

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 1270/2024

In the matter of:

IMRAN ALI

...APPLICANT

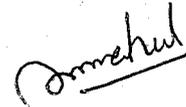
VERSUS

MINISTRY OF ENVIRONMENT, GOVT. OF UTTAR
PRADESH & ORS.

...RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGE NOS.
1.	Replication on behalf of the Applicant to the counter affidavit filed by Respondent no. 8 along with Affidavit	1-9
2.	Proof of Service	10

Through**Aanchal Bumb**

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New Delhi

Dated: 31/01/2026

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**REPLICATION ON BEHALF OF THE
APPLICANT TO THE COUNTER AFFIDAVIT
FILED BY RESPONDENT NO. 8**

To,

The Hon'ble National Green Tribunal,
Principal Bench, New Delhi

Most humbly submitted:

1. That the Applicant has carefully perused the counter affidavit/reply filed by Respondent No. 8 and denies all the averments, allegations and submissions made therein, save and except those which are specifically admitted herein. The counter affidavit is evasive, unsupported by documents, and does not address the core environmental issue involved in the present proceedings.
2. That the present replication is being filed as a brief affidavit at this stage. The Applicant has already filed separate applications seeking disclosure and clarification of material facts, which are pending consideration. The Applicant respectfully seeks liberty to place a more detailed

replication on record, if necessary, after adjudication of the said applications.

3. That the reply filed by Respondent No. 8 proceeds on selective assertions of ownership and civil adjudication, while deliberately avoiding disclosure of foundational facts and documents which are essential for adjudication of the present environmental dispute.

PRELIMINARY SUBMISSIONS

4. At the outset, it is submitted that the defence raised by Respondent No. 8 is misconceived and legally untenable. The present proceedings concern the protection of a notified pond/waterbody and enforcement of statutory environmental obligations. Such issues cannot be defeated by bare pleas of ownership particularly when public authorities themselves admit the existence of a pond.
5. That Respondent No. 8 claims ownership over land described as Khasra Nos. 2181/1 and 2181/2, whereas the subject matter of the present Original Application is Khasra No. 2181, which stands recorded as Talab (pond) in revenue records. Where a khasra is recorded as a waterbody, any subdivision, if any, necessarily raises a critical question as to which portion of the subdivided land corresponded to the pond area and how such pond land was preserved, excluded, or dealt with in accordance with law. Respondent No. 8 has completely failed to answer this foundational issue.

6. That significantly, Respondent No. 8 has not placed on record any document whatsoever to substantiate its defence, including sale deeds or conveyance documents, chain of title, revenue records showing lawful subdivision, mutation or demarcation records.
7. That in the absence of such disclosure, the plea of ownership raised by Respondent No. 8 remains a bald and self-serving assertion, incapable of rebutting statutory and official records. The Applicant has therefore been constrained to move a separate interlocutory application seeking directions to Respondent No. 8 to disclose its title and revenue documents.
8. That it is respectfully submitted that none of the Respondents have been able to give any clear or consistent explanation as to when Khasra No. 2181 was divided, whether it was at all divided, and in what manner such division took place. There is also no clarity on record as to whether the original Khasra No. 2181 continued to exist as an independent number after the alleged creation of Khasra Nos. 2181/1 and 2181/2, or whether Khasra No. 2181 stood fully bifurcated into the said sub-numbers. No order of subdivision, no revenue record, and no mutation entry has been placed on record by any of the Respondents to explain this position. In the absence of such basic clarity, the claims raised by Respondent No. 8 regarding ownership and location of land remain uncertain and unreliable, particularly when the land in question is admitted to have been recorded as a pond.

4

**ADMISSIONS BY STATE AUTHORITIES HAS
OVERRIDING EVIDENTIARY VALUE**

9. That Respondent Nos. 2 and 3, namely the District Magistrate and the Sub-Divisional Magistrate, have categorically admitted in their replies that Khasra No. 2181 is recorded as Talab (pond) and Pajaba in the base year Khatauni of 1359 Fasli (1952). This admission is based on official revenue records. Respondent No. 4 (Municipal Council, Kiratpur) has further admitted that Gata No. 2181/1 admeasuring 0.759 hectare is recorded as pond. These admissions by statutory authorities strike at the very root of the denial sought to be raised by Respondent No. 8.
10. Respondent No. 8 has conspicuously failed to deal with or rebut these admissions and has chosen instead to rely on general denials and civil litigation history.

**PERMIT CONDITIONS AND UNANSWERED
QUESTIONS**

11. That Respondent No. 8 has relied upon construction permission allegedly granted by Respondent No. 4. However, the said permit itself records a clear and conscious condition that "*there will be no encroachment of any kind on the 7590 sq. meter pond land near the proposed construct site.*"
12. The inclusion of this condition unequivocally establishes that:
- a. the existence of a pond was acknowledged at the time of grant of permission;

5

- b. the area of the pond was identified; and
- c. protection of the pond was mandatory.

13. That despite this, neither Respondent No. 8 nor Respondent No. 4 has disclosed where the said pond exists today, particularly after construction has been carried out. The Applicant has therefore moved a separate application seeking disclosure of the present status, location and extent of the admitted pond/waterbody.

14. That Respondent No. 8 cannot be permitted to rely on construction permissions in isolation while completely ignoring the conditions attached thereto. A permission granted subject to protection of a pond cannot be used as a shield once the pond itself is no longer traceable on the ground.

15. That thus the counter affidavit filed by Respondent No. 8 is evasive, unsupported by documents, and inconsistent with admissions made by statutory authorities. It seeks to cloud the real issue by raising disputed questions of title without laying any factual foundation and by avoiding disclosure of critical documents.

16. That the Hon'ble Supreme Court in "*Hinch Lal Tiwari v. Kamala Devi (2001) 6 SCC 496*", has held as under:

"13. It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The Government, including

the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is failing in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites.

14. For the aforementioned reasons, we set aside the order of the High Court, restore the order of the Additional Collector dated 25-2-1999 confirmed by the Commissioner on 12-3-1999. Consequently, Respondents 1 to 10 shall vacate the land, which was allotted to them, within six months from today. They will, however, be permitted to take away the material of the houses which they have constructed on the said land. If Respondents 1 to 10 do not vacate the land within the said period the official respondents i.e. Respondents 11 to 13 shall demolish the construction and get possession of the said land in accordance with law. The State including Respondents 11 to 13 shall restore the pond, develop and maintain the same as a recreational spot which will undoubtedly be in the interest of the villagers. Further it will also help in maintaining ecological balance and protecting the environment in regard to which this Court has repeatedly expressed its concern. Such measures must begin at the grass-root level if they were to become the nation's pride."

17. That this Hon'ble Tribunal in "Mohd. Sheik Ansaruddin v. State of W.B., 2024 SCC OnLine NGT 6688" decided by Eastern Zone Bench, Kolkata while relying upon the aforementioned judgement of the Hon'ble Supreme Court held "We are satisfied that the order of the District Magistrate, North 24 Parganas dated 04.07.2024 restraining construction work related to conversion in respect of the land in question cannot be allowed to become a hindrance in the Rejuvenation and Restoration of the waterbody or construction of the Municipal Sewage Drain and connection of the domestic drains leading towards the waterbody with the municipal sewage drain"

18. That the Applicant craves leave to rely upon the pleadings, documents and interlocutory applications already filed on record, including applications seeking disclosure of title

documents and disclosure of the present status of the pond/waterbody, as forming part of the present replication.

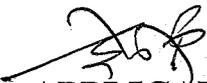
19. That the present replication may kindly be treated as a preliminary response at this stage. The Applicant respectfully seeks liberty to place a more detailed replication or additional affidavit on record, if required, upon adjudication of the pending interlocutory applications

PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- A. Grant reliefs are prayed for in the Original Application; *and*
- B. To grant liberty to the Applicant to file a detailed replication or additional affidavit, if so required, after the pending interlocutory applications seeking disclosure and clarification of material facts are adjudicated; *and*
- C. Pass such further orders as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the present case.

ALL OF WHICH IS MOST HUMBLY AND
RESPECTFULLY SUBMITTED


APPLICANT

Through



Aanchal Bumb

Advocates for the Applicant

E-231, LGF, GK-II, New Delhi-48

Ph: 9212696986 | imran.hrln@gmail.com

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Dated:

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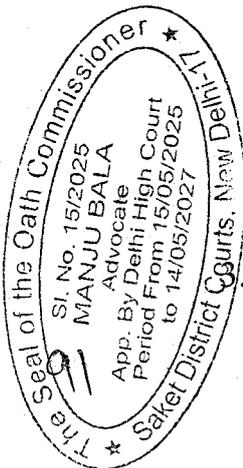
...RESPONDENTS

AFFIDAVIT

I, Imran Ali S/o Ahmed Ali, aged about 45 years, R/o Mohallah Pathanpura, Najibabad District Bijnor UP 246763 also at E-231, GK-II, New Delhi, do hereby solemnly affirm and declare as under:-

1. That I am the applicant in the above noted matter and am well conversant with the facts of the case and competent to swear by this affidavit.
2. That the contents of the accompanying Replication have been drafted by my counsel under my instructions, and that I have understood and signed the same to be true and correct and the same be read as part of this affidavit.

That the contents of the application are true and correct to the best of my knowledge and nothing material has been concealed herein.



[Signature]
DEPONENT

9

VERIFICATION:

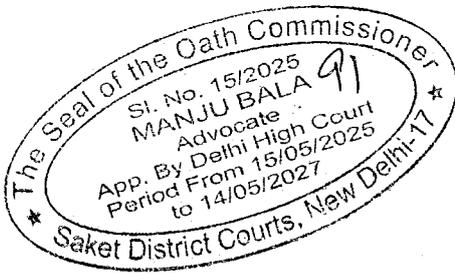
31 JAN 2026

Verified at New Delhi on this _____ day of February, 2026,
that the contents of the above affidavit are true and correct
to the best of my knowledge and belief, and no part of it is
false, and nothing material has been concealed therefrom.

[Signature]
DEPONENT

31 JAN 2026

Self
Identify the Deponent who has
signed/put in my Presence
01/2982/2009



CERTIFIED THAT THE DEPONENT
Shri / Smt. / Km. *Manu AG*
R/o. *Self*
Identified by Shri/Smt. *Self*
Has solemnly affirmed before me at
Delhi. *91* St. No. _____
That the contents of the affidavit which
have been read & explained to him are
true and correct to the knowledge

[Signature]
Oath Commissioner, Delh.
MANJU BALA
New Delhi



Dharmender <dharmnishad21@gmail.com>

Advance Service of Replication of the Counter Affidavit and applications under order 19(4) seeking Directions to the respondent on behalf of the applicant in OA No. 1270 of 2024 Titled "Imran Ali vs Ministry of Environment and Ors"

1 message

Dharmender <dharmnishad21@gmail.com>

Sat, Jan 31, 2026 at 7:41 PM

To: eonppkiratbi-up@nic.in, bhanwar jadon <bhanwar09jadon@gmail.com>, chambersofsaurabhajaygupta@gmail.com, dmbij@nic.in, v.vlawassociates@gmail.com, sdmnazibabi-up@nic.in

Advance Service of Replication of the Counter Affidavit and applications under order 19(4) seeking Directions to the respondent on behalf of the applicant in OA No. 1270 of 2024 Titled "Imran Ali vs Ministry of Environment and Ors"

PFA

Regards

Dharmender
Clerk for Ms. Aanchal Bumb Advocate
E-231, LGF, Greater Kailash-2, New Delhi-110048

3 attachments

 **REPLICATION ON BEHALF OF THE APPLICANT TO THE COUNTER AFFIDAVIT IN OA NO 1270 OF 2024.pdf**
427K

 **APPLICATION UNDER SECTION 19(4) SEEKING DIRECTION R-3-4 IN OA NO 1270 OF 2024.pdf**
481K

 **APPLICATION UNDER SECTION 19(4) SEEKING DIRECTION R-8 IN OA NO 1270 OF 2024.pdf**
367K