

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

**Misc Application in Disposed cases No. 16/2025**

**In**

**Original Application No. 394/2024**

**IN THE MATTER OF: -**

Er. Shivcharanjit Singh

..... APPLICANT

VERSUS

STATE OF PUNJAB & ORS.

... RESPONDENTS

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**Place: Bathinda**

**Deponent**

**Date: 18.07.2025**

**Showkat Ahmad Parray,  
District Magistrate,  
Bathinda.**

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**REPLY TO SHOW CAUSE NOTICE BY WAY OF  
AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3.**

I, Showkat Ahmad Parray, District Magistrate, Bathinda, Punjab,  
do hereby solemnly affirm and state as follows:

1. That I am the Respondent No. 3 in the above-mentioned Misc. Application, fully conversant with the facts and circumstances of the case, and competent to swear this affidavit on behalf of the office of the District Magistrate, Bathinda.
2. That the present affidavit is being filed in compliance with the order dated 30.04.2025 passed by this Hon'ble Tribunal in the above-mentioned Misc. Application, wherein show cause notices were issued to Respondent No. 1 (State of Punjab through Secretary, Department of Science, Technology and

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Environment), Respondent No. 3 (District Magistrate, Bathinda), and Respondent No. 4 (Chief Administrator, Bathinda Development Authority) to explain why they should not be prosecuted for non-compliance with the Tribunal's orders and why they should not be arrested and detained in civil prison for non-execution of the said orders.

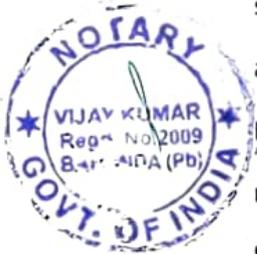
3. That the Misc. Application arises out of Original Application No. 394/2024 titled Shiv Charanjit Singh v. State of Punjab & Ors. disposed of by this Hon'ble Tribunal vide order dated 02.07.2024. In the said order, this Hon'ble Tribunal constituted a Joint Committee comprising the Deputy Commissioner, Bathinda, the Divisional Forest Officer, Bathinda, the Punjab State Pollution Control Board, and a representative from the Bathinda Development Authority to investigate the grievances raised by the applicant and submit a compliance report.



4. That, in pursuance of the Tribunal's order dated 02.07.2024, the Joint Committee, under the supervision of the Additional Deputy Commissioner (General), Bathinda, conducted a site inspection on 15.07.2024. The inspection revealed an unauthorized construction of Shri Gurudwara Sahib on the green belt of Park No. 10, as per the approved layout plan of Omaxe City Colony, Goniana Road, Bathinda, a licensed colony under the Punjab Apartment and Property Regulation Act, 1995 (hereinafter referred to as "**PAPRA Act, 1995**").
5. That it is respectfully submitted that the Omaxe City Colony is a licensed project under the Mega Policy, regulated by the Bathinda Development Authority (BDA), the competent authority

under the PAPRA Act, 1995. As per the provisions of the PAPRA Act, 1995, any violation of the terms and conditions of the license or the approved layout plan falls within the exclusive jurisdiction of the BDA. The enforcement of such provisions, including action against unauthorized constructions, is the responsibility of the BDA, and the office of the District Magistrate has no direct authority in this regard.

6. That, vide letter No. 3226 dated 20-03-2025 (Annexure-R/3/2) the answering respondent issued the directions to Chief Administrator, Bathinda Development Authority to take the necessary action to implement the orders of this Hon'ble Tribunal.
7. That the role of the District Magistrate, Bathinda, is limited to maintaining law and order and providing administrative support, such as appointing a Duty Magistrate and requisitioning police assistance, when requested by the competent authority (i.e., BDA). In this regard, it is submitted that, upon receiving a request from the BDA on 22.05.2025 for assistance in removing the unauthorized construction, the deponent promptly issued Office Order No. 2976 dated 22.05.2025, appointing the Tehsildar, Bathinda, as the Duty Magistrate to maintain law and order during the removal process. Additionally, the Senior Superintendent of Police, Bathinda, was directed to provide necessary police assistance. The copy of the office order dated 22.02.2025 is being annexed as **Annexure-R/3/1**.
8. That in order to ensure maintenance of law and order, answering respondent alongwith the officers of Bathinda Development



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Authority held meeting with the representatives of the Gurudawara Management Committee, Mandir Management Committee and Resident Welfare Association in the presence of representative of the developer. After discussion, the stakeholders agreed to shift the Gurudwara to some other alternative place and necessary directions were issued to the Chief Administrator, Bathinda Development Authority to take further necessary action. The said proposal has also been agreed to by the original complainant.

9. That Chief Administrator, Bathinda Development Authority is putting up the said proposal before this Hon'ble Tribunal on this date i.e. 22-07-2025 and even though CID has submitted an input about possible serious law & order repercussions, the answering respondent undertakes to facilitate and ensure maintenance of law and order during execution of the orders that this Hon'ble Court may be pleased to pass on the proposal being submitted by BDA.
10. That it is pertinent to mention that, prior to the issuance of the impugned order dated 30.04.2025, no request was received from the BDA or any other competent authority for assistance in this matter. The office of the deponent has, at all times, acted promptly and diligently in compliance with the Tribunal's directions and within the scope of its jurisdiction.
11. That the deponent has acted in good faith and in compliance with the Tribunal's directions to the fullest extent of the authority vested in the office of the District Magistrate. In **State of Bihar v. Subhash Singh, AIR 1997 SC 1390**, the Hon'ble



Supreme Court held that liability for non-compliance cannot be imposed on an authority that has no direct control or jurisdiction over the subject matter.

12. In view of the facts and circumstances mentioned above, the deponent most humbly submits that the deponent has never disobeyed any of the directions issued by this Hon'ble Tribunal in any manner. Therefore, the show cause notice issued against the deponent deserves to be discharged in the interest of justice.

13. That the deponent humbly submits that the office of the deponent has tried its best to comply with the order passed by this Hon'ble Tribunal in letter and spirit. However, if this Hon'ble Tribunal comes to the conclusion that any part of the said order has not been complied with, the deponent tenders an unconditional and un-qualified apology.



**PRAYER:**

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to discharge the show cause notice issued against Respondent No. 3 vide order dated 30.04.2025.

**Place: Bathinda**

**Date: 18.07.2025**

**Deponent**

**Showkat Ahmad Parray,  
District Magistrate,  
Bathinda.**

**VERIFICATION:**

Verified that the contents of the above affidavit from paras 1 to 12 are true and correct to the best of my knowledge and belief, based on official records and information available to me. No part of this affidavit is false, and nothing material has been concealed therefrom.

**Place: Bathinda**

**Date: 18.07.2025**

**Deponent**

**Showkat Ahmad Parray,  
District Magistrate,  
Bathinda.**



*2m*

Entered in my Notarial Register at  
Sr. No. *234* .Regist. No. *43*  
Date *18/7/25*

Witnessed as identified  
*18/7/25*  
VIJAY KUMAR  
Advocate & Notary  
Appointed by Govt. of India  
BATHINDA

*Amandeep Kaur*  
Knows the Deponent  
and He/She has signed there  
Marked in my presence

18 JUL 2025

(Annexure R/3/1)

Office of the Deputy Commissioner & Disst. Magistrate Bathinda.

Letter No:- 2975/Peshi

Dated:-22-05-2025

To,

Senior Superintended of Police,  
Bathinda.Subject:- **Regarding demolition of unauthorized structure of Sri Gurudwara Sahib and Temple in the approved colony namely Omaxe City Goniana.**

Additional Chief Administrator, BDA, Bathinda has requested that a case title as Shivcharanjit Singh V/s State of Punjab. & others, (Miscellaneous application in disposed off Cases no. 16/2025) is pending in Hon'ble National Green Tribunal Principal Bench New Delhi. On, 30-04-2025, Hon'ble National Green Tribunal has ordered to submit the report after removing the unauthorized construction of Gurudwara Sahib and Temple. In this regard, in accordance with the Section 39 of PAPRA Act, 1995, unauthorized construction of Gurudwara Sahib and Temple has to be removed, therefore, for the demolition of above structure and to maintain law and order for the demolition necessary police help should be provided and Duty Magistrate should also be deputed.

As requested by Additional Chief Administrator BDA, Bathinda, police help is hereby given to maintain law and order on the condition that it should not violates the orders of any Court.

Tehsildar Bathinda is deputed as Duty Magistrate. All the officers are directed to implement the orders after coordinating with the Duty Magistrate.

SD/-  
District Magistrate,  
Bathinda.

Endorsement no:- 2976-77/ Peshi

Dated:- 22-05-2025

A copy is forwarded to the:-

1. Additional Chief Administrator BDA, Bathinda with reference to their letter no. ACA/BDA/BTI/2025/2881 Dated 22-05-2025 with the directions that it should be ensured that all the formalities have been completed and there is no stay over such proceedings. If anybody present the stay order of any court that should be implemented in letter and spirit. Coordination with the police should be made (enclosed original file).
2. Tehsildar Bathinda.

For Information and necessary action.

SD/-  
District Magistrate,  
Bathinda

Translated to be true copy.

(Annexure R/3/2)

**OFFICE OF THE DEPUTY COMMISSIONER, BATHINDA**No. 3226Date 20-3-2025

To,

The Chief Administrator,  
Bathinda Development Authority,  
Bathinda

Subject- **MA No.16/2025 in OA no. 394 of 2024 titled as Er. Shivcharanjit Singh Vs State of Punjab of Hon'ble National Green Tribunal.**

Ref.- **Hon'ble National Green Tribunal order dated 10.2.2025.**

It is informed that a complaint was filed by the aggrieved in the Hon'ble National Green Tribunal and Hon'ble Tribunal in the matter vide OA no. 394 of 2024 titled as Er. Shivcharanjit Singh Vs State of Punjab. Hon'ble Tribunal vide order dated 2.7.2024 has constituted a joint committee comprising of the Deputy Commissioner, Bathinda; Divisional Forest Officer, Bathinda; State Pollution Control Board and representative of Bathinda Development Authority, Bathinda with SPCB as Nodal Agency for coordination and operation. In compliance to the Orders report dated 24.09.2024 of the Joint Committee has been filed in the Hon'ble Tribunal

Now, Hon'ble Tribunal has listed the matter before the Bench by registering the report as M.A. No. 16/2025 and has sought response of (1) State of Punjab through Secretary, Department of Science, Technology and Environment, Government of Punjab, (2) Commissioner Municipal Corporation, Bathinda, (3) District Magistrate, Bathinda, (4) Chief Administrator, Bathinda Development Authority, (5) District Town Planner, Bathinda, (6) Punjab State Pollution Control Board and (7) M/s Omaxe Buildhome Pvt. Ltd. Omaxe City, Goniana Road, Bathinda, Pin code 151201, who are impleaded as respondents no. 1 to 7.

Since the matter is related to the encroachment on green belt in the M/s Omaxe Buildhome Pvt. Ltd. Omaxe City, Goniana Road, Bathinda, as such you are required to take necessary action as per the directions of Hon'ble Tribunal/ guidelines of State Government. You are also required to file the necessary reply and represent the said on the behalf of the undersigned in the Hon'ble Tribunal.

Deputy Commissioner  
Bathinda