status of village Chak Mangrola, which in fact has no connection or bearing upon the land of the Petitioner herein whatsoever, and essentially falls under villages Nangla Nangli, Uttar Pradesh.

The Respondent Authority has not even bothered to assess the Village in which the land of the Petitioner herein falls, and has mechanically stated that the farm house mentioned in the petition has been constructed by the Petitioner in the flood plain zone of village Chak Mangraula, which is absolutely contrary to the factual position.

- F. Because the impugned common order dated 14.02.2023 does not lay down the correct position of law and to that extent ought to be quashed. It is submitted that the 2016 notification issued by the Central Government is the governing provision which in fact only grants power to the National Mission for Clean Ganga for dealing in any manner whatsoever with any

construction on the active flood plain area of river Ganga and its tributaries and does not empower the Respondent Authority with the power of demolition. However, the Respondent vide the impugned order has erroneously proceeded to declare all construction on the flood plains as illegal in a sweeping manner, which is contrary to the position of law, therefore, ought to be set aside. It is submitted that the Respondent Authority has not been clothed with any power under any provision of law to declare or demarcate any parcel of land as "flood plain area" and prohibit the same. It is submitted further that only "active flood plain area" has been declared as the area upon which construction activity is illegal and to that extent the impugned order dated 14.02.2023 has incorrectly concluded that construction on flood plain area is prohibited, when the position as laid down by the 2016 Notification is contrary.

- G. Because the power to demolish construction in the active floodplain has been, specifically and solely, conferred upon National Mission for Clean Ganga (NMCG) and not the Respondent Authority. That para 6 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 confers upon National Mission for Clean Ganga (NMCG) specific and exclusive powers of reviewing if any construction prior to coming into force of the 2016 notification is causing disruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if found so, NMCG shall have the power to remove/demolish. The NOIDA Authority cannot assume a power on itself which has been exclusively conferred on the NMCG. It is further relevant to note that the aforesaid

51 (144)

notification has been issued by the Central Government in exercise of its powers conferred under the Environment (Protection) Act, 1986 and provides that subject to supervision and control of the Central Government, the authorities constituted under the notification shall exercise the powers and perform functions or take measure under the notification.

It is humbly submitted that the power to take all such steps has been expressly given to the State Committee under Para 24 of the 2016 Notification issued by the Central Government. The substantive provision which prohibits any construction within the active flood plain zone and for its removal following due procedure has been provided under paragraph 6 of the 2016 Notification and the express power to take measures including those under paragraph 6, has been vested with the State Ganga Committee under paragraph 24 of the said notification;

- H. Because the Respondent No. 1/NOIDA Authority cannot proceed to assume powers in garb of orders of the Hon'ble NGT passed in year 2013, when the Hon'ble NGT itself has held that for all aspect relating to prevention, control and abatement of environmental pollution in River Ganga and its tributaries, the mechanism under 2016 notification shall be adopted. The Hon'ble National Green Tribunal vide its order 22.02.2021 in O.A. 593/2017 titled ***Paryavaran Suraksha Samiti & Anr vs Union of India & Ors.*** was pleased to observe as hereunder-

“Need for improved Monitoring Mechanism in the light of Notification dated 07.10.2016 issued by the Ministry of Water Resources, River Development, and Ganga Rejuvenation

30. The Ministry of Water Resources, River Development, and Ganga Rejuvenation has issued Notification dated 07.10.2016 in respect of management of River Ganga under the Environment (Protection) Act, 1976 called “River Ganga (Rejuvenation, Protection and Management)

52 (143)

Authorities Order, 2016” (the Ganga Order) constituting authorities at National, State and District Levels called ‘National Ganga Council’, ‘Empowered Task Force on River Ganga’, ‘State Ganga Rejuvenation, Protection and Management Committee’ and ‘District Ganga Committees’. Further, ‘National Mission for Clean Ganga’ (NMCG) has been constituted. The object of the said notification is to **abate pollution and rejuvenate river Ganga, maintain e-flow, restrict activities on the river banks and other allied issues.”**

“Conclusion

37. In view of the above, we are of opinion that the monitoring by the Tribunal cannot be unending and must now be taken over by the concerned authorities.

The river rejuvenation committees in the States/UTs, as per directions of the Chief Secretaries may perform their obligations accordingly which may be monitored by the Central Monitoring Committee, headed by Secretary, Jal Shakti, as directed earlier.

38. We find that the monitoring mechanism introduced as per directions of this Tribunal in the form of RRCs at the States level and CMC at the Central level is to an extent identical to the monitoring mechanism laid down under the River Ganga Rejuvenation, Protection and Management Authorities Notification 2016. **However, mechanism under the 2016 notification being statutory and exhaustive, it will be better that the same is adopted for all the river stretches as issues involved are common.** The Empowered Task Force on river Ganga headed by Union Minister of Jal Shakti may exercise all powers and discharge all functions in relation to all the polluted river stretches in the same manner as the functions entrusted to it under the River Ganga 2016 order for control of pollution and rejuvenation of polluted river stretches.

- I. Because Respondent No. 1/ NOIDA Authority does not have any express power under any statute or any regulations which permits them to carry out demolition of any property alleged to be illegal and falling within the flood plain zone of the river. It is submitted that the Respondent No. 1 has purportedly issued the said Public Notice dated 08.06.2022 under the Uttar Pradesh Industrial Area Development Act, 1976, however, no such power of demolition has been vested upon the Authority

under the said Act or any Regulations made thereunder. In light of the authority given to the State Ganga Committee under the 2016 notification, the Public Notice dated 08.06.2022 has been passed without jurisdiction and is illegal, arbitrary and void ab initio.

J. Because the power of demolition has been expressly conferred onto the relevant authorities under every other municipal law which are pari passu to the Uttar Pradesh Industrial Area Development Act, 1976. Every municipal law granting the power of demolition to the State Authorities also expressly lays down the procedure to be adopted while carrying out such demolitions. However, the 1976 Act under which Respondent No. 1 has issued the Public Notice dated 08.06.2022 and the impugned order dated 14.02.2023 does not provide either the express power for demolition or the procedure to be adopted while carrying out such demolition.

K. Because the as per the 2016 notification the demolition of construction is only prohibited in active flood plain whereas the impugned notice dated 14.02.2023 purportedly attempts to demolish all construction in the floodplain. The said notification of 2016 under definition clause 3(l) provides for the definition of a flood plain as such area of River Ganga or its tributaries which come under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years.

Furthermore, paragraph 6 of the 2016 notification provides for prevention, control and abatement of environmental pollution in River Ganga and its tributaries. Sub clause 3 thereof provides that *"no person shall construct any structure, whether permanent or temporary for residential or commercial or*

54 (141)

industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or **active flood plain area of River Ganga or its tributaries;**". The relevant portion of Paragraph 6 of the said 2016 Notification is reproduced hereunder-

"Notification

6. Prevention, control and abatement of environmental pollution in River Ganga and its tributaries.-

(3) No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries:

Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee:

Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them."

- L. Because the land of the Petitioner does not fall within the active floodplain area. It is submitted that by way of the aforesaid governing notification of the central government, only construction in the **active flood plain** area of River Ganga or its tributaries is prohibited. It is specifically submitted that the properties owned by the Petitioner do not fall in the active flood plain area of River Yamuna, which has been identified as a tributary of River Ganga.

To the best of the knowledge of the Petitioner, *active flood plain* has only been defined under the Ganga River basin-Management Development Plan 2015, as submitted by a consortium of 7 IITs which was mandated to submit its report

55-140

under an MoU with the Ministry of Environment and Forest. The said report provides that active flood plain is the 2.33 year return flood and provides as under:

*"The "valley" and "active floodplain" of a river defines the space that it occupies for performing its natural functions. "Floodplain" is an area that is inundated during flood. "Valley" is a wider topographical low occupied by the river and its floodplains over a longer time. **Standard hydrological criteria of defining "active floodplain" is the 2.33 year return flood.**"*

Furthermore GRBMP-2015 also defines "active flood plains" being lands that gets inundated by a flood having a mean recurrence interval of 2.33 years and the relevant portion of the same is as hereunder-

Glossary of Technical Terms

"(a) "Active Flood Plain" is the area on the two sides of a river that gets inundated by a flood having a mean recurrence interval of 2.33 years."

It is categorically submitted that the property of the Petitioner has not experienced any flooding for past many decades and therefore cannot be said to be in the prohibited zone of Active flood plain. It is submitted that there is no historical data to suggest that the lands belonging to the Petitioner was flooded in the past 2.33 years (to be categorized as an active flood plain).

M. Because the construction of the temporary structure by the Petitioner has been carried out before 07.10.2016, however no review as mandated under para 6 of the 2016 Notification has been carried out to ascertain whether the construction has been interrupting flow of river to warrant removal/demolition. In addition to the aforesaid, it is submitted that the proviso to para 6, sub cause 3 expressly provides that *"in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or*

active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them."

A plain reading of the aforementioned provision makes it evident that with respect to construction done before the 2016 notification, a review/survey must be carried out by the Authorities made thereunder and only thereafter a determination is to be made whether such constructions are causing any interruptions in the natural flow of water or pollution in the river. It is only upon such examination that an order for removal of such construction is to be passed. It is submitted that in the present case, to the best of the knowledge of the Petitioner, no such review/survey has been carried out with respect to the properties of the Petitioner till date, by either Respondent No. 1, Respondent No. 2 or any other authority/department/committee.

- N. Because the impugned notice has been passed arbitrarily without demarcation of active floodplain or floodplain which is quintessential in determining whether construction on a land is prohibited under 2016 Notification. It is significant to mention that the National Green Tribunal vide its order dated 10.02.2017 was pleased to dispose of OA No. 89/2013 pertaining to river Yamuna, in view of the 2016 Notification passed by the Central Government, with a direction upon the parties therein to take steps in accordance with the said notification.

It is submitted that to the best of the knowledge of the Petitioner, till date no demarcation with respect to flood plains or active flood plains has been made by the Respondent No. 1/ NOIDA Authority or any other authority/department/committee, and the same does not form part of information in the public domain.

It is also relevant to mention that a direction was passed by the National Green Tribunal in para 143(a) of its judgment dated 13.07.2016 in the matter of **M.C. Mehta Vs. Union Of India OA No. 200 of 2014** for constitution of a Special Committee consisting of representatives from Ministry of Water Resources, Senior Officer from Department of Irrigation, State of Uttar Pradesh, Revenue Department of Uttar Pradesh and Central Water Commission which shall identify and demarcate the floodplains of River Ganga in Segment B of Phase 1 i.e. Haridwar to Unnao, Kanpur on one in twenty five years cycle.

Further more, para 182.3 (iii) its 13.07.2016 judgment in the matter of **M.C. Mehta Vs. Union Of India OA No. 200 of 2014**, that where no identification and demarcation of floodplains has been done, a distance of 100 meters from the edge of the river would be designated as no development/construction zone. It is humbly submitted that the lands of the Petitioner are much far away from a distance of 100 meters as designated by the Hon'ble National Green Tribunal.

Therefore, from the aforesaid it is apparent that the area for which a direction was passed by the Hon'ble National Green Tribunal upon the State Government was only with respect to the segment till Unnao, Kanpur and not till the area where the

58 (37)

land of the Petitioner herein fall. Petitioner has been considered as unauthorized development.

O. It is pertinent to mention that the Respondent No.1 is purportedly deriving its jurisdiction from clause 20.2 and 20.3 of the regulations and same are reproduced hereinbelow;

Clause 20.2 'Unsafe building' An unsafe building shall be considered to constitute danger to public safety hygiene and sanitation and shall be restored by repair or demolished or dealt with as otherwise directed by the Chief Executive Officer of the Authority.

Clause 20.3 'Unauthorised development' In case of unauthorised development, the Chief Executive Officer or an authorized officer by the Chief Executive Officer shall —

(iii) *Take suitable action which may include demolition of unauthorized works, sealing of premises, prosecution and criminal proceedings against the offenders in pursuance of relevant Acts in force.*

(iv) (ii) *Take suitable action against the technical person concerned*

However, the aforementioned clauses are only and specifically applicable to the building activities within the urbanized area as per Clause 1.3 of the regulations. Clause 1.3 is reproduced herein below;

"1.3 Chapter 1 to IV shall apply to building activities within the urbanisable area and Chapter V, shall apply to the area designated for agricultural use by the Authority."

A plain reading of the aforesaid provisions alongside the nature of land of the Petitioner as evidenced from the sale deed makes it abundantly clear that the powers conferred upon the authority under regulations 20.2 and 20.3 are inapplicable in the present case since the nature of the land of the Portioner is agricultural and farm land".

P. Because the Respondent Authority has erroneously placed reliance on the 2031 Master Plan and stated that no approval has been obtained for such construction, whereas the position

as on date remains that the afore-stated plan has not been passed or approval thereof and has not come into effect. Therefore, the reliance placed by the Respondent Authority upon the same is highly misplaced and cannot be sustained in the eyes of law.

- Q. Because even under the said Master Plan 2031, the Authority intends to develop river front properties, however, in contradiction to the same, the position till date taken by the Authority is that no construction is permitted on the flood plains which is clearly demonstrative of malafides. It is humbly submitted that Noida Master Plan 2031 is only document showcasing the vision of the Respondent No. 1/Noida Authority and same can neither be treated as conclusive proof of ownership nor can it be used to abrogate rights of the Petitioner.

It is also relevant to state here that the Master Plan as has been relied upon by the Respondent No. 1 vide its impugned order dated 14.02.2023 is itself contradictory in nature since on the one hand it provides that any development on the river front land is prohibited whereas it subsequently proceeds to state that the same shall be developed for tourist and recreational activities, which needless to state shall have a damaging environmental footprint. The Respondent in the garb of the impugned order and placing reliance on the Noida Master Plan 2031 is essentially seeking to change the nature of use of the land from green and open land and changing the same to commercial and use by making parks, cafes and walkways which shall inevitable lead to destruction of the sensitive ecosystem of the flood plain region, whereas the use

60 (135)

of such land by the Petitioner herein shall preserve the rural ecosystem by keeping the land use as green and open.

It is submitted further that the Master Plan has been drafted without any consultation of the public at large and even as per the draft Master Plan, activities and use of the Riverfront area shall only be determined after a detailed study of the ecosystem of the region which has not been done till date.

- R. Because reliance has been incorrectly placed on the purported letters issued by the Chief Secretary dated 16.03.2010 and 20.06.2013, upon which the action taken by the NOIDA Authority is premised as per the impugned order dated 14.02.2023, however, the veracity of such letters itself is under question since minutes of the aforesaid meetings were issued after a huge gap of 4 years on 26.06.2017 and appear to have been issued with ulterior motives and as an afterthought. Furthermore, it must be stated herein that any action taken in pursuance of the aforesaid letters is null and void since construction on the flood plain region after the coming into force of the 2016 notification issued by the Central Government is governed by the regulations made thereunder which expressly confer power to deal with such land exclusively with the National Mission for Clean Ganga, and therefore reliance by the Respondent on any letter dated prior to the aforesaid notification is misplaced and any action in furtherance thereof is void.
- S. Because the land in question has been settled on for decades together and the Respondent are now placing reliance on the circulars issued by the Irrigation Department in 1992, despite the fact that proper sale registrations have been ongoing along

with mutations under the category of developed farm land before and after the said period, and no intervention whatsoever was made by the authorities in any manner, despite having constructive knowledge of the same.

It is relevant to state here that the Respondent herein by way of the impugned order dated 14.02.2023 has now proceeded to place reliance on several State Acts and provisions, which it previously did not mention anywhere in the public notice dated 08.07.2022, wherein reliance was only placed on the Uttar Pradesh Industrial Area Development Act, 1976, and is now only attempting to legalize its illegal action and bettering the stand taken by it previously which is impermissible.

- T. Because the Respondent Authority has lost sight of the fact that development of farmhouses in the area has itself been recognized by the State of Uttar Pradesh and considering such developments, The District Magistrate, Gautam Budh Nagar as per Section 4 of the UP Stamp (Sampati ka Mulyankan) Rules 1997, notified Special Circle Rate for registration of sale deed of land for farmhouses across village situated at Sector 135. The Petitioner herein have duly paid the additional duty payable under the UP Stamp (Sampati ka Mulyankan) Rules 1997.

It is further submitted that development of farmhouses in the village of is recognized by the state of Uttar Pradesh as evidenced by the Stamp Duty charged by the State of Uttar Pradesh and by the contents of the Noida Master Plan. As evident from the higher stamp duty payable under Section 4 of UP Stamp (Sampati ka Mulyankan) Rules 1997, the constructions on the Land have been recognized the by the

State of Uttar Pradesh, therefore the actions proposed under the Public Notice are contrary to such provisions.

- U. Because the land of the Petitioner is much far away from the riverbed than the prohibited limit of 600 meters(100+500) as stipulated by Government for siting of industries which are exponentially more polluting than the temporary construction raised by the Petitioner herein.

It is relevant to take into consideration the guidelines issued by the Government of India, Ministry of Environment, Forest and Climate Change dated 14.02.2022 for siting of industries which are in close proximity to a river which have been issued while taking into consideration the directions passed by the National Green Tribunal in the context of river Yamuna and Ganga which considered flood plain area as 100 meters from the river bed and whereby the authorities were called upon to demarcate the floodplain for the flood of once in 25 years and to prohibit any kind of development activity in the area in question. The aforesaid guidelines expressly prohibit the siting of industries within 500 meters distance from the flood plains.

A conjoint reading of the NGT order dated 13.12.2016 and the guidelines dated 14.02.2022 would show that even with respect to the setting up of industries, the same is permissible if it is at a distance of atleast 600 meters from the riverbed.

It is submitted that even industries, which are a huge source of pollutants into the river have been permitted to function if the same are situated at a distance of 600 meters from the riverbed, whereas by way of the aforesaid public notice, any construction whether residential or commercial/ which do not

even contribute a fraction of pollution that an industry causes have been unjustly held to be illegal.

Further on, it is relevant to mention that there already exists a gaushala and several temples in the lands nearing the farm lands of the Petitioner which have been constructed without any objection by the Respondent Authority, and therefore, a different yardstick cannot be applied in the case of farm owners such as the Petitioner herein.

It is submitted that the construction raised by the Petitioner is pre-fabricated structures or sheds occupying only 10% FAR of the land. It is humbly submitted that such structures in no likelihood are either be a cause of pollution nor it can cause obstruction in flow of river.

- V. Because the Petitioner is the lawful owner of its lands and all constructions raised thereupon are completely legal and authorized. It is submitted that the Petitioner herein has raised all constructions in total compliance of laws and regulations including rules and regulations notified by the Respondent No. 1/NOIDA Authority. That Uttar Pradesh Industrial Area Development Act, 1976, NOIDA Authority is empowered to issue and publish regulations that fall within the mandate of the Act. Accordingly Respondent No. 1 has made the New Okhla Industrial Development Area Building Regulations, 2010 ("**Regulations**").

It is pertinent to mention that Regulations thereunder, specifically Chapter V, Regulation 26, *inter alia* unequivocally allows ownership of such land *and* further regulate the manner in which construction may be permitted in such areas. The Petitioner herein is in total compliance with the requirements of the above regulations, therefore, the Petitioner has not

64 (B)

carried out any unauthorized construction on their land. The Petitioner is the lawful owner of the "agricultural and farm land" as recorded in the sale deed and registration and ownership documents issued by the relevant governmental authorities. Therefore, in view of the above, the construction raised thereupon is completely authorized and legal. It is submitted that the land and property in question are neither "unsafe" nor "unauthorized" within the meaning of the aforementioned regulations.

- W. Because Respondents No. 1 has contravened and failed to appreciate the well settled principle of law that if the law requires a particular thing to be done in a particular manner, then it has to be done in that manner alone. That the Hon'ble **Supreme Court in OPTO Circuit India Limited Vs. Axis Bank and Ors (2021) Supreme Court Cases 707: (2021) 3 Supreme Court Cases (Cri) 105: 2021 SCC OnLine SC 55 2021** reiterated the principle of law which was observed in **Chandra Kishor Jha vs. Mahavir Prasad and Ors. (1999) 8 SCC 266** and the same is as follows;

"It is a well settled salutary principle that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and in no other manner".

Therefore, in the view of the aforesaid position of law, the said impugned notice must be liable to be set aside solely on this ground. That any action of the Authority in pursuance of the said impugned notice cannot be sustained in the eyes of law if the said very impugned notice itself has been passed without any jurisdiction.

65 (130)

- X. Because the Constitution of India under Article 300A expressly provides that no person shall be deprived of his property save by authority of law. In the present case, the Authority has passed the said Public Notice in utter disregard of the governing laws, and is therefore violative of Article 300A of the Constitution of India.
- Y. Because the Petitioner has lawful ownership over their property and any constructions on its property is lawful under applicable law. That the Petitioner herein has been partaking in activities which are in line with the preservation of the area as "green and open" and are promoting eco-friendly sustainable lifestyles with zero discharge of waste and proper maintenance of the green cover in its pristine health. That the Petitioner herein maintains its own septic tanks and therefore there is no disposal of any waste whatsoever into the Yamuna.

PRAYER

It is, therefore, respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- a. Issue a writ of mandamus or any other appropriate writ, order or direction quashing the order dated 14.02.2023 passed by respondent no. 1 vide Letter No. NOIDA/LR/23/2619 as being devoid of jurisdiction, arbitrary and illegal;
- b. Issue a writ of mandamus or any other appropriate writ, order or direction commanding and directing the Respondents not to take any coercive action or pass any adverse order without seeking prior approval from this Hon'ble High Court;

129
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- c. To issue any other appropriate order deemed necessary considering the facts and circumstances of the present matter.

Dated: 22/03/2023

(PUSHKAR MEHROTRA)

Advocate

Adv. Roll No. A/P-0604/2012

Counsel for the Petitioners

38/1, Taskhand Marg,

Prayagraj – 211001

Mob. No. 945450122m

7754913304

(DEVIKA KAPOOR)

Advocate

Adv. E Roll No. D/6112/2019

Counsel for the Petitioners

1C/1 Dayanand Marg, Prayagraj

Mobile No. 9935614489

Email: contact@devikakapoor.in

128
67

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

ANNEXURE NO. (1)

IN

CIVIL MISC. WRIT PETITION NO. _____ OF 2023

(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(DISTRICT: GAUTAM BUDDHA NAGAR)

RATNA MITRA

...PETITIONER

VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD

Civil Misc. Stay Application No.⁴⁰³⁸³ of 2023
(Under Chapter XXII Rule 1 of The High Court Rules)
On Behalf of petitioner
IN

Civil Misc. Writ Petition No. of 2023
(Under Article 226 of Constitution of India)
(District – Gautam Buddh Nagar)

1. Mohd. Sharique Farooqi S/o Shamsul Islam Farooqi R/o KM-52 Flat No. 201, Kosmos, Jay Pee Wishtown Sector-134, Noida-201304
2. Rajiv Bali S/o Jagdish Chandra Bali, R/o Flat No. 9074 Sector-C-9, Near DPS, Vasant Kunj, South West, Delhi-110070
3. Vinayak Sen S/o Gautam Sen, R/o D-107, 76/9, Kabir Apartment, Vasant Kunj, South West, Delhi-110070
4. Vignesh Sharma S/o Pradeep Kumar Sharma, R/o Plot No. 87A, Block-C, Sector-61, Noida
5. Ramneek Singh Kochhar S/o Kanwal Ajeet Singh Kochhar, R/o H-25, Jangpura Extension, New Delhi-110014

.....Petitioners

Versus

1. New Okhla Industrial Development Authority,
Administrative Complex Sector 6,
Noida - 201301, District. Gautam Budh Nagar,
Uttar Pradesh, India through its CEO
Ms. Ritu Maheshwari
2. State of Uttar Pradesh, through the
Chief Secretary,
101, -B- Block, Lok Bhawan,
- U.P. Secretariat, Lucknow-226001

..... Respondents

To,

The Hon'ble Chief Justice and his other Companion Judges of the aforesaid Court.

The humble petitioner above named most Respectfully showeth as under :

1. That the full facts have been stated in the accompanying writ petition, which forms part of present petition.
2. That for the reasons stated in accompanying writ petition, it is expedient in the interest of justice that pending final decision of the present writ petition, this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.2.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

Prayer

It is therefore most respectfully prayed that this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.2.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

(Sanjay Kumar Om)

Advocate

AOR No. A/S-0152/2012

Counsel for the Petitioners

Chamber No. 13

Allahabad High Court

Mobile No.9415214885

Dated:- 7-11-2023

Court No. - 21903

Case :- WRIT - C No. - 40383 of 2023

Petitioner :- Mohd. Sharique Farooqi And 4 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Sanjay Kumar Om

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

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Kshitij Shailendra,J.

1. List after three weeks.
2. Interim order, if any, is extended till the next date of listing.

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 18.12.2023

Jaideep/-

Court No. - 904

Case :- WRIT - C No. - 40383 of 2023

Petitioner :- Mohd. Sharique Farooqi And 4 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Sanjay Kumar Om

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

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Learned counsel for the petitioners states that the instant impugned order is also under challenge in large number of writ petitions filed before this Court, leading being Writ-C No.10021 of 2023 wherein an order of status quo is in operation.
2. Learned counsel for the respondent-authority does not dispute the above factual position.
3. Connect and list with Writ-C No.10021 of 2023.
4. Parties will exchange affidavits in the meantime.
5. Till the next date of listing, status quo as on date shall be maintained by the parties.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 24.11.2023

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IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD

Civil Misc. Stay Application No.²²⁸⁶⁴ of 2023
(Under Chapter XXII Rule 1 of The High Court Rules)
On Behalf of petitioner
IN

Civil Misc. Writ Petition No. of 2023
(Under Article 226 of Constitution of India)
(District – Gautam Buddh Nagar)

1. Manoj Kumar Singh S/o Gaya Nath Singh, R/o 18194 ATS Advantage, Ahinsa Khand-1, Indrapuram, shipra sun city Ghaziabad, U.P. – 201014.
2. Yashpal Rana S/o Om Prakash Rana, R/o Gunjan Farm No. 31-A, Phase-IV, Alaska Farm, Sector-135, Noida, U.P. 201304
3. Amrit Kaur Ahuja W/o Harminder Pal Singh Ahuja, R/o M-166, First Floor, Greater Kailash-II, New Delhi-110048
4. Sudhir Kumar Singh S/o Dev Mangal Singh, R/o 74-A, Pocket-B, HIG Flats, Express View Apartment, Sector-105, Noida-201301
5. Kishor Singh S/o K. Chiman Singh, B-158, First Floor, Sector-44, Noida-201303
6. Ms. Babita Thakur w/o Ajit Prasad R/o I-504, Green Arch Apartment, Greater Noida West, Bishrakh, District Gautam Buddha Nagar.201306
7. Rachit Gupta S/o Shri Mukesh Gupta R/o C-185, Surya Nagar, Chandra Nagar, Ghaziabad-201011
8. Smt. Nirmal Jain W/o Ravindra Kumar Jainm House No. 603, OASIS EMERALD HEIGHTS, RAMPRASTHA GREENS, SECTOR-7 Vaishali, Ghaziabad Uttar Pradesh- 201012.....Petitioners

Versus

1. New Okhla Industrial Development Authority, through its CEO, Administrative Complex, Sector 6, Noida - 201301, District. Gautam Buddh Nagar, Uttar Pradesh, India
2. State of Uttar Pradesh, through its Chief Secretary, 101, -B-Block, Lok Bhawan, U.P. Secretariat, Lucknow-226001

..... Respondents

To,

The Hon'ble Chief Justice and his other Companion Judges of the aforesaid Court.

The humble petitioners above named most Respectfully showeth as under :

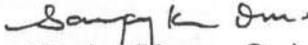
1. That the full facts have been stated in the accompanying writ petition, which forms part of present petition.
2. That for the reasons stated in accompanying writ petition, it is expedient in the interest of justice that pending final decision of the present writ petition, this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.02.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

Prayer

It is therefore most respectfully prayed that this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.02.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

(Praveen Kumar)
Advocate
A/P-0289/2021
Mob. 9984563007

Dated:-10/7/2023


(Sanjay Kumar Om)
Advocate
AOR No.A/S-0152/2012
Counsel for the Petitioners
Chamber No. 13
Allahabad High Court
Mobile No.9415214885

Court No. - 21 907

Case :- WRIT - C No. - 22864 of 2023

Petitioner :- Manoj Kumar Singh And 7 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Sanjay Kumar Om, Praveen Kumar

Counsel for Respondent :- CSC, Kaushalendra Nath Singh

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. List after three weeks.
2. Interim order, if any, is extended till the next date of listing.

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 18.12.2023

Jaideep/-

Chief Justice 908 Court

Case :- WRIT - C No. - 22864 of 2023

Petitioner :- Manoj Kumar Singh And 7 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Sanjay Kumar Om, Praveen Kumar

Counsel for Respondent :- CSC, Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Shri Kaushalendra Nath Singh, learned counsel for respondent-Development Authority prays for and is granted two weeks' time to file counter affidavit. One week thereafter is granted to the petitioners to file rejoinder affidavit.

Connect and list along with Writ-C No.10021 of 2023.

Till the next date of listing, status quo, as on date, may be preserved.

Order Date :- 27.7.2023

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(Ashutosh Srivastava, J) (Pritinker Diwaker, CJ)

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. OF 2023

(Under Section 151 of Civil Procedure Code)

On behalf of

Dinesh Tyagi and others..... Applicants/ Petitioners

CIVIL MISC. WRIT PETITION NO. 43423 OF 2023

(Under Article 226 of Constitution of India)

(DISTRICT-GAUTAM BUDH NAGAR)

1. Dinesh Tyagi
2. Pradeep Tyagi

Both sons of late Mr.Ved Prakash Tyagi and Residents of Village - Dadasiya, District - Faridabad, State - Haryana.

3. Rajiv Bali
Son of Mr.Jagdish Chandra Bali, Resident of Sector C-9, Near DPS, Vasant Kunj, South West Delhi, Delhi

Versus

1. State of U.P. through the Chief Secretary, Urban Development, Government of U.P. Lucknow,
2. New Okhla Industrial Development Authority through its Chief Executive Officer, Administrative Complex, Sector-6, Noida, Gautam Budha Nagar-201301
3. The District Magistrate, Gautam Buddh Nagar, Uttar Pradesh.

To,

The Hon'ble Court the Chief Justice and his other Companion Judges of this Hon'ble Court.

The humble application of the above named applicants, Most Respectfully Showeth as Under:

1. That the full facts and circumstances of the case have been stated in the accompanying writ petition which forms part of this application.
2. That in view of the facts and circumstances stated in the writ petition, it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to stay the effect and operation of impugned notice dated 08.06.2022 issued by respondent no.2, or alternatively restrain the respondents from demolishing any construction on the properties of petitioners as detailed in Annexure no.1; during pendency of present writ petition before this Hon'ble Court and / or pass such other and further order as this Hon'ble Court may deem fit and proper under circumstances of this case.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the effect and operation of impugned notice dated 08.06.2022 issued by respondent no.2, or alternatively restrain the respondents from demolishing any construction on the properties of petitioners as detailed in Annexure no.1; during pendency of present writ petition before this Hon'ble Court and / or pass such other and further order as this Hon'ble Court may deem fit and proper under circumstances of this case.

Dated: 7.12.2023

ABHAY PRATAP SINGH
ADVOCATE
ENROL.NO.UP16968/2010)
AOR A/A0029/2012
CHAMBER NO.33, HIGH COURT
PHONE: 9935136415
EMAIL: OFFICE.APSINGH@GMAIL.COM

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD

Civil Misc. Stay Application No. of 2023
(Under Chapter XXII Rule 1 of The High Court Rules)
On Behalf of petitioner
IN

Civil Misc. Writ Petition No. of 2023
(Under Article 226 of Constitution of India)
(District - Gautam Buddh Nagar)

1. Manoj Kumar Singh S/o Gaya Nath Singh, R/o 18194 ATS Advantage, Ahinsa Khand-1, Indrapuram, shipra sun city Ghaziabad, U.P. - 201014.
2. Yashpal Rana S/o Om Prakash Rana, R/o Gunjan Farm No. 31-A, Phase-IV, Alaska Farm, Sector-135, Noida, U.P. 201304
3. Amrit Kaur Ahuja W/o Harminder Pal Singh Ahuja, R/o M-166, First Floor, Greater Kailash-II, New Delhi-110048
4. Sudhir Kumar Singh S/o Dev Mangal Singh, R/o 74-A, Pocket-B, HIG Flats, Express View Apartment, Sector-105, Noida-201301
5. Kishor Singh S/o K. Chiman Singh, B-158, First Floor, Sector-44, Noida-201303
6. Ms. Babita Thakur w/o Ajit Prasad R/o I-504, Green Arch Apartment, Greater Noida West, Bishrakh, District Gautam Buddha Nagar.201306
7. Rachit Gupta S/o Shri Mukesh Gupta R/o C-185, Surya Nagar, Chandra Nagar, Ghaziabad-201011
8. Smt. Nirmal Jain W/o Ravindra Kumar Jainm House No. 603, OASIS EMERALD HEIGHTS, RAMPRASTHA GREENS, SECTOR-7 Vaishali, Ghaziabad Uttar Pradesh- 201012.....Petitioners

Versus

1. New Okhla Industrial Development Authority, through its CEO, Administrative Complex, Sector 6, Noida - 201301, District. Gautam Buddh Nagar, Uttar Pradesh, India
2. State of Uttar Pradesh, through its Chief Secretary, 101, -B-Block, Lok Bhawan, U.P. Secretariat, Lucknow-226001

..... Respondents

To,

The Hon'ble Chief Justice and his other Companion Judges of the aforesaid Court.

The humble petitioners above named most Respectfully showeth as under :

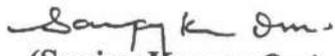
1. That the full facts have been stated in the accompanying writ petition, which forms part of present petition.
2. That for the reasons stated in accompanying writ petition, it is expedient in the interest of justice that pending final decision of the present writ petition, this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.02.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

Prayer

It is therefore most respectfully prayed that this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.02.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

(Praveen Kumar)
Advocate
A/P-0289/2021
Mob. 9984563007

Dated:-10/7/2023


(Sanjay Kumar Om)
Advocate
AOR No.A/S-0152/2012
Counsel for the Petitioners
Chamber No. 13
Allahabad High Court
Mobile No.9415214885

Court No. - 3913

Case :- WRIT - C No. - 43423 of 2023

Petitioner :- Dinesh Tyagi And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Abhay Pratap Singh, Kuldeep Kumar Singh, Pawan Gaur, Sachin Singh

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

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

Put up this case, as fresh on 30.01.2024 alongwith records of Writ - C No.10021 of 2023 and other connected petitions.

Order Date :- 12.1.2024

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IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD

Civil Misc. Stay Application No. of 2023
(Under Chapter XXII Rule 1 of The High Court Rules)
On Behalf of petitioner
IN

Civil Misc. Writ Petition No. ...18496... of 2023
(Under Article 226 of Constitution of India)
(District - GautamBuddh Nagar)

1. MeenaNegi w/o Manoj Singh Negi. Address: 16/07, Palm Road, Shipra Suncity, Indirapuram, Ghaziabad, Uttar Pradesh
2. Amitava Deb S/O Shri A.K. Dev R/O 7/401, East End Apartments, Mayur Vihar Phase 1 Extension, near New Ashok Nagar Metro Station, Delhi-110096
3. Smt Asha Kakran W/O Sh Satya Pal Kakran AND Sh-Satyapal Kakran S/O Late Sh Lal Singh R/O B-17, Manavsthali Apartment, Vasundhara Enclave, East Delhi, Delhi-96
4. Jaya Samaddar W/O ShSujoiy Kumar Samaddar AND Sujoiy Kumar Samaddar S/O Sh Anant Mohan Samaddar R/O 3/501, East End Apartments, Mayur Vihar Phase 1 Extension, near New Ashok Nagar Metro Station, Delhi-110096
5. Shri P Dev S/O Shri Asit Kanti Dev, R/O D305, Second level, Sarvoday Enclave, New Delhi
6. Smt. Sahar Siddiqui W/O Shri Azim Ahmed Siddiqui R/O C/O Azim Ahmed Siddiqui, House No. 148, Mohalla Shafat Pota, Amroha, District Amroha, Uttar Pradesh - 244221
7. Rachna Bhardwaj W/O Shri Ambujaksh Bhardwaj, R/O D-30, Paryavaran Complex, IGNOU Road, New Delhi -110030

.....Petitioners

Versus

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Versus

1. New Okhla Industrial Development Authority, through its CEO, Administrative Complex, Sector 6, Noida - 201301, District. Gautam Budh Nagar, Uttar Pradesh, India
2. State of Uttar Pradesh, through its Chief Secretary, 101, -B-Block, Lok Bhawan, U.P. Secretariat, Lucknow-226001
..... Respondents

To,

The Hon'ble Chief Justice and his other Companion Judges of the aforesaid Court.

The humble petitioners above named most Respectfully showeth as under :

1. That the full facts have been stated in the accompanying writ petition, which forms part of present petition.
2. That for the reasons stated in accompanying writ petition, it is expedient in the interest of justice that pending final decision of the present writ petition, this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.02.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

218

10

Prayer

It is therefore most respectfully prayed that this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.02.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

(Praveen Kumar)
Advocate
A/P-0289/21
Mob. 9984563007

Dated:-22/05/2023

(Sanjay Kumar Om)
Advocate
AOR No.A/S-0152/2012
Counsel for the Petitioners
Chamber No. 13
Allahabad High Court
Mobile No.9415214885

917

Court No. - 21

Case :- WRIT - C No. - 18496 of 2023

Petitioner :- Meena Negi And 7 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Sanjay Kumar Om, Praveen Kumar

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

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. List after three weeks.

2. Interim order, if any, is extended till the next date of listing.

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 18.12.2023

Jaideep/-

Chief Justice's Court

Case :- WRIT - C No. - 18496 of 2023

Petitioner :- Meena Negi And 7 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Sanjay Kumar Om, Praveen Kumar

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

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Shri Kaushalendra Nath Singh, learned counsel for respondent-Development Authority prays for and is granted two weeks' time to file counter affidavit. One week thereafter is granted to the petitioners to file rejoinder affidavit.

Connect and list along with Writ-C No. 10021 of 2023.

Till the next date of listing, status quo, as on date, may be preserved.

Order Date:- 30.5.2023

CS/-

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, C.J.)

95

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
CIVIL MISC. STAY APPLICATION NO. OF 2022

(Under Section 151 of Civil Procedure Code)

On behalf of

Aviroop Banerjee and others.....Applicants/Petitioners

IN

CIVIL MISC. WRIT PETITION NO. 20367 OF 2023

(Under Article 226 of Constitution of India)

(DISTRICT-GAUTAM BUDH NAGAR)

1. Aviroop Banerjee, son of Rama Dolal Banerjee, resident of House No.A-82, Ashok Vihar, Phase-2, Delhi-52
2. Gautam Banerjee, son of Ram Dayalu Banerjee, resident of House No. C-528, Sheksarai, Phase-1, Delhi-17
3. Dinesh Kumar Tyagi HUF, son, of Om Prakash Tyagi, resident of village 451, Amrapali Leisure Valley, Plot No.Gh-2, Sector Zone 4, Greater Noida,
4. Amitabh Dev, son of A.K.Dev, resident of House No.7/401, East end Apartment, Mayur Vihar, Phase-1, Delhi-96,
5. Sunita Singh, wife of Kesar Singh, resident of House No.A-101, Mansra Apartments, Vasundra Enclave, Delhi-96,
6. Asha Kakraan, wife of Satyapal Kakraan, resident of House No.B-17, Manavsthi Apartment, Vasundra, Delhi,
7. Amita Kushwaha, wife of Arun Kumar Kushavaha, resident of House No.WZ-181/505, 1st Floor, Gali No.3, Rani Bagh, Delhi- 34
8. Rahul Bhatt, son of Jawaharlal Bhatt, resident of House No.C-703, Antriksh Greens, Sector-50, Noida,
9. Anil Kumar Arora, son of Roshan Lal Arora, resident of Flat No.321, Gaur Saundaryam, Sec.or Techzone 4, Greater Noida
10. Rubia, wife of Suleman, resident of Iouse No.2039, Kuchanhar Khan, Daryaganj, Delhi-2,
11. Renu Gupta, wife of Rajesh Kumar, resident of House No.863, Gali Beri Wali, Sitaram Bazar, Delhi-6

94.

12. Smt.Vansri Singh, wife of Jaiprakash Singh, resident of House No.C-9/9746, Vasant Kunj, Delhi-79
13. P.P.Dev son of Asid Kanti Dev, resident of House No.D-305, Second Floor, Sarvodaya Enclave, New Delhi
14. Rachna Bhardwaj, wife of Ambuj Bhardwaj, resident of House No.D-30, Prayavaran Complex, Ignou Road, New Delhi-30
15. Shyam Khanna, son of U.C. Khanna, resident of House No.G- 64, Lajpat Nagar-2, New Delhi-24,
16. Sukhdev Singh Chaddha, son of Mangal Singh Chaddha, resident of House No.44, Shakti Apartment, Phase-3, Ashok Vihar, Delhi-52
17. Kishor Singh, son of Kunwar Chiman Singh, resident of House No.C-22, IFS Apartments, Mayur Vihar, Phase-1, Delhi- 91,
18. Ravibhoshan Mishra, son of Ramlal Mishra, resident of House No.846/1A, Daryabad, Kohrana, Allahabad
19. Sarita Chauhan, wife of Shyam Singh, resident of House No. 107, Vilalge Nangli Wazipur, Sector-135, Noida,
20. Jaya Samaddar, wife of Sujoy Kumar Samaddar, resident of House No.3/501, Eastend Apartment, Mayur Vihar, Phase-1 Extension, Delhi
21. Tapan Kumar Nayar, son of Ghanshyam Nayar, resident of House No.27B, D.D.A. Flats Phas 2 Haus Khas, Delhi-16
22. Sadhana Pandya wife of Sanjeev Mishra, resident of House No.C20, 1st Floor Defence Colony, Delhi-24
23. Tejaswi Kaushik, son of Girish Kaushik, resident of House No.32, Kalyan Vihar, Model Town, Delhi
24. Pankaj Khurana, son of Jaswinder Khurana, resident of House No.63-G, Pocket-8, Kalkaji, Extension, Delhi Petitioners

Versus

1. State of U.P. through the Chief Secretary, Urban Development, Government of U.P. Lucknow,
2. New Okhla Industrial Development Authority through its Chief Executive Officer, Administrative Complex, Sector-6, Noida, Gautam Budha Nagar-201301,
3. Government of India through its Secretary for National Mission for Clean Ganga, Ministry of Jal Shakti (Development of Water Resources, River Development, & Ganga Rejuvenation) 1st Floor, Major Dhyan Chand National Stadium, India Gate, New Delhi.

5
93

To,

The Hon'ble Court the Chief Justice and his other Companion Judges of this Hon'ble Court.

The humble application of the above named applicant, Most Respectfully Showeth as Under:

1. That the full facts and circumstances of the case have been stated in the accompanying writ petition which forms part of this application.
2. That in view of the facts and circumstances stated in the writ petition, it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to stay the effect and operation of impugned order dated 14.02.2023 issued by Chief Executive Officer, Noida, respondent no.2 Annexure No.9 to the writ petition, or alternatively restrain the respondents from demolishing any construction on the properties of petitioners as detailed in Annexure No.1 to the writ petition; during the pendency of present writ petition before this Hon'ble Court and/or pass such other and further order as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the effect and operation of impugned order dated 14.02.2023 issued by Chief Executive Officer, Noida, respondent no.2 Annexure No. 9 to the writ petition, or alternatively restrain the respondents from demolishing any construction on, the properties of petitioners as detailed in Annexure No.1 to the writ petition; during the pendency of present writ petition before this Hon'ble Court and/or pass such other and further order as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

Dated: 07.06.2023

ABHAY PRATAP SINGH

ADVOCATE
ENROL.NO.UP16968/2010
AOR - A/A0029/2012
CHAMBER NO.33, HIGH COURT
PHONE: 9935136415

922

Court No. - 21

Case :- WRIT - C No. - 20367 of 2023

Petitioner :- Aviroop Banerjee And 23 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Abhay Pratap Singh

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

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Kshitij Shailendra,J.

1. List after three weeks.
2. Interim order, if any, is extended till the next date of listing.

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 18.12.2023

Jaideep/-

923

Chief Justice's Court

Case :- WRIT - C No. - 20367 of 2023

Petitioner :- Aviroop Banerjee And 23 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Abhay Pratap Singh

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

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

Sri Kaushalendra Nath Singh, learned counsel appearing for the Development Authority and learned counsel appearing for respondent no. 3 pray for and are granted two weeks' time to file counter affidavit. Petition may have one week thereafter to file rejoinder affidavit.

Connect and list this case along with Writ-C No. 10021 of 2023, in the week commencing 24th July, 2023.

Till the next date of listing, status quo as on date may be preserved.

Order Date :- 4.7.2023

Deepak/

(Ashutosh Srivastava,J.) (Pritinker Diwaker,C.J.)

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 18504 OF 2023

(Under Chapter XXII Rule 1 of the High court Rules)

ON BEHALF OF

Rahul Bhatt and Another-----Petitioners/Applicants

IN

CIVIL MISC. WRIT PETITION NO. OF 2023

(Under Article 226 of the Constitution of India)

(District : Gautam Budha Nagar)

1. Rahul Bhatt son of Jawaharlal Bhatt, resident of House no. C-703,
Antriksh Greens, Sector 50, Noida, UP
2. Ashwani Lal son of Sh. Lal Bahadur, resident of A-12, Ground Floor.
Green Park Extension, South West Delhi, Delhi – 110016

----- Petitioners

Versus

1. State of U.P. through its Principal Secretary, Industrial Development,
Govt. of Uttar Pradesh, Lucknow.
2. New Okhla Industrial Development Authority (Noida), through its
Chief Executive Officer, Administrative Complex Sector 6, Noida
201301, District Gautam Budha Nagar, Uttar Pradesh.
3. District Magistrate, Gautam Budha Nagar, NOIDA Uttar Pradesh.

--- Respondents

To,

The Hon'ble the Chief Justice and His other companion Judges of the aforesaid Court.

The humble application of the above named applicant MOST RESPECTFULLY SHOWETH:-

1. That the full facts and circumstances of the case have been narrated in the accompanying writ petition.
- 2- That in view of the facts and circumstances narrated in the writ petition it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to stay the effect and operation of the public notice dated 08.06.2022 (Annexure- 2 to the writ petition) issued by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar (Respondent no. 2) and the consequential impugned orders dated 14.02.2023 (Annexure- 5 to the writ petition) passed by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar (Respondent no. 2) during pendency of the present writ petition before this Hon'ble Court, otherwise, the applicant/ petitioners will suffer irreparable loss and injury.

PRAYER

It is, therefore, Most Respectfully prayed that that this Hon'ble Court may graciously be pleased to stay the effect and operation of the public notice dated 08.06.2022 (Annexure- 2 to the writ petition) issued by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar (Respondent no. 2) and the consequential impugned order dated 14.02.2023 (Annexure- 5 to the writ petition) passed by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar

Court No. - 21 926

Case :- WRIT - C No. - 18584 of 2023

Petitioner :- Rahul Bhatt And Another

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Devansh Misra

Counsel for Respondent :- C.S.C.,Kaushlendra

Hon'ble Manoj Kumar Gupta,Acting Chief Justice

Hon'ble Kshitij Shailendra,J.

1. List after three weeks.
2. Interim order, if any, is extended till the next date of listing.

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 18.12.2023

Jaideep/-

Case :- WRIT - C No. - 18584 of 2023

Petitioner :- Rahul Bhatt And Another

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Devansh Misra

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

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

Shri Kaushalendra Nath Singh, learned counsel for respondent-Development Authority prays for and is granted two weeks' time to file counter affidavit. One week thereafter is granted to the petitioners to file rejoinder affidavit.

Connect and list along with Writ-C No. 10021 of 2023.

Till the next date of listing, status quo, as on date, may be preserved.

Order Date:- 30.5.2023

CS/-

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, C.J.)

3

IN THE HIGHCOURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 13936 OF 2023
(UNDER Chapter XXII Rule 1 of the High Court Rules.)

ON BEHALF OF

Mamata soni and another

-----APPLICANTS.

IN

CIVIL MISC. WRIT PETITION NO.OF 2023
(Under Article 226 of the Constitution of India)

(DISTRICT: GAUTAM BUDDHA NAGAR)

1. Mamata soni wife of Shiv Kumar Resident of d-16 3rd Floor, Sai Kripa Apartment Kiran Garden Metro Pillar no.734, Uttam Nagar, D.K. Mohan Garden Uttam Nagar West Delhi.110059.
2. Vikash Kumar Son of Roshan Lal 385 s.f.s flats Ashok Vihar near water tank, Fase 4, North West Delhi 110052.

----- Petitioners.

Versus

1. State of Uttar Pradesh through its Chief Secretary (Industrial department) U.P. at Lucknow.
2. New Okhla Industrial Development Authority through its Chief Executive Officer at Administrative Complex Sector 6, Noida - 201301, District- Gautam Budh Nagar.
3. The Deputy Collector, Noida, District- Gautam Buddh Nagar.

-----Respondents.

To

The Hon'ble the Chief Justice and his other Companion Judges of the aforesaid Court.

4

The humble application of the above named applicants most respectfully showeth as under:

1. That the full facts and circumstances of the case is given in the accompanying writ petition in detail which forms part of this application and may be treated the same.
2. That in view of the full facts and circumstances stated above it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to stay the effect and operation of the impugned order dated 23.03.2023 passed by respondent no.2 not to take any coercive action against the Petitioners in pursuance of the impugned order dated 22.03.2023 (passed by respondent no.2) during the pendency of the present writ petition, otherwise the applicant/Petitioners shall suffer irreparable loss and injury.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the effect and operation of the impugned order dated 22.03.2023 passed by respondent no.2 and directing the respondents not to take any coercive action against the Petitioners in

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. WRIT PETITION NO. 14752 OF 2023
(UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA)

(DISTRICT: GAUTAM BUDDHA NAGAR)

1. HARIT KISAN KALYAN SAMITI THROUGH ITS
AUTHORISED REPRESENTATIVE

...Petitioner

Versus

1. New Okhla Industrial Development Authority through its Chief Executive Officer at Administrative Complex Sector 6, Noida - 201301, District. Gautam Budh Nagar, Uttar Pradesh, India
2. National Mission for Clean Ganga
Ministry of Jal Shakti (Development of Water Resources, River Development, & Ganga Rejuvenation) Government of India
1st Floor, Major Dhyan Chand National Stadium, India Gate, New Delhi, 110002
3. State of Uttar Pradesh through its Chief Secretary

...Respondents

THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUDGES OF
THE AFORESAID COURT.

The humble writ petition of the above named Petitioner most respectfully showeth as under:

1. That the present writ petition is being filed (under Article 226 of the Constitution of India) by the Petitioner seeking a writ of mandamus or any other appropriate writ, order or direction for quashing the arbitrary and cryptic impugned notice dated 20.04.2023 issued by the Respondent No. 1/NOIDA, inter-alia directing the removal of structures raised on the alleged floodplains in the

2

154

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Misc. Stay Application No. 18194 of 2024
(Under Chapter XXII Rule 1 of the High Court Rules, 1952 read with
Section 151 of C.P.C.)

On behalf of

Jaiveer Lohia and another

.... Applicants

In

Civil Misc. Writ Petition No. _____ of 2024
(Under Article 226 of the Constitution of India)

(DISTRICT: GAUTAM BUDH NAGAR)

1. Jaiveer Lohia S/o Neer Singh
R/o A-292, Mahipalpur Extension,
National Highway, New Delhi 110037
 2. Priti Kumari Wife of Shri Rajesh Kumar
R/o C-1101, Anjara Integrity, Raj Nagar Extension,
Ghaziabad, Uttar Pradesh-201017
- Petitioners

Versus

1. State of Uttar Pradesh through its Principal Secretary,
Department of Town Planning and Development,
Government of Uttar Pradesh, Lucknow
 2. Principal Secretary, Irrigation and Water Resource Department,
Ministry of Jal Shakti, Government of Uttar Pradesh, Lucknow
 3. New Okhla Industrial Development Authority (NOIDA),
through its Chief Executive Officer,
Administrative Complex Sector 6, Noida, 201301,
District - Gautam Budh Nagar, Uttar Pradesh.
 4. District Magistrate, Gautam Budh Nagar, Uttar Pradesh
- Respondents

To,

The Hon'ble the Chief Justice and his other companion Judges of
the aforesaid Court.

The humble application of the applicant Most Respectfully
Sheweth as under:

9
12

1. That the full and detailed facts and circumstances of the case have already been stated in the accompanying writ petition, which may be read in support of the present stay application.
2. That in view of the facts and reasons stated in the accompanying writ petition, it is expedient and necessary in the interest of justice that this Hon'ble Court may be pleased to issue an ad-interim mandamus commanding the Respondent Nos. 3 and 4 not to take any coercive measures against the petitioners in respect of the structure standing on the said plots pursuant to the notice dated 08.06.2022 (Annexure-1 to the writ petition) during the pendency of the present writ petition; otherwise the applicants/petitioners shall suffer irreparable loss and injury and/or pass such other and further orders, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue an ad-interim mandamus commanding the Respondent Nos. 3 and 4 not to take any coercive measures against the petitioners in respect of the structure standing on the said plots pursuant to the notice dated 08.06.2022 (Annexure-1 to the writ petition) during the pendency of the present writ petition; otherwise the applicants/petitioners shall suffer irreparable loss and injury and/or pass such other and further orders, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

Date: _____ 2024

(Devansh Misra)
A.O.R. No. A/D 0955/2022
Counsel for the Applicant/Petitioners
Chamber No. 10, High Court, Allahabad
Mobile No. 8318671416
Res.:- Misra Bhawan, 6/5-A, K.G. Marg,
Allahabad-211001

8
149

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Misc. Stay Application No. 18196 of 2024
(Under Chapter XXII Rule 1 of the High Court Rules, 1952 read with
Section 151 of C.P.C.)

On behalf of

Jaiveer Lohia and another

... Applicants

In

Civil Misc. Writ Petition No. _____ of 2024
(Under Article 226 of the Constitution of India)

(DISTRICT: GAUTAM BUDH NAGAR)

1. Jaiveer Lohia S/o Neer Singh
R/o A-292, Mahipalpur Extension,
National Highway, New Delhi 110037

2. Rajani Raina Wife of Shri R.S. Raina
R/o 610, New Delhi Apartments,
Vasundhara Enclave Delhi-110096

...Petitioners

Versus

1. State of Uttar Pradesh through its Principal Secretary,
Department of Town Planning and Development,
Government of Uttar Pradesh, Lucknow

2. Principal Secretary, Irrigation and Water Resource Department,
Ministry of Jal Shakti, Government of Uttar Pradesh, Lucknow

3. New Okhla Industrial Development Authority (NOIDA),
through its Chief Executive Officer,
Administrative Complex Sector 6, Noida, 201301,
District - Gautam Budh Nagar, Uttar Pradesh.

4. District Magistrate, Gautam Budh Nagar, Uttar Pradesh

...Respondents

To,

The Hon'ble the Chief Justice and his other companion Judges of
the aforesaid Court.

The humble application of the applicant Most Respectfully
Showeth as under:

9
148

1. That the full and detailed facts and circumstances of the case have already been stated in the accompanying writ petition, which may be read in support of the present stay application.
2. That in view of the facts and reasons stated in the accompanying writ petition, it is expedient and necessary in the interest of justice that this Hon'ble Court may be pleased to issue an ad-interim mandamus commanding the Respondent Nos. 3 and 4 not to take any coercive measures against the petitioners in respect of the structure standing on the said plots pursuant to the notice dated 08.06.2022 (Annexure-1 to the writ petition) during the pendency of the present writ petition; otherwise the applicants/petitioners shall suffer irreparable loss and injury and/or pass such other and further orders, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue an ad-interim mandamus commanding the Respondent Nos. 3 and 4 not to take any coercive measures against the petitioners in respect of the structure standing on the said plots pursuant to the notice dated 08.06.2022 (Annexure-1 to the writ petition) during the pendency of the present writ petition; otherwise the applicants/petitioners shall suffer irreparable loss and injury and/or pass such other and further orders, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

Date: _____ 2024

(Devansh Misra)
A.O.R. No. A/D 0955/2022
Counsel for the Applicant/Petitioners
Chamber No. 10, High Court, Allahabad
Mobile No. 8318671416
Res.:- Misra Bhawan, 6/5-A, K.G. Marg,
Allahabad-211001

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

..... 18241
 CIVIL MISC. STAY APPLICATION NO. OF 2023
 (Under Chapter XXII Rule 1 of the High court Rules)

ON BEHALF OF

Anima SaxenaPetitioner/Applicant

IN

CIVIL MISC. WRIT PETITION NO. OF 2023

(Under Article 226 of the Constitution of India)

(District : Gautam Budha Nagar)

Anima Saxena wife of Sh. Nishith Saxena, resident of B-1001,
 Eldeco Apartments, Sector - 4, Vaishali, Ghaziabad - 201010, Uttar
 Pradesh.

----- Petitioner

Versus

1. State of U.P. through its Principal Secretary, Industrial Development,
 Govt. of Uttar Pradesh, Lucknow.
2. New Okhla Industrial Development Authority (Noida), through its
 Chief Executive Officer, Administrative Complex Sector 6, Noida
 201301, District Gautam Budha Nagar, Uttar Pradesh.
3. District Magistrate, Gautam Budha Nagar, NOIDA Uttar Pradesh.

--- Respondents

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 182/64 OF 2023
(Under Chapter XXII Rule 1 of the High court Rules)

ON BEHALF OF

Kiran Kumar Chandrabhan and another-----Petitioners/Applicants

IN

CIVIL MISC. WRIT PETITION NO. OF 2023

(Under Article 226 of the Constitution of India)

(District : Gautam Buddha Nagar)

1. Kiran Kumar Chandrabhan son of Late Chandrabhan, resident of Flat No. 18, IIIrd Floor, Himangi Society, RTO Road, Four Banglow, Andheri West Mumbai.
2. D.N. Jumera Real Estate Private Limited. Flat No. 245, Dakshnayan Apartment, Plot No. 19, Sector 4, New Delhi 110078.

----- Petitioners

Versus

1. State of U.P. through its Principal Secretary, Industrial Development, Govt. of Uttar Pradesh, Lucknow.
2. New Okhla Industrial Development Authority (Noida), through its Chief Executive Officer, Administrative Complex Sector 6, Noida 201301, District Gautam Buddha Nagar, Uttar Pradesh.
3. District Magistrate, Gautam Buddha Nagar, NOIDA Uttar Pradesh.

--- Respondents

220

8

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD

Civil Misc. Stay Application No. of 2023
(Under Chapter XXII Rule 1 of The High Court Rules)
On Behalf of petitioner
IN

Civil Misc. Writ Petition No. 18496... of 2023
(Under Article 226 of Constitution of India)
(District - GautamBuddh Nagar)

1. MeenaNegi w/o Manoj Singh Negi. Address: 16/07, Palm Road, Shipra Suncity, Indirapuram, Ghaziabad, Uttar Pradesh
2. Amitava Deb S/O Shri A.K. Dev R/O 7/401, East End Apartments, Mayur Vihar Phase 1 Extension, near New Ashok Nagar Metro Station, Delhi-110096
3. Smt Asha Kakran W/O Sh Satya Pal Kakran AND Sh-Satyapal Kakran S/O Late Sh Lal Singh R/O B-17, Manavsthalii Apartment, Vasundhara Enclave, East Delhi, Delhi-96
4. Jaya Samaddar W/O ShSujoiy Kumar Samaddar AND Sujoiy Kumar Samaddar S/O Sh Anant Mohan Samaddar R/O 3/501, East End Apartments, Mayur Vihar Phase 1 Extension, near New Ashok Nagar Metro Station, Delhi-110096
5. Shri P Dev S/O Shri Asit Kanti Dev, R/O D305, Second level, Sarvoday Enclave, New Delhi
6. Smt. Sahar Siddiqui W/O Shri Azim Ahmed Siddiqui R/O C/O Azim Ahmed Siddiqui, House No. 148, Mohalla Shafat Pota, Amroha, District Amroha, Uttar Pradesh - 244221
7. Rachna Bhardwaj W/O Shri Ambujaksh Bhardwaj, R/O D-30, Paryavaran Complex, IGNOU Road, New Delhi -110030

.....Petitioners

Versus

2A

9

Versus

1. New Okhla Industrial Development Authority, through its CEO, Administrative Complex, Sector 6, Noida - 201301, District, Gautam Budh Nagar, Uttar Pradesh, India
2. State of Uttar Pradesh, through its Chief Secretary, 101, -B-Block, Lok Bhawan, U.P. Secretariat, Lucknow-226001
..... Respondents

To,

The Hon'ble Chief Justice and his other Companion Judges of the aforesaid Court.

The humble petitioners above named most Respectfully showeth as under :

1. That the full facts have been stated in the accompanying writ petition, which forms part of present petition.
2. That for the reasons stated in accompanying writ petition, it is expedient in the interest of justice that pending final decision of the present writ petition, this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.02.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

2/8

10

Prayer

It is therefore most respectfully prayed that this Hon'ble Court be pleased to stay the effect and operation of the order dt. 14.02.2023 passed by Resp. no. 1 and further be pleased to restrain the respondents from demolishing petitioners' temporary constructions erected on their respective lands, or may pass such and further order, which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise the petitioner shall suffer grave and irreparable loss.

(Praveen Kumar)
Advocate
A/P-0289/21
Mob. 9984563007

Dated:-22/05/2023

(Sanjay Kumar Om)
Advocate
AOR No.A/S-0152/2012
Counsel for the Petitioners
Chamber No. 13
Allahabad High Court
Mobile No.9415214885

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. WRIT PETITION NO. 18544 OF 2023

(Under Article 226 of the Constitution of India)

(District : Gautam Budha Nagar)

Anu Mittal wife of Shri Sunil Kumar Mittal,

Resident of D-120, South City-1, Gurugram, Haryana-122001.

----- Petitioner

Versus

1. State of U.P. through its Principal Secretary, Department of Town Planning and Development, Govt. of Uttar Pradesh, Lucknow.
2. District Magistrate, Gautam Budha Nagar, Uttar Pradesh.
3. New Okhla Industrial Development Authority (Noida), through its Chief Executive Officer, Administrative Complex Sector 6, Noida 201301, District Gautam Budha Nagar, Uttar Pradesh.
4. Principal Secretary, Irrigation and Water Resource Department, Ministry of Jal Shakti, Govt. of Uttar Pradesh, Lucknow.

--- Respondents

To,

The Hon'ble the Chief Justice and His other companion Judges of the
aforesaid Court.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 18504 OF 2023

(Under Chapter XXII Rule 1 of the High court Rules)

ON BEHALF OF

Rahul Bhatt and Another-----Petitioners/Applicants

IN

CIVIL MISC. WRIT PETITION NO. OF 2023

(Under Article 226 of the Constitution of India)

(District : Gautam Budha Nagar)

1. Rahul Bhatt son of Jawaharlal Bhatt, resident of House no. C-703,
Antriksh Greens, Sector 50, Noida, UP
2. Ashwani Lal son of Sh. Lal Bahadur, resident of A-12, Ground Floor.
Green Park Extension, South West Delhi, Delhi – 110016

----- Petitioners

Versus

1. State of U.P. through its Principal Secretary, Industrial Development,
Govt. of Uttar Pradesh, Lucknow.
2. New Okhla Industrial Development Authority (Noida), through its
Chief Executive Officer, Administrative Complex Sector 6, Noida
201301, District Gautam Budha Nagar, Uttar Pradesh.
3. District Magistrate, Gautam Budha Nagar, NOIDA Uttar Pradesh.

--- Respondents

To.

The Hon'ble the Chief Justice and His other companion Judges of the aforesaid Court.

The humble application of the above named applicant MOST RESPECTFULLY SHOWETH:-

1. That the full facts and circumstances of the case have been narrated in the accompanying writ petition.
- 2- That in view of the facts and circumstances narrated in the writ petition it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to stay the effect and operation of the public notice dated 08.06.2022 (Annexure- 2 to the writ petition) issued by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar (Respondent no. 2) and the consequential impugned orders dated 14.02.2023 (Annexure- 5 to the writ petition) passed by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar (Respondent no. 2) during pendency of the present writ petition before this Hon'ble Court, otherwise, the applicant/ petitioners will suffer irreparable loss and injury.

PRAYER

It is, therefore, Most Respectfully prayed that that this Hon'ble Court may graciously be pleased to stay the effect and operation of the public notice dated 08.06.2022 (Annexure- 2 to the writ petition) issued by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar (Respondent no. 2) and the consequential impugned order dated 14.02.2023 (Annexure- 5 to the writ petition) passed by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar

IN THE HIGH COURT OF JUDICATURE ATALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 20487 OF 2023
(Under Chapter XXII Rule 1 of the High Court Rules)

ON BEHALF OF

Smt. Renu Khanna and others ----Applicants/Petitioners.

IN

CIVIL MISC. WRIT PETITION NO. OF 2023

(Under Article 226 of the Constitution of India)

DISTRICT:GAUTAM BUDH NAGAR

1. Smt. Renu Khanna wife of Pradeep Khanna,
Resident of A22 Second Floor, Kailash Colony, New
Delhi.
2. Bhavik Bhatiya son of Rajesh Kumar Bhatiya,
Resident of K-173 Gulshan Iqbana Sector-143,
Noida, District Gautam Budh Nagar.
3. Ram Pal Singh son of Shri L.P. Singh, Resident of
29 Diamond Diary, Lucknow.
4. M/s PDA International Private Limited Office-A-2
Kanal Colony, Okhla New Delhi through its director
Smt. Rama Yadav, Resident of C528 Saikh Sarai,
Phase-I, New Delhi.

.....Petitioners.

Versus

1. State of U.P. through Principal Secretary,
Industrial Development, U.P. at Lucknow.
2. New Okhla Industrial Development Authority
through its Chief Executive Officer.
3. National Mission for Clean Ganga, Ministry of Jal
Shakti (Development of Water Resources, River
Development & Ganga Rejuvenation) Government
of India Ist Floor, Major Dhyan Chand National
Stadium, India Gate, New Delhi, 110002.

.....Respondents.

IN THE HIGH COURT OF JUDICATURE ATALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 20479 OF 2023
(Under Chapter XXII Rule 1 of the High Court Rules)

ON BEHALF OF

Rajasthan Global Securities Private Limited and another

----Applicants/Petitioners.

IN

CIVIL MISC. WRIT PETITION NO. OF 2023
(Under Article 226 of the Constitution of India)

DISTRICT:GAUTAM BUDH NAGAR

1. Rajasthan Global Securities Private Limited through its authorised signatory R. C. Nayar having its registered office, at 208 and 210 Jain Bhawan, 1S/12 W.E.A., Karol Bagh, New Delhi.
2. Preeti Sahni D/o Shri Harjeet Singh Sahni, Resident of D-835, New Friends Colony, New Delhi.

.....Petitioners.

Versus

1. State of U.P. through Principal Secretary, Industrial Development, U.P. at Lucknow.
2. New Okhla Industrial Development Authority through its Chief Executive Officer.
3. National Mission for Clean Ganga, Ministry of Jal Shakti (Development of Water Resources, River Development & Ganga Rejuvenation) Government of India Ist Floor, Major Dhyan Chand National Stadium, India Gate, New Delhi, 110002.

.....Respondents.

To,

The Hon'ble the Chief Justice and his other companion
Judges of the aforesaid court.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 20490 OF 2023
(Under Chapter XXII Rule 1 of the High Court Rules)

ON BEHALF OF

Vaibhav Vishal Srivastava ----Applicant/Petitioner.

IN

CIVIL MISC. WRIT PETITION NO. OF 2023
(Under Article 226 of the Constitution of India)

DISTRICT:GAUTAM BUDH NAGAR

Vaibhav Vishal Srivastava son of Late P. N.
Srivastava, Resident of 449G/1, Baghambari Gaddi,
Shivaji Nagar, Allahpur, Allahabad.

.....Petitioner.

Versus

1. State of U.P. through Principal Secretary, Industrial Development, U.P. at Lucknow.
2. New Okhla Industrial Development Authority through its Chief Executive Officer.
3. National Mission for Clean Ganga, Ministry of Jal Shakti (Development of Water Resources, River Development & Ganga Rejuvenation) Government of India Ist Floor, Major Dhyan Chand National Stadium, India Gate, New Delhi, 110002.

.....Respondents.

To,

The Hon'ble the Chief Justice and his other companion
Judges of the aforesaid court.

The humble application of the above named applicants Most
Respectfully showeth as under:-

That for the facts and reasons stated in the accompanying
affidavit, it is most respectfully prayed that during pendency

5

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(Under Section 151 of Code of Civil Procedure)

23221
CIVIL MISC. WRIT PETITION NO. OF 2022
(Under Article 226 of the Constitution of India)

(DISTRICT: Gautam Budh Nagar)

GROUP- WRIT- C

Rajesh Aggarwal & others

Petitioners

VERSUS

New Okhla Industrial Development Authority & Another

Respondents

1. Rajesh Aggarwal,
S/O Late Sri B.L. Aggarwal,
R/O- 214, Supreme Enclave,
Mayur Vihar -1,
New Delhi -110091,
Advocate on Record,
Supreme court of India,
Aged 58
Mobile No. 9810179438
Email: deekshalawfirm2017@gmail.com
2. Rekha Sharma,
W/o Shri Bharat Sharma,
R/o B-2/ 71, second floor Janakpuri B-1,
Rajouri Garden West Delhi- 110058,
Aged 49
Mobile No. 9891944599
3. Nirmal Jain,
w/o Ravinder Kumar,
r/o A-114, Vivek Vihar,
Phase - 1,
Delhi - 110095



Aged 97
Mobile No. 9873351805

4. Hindaypai Singh,
S/o Karar Singh,
R/o WZ - 600 / 2A / 1,
First Floor, Gali No 19, Shiva Nagar
Janakpuri D-1, West Delhi 110058,
Aged 32
Mobile No. 9871004328
5. Dr. Anurpiya Wadhwa,
W/o Dr. Neeraj Wadhwa,
76 RPS, Seikh Sarai, Phase 1,
Malviya Nagar Delhi-110017
Aged 42
Mobile No. 9990497799
6. Sharmin Mohsini,
W/o Faizi Mohsini,
A-1 -275, Zaidi Apartment,
TTI road, Jamia Nagar,
New friends Colony Delhi-110025
Aged 46
Mobile No. 9810495594
7. Gaurav Saxena,
C - 2/26, Third floor,
Safdarjung Development Area,
Near Aurobindo Market,
Hauz Khas,
Delhi - 110016
Aged 56
Mobile No. 9910346890
8. Jinander Kumar Jain,
s/o Prem Chand Jain,
r/o A Kundan Nagar, Floor - 2,
Laxmi Nagar,
Shakarpur,



Delhi - 110093
 Aged 48
 Mobile No. 9310280401

9. Devender Kumar Gupta
 s/o Late Sh. Om Prakash Gupta,
 r/o 39, Block A, Near Satya Palace Cinema,
 Sector 7, Faridabad,
 Haryana - 121006
 Aged 67 yrs
 Mobile No. 9810217139

10. Bindu Rana
 W/o Sh. Deepak Rana,
 r/o Flat no. 1783, ATS Village,
 Sector 93A, Noida,
 UP - 201304
 Aged 57
 Mobile No. 9810887118

11. Gurmeet Singh
 S/o Sh. Iqbal Singh,
 r/o House no. A - 36,
 First floor, Mahendru Enclave,
 North West Delhi, Delhi - 110009
 Aged 42
 Mobile No. 9811275750

.....Petitioners

VERSUS

1. New Okhla Industrial Development Authority,
 Administrative Complex Sector 6,
 Noida - 201301, District. Gautam Budh Nagar,
 Uttar Pradesh, India
 noida@noidaauthorityonline.com
 through its CEO
 Ms. Ritu Maheshwari
 ceo@noidaauthorityonline.com



7

State of Uttar Pradesh, through the
Chief Secretary,
101, -B- Block, Lok Bhawan,
U.P. Secretariat, Lucknow-226001
Phone No. 0522-2289212/2289296
Email: csup@nic.in

.....Respondents

To,

The Hon'ble the Chief Justice and his Companion Judges of the
aforesaid court.

The humble application of the applicant/petitioners above
named most respectfully submit as under:-

1. That in view of the facts and circumstances stated in the accompanying writ
petition, it is expedient in the interest of justice that this Hon'ble Court may
be pleased to stay the operation and effect of the common order dated
27.07.2022 (Annexure-1) issued by the respondent no. 1, and any action
thereupon.

PRAYER

1. It is therefore most respectfully prayed that this Hon'ble Court may be
pleased to stay the operation and effect of the common order dated
27.07.2022 (Annexure-1) issued by the respondent no. 1, and any action



Disputed or past with other and further order which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

Dated: 01 August, 2011

MS. MRIDUL AGGARWAL
D. No. 1789 (M) 8810179438
MS. DEEKSHA AGGARWAL
D. No. 2030 (M) 8802243343
ADVOCATES

ASHUTOSH TIWARI, ADVOCATE
Advocate, Adv. Roll A/A 1409/2012
Reg. No. A/P-2470/1998
Counsel for the petitioners
Seat No.-23, Tithorvan, Upadhyaya Hall,
High Court, Allahabad
Mobile No. 9412211164
EMAIL: ashutosh1996@gmail.com

Court No. - 21 951

Case :- WRIT - C No. - 23221 of 2022

Petitioner :- Rajesh Aggarwal And 10 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Ashutosh Tiwari, Devansh Misra

Counsel for Respondent :- CSC, Kaushalendra Nath Singh

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. List after three weeks.
2. Interim order, if any, is extended till the next date of listing.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, ACJ.)

Order Date :- 23.11.2023

VS

Chief Justice's Court

952

Case :- WRIT - C No. - 23221 of 2022

Petitioner :- Rajesh Aggarwal And 10 Others

Respondent :- New Okhla Industrial Development Authority
And Another

Counsel for Petitioner :- Ashutosh Tiwari, Devansh Misra

Counsel for Respondent :- CSC, Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Shri Kaushalendra Nath Singh, learned counsel for respondent-Development Authority prays for and is granted two weeks' time to file counter affidavit. One week thereafter is granted to the petitioner to file rejoinder affidavit.
2. Connect and list along with Writ-C No. 10021 of 2023.
3. Till the next date of listing, status quo as on date may be preserved.

Order Date :- 30.5.2023

Ravi Prakash

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, CJ.)

5

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 23127 OF 2023
(Under Chapter XXII Rule 1 of the High Court Rules)

ON BEHALF OF

Dhiraj Singh

----Applicant/Petitioner.

IN

CIVIL MISC. WRIT PETITION NO. OF 2023
(Under Article 226 of the Constitution of India)

DISTRICT: GAUTAM BUDH NAGAR

Dhiraj Singh, S/o Shyam Prasad Singh, R/o S-1-1203
Eldeco Amantran, Sector-119 NOIDA, Gautam Budh
Nagar.

.....Petitioner.

~~Versus~~

1. State of U.P. through Principal Secretary, Industrial Development, U.P. at Lucknow.
2. New Okhla Industrial Development Authority through its Chief Executive Officer.
3. National Mission for Clean Ganga, Ministry of Jal Shakti (Development of Water Resources, River Development & Ganga Rejuvenation) Government of India 1st Floor, Major Dhyan Chand National Stadium, India Gate, New Delhi, 110002.

.....Respondents.

To,

The Hon'ble the Chief Justice and his other companion
Judges of the aforesaid court.

The humble application of the above named applicants Most
Respectfully showeth as under:-

That for the facts and reasons stated in the accompanying
affidavit, it is most respectfully prayed that during pendency

of the present petition this Hon'ble Court may be pleased to stay the effect and operation of the order dated (nil as not made available) whereby the objections filed by petitioners in terms of order dated 16.06.2023 passed by this Hon'ble Court in Writ-C No.17321 of 2022 has been informed to be rejected and further be pleased to restrain the respondent authorities particularly Respondent no.2 not to adopt any coercive measure for demolition of the petitioner's farm houses/properties, so that justice be done.

PRAYER

It is, therefore, most respectfully prayed that during pendency of the present writ petition this Hon'ble Court may be pleased to stay the effect and operation of the order dated (nil as not made available) whereby the objections filed by petitioners in terms of order dated 16.06.2023 passed by this Hon'ble Court in Writ-C No.17321 of 2022 has been informed to be rejected and further be pleased to restrain the respondent authorities particularly Respondent no.2 not to adopt any coercive measure for demolition of the petitioner's farm houses/properties, so that justice be done.

Dated: .07.2023

(AJAY KUMAR SINGH)
Adv. Roll No: A/A-0231/12

(ASHISH KUMAR SINGH)
Adv. Roll No: A/A-1931/12

Advocates

**Counsel for the Petitioner
Chamber No.55-B T.U. Hall
High Court Allahabad
Mobile No.9760075175
Office Mob. No.9305729207
7651939825**

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. OF 2023
(Under Section 151 of Civil Procedure Code)

IN

CIVIL MISC. WRIT PETITION NO. 25541 OF 2023
(Under Article 226 of the Constitution of India)**DISTRICT : GAUTAM BUDDH NAGAR**

1. Parveen Jain S/o Late Shree S C Jain
R/o 74, Near Dispensary, Bank Enclave, Delhi-92.
2. Pooja Jain, W/o Parveen Jain,
R/o 74, Near Dispensary, Bank Enclave, Delhi-92.
3. Mr. Dhraj Singh, S/o Shyam Prasad Singh, R/o S-1-1203
Eldeco Amantran, Sector-119 NOIDA
4. Kumar Manish, S/o Late Binod Kumar Jha,
R/o A302, Priyadarshini Apt, Tarkeshwar Path, Boring Canal
Road, Patna 800001
5. Mrs Usha Saxena, W/O Yogesh Kumar Saxena,
R/o Flat No 1778 , Sector 29, Brahmputra Apartment
Noida ,Gautam Buddh Nagar(UP).
6. Synergy International Projects Ltd .
Through its Director Dr. Anil Rastogi,
R/o C 316 B&C Sector - 10 NOIDA.
7. Mr. H. R. Salman, S/o Abdur Rehman.
R/o E55, Greater Kailash One
New Delhi - 110048.
8. Alka Dua, D/o Madan Lal
R/o House no 1252, Sector 9
Faridabad.
9. Rosy Tickoo Kaul, W/o Rajesh Koul,
R/O F23 Greenwood City Sector 46 Gurgaon (Haryana).
10. Rolika Mehrotra, W/o Ashish Mehrotra
R/o C-14, Seema Apartment
Plot-7, sector-11, Dwarka. New Delhi-110075.
11. Mrs Komal Mahajan, W/o Ashok Mahajan



R/O 273 D pocket F Dilshad garden Delhi -95.

12. Mrs. Priya Mendiratta, W/o Mr. Dharmesh Kumar
R/o E-107, Richmond Park, DLF Phase 4, Gurgaon-122009
13. Sudha Garg, W/o Mr Satya Narain Garg R/o 803/7C,
Faridabad - 121006.
14. Mr. Yogesh Saad, S/o Sri Dharmveer Sadh, 303 HPS, R/o
E-4 Lajpat Nagar, New Delhi.
15. HPS Green Farm Owner's Welfare Association (Regd)
through Its President Praveen Jain, C-13 Green Kidwali,
Behind Sector 135 Noida, G.B. Nagar.
16. Sagar Ghai, son of Srivash Ghal, c/o Sunil & Co. 71 Gandhi
Gall Fatehpur, Delhi-110006
17. Nitin Bhardwaj, son of Rajendra Kumar Bhardwaj, resident
of 109-B Pocket B Dilshad Garden, Delhi-110095.

-----Petitioners

Versus

1. State of U.P. through Secretary, Industrial Development,
Government of U.P. Lucknow.
2. District Magistrate, Gautam Buddha Nagar.
3. New Okhla Industrial Development Authority (NOIDA)
through its Secretary

----- Respondents

To,

The Hon'ble the Chief Justice and his other companion
Judges of the aforesaid Court.

The humble application of the above named applicant most
respectfully showeth as under:-

1. That the full facts and circumstances of the case have been
given in the accompanying writ petition which is part of this
application.



2. That in view of the fact and circumstances mentioned hereinabove, it is expedient in the interest of justice and equity that this Hon'ble Court may graciously be pleased to stay the effect and operation of the impugned order dated 11.08.2022 passed by the District Magistrate, Gautam Buddha Nagar (**Annexure No.-1** to the writ petition) insofar as it relates to the petitioners further commanding the Respondents not to take any coercive action and not to interfere in the peaceful possession of the petitioners over their agricultural lands situated in village Dospur Mangrauli Khadar and Kidawali, Pargana Dadari, Tehsil and District Gautam Budh Nagar; and/or to pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, otherwise the applicant/petitioner shall suffer irreparable loss and injury.

:PRAYER:

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the effect and operation of the impugned order dated 11.08.2022 passed by the District Magistrate, Gautam Buddha Nagar (**Annexure No.-1** to the writ petition) insofar as it relates to the petitioners further commanding the Respondents not to take any coercive action and not to interfere in the peaceful possession of the petitioners over their agricultural lands situated in village Dospur Mangrauli Khadar and Kidawali, Pargana Dadari, Tehsil and District Gautam Budh Nagar; and/or to pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, otherwise the applicant/petitioner shall suffer irreparable loss and injury.

(PRASHANT SHUKLA)
Advocate
Adv. Roll No. A/P-485/2015
Counsel for the Petitioner



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. OF 2023

(Under Chapter XXII Rule 1 of the High Court Rules)

On behalf of

Vikram Singh Sodhi

.....Petitioner/Applicant

IN

CIVIL MISC. WRIT PETITION NO. 75523 OF 2023

(Under Article 226 of the Constitution of India)

[DISTRICT: GAUTAM BUDDH NAGAR]

Vikram Singh Sodhi S/o Haravtar Singh Sodhi

Resident of Anand House W-10A/15 Western Avenue

Sainik Farm, Pushpa Bhawan S.O., South Delhi-110062

.....Petitioner

Versus

1. State of U.P. through Principal Secretary Industrial Development, Sector-3, Government of U.P. at Lucknow
2. New Okhla Industrial Development Authority through its Chief Executive Officer, Sector 6, Noida Gautam Buddha Nagar.
3. National Mission For Clean Ganga through its Chairperson Ministry of Jal Shakti (Development of water resources, River Development & Ganga Rejuvenation) Government of India 1st floor, Major Dhyan Chand National Stadium, India Gate, New Delhi-110002
4. Sub-Divisional Magistrate, Dadri District Gautam Buddha Nagar
5. Station House Officer- sector 126 District Gautam Buddha Nagar
6. Harendra Kumar Singh S/o Mansingh R/o Gram Govindpur Shankarpur District Meerut

.....Respondents



To,

The Hon'ble Chief Justice and his other companion Judges of the aforesaid court.

The humble application of the above named applicant Most Respectfully showeth as under:-

1. That the full facts and circumstances of the case have been disclosed in the accompanying writ petition which forms the part of present application.
2. That in view of the facts and circumstances, it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to stay the effect and operation of impugned order dated 13.09.2023 passed by the respondent no.2/NOIDA vide letter no.NOIDA/VP(VS-09)/2023/2263, whereby it has rejected the objection/representation made on behalf of the petitioner & directed the removal of structures raised on the farm land situated in Khasra No. 468 Gram Asgarpur Jangir District Gautam Buddh Nagar, during the pendency of this writ petition, otherwise the Petitioner will suffer irreparable loss and injury.

PRAYER

It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to stay the effect and operation of impugned order dated 13.09.2023 passed by the respondent no.2/NOIDA, whereby it has rejected the objection/representation made on behalf of the petitioner & directed the removal of structures raised on the farm land situated in Khasra No. 468 Gram Asgarpur Jangir District Gautam Buddh Nagar during the pendency of this writ petition, otherwise the Petitioner will suffer irreparable loss and injury.

[Signature]

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC.STAY APPLICATION NO. ⁴⁰²²⁰ OF 2023
(Under Chapter XXII Rule 1 of the High Court Rules)

On behalf of
Smt. Swati Kanodia -----Applicant

IN
CIVIL MISC.WRIT PETITION NO. OF 2023
(Under Article 226 of the Constitution of India)

DISTRICT-GAUTAM BUDDH NAGAR

Smt. Swati Kanodia W/o Sri Gauram Kanodia, R/o A.P.H.3,
Aditya Mega City, Vaibhav Khand, Indirapuram, District-
Ghaziabad.

-----Petitioner

Versus

1. State of U.P. through its Principal Secretary, Industrial Development, Govt. of U.P. at Lucknow.
2. New Okhla Industrial Development Authority (Noida) through its Chief Executive Officer, Administrative Complex, Sector-6, Noida 201301, District-Gautam Buddh Nagar, Uttar Pradesh.
3. District Magistrate, District-Gautam Buddh Nagar.

-----Respondents.

To,
The Hon'ble the chief justice and his other companion
judges of the aforesaid court.

The humble application of above named applicant most
Respectfully showeth as under:-

1. That the full facts and circumstances of the case have been given in the accompanying writ petition which may forms part of this application.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the effect and operation of the impugned the public notice dated 08.06.2022 passed by respondent no.2 and consequential order dated 14.02.2023 passed by same authority as well as respondent no.2, during the pendency of the writ petition, otherwise the petitioner shall suffer irreparable loss and injury.

And/ or pass such other and further order which this Hon'ble Court may deem fit and proper in the circumstances of the case.

Pravesh Rajput
(PRAVESH KUMAR RAJPUT)
Adv. Roll No. A/P 0959/14,

(A.N. TIWARI)
Adv. Roll NO. A/A-0509/2012

Counsels for the petitioner
Chamber No.9B, Old Building
High Court, Allahabad.
Mob: 8604837781, 9473939512

Dated: ___/___/2023

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Misc. Stay Application No. 44474 of 2023
(Under Chapter XXII Rule 1 of the High Court Rules, 1952 read with
Section 151 of C.P.C.)

On behalf of

Sanjay Goyal

... Applicant

In

Civil Misc. Writ Petition No. of 2023
(Under Article 226 of the Constitution of India)

(DISTRICT: GAUTAM BUDH NAGAR)

Sanjay Goyal S/o Mahesh Chandra Goyal
R/o HD-160, Sector-135, Behind Sriram Millennium School,
Noida, District - Gautam Budh Nagar, Uttar Pradesh.

...Petitioner

Versus

1. State of Uttar Pradesh through its Principal Secretary,
Department of Town Planning and Development, Govt. of
Uttar Pradesh, Lucknow.
2. New Okhla Industrial Development Authority (NOIDA),
through its Chief Executive Officer, Administrative Complex
Sector 6, Noida, 201301, District - Gautam Budh Nagar, Uttar
Pradesh.
3. Principal Secretary, Irrigation and Water Resource
Department, Ministry of Jal Shakti, Govt. Of Uttar Pradesh,
Lucknow.
4. District Magistrate, Gautam Budh Nagar, Uttar Pradesh.

...Respondents

To,

The Hon'ble the Chief Justice and his other companion Judges of
the aforesaid Court.

D

The humble application of the applicant Most Respectfully Showeth as under:

1. That the full and detailed facts and circumstances of the case have already been stated in the accompanying writ petition, which may be read in support of the present stay application.
2. That in view of the facts and reasons stated in the accompanying writ petition, it is expedient and necessary in the interest of justice that this Hon'ble Court may be pleased to stay/suspend the effect and operation of the public notice dated 08.06.2022 (Annexure No. 3 to the writ petition) passed by Respondent no. 2 as well asof the consequential Impugned Order dated 28.12.2023 passed by the Respondent no. 2 (Annexure No. 6 to the writ petition) during the pendency of the present writ petition; otherwise the applicant/petitioner shall suffer irreparable loss and injury and/or pass such other and further orders, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to stay/suspend the effect and operation of the public notice dated 08.06.2022 (Annexure No. 3 to the writ petition) passed by Respondent no. 2 as well asof the consequential Impugned Order dated 28.12.2023 passed by the Respondent no. 2 (Annexure No. 6 to the writ petition) during the pendency of the present writ petition; otherwise the



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

CIVIL MISC. STAY APPLICATION NO. 5511 OF 2024

(Under Chapter XXII Rule 1 The Allahabad High Court Rules, 1952)

On Behalf of

Partap Singh Nerwal

....Applicant

IN

CIVIL MISC. WRIT PETITION NO. OF 2024

(Under Article 226 of the Constitution of India)

(District: Gautam Buddh Nagar)

Partap Singh Nerwal Son of Rishal Singh Nerwal Resident
of Flat No. 801, Sakcham Apartment Plot No. 40 B, Sector-
10, Dwarka New Delhi-110075

---PETITIONER

VERSUS

1. State of Uttar Pradesh through its Principal Secretary, Awam Shehari Niyozan Uttar Pradesh Lucknow.
2. New Okhla Industrial Development Authority (NOIDA) through its Chief Executive Officer Administrative Complex, Sector 6, Noida-201301, District-Gautam Budh Nagar, Uttar Pradesh.

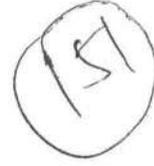
---RESPONDENTS.

To,

The Hon'ble the Chief Justice and his other Companion
Judges of the aforesaid court.

The humble application on behalf of the applicant most
respectfully showeth as under:

1. That in view of the facts and circumstances of the case narrated in the accompanying writ petition which is the part of this application.



PRAYER

It is therefore, most respectfully prayed that this Hon'ble court may graciously be pleased to stay the effect and operation of the order dated 8.12.2023 passed by respondent no.1 and further be pleased to restrain the respondents from demolishing the temporary construction of the petitioner, erected on the respective land.

And/or pass any other suitable order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case, otherwise the petitioner shall suffer irreparable loss and injury.

Dt/-

(RAJNISH DUBEY) & (BHUVAN RAJ)

Advocate Roll No. A/R 0570/2012

A.O.R. No. -A/B 0179/2012

Advocate

Counsel for the Petitioner
Chamber No.126A, High Court

High Court Allahabad.

Mobile No. 9935838910

148

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 7371 OF 2024

(Under Section 151 of C.P.C.)

On behalf of

Shailendra Nath Gupta

..... Applicant

IN

CIVIL MISC. WRIT PETITION NO. OF 2024

(Under Article 226 of the Constitution of India)

(DISTRICT: GAUTUM BUDH NAGAR)

Shailendra Nath Gupta S/o Rajendra Nath
R/o I-8, Prasad Nagar Phase 2, T Sohan
Lal Marg, Karol Bagh, New Delhi -
110005.

.... Petitioner

Versus

1. New Okhla Industrial Development Authority through its Chief Executive Officer at Administrative Complex Sector 6 Noida - 201301, District. Gautam Budh Nagar Uttar Pradesh, India
2. National Mission for Clean Ganga Ministry of Jal Shakti (Development of Water Resources, River Development, & Ganga Rejuvenation) Government of India
1st Floor, Major Dhyan Chand National

147
2

Stadium, India Gate, New Delhi, 110002

3. State of Uttar Pradesh through its Chief Secretary

.... Respondents

To,

The Hon'ble the Chief Justice and his other
Companion Judges of the aforesaid Court.

The humble application of the above named
Petitioner Most Respectfully showeth as under :-

1. That full facts and circumstances of the case
disclosed in the accompanying petition which also forms
part of this application.

PRAYER

It is, therefore, most respectfully prayed that this
Hon'ble Court may kindly be pleased to stay the effect
and operation of the impugned order dated 20.4.2023
passed by the respondent no. 1 (Annexure No. 1) to this
Writ Petition, otherwise petitioner will suffer irreparable
loss and injury, and/or may pass such other and
further order which this Hon'ble Court may deem fit and
proper under the facts and circumstances of the case.

Dated : 7-11-2023

(PUSHKAR MEHROTRA)

Advocate,

Adv. Roll No. A/P-0604/2012

Mob. No. 9454501222.

Counsel for the Petitioner

High Court, Allahabad

email.mehrotraassociates@gmail.com

3

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC. STAY APPLICATION NO. 8983 OF 2023

(Under Chapter XXII Rule 1 of the High court Rules)

ON BEHALF OF

Satyaveer Singh and others-----Petitioners/Applicants

IN

CIVIL MISC. WRIT PETITION NO. OF 2023

(Under Article 226 of the Constitution of India)

(District : Gautam Budha Nagar)

1. Satyaveer Singh son of Hari Singh, resident of 31, Gulawali Sector - 162, NOIDA, Gautam Budha Nagar, Maharishi Nagar, U.P.
2. Dharamveer son of Babu, resident of 10, Gulawali, NOIDA, Gautam Budha Nagar, U.P.
3. Vikram Singh son of Jaggu Singh, resident of 80, Gulawali, NOIDA, Gautam Budha Nagar, U.P.
4. Veerpal Singh son of Surajmal, resident of 22, Gulawali, NOIDA, Maharishi Nagar, Gautam Budha Nagar, U.P.

----- Petitioners

Versus

1. State of U.P. through its Principal Secretary, Industrial Development, Govt. of Uttar Pradesh, Lucknow.

2. New Okhla Industrial Development Authority (Noida), through its Chief Executive Officer, Administrative Complex Sector 6, Noida 201301, District Gautam Budha Nagar, Uttar Pradesh.

4

3. District Magistrate, Gautam Budha Nagar, NOIDA Uttar Pradesh.

- - - Respondents

To,

The Hon'ble the Chief Justice and His other companion Judges of the aforesaid Court.

The humble application of the above named applicant MOST RESPECTFULLY SHOWETH:-

- 1- That the full facts and circumstances of the case have been narrated in the accompanying writ petition.
- 2- That in view of the facts and circumstances narrated in the writ petition it is expedient in the interest of justice that this Hon'ble Court may graciously be pleased to stay the effect and operation of the public notice dated 08.06.2022 (Annexure- 3 to the writ petition) issued by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar (Respondent no. 2) and the consequential order dated 14.02.2023 (Annexure- 6 to the writ petition) passed by the Chief Executive Officer, NOIDA, District Gautam Budha Nagar (Respondent no. 2) during pendency of the present writ petition before this Hon'ble Court, otherwise, the applicant/ petitioners will suffer irreparable loss and injury.

PRAYER

It is, therefore, Most Respectfully prayed that that this Hon'ble Court may graciously be pleased to stay the effect and operation of the public notice dated 08.06.2022 (Annexure- 3 to the writ petition)

दिनांक 08 जून, 2022

सार्वजनिक सूचना

एतद्वारा सर्वसाधारण को सूचित किया जाता है कि उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम 1976, के सुसंगत प्राविधानों के अनुसार नौएडा प्राधिकरण के अधिसूचित क्षेत्र में प्राधिकरण की पूर्व अनुमति के बिना कोई भी निर्माण कार्य करना अनुमत्य नहीं है, क्योंकि ऐसे अनधिकृत निर्माण से संबंधित भूमि की प्रकृति/स्टेटस में परिवर्तन हो सकता है, जिसका नौएडा के अगुचित नियोजन, अवरथापना सुविधाओं के विकास एवं जनसामान्य के हितों पर विपरीत प्रभाव पड़ेगा। इसके अतिरिक्त प्राधिकरण के अधिसूचित क्षेत्र में फड़ने वाली यमुना / हिण्डन नदी के डूब क्षेत्र (Flood Plain Zone) में भी किसी भी प्रकार का निर्माण अनुमत्य नहीं है। यहाँ यह भी ध्यातव्य है कि नौएडा के अधिसूचित क्षेत्र में इस प्राधिकरण के अतिरिक्त किसी अन्य विभाग / निकाय/संस्था को किसी भी प्रकार के निर्माण हेतु नक्शा स्वीकृत करने अथवा निर्माण की अनुमति देने का क्षेत्राधिकार प्राप्त नहीं है।

उपरोक्त के संबंध में यह भी सूचित करना है कि वर्तमान समय में चूंकि नौएडा के अधिसूचित क्षेत्र में अनधिकृत निर्माण बड़े पैमाने पर तीव्र गति से फैल रहा है, जिसको रोकने के लिए पूर्व में प्रकाशित सार्वजनिक सूचनाओं, नौएडा के अधिसूचित क्षेत्र में लगाए गए विभिन्न नोटिस बोर्ड, समय-समय पर अवैध निर्माण के विरुद्ध चलाए गए अतिक्रमण उन्मूलन अभियान एवं नौएडा की अधिकृत वेबसाइट noidaauthorityonline.com के माध्यम से भी अनधिकृत निर्माण से संबंधित सार्वजनिक सूचना का प्रचार-प्रसार किया जाता रहा है।

अतः सार्वजनिक रूप से जनसामान्य को सूचित किया जाता है कि नौएडा के अधिसूचित/डूब क्षेत्र में कोई भी निर्माण किया जाना पूर्णतः अवैध है। अगर किसी के द्वारा कोई निर्माण किया गया है तो तत्काल स्वयं हटा लें अन्यथा की दशा में नौएडा के अधिसूचित/डूब क्षेत्र में अनधिकृत निर्माण पाये जाने पर उसे ध्वस्त किया जायेगा। ध्वस्तीकरण की कार्यवाही पर होने वाले व्यय की परसूली भी नू-राजस्व के वकाये की भाँति अनधिकृत निर्माणकर्ता से ही की जायेगी। इसके अतिरिक्त इसमें संलिप्त अतिक्रमणकारियों के विरुद्ध आवश्यक वैधानिक कार्यवाही की जायेगी।

मुख्य कार्यपालक अधिकारी
नौएडा