

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL  
BENCH, BHOPAL (M.P).**

**ORIGINAL APPLICATION NO.105 / 2020 (CZ)**

Babulal Jajoo : Applicant(s)

//Versus//

State of Rajasthan & Ors : Respondent(s)

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PLACE: Jabalpur

DATE: 08.07.2021

15/07/2021



SHOEB HASAN KHAN

COUNSEL FOR RESPONDENTS' 1 & 2



8 JUL 2021

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State of Rajasthan & Ors : Respondent(s)

**REPLY ON BEHALF OF RESPONDENTS' 1 & 2**

That the Respondents' no 1 & 2 begs to submit as under :

**PRELIMINARY OBJECTION**

The Application filed by the Applicant have been filed on false, pretext and by suppressing material facts. Applicant has misrepresented the facts before the Hon'ble Tribunal. There is no degradation of environment as alleged by the applicant in the application. It is most respectfully submitted that in the year 2009, Urban Development Trust Bhilwara framed a Scheme for development of Patel Nagar Extension Plan i.e. Annexure P-1, which was approved on 25-05-2009. The plan of sector 4 for residential Villas in the west side of the Mansarovar lake admeasuring approx. 100 x125 feet alongwith other facilities such as park area, educational area and reserved area for future plan. Due to the large area of the Plots for the Villas, the same could not be auctioned, therefore under the Rajasthan Urban Improvement Act (Land Disposal Rules), 1974, the answering respondent no.2, amended the Part Layout Plan of Patel Nagar Extension, Sector 4, vide order dated 21-05-2019 and it was decided to create small plots foregoing the idea of villas so that the land could be made available to the all sections of society to as to enable

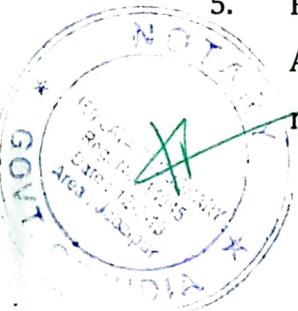


participation of all sections, and also to raise revenue which could be collected through auction to the Trust.

The averments made by the applicant in the application are misconceived and without any basis as it has been alleged by the applicant that land of two parks by the Mansarovar Lake in Patel Nagar has been converted in Commercial land for the benefit of builders and colonizers. That applicant has failed to point out to whom this benefit has been apportioned. Though, there is no degradation of environment and the area of Parks in amended Plan of 2019 has increased as compared to 2009. Copy of Factual Report is filed herewith as **Annexure R-1**. Hence, application filed by the applicant being devoid of merits is liable to be dismissed with Cost.

#### **PARAWISE REPLY**

1. Reply to Para 1 & 2 of the Application : Contents of Para 1 & 2 needs no Reply.
2. Reply to Para 3.1 of the Applicaton : Contents of Para are specifically denied for want of documents substantiating the averments made therein.
3. Reply to Para 3.2 of the Application : Contents of Para 3.2 are false and specifically denied. It is specifically denied that applicant raised a substantial question relating to degradation of environment on the allegation of conversion of two parks into Commercial Land. It is also specifically denied that development on the Patel Nagar Extension has been carried out just in order to benefit the Colonizers and builders. There is no averment with respect to private party or their name.
4. Reply to Para 3.3 of the Application : Contents of Para 3.3 are not disputed.
5. Reply to Para 3.4 of the Application : Contents of Para 3.4 of the Application are false as the Applicant have suppressed the material facts from the Hon'ble Tribunal in respect of



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undeveloped portion of land. It is respectfully submitted that entire region was under-developed and works have been carried by the Respondent No. 2 for development of the area and boundary walls were damaged have been renovated and repairs is being carried out including beautification of park.

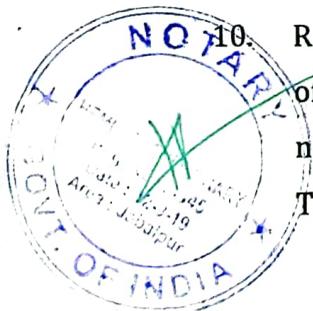
6. Reply to Para 3.5 of the Application : Contents of Para 3.5 are false and specifically denied except the fact that Respondent No. 2 is the Nodal agency for Planning the development of City of Bhilwara. It is respectfully submitted that earlier Lay Out Plan was published on 22-05-2009 which provides for an area of 77846 sq. ft approx. for Park A and area of 201390 sq. ft. approx for Park B.
7. Reply to Para 3.6 of the Application : Contents of Para 3.6 of the application are false and specifically denied. It is specifically denied that by Amended Lay out Plan of Patel Nagar Extension, land of Park A has been replaced by building Units and 80% area of park B have been depleted for the construction work. As submitted earlier, Urban Development Trust Bhilwara framed a Scheme for development of Patel Nagar Extension Plan i.e. Annexure P-1, which was approved on 25-05-2009. The plan provides for residential Villas in the west side of the Mansarovar lake admeasuring approx. 100 x 125 feet alongwith other facilities such as park area, educational area and reserved area for future plan. Due to the large area of the Plots for the Villas, it remained unauctioned, therefore under the Rajasthan Urban Improvement ACT (Land Disposal Rules), 1974, the answering respondent no.2 revised the Layout Plan of Sector 4, Patel Nagar Extension vide order dated 21-05-2019 and it was decided to create small plots instead of villas so that the land could be made available to the all sections of society and, revenue could be collected through auction to the Trust. It is also important to mention herein that as per amended Lay Out Plan 18-09-2019



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area of Park A has been increased to 194953 sq. ft approx. from 77846 sq. ft., area of Park B is still 201390 sq. ft. approx. and Park C area 111881 sq. ft. as per previous plan and two new parks i.e. Park D area 49832 sq. ft. and Park E area 40963 sq. ft. has been proposed to provide a more healthier and clean environment. Hence, allegation of the applicant that in the amended Layout Plan of 2019 the area of the Parks has been reduced is totally false and without any basis. That the applicant is trying to mis lead this Hon'ble Court by not placing correct facts. It is also specifically denied that Plantations and huge trees have been cut with cruelty which is affecting air in the city. Infact the area being increased will increase the tree plantation leading to a healthier and clean environment. The alleged wrecked boundaries by the Applicant of the Park B was *de-facto* repaired and constructed as same are in dilapidated condition. Copy of 2009 and Revised Lay Out Plan of 2019 are cumulatively filed herewith as **Annexure R-2 and R-3** & Copy of Photographs are filed herewith s **Annexure R-4**.

8. Reply to Para 3.7 of the Application: Contents of Para 3.7 of the application are not disputed. As admitted by the Applicant in his application that Respondent no. 2 is the Nodal Agency for the Development Work in the City Bhilwara, therefore it ought to have represented the matter to Respondent No. 2.
9. Reply to Para 3.8 of the Application : Contents of Para 3.8 of the application are false and specifically denied. It is specifically denied that the application has been filed for protection of environment in order to prevent loss to the environment as no such loss as alleged by the applicant has been caused or will cause to the environment.
10. Reply to Para 4 (grounds) of the application : Contents of Para 4 of the application are false and specifically denied. Applicant has not made out any ground for interference of this Hon'ble Tribunal in the matter.



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11. Reply to Para 5 of the Application : No cause of action has been accrued to the applicant as alleged in the Para.
12. Reply to 6 & 7 of the Application : Contents of para 6 & 7 are false and specifically denied.
13. Reply to Para 8 & 9 of the Application : Applicant is neither entitled for any interim relief nor entitled for any relief as prayed in the application and application is liable to be dismissed with cost.
14. Affidavit filed alongwith the application is false and specifically denied.
15. An affidavit in support of Reply is filed herewith.

#### PRAYER

It is therefore most humbly prayed that in the light of arguments advanced this Hon'ble Tribunal may be pleased passed to pass appropriate orders as its deems just and proper in the interest of justice.



**SHOEB HASAN KHAN**

**COUNSEL FOR RESPONDENTS' 1 & 2**

Place: Jabalpur

Date: 08.07.2021

15/07/2021



8 JUL 2021

HEMLATA CHOUDHARY  
NOTARY  
GOVT. OF INDIA  
JABALPUR DISTRICT

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL  
BENCH, BHOPAL (M.P).**

**ORIGINAL APPLICATION NO.105 / 2020 (CZ)**



Babulal Jajoo

:

Applicant(s)

//Versus//

State of Rajasthan & Ors

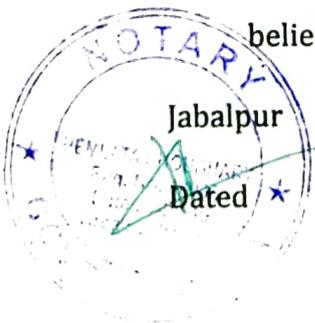
:

Respondent(s)

**AFFIDAVIT**

I, Anupam Sharma, aged about 37 years, S/o Alok Kumar Sharma  
Occupation : Deputy Town Planner, Urban Improvement Trust,  
Bhilwada, Rajasthan presently at Jabalpur Do hereby state on oath as  
under :

1. I'm the Officer in charge on behalf of Respondents' 1 & 2 and authorized to file this Affidavit being well conversant with the facts of the case.
2. The contents of the attached Reply from Para 1 to end have been drafted under my instructions and I have read and understood the same and same are true to my personal knowledge and belief.



8 JUL 2021

*[Signature]*  
Deponent

**VERIFICATION**

I, Anupam Sharma, the above named deponent do hereby sign and verify on 8th day of July, 2021 that the contents of Para 1 & 2 aforesaid are true to my personal knowledge and belief.

*[Signature]*  
Identified by

Before me on the 8/7 day of July  
By *[Signature]*  
Who has been identified by *[Signature]*  
Who is personally known to me whose signature  
(s) is/are here to be attested

*[Signature]*  
Deponent  
*[Signature]*  
S. Habeeb Khan



## कार्यालय नगर विकास न्यास, भीलवाड़ा

क्रमांक/मानचित्र/संस्था/21/4121

दिनांक: 6/7/2024

### तथ्यात्मक रिपोर्ट

1. नगर विकास न्यास भीलवाड़ा द्वारा पटेल नगर विस्तार योजना (संलग्नक-1) तैयार की गई थी जिसका अनुमोदन दिनांक 25.05.2009 को किया गया था। मानसरोवर झील के पश्चिम दिशा में आवासीय विला हेतु योजना में 100 फीट x 125 फीट साईज के भूखण्ड सुविधा क्षेत्र, पार्क, शैक्षणिक क्षेत्र व भविष्य में विकास करने हेतु आरक्षित क्षेत्र के साथ नियोजित किये गये थे। विला हेतु भूखण्डों का क्षेत्रफल अधिक होने के कारण न्यास द्वारा कई बार नीलामी में रखे जाने के पश्चात् भी विक्रय नहीं किये जा सके एवं 12 वर्ष से अधिक समय व्यतीत हो जाने के पश्चात् भी किसी भी विला के भूखण्ड पर कोई निर्माण नहीं होने के कारण योजना का विकास पटेल नगर विस्तार योजना के अन्य सेक्टर की तुलना में नहीं हो सका। राज्य सरकार द्वारा समय-समय पर आदेश/परिपत्र जारी किये जाते हैं जिनमें न्यास/प्राधिकरणों को राजस्व प्राप्ति हेतु नीलामी के माध्यम से अधिक से अधिक भूखण्डों को विक्रय करने हेतु आदेशित किया जाता है। इन सभी परिस्थितियों को देखते हुये नगर विकास न्यास भीलवाड़ा द्वारा राजस्थान सुधार न्यास (भूमि निष्पादन नियम) नियम 1974 के तहत कार्यालय आदेश दिनांक 21.05.2019 को पटेल नगर विस्तार सेक्टर नं. 4 के ले-आउट प्लान को संशोधित कर छोटे क्षेत्रफल के भूखण्ड सृजित करने का निर्णय लिया गया ताकि शहरी गरीबों के लिए प्रधानमंत्री जन आवास योजना एवं मुख्यमंत्री जन आवास योजना के तहत भूखण्ड उपलब्ध हो सके एवं साथ ही न्यास को नीलामी के माध्यम से राजस्व की प्राप्ति हो सके। अतः सम्पूर्ण क्षेत्र के विकास हेतु न्यास द्वारा सेक्टर नं. 4 पटेल नगर विस्तार का ले-आउट प्लान संशोधन करने का निर्णय लिया गया है।

  
 प्रभारी अधिकारी (प्रकरण)  
 नगर विकास न्यास, भीलवाड़ा

  
 Secretary  
 Urban Improvement Trust  
 BEHILWARA

2. याचिकाकर्ता द्वारा प्रस्तुत पूर्व में स्वीकृत पटेल नगर विस्तार के ले-आउट प्लान ( Annexure-A/1 ) दर्शित पार्क A व पार्क B का क्षेत्रफल गलत दर्शाया गया है। उक्त पार्कों का क्षेत्रफल स्वीकृत ले-आउट प्लान (संलग्नक 1) अनुसार निम्नानुसार है।

Park name	Area Sq.ft.
Park A	77846 Sq.ft.
Park B	201390 Sq.ft.

3. याचिकाकर्ता द्वारा प्रस्तुत संशोधित ले-आउट प्लान ( Annexure-A/2 ) प्रारम्भिक प्रस्तावित ले-आउट प्लान है। जिसे नगर विकास न्यास भीलवाड़ा द्वारा ले-आउट प्लान समिति दिनांक 18.09.2019 द्वारा संशोधन कर सभी पार्क, सुविधा क्षेत्र, शैक्षणिक क्षेत्र को ध्यान रखते हुये ले-आउट प्लान क्रमांक 1060 (संलग्नक-2) अनुमोदित किया गया। संशोधित ले-आउट प्लान में पार्क, सुविधा क्षेत्र, शैक्षणिक क्षेत्र को गुलाब कोठारी बनाम राज्य सरकार में मानीय उच्च न्यायालय जोधपुर द्वारा याचिका संख्या 1554/2004 में जारी दिशा निर्देश दिनांक 12.01.2017 के अनुसार ही रखा गया है। संशोधित ले-आउट प्लान में पार्कों का कुल क्षेत्रफल 599024 वर्गफीट रखा गया है। पार्कवार क्षेत्रफल निम्नानुसार है-

Park name	Area Sq.ft.
Park A	194953 sq.ft.
Park B	201395 sq.ft.
Park C	111881 sq.ft.
Park D	49832 sq.ft.
Park E	40963 sq.ft.

पूर्व में अनुमोदित ले-आउट प्लान के पार्क A के क्षेत्रफल से अधिक क्षेत्रफल संशोधित ले-आउट प्लान में पार्क A हेतु नियोजित किया गया है एवं पार्क B व पार्क C का क्षेत्रफल यथावत रखा गया है। न्यास द्वारा संशोधित ले-आउट प्लान में 2 नये पार्क, पार्क D व पार्क E भी नियोजित किये गये है जिससे कि योजना में निवास करने वाले लोगों का जीवन स्तर और अच्छा हो सके। इस प्रकार याचिकाकर्ता द्वारा अंकित तथ्य की

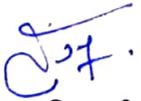
प्रभारी अधिकारी (प्रकरण)  
नगर विकास न्यास, भीलवाड़ा

Secretary  
Urban Improvement Trust  
BHILWARA

न्यास द्वारा पार्क के क्षेत्रफल में व्यावसायिक भूखण्डों को दर्शाया गया है एवं पार्कों के क्षेत्रफल को 80 प्रतिशत कम किया गया है, निराधार है।

न्यास द्वारा पूर्व में पार्क A, B व C में विकास कार्य करवाया गया था जिसमें बाउण्ड्रीवाल, फुटपाथ, ग्रेवल स्टोन आदि लगवाए गए थे। पार्क A व पार्क B की बाउण्ड्रीवाल व फुटपाथ पुराने हो जाने के कारण क्षतिग्रस्त हो गए थे एवं पटेल नगर योजना के निवासियों द्वारा प्रार्थना पत्र प्रस्तुत किया गया जिसमें निवासीगण द्वारा उक्त पार्कों का नवीनीकरण कराने हेतु आवेदन किया गया। इस कारण न्यास द्वारा उक्त पार्कों की पुरानी बाउण्ड्रीवाल व फुटपाथ तोड़ने का निर्णय लिया गया ताकि उक्त पार्कों का नवीनीकरण किया जा सके। न्यास द्वारा उक्त पार्कों में किसी भी पेड़ को नहीं काटा गया है एवं न्यास द्वारा संशोधित ले-आउट प्लान के अनुसार विकास करने हेतु पर्यावरण को कम से कम नुकसान हो, का ध्यान रखा गया है। अतः संशोधित ले-आउट प्लान तैयार करते समय न्यास द्वारा राज्य सरकार एवं माननीय उच्च न्यायालय द्वारा जारी सभी नियमों की पालना की गई है।

  
Secretary  
Urban Improvement Trust,  
DEHLWARA

  
प्रभारी अधिकारी (वाद)  
नगर विकास न्यास  
नगर विकास न्यास, भीलवाड़ा  
भीलवाड़ा



APPROVED BY: *[Signature]*  
 DATE: 22-05-2008  
 APPROVED WITH MODIFICATIONS SHOWN IN BLACK INK WITH THIS OFFICE LETTER NO. A/1074/BH/09/1198

PROPOSED LAYOUT PLAN OF PATEL NAGAR EXTENSION SCHEME BILWARA.  
 DRAWN BY: *[Signature]*  
 SCALE: 1"=100'-0"

NOTE:  
 1. SURVEY RECEIVED FROM TECHNICAL SECTION.  
 2. LARGE PORTIONS OF USE ARE TO BE DEFERRED O/S SEPARATELY.

**SCHEDULE OF PLOTS.**

S.NO.	PLOT SIZE	FRONT	REAR	SIDE	NOS.
1.	40'-0"X30'-0"	30'-0"	10'-0"	10'-0"	242
2.	40'-0"X70'-0"	15'-0"	10'-0"	10'-0"	341
3.	40'-0"X30'-0"	15'-0"	10'-0"	10'-0"	87
4.	30'-0"X30'-0"	10'-0"	10'-0"	10'-0"	200
5.	25'-0"X30'-0"	10'-0"	10'-0"	10'-0"	439
6.	25'-0"X30'-0"	10'-0"	10'-0"	10'-0"	38
7.	30'-0"X35'-0"	10'-0"	5'-0"	5'-0"	672
8.	15'-0"X30'-0"	10'-0"	5'-0"	5'-0"	866
9.	OTHERS				28
TOTAL					2941

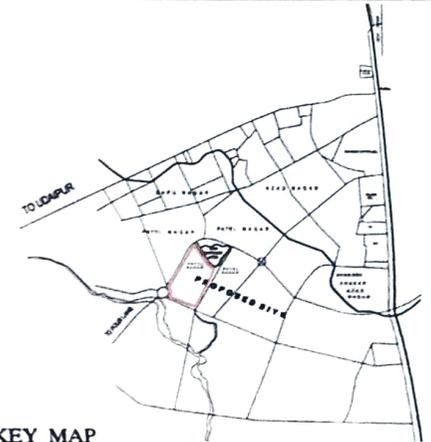
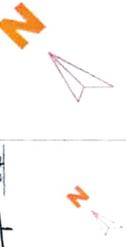
**LAND USE ANALYSIS**

S.NO.	USE IN	AREA IN ACRE	PERCENTAGE
1.	RESIDENTIAL	108.90	24.64
2.	COMMERCIAL	60.59	13.70
3.	RESERVED	20.80	4.71
4.	ROADS	114.00	25.81
5.	O.O.F.	8.51	1.92
6.	OPEN SPACE & PARK	69.30	15.68
7.	EDUCATIONAL	18.82	4.21
8.	HOSPITAL	10.02	2.27
9.	PUBLIC UTILITY	6.81	1.54
10.	EXISTING VARIOUS AREA	24.39	5.52
<b>TOTAL AREA</b>		<b>442.025</b>	<b>100.00</b>



**BILWARA**

(17-11-05, -1)



KEY MAP

SOURCE :- U. I. T. DEPARTMENTAL SURVEY

**REVISED LAYOUT PLAN OF PATEL NAGAR EXTENSION MULTI PURPOSE SCHEME AT BHILWARA (SECTOR-4)**

क्रमांक: 1060 दिनांक 18.09.2019 को जारी किया गया।

DRAWN BY :	SCALE : 1" = 100'-0"	ISSUED ON
	U.I.T. ORG.NO.	

प्रमोदी अधिकारी (प्रकरण)  
 नया निवास नगर, बीकानेर  
 Secretary  
 Urban Improvement Trust  
 BHILWARA

- SD - D T P U.I.T. BHILWARA	- SD - SECRETARY U.I.T. BHILWARA	- SD - CHAIRSMEN U.I.T. BHILWARA
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