

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.964/2024

SYED MOHD RASHID

APPLICANT

VERSUS

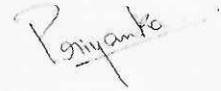
STATE OF UTTAR PRADESH &  
ORS.

RESPONDENT(S)

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THROUGH



Place: New Delhi

Priyanka swami

Date:10/12/2025

Advocate

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**APPLICANT**

**VERSUS**

**STATE OF UTTAR PRADESH &  
ORS.**

**RESPONDENT(S)**

**REPLY ON BEHALF OF DISTRICT MAGISTRATE, SAHARANPUR  
WITH AFFIDAVIT**

**MOST RESPECTFULLY SHOWETH**

1. That the present reply is being filed on behalf of the answering respondent in the above-captioned Original Application, setting out the factual position as ascertained from the revenue records, spot inspection and the reports received from the field authorities. The respondent respectfully places on record the steps already undertaken for identification of the subject land, verification of encroachments, initiation of proceedings under the Uttar Pradesh Revenue Code, 2006 and the status of action presently pending before the competent revenue court. The following submissions may therefore be read as the updated and correct factual position in compliance with order dated 06.11.2025.

| S. No. | Case Law & Key Legal Principles  | Compliance / Present Case Position  |
|--------|--|---|
| 1.     | <p><b>Hinch Lal Tiwari vs. Kamala Devi, (2001) 6 SCC 496</b><br/> <b>Key Legal Principles:</b></p> <p><b>a)</b> Waterbodies such as ponds, tanks, johads are community resources protected under the Public Trust Doctrine.</p> <p><b>b)</b> No part of a pond can be allotted for construction or private use.</p> <p><b>c)</b> Government authorities must restore and maintain traditional waterbodies.</p> <p><b>d)</b> Encroachers must vacate; if not, demolition can be carried out by authorities.</p> <p><b>e)</b> Restoration of ponds is essential to protect ecological balance and Article 21 rights.</p> | <p>No allotment was ever made to Shahzad or any of the 22 individuals.</p> <p><b>a)</b> All had illegally constructed permanent houses on Gram Sabha Johad land (Khasra 271 &amp; 273).</p> <p><b>b)</b> All encroachers identified; Section 67(1) proceedings initiated through Form-19 notices before Tehsildar, Deoband.</p> <p><b>c)</b> Cases are pending; final orders will be passed soon.</p> <p><b>d)</b> After proceedings, land will be restored as waterbody and protected from further encroachment.</p> |
| 2.     | <p><b>Jagpal Singh v. State of Punjab, (2011) 11 SCC 396</b><br/> <b>Key Legal Principles:</b></p> <p><b>a)</b> Supreme Court directed all States/UTs to evict illegal</p>   | <p><b>a)</b> No allotment or regularisation has ever been done for any of the 22 occupants.</p>   |

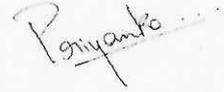
| S. No. | Case Law & Key Legal Principles  | Compliance / Present Case Position   |
|--------|--|--|
|        | <p>occupants from Gram Sabha / Panchayat lands.</p> <p><b>b)</b> Long possession, expenditure on construction, or political influence cannot justify illegal occupation.</p> <p><b>c)</b> Regularization is prohibited except in rare cases (SC/ST landless labourers, public utilities, etc.).</p> <p><b>d)</b> States must prepare and implement eviction schemes for restoring village commons.</p> | <p><b>b)</b> All persons are illegal encroachers on Gram Sabha Johad land.</p> <p><b>c)</b> Proceedings under Section 67(1) UP Revenue Code have been initiated before Tehsildar, Deoband.</p> <p><b>d)</b> Matters pending; final orders will be passed soon in accordance with the Code and Supreme Court principles.</p> <p><b>e)</b> After orders, eviction and restoration will follow strictly as per law.</p> |
| 3.     | <p><b>Lt. Col. Sarvadaman Singh Oberoi vs. Union of India &amp; Ors. (NGT)Key Legal Principles:</b></p> <p>a) NGT emphasised identification, protection and restoration of all waterbodies across India.</p> <p>b) States must preserve waterbodies under the Public Trust Doctrine.</p>   | <p><b>a)</b> Khasra Nos. 271 (0.2040 ha) and 273 (0.1740 ha) in Village Tashipur are recorded as Johad in revenue records.</p> <p><b>b)</b> 22 illegal permanent constructions existed on these khasra numbers.</p> <p><b>c)</b> Section 67(1) proceedings initiated through RC Form-</p>  |

| S. No. | Case Law & Key Legal Principles  | Compliance / Present Case Position   |
|--------|--|--|
|        | <p>c) District Magistrates, Panchayats and local authorities must take proactive steps to stop encroachments and restore waterbodies.</p> <p>d) NGT directed creation of monitoring and grievance redressal mechanisms (GRM) for waterbody protection.</p> | <p>19; cases registered and pending before Tehsildar, Deoband.</p> <p><b>d)</b> Final orders will be issued shortly, followed by action as per law.</p> <p><b>e)</b> Any complaint of fresh encroachment is acted upon immediately by concerned authorities.</p> |

2. In view of the above submissions and the details placed in the table hereinabove, it is respectfully submitted that all necessary statutory action has already been initiated by the competent revenue authorities and the proceedings under Section 67(1) of the Uttar Pradesh Revenue Code are presently underway before the Court of the Tehsildar, Deoband. The answering respondent affirms that, immediately upon conclusion of the said proceedings, eviction of all illegal occupants and complete restoration of the Johad land shall be undertaken strictly in accordance with law. The respondent further undertakes to ensure that no fresh encroachment is

permitted on the said Gram Sabha land and that continuous monitoring shall be carried out by the field staff.

**THROUGH**



**Place: New Delhi**

**Priyanka swami**

**Date: 10/12/2025**

**Advocate**

**F-13, Jangpura, New Delhi 110014**

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**APPLICANT**

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ORS.**

**RESPONDENT(S)**

**AFFIDAVIT**

I, Manish Bansal, aged about 35 years S/o Ramavtar Bansal is presently posted as District Magistrate Saharanpur, U.P. having its office at Saharanpur.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying Report has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying Report are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.



**DEPONENT**

**VERIFICATION**

Verified on solemn affirmation at Saharanpur, on this 11<sup>th</sup> day December of 2025 that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

**IDENTIFIED BY**

*glt*  
**KALEEM AHMAD**  
Advocate  
Reg. No.-10533/01  
Ch.-63, Civil Court, SRE  
Mob.-9359206239

*glt*

**DEPONENT**



*4846*

*11/12/25*  
The contents of the affidavit have been explained to the deponent who has understood them.  
Saharanpur  
U.P. INDIA  
*M. Anisul Haque*  
*Redeem Ahmed*  
*Kaleem Ahmad*  
*Advocate & Notary*

भारत सरकार  
 GOVERNMENT OF INDIA

भारतीय विशिष्ट पहचान प्राधिकरण  
 UNIQUE IDENTIFICATION AUTHORITY OF INDIA



**मनीष बांसल**  
**Manish Bansal**  
 जन्म तिथि/ DOB: 14/01/1990  
 लिंग / GENDER: MALE



**पता:**

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आधार-आम आदमी का अधिकार  
 Aadhaar-Aam Admi ka Adhikar

