

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

I.A. NO. 300/2025

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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DATE:08.07.2025

PLACE:NOIDA

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**REPLY TO THE I.A. 300/2025 FOR STAY ON BEHALF OF DISTRICT
MAGISTRATE, GHAZIABAD ALONG WITH THE AFFIDAVIT**

1. That the present reply is being filed on behalf of the District Magistrate, Ghaziabad to the Interim Application No. 300 of 2025 filed by the Applicant for seeking stay.
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 Applicants alleges to being the residents of *Babu Jagjivan Ram Colony* from the last over 60 years, **on the land notified as park** in the approved master plan, however, no supporting documents whatsoever have

been provided with the argument to substantiate their claims of being the residents of the Colony from the past 60 years. Therefore, without the proof of their existence on the land in question, the present IA is wholly unwarranted and deserves to be dismissed at the threshold.

4. That the land in question, known as *Babu Jagjivan Ram Colony*, forms part of the notified green area reserved for a public park titled “**Babu Jagjivan Ram Park**” as per the sanctioned Master Plan of Ghaziabad. The records maintained by the Ghaziabad Development Authority (GDA) clearly reflect that the land is earmarked for recreational and green purposes, and no residential layout or colony has ever been legally sanctioned or approved on this land.

5. That it is submitted that the proposed applicants have not annexed a single document to support their claims of legal residency or ownership on the park land. Bald averments regarding their alleged existence for over 60 years, without any proof such as sanctioned building plans, allotment letters, sale deeds, or permissions from competent authorities, are insufficient and cannot be the basis for granting relief of Stay in a matter concerning environmental degradation and unauthorized land use.

6. That as per the Affidavit filed by the Chief Secretary, State of U.P. dated 30.09.2024, a comprehensive report (*Annexure- 8; dated 22.07.2024; Judicial page no. 298*) has been submitted. The conclusions of the report are as follows:

- i. Adjacent Factory owners have constructed a road on the park land, which has an area of 864 sq.mt. In the original layout map, plot numbers 79 and 80 have been subdivided into small industrial plots and factories are running on that site. The factories which have opened their gates towards the park, are using this road to go to the main road. Apart from the above-mentioned route, they do not have an exit on the road (except the corner plot).
- ii. The Municipal Corporation has planted trees for in the encroachment free area (8311.80 sq.m.).
- iii. The remaining part of the park (2864 sq. m) is used for building the Jagjeevan Ram workers' colony, where people from the lower income group have been residing for more than 40 years.

7. That the assertion that the alleged colony predates the establishment of Rajendra Nagar Industrial Colony in 1962 is misleading, vague, and bereft of any documentary basis. Mere long-term physical presence, if any, on government land does not confer any legal right, especially when the land is reserved for ecological and public use as per the notified Master Plan.

8. It is most respectfully submitted that the Ghaziabad Development Authority being a statutory body and in compliance with the directives of the Hon'ble Tribunal and applicable environmental regulations, is duty-bound to take action against illegal encroachments upon green areas. Permitting illegal occupation, by any appropriate Government authority, under the guise of long-term settlement would defeat the very object of the Environment (Protection) Act, 1986 and defeat public interest.

9. That the prayers made in the IA seeking interim stay on the statutory duties of Respondent No. 7 i.e. Ghaziabad Development Authority (GDA) is wholly untenable. The applicants have failed to establish any prima facie case, balance of convenience, or irreparable injury that warrants interference by this Hon'ble Tribunal at this stage.

10. 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.

11. 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.

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

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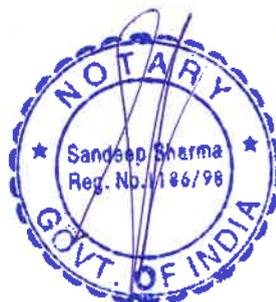
AFFIDAVIT

I, Deepak Meema, aged about 38 years, S/o R. C. Meema, 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.

DEPONENT

08 JUL 2025



VERIFICATION

Verified at Ghaziabad on this 8th day of July, 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.


DEPONENT
ATTESTED

(Sandeep Sharma)
Reg. No. 1136/98
NOTARY PUBLIC
Ghaziabad (U.P.)

**08 JUL 2025**