

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

I.A. NO. 870 OF 2023

IN
ORIGINAL APPLICATION NO. 543 OF 2023

IN THE ORIGINAL MATTER OF:

ROHIT THAKRAN

...APPLICANT

VERSUS

STATE OF HARYANA & ORS.

...RESPONDENT(S)

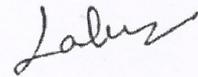
AND IN THE MATTER OF:

LALITA JINDAL & ORS.

...INTERVENOR(S)/APPLICANT(S)

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Reply on behalf of the Respondent No.10 to 20

MOST RESPECTFULLY SHOWETH:

That the Respondents have thoroughly reviewed the Original Application submitted by the Applicant and further refute all significant claims made therein against the respondents in this response.

A. Fact of the Case:

1. That the Original Application seeks to compel the State of Haryana and the Haryana Shehri Vikas Pradhikaran to take action to reinstate two water bodies/reservoirs situated in

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Khasra No. 24 and 28 of Adampur village, Gram Panchayat Jharsa, Gurugram. Additionally, it aims to halt all construction activities on the land of these water bodies and to facilitate tree plantation to compensate for the trees unlawfully cut from the same area.e

2. The current *Intervention Application* is submitted by Lalita Jindal and 10 others (Respondent no 10-20) who currently own the plots allocated by the HSVP through an E-Auction in Sector 50, Gurugram. These plots are situated at Khasra No. 28 in Adampur Village, under the jurisdiction of Gram Panchayat Jharsa, District Gurgaon, as per the revenue records for which Applicant Rohit Thakran has filed the Complaint.

B. Para Wise Reply-

1. At the outset, it is submitted that the present Complaint is a motivated one and is filed with a malafide intention without any basis by knowingly making false and incorrect statements and in utter disregard of facts and therefore the Complaint is liable to be dismissed on this ground alone.
2. The current application is deemed time-barred due to the land identified as Khasra No. 24 and 28 in Adampur village, was

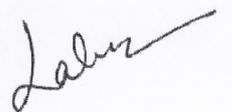
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acquired by the State of Haryana Urban Estate Department. This acquisition was executed via notifications dated 03.03.2003 and 02.03.2004, pursuant to Sections 4 and 6 of the Land Acquisition Act, 1894, culminating in award no. 23 dated 29.12.2005. Subsequently, possession of the aforementioned land was undertaken for the development of residential and commercial plots.

3. The cause of action cannot extend beyond 2015 under any circumstance, which falls outside the jurisdiction of this esteemed National Green Tribunal, as per the provisions of sections 14, 15, and 18 and thus shall stand dismissed on this ground alone.
4. That Content para 1 of the Complaint book is wrong & denied as no water body exist in Khasra 28 since 2005 (At time of land Acquisition) as per the Satellite images attached. **Copies of Satellite Images taken by Civic Agencies from 2010-2022 is annexed as annexure P-11 in our IA no. 870-2023.**
5. That also no evidence has been enclosed in the Complaint book verifying that the gram panchayat promised that nature of the land won't be changed.

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6. That Content of Para 2 of the Complaint book is wrong & denied as The original applicant claimed that the mentioned water body was in use until 2019-2020. However, the intervenor applicants have obtained satellite records dating back to 2010 from civic agencies. These records clearly indicate the absence of any water body on this land for a considerable duration. Furthermore, it is noted that Khasra No. 28 does not possess a catchment area for water inflow or outflow. **Copies of Satellite Images taken by Civic Agencies from 2010-2022 is annexed as annexure P-11 in our IA no. 870-2023.**
7. That it is respectfully asserted that the Haryana Shehri Vikas Pradhikaran (HSVP) had already implemented infrastructure such as roads and sewerage systems in the year 2014. Consequently, the assertion by the applicant regarding the destruction of the waterbody in Khasra No. 28 from the year 2019 onwards is evidently incorrect and lacking in basis.
8. That also the village of Adampur solely exists within the government's revenue records, devoid of any inhabitants. That it is submitted that Khasra No. 28, located in the land of Village Adampur (now Sector 50, Gurugram), was acquired by Erstwhile Haryana Urban Development Authority (Now Known



as Haryana Shehri Vikas Pradhikaran, HSVP) on Date 29.12.2005 (Almost 18 years before).

9. That content of para 3 of the Complaint book is wrong & denied as That after acquiring the land, the Erstwhile HUDA (Now HSVP) formulated the layout plan for the site and initiated the development of the plotted colony, along with the associated infrastructure. In response to an RTI inquiry dated 21.03.2022 and their subsequent reply dated 09.05.2023, HSVP acknowledged that the entire development work, including the construction of blacktop roads, had been concluded on Khasra No. 28, Adampur (now Sector 50, Gurugram), as early as August 2014, approximately 9 years ago. **Copy of the RTI Reply dated 09.05.2023 by the HSVP is annexed as Annexure P-3 in our IA no.870-2023.**

10. That content of Para 4 of the Complaint book is wrong & denied as False claims were made in Original Application 388/2021 as that no water bodies exist in Khasra 28 and that roads were constructed as far back as 2014.

11. That content of Para 5 of the Complaint book is wrong and denied.

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12. That content of Para 6 of the Complaint book is wrong and denied as no water bodies exists in Khasra 28.

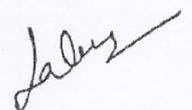
13. The content of Para 7 in the The Complaint book stands as a matter of record, and any conflicting statements are hereby refuted.

14. The content of Para 8 in the The Complaint book stands as a matter of record, and any conflicting statements are hereby refuted.

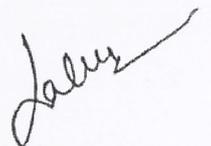
15. That content of Para 9 in the The Complaint book stands as a matter of record, and any conflicting statements are hereby refuted.

16. That content of Para 10 in the The Complaint book stands as a matter of record, and any conflicting statements are hereby refuted.

17. That content of Para 11 in the The Complaint book stands as a matter of record, and any conflicting statements are hereby refuted.



18. That content of Para 12 in the The Complaint book stands as a matter of record, and any conflicting statements are hereby refuted.
19. That content of Para 13 in the The Complaint book is wrong and denied as the appellant is engaging in misconduct, particularly by encroaching on Khasra 28 for residence and even profiting from renting out the government land to mobile companies for tower installation
20. That content of Para 14 and Para 15 in the The Complaint book is wrong and denied as no water body exists in Khasra no.28 and also roads have been constructed way back in 2014.
21. That content of para 16 of the Complaint book is wrong & denied as there was no water body located on Khasra number 28, and the 123 water bodies identified in the case of **Lt. Col. Sarvadaman Singh Oberoi vs. Union of India & Ors.** do not encompass the disputed area, namely Khasra No. 28.
22. That content of Para 17 in the The Complaint book stands as a matter of record, and any conflicting statements are hereby refuted.



23. That content of para 18 of the Complaint book is wrong & denied as there was no water body located on Khasra number 28

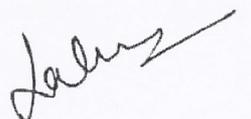
24. That content of para 19 of the Complaint book is wrong & denied the catchment area of Khasra 28 is limited to its own boundaries, meaning only the water falling within this area contributes to groundwater recharge.

25. That content of Para 20 in the The Complaint book stands as a matter of record, and any conflicting statements are hereby refuted.

26. That content of para 21 of the Complaint book is wrong & denied as there was no water body exists on Khasra number 28 and also roads were constructed way back in 2014.

C. Contention of the Complainant

1. The current application appears to be an abuse of the legal process, as it seems to be based on fabricated information and serves to protect the applicant's personal and commercial interests under the guise of legal action.



2. That it is submitted that Khasra No. 28, located in the land of Village Adampur (now Sector 50, Gurugram), was acquired by Erstwhile Haryana Urban Development Authority (Now Known as Haryana Shehri Vikas Pradhikaran, HSVP) on Date 29.12.2005 (Almost 18 years before).
3. Mr. Rohit Thakran had previously lodged OA. 388/2021 concerning a comparable issue involving the involved parties. The esteemed National Green Tribunal directed the Gurugram District Magistrate to investigate and resolve the matter within the legal framework. Subsequently, the original applicant filed E.A. No. 10/2022 and M.A. No. 38/2022. All these applications were adjudicated and settled by the esteemed National Green Tribunal. **Copies of the Judgments of the previous cases (OA. 388/2021, E.A. No. 10/2022, M.A. No. 38/2022) is attached as Annexure P-12 in the IA no.870-2023**
4. That this present original application is limited to the principle of **res judicata** since the prior case, as mentioned above, of a similar nature and involving the same parties has already been adjudicated by the Hon'ble National Green Tribunal.



5. The present application is being requested for dismissal based on the principle of Res judicata pro veritate accipitur, which holds that :

A decision of a judicial authority must be duly accepted as correct. If the judicial decision is not respected as conclusive, then there will be indefinite litigation, which will lead to confusion and chaos.

6. It is suspected that the applicant, Mr. Rohit Thakran, has filed Original Application No. 543/2023 with the honorable tribunal as a mere ploy to disguise unlawfully constructed structures, including a mobile tower, encroachments, and amenities for animals/cattle, present on the property at Khasra No. 28, Adampur (now designated as Sector 50, Gurugram). **Copies of Photos of illegal encroachments on Khasra No. 28, Sector 50, Gurugram is annexed as Annexure P-8 in our IA No. 870-2023**
7. That the Credentials of the applicant, Mr. Rohit Thakran, are very doubtful, as, on the one hand, he is trying to present himself as an environmental activist, but in reality, he is an encroacher himself on the very same land, which he is trying to portray as the waterbody, i.e., Khasra number 28.

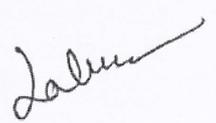
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8. That also In the Response to the RTI dated 30.09.2022, through their Reply dated 30.01.2023, the HSVP admitted the fact that the land demarcated as the Plot no. 72P has unauthorized construction, including the mobile tower. **Copy of the RTI Reply dated 30.01.2023 by the HSVP is annexed as Annexure P-4 in our IA No. 870-2023**
9. That Original Applicant Rohit Thakran appears to be capitalizing on HSVP's failure to promptly update revenue records. His apparent aim is to deceive the Honourable Court/Tribunal and retain control over the unlawfully encroached land. This is evident from his submission of an inaccurate petition to the esteemed National Green Tribunal.

Prayer

In the light of the facts and circumstances, it is prayed that this honorable authority may be pleased :

1. To dismiss the OA NO. 543/2023, which pertains to the restoration of alleged water body located at Khasra No. 28 within Village Adampur (now a part of Sector 50, Gurugram), as the applicant, Mr. Rohit Thakran, deceived the tribunal by



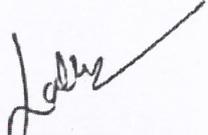
presenting false information and concealing the major fact that he himself is an Encroacher at Khasra No. 28.

2. That the petition is sought to be dismissed as the principle of res judicata will be applied, as an earlier case (OA. 388/2021, E.A. No. 10/2022, M.A. No. 38/2022) addressing the same issue and between the same parties was already concluded by the National Green Tribunal, rendering the current petition duplicative and previously settled.
3. The petition is sought to be dismissed as it does not involve an environmental issue, lacking substantial evidence of any environmental pollution or harm to the environment in the present context.
4. That as the jurisdiction of the current application falls outside the purview of the Honorable National Green Tribunal, Delhi, as it pertains to a civil issue concerning encroachment, and the tribunal cannot deal with civil matters; therefore, the application is sought to be dismissed.
5. To Direct the Gurugram administration to form a committee and initiate the process of conversion of the land in question



(Khasra No. 28) from Gair Mumkin Johar waterbody to the residential in the revenue records.

6. To Pass any other appropriate Judgment in the Interest of Justice.


LALITA JINDAL


(RAJAN KUMAR HANS)


(MOHIT RAGHUWANSHI)

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Advance Service of reply in main matter (543-2023) and IA 870/2023 NGT

1 message

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Tue, Apr 16, 2024 at 1:05 PM

To: shriyatakkar@artlo.in

Cc: Legal Rajan <legalrajan@gmail.com>

Greetings,

Please find the copy of reply filed in to main matter in **Rohit thakran vs state of Haryana (543-2023) NGT and IA 870/2023** in the main matter-**The Application shall be treated as an advance service**

Thankyou

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