

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. NO. 36/2025

IN

ORIGINAL APPLICATION NO. 710/2023

IN THE MATTER OF:
SUSHIL RAGHAV

...APPLICANT

VERSUS

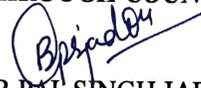
STATE OF U.P. & ORS.

...RESPONDENT(s)

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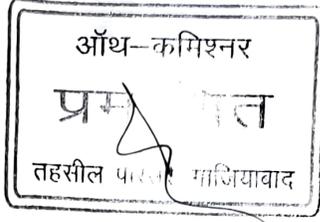
THROUGH COUNSEL



BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR THE STATE OF U.P.
EMAIL- bhanwar09jadon@gmail.com

DATE: 01.04.2025

PLACE: GHAZIABAD



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**REPLY TO THE I.A. FOR STAY ON BEHALF OF DISTRICT
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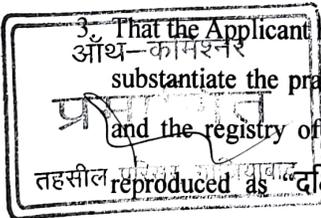
PHOOL KUMAR

Advocate
Chairman Bench & Commissioner
Ghaziabad (U.P.)



1. That the present reply is being filed on behalf of the District Magistrate, Ghaziabad to the Interim Application No. 36 of 2025.

2. It is submitted that the application for stay filed by the Applicant is devoid of merit, unsustainable, and liable to be dismissed.



3. That the Applicant herein purchased the Plot No. 80-K on 22.06.2004, and to substantiate the prayer for stay the Applicant has relied upon the sale deed and the registry of the land wherein the description of the land has been reproduced as "दक्षिण- कालौनी पार्क/रास्ता 10 फुट चौड़ा- भुजा 18 फुट".

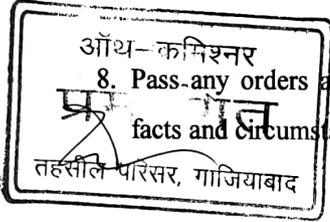
However, it is submitted that the Applicant in order to access the main road has encroached upon the green belt of the park which is approved as per the original layout map. The encroachment on the park by the Applicant has

been ongoing for the past 20 years which has cause substantial damage to the environment and has disrupted the ecological integrity of the said park land.

4. It is submitted that the Chief Secretary, State of U.P. has clearly submitted in his reply dated 30.09.2024 (page no. 303 of the judicial copy; point 1), based on the inspection report submitted by the Special Secretary, State of U.P., that in the park land itself, a permanent road has been constructed by the factory owners, covering an area of 864 square meters. In the original layout map, Plot Nos. 79 and 80 have been marked as single, undivided plots, with no approved subdivisions. However, Plot Nos. 79 and 80 have been subdivided on site into small industrial plots, where factories are currently operating. That out of these sub- divisions, Plot no. 80-K has been formed which is neither approved nor depicted in the original layout map. The factories that have opened their gates towards the park are using this road to access the main road. Except for the corner plot, there is no other exit from these plots to the road apart from the aforementioned path.
5. Therefore, it is submitted that by granting the stay to the Applicant will lead to further damage to the environment which is being caused by the Applicant for the past 20 years. Furthermore, in the present case, the applicant has not provided any substantial proof for any kind of relief at this juncture.
6. The applicant has now filed an IA seeking stay of the actions being taken by the authorities to remove the encroachment done by the factory owners and

the damage caused to the environment. The present IA is wholly unwarranted, given the facts and circumstances of the case, and granting the stay would impede the public interest and environmental protection initiative being taken by the authorities as per the directions issued by this Hon'ble Tribunal.

7. That therefore, in light of the above-mentioned submissions, it is submitted that there is no merit in the prayers of the Applicant and is liable to be dismissed.



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

THROUGH COUNSEL

Bhanwar Pal Singh Jadon

BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR THE STATE OF U.P.
EMAIL- bhanwar09jadon@gmail.com

DATE: 01.04.2025

PLACE: GHAZIABAD

नाम N. G. T. NEW DELHI
शक्यकर्ता DEEPAK MEENA (D.M) (en. Z.B.)
शिकारकर्ता BHANWAR PAL SINGH JADON (Adv)
मेरे समक्ष शक्य 10:30 A.M.
शक्यकर्ता के शक्य सत्य है
रजिस्टर नं०..... 01
दिनांक 01-4-2025
हस्ताक्षर
ऑथ-कमिश्नर
परिसर गाजियाबाद



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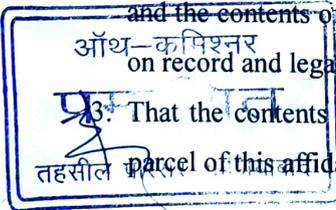
I, DEEPAK MEENA, aged about 30 years, S/o RAM CHARAN MEENA posted as District Magistrate, Ghaziabad do hereby solemnly affirm and state as under:

1. That I, in the abovementioned capacity, am fully and well conversant with the facts and circumstances of the case and competent to swear the present Affidavit.

2. That I have gone through the contents of the accompanying reply to the I.A.

and the contents of the same are true and correct as per my knowledge based on record and legal knowledge obtained.

3. That the contents of the accompanying reply may also be read as part and parcel of this affidavit which are not repealed herein for the sake of brevity.



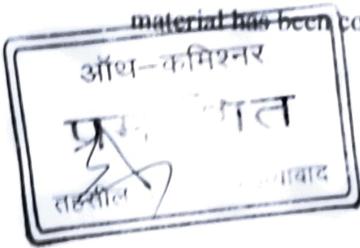
नाम M. O. T. NEW DELHI
शपथकर्ता श्री/श्रीमति. DEEPAK MEENA (D.M.) (G. 2-B)
शिनाख्त फर्ता श्री/श्रीमति. BHANUWAR PAL SINGH (A. O. U.)
मेरे समक्ष शपथ समय. 10/3/2025
शपथकर्ता के शपथ सत्य है
रजिस्टर नं. 02
दिनांक 01-4-25

31/3/2025
DEPONENT

हरसाक्षर
ऑथ कमिश्नर
पारसर गाजियाबाद

VERIFICATION

Verified at GHAZJABAD on this 01 day of APRIL, 2025,
that the contents of the above affidavit are believed to be true and correct to
the best of my knowledge and belief. No part of it is false and nothing
~~material has~~ been concealed therefrom.



31/3/2025
DEPONENT