

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

MA No. 55 OF 2022

IN

OA No. 342 OF 2022

IN THE MATTER OF:

SANJAY SINGH & ORS.

... APPLICANTS

VERSUS

STATE OF UP & OTHERS

.. RESPONDENTS

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Place: New Delhi

Date: 29.11.2022

Through Counsel

Respondent

(VIBHAV MISHRA)

Chamber No.221, C.K. Daphtary Block,
Tilak Lane, Supreme Court of India,
New Delhi-110001

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 55 of 2022
IN
O.A. No. 342 of 2022

IN THE MATTER OF:

Sanjay Singh & Ors. Applicants

Versus

State of U.P. & Ors. Respondents

REPORT BY THE MEERUT NAGAR NIGAM

1. That the Original Application No. 342/ 2022 in the above captioned matter was disposed of on 17.05.2022 with the direction to constitute Joint Committee of State PCB, DFO, Meerut, the Commissioner Municipal Corporation, Meerut and District Magistrate, Meerut and direct the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law by following due process within two month from the date of receipt of a copy of this order. The District Magistrate, Meerut will be the nodal agency for co-ordination and compliance.

2. That in compliance of the said order, a joint committee was constituted on 28.05.2022 and inspection report dated 09.06.2022 was prepared.

3. That the backdrop for identification of this site came into picture when it was found that there is illegal encroachment at the verge of this site. In 2017, with the intention to dispossess illegal encroacher, an FIR No. 582/2017, P.S. Medical College Meerut under Section 447 IPC was registered against one Rajender and Ashu S/o Illyas by Kunwar Pal Singh I/C property department Nagar Nigam, District Meerut, however the said persons continued to be in illegal possession of the said land until they were forcefully dispossessed on the date when the construction of the impugned dumping yard started. The true copy of the FIR No. 582/2017, P.S. Medical College Meerut under Section 447 IPC is annexed herewith and marked as **ANNEXURE A-1**.
4. That with bonafide intentions, dumping space of 15x10 meter was constructed for exclusive collection of Road sweeping waste and no other, for there is already an existing door to door house waste collection, which does not go in this dumping yard and is straight away carried to the segregation facility.
5. That it is most respectfully submitted to this Hon'ble Tribunal that the identified area had no green cover and it was under illegal encroachment. To remove the encroachment and desist and encroachers to re-encroach the land, it was decided that the place be converted into dumping yard solely and exclusively to collect/dump the Road waste/garbage of the L block, so that air and soil pollution can be curbed and checked. The pictures of the dump yard is annexed herewith and marked as **ANNEXURE A-2**.

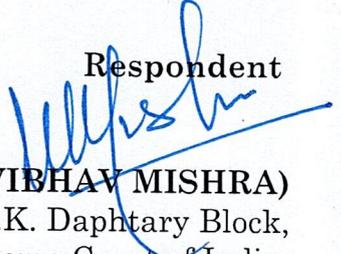
6. That since no other garbage is taken inside the dumping yard, therefore there is no question of any foul smell emitting in air. Rather, the sole intention to make this place was to collect road-sweeping waste so that it does not get mix with other waste.
7. That no tree was removed while making this facility, as is evident from the Google image of 2017 and 2022 respectively. On the contrary, with tedious efforts of Municipal Corporation, Meerut, the green cover has substantially increased in the entire area and to avert any possible soil erosion due to gust and rain, the municipal corporation is now planting grass and increasing grass-covers in entire green belt, which not only enhances its beauty, but also aids and assists in environmental protection. That the Google images of the entire patch of 2017 and as on November 2022 is annexed herewith and marked as **ANNEXURE A-3**.
8. That the Municipal Corporation Meerut is committed to green ethos and provide, to its residents, a clean, green and healthy environment and secure high star ratings in Clean Surveys.
9. That the Awas Vikas Parishad, which has developed and planned this area, has confirmed that there was no proposed green belt in the master plan. A joint report by the UP Awas Vikas Parishad, Municipal Commissioner- Meerut and District Magistrate Meerut is annexed herewith and marked as **ANNEXURE A-4**. The copy of the Master Plan as updated on July 2001 is annexed herewith and

marked as **ANNEXURE A-5**. The combined digitalized layout plan of Scheme No.3, Shastri Nagar, Meerut is annexed herewith and marked as **ANNEXURE A-6**. The map made by the JE, Nagar Nigam for the convenience of the Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE A-7**.

10. That it is most respectfully submitted that there has no violation of any environmental laws while creating this facility and it has been created to ensure cleanliness and make Meerut green and livable.

Place: New Delhi
Date: 29.11.2022

Through Counsel

Respondent

(VIBHAV MISHRA)
Chamber No.221, C.K. Daphtary Block,
Tilak Lane, Supreme Court of India,
New Delhi-110001

Annex-3

N.C.R.B (एन.सी.बी.)
I.I.F.-1 (एकीकृत अति पत्र)

Place of Issue (जारी करने का स्थान):

(g) Occupation (व्यवसाय):

(h) Address (पता):

S.No. (क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	वर्तमान पता	सम्पत्ति विभाग नगर निगम मेरठ, मेरठ, उत्तर प्रदेश, भारत
2	स्थायी पता	सम्पत्ति विभाग नगर निगम मेरठ, मेरठ, उत्तर प्रदेश, भारत

(i) Phone number (दूरभाष)

Mobile (मोबाइल सं.):

7. Details of known/suspected/unknown accused with full particulars (जात / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):

S.No. (क्र. सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Mobile No. (मोबाइल नं०)	Address (पता)
1	राजेन्द्र				, भारत
2	आशु		पिता: इल्यास		, भारत

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र. सं.)	Property Type (सम्पत्ति के प्रकार)	SubType (उप प्रकार)	Value (In Rs/-) (मूल्य (रु में))

10. Total value of property stolen (In Rs/-) (चोरी हुई सम्पत्ति का कुल मूल्य (रु में)):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

S.No. (क्र.सं.)	UIDB Number (यू.डी.प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

नकल तहरीर हिन्दी वादी... सेवा में थानाध्यक्ष मैडिकल मेरठ थाना विषय हापुड रोड एल क्लाक तिराहे से बिजली बम्बा चौकी तक सडक/ग्रीन बैल्ट पर अवैध कब्जे के सम्बन्ध में महोदय उपरोक्त विषयक अवगत कराना है कि मा0 आयुक्त महोदय मेरठ मण्डल मेरठ के निर्देशानुसार दिनांक 17.08.2017 में हापुड रोड पर एल क्लाक तिराहे से बिजली बम्बा चौकी तक सडक के दोनों ओर सडक पटरी एवं ग्रीन बैल्ट से नगर निगम मेरठ द्वारा आतिक्रमण हटवाया गया है किन्तु ग्रीन बैल्ट/सडक पटरी पर राजेन्द्र पुत्र अज्ञात द्वारा होटल बनाकर व गाडी मेकर का कार्य करके एवं आशु पुत्र इल्यास द्वारा डेयरी बनाकर ग्रीन

वैल्ट पर अवैध कब्जा किया हुआ है जिसको नहीं हटाया गया है तथा सरकारी सम्पत्ति को क्षति पहुंचाई गई है अतः आपसे अनुरोध है कि अक्त सरकारी/ सार्वजनिक भूमि को क्षति पहुंचाने के लिए अवैध कब्जा करने के सम्बन्ध में उपर्युक्त दोषी व्यक्ति के विरुद्ध प्रथम सूचना रिपोर्ट दर्ज कराने का कष्ट करे दिनांक 01.09.2017 ह0 अंग्रेजी अपठित कुंवरपाल सिंह 1.9.17 सम्पत्ति विभाग नगर निगम मेरठ.. नोट FIR का खुलासा रो0आम मे मुद्दा का0 518 सुजीत द्वारा किया गया तथा तहरीर की नकल कम्प्यूटर पर क0आ0 मुकेश कुमार द्वारा किता की गयी .

13. Action taken: Since the above information reveals commission of offence (s) u/s as mentioned at Item No. 2.(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में सल्लेख धारा के तहत है।)

(1) Registered the case and took up the investigation (प्रकरण दर्ज किया गया और जांच के लिए लिया गया) : or (या)

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम): SURESH KUMAR

Rank (पद): Asst. SI (Assistant Sub- No.(सं.): 802330451

to take up the investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया)

or (या)

(3) Refused investigation due to (जांच के लिए):

or (के कारण इंकार किया या)

(4) Transferred to P.S.(थाना):

District (ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी।)

R.O.A.C.

(आर. ओ. ए. सी.)

Signature of Officer in charge, Police Station(थाना प्रभारी के हस्ताक्षर)

Name (नाम): SHO THANA MEDICAL

Rank(पद): SI (Sub-Inspector)

No.(सं.): 9454403988

14. Signature/Thumb Impression of the complainant / informant. (शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

ANNEXURE A-2

PHOTOGRAPHS OF THE DUMP SITE







JUNE 2017

Legend **ANNEXURE A-31**

-  Arjun Memorial Multispeciality Hospital
-  Bs Design Decor
-  Chaudhary Hotel Shudh Shakahari Bhojan

Google Earth

Image © 2022 Maxar Technologies



30 m

AUGUST 2022

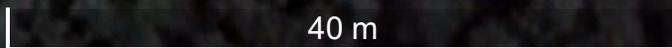
12

Legend

-  Arjun Memorial Multispeciality Hospital
-  Bs Design Decor
-  Chaudhary Hotel Shudh Shakahari Bhojan

Google Earth

Image © 2022 Maxar Technologies



मा0 राष्ट्रीय हरित अधिकरण के आदेश दिनांक 08.08.2022 एवं 09.11.2022 के अनुपालन में आख्या:-

मा0 राष्ट्रीय हरित अधिकरण द्वारा ओ0ए0 संख्या-342/2022 में दिनांक 08.08.2022 को निम्न आदेश दिया गया:-

We have gone through the report and in view there of the questions which arise for consoderitation are as to (i) whether construction of dhalao ghar in green belt is legaly permissible (ii) if so what procedure is prescribed to be followed for the same (iii) whether the prescribed procedure has been followed for construction of the dhalao ghar in question with approval by the competent authority and (iv) whether construction of the dhalao ghar involves violation of any of the environmental statutory provisions/norms.

उक्त के क्रम में मा0 राष्ट्रीय हरित अधिकरण के समक्ष आख्या निम्न प्रकार है:-

आवास योजना संख्या:-03 शास्त्रीनगर के सैक्टर-एल ब्लॉक आवास योजना, आवास विकास परिषद द्वारा विकसित की गयी है। आवास विकास परिषद के स्वीकृत मानचित्र में एल ब्लॉक तिराहे से पी0ए0सी0 प्रशिक्षण केन्द्र तक मेरठ-हापुड़ रोड सड़क की चौड़ाई 76 मी0 प्रदर्शित की गयी है। स्वीकृत मानचित्र में सड़क के किनारे कोई ग्रीन बेल्ट नहीं रखी गयी है। सड़क का रख-रखाव राष्ट्रीय राजमार्ग प्राधिकरण द्वारा किया जा रहा है।

एल ब्लॉक तिराहे से पी0ए0सी0 प्रशिक्षण केन्द्र की दीवार तक स्वीकृत मानचित्र में ग्रीन बेल्ट के रूप में कोई भूमि/पट्टी आरक्षित नहीं की गयी है। स्वीकृत मानचित्र में 76 मी0 चौड़ाई रोड़ हेतु अंकित है। जिसमें वर्तमान में 12 मी0 चौड़ी बिटुमिन रोड बनी हुई है।

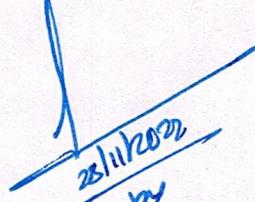
उक्त स्वीकृत मानचित्र में एल0 ब्लॉक शास्त्रीनगर के आवासीय योजना में यद्यपि ग्रीन बेल्ट हेतु भूमि आरक्षित नहीं है, फिर भी एल0 ब्लॉक से पी0ए0सी0 प्रशिक्षण केन्द्र तक 09 मी0 चौड़ाई में हरित पट्टिका विकसित की गयी है। उक्त हरित पट्टी जिसकी लम्बाई लगभग 650 मी0 है, के अन्तिम छोर पर पूर्व में स्थानीय व्यक्तियों द्वारा किये गये अवैध कब्जे को अवमुक्त कराते हुए एक आधुनिक ढलाव घर का निर्माण 150 वर्ग मीटर में नगर निगम, मेरठ द्वारा रोड़ स्वीपिंग वेस्ट हेतु कराया गया है।

प्रश्नगत स्थल पर ढलाव घर के निर्माण के समय अथवा उससे पूर्व अवैध अतिक्रमण के कारण स्थल पर कोई पेड़ नहीं था। उक्त स्थान पर आधुनिक ढलाव घर के निर्माण के दौरान कोई पेड़ नहीं काटा गया है। उक्त स्थल को देखने से ऐसा प्रतीत होता है ढलावघर हरित पट्टी में बना हुआ है, जबकि आवास विकास परिषद मानचित्र के अनुसार स्थल पर हरित पट्टी के रूप में कोई भूमि आरक्षित नहीं की गयी है।

तथ्यात्मक आख्या सादर प्रेषित है।

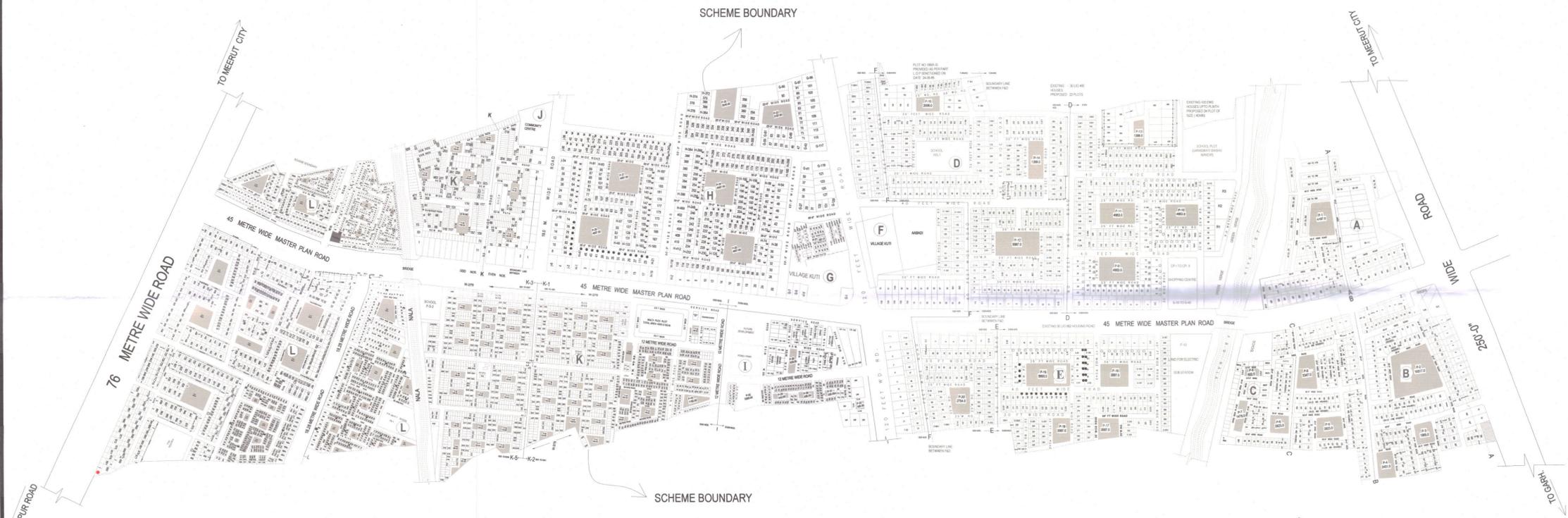
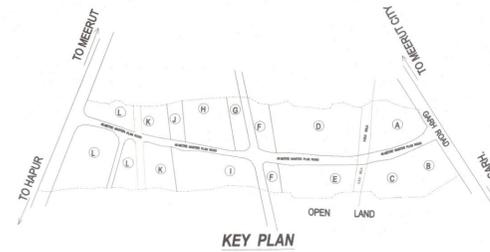
अधिसूची अभियन्ता
निर्माण खण्ड मेरठ-03
उ०प्र० आवास एवं विकास परिषद
शास्त्री नगर, मेरठ


नगर आयुक्त
नगर निगम, मेरठ


28/11/2022
जिलाधिकारी/जिला मजिस्ट्रेट
मेरठ।



UPAVP



अधिसूची अधिनियम
निर्माण खण्ड मेरठ-03
उपग्राम आवास एवं विकास परिषद
शास्त्री नगर, मेरठ

U.P AVAS EVAM VIKAS PARISHAD, LUCKNOW
ARCHITECTURE AND PLANNING UNIT - 1
AREA = 374.69 ACRE

ARCHITECTURE AND PLANNING UNIT - 1, U.P AVAS EVAM
VIKAS PARISHAD, NEELGIRI COMPLEX, INDIRA NAGAR,
LUCKNOW

E-MAIL ID. - ap1@upavp.com

COMBINED NUMBERING AND CONTROL LAYOUT PLAN OF
BLOCK (A,B,C,D,E,F,G,H,I,J,K,L) OF SCHEME NO. 03
SHASTRI NAGAR, MEERUT

1. THIS LAY OUT PLAN HAS BEEN PREPARED ON THE BASIS OF FEASIBILITY RECIEVED BY Ex. En. CD - 5 VIDE HIS LETTER NO. 1861 DATED 13-12-19
2. THIS UNIFIED LAY OUT PLAN HAS BEEN FINALIZED ON THE BASIS OF FEASIBILITY RECIEVED BY Ex. En. CD - 5 VIDE HIS LETTER NO. 345 DATED 28-02-2020

LEGEND

DISPUTED AND UNDER STAY

DISCLAIMER
THIS COMPILED LAYOUT PLAN IS ONLY FOR VIEWING PURPOSE. IT SHALL NOT BE REFERED AS AN AUTHORIZED/LEGAL DOCUMENT & IT CAN NOT BE USED IN ANY COURT OR IN ANY MATTER RELATED TO DISPUTE OF ANY TYPE.

SCALE - NOT TO SCALE



DEALT BY MAANUKRITI ARCHITECT

DATE 04-03-2020

CHECKED BY SIGN

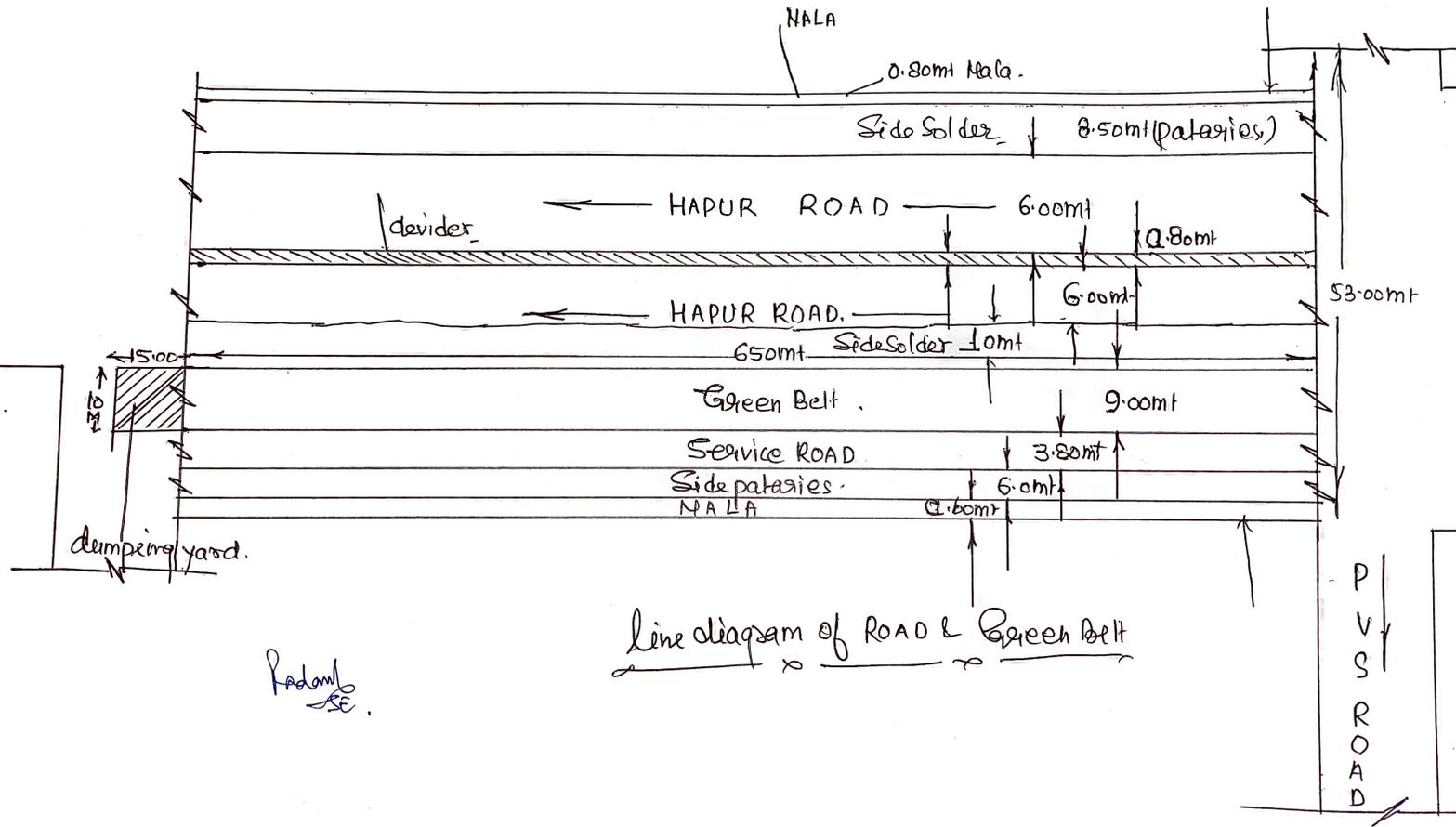
MAHADEV PRASAD
DRAUGHTSMAN (CIVIL) SD-/ 04/03/2020

R.H. JAISWAL
ARCH. ASSTT.

S.J. YADAV
B. ARCH ARCHITECT PLANNER SD-/ 04/03/2020

V.B. SINGH
CHIEF ARCHITECT PLANNER SD-/ 06/03/2020

ANNEXURE A-7

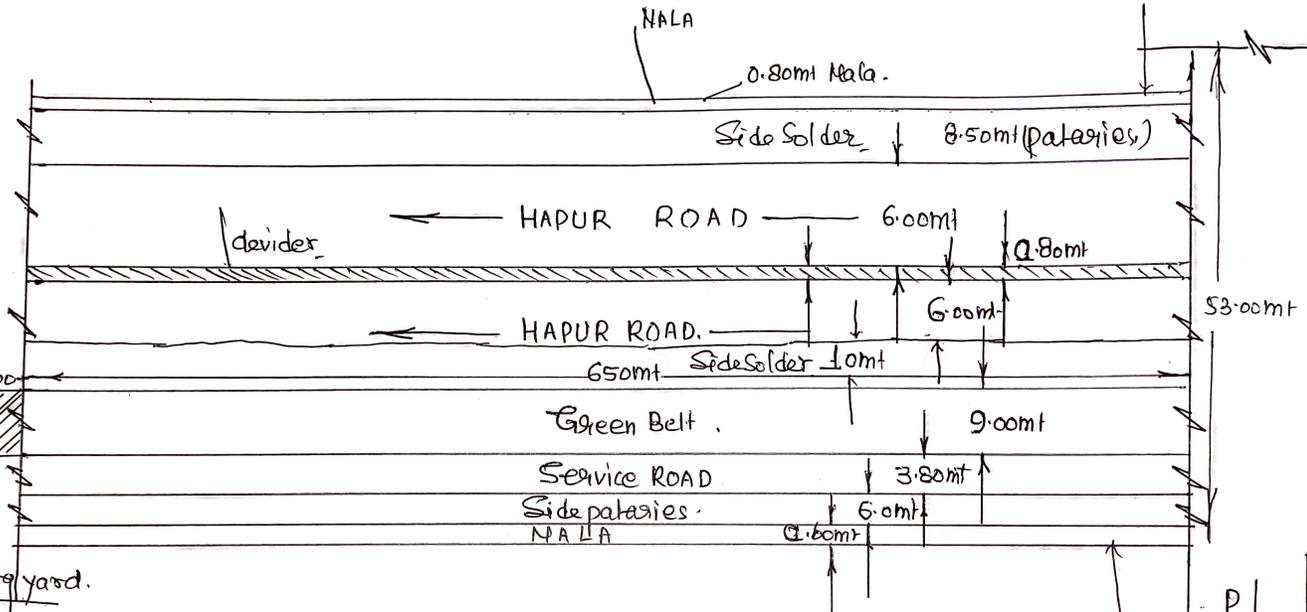




P.T.C.



dumping yard.



Line diagram of ROAD & Green Belt

Radamb
SE.

P
V
S
R
O
A
D

VAKALATNAMA

IN THE HON'BLE COURT OF National Green Tribunal, P.B., N.D.
Sanjay Singh & ORS.
State of UP & ORS. VERSUS
Municipal Commissioner, MNN, Meerut
Nagar Nigam Meerut

Petitioner / Applicant

-----Defendant/Respondent

KNOW ALL to whom these presents shall come that I/We Municipal Commissioner, MNN, Meerut
R/o. Nagar Nigam Meerut the above named Respondent do
hereby appoint/retain -

VIBHAV MISHRA, Advocate
Enrol: UP-7230-2016

Chamber No.221, C.K. Daphtary Block, Supreme Court of India, New Delhi-110001
(M-9473565666/ 9811828487)

Hereinafter called the advocate(s) to be my/our Advocate(s) in the above noted case and
authorize them:

To act, appear and plead in the above-noted case in this Court or in any other Court in
which the same may be tried to hear and also in the Appellate Court including High Court
subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for
executions, review, revision, withdraw, compromise or file other petitions or affidavits or
documents as may be deemed stages subject to payment of fees of the said case in all its

To file and take back documents of opposite party.

To withdraw or compromise disputes that may arise touch on any differences or
execution proceedings. he said case. To take

To deposit, draw and receive moneys, cheque(s), cash and grant receipt thereof and to do
all other acts and things which may be necessary to be done for the progress and in the
course of the prosecution of the said case.

To appoint and instruct any other Legal practitioner or person authorizing him to exercise
the power and authority hereby conferred upon the Advocate(s) whatever he then may
think fit to do so & sign the power of attorney or,

And I/We the undersigned so hereby agree to ratify and confirm all acts done by the
Advocates or their substitute in the matter as my/our own acts as done by me/us to all
intents and purposes. And I/We undertake that I/We or my/our duly authorized agent(s)
would appear in court on all hearings & will inform the Advocate(s) for appearances when
the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute
responsible for the result of the said case. The adjournment cost, whatever ordered by
the Court shall be the Advocate, which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee
agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to
withdraw from the proceeding of the said case until the same is paid up. The fee settled
is only for the above case and above Court, for a period of three years only. I/We hereby
agree that once the fee is paid I/We will not be entitled for the refund of the same in any
case whatsoever. For execution of decrees & getting their satisfactions from Court(s),
Separate fee shall be payable.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents
of which have been understood by me/us on this 15th day of Nov. 2022 accepted
subject to the terms of fees.

[Signature of Vibhav Mishra]

COUNSEL

CLIENT

[Signature of Client]

CLIENT

Identified

VIBHAV MISHRA
ADVOCATE
Ch. No. 221, C.K. Daphtary Block
Supreme Court of India
Tilak Lane, New Delhi-110001

