

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

ORIGINAL APPLICATION NO. 1170/2024

(I.A. No. 447/2024)

IN THE MATTER OF:

Anis Ahmad

...APPLICANTS

VERSUS

State of Uttar Pradesh & Ors

...RESPONDENTS

**REPLY OF RESPONDENT NO.6 MOHD ASIF S/O WAJID
HUSSAIN**

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

New Delhi

Dated: 24-12-2024

Filed By



**Ayyub Ahmad & MR. MOHD FARMAN ALI
Advocates**

Ch. No. 457, Lawyers Block,
Saket Court Complex,
New Delhi-110017

Mob. No. 9811661342, 9212661342

Email: ayyubahmad@gmail.com

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**REPLY OF RESPONDENT NO. 6 MOHD ASIF S/O WAJID
HUSSAIN****Most Respectfully Showeth-**

1. Respondent No. 6 Mohd. Asif s/o Wajid Hussain is filing this reply to the captioned Original Application.
2. Respondent No. 6 Mohd. Asif s/o Wajid Hussain may not become party anyhow in this whole matter.
3. At the outset it is submitted that the contents of the Original Application are false and denied save and except what is specifically admitted to herein.
4. It is submitted that this Original Application is misconceived and raises false allegations and is vitiated by concealment of material facts, and hence ought to be summarily dismissed by this Hon'ble Tribunal with exemplary costs as the Applicant has not come to court with clean hands.

PRELIMINARY SUBMISSIONS -

Before adverting to Para wise reply, the Respondent No.6 begs to place the following preliminary submissions for consideration of this Hon'ble Tribunal, which will show that the application filed by the Applicant is without merit. Respondent No.6 not having any direct or indirect relation with the whole matter.

1. Not Applicable.

2. That Respondent No. 6 have not set up any brick kiln with Respondent no. 4 and 5 at the khasra no. 1185 and not start any business operation in a particular land . The allegation made by applicant on respondent no. 6 are totally irrelevant and inappropriate.

The said brick kiln is not set up by the Respondent No. 6 and they are not owner of khasra no. 1185 at that time and have not any association or any partnership with respondent no. 4 & 5.

3. That as per the point mention above the Respondent No. 6 not having any concern with that particular land or any brick kiln under consideration then any question may not arise about brick kiln is legal or illegal or respondent no. 6 have any relation with that particular land or business at present.

4. That any prior permission or consent is not applicable on person who is not a part of a particular land or brick kiln.

5. That respondent no. 6 is not responsible or not having any duty towards particular land or brick kiln is abutting or not to any other person or property.

6. That point number 6 is missing in original application.
7. That point number 7 is missing in original application.
8. That point number 8 is missing in original application.
9. That point number 9 is missing in original application.
10. That point number 10 is missing in original application.
11. That point number 11 is missing in original application.
12. That point number 12 is missing in original application.
13. That point number 13 is missing in original application.
14. That point number 14 is missing in original application.
15. That point number 15 is missing in original application.
16. That if applicant has given complaint to Hon'ble chief Minister on 22.11.2023 against respondent 6 then it clearly shows that applicant have malice with Respondent No. 6 because applicant make party to a respondent no. 6 without any reason and cause.
17. That respondent no. 6 not have any information about any consequences regarding complaint or any action taken by SDM Chandpur or UPPCB because respondent no. 6 not reach that particular land and have not responsible and careful about khasra no. 1185 or Brick Kiln under consideration.
18. Not Applicable.
19. That allegation in point number 19 which consider annexure A/7 is not having any relationwith brick kiln constructed on khasra no. 1185.

20. That any order passed by District Administration restraining or continuing as the case may be did not received by Respondent no.6 Because respondent no. 6 have not any ownership or any interest or possession in that said brick kiln and that particular land under consideration.
21. That applicant has right to made complaint for any damage if occurs only against owner of property/brick kiln at that time, not against any personwho not having any interest /possession in property or brick kiln under consideration.
22. That respondent no.6 have no any concern with the brick kiln is ready for operation or not.
23. That the allegation for any declaration and threat to applicant on respondent no.6 is completely wrong and malicious because respondent no.6 not having any relation with brick kiln under consideration.
24. That respondent no. 6 have not cut any single tree or standing crops located in or nearby Gata No. 1185 Village Pargana, Tehseel Chandpur, District Bijnor, Uttar Pradesh.
25. That point no. 25 is not applicable on respondent no. 6
26. That point no. 26 is not applicable on respondent no.6
27. That respondent number.6 not having any accountability regarding the said property and brick kiln.
28. That any danger or any damage regarding brick kiln under consideration is not accountable by respondent no.6
29. That point no. 29 is not applicable on respondent no.6

30. That respondent no.6 have no any objection regarding immediate restraining or continuing that particular brick kiln.
31. Hence the original application may not arise any action against respondent no. 6 due to following Grounds:

Grounds of Dismissal of Original Application

- a. Because respondent no. 6 have no any relation with the particular land & brick kiln under consideration, they may not become a party in the said matter.
- b. All allegations made by applicant on respondent no. 6 are malicious and irrelevant.
- c. Original applicant either unaware or deliberately unaware with the original facts and circumstances.
- d. Allegations made by original applicant in different annexures enclosed are mismatch with each other regarding ownership of land and construction of brick kiln on that particular land.

Prayer

1. In light of the aforesaid submissions, it is humbly prayed from this Hon'ble Tribunal that Please consider pointwise clarification mentioned above and please drop the above mentioned proceedings against respondent no.6
2. It is humbly prayed from this Hon'ble Tribunal that please pass any order against original applicant to compensate respondent no.6 for all mental, economical and physical damages due to

malicious prosecution made by applicant who engaged respondent no. 6 in this matter without any valid reason and without any relation with the allegation made by the applicant and please pass an order in favour of respondent no.6 deemed fit in a Law/Hon'ble Tribunal.

nr. 3117/24

Respondent No. 6

New Delhi

Dated: 24.12.2024

Through



Ayyub Ahmad & MR. MOHD FARMAN ALI
Advocates

Ch. No. 457, Lawyers Block,
Saket Court Complex,
New Delhi-110017

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...RESPONDENTS

AFFIDAVIT

I, Asif S/o Sh. Wajid Ali., aged about 42 years, R/o Mohalla Chimman, Chandpur Utter Pradesh-246725 Presently at New Delhi, do thereby solemnly affirm and declare as under:-

1. That I am the Respondent No.6 in the above said petition and am well conversant with the facts and circumstances of the present case as such am also fully competent to swear and affirm the present affidavit.

2. That the accompanying reply has been drafted by my counsel under my instructions and the contents of the same may please be read as a part and parcel of this affidavit as the same are not being reproduced herein for the sake of brevity.

2
श्री आसिफ
DEPONENT

VERIFICATION

Verified at New Delhi on this 24 Day of December 2024 that the contents of above affidavit are true and correct to the best of my knowledge and nothing material has been concealed therefrom.

श्री आसिफ
DEPONENT

CERTIFIED THAT THE DEPONENT
S/o Smt / Km
S/o W/o, Do
Has solemnly affirmed BEFORE ME at
Delhi on A. No.
that the contents of the affidavit which
have been explained to him are
true and correct to the knowledge

Oath Commissioner Delhi

24 DEC 2024



[Handwritten signature in blue ink]

IDENTIFICATION DOCUMENT VERIFIED BY OATH COMMISSIONER DELHI



FIR No. C. No.

U/S.

P. S.

IN THE COURT OF Before the National Green Tribunal Principal Bench

Suit / Appeal No. New Delhi JURISDICTION OF 202

In re:-

Asif Ahmad

Plaintiff(s) Or Petitioner(s)
Appellant(s) Complainant(s)

VERSUS

State of U.P & ors

Defendant(s) / Respondent(s) / Accused

KNOW ALL to whom these Present shall Come that I / We Asif s/o Sh. Wajid Ali

P/O Mohalla Chiman Chandpur Uttar Pradesh

The above named _____ do hereby appoint

AYYUB AHMAD
Enr.No. D/1076/2002. Advocate
Ch. No. 457, Lawyer's Chamber Block
Saket Court Complex, New Delhi-110017
Mob:- 9811661342, 9212661342
Email:- ayyubahmad@gmail.com

MOHD.FARMAN ALI
Advocate
En. No. D/13669/22
Ch. No. 457, Saket Court Complex
New Delhi - 110017
Mob. 8171017337

(herein after called the advocate/s) to be my / our Advocate in the above - noted case authorize him:-

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 or heard 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, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, cash and grant receipts hereof 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 on the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocates whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We undertake that I/We or my/our duly authorised agent would appear in court on all hearings and will in form the Advocate for appearance 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 costs whenever ordered by the court shall be of 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 prosecution of the said case until the same is paid up.

The fee settle is only for the above case and above Court. 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 and if the case prolongs for more than 3 years the original fee shall be paid again by me / us.

IN WITNESS WHERE OF I / We do hereunto set my/our hand to these presents the contents of which have been understood by me / us on this 24th day of DEC 2024

Accepted subject to the terms of the fees.



Asif Ahmad
Advocate
Asif Ahmad
Advocate

Asif Ahmad
Client

Client

I Identify The Signature/ Thumb Impression Of Below Mentioned Person,
Who Has Been Signed in My Presence. The Client.

Asif