

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
I.A. NO. 300 OF 2025
IN
ORIGINAL APPLICATION NO. 710 OF 2023**

IN THE MATTER OF

SUSHIL RAGHAV

...APPLICANT

VERSUS.

STATE OF UTTAR PRADESH & ORS.

...RESPONDENTS

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Through



Ritwick Dutta



Rahul Choudhary

ADVOCATES

Counsel for the Applicant

N-73, Lower Ground Floor, Greater Kailash-1,

New Delhi-48

Email Id:- Litigation@dclawchambers.com

Place:- Delhi

Dated:- 08.07.2025

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**REPLY ON BEHALF OF THE APPLICANT TO THE APPLICATION BY
RESPONDENT NO. 13 TO 34 SEEKING STAY**

MOST RESPECTFULLY SHOWETH:

1. That the above-titled Original Application has been filed by the Applicant raising the grievance raised that illegal constructions such as road/pathway, industrial drain and other structures were being undertaken on the park earmarked at Rajendra Nagar Industrial Colony on G.T. Road Mile 8/7, Sahibabad, Ghaziabad by the Ghaziabad Municipal Corporation.
2. That the above-titled I.A. No. 300 of 2025 has been filed by the Respondent No. 13 to 34 seeking interim stay from the Hon'ble Tribunal to direct the Respondent No. 7 to not proceed further against the said Respondents till the Original Application is pending.
3. That at the outset, the Applicant denies all the contentions and averments made in the above-titled I.A. No. 300 of 2025 unless expressly admitted or are a matter of record. The Applicant further reiterates that all facts and submissions made in the Original Application, to be true and correct and same may be read as part of the instant Reply and are not being repeated for the sake of brevity.

REPLY OF THE APPLICANT TO I.A. NO. 300 OF 2025:

4. It is submitted that as per the 1962 approved map of the Rajendra Nagar Industrial Colony on G.T. Road, there is no residential colony marked on the said map. That the said map is an approved layout map which was annexed by the Applicant and confirmed by the Chief Secretary, State of U.P. in its Affidavit dated 30.09.2024. The claim of the Respondents No.s 13 to 34 that they are staying in the colony legally is invalid.
5. That further, the Affidavit submitted by the Chief Secretary, State of Uttar Pradesh dated 30.09.2024 has also annexed a status report dated 18.07.2024 wherein at Page 289, it is stated that:

"Thus, the area of the illegal colony on the said park land is 3425.3 sq yard (2864 sq m) and the area of the illegal road constructed on the park land is 1033.6 sq yard (864.2 sq m). The remaining land is encroachment free. The site map is attached."

6. That as per the above-mentioned Report, the State itself has recognized the colony as an illegal colony. Further, the Respondent No. 7 in its Short Reply dated 5.02.2025 has stated that they have issued show cause notices to the residents of the colony. The relevant portion from one of those show cause notices is reproduced below:

"...In pursuance of the order dated 17.10.2024 passed by the Hon'ble Court in OA No. 710/2023 Sushil Raghav vs State of UP and others pending in Hon'ble National Green Tribunal (NCT), New Delhi, after the site inspection of the said disputed park by the previously constituted committee, it was found that Babu Jagjivan Ram Colony is illegally settled by unauthorizedly occupying about 2864 sq.m. area of the land of the park in question, under which your building is situated.

Therefore, you are directed to ensure that within 15 days of receipt of the above letter, you make available the forms related to the ownership of your building and the approved map etc. in the office of the undersigned. Otherwise, under the provisions of the Act, action will be proposed as per rules to remove the illegal construction done by you by occupying the

land unauthorizedly and to file a case against you. The entire responsibility of which will be yours. ..."

7. That the Hon'ble Supreme Court in ***Anjuman E Shiate Ali & Anr. v. Gulmohar Area Societies Welfare Group & Ors. [(2020) 20 SCC 698]*** vide order dated 17.04.2020 had held that:

"25. It is also to be noticed that the open spaces are required to be left for an approval of layout or for the purpose of creating lung space for the owners of other plots where constructions are permitted. The 4 plots bearing Nos. 1, 3, 5 and 6, were sub-divided at the instance of the appellant Society in its entirety and approval was taken for dividing such land into 61 plots. It is not open to claim for construction in the two plots which are reserved for open spaces/garden spaces also. It is fairly well-settled that in an approved layout, the open spaces which are left, are to be continued in that manner alone and no construction can be permitted in such open spaces. The Development Plan which was submitted in the year 1999, as per the 1991 DCR, will not divest the utility of certain plots which are reserved for open spaces in the approved layout. The appellants cannot plead that such a layout was only temporary and as a stopgap arrangement, the said two plots were shown as open spaces/garden and now they be permitted to use for construction."

8. That considering the above-mentioned submissions, the prayer seeking stay must not be allowed as irreparable harm shall be caused to the environment. Therefore, in light of the above-mentioned submissions, the Applicant submits that there is no merit in the prayers of the Respondents No. 13 to 34 and is liable to be dismissed.

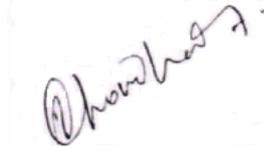
9) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

Raghu
APPLICANT

THROUGH

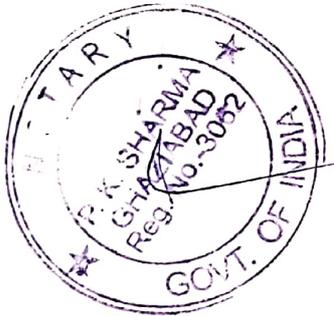


RITWICK DUTTA



RAHUL CHOUDHARY
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N-73, LOWER GROUND FLOOR,
GREATER KAILASH-I,
NEW DELHI-110048
MOBILE NO: 9312407881
Email: litigation@dclawchambers.com



Place: New Delhi

Date: 8.07.2025

VERIFICATION:

Verified by Sushil Raghu, s/o Shri Ratan Singh, aged about 39 years, R/o 226, Karkar Model Post, Sahibabad, Site-4, Ghaziabad that the contents of Paragraphs 1 to 9 are true to my personal knowledge and nothing material has been concealed therefrom.

ATTESTED
No. 05 Dated 07.7.25
Certified that Documents Affidavits are
Identified By Sushil Raghu

Raghu
APPLICANT

Raghu
P.K. SHARMA
Advocate
New Delhi Ghaziabad
(GOVT. OF INDIA)
07.7.25

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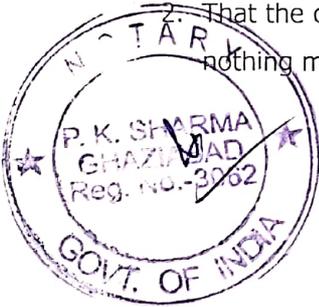
STATE OF UTTAR PRADESH & ORS....RESPONDENTS

AFFIDAVIT

I, Sushil Raghav, s/o Shri Ratan Singh, aged about 39 years, R/o 226, Karkar Model Post, Sahibabad, Site-4, Ghaziabad, 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 Reply to the I.A. are true and correct and nothing material has been concealed therefrom.



VERIFICATION

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


DEPONENT


DEPONENT



903

Litigation . <litigation@dclawchambers.com>

**Copy of Rejoinder and Reply on behalf of the Applicant in OA No. 710 of 2023
Sushil Raghav Versus. State of Uttar Pradesh and ors.**

1 message

Litigation . <litigation@dclawchambers.com>

Tue, Jul 8, 2025 at 2:43 PM

To: bhanwar jadon <bhanwar09jadon@gmail.com>, malak@malakbhatt.com, yagyawalkya@dylawchambers.com,
Advocate Raj Kumar <advrajkumar@gmail.com>, abhishek.lawyer@gmail.com, sthaviasthana@gmail.com,
contact@advocatemayank.in

Cc: Shreepurna Dasgupta <shreepurnadasgupta@proton.me>

Dear Sir/madam,

Please find attached- Copy of Rejoinder and Reply on behalf of the Applicant in OA No. 710 of 2023 Sushil Raghav Versus. State of Uttar Pradesh and ors.

Thanks & Regards
Counsel for the Applicant

2 attachments

 **Reply on behalf of applicant R-13 & 34.pdf**

742K

 **Rejoinder Sushil Raghav.pdf**

746K