

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

ORIGINAL APPLICATION NO. 1246 OF 2024

IN THE MATTER OF:

UDAY BHAN

...APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS. ...RESPONDENTS

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DATE: 07.03.2025

PLACE: NEW DELHI

THROUGH:



(RACHIT MITTAL)

ADVOCATE FOR RESPONDENT NO. 3

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REPLY ON THE BEHALF OF RESPONDENT NO. 03 –
MATHURA VRINDAVAN DEVELOPMENT AUTHORITY TO
THE APPLICATION FILED BY THE APPLICANT

MOST RESPECTFULLY SHOWETH: -

1. That the present Reply is being filed by Respondent No. 3 – Mathura Vrindavan Development Authority (hereinafter referred to as "**Answering Respondent**") to the captioned Application under Sections 14, 15 & 18 of the National Green Tribunal Act, 2010 (hereinafter referred to as "**Act**") seeking following reliefs:

1. "*Direct the State of Uttar Pradesh and its concerned departments to immediately halt all ongoing illegal activities, including tree felling, encroachments, and alterations in Tikari Garden, Vrindavan, and to take steps to prevent further environmental damage in the area.*


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2. *Direct the State authorities to conduct a comprehensive investigation into the illegal felling of trees and encroachment activities carried out by Satyanarayan Singh and others, and to initiate immediate proceedings under the relevant provisions of the Indian Penal Code, Wildlife (Protection) Act, 1972, and Forest (Conservation) Act, 1980, against those responsible for these illegal acts.*
3. *Direct the State Administration to undertake a comprehensive identification and cataloguing of all gardens and orchards situated within the Mathura-Vrindavan and Braj region. The State is hereby mandated to enumerate each tree within these premises for the establishment of official records and to develop a robust database aimed at monitoring and safeguarding these trees. This database shall incorporate, where feasible, the assignment of Unique Identification Numbers to individual trees, thereby facilitating enhanced protection measures and oversight.*
4. *Direct the Government of Uttar Pradesh to prepare and publish a list of all remaining gardens and orchards in the Braj region, particularly those tied to historical figures, such as queens and other prominent Individuals, where ownership is uncertain. Preventive legal measures and monitoring mechanisms should be put in place to safeguard these properties from illegal*


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land-use changes and encroachment by land mafias.

5. *Order immediate restoration efforts in the affected areas of Tikari Garden, including replantation and ecological rehabilitation, under the supervision of an independent expert body with knowledge in environmental and ecological restoration. Further, direct the Respondents to undertake compensatory afforestation and implement measures to protect and preserve the remaining trees and environment within the Taj Trapezium Zone (TTZ).*
6. *Order an independent inquiry into the unauthorized felling of 50 trees within the TTZ, to identify the individuals and authorities responsible for this illegal act, and to initiate appropriate legal proceedings against them under the Forest (Conservation) Act, 1980, Wildlife (Protection) Act, 1972, and other applicable laws.*
7. *Grant any other relief as this Hon'ble Tribunal deems just, proper, and necessary in the interests of justice, environmental protection, and to ensure the long-term preservation of the Braj region's ecological and spiritual heritage."*

2. At the outset, the Answering Respondent denies all the averments made in the Application filed on behalf of the Applicant to the extent they are contrary or inconsistent


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with the contents of the Reply. Nothing contained in the Application filed by the Applicant should be deemed to have been admitted, save as expressly stated herein.

3. That the Application filed by the Applicant is replete with factual perversity and contains incorrect and misconceived submissions. It is submitted that the Applicant had pleaded incongruent averments and has based the Application on false surmise and vague conjectures. Hence, in view of the above, the Applicant is not entitled to any relief whatsoever qua the answering Respondent.
4. It is pertinent to mention here that the incident of felling of trees which took place on 08.10.2024 on the land owned by the Jiva Institute of Vaidic Studies situated at Sunrakh Road near the Vrindavan Parikrama Marg. Further, it is most humbly submitted that the issue related to the cutting of trees falls within the jurisdiction of the Forest Department and the answering Respondent has no role or involvement in such an illegal act.

PARAWISE REPLY


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5. That the contents of Paragraphs No. 1.1 to 1.4 of the Application are a matter of fact and hence need no reply. It is submitted that no action is needed to be taken by the Answering Respondent.
6. That the contents of Paragraphs No. 1.5 & 1.6 of the Application are a matter of record and hence need no reply. However, it is most humbly submitted that the said case of cutting of trees is related to the forest department.
7. The contents of Paragraphs 1.7 to 1.9 are related to the forest department and hence need no reply.
8. That the contents of Paragraph No. 2 of the Application are a matter of fact and record related to precedents of the Hon'ble Supreme Court, hence need no reply.
9. That with regard to the contents of Paragraphs No. 3 (3.1 to 3.2) of the Application, it is most humbly submitted that the answering respondent neither has any association or involvement with any land mafia for the cutting of trees nor has given any authorization or permission regarding the cutting of trees for any of its projects. Therefore, the


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Answering Respondent cannot be held liable for the wrongful acts committed by any third party.

10. That with regard to the contents of Para 4 of the Application, no reply is required by the answering Respondent regarding such beliefs. However, the answering Respondent has neither tried to harm the spiritual environment of Mathura Vrindavan in any way nor has tried to desecrate the religious heritage. Further, it is also pertinent to mention here that the answering Respondent is not responsible in any way for the illegal cutting of trees, hence it is not right to hold the answering Respondent liable for violating Article 25 of the Constitution of India.
11. That with regard to the contents of Para 5.1 to 5.10 of the Application, as far as the question of contempt of the orders of the Hon'ble Supreme Court is concerned, all the statements are baseless, false and misleading and hence, vehemently denied. It is most humbly submitted that the provisions related to various Acts, whose enforcement falls under the jurisdiction of the Forest, Environment, and


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other administrative departments of the state, are not related to the answering Respondent.

12. That with regard to the contents of Para 6.1 to 6.13 of the Application pertaining to several legal provisions, and precedents held by Hon'ble Apex Court hence, needs no reply.
13. That with regard to the contents of para 7 of the Application are a matter of fact hence, needs no reply. However, the statement of the Applicant is incorrect that the answering Respondent has failed to take appropriate action in the incident in question, whereas the matter of fact is that the present alleged incident of illegal cutting of trees is related to the Forest Department, and hence, the answering Respondent has been wrongly impleaded as party respondent.
14. The contents of the prayer for immediate relief are denied in their entirety and are devoid of any veracity as the issue of illegal cutting of trees does not fall under the ambit of the answering Respondent whereas the same is within the jurisdiction of the Forest Department.


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It is submitted that the answering Respondent has always been vigilant in exercising its duties and fulfilling its responsibilities with due care and consciousness at all times and also has been complying with the orders/ directions passed by this Hon'ble Tribunal from time to time.


RESPONDENT NO. 3

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मथुरा

DATE: 07 .03 .2025

PLACE: NEW DELHI

THROUGH



(RACHIT MITTAL)

Advocate for Respondent no. 3

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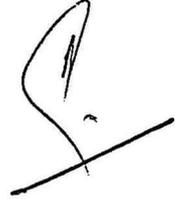
AFFIDAVIT

I, Arvind Kumar S/o Shri Ram Chandra aged about 39 years working as Secretary, Mathura Vrindavan Development Authority, Government Museum, Dampier Nagar, Mathura, 281001, presently at Noida do hereby solemnly affirm and declare as under: -

1. That I, in the aforesaid capacity, am well conversant with the facts and circumstances of the case and the information derived from the official record. Hence, I am competent to swear this affidavit.
2. I have read and understood the contents of accompanying reply. I state that the facts stated



therein are true to my knowledge derived from the official record. The legal submissions are based on legal advice received and believed to be true.



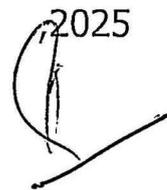
DEPONENT

VERIFICATION: -

The contents of the above from paragraphs 1 to 2 are true and correct as per the official records. Nothing is wrong therein and nothing material has been concealed therefrom.

Verified at Noida today on this 6th day of March

2025



DEPONENT



ATTESTED
Munendra Kumar Singh
Notary Public
Reg. No. 13478
06 MAR 2025

VAKALATNAMA

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI
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IN THE MATTER OF:

Uday Bhan

...APPLICANT(S)

Versus

State of Uttar Pradesh & Ors.

... RESPONDENT(S)

KNOW ALL to whom these present shall come that I/We MATHURA VRINDAVAN DEVELOPMENT AUTHORITY THROUGH ITS VICE CHAIRMAN HAVING OFFICE AT GOVERNMENT MUSEUM, DAMPIER NAGAR, MATHURA, UTTAR PRADESH the above-named RESPONDENT NO. 03 do hereby appoint.

RACHIT MITTAL [D/1041/2011]
ADVOCATE

MZ-24 & 25, ANSAL FORTUNE ARCADE, SECTOR 18, NOIDA – 201 301 U.P.

EMAIL: rachit@rmlawchambers.in

PH: +91 9873997047

(herein after called the advocates) to be my/our Advocate in the above-noted case authorize them :-

- 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 fill 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.
- The 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 of the said case.
- To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate 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 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 purposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of 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 the 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 settled is only for the above case and above Court. I/We hereby agree that once the fees 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 that 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 present the contents of which have been understood by

me/us on this Day of 6th, March 2025

Accepted subject to terms of fees.

RACHIT MITTAL
ADVOCATE

CLIENT

सहायक
मथुरा वृन्दावन विकास प्राधिकरण
मथुरा

