

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

O.A No. 16 of 2025

IN THE MATTER OF:

PUBLIC ACTION COMMITTEE & ORS

...APPLICANTS

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

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Place: Ludhiana
Date: 01.08.2025

Er. Kapil Dev
(Applicant in person)
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, DELHI**

In O.A. No. 16 of 2025

In the matter of:

Public Action Committee & ors. Applicants

vs.

State of Punjab & ors. .. Respondents

Rejoinder by Applicants against misrepresentation & concealments vide reply dated 18-04-2025 filed by Respondent No. 2 (the Deputy Commissioner), reply dated 03-04-2025 & 18-04-2025 by Respondent No. 3 (the Executive Officer, Municipal Council, Sirhind), and reply dated 10-06-025 by Respondent No. 4 (SE, Patiala Drainage Circle, Water Resources Department, Punjab).

The Applicants humbly submits as under:

1. That the Petitioner Association along with petitioners of O.A. 16 of 2025 is filing the instant common Rejoinder to rebut the averments made in the impugned replied filed by Respondent No. 2, 3 & 4 and to place the matter in its correct perspective before this Hon'ble Tribunal. The Petitioner reserves his right to file a detailed response, including Para wise Rejoinder at a subsequent stage, if necessary, with the permission of this Hon'ble Tribunal.
2. That the Reply to the Original Application by Respondent No. 2, 3 & 4 is wholly misconceived and a blatant attempt to overreach the process of this

Hon'ble Court. The Respondent has not approached this Hon'ble Tribunal with clean hands and has made blatant misrepresentations and concealments.

**LOCATION OF KHASRA NO. 141 IS TOWARDS DOWNSREAM OF
BRIDGE/CULVERT WHEREAS IMPUNGED SITE & KHASRA NO. 141/1 IS
TOWARDS UPSTREAM**

3. That the Khasra No. of entire impugned location (where garbage is dumped and MRF Plant has been constructed is 141/1 i.e. towards left side of bridge, whereas Khasra No. 141 is located towards right side of the bridge/culvert connecting Sai Mandir to Shiv Dwala and it is mentioned at a distance of 1350' from the bridge. The demarcation of Nadi (Choe) done using Google Earth vis a viz relevant portion of Chajjra Plan along with details of Khasra No.s and atual width of Nadi near bridge as 500' is produced herewith as **Annexure P-8.**

**KHASRA NO. 141/1 MIN (PORTION) & 141 MIN (PORTION) IN THE NAME OF
DRAINAGE DEPARTMENT AS WELL AS 141/1 MIN IN THE NAME OF
MUNICIPAL COUNCIL SIRHIND, BOTH BELONGS TO NADI (CHAO- DRAIN)**

4. That from relevant portion of Chajjra available, the MRF Plant is constructed on Khasra No. 141/1 Min (Portion), the ownership of which belongs to Respondent No. 3, Municipal Council, Sirhind and the ownership of Khasra No. 141 Min (Portion) also belongs to R-3 as per copy of Jamabandi (Fard) attached as Annexure R/1 at running page no. 74 & 75 by R-2 and at running page no. 111 & 112 by R-3. It is pertinent to humbly submit here that as per

this Jamabandi, the nature of portion of land in the name of Respondent No. 3 is **GAIRMUMKIN CHOE (NADI)**.

**WRONG REPORT PREPARED BY KANUNGO (REVENUE OFFICER),
SIRHIND REGARDING KHASRA NO. 141 MIN**

5. That the Respondent No. 4, SE, Irrigation Department has produced one Demarcation Report prepared by Kanungo (Revenue Official), Sirhind (at Running Page No. 164 in which the filed measurement was conducted for Khasra no. 141 Min and according to the report, one MRF Shed has been established on the eastern side. However, it is pertinent to humbly submit here that as submitted at Para 3 above, the impugned location where garbage and MRF shed has been constructed is Khasra No. 141/1. **Further, the Kanungo has failed to mention that the area of land (portion from both in Khasra No. 141 & 141/1) in the name of Respondent No. 4, MC Sirhind is also GAIRMUMKIN CHOE i.e. part of natural drain whereas it is clearly mentioned in the copy of Jamabandi/Fard as produced by R-2 & R-3 both.** It is further pertinent to humbly submit here that this report has been sent to the EO, MC Sirhind by Tehsildar vide letter no. 482/27-03-2025 (kindly see running page no. 163). However, the Respondent No. 4 has intentionally not verify the facts from its own records.
6. That from Chajjra Plan and Jamabandi/Fard, it is clear that there are many other encroachments over land of Natural Drain (Choe) too i.e. by construction of buildings towards right side of culvert (bridge) from impugned location **whereas the entire land of Khasra No. 141 Min & Khasra No.**

141/1 Min in the name of MC Sirhind is part of natural drain. Therefore proper demarcation of impugned natural drain along with its floodplains is very important to identify all other encroachments.

**ROUGH MAP PREPARED & PRODUCED BY RESPONDENT NO. 2 AND 3
DOESN'T DEPICT ACTUAL WIDTH OF NATRUAL WATERBODY**

7. That Respondent No. 2 at Annexure R/2 (Running page no. 76) & Respondent No. 3 at Annexure R/2 (Running Page no. 113), both have produced same map (with wrongly mentioned North direction) of impugned location showing the width of waterbody as 126' at bridge/Culvert whereas it was width of flow of Nadi as on 16-04-2025. However, the actual width of Nadi at this point is 500'. However, the Respondent No. 4 has failed to provide the actual width of impugned natural waterbody. It is pertinent to humbly submit here that during floods in the year 2023, entire width of choe along with adjoining fields were undulated and garbage dumped on land of choe was carried away by the floods, resulting in contamination of water. Therefore, the area along this natural drain, on which impugned garbage is dumped and MRF building has been constructed, is floodplains of natural water body.

**DISTANCE OF LANDFILL SITE AS PER SWM RULES
2016 SCHEDULE 1 A (vii)**

8. That regarding Buffer Zone of Landfill site, the Clause A (vii) of Schedule-I of Solid Waste Management Rules 2023 is produced as under:

*(vii) **The landfill site shall be 100 meter away from river, 200 meter from a pond,** 200 meter from Highways, Habitations, Public Parks and water supply wells and 20 km away from Airports or Airbase. However in*

*a special case, landfill site may be set up within a distance of 10 and 20 km away from the Airport/Airbase after obtaining no objection certificate from the civil aviation authority/ Air force as the case may be. The **Landfill site shall not be permitted within the flood plains as recorded for the last 100 years**, zone of coastal regulation, wetland, Critical habitat areas, sensitive eco-fragile areas.*

It is pertinent to humbly submit here that the MRF Plant and Garbage dump, both are situated within land of Nadi (Choe) whereas the location should have been atleast 100 Meters away from this Nadi (Choe) whereas it is located exactly on floodplains of natural waterbody. It is pertinent to humbly submit here that this Nadi never remain dry and as submitted above, in the year 2023, it was completely filled undulating entire floodplains and nearby areas. The copy of relevant page of Schedule 1 of SWM Rules 2016 depicting minimum distance of Dump site from edge of water-bodies is produced herewith as **Annexure P-9**.

9. That as per reply submitted by Respondent No. 2 & 3. The MRF shed is 40' (i.e. 12.20 metres) away from the edge of the drain. Further, the dumpsite (landfill) is located at a distance of 50' (i.e. just 15.24 Meters) whereas as per Schedule –I of SWM Rules 2016, **it should be located 100 Meters away from the edge of actual width of River (Nadi-Choe)**. However, as per Applicants, the land on which MRF shed as well as landfill is constructed belongs to Choe and it is clear from Jamabandi/Fard provided by the Respondents themselves. It is further pertinent to humbly submit here that

the garbage is dumped even on EDGE of the Choe, however, the Respondent No. 2 & 3 have clicked and produced photographs in such a way that other side of drain (opp. to MRF structure) is not properly covered/shown. Thus, the Respondent No. 2 & 4 have deliberately produced false report by concealing the actual facts. Four Photographs with GPS location clicked on 31-07-2025 depicting garbage dumped on bank of flow of natural drain i.e. on floodplains of natural waterbody are produced herewith as **Annexure P-10**.

10. That despite clear from the Revenue Plan (Chajjra Plan) that the entire Khara No.141 and 141/1, both belong to Nadi (Choe), the Respondent No. 4, instead of verifying the facts as per records, has relied upon response of Respondent No. 4 to letter sent by the Department. It is pertinent to humbly submit here that in O.A. No. 6 of 2012 and M.A. No.s 967/2013 & 275 of 2014, case titled **Manoj Misra vs. Union of India & ors. & other connected matters**, this Hon'ble Tribunal, in the larger Environmental and Public interest, pleased to direct as under thus ;

v. (a) Having given our considered view to the various reports placed on record, submissions made by the Learned Counsel appearing for the parties and the Experts, we are of the opinion that presently the flood plain should be identified for the flood of once in 25 years in the interest of ecology, biodiversity and the river flow. Thus, we direct accordingly and also direct that the DDA shall prepare a map in this regard and would physically demarcate the entire flood plain.

Above interim prescription of the flood plain is not rigid, but is subject to change, in the event any of the public authorities, including the MoEF, moves the Tribunal, based upon some collected data or any other specific information in that regard .

(b) We direct and prohibit carrying on of any construction activity in the demarcated flood plain henceforth. We further direct the Principal Committee to identify or cause to be identified, all existing structures as of today which fall on the so identified and demarcated flood plain. Upon identification, the Principal Committee shall make its recommendations as to which of the structures ought or ought not to be demolished, in the interest of environment and ecology, particularly, if such structures have been raised in an unauthorised and illegal manner.

Xxx xxx xxx

(d) We direct all the concerned authorities including the DDA, Municipal Corporations and the NCT of Delhi, to take immediate and effective steps for repossessing the Flood Plain area under the unauthorised and illegal occupation of any person and/or any other body.

Xxx xxx xxx

vi. (b) Indiscriminate dumping of debris and construction waste is a direct source of not only pollution of River Yamuna, but even the environment and ecology as a whole. In order to control and prevent such pollution, we confirm the interim order dated 22nd July, 2013, passed by the Tribunal, with the variation in payment of amount of compensation payable by the offender **and direct that no person, authority, corporation and/or by whatever name or designation it is called, shall dump any kind of construction debris, municipal, or any other waste on the floodplain/river bed** of River Yamuna and its associated water bodies. There shall be complete prohibition on dumping of any material in and around River Yamuna.

vi. Whatever remnant construction or other waste is still lying on the banks of the entire stretch of Yamuna in NCT Delhi, would be removed

positively within four months from today by the concerned authority/State under whose jurisdiction the said area falls.

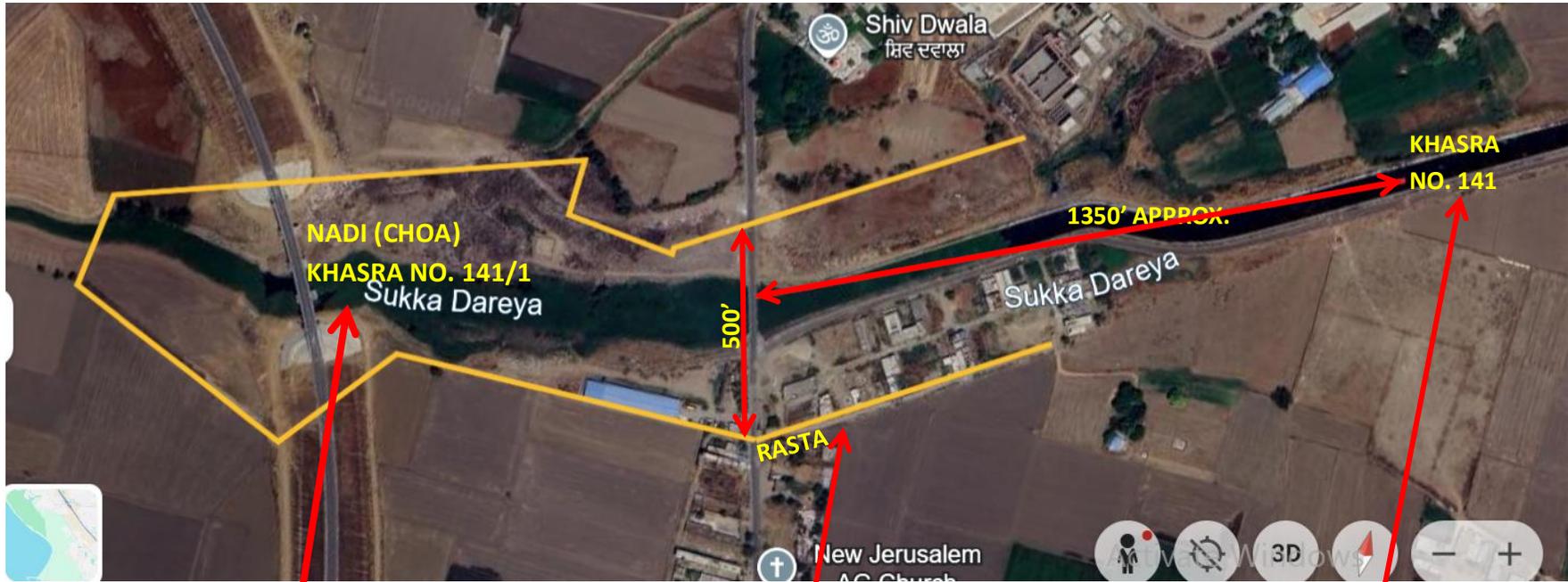
11. That save and except what has been specifically admitted in this rejoinder, all other statements in the impugned reply by Respondent No. 2, 3 & 4 shall be deemed to have been denied. The Applicants do not admit any statements, contentions, or submissions simply if the Applicants do not deal with them and deny them para-wise. The impugned replies of Respondents have been prepared and submitted with malafide intentions and by concealing the actual facts regarding nature of impugned land, thus liable to be rejected by this Hon'ble Tribunal. It is further submitted that the Applicants are not filing the para-wise rejoinder to the counter affidavit of the Respondent Association however, the Applicants seek leave of this Hon'ble Tribunal to file the same as and when required by this Hon'ble Tribunal.



Dated: 01-08-2025
Place: Ludhiana

Er. Kapil Dev
(Applicant No. 2)

DEMARCATON VIZ. CHAJJRA PLAN (REVENUE PLAN OF VILLAGE) AND LOCATION OF KHSRA NO. 141 & 141/1



and Ministry of Environment, Forest and Climate Change, along with its recommendations before the 31st day of August each year.

(5) The annual report shall be reviewed by the Ministry of Environment, Forest and Climate Change during the meeting of Central Monitoring Committee.

25. Accident reporting- In case of an accident at any solid waste processing or treatment or disposal facility or landfill site, the Officer- in- charge of the facility shall report to the local body in Form-VI and the local body shall review and issue instructions if any, to the in- charge of the facility.

SCHEDULE I

[see rule 15 (w),(zi), 16 (1) (b) (e), 16 (4)]

Specifications for Sanitary Landfills

(A) Criteria for site selection.-

- (i) The department in the business allocation of land assignment shall provide suitable site for setting up of the solid waste processing and treatment facilities and notify such sites.
- (ii) The sanitary landfill site shall be planned, designed and developed with proper documentation of construction plan as well as a closure plan in a phased manner. In case a new landfill facility is being established adjoining an existing landfill site, the closure plan of existing landfill should form a part of the proposal of such new landfill.
- (iii) The landfill sites shall be selected to make use of nearby wastes processing facilities. Otherwise, wastes processing facility shall be planned as an integral part of the landfill site.
- (iv) Landfill sites shall be set up as per the guidelines of the Ministry of Urban Development, Government of India and Central Pollution Control Board.
- (v) The existing landfill sites which are in use for more than five years shall be improved in accordance with the specifications given in this Schedule.
- (vi) The landfill site shall be large enough to last for at least 20-25 years and shall develop 'landfill cells' in a phased manner to avoid water logging and misuse.
- (vii) The landfill site shall be 100 meter away from river, 200 meter from a pond, 200 meter from Highways, Habitations, Public Parks and water supply wells and 20 km away from Airports or Airbase. However in a special case, landfill site may be set up within a distance of 10 and 20 km away from the Airport/Airbase after obtaining no objection certificate from the civil aviation authority/ Air force as the case may be. The Landfill site shall not be permitted within the flood plains as recorded for the last 100 years, zone of coastal regulation, wetland, Critical habitat areas, sensitive eco-fragile areas..
- (viii) The sites for landfill and processing and disposal of solid waste shall be incorporated in the Town Planning Department's land-use plans.
- (ix) A buffer zone of no development shall be maintained around solid waste processing and disposal facility, exceeding five Tonnes per day of installed capacity. This will be maintained within the total area of the solid waste processing and disposal facility. The buffer zone shall be prescribed on case to case basis by the local body in consultation with concerned State Pollution Control Board.
- (x) The biomedical waste shall be disposed of in accordance with the Bio-medical Waste Management Rules, 2016, as amended from time to time . The hazardous waste shall be managed in accordance with the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, as amended from time to time. The E-waste shall be managed in accordance with the e-Waste (Management) Rules, 2016 as amended from time to time.
- (xi) Temporary storage facility for solid waste shall be established in each landfill site to accommodate the waste in case of non- operation of waste processing and during emergency or natural calamities.

(B) Criteria for development of facilities at the sanitary landfills.-

- (i) Landfill site shall be fenced or hedged and provided with proper gate to monitor incoming vehicles, to prevent entry of unauthorised persons and stray animals
- (ii) The approach and / internal roads shall be concreted or paved so as to avoid generation of dust particles due to vehicular movement and shall be so designed to ensure free movement of vehicles and other machinery.
- (iii) The landfill site shall have waste inspection facility to monitor waste brought in for landfilling h, office facility for record keeping and shelter for keeping equipment and machinery including pollution monitoring equipment. The operator of the facility shall maintain record of waste received, processed and disposed.

ANNEXURE P-10

**Fatehgarh Sahib, Punjab, India**

J9PJ+X9H, Sirhind City Road-Defence Ban Rd,
Dashnami Akhara, Fatehgarh Sahib, Punjab
140406, India

Lat 30.636522° Long 76.380709°
31/07/25 09:23:09 AM





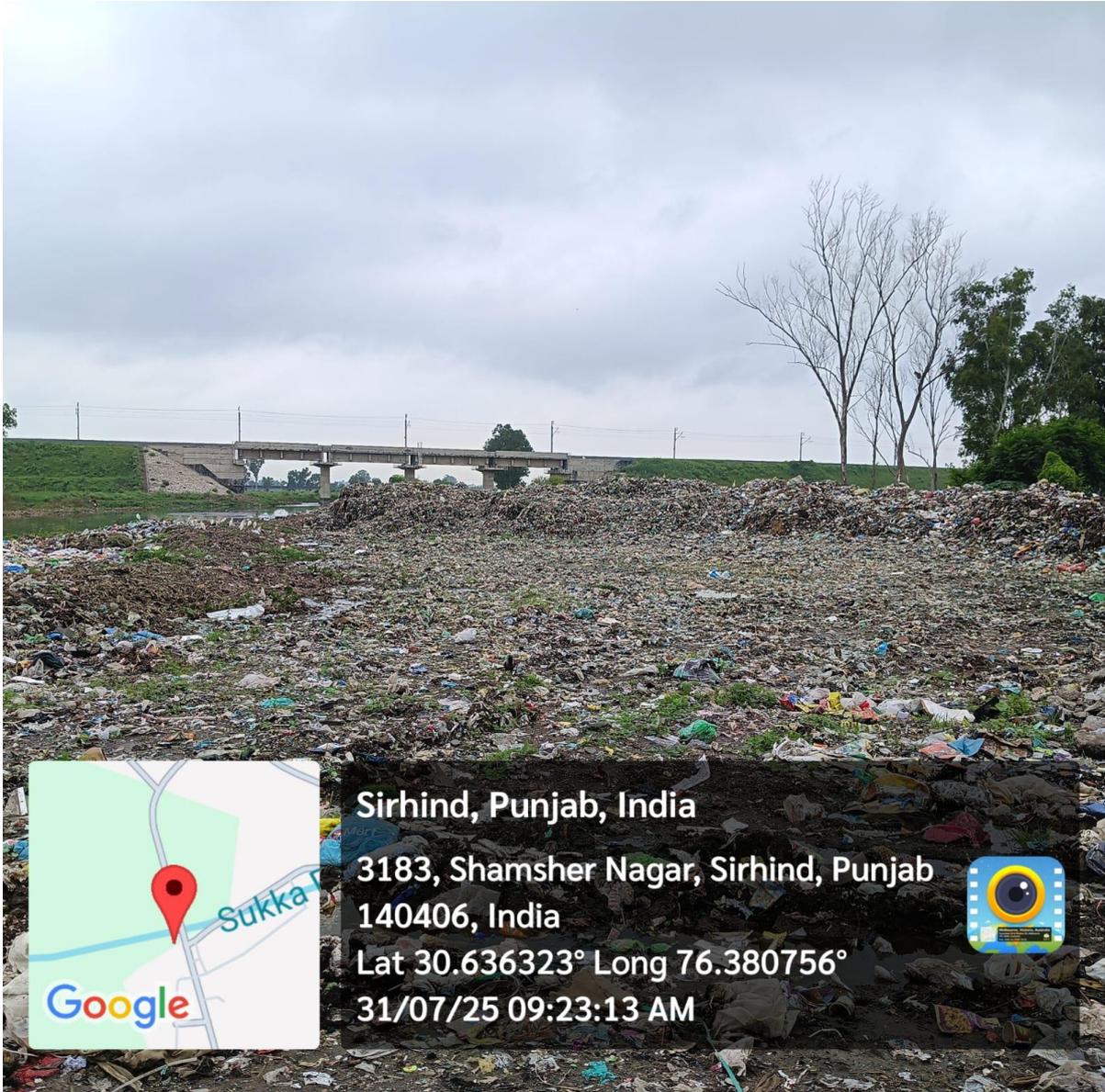
Sirhind, Punjab, India

**3183, Shamsheer Nagar, Sirhind, Punjab
140406, India**

Lat 30.63606° Long 76.380859°

31/07/25 09:23:41 AM







Sirhind, Punjab, India

3183, Shamsheer Nagar, Sirhind, Punjab
140406, India

Lat 30.63616° Long 76.380822°

31/07/25 09:23:29 AM



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

(In O.A No. 16 of 2025)

IN THE MATTER OF:

PUBLIC ACTION COMMITTEE & ORS.

-APPLICANTS

VERSUS

STATE OF PUNJAB & ORS

RESPONDENTS

AFFIDAVIT

I, Kapil Dev (aged 49 years) s/o Sh. Jagdish Chander, r/o 186-E, B.R.S. Nagar, Ludhiana do hereby Solemnly affirm and declare as under:

1. That I am one of the Applicants in the Original Application No. 16 of 2025.
2. That I am fully conversant with the present case and competent to swear to this affidavit.
3. That I have read the accompanying the Rejoinder from paragraphs 1 to 11 from pages 1 to 9 and have understood the contents thereof. The facts stated there in are true and correct to the best of my knowledge and nothing has been concealed there from.
4. That the Annexures are true copy of it' originals.

I know the Deponent/Executants personally and He/She has Signed/Thumb impression in any presence

[Signature]
DEPONENT

VERIFICATION

Verified at Ludhiana on this 1st day of August 2025, I the above-named deponent, do hereby verify that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.



9701

[Signature]
DEPONENT

Certified that the affidavit SPA/GP has been read over & explained to the deponent/Executant who seemed directly understand the matter at the writing

ATTESTED AS IDENTIFIED
NOTARY PUBLIC
LUDHIANA (PB.)

01 AUG 2025

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PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Service of Documents in O.A. 16 of 2025

PAC MattewaraSutlej <mattewarasutlejpac@gmail.com>

Sun, Aug 3, 2025 at 12:36 PM

To: cs@punjab.gov.in, dc.fth@punjab.gov.in, eomc.sir_fgs@yahoo.co.in, ghairajinder@gmail.com, eedrainage2023@gmail.com, chairman.ptl.ppcb@punjab.gov.in, eerofgs.ppcb@punjab.gov.in

Dear sir

PFA copy of Rejoinder as service of document in O.A. 16 of 2025.

Regards

Public Action Committee
through Er. Kapil Dev
Petitioner No. 1
M: 9872007872



Rejoinder in OA 16 of 2025.pdf

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