

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW
DELHI

ORIGINAL APPLICATION NO. 287 OF 2022

IN THE MATTER OF:.

Sh. Amit kishor & Others

Vs.

Uttar Pradesh State Pollution control board & Ors.

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(VEERA KAUL SINGH)

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Versus

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SHORT SYNOPSIS ON BEHALF OF THE RESPONDENT NO.3
UP AVAS EVAM VIKAS PARISHAD

- 1) That the Vasundhara Awas Yojna was launched and developed by the Uttar Pradesh Housing and Development Board. That on completion of the Vasundhara Awas Yojna the same was handed over to Ghaziabad Nagar Nigam vide hand-over note dated 30.10.2002, under Section 41 of the U.P Awas Evam Vikas Parishad Adhinyam, 1965, for the purpose of maintenance and overall upkeep of the public services in the area.
- 2) That on a perusal of the conditions of handing over dated 30.10.2002 it is amply clear that the land use/nature of the land cannot be altered by the maintaining authority i.e. the Ghaziabad Nagar Nigam without the prior consent of Uttar Pradesh Awas Vikas Parishad. It is pertinent to submit here that no such permission was obtained from Uttar Pradesh Housing Development Board by Ghaziabad Nagar Nigam before establishing the said vending zone.
- 3) That a vending zone was proposed to be set up in Sector-10, 12 and 14 of Vasundhara Ghaziabad in accordance with the proposal passed by the Architecture and Planning Section of the Uttar Pradesh Housing and Development Board. That the same has already been averred in para 6 of the affidavit dated 05.09.2022 filed by the Uttar Pradesh Housing and Development Board.

- 4) That the Uttar Pradesh Housing and Development Board after receiving complaints about the encroachment on the road and green belt, and in furtherance of the official protocol, informed the District Magistrate, Ghaziabad and Ghaziabad Nagar Nigam vide letters dated 26.10.2021 and 1.10.2021 respectively about the same and requested them to take appropriate action. That the letter dated 26.10.2021 is annexed as Annexure-D on Page No. 49 of the Original Application filed by the Applicant.
- 5) That in pursuance of the direction/ order issued by this Hon'ble Tribunal on 23.11.2022 the deponent is filing the detailed lay out map of sector 15, Vasundhra, Ghaziabad wherein all the details have been earmarked and duly signed by the Superintending Engineer. So far as the exact location of the encroachment are concerned, it is for the concerned authorities to show as to where such encroachment were done and that in which part did they fall. Copy of the detailed map of Sector-15, Vasundhra, Ghaziabad duly signed by the Superintending Engineer is enclosed herewith as **Enclosure 'A'**.
- 6) The Ghaziabad Nagar Nigam has been maintaining the civic amenities in the area. It is not the prerogative of the Uttar Pradesh Housing and Development Board to either allot the kiosk or to demolish them. The said scheme was developed and implemented by the Ghaziabad Nagar Nigam. Hence, the onus to explain the procedure of allotment and demolition of the encroachment lies with them.

Dated :24.11.2022

(VEERA KAUL SINGH)
Advocate for the Respondent No.3

