

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 1284 OF 2024

**IN THE MATTER OF:**

**Mr. Tarun Kumar Jain & Ors.**

**...Applicants**

**Versus**

**Kanpur Development Authority & Ors.**

**...Respondents**

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New Delhi

Dated this 21 day of January, 2026.

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**REJOINDER ON THE BEHALF OF THE APPLICANT TO  
THE REPLY FILED BY THE DISTRICT MAGISTRATE,  
KANPUR NAGAR- UTTAR PRADESH RESPONDENT NO.3  
ALONGWITH THE SUPPORTING AFFIDAVIT.**

**MOST RESPECTFULLY SHOWETH:**

At the outset, the Applicant denies all averments made in the Reply on behalf Of Respondent **No.3** to the original application to the extent which are contrary to or inconsistent with the contents of the plaint. Nothing contained in the present reply may be deemed to have been admitted, save as expressly admitted herein. The contents of reply filed by the Respondent **No.3** and the documents thereof are all referred hereto and part and parcel of the present Reply and which are not repeated here for the sake of brevity.

**PRELIMINARY SUBMISSIONS/OBJECTIONS:**

1. That the applicants are the residents of the area in the Kanpur city where the illegal demolition of a park bearing Plot No. 70 block W-1, Kanpur city having the area of 5138.67 square metre and cutting of trees is being taken out by the Respondents, thereby by causing substantial damage to the environment and ecology of the city and its surrounding area which has less than 1% green cover i.e. much below the desired green cover for the city.

2. The Respondents 1-4 herein are the government authorities who have authorized the cutting of trees and demolition of park used by the residents from more than 20 years and maintained by the authorities and the people living in the vicinity. Respondent No. 5 herein is the School who is adamant on occupying the said park for construction purpose according to the order dated 19.01.1984 and lease dated 23.01.2021 that is between the Kanpur Development Authority (Respondent No.1 and the School (Respondent No.5).

3. That this disputed land was leased for 99 years to the Respondent No. 5, wherein the Respondent No. 5 submitted the amount of 1,10,481.40 on the 27.06.1984. Thereafter according to the lease deed the Respondent was supposed to submit the instalments for purchase of the disputed park. The respondent No.5 failed to comply with the terms and conditions of the said lease deed, consequently, another advertisement was made for the purchase of the said disputed park. The dispute pertaining to this plot was decided in favour of the Respondent No.5 by the District Consumer Forum on 19.12.2003 against which an appeal was preferred by the Respondent No.1 which was dismissed by the State Consumer

Forum. Thereafter a revision petition was filed before the National Consumer Forum which also stand dismissed and Respondent No.1 preferred a SLP bearing No. 24590/2020 before the Hon'ble Supreme Court of India 18 which was also dismissed. Resultantly, the lease deed was executed in favour of the Respondent No. 5 on 23.01.2021.

4. Thereafter, when the possession was about to be taken it was found that there is a park build on that property which has been functioning for the last more than 20 years and many trees have been planted with boundary walls and pathways. In the presence of the disputed park, the said possession was not possible and the Respondent authorities refused to grant possession to Respondent No.5. On enquiry, it was found that the said park was built under the Plan No. W-1, Saket Nagar, Juhi (Govind Nagar) W-1 and is transferred to the Municipal Council on 30.05.1978. It was further enquired and discovered that this Park is functioning for more than 40 years and has more than 25 plants and trees. The office noting/orders of R-1 dated 18.03.2021 also shows the acceptable position that the disputed land is a park.

5. That Municipal Council has declared the disputed land as a Park and vide letter dated 05/10/2021 bearing No. D/328/HORTICULTURE/2021-22, the Horticulture Superintend has declared the said plot as Park and is enlisted in the list of Parks published in the Uttar Pradesh Park, Playground and open Spaces (Regulation and Control Rules) 2005 under rule 4 on 13.01.2016. Respondent No.1 issued a communication to the Respondent School wherein 6 different options are provided as the current disputed land

is a park. That the lush green track of fully grown trees which existed shows said trees and greenery. The newspaper cutting bearing the name of the park in the list of the park is also substantiating the claim that this is the park. Hence, the said area is a park, which can't be given to respondent no 5 as it was already declared as public park way back in 1978.

Therefore, Respondent No. 5 has no ownership rights over the said area and has filed illegal applications with the intent to wrongfully acquire statutory rights over the same. The impugned applications filed by Respondent No. 5 seek the conversion of a green park zone into commercial and/or residential use and involve the felling of trees, in clear violation of environmental laws and regulations. These applications are fraudulent, devoid of merit, and deserve outright rejection. The respondent without any right is illegally cutting/felling the trees, most of which are 20 yrs old.

Hence, the reply filed by Respondent No. 3 to the original application under Sections 14 and 15 of the National Green Tribunal Act is based on misrepresentation of facts, suppression of material information, and an incorrect interpretation of the law.

#### **PARA- WISE REPLY**

1. The contents of paragraph 1 of the reply filed the under the original application under Section 14 & 15 of the National Green Tribunal Act are of matter of records. Further, the Applicant reiterated and reaffirms the content of the OA and denies what is contrary and inconsistent therewith.

2. The contents of paragraph 2 wrong and denied. Whatever here been above referred to. Further, it is denied that the District Magistrate, Kanpur Nagar, has been impleaded only as Respondent No. 3, and a plain reading of the Application discloses no direct or substantive allegation against this office or any specific prayer has been made against respondent no.3 as all reliefs are sought from Respondent No. 1, the Kanpur Development Authority (“KDA”), as alleged.

The District Magistrate, being the supervisory authority over activities within the district, cannot frees himself of responsibility in respect of the illegal tree-felling and unauthorized occupation of the disputed land.

3. The contents of paragraph 3 wrong and denied. Whatever here been above referred to.

That the issuance of Letter No. 8288/STO/2025 dated 04-07-2025 by the District Magistrate to the Vice-Chairman, Kanpur Development Authority (KDA) itself demonstrates the fact that Respondent No. 3 were very much the environmental violations in question. Hence, the contention of Respondent no 3 present OA not disclosing any direct or substantive allegation is baseless.

It is further submitted that Respondent No. 3, being the District Magistrate, is responsible for supervising and ensuring that activities within the district are carried out in accordance with law. The illegal felling of trees in a well-maintained park could not have taken place without his knowledge and awareness. Therefore, instead of releasing of Respondent No. 3 from their responsibility, the said facts clearly lays out question of accountability on respondent no 3.

4. The contents of paragraph 4 wrong and denied. Whatever here been above referred to. It is denied that the Divisional Forest Officer, Kanpur Nagar, vide Letter No. 50/22-1 dated 04-07-2025, has categorically informed the answering Respondent that in relation to the land or activity impugned in the present proceedings no permission for tree-felling has either been sought from, or is pending before, his office, as alleged.

The letter clearly demonstrates that illegal tree-felling has taken place at the instance of the Respondents. This, in turn, raises a serious question of accountability on the part of the concerned authorities, including Respondent No. 3, the District Magistrate, who is responsible for the supervision and maintenance of all activities within his jurisdiction. Hence, Respondent No. 3 cannot be free from of his accountability of unauthorized tree-felling within his district.

5. The contents of paragraph 5 & 6 wrong and denied. Whatever here been above referred to. It is denied that the foregoing correspondence establishes that the KDA is the sole agency against whom the Applicants' grievance lies, as alleged. It is denied that no tree-felling or other environmentally prejudicial activity has been sanctioned by the competent forest authority; hence no omission or commission can be attributed to the answering Respondent, as alleged.

No tree felling request was sanctioned by the competent authority does not change the fact that no illegal activities has been taken in

the said disputed area, which is under the jurisdiction of District Magistrate, respondent no 3, who has competent authority of supervisory within the area. Hence, the contention of no omission or commission can be attributed to the answering Respondent is baseless and illogical.

The illegal felling of trees has taken place in violation of environmental laws, and Respondent No. 3, being the District Magistrate and supervisory authority of the area, cannot escape accountability for the same.

Therefore, the Respondent no 3 can't be absolved from the present case. Hence, the reply filed on the behalf of respondent no 3 is false and denied in toto.

### **PRAYER**

In view of the submissions made herein above, the applicant above named, most humbly prays that the Hon'ble Court may kindly allow the OA of the Applicants;

Or Pass any such other order and further order(s) which this Hon'ble Court may deem fit and proper under the facts and circumstances of the present case.

It is prayed accordingly.



Applicant

Through



D. K. Yadav,

Piyush Dwivedi & Himani

(Advocates)

Counsel for the Applicants

219, 2<sup>nd</sup> Floor, H-6 Building

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AFFIDAVIT

I Mr. Ravi Pandey S/o. Sh. Srikant Pandey, aged about 51 years, R/o 127/178 w-1 block, juhi colony Saket Nagar Kanpur Nagar Uttar Pradesh, 208014 presently at Delhi.

I, the above named deponent do hereby solemnly affirm and declare as under;

1. I, the Applicant No. 1 and the authorized representative of the Complainant, do hereby solemnly affirm and state that I am fully conversant with the facts and circumstances of the present case on the basis of my personal knowledge and records. I am, therefore, competent to swear and depose to the contents of this affidavit.

That the accompanying reply has been drafted by my counsel RAHUL KUMAR in accordance with instructions. The contents of the accompanying application are true and correct to my knowledge.

3. That the legal submissions are on advice and believed to be true on the basis of information received.



*Rahul Kumar*  
DEPONENT

**VERIFICATION:**

**21 JAN 2026**

Verified at Delhi on this.....day of January 2026, that the contents of the above affidavit are true and correct to my knowledge and believe and nothing material has been concealed there from.

*Rahul Kumar*  
DEPONENT

*I identify the deponent who has signed in my presence*

The Seal of Oath Commissioner  
S.L. No. 51/2025  
RAHUL KUMAR  
App. By. Delhi High Court  
Period-15/07/2025  
to 14/07/2027  
Mazari Court, Delhi-110051  
*709/10*

VERIFIED THAT THE DEI *Rahul Kumar*  
Shri/Smt./Mra .....  
W/o D/o .....  
enrolled by Shri/Smt. ....  
as solemnly affirmed to me a  
on..... **21 JAN 2026** No. ....  
that the Contents of the affidavit which have  
been read and explained to him are true and  
correct to his knowiwdge  
*D. K. Yadav*  
Oath Commissioner



Ravi Kant Yadav &lt;advocateravikantyadav@gmail.com&gt;

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**Mr. Tarun Kumar Jain & Others vs Kanpur Development Authority & Others in O.A NO 1284 OF 2024**

1 message

**Ravi Kant Yadav** <advocateravikantyadav@gmail.com>

Wed, Jan 21, 2026 at 10:25 PM

To: sthaviasthana@gmail.com, priyanka swami &lt;advpriyankaswami@gmail.com&gt;, office@awmlegal.in

Dear Sir/Ma'am

PLEASE FIND ATTACHED COPY OF REJOINDER ON THE BEHALF OF THE APPLICANT TO THE REPLY FILED BY THE DISTRICT MAGISTRATE, KANPUR NAGARUTTAR PRADESH RESPONDENT NO.3 AND 5 IN THE ABOVE CAPTIONED MATTER.

REGARDS

RAVI KANT YADAV ADV.

FOR D.K YADAV ADV.

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**2 attachments****Rejoinder respodent no 3.pdf**

2090K

**Rejoinder Respondent no 5.pdf**

1409K