

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 1344 OF 2024**

IN THE MATTER OF:

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

UNION TERRITORY OF JAMMU & KASHMIR & ORS.

...RESPONDENTS

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THROUGH

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PLACE:- NEW DELHI**DATE: 27.10.2025**

**BEFORE THE NATIONAL GREEN TRIBUNAL
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**REJOINDER ON BEHAF OF THE APPLICANT TO REPLY BY
RESPONDENT NO. 5 DATED 5.02.2025**

MOST RESPECTFULLY SHOWETH:

1. That the above-titled Application has been filed raising substantial question relating to the environment arising out of the illegal diversion of a natural stream and felling of more than 1000 trees for setting up of a playground in village Sonium, Block Lalpara, Baramulla District, Jammu & Kashmir. The Respondent No. 5- Gram Panchayat, Sonium filed its Reply on 5.02.2025.
2. That the Applicant through this present Rejoinder seeks to file its reply and objections to the contentions made by Respondent No. 5. At the outset, the Applicant denies all the contentions and averments made in the above-mentioned Reply dated 5.02.2025 unless expressly admitted or are a part of matter of record.

PRELIMINARY SUBMISSION/OBJECTION:

3. That the above-mentioned Reply dated 5.02.2025 is not supported by any affidavit and neither has it been properly and officially verified and stamped by any registered Notary.

4. That the Reply has been filed and signed by Mr. Ghulam Mohammad Malla who is claiming to be the Sarpanch of Gram Sonium, Block Lalpora, Baramulla. However, his tenure ended in January, 2024. As per Government of Jammu and Kashmir notification dated 10.01.2024, the term of all Halqa Panchayat had expired on 9.01.2024, and the power to run the administration of Panchayats were granted to Block Development Officers for a period of six months, or until further orders, whichever being earlier.

A copy of the Notification dated 10.01.2024 issued by the Government of Jammu and Kashmir is annexed herewith as **ANNEXURE A-1**.

5. That the Respondent No. 4 submitted its Report dated 27.03.2025 (Pg 74) wherein the findings of the Joint Committee formed by it including Regional Director, J&KPCC Kashmir, Incharge water Lab I&KPCC Kashmir & AEE, Divisional Office Srinagar were mentioned. Here, the Report concluded that:

- a. Excavation work had been carried out for diversion of the stream, but the channel formed by way of excavation was not been utilized and was found to be dry'
- b. Trees stumps of approximately 300 trees of varying diameter and species, mostly willow and poplar were observed
- c. Respondent no. 6 had applied for NOC to the Irrigation and Flood Control Department which was declined by the said Department vide letter dt. 23.02.2025
- d. During the inspection no remedial action was witnessed and all proposed work for setting up playground has been put on hold.

PARA WISE REPLY:

6. That the contents of Para 1 are denied as baseless except for what is part of matter of record. It is submitted that the Respondent No. 6, with permission from the office of Respondent No. 5, undertook large scale

illegal felling of trees near the Badyari stream to convert the area into a playground. It is further submitted that the Joint Committee formed by Respondent No. 4 as mentioned in its Report dated 27.03.2025, has stated that the actions of Respondent No. 6 were unauthorized and got stopped due to protests from local residents.

7. That the contents of Para 2 are denied except for what is part of matter of record. The Applicant submits as below:

- a. The statement made in Para 2 that the government work could not have been executed because the issue is sub-judice in the court of the Hon'ble Additional Judge, Baramulla is misleading. This is because the work had been undertaken way before the case was registered. As per the knowledge of the Applicant, the work began around in the month of February, 2024 and the said cases were registered on 15.02.2024.
- b. The claim of the Respondent No. 5 that the photographs being annexed by the Applicant shows retrieval of state land by Revenue authorities is wrong. It is submitted that the photographs show the diversion of stream which has also been supported by the Respondent No. 4 in Report dated 27.03.2025 has also stated that:

"2 ...a) It was observed that excavation work has been carried out for diversion of the stream, but the channel formed by way of excavation has not been utilized and was found to be dry"

Further, the trees near the stream were cut and uprooted and falsely shown as anti-encroachment drive.

8. That the contents of Para 3 are denied as false and misleading. It is submitted the Respondent No. 5 has fallaciously and wrongly stated that

"no work with nomenclature " construction of playground sonium" or "diversion of water stream in sonium" has been executed in the year 2023 and 2024" as per the MGNREGA website. Further, a detailed procedure has been mentioned to access the MGNREGA website and to prove that no work existed on the portal. However, the Applicant is annexing work expenditure sheet for the year 2023-2024 wherein at Item 9, the following is mentioned:

| <i>"S. No.</i> | <i>Work Name (Work Code)</i> | <i>Work Status</i> | <i>Financial Year</i> | <i>Work Category</i> |
|----------------|---|--------------------|-----------------------|--------------------------------|
| 9 | <i>Diversion of Nalla near playfield at sonium (1402011023/IC/8808586840)</i> | <i>Approved</i> | <i>2023-2024</i> | <i>Micro irrigation Works"</i> |

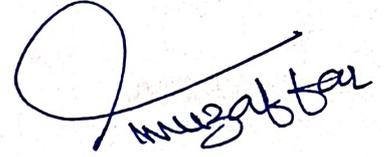
Further, the Applicant went to the official MGNREGA website and verified the information as claimed by the Respondent No. 5. Therein, the Applicant found details of the project titled 'Diversion of Nalla near playfield at Sonium' and work status to be shown as 'closed'. This clearly shows that the Respondent No. 5 with malicious intent is providing false information about the project. In the present case, with the intention to build the playground, the Respondent No. 6 with permission from Respondent No. 5 undertook diversion of the natural stream. Also, the Respondent No. 4 in Report dated 27.03.2025 has also stated that *"excavation work has been carried out for diversion of the stream, but the channel formed by way of excavation has not been utilized and was found to be dry"*. As for the trees felled, the Respondent No. 4 has also observed approximately 300 trees of varying diameter and species, mostly willow and poplar were observed which indicate that trees have been cut down for setting up of the playground. This clearly shows that the diversion of the Badyari stream and felling of trees were proposed and undertaken. The project was only stopped because no permission was granted by the Respondent No. 3 and protests from local residents.

A copy of the screenshot of the MGNREGA work expenditure sheet as taken before filing of the Original Application is annexed herewith as **ANNEXURE A-2.**

A copy of the latest screenshot of the MGNREGA work expenditure sheet is annexed herewith as **ANNEXURE A-3.**

9. That the contents of Para 4 are denied as incorrect and misleading except for what is part of matter of record. It is submitted that it is the law which states that permission is required for the activity undertaken in the present case. As per the Section 81(1), the Irrigation and Flood Control Department is the authorized department to grant any permission regarding the control of the bed and banks of all water sources, navigation channels, intake channels, city channels and flood spill channels together with all works that affect the hydraulic conditions in the State. Further, Section 81(2), states that no reclamation or plantation in the bed or on the banks of a water course, navigation channel, intake channel, city channel or flood spill channel shall be permissible except under an authorization by the prescribed authority. Therefore, the Respondent No 5 cannot hide away from its duty to seek all due permissions before undertaking such unscientific project. Further, even if the claim of the Respondent No. 5 is said to be true that no NOC is required from Respondent No. 3, then how come no response has been made to the rejection of NOC by Respondent No. 3 through letter dated 23.02.2024 as annexed in Annexure A-3, Pg 40.
10. That therefore, this Hon'ble Tribunal may consider the above-mentioned submissions on behalf of the Applicant for further adjudication of the matter.

11) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.



APPLICANT

THROUGH





RITWICK DUTTA RAHUL CHOUDHARY SHREEPURNA DASGUPTA
ADVOCATES

COUNSELS FOR THE APPLICANT

N-73, LOWER GROUND FLOOR,

GREATER KAILASH-I,

NEW DELHI-110048

MOBILE NO: 9312407881

Email: litigation@dclawchambers.com

Place: New Delhi

Date:

VERIFICATION:

Verified by Raja Muzaffar Bhat, s/o Bashir Ahmed Bhat, aged about 49 years, R/o 64, Alamdar Colony, Gopalpura, District Budgam, Jammu & Kashmir-191113 that the contents of Paragraphs 1 to 10 are true to my personal knowledge and nothing material has been concealed therefrom.



APPLICANT

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 1344 OF 2024**

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...APPLICANT

VERSUS

UNION TERRITORY OF JAMMU & KASHMIR & ORS.

...RESPONDENTS

AFFIDAVIT

I, Raja Muzaffar Bhat, s/o Bashir Ahmed Bhat, aged about 49 years, R/o 64, Alamdar Colony, Gopalpura, District Budgam, Jammu & Kashmir-191113, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above titled Original Application and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.

Raja Muzaffar Bhat
DEPONENT

VERIFICATION

Verified on this 25 day of October, 2025 that the contents of the present affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

verified that the statement is correct on oath and solemn affirmation before me on this the 25th day of October 2025 by Raja Muzaffar Bhat s/o Bashir Ahmed Bhat R/o Gopalpura Budgam who is identified by Advocate

Raja Muzaffar
DEPONENT

[Signature]
Advocate
Indul Bhat

[Signature]
S.S.H. CHELLANI
Notary Public
Budgam.



सत्यमेव जयते

INDIA NON JUDICIAL

Government of Jammu and Kashmir

₹10

e-Stamp

Certificate No. : IN-JK87422062562682X
Certificate Issued Date : 25-Oct-2025 02:52 PM
Account Reference : NEWIMPACC (SV)/ jk12541104/ SRINAGAR/ JK-SN
Unique Doc. Reference : SUBIN-JKJK1254110459678926841730X
Purchased by : Raja Muzaffar
Description of Document : Article 4 Affidavit
Property Description : Not Applicable
Consideration Price (Rs.) : 0
 (Zero)
First Party : Raja Muzaffar
Second Party : Not Applicable
Stamp Duty Paid By : Raja Muzaffar
Stamp Duty Amount(Rs.) : 10
 (Ten only)



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2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

Government of Jammu & Kashmir
Department of Rural Development & Panchayati Raj
Civil Secretariat, Jammu/Srinagar

Notification,

Jammu, the 10th of January, 2024.

S.O 16- The term of Halqa Panchayat(s) has expired on 09.01.2024 and Government is satisfied that the Halqa Panchayat(s) cannot be constituted immediately;

Now therefore, in exercise of the powers conferred by section 9 of Jammu & Kashmir Panchayati Raj Act, 1989, the Government hereby appoints Block Development Officers (BDOs) as Administrator(s), for running the affairs of the Panchayat Halqas under their jurisdiction for a period of six months w.e.f. 10.01.2024 or till further orders, whichever is earlier.

By order of the Government of Jammu and Kashmir.

Sd/-

(Dr. Shahid Iqbal Choudhary), IAS
Secretary to the Government

No. RDD-Pnch/291/2023 (CC: 7356741)

Dated: 10-01-2024

Copy to the:-

1. Joint Secretary, Ministry of Panchayati Raj, GoI, New Delhi.
2. Joint Secretary (J&K), Ministry of Home Affairs, GoI, New Delhi.
3. Divisional Commissioner Kashmir/Jammu.
4. District Development Commissioner _____ (All)
5. Special Secretary to the Chief Secretary, J&K for information of Chief Secretary.
6. Director Information, J&K, Jammu.
7. Director Rural Development Department Jammu/Kashmir.
8. Secretary, State Election Commission, J&K, Jammu.
9. Director Archives, Archaeology and Museums, J&K, Jammu.
10. General Manager, Government Press, Jammu/Srinagar for information and publication in the extra ordinary issue of the Government Gazette.
11. Assistant Commissioner Development _____ (All)
12. District Panchayat Officers _____ (All)
13. Block Development Officers _____ (All)
14. Pvt. Secy to Hon'ble Lieutenant Governor for information of the Hon'ble Lieutenant Governor.
15. Pvt. Secretary to Secretary to the Government, Department of RD&PR.
16. Government Order file/Stock file.


(Mohammed Farooq) JKAS

Deputy Secretary to the Government 10.1.24

8:08 AM G

4G 71

National Rural Employment Guarantee Act

Work Expenditure

JAMMU AND KASHMIR

DISTRICT : BARAMULLA

Block : LALPORA

Work Category : ALL

Work Status : ALL

| S No. | Work Name(Work Code) | Work Status | Financial Year | Work Category |
|-------|---|-------------|----------------|---------------------------------------|
| 1 | Construction of 1 No. of Pedestal at Panchayat Halqa Sonium (1402011023/AV/8808518163) | On Going | 2023-2024 | Anganwadi/Other Rural Infrastructure |
| 2 | I/o paristan khul with R-wall at diff. spots at sonium.3 (1402011023/IC/8808579811) | On Going | 2023-2024 | Micro Irrigation Works |
| 3 | I/o kachin khul with drain at diff. spots 5 (1402011023/IC/8808575546) | On Going | 2023-2024 | Micro Irrigation Works |
| 4 | I/o of Gurrit khul with drain at sonium1 (1402011023/IC/8808575547) | On Going | 2023-2024 | Micro Irrigation Works |
| 5 | I/o pattkhah khull with drain at sonium 7(2023-24) (1402011023/IC/8808577232) | On Going | 2023-2024 | Micro Irrigation Works |
| 6 | I/o lakut ara with filling n/L/o Rakesh kumar 1 (1402011023/IC/8808585588) | On Going | 2023-2024 | Micro Irrigation Works |
| 7 | Dev. Of goniswar khul with drain at sonium.4 (1402011023/IC/8808575545) | New | 2023-2024 | Micro Irrigation Works |
| 8 | I/o garlum khul with road N/L/O jaffar dar and others 3 (1402011023/IC/8808579812) | New | 2023-2024 | Micro Irrigation Works |
| 9 | Diversion of Nalla near playfield at sonium (1402011023/IC/8808586840) | Approved | 2023-2024 | Micro Irrigation Works |
| 10 | I/o of hyen khul with R-wall from L/o all road to watali path with R-wall at diff. spots 4 (1402011023/IC/8808579807) | Approved | 2023-2024 | Micro Irrigation Works |
| 11 | Construction of 15 Number of Compost Pit at Panchayat Sonium (1402011023/IF/8808799528) | Approved | 2023-2024 | Works on Individual Land (Category I) |
| 12 | Construction of 10 Number of Compost Pit at Panchayat Sonium (1402011023/IF/8808799532) | Approved | 2023-2024 | Works on Individual Land (Category I) |
| 13 | Construction of PMAY-G House for Individuals -PMAY-G REG. NO. JK140588879 (1402011023/IF/IAY/291383) | Completed | 2023-2024 | Works on Individual Land (Category I) |
| 14 | filling of sunni makbarah at sonium.2 (1402011023/LD/8808592274) | Approved | 2023-2024 | Land Development |
| 15 | Development of Park near Astan Shereef bunyaal at sonium (1402011023/LD/8808592619) | Approved | 2023-2024 | Land Development |
| 16 | filling of shia mazar at sonium.5 (1402011023/LD/8808578025) | On Going | 2023-2024 | Land Development |
| 17 | filling of shia mazar at sonium.5 (1402011023/LD/8808585567) | New | 2023-2024 | Land Development |
| 18 | Development of Playfield at Sonium side (1402011023/LD/8808592620) | On Going | 2023-2024 | Land Development |
| 19 | Earthfilling Makbooza Ahli Islam (1402011023/LD/8808592621) | On Going | 2023-2024 | Land Development |

nreganarep.nic.in/netnrega/dynamic_work_details.aspx?page=S&lflag=eng&state_name=JAMMU%20AND%20KASHMIR&state_code=14&fin_year=2023-2024&source=national&Digest=wMlqw/fOJuzTRb6nyx10WA

Govt. of India
Ministry of Rural Development
Department of Rural Development
27-Oct-2025 04:21:25 PM

The Mahatma Gandhi National Rural Employment Guarantee Act

[Back](#) [Home](#)

R6.12 Dynamic Report for Monitoring and details of works

Note: 1* Select all mandatory field then submit *!. 2* Work status will be ongoing in case expenditure analysis not equal to all *!

| | | | | | |
|----------------------|-----------------------|-------------------|-------------|------------------------|-----------------|
| State | District | Block | Panchayat | Work Category | Proposed Status |
| JAMMU AND KASHMIR | BARAMULLA | LALPORA | Sonium | Micro Irrigation Works | ALL |
| Expenditure Analysis | Expenditure Estimates | Work Start Fin Yr | Work Status | Filter | |
| ALL | ALL | 2023-2024 | ALL | ALL | |

Submit

| Sl No | State | District | Block | Panchayat | Work Category | Work Status | Work Start Fin Yr | Expenditure Analysis | Expenditure Estimates | Remarks | for Community | | | | | | | | | | | | | |
|-------|-----------|----------|--------|-----------|------------------------|-------------|-------------------|----------------------|-----------------------|---|--|---|---|----------------|-----------|-----------|--------|---|---|---|---|---|---|---|
| 11 | BARAMULLA | LALPORA | Sonium | | Micro Irrigation Works | Deleted | 2023-2024 | | | road N/L/O jaffar dar and others 3 | MANAGEMENT | | | | | | | | | | | | | |
| 12 | BARAMULLA | LALPORA | Sonium | | Micro Irrigation Works | Deleted | 2023-2024 | | | I/o of Gurrit khul with drain at sonium1 | A--PUBLIC WORKS RELATING TO NATURAL RESOURCES MANAGEMENT | Construction of sub-minor Canal for Community | Construction of sub-minor Canal for Community | Gram Panchayat | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| 13 | BARAMULLA | LALPORA | Sonium | | Micro Irrigation Works | Closed | 2023-2024 | | | Diversion of Nalla near playfield at sonium | A--PUBLIC WORKS RELATING TO NATURAL RESOURCES MANAGEMENT | Lining of sub-minor Canal for Community | Lining of sub-minor Canal for Community | Gram Panchayat | 284078.44 | 213595.14 | 497674 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |