

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 545 OF 2025

IN THE MATTER OF:

Mansing & Ors

.....Applicant

Versus

Union of India & Ors

.....Respondents

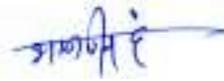
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Date 23.01.2026

Applicant



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SYNOPSIS OF THE CASE

- वर्तमान मामला वैधानिक मास्टर प्लानों के अंतर्गत पार्क, ग्रीन बेल्ट एवं खुले स्थानों के रूप में आरक्षित भूमि का अवैध रूपांतरण, अतिक्रमण तथा अनधिकृत निर्माण से संबंधित है, जो कि नगर नियोजन कानूनों, पर्यावरणीय मानकों तथा बाध्यकारी न्यायिक दृष्टांतों का स्पष्ट उल्लंघन है। ऐसे कृत्य पर्यावरण संरक्षण, सतत शहरी विकास तथा जनहित को प्रत्यक्ष रूप से प्रभावित करते हैं।

1. The present case concerns the illegal conversion, encroachment, and unauthorized construction upon land reserved as **parks, green belts, and open spaces** under the statutory Master Plans, in violation of planning laws, environmental norms, and binding judicial precedents. Such actions directly undermine environmental protection, sustainable urban development, and the public interest.

- माननीय सुप्रीम कोर्ट ने अपने प्रामाणिक निर्णय दिनांक 17.12.2024 (Civil Appeal No. 14604 of 2024) में यह सिद्धांत स्थापित किया कि अवैध एवं अनधिकृत निर्माणों को किसी भी परिस्थिति में संरक्षण, कंपाउंड अथवा नियमित नहीं किया जा सकता तथा ऐसे निर्माण तत्काल ध्वस्त किए जाने योग्य हैं। न्यायालय ने यह भी कहा कि प्रशासनिक विलंब, निष्क्रियता अथवा वित्तीय निवेश किसी अवैध निर्माण को वैध नहीं बना सकते। इसके अतिरिक्त यह भी निर्णीत किया गया कि स्थानीय प्राधिकरणों एवं विकास निकायों का यह अनिवार्य दायित्व है कि वे मास्टर प्लान, जोनल प्लान एवं पर्यावरणीय कानूनों के अनुरूप निर्माण गतिविधियों की कठोर निगरानी करें। उक्त निर्णय में माननीय सुप्रीम कोर्ट ने नियमित निरीक्षण, अंतर-विभागीय समन्वय, समयबद्ध प्रवर्तन कार्रवाई, पर्यावरणीय प्रभाव आकलन तथा दोषी अधिकारियों के विरुद्ध विभागीय, दंडात्मक एवं आपराधिक कार्यवाही आरंभ करने के व्यापक निर्देश भी जारी किए, जिससे उत्तरदायित्व, विधि का शासन तथा सुव्यवस्थित शहरी विकास सुनिश्चित किया जा सके।

2. The Hon'ble **Supreme Court of India**, in its authoritative judgment dated **17.12.2024 in Civil Appeal No. 14604 of 2024**, laid down that **illegal and unauthorized constructions cannot be protected, compounded, or regularized under any circumstances and are liable to be demolished forthwith**. The Court further held that administrative delay, inaction, or financial investment cannot legalize an otherwise illegal construction. It was also ruled that local authorities and development bodies are under a mandatory obligation to strictly monitor constructions in accordance with the Master Plan, Zonal Plan, and environmental laws. **Annexure-1**

In the said judgment, the Hon'ble Supreme Court also issued comprehensive directions for regular inspections, inter-departmental coordination, time-bound enforcement actions, environmental impact assessments, and initiation of departmental, punitive, and criminal proceedings against erring officials, so as to ensure accountability, adherence to the rule of law, and orderly urban development.

3. तत्पश्चात्, माननीय राष्ट्रीय हरित अधिकरण ने अपने आदेश दिनांक **04.11.2022** (O.A. No. 780 of 2022) द्वारा उक्त सिद्धांत को पुनः दोहराया तथा यह पुनः स्पष्ट किया कि पार्को एवं खुले स्थानों के भूमि उपयोग में परिवर्तन या विचलन विधि में अनुमन्य नहीं है। अधिकरण ने संबंधित प्राधिकरणों को पर्यावरणीय सिद्धांतों एवं नियोजन विनियमों का कठोरता से पालन करने के निर्देश दिए।

3. Subsequently, the Hon'ble **National Green Tribunal**, by its order dated **04.11.2022 in O.A. No. 780 of 2022**, reiterated the above position and reaffirmed that diversion or change of land use of parks and open spaces is impermissible in law. The Tribunal directed strict compliance with environmental principles and planning regulations by the concerned authorities. **Annexure-2**

4. माननीय राष्ट्रीय हरित अधिकरण, अपने आदेश दिनांक **25.01.2022** (O.A. No. 165/2021) द्वारा, स्पष्ट रूप से यह घोषित कर चुका है कि मास्टर प्लान के अंतर्गत पार्क एवं खुले स्थानों के रूप में चिन्हित भूमि का किसी अन्य प्रयोजन हेतु रूपांतरण नहीं किया जा सकता। अधिकरण ने यह भी प्रतिपादित किया कि पारिस्थितिक संतुलन एवं पर्यावरणीय स्थिरता बनाए रखने हेतु ऐसे हरित क्षेत्रों का संरक्षण अनिवार्य है तथा वैधानिक प्राधिकरणों का यह कर्तव्य है कि वे ऐसे किसी भी रूपांतरण को रोकें।

3. The Hon'ble **National Green Tribunal**, vide order dated **25.01.2022 passed in O.A. No. 165/2021**, categorically held that land earmarked as parks and open spaces under a Master Plan cannot be converted for any other purpose. The Tribunal emphasized that preservation of such green areas is mandatory to maintain ecological balance and environmental sustainability, and that statutory authorities are duty-bound to prevent any such conversion.

5. माननीय सुप्रीम कोर्ट ने अपने निर्णय दिनांक **14.09.2017** (Civil Appeal No. 5606 of 2010 सह C.A. No. 5607 of 2010) में यह स्पष्ट रूप से कहा कि खुले स्थान एवं ग्रीन बेल्ट पर्यावरण संरक्षण तथा जनहित के लिए आरक्षित होते हैं। ऐसी भूमि का आवासीय या किसी अन्य प्रयोजन हेतु रूपांतरण वैधानिक शक्तियों का दुरुपयोग है तथा मास्टर प्लान में खुले स्थानों के आरक्षण के मूल उद्देश्य को विफल करता है।

5. The Hon'ble **Supreme Court**, in its judgment dated **14.09.2017 passed in Civil Appeal No. 5606 of 2010 along with C.A. No. 5607 of 2010**, categorically held that open spaces and green belts are reserved for environmental protection and public interest. Any conversion of such land to residential or other uses amounts to an abuse of statutory powers and defeats the very purpose of reserving open spaces under a Master Plan. **Annexure-1**

6. माननीय इलाहाबाद उच्च न्यायालय ने अपने आदेश दिनांक **13.07.2012** (Civil Misc. Writ No. 22291 of 2010) में यह निर्णीत किया कि जब मास्टर प्लान में भूमि को पार्क या ग्रीन बेल्ट के रूप में आरक्षित किया गया हो, तो उसका उपयोग केवल उसी निर्धारित उद्देश्य हेतु किया जाना अनिवार्य है। केवल प्लान में दर्शा देना पर्याप्त नहीं है, बल्कि उसका वास्तविक विकास भी आरक्षित उद्देश्य के अनुरूप किया जाना आवश्यक है।

6. The Hon'ble Allahabad High Court, in its order dated 13.07.2012 passed in Civil Misc. Writ No. 22291 of 2010, held that where land is reserved in a Master Plan for parks or green belts, such land must be utilized strictly for the intended purpose. Mere depiction of such land in the Plan is not sufficient; actual development in accordance with the reserved purpose is also mandatory.

7. माननीय इलाहाबाद उच्च न्यायालय ने अपने निर्णय दिनांक 26.05.2005 (Civil Misc. Writ Petition No. 42858 of 2005) में यह स्पष्ट रूप से घोषित किया कि मास्टर प्लान तथा स्वीकृत ले-आउट/भवन योजना के विपरीत किया गया कोई भी निर्माण अथवा भूमि उपयोग में परिवर्तन पूर्णतः अवैध एवं विधि में अप्रामाणिक है। न्यायालय ने यह भी कहा कि उत्तर प्रदेश नगर नियोजन एवं विकास अधिनियम, 1973 की धारा 16 के अंतर्गत भूमि का उपयोग केवल मास्टर प्लान में निर्धारित भूमि उपयोग के अनुसार ही किया जा सकता है। साथ ही यह भी स्पष्ट किया गया कि कंपाउंडिंग केवल मामूली विचलनों के मामलों में ही अनुमत्त है और भूमि उपयोग परिवर्तन जैसे मूलभूत अथवा गंभीर उल्लंघनों को वैध ठहराने के लिए इसका प्रयोग नहीं किया जा सकता। न्यायालय ने आगे यह भी बल दिया कि अनधिकृत निर्माण किसी भी प्रकार के न्यायिक संरक्षण के पात्र नहीं हैं और उन्हें नियोजन एवं पर्यावरणीय कानूनों का उल्लंघन करने वालों के प्रति कोई नरमी दिखाए बिना, विधि के अनुसार हटाया जाना अनिवार्य है।

7. The Hon'ble Allahabad High Court, in its judgment dated 26.05.2005 passed in Civil Misc. Writ Petition No. 42858 of 2005, categorically held that any construction raised or any change of land use effected in violation of the Master Plan and the sanctioned layout or building plan is wholly illegal and impermissible in law. The Court further ruled that under Section 16 of the Uttar Pradesh Urban Planning and Development Act, 1973, land can be used strictly in accordance with the land use prescribed in the Master Plan. It was also clarified that compounding is permissible only in cases of minor deviations and cannot be invoked to condone substantial or fundamental violations such as change of land use. The Court further emphasized that unauthorized constructions are not entitled to any judicial protection and are liable to be removed strictly in accordance with law, without showing any leniency to violators of planning and environmental regulations.

8. इसके अतिरिक्त, माननीय इलाहाबाद उच्च न्यायालय ने अपने निर्णय दिनांक 17.07.2003 (Civil Misc. Writ No. 13397 of 1993) द्वारा स्पष्ट एवं कठोर निर्देश दिए कि मास्टर प्लान में ग्रीन बेल्ट अथवा खुले स्थान के रूप में चिन्हित भूमि का किसी अन्य प्रयोजन हेतु उपयोग नहीं किया जा सकता। ऐसी भूमि पर कोई ले-आउट प्लान या भवन मानचित्र स्वीकृत नहीं किया जा सकता तथा वहाँ किए गए सभी अवैध एवं अनधिकृत निर्माण तत्काल ध्वस्त किए जाने योग्य हैं। न्यायालय ने यह भी कहा कि विधि का शासन सभी पर समान रूप से लागू होता है और नियोजन कानूनों का उल्लंघन कर किए गए अवैध निर्माणों को कोई न्यायिक संरक्षण नहीं दिया जा सकता।

8. Further, the Hon'ble Allahabad High Court, by its judgment dated 17.07.2003 in Civil Misc. Writ No. 13397 of 1993, issued clear and categorical directions that land earmarked as green belt or open space in the Master Plan cannot be put to any other use. No layout plan or building map can be sanctioned on such land, and all illegal and unauthorized constructions raised

thereon are liable to be demolished forthwith. The Court also observed that the rule of law applies equally to all and that no judicial protection can be granted to unauthorized or illegal constructions.

9. इससे पूर्व, माननीय इलाहाबाद उच्च न्यायालय ने अपने निर्णय दिनांक 13.04.1992 (Civil Misc. Writ No. 24408 of 1991) में स्पष्ट रूप से यह घोषित किया कि न तो विकास प्राधिकरण और न ही राज्य सरकार को ऐसा कोई संशोधन करने का अधिकार है, जिससे मास्टर प्लान की मूलभूत विशेषता अर्थात् सार्वजनिक पार्कों हेतु खुले स्थानों का आरक्षण नष्ट हो, अथवा ऐसी भूमि को किसी अन्य प्रयोजन हेतु परिवर्तित किया जा सके।

9. Earlier, the Hon'ble Allahabad High Court, vide judgment dated 13.04.1992 in Civil Misc. Writ No. 24408 of 1991, explicitly held that neither the Development Authority nor the State Government has the power to amend a Master Plan in a manner that destroys its fundamental feature of reserving open spaces for public parks, nor can such land be permitted to be converted for any other use.

10. उपर्युक्त न्यायिक निर्णयों के अतिरिक्त, झांसी नगर में बढ़ते प्रदूषण स्तर एवं लगातार बिगड़ती पर्यावरणीय स्थिति के मद्देनजर, वर्ष 2020 में जागरूक नागरिकों द्वारा एक जन हस्ताक्षर अभियान चलाया गया, जिसके परिणामस्वरूप दिनांक 06.11.2020 को एक ज्ञापन प्रस्तुत किया गया। इस अभियान का उद्देश्य झांसी मास्टर प्लान-2021 में पार्क के रूप में आरक्षित भूमि पर हुए अतिक्रमणों को हटाने (जिन्हें प्रस्तावित ड्राफ्ट झांसी मास्टर प्लान-2031 में आवासीय दर्शाया गया है) तथा उक्त पार्कों के समुचित विकास एवं पुनर्स्थापन की मांग करना था। उक्त ज्ञापन, जिसमें बड़ी संख्या में नागरिकों के हस्ताक्षर सम्मिलित थे, माननीय मुख्यमंत्री, उत्तर प्रदेश शासन के मुख्य सचिव, आवास एवं नगर नियोजन विभाग के प्रमुख सचिव तथा झांसी प्रशासन के संबंधित अधिकारियों एवं विभागों को प्रस्तुत किया गया, ताकि व्यापक जनहित एवं पर्यावरणीय संरक्षण के उद्देश्य से सार्वजनिक पार्कों एवं खुले स्थानों की सुरक्षा एवं पुनर्स्थापना सुनिश्चित की जा सके।

10. In addition to the above judicial pronouncements, a memorandum dated 06.11.2020 was submitted pursuant to a public signature campaign conducted by concerned citizens of Jhansi in view of rising pollution levels and rapidly deteriorating environmental conditions in the city. The campaign sought removal of encroachments from parks reserved under the Jhansi Master Plan-2021, which have been shown as residential in the proposed Draft Jhansi Master Plan-2031, and demanded proper development and restoration of such parks. The said memorandum, bearing the signatures of a large number of citizens, was submitted to the Hon'ble Chief Minister, the Chief Secretary of the Government of Uttar Pradesh, the Principal Secretary, Housing and Urban Planning Department, Government of Uttar Pradesh, and other concerned officials and departments of the Jhansi administration, highlighting the urgent need to protect and restore public parks and open spaces in the larger public and environmental interest. Annexure-3

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 545 OF 2025

IN THE MATTER OF:

Mansing & Ors

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Versus

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.....Respondents

Additional Submission on behalf of the Applicant

श्रीमान् जी,

विनम्र निवेदन है कि पूर्व महायोजनाओं में आरक्षित क्षेत्रीय पार्क एवं डूब क्षेत्र के अवैध निर्माणों और पार्क एवं खुले स्थल आदि को नई झांसी महायोजना 2031 में आवासीय परिवर्तन करने के विरुद्ध दायर उपरोक्त प्रकरण से संबंधित तथ्यात्मक एवं वास्तविक परिदृश्य को माननीय न्यायाधिकरण के संज्ञान में लाने के उद्देश्य से, आवेदक की ओर से यह आवेदन अत्यंत आदरपूर्वक इंग्लिश अनुवाद के साथ प्रस्तुत किया जा रहा है, जिसके माध्यम से इस प्रकरण से संबंधित अति-महत्वपूर्ण अभिलेख, साक्ष्य एवं अन्य प्रासंगिक तथ्य माननीय न्यायाधिकरण के अवलोकनार्थ संलग्न किए जा रहे हैं:-

Respected Sir,

It is most respectfully submitted that, with a view to bringing to the kind notice of the Hon'ble Tribunal the factual position and the actual ground realities relating to the above-mentioned matter—filed against the illegal constructions in the areas reserved as Regional Parks and submergence zones under the previous Master Plans, and against the conversion of parks and open spaces into residential use under the New Jhansi Master Plan—2031—the present application is being submitted on behalf of the Applicant, along with its English translation, with utmost respect.

Through this application, highly important records, evidence, and other relevant facts pertaining to the present case are being annexed for the kind perusal and consideration of the Hon'ble Tribunal.

1. यह कि पर्यावरण संरक्षण एवं न्यायहित में, प्रस्तुत अतिरिक्त प्रस्तुति में उल्लिखित समस्त तथ्यों, साक्ष्यों, अभिलेखों एवं परिस्थितियों का सम्यक् परीक्षण एवं विचारोपरांत ही इस प्रकरण में आवश्यक एवं यथोचित अग्रिम कार्यवाही किए जाने हेतु उपयुक्त आदेश पारित करें, क्योंकि प्रतिवादी सं. 7, 8 एवं 9 द्वारा पूर्ण रूप से पार्क एवं खुले स्थल तथा डूब क्षेत्र की भूमि पर किए जा रहे अवैध निर्माण एवं अवैध कॉलोनियों के विकास में संलग्न भू-माफियाओं एवं विकासकर्ताओं से मिलीभगत कर उन्हें संरक्षण प्रदान किया जा रहा है।

1. That, in the interest of environmental protection and public justice, the Hon'ble Tribunal may, after due examination and consideration of all the facts,

evidence, records, and circumstances mentioned in the present additional submission, pass appropriate orders for necessary and proper further action in the present matter. This is particularly urged as Respondents No. 7, 8, and 9, in collusion with land mafias and developers, are fully engaged in unauthorized constructions and the development of illegal colonies on land reserved for parks, open spaces, and floodplain areas, and are providing protection to such activities.

2. श्रीमान जी, अवगत कराना है कि झांसी वीरांगना महारानी लक्ष्मीबाई की ऐतिहासिक नगरी है। यह वही पावन भूमि है जहाँ से भारत के स्वतंत्रता संग्राम की ज्वाला प्रज्वलित हुई। महारानी लक्ष्मीबाई के अदम्य साहस, अतुलनीय बलिदान और राष्ट्रप्रेम के कारण झांसी को न केवल राष्ट्रीय, बल्कि अंतरराष्ट्रीय स्तर पर विशिष्ट पहचान प्राप्त है। उन्हीं के नाम से देश-विदेश से प्रतिवर्ष लाखों पर्यटक झांसी आते हैं, जो इस नगर की ऐतिहासिक, सांस्कृतिक तथा वीरता से परिपूर्ण विरासत को देखने, समझने और सम्मान देने आते हैं।

2. Respected Sir, it is submitted that Jhansi is the historic city of Veerangana Rani Lakshmbai. This is the sacred land from where the flame of India's freedom struggle was ignited. Owing to the indomitable courage, unparalleled sacrifice, and profound patriotism of Rani Lakshmbai, Jhansi has attained a distinct identity not only at the national but also at the international level. Millions of tourists from India and abroad visit Jhansi every year in her name, to witness, understand, and pay homage to the historical, cultural, and valorous heritage of this city.

3. यह अत्यंत खेदजनक और दुर्भाग्यपूर्ण है कि वीरांगना महारानी लक्ष्मीबाई की ऐतिहासिक नगरी झांसी में प्रशासन, विकास प्राधिकरण एवं नगर निगम ने अपने संवैधानिक एवं वैधानिक दायित्वों का निर्वहन करने के बजाय भू-माफियाओं को प्रत्यक्ष अथवा अप्रत्यक्ष रूप से लाभ पहुँचाया है। इसके परिणामस्वरूप झांसी नगर की अमूल्य ऐतिहासिक एवं प्राकृतिक धरोहर- नदियाँ, तालाब, पहाड़, ग्रीन एरिया एवं सार्वजनिक पार्क अतिक्रमण और अवैध निर्माण की भेंट चढ़ती चली गईं। फलस्वरूप यह गौरवशाली नगर आज बदसूरती, अव्यवस्था एवं गंभीर पर्यावरणीय विनाश का शिकार बन गया है, जिससे देश-विदेश से आने वाले पर्यटकों के समक्ष झांसी की ऐतिहासिक गरिमा और सांस्कृतिक पहचान धूमिल होती जा रही है तथा नगर की छवि राष्ट्रीय एवं अंतरराष्ट्रीय स्तर पर प्रतिकूल रूप से प्रभावित हो रही है।

3. It is extremely painful and unfortunate that in the historic city of Jhansi, associated with Veerangana Rani Lakshmbai, the administration, the Development Authority, and the Municipal Corporation, instead of discharging their constitutional and statutory duties, have directly or indirectly extended benefits to land mafias. As a result thereof, the invaluable historical and natural heritage of Jhansi—rivers, ponds, hills, green areas, and public parks—has gradually fallen prey to encroachments and illegal constructions. Consequently, this once-glorious city has today become a victim of ugliness, disorder, and grave environmental degradation, due to which the historical dignity and cultural identity of Jhansi are steadily fading before tourists visiting from across

the country and abroad, and the image of the city is being adversely affected at the national as well as international level.

4. यह कि दिनांक 24.06.2025 को प्रमुख सचिव, आवास एवं शहरी नियोजन विभाग, उत्तर प्रदेश शासन द्वारा जारी शासनादेश, जिसके माध्यम से झांसी महायोजना-2031 में पूर्व स्वीकृत महायोजनाओं 2001, 2021 में आरक्षित पार्क एवं खुले स्थल आदि का भूउपयोग आवासीय के - रूप में परिवर्तित किए जाने की स्वीकृति प्रदान की गई है, शुरू से ही अवैध, असंवैधानिक एवं शून्य "Void ab initio" है। उक्त शासनादेश भारतीय संविधान के अनुच्छेद 141 के अंतर्गत सुप्रीम कोर्ट द्वारा स्थापित बाध्यकारी विधि का प्रत्यक्ष उल्लंघन है, जिसमें स्पष्ट रूप से घोषित किया गया है कि मास्टर प्लान में आरक्षित पार्क, खुले स्थल एवं हरित क्षेत्र का भूउपयोग किसी भी परिस्थिति में - आवासीय अथवा अन्य व्यावसायिक प्रयोजनों हेतु परिवर्तित नहीं किया जा सकता। शासनादेश में उत्तर प्रदेश नगर योजना एवं विकास अधिनियम, 1973 की धारा 8(4) एवं 10(2) का सहारा लेकर किया गया यह परिवर्तन विधिसम्मत नहीं है, क्योंकि कोई भी कार्यपालिका आदेश अथवा वैधानिक प्रावधान सुप्रीम कोर्ट द्वारा घोषित विधि को न तो निष्प्रभावी कर सकता है और न ही उसे दरकिनार कर सकता है। यह निर्णय 'Public Trust Doctrine', पर्यावरण संरक्षण के सिद्धांतों, सतत विकास (Sustainable Development) तथा नागरिकों के जीवन एवं स्वस्थ पर्यावरण के अधिकार (अनुच्छेद 21) का घोर उल्लंघन है। अतः उक्त शासनादेश रंगीन शक्ति प्रयोग (Colorable Exercise of Power) का स्पष्ट उदाहरण है और न्यायिक समीक्षा में निरस्त किए जाने योग्य है।

4. That the Government Order dated 24.06.2025, issued by the Principal Secretary, Housing and Urban Planning Department, Government of Uttar Pradesh, whereby approval has been granted in the Jhansi Master Plan-2031 to convert the land use of parks, open spaces and other areas reserved under the previously approved Master Plans of 2001 and 2021 into residential use, is illegal, unconstitutional, and void ab initio.

The said Government Order is in direct violation of the binding law declared by the Hon'ble Supreme Court under Article 141 of the Constitution of India, wherein it has been categorically held that land reserved as parks, open spaces and green areas in a Master Plan cannot, under any circumstances, be converted for residential or other commercial purposes.

The reliance placed in the said Government Order on Sections 8(4) and 10(2) of the Uttar Pradesh Urban Planning and Development Act, 1973 to effect such conversion is legally untenable, as no executive order or statutory provision can override, nullify, or circumvent the law declared by the Hon'ble Supreme Court.

The impugned decision constitutes a grave violation of the Public Trust Doctrine, the principles of environmental protection, sustainable development, and the fundamental right to life and a healthy environment guaranteed under Article 21 of the Constitution of India.

Accordingly, the said Government Order is a clear case of colorable exercise of power and is liable to be struck down in judicial review.

5. यह कि यदि झांसी महायोजना-2031 में पूर्व महायोजनाओं (2001 एवं 2021) में आरक्षित पार्क एवं खुले स्थल आदि का भूसीय केउपयोग आवा- रूप में परिवर्तित किए जाने संबंधी निर्णय एवं दिनांक 24.06.2025 का शासनादेश अवैध, असंवैधानिक एवं शून्य घोषित कर निरस्त (Quash) नहीं किया जाता है, तो यह एक अत्यंत खतरनाक एवं दूरगामी प्रभाव वाली विधिक मिसाल (Dangerous Precedent) स्थापित करेगा। इससे देशभर की कार्यपालिकाओं को यह संदेश जाएगा कि वे अपने संवैधानिक कार्यक्षेत्र से बाहर जाकर, सुप्रीम कोर्ट द्वारा अनुच्छेद 141 के अंतर्गत स्थापित बाध्यकारी विधि एवं न्यायिक आदेशों की अवहेलना करते हुए, मास्टर प्लान में आरक्षित पार्क एवं खुले स्थलों का मनमाने ढंग से भूउपयोग परिवर्तन कर सकती हैं। ऐसा होना न केवल “Rule of Law” की मूल भावना को आघात पहुँचाएगा, बल्कि न्यायपालिका की सर्वोच्चता, Public Trust Doctrine तथा नागरिकों के जीवन एवं स्वस्थ पर्यावरण के अधिकार (अनुच्छेद 21) को भी गंभीर रूप से क्षति पहुँचाएगा।

5. That if the decision to convert the land use of parks and open spaces reserved in the earlier Master Plans (2001 and 2021) under Jhansi Master Plan-2031, along with the Government Order dated 24.06.2025, is not declared illegal, unconstitutional, void, and quashed, it will set an extremely dangerous and far-reaching legal precedent.

It would send a message to executive authorities across the country that they may act beyond their constitutional limits, in disregard of the binding law and judicial pronouncements of the Hon’ble Supreme Court under Article 141, and arbitrarily change the land use of parks and open spaces reserved in Master Plans.

Such a situation would not only strike at the very root of the Rule of Law, but would also seriously undermine the supremacy of the judiciary, the Public Trust Doctrine, and the citizens’ fundamental right to life and a healthy environment under Article 21 of the Constitution of India.

6. यह कि झांसी नगर की ऐतिहासिक एवं प्राकृतिक संपदाओं का निरंतर हो रहा विनाश माननीय राष्ट्रीय हरित अधिकरण के समक्ष विभिन्न वादों- ओए सं. 114/2021, ओए सं. 165/2021, ओए सं. 780/2022, ईए सं. 02/2022 एवं ईए सं. 38/2022, ओए सं. 485/2024, ओए सं. 1062/2024, ओए सं. 1285/2024, ओए सं. 1388/2024 और उक्त ओए सं. 544/2025 के माध्यम से विधिवत् रूप से माननीय न्यायाधिकरण के संज्ञान में लाया गया है। उक्त प्रकरणों के माध्यम से लक्ष्मी तालाब, पहुंच नदी, बुंदेलखंड विश्वविद्यालय के निकट स्थित पहाड़ों तथा नगर के विभिन्न सार्वजनिक पार्कों पर किए गए अतिक्रमण, अवैध निर्माण एवं उनसे उत्पन्न गंभीर पर्यावरणीय क्षति के तथ्यों को माननीय न्यायाधिकरण ने भली-भांति देखा, उनका संज्ञान लिया तथा इस संबंध में आवश्यक टिप्पणियाँ एवं दिशा-निर्देश पारित किए हैं।

6. The continuous destruction of the historical and natural assets of Jhansi has been duly brought to the notice of the Hon’ble National Green Tribunal through various matters consideration, namely: O.A. No. 114/2021, O.A. No. 165/2021, O.A. No. 780/2022, E.A. No. 02/2022, E.A. No. 38/2022, O.A. No. 485/2024, O.A. No. 1062/2024, O.A. No. 1285/2024, O.A. No. 1388/2024, and the present O.A. No. 544/2025. Through the aforesaid proceedings, facts relating to

encroachments, illegal constructions, and the serious environmental damage caused thereby upon Laxmi Talab, the Pahuj River, the hills situated near Bundelkhand University, and various public parks of the city were placed before the Hon'ble Tribunal. The Hon'ble Tribunal has duly examined these issues, taken cognizance thereof, and passed necessary observations and directions in this regard.

7. माननीय राष्ट्रीय हरित अधिकरण के समक्ष उपर्युक्त प्रकरणों के विचाराधीन रहते हुए, झांसी प्रशासन, झांसी विकास प्राधिकरण एवं नगर निगम के संबंधित अधिकारियों द्वारा निजी स्वार्थवश तथा साजिशन रूप से ऐतिहासिक संपदाओं एवं ग्रीन एरिया का विनाश करने वाले भू-माफियाओं को संरक्षण एवं प्रोत्साहन प्रदान किया गया। इसी दुराशय से, माननीय सर्वोच्च न्यायालय द्वारा समय-समय पर पारित आदेशों एवं दिशा-निर्देशों को दरकिनार करते हुए, झांसी महायोजना 2001 एवं 2021 में विधिवत् रूप से आरक्षित पार्क एवं खुले स्थलों को नई झांसी महायोजना 2031 में आवासीय उपयोग में परिवर्तित कर दिया गया, जो न केवल पर्यावरणीय संरक्षण के स्थापित सिद्धांतों के सर्वथा प्रतिकूल है, बल्कि माननीय राष्ट्रीय हरित अधिकरण के समक्ष लंबितवादों की भावना, उद्देश्य एवं विधिक मर्यादा का भी स्पष्ट उल्लंघन है।

7. That while the aforesaid matters were pending consideration before the Hon'ble National Green Tribunal, the concerned officials of the Jhansi Administration, Jhansi Development Authority, and the Municipal Corporation, for personal gain and in a conspiratorial manner, extended protection and encouragement to land mafias responsible for the destruction of historical assets and green areas. With the same mala fide intent, and in utter disregard of the orders and directions issued from time to time by the Hon'ble Supreme Court, the parks and open spaces duly reserved under the Jhansi Master Plans of 2001 and 2021 were converted into residential use under the New Jhansi Master Plan-2031. Such conversion is not only wholly contrary to the established principles of environmental protection, but also constitutes a clear violation of the spirit, object, and legal sanctity of the matters pending before the Hon'ble National Green Tribunal.

“Against the Illegal and Arbitrary Change of Land Use of Environmentally Protected Parks, Green Areas, and Open Spaces.”

8. यह कि पूर्व में माननीय न्यायाधिकरण ने ओ.ए. सं. 165/2021, *गिरजा शंकर राय एवं अन्य बनाम राज्य उत्तर प्रदेश एवं अन्य* में झांसी मास्टर प्लान में आरक्षित नगर पार्क के मुद्दे पर भी विचार किया है तथा दिनांक 25.01.2022 को पारित आदेश में निम्नानुसार कहा है कि:-

8. That earlier, the Hon'ble Tribunal had also considered the issue relating to the city park reserved in the Jhansi Master Plan in O.A. No. 165/2021, *Girja Shankar Rai and others vs. State of Uttar Pradesh and others*, and in its order dated 25.01.2022 has observed as under:-

“ 17. Maintenance of water body is prime responsibility of statutory authorities as well as statutory regulators under Environmental Laws and other enactments

dealing with public health and similar issues. Similarly, a land reserved for green belt/park in the Master Plan whether belongs to State or private owners cannot be allowed to be used for raising any construction. With respect to the area reserved for 'green belt/park', it has been repeatedly held by Supreme Court that such spaces cannot be changed to residential or commercial one.

18. In *Lal Bahadur v. State of UP & Others, (2018)15SCC407*, change of master plan and converting green area into residential one was considered. The issue was, whether such conversion is conducive to protection of environment or not. In the master plan of 1995 of Lucknow, area in dispute was reserved as green belt. In master plan 2021, the same area, shown earlier as green belt, was converted as residential. This part of master plan 2021 was challenged before Lucknow bench of Allahabad High Court. Writ petition was dismissed. The matter came in appeal before Supreme Court. Court held in para 12 of judgment that change of area from green belt to residential is in violation of Article 21, 48A and 51A(g) of the Constitution. Reliance was placed on *Bangalore Medical Trust v B.S. Muddappa & Others, (1991)4SCC54*, wherein Court had said that protection of environment, open spaces for recreation and fresh air, playground for children, promenade for the residents and other conveniences or amenities are matters of great public concern and a vital interest to be taken care of in a development scheme. Public interest in the reservation and preservation of open spaces for parks and playgrounds cannot be sacrificed by leasing or selling such sites to private persons for conversion to some other use. Court also relied on an American Supreme Court Judgment *Agins vs. City of Tiburon, [447 us 255 (1980)]*, wherein Court said: '*... it is in the public interest to avoid unnecessary conversion of open space land to strictly urban uses, thereby protecting against the resultant adverse impacts, such as pollution, destruction of scenic beauty, disturbance of the ecology and the environment, hazards related geology, fire and flood, and other demonstrated consequences of urban sprawl*'.

19. In para 15, Court said that, "*This Court had clearly laid down that **such spaces could not be changed from green belt to residential or commercial one. It is not permissible to the State Government to change the parks and playgrounds contrary to legislative intent having constitutional mandate, as that would be an abuse of statutory powers vested in the authorities.*** Court also observed, when master plan was prepared earlier and authorities found importance of such space, it was their bounden duty not to change its very purpose when they knew very well the importance of this place to be kept as open space. Court said,

*"The importance of park is of universal recognition. It was against public interest, protection of the environment and such spaces reduce the ill effects of urbanisation, it was **not permissible to change this area into urban area as the garden/ Greenbelt is essential for fresh air, thereby***

protecting against the resultant impacts of urbanization, such as pollution etc. The provision of the Act of 1973 and other enactments relating to environment could not be permitted to become statutory mockery by changing the purpose in the master plan from green belts to residential one. Authorities are enjoined with duty maintain them as such as per doctrine of public trust.”

20. Ultimately, Court quashed Master Plan 2021 changing use of area in question from greenbelt to residential and said that it shall be held in trusteeship only for the purpose of park in future.

21. Despite the law of land referred above and the orders passed by Tribunal expressing similar views, we find that approach of concerned authorities is very casual, lackadaisical and non-serious. We do not find any element of commitment, sincerity, honest intention and will on the part of authorities in taking effective steps for preservation and protection of green belt/land reserved for park in Master Plan. ”

9. यह कि पूर्व में झांसी प्रशासन एवं विकास प्राधिकरण के अधिकारियों ने साजिशन भू-माफियाओं और स्थानीय विकासकर्ताओं को लाभ पहुंचाने के उद्देश्य से उक्त नगर पार्क की लगभग 100.42 हे. भूमि को नई झांसी महायोजना 2031(ड्राफ्ट) में आवासीय क्षेत्र घोषित कर दिया था। जिसको लेकर स्थानीय व्यक्ति श्री नरेन्द्र कुशवाहा द्वारा माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में OA NO. 780 OF 2022 दायर की थी। जिसमें माननीय अधिकरण द्वारा पारित आदेश दिनांक 04.11.2022 को उत्तर प्रदेश शासन को निर्देश दिये थे कि झांसी महायोजना-2021 में आरक्षित नगर पार्क के संदर्भ में मा. सर्वोच्च न्यायालय द्वारा *Lal Bahadur vs. State of UP and Ors., (2018) 15 SCC 407* मामले में स्थापित विधि के अनुसार उचित निर्णय लेने को कहा जो निम्नवत है:- (अनुलग्नक संख्या-1)

9. That earlier, the officials of the Jhansi Administration and the Jhansi Development Authority, in a conspiratorial manner and with the intent to confer undue benefit upon land mafias and local developers, had declared approximately **100.42 hectares** of land of the said city park as a **residential area** in the **Draft New Jhansi Master Plan–2031**. Aggrieved thereby, a local resident, **Mr. Narendra Kushwaha**, had filed **O.A. No. 780 of 2022** before the Hon’ble National Green Tribunal, New Delhi. In the said matter, the Hon’ble Tribunal, vide its **order dated 04.11.2022**, issued directions to the **Government of Uttar Pradesh** to take an appropriate decision in respect of the city park reserved under the **Jhansi Master Plan–2021**, strictly in accordance with the law laid down by the Hon’ble Supreme Court in *Lal Bahadur v. State of U.P. & Ors., (2018) 15 SCC 407*, which is reproduced hereinbelow:—

“ 7. It is not in dispute that Master Plan 2031 is not yet notified by the State Government and in the stage of Draft Master Plan. Since the Master Plan 2031 is still in the process of finalization, we find it appropriate to direct State Government to look into this matter particularly in light of judgment of the

Supreme Court in *Lal Bahadur vs. State of UP and Ors.*, (2018) 15 SCC 407 wherein a green belt shown in the earlier Master Plan but converted as residential in subsequent Master Plan was not upheld by the Supreme Court and the subsequent Master Plan, change of Park as residential was set aside.

8. The State Government therefore, shall look into the matter and take appropriate decision in respect of the Nagar Park at Jhansi in the light of Master Plan 2001 and 2021 and also the law laid down by Supreme Court in *Lal Bahadur vs. State of UP (Supra)*. ”

इसके बावजूद, प्रतिवादीगण ने झांसी मास्टर प्लान-2001 एवं 2021 में आरक्षित पार्क एवं खुले स्थलों को नए मास्टर प्लान-2031 में आवासीय क्षेत्र में परिवर्तित कर दिया है।

Despite this, the respondents have converted the park and open spaces reserved under Jhansi Master Plan-2001 and 2021 into residential areas in the new Master Plan-2031.

10. यह कि माननीय सर्वोच्च न्यायालय ने लाल बहादुर बनाम राज्य उत्तर प्रदेश एवं अन्य, दिनांक 14.09.2017 के प्रकरण में यह निर्णय दिया कि मास्टर प्लान में ग्रीन बेल्ट/खुले स्थल के रूप में आरक्षित भूमि के भूमि-उपयोग को आवासीय प्रयोजनों में परिवर्तित किया जाना पूर्णतः अनुचित, अवैध तथा वैधानिक एवं संवैधानिक प्रावधानों के प्रतिकूल है। न्यायालय ने पुनः स्पष्ट किया कि खुले स्थल एवं ग्रीन बेल्ट पर्यावरण संरक्षण एवं जनहित की सुरक्षा हेतु आरक्षित होते हैं तथा इन्हें आवासीय उपयोग में परिवर्तित नहीं किया जा सकता, क्योंकि ऐसा परिवर्तन वैधानिक शक्तियों के दुरुपयोग के समान है और मास्टर प्लान में खुले स्थलों के आरक्षण के मूल उद्देश्य को निष्फल करता है। परिणामस्वरूप, मास्टर प्लान-2021 में ग्रीन बेल्ट को आवासीय क्षेत्र में परिवर्तित करने वाले प्रावधानों को निरस्त कर दिया गया तथा संबंधित भूमि को भविष्य में सार्वजनिक पार्क के रूप में उपयोग हेतु ट्रस्टीशिप में सुरक्षित रखने का निर्देश दिया गया।

10. In *Lal Bahadur vs. State of Uttar Pradesh & Ors.*, dated 14.09.2017, the Supreme Court held that alteration of land use from green belt/open space reserved in the Master Plan to residential purposes was wholly unwarranted and contrary to statutory and constitutional mandates. The Court reiterated that open spaces and green belts are reserved for the protection of environment and public interest, and cannot be converted to residential use, as such conversion amounts to abuse of statutory powers and defeats the fundamental purpose of reservation of open spaces in a Master Plan. Consequently, the Master Plan 2021 provisions changing the use of the area from green belt to residential were quashed, and the land was ordered to be held in trusteeship for public park use in future

11. यह कि माननीय इलाहाबाद उच्च न्यायालय ने डी.डी. व्यास बनाम गाजियाबाद विकास प्राधिकरण (निर्णय दिनांक 13 अप्रैल 1992) के प्रकरण में स्पष्ट रूप से कहा है कि धारा 13 के अंतर्गत न तो प्राधिकरण और न ही राज्य सरकार योजना में ऐसा कोई संशोधन कर सकती है जिससे सार्वजनिक पार्कों के लिए आरक्षित खुले स्थलों की मूल विशेषता नष्ट हो जाए और उन्हें अन्य प्रयोजनों के लिए परिवर्तित करने की अनुमति मिल सके।

11. The Hon'ble Allahabad High Court in the case of *D.D. Vyas vs. Ghaziabad Development Authority* (Allahabad High Court, 13 Apr 1992) clearly held that under Section 13, neither the **Authority nor the State Government** can make any amendment in the plan which would destroy its fundamental feature of reserving open spaces for public parks and permit their conversion for other purposes.

12. यह कि माननीय इलाहाबाद उच्च न्यायालय ने श्रीमती जगवती गुप्ता बनाम राज्य उत्तर प्रदेश एवं अन्य, दिनांक 13 जुलाई 2012 के प्रकरण में स्पष्ट निर्देश दिया कि जब किसी मास्टर प्लान में सार्वजनिक पार्क या हरित पट्टी के लिए खुला स्थान आरक्षित किया गया हो तो उसका उपयोग उस प्रयोजन के लिए ही होना चाहिए; केवल योजना में दिखाना ही पर्याप्त नहीं है, बल्कि उसका विकास उसी रूप में पूर्ण रूप से सुनिश्चित करना भी आवश्यक है। न्यायालय ने यह भी प्रतिपादित किया कि धारा 13(1) के अंतर्गत प्राधिकरण या सरकार ऐसे संशोधन नहीं कर सकती जो योजना की मूल विशेषता- विशेष रूप से सार्वजनिक पार्कों के लिए आरक्षित खुले स्थानों को नष्ट कर दे या उन्हें अन्य प्रयोजनों के लिए परिवर्तित कर दे।

12. That, in the case of *Smt. Jagwati Gupta vs. State of U.P. & Others*, decided on 13th July 2012, the Hon'ble Allahabad High Court expressly held that where open spaces are reserved for public parks or green belts in a Master Plan, such spaces must be used strictly for the intended purpose; merely showing them in the Plan is not sufficient, but their actual development in accordance with the reserved purpose is also essential. The Court further held that under Section 13(1), neither the Authority nor the Government can make amendments which would destroy the fundamental feature of the Plan—specifically, the open spaces reserved for public parks—or convert them for other purposes.

13. यह कि माननीय इलाहाबाद उच्च न्यायालय ने **मधुवन नगर सहकारी आवास समिति लिमिटेड बनाम आगरा विकास प्राधिकरण एवं अन्य**, 17.07.2003 के प्रकरण में अवैध एवं अनधिकृत निर्माणों पर यह स्पष्ट निर्देश दिया कि मास्टर प्लान में ग्रीन बेल्ट/खुले स्थलों का उपयोग अन्य प्रयोजनों के लिए नहीं किया जा सकता, ग्रीन बेल्ट के ऊपर कोई lay-out plan या नक्शा स्वीकृत नहीं किया जा सकता और ऐसे अवैध निर्माणों को तत्काल ध्वस्त किया जाना चाहिए, क्योंकि कानून सभी के लिए समान रूप से लागू होता है और अनधिकृत उपयोग/निर्माण को न्यायालय संरक्षण नहीं दे सकता।

13. The Hon'ble Allahabad High Court, in *Madhuwan Nagar Sahkari Avas Samiti Ltd. vs. Agra Development Authority & Others*, decided on 17.07.2003, issued clear and categorical directions regarding illegal and unauthorized constructions. The Court held that land earmarked as green belt/open space in the Master Plan cannot be put to any other use; no lay-out plan or building map can be approved on such green belt land; and all such illegal and unauthorized constructions are liable to be demolished forthwith. The Court further observed that the rule of law applies equally to all, and no judicial protection can be

granted to unauthorized use or illegal constructions in violation of planning laws.

14. यह कि माननीय इलाहाबाद उच्च न्यायालय ने सुरक्षा रानी चोपड़ा (महेंद्र की पत्नी) बनाम राज्य उत्तर प्रदेश एवं अन्य, निर्णय दिनांक 26.05.2005 में यह स्पष्ट रूप से प्रतिपादित किया है कि मास्टर प्लान एवं स्वीकृत ले-आउट/मानचित्र के विपरीत किया गया कोई भी निर्माण अथवा भूमि उपयोग परिवर्तन पूर्णतः अवैध है तथा उसे न तो कम्पाउंड किया जा सकता है और न ही किसी भी प्रकार से नियमित किया जा सकता है। माननीय न्यायालय ने यह भी कहा कि उत्तर प्रदेश नगर नियोजन एवं विकास अधिनियम, 1973 की धारा 16 के अंतर्गत भूमि का उपयोग केवल वही हो सकता है, जो मास्टर प्लान में विनिर्दिष्ट हो, और मास्टर प्लान के मूल स्वरूप के विपरीत किसी भी प्रकार का उपयोग परिवर्तन विधि-सम्मत नहीं है। यह भी स्पष्ट किया गया कि कम्पाउंडिंग केवल नगण्य एवं गौण विचलनों (minor deviations) के लिए ही संभव है, न कि मास्टर प्लान के उल्लंघन या भूमि उपयोग परिवर्तन जैसे गंभीर एवं मौलिक अवैध कृत्यों के लिए। अतः मास्टर प्लान के विरुद्ध किए गए अनधिकृत निर्माणों को कोई न्यायिक संरक्षण प्रदान नहीं किया जा सकता तथा ऐसे निर्माणों को हटाया जाना आवश्यक है, क्योंकि विधि का समान रूप से पालन सभी पर अनिवार्य है।

14. That the Hon'ble Allahabad High Court in Suraksha Rani Chopra (wife of Mahendra) vs. State of Uttar Pradesh & Others, decided on 26.05.2005, has categorically held that any construction raised or change of land use made in violation of the Master Plan and the sanctioned layout/building plan is wholly illegal and impermissible in law. The Hon'ble Court further held that under Section 16 of the Uttar Pradesh Urban Planning and Development Act, 1973, land can be used only in accordance with the land use prescribed in the Master Plan, and any deviation or change of user contrary to the Master Plan is not legally sustainable. It was clearly ruled that compounding is permissible only in cases of minor deviations, and not for validating substantial or fundamental violations such as change of land use or constructions made in breach of the Master Plan. The Hon'ble Court further emphasized that unauthorized constructions cannot be granted judicial protection and are liable to be removed, as the rule of law mandates equal application of planning laws to all, without exception.

15. यह कि बैंगलोर मेडिकल ट्रस्ट बनाम बीएस मुडप्पा एवं अन्य, (1991)4SCC54 में, मा. सर्वोच्च न्यायालय ने दोहराया कि एक बार जब कोई खुला स्थान पार्क के लिए समर्पित कर दिया जाता है, तो उसे किसी अन्य उद्देश्य के लिए परिवर्तित नहीं किया जा सकता। माननीय न्यायालय ने निर्णय में यह भी कहा गया कि पार्कों और खेल के मैदानों के लिए खुले स्थानों के आरक्षण और संरक्षण में जनहित को निजी व्यक्तियों को ऐसे स्थलों को पट्टे पर देकर या बेचकर किसी अन्य उपयोग के लिए परिवर्तित करके बलिदान नहीं किया जा सकता है। ऐसा कोई भी कार्य विधायी आशय के विपरीत और वैधानिक आवश्यकताओं के साथ असंगत होगा। इसके अलावा, यह सुनिश्चित करने के संवैधानिक जनादेश के साथ सीधा टकराव होगा कि कोई भी राज्य कार्यवाही व्यक्तिगत स्वतंत्रता और गरिमा के मूलभूत मूल्यों से प्रेरित हो और जीवन की ऐसी गुणवत्ता की प्राप्ति के लिए संबोधित हो जो सभी नागरिकों के लिए गारंटीकृत अधिकारों को वास्तविकता बनाती है।

15. In *Bangalore Medical Trust v. B.S. Muddappa & Others* (1991) 4 SCC 54, the Hon'ble Supreme Court reiterated that once an open space has been dedicated for a park, it cannot be converted for any other purpose. The Court further observed that the reservation and protection of open spaces for parks and playgrounds, in the public interest, cannot be sacrificed by leasing or selling such sites to private individuals for alternative uses. Any such action would be contrary to the legislative intent and inconsistent with statutory requirements. Moreover, it would directly conflict with the constitutional mandate that state action must be guided by the fundamental values of individual liberty and dignity, and aimed at securing a quality of life that renders the guaranteed rights of all citizens a tangible reality.

16. यह कि माननीय सर्वोच्च न्यायालय ने C.A. No. 14604/2024, **Rajendra Kumar Barjatya & Anr. Vs U.P. Avas Evam Vikas Parishad & Ors.**, निर्णय दिनांक 17.12.2024 में स्पष्ट रूप से प्रतिपादित किया कि अवैध और अनधिकृत निर्माण न तो संरक्षित किए जा सकते हैं और न ही उन्हें वैध ठहराया जा सकता है। न्यायालय ने यह निर्देश दिया कि ऐसे निर्माणों का तत्काल ध्वस्तीकरण आवश्यक है और किसी भी प्रकार की प्रशासनिक शिथिलता, विलंब या निवेश को उनकी वैधता के लिए आधार नहीं बनाया जा सकता। निर्णय में यह भी कहा गया कि स्थानीय अधिकारी एवं विकास प्राधिकरण पूरी तरह जिम्मेदार हैं, उन्हें मास्टर प्लान, जोनल प्लान और पर्यावरणीय नियमों के अनुसार निर्माण की निगरानी करनी होगी तथा किसी भी उल्लंघन की सूचना पर तत्काल और कड़ी कार्यवाही करनी होगी। न्यायालय ने यह सुनिश्चित करने के लिए व्यापक दिशानिर्देश जारी किए, जिनमें स्वीकृत योजना के अनुसार निरीक्षण, रिकॉर्डिंग, विभागीय समन्वय, समयबद्ध कार्यवाही, पर्यावरणीय प्रभावों का मूल्यांकन और निर्माण/भूमि उपयोग में किसी भी विचलन को रोकने की प्रक्रिया शामिल है। साथ ही, ऐसे अधिकारियों के विरुद्ध विभागीय, दंडात्मक और आवश्यकतानुसार आपराधिक कार्यवाही करने का आदेश भी दिया गया। इन निर्देशों का उद्देश्य न केवल अवैध निर्माण और पर्यावरणीय उल्लंघनों को रोकना है, बल्कि अधिकारियों और निर्माणकर्ताओं दोनों को कर्तव्यनिष्ठ एवं जवाबदेह बनाना और सुव्यवस्थित शहरी विकास एवं सार्वजनिक हित की रक्षा करना है। (अनुलग्नक संख्या-2)

16. The Hon'ble Supreme Court, in *C.A. No. 14604/2024, Rajendra Kumar Barjatya & Anr. v. U.P. Avas Evam Vikas Parishad & Ors.*, dated 17.12.2024, explicitly held that illegal and unauthorized constructions cannot be protected or regularized. The Court directed that such constructions must be demolished immediately, and no administrative laxity, delay, or investment can justify their legality. The judgment further emphasized that local authorities and development bodies are fully responsible for monitoring constructions in accordance with the Master Plan, Zonal Plan, and environmental regulations, and must take immediate and strict action upon any violation. Comprehensive guidelines were issued, including inspection as per approved plans, recording, departmental coordination, time-bound action, assessment of environmental impacts, and prevention of any deviation in construction or land use. The Court also ordered departmental, punitive, and, if necessary, criminal proceedings against defaulting officials. The objective of these directions is not only to prevent illegal construction and environmental violations but also to ensure

accountability and dutyfulness of both officials and builders, thereby safeguarding orderly urban development and public interest.

17. यह कि माननीय सर्वोच्च न्यायालय ने स्पष्ट कहा कि अवैध एवं अनधिकृत निर्माणों को संरक्षित नहीं किया जा सकता, भले ही उस पर समय बीत चुका हो, अधिक निवेश किया गया हो या प्रशासनिक देरी हुई हो। यदि किसी निर्माण को स्थानीय प्राधिकरण की स्वीकृत योजना के विरुद्ध या बिना किसी योजना स्वीकृति के बनाया गया है, तो ऐसे निर्माण को अनिवार्य रूप से ध्वस्त करना आवश्यक है। देरी, प्रशासनिक विफलता, नियामक अक्षमता, निर्माण लागत या निवेश को अवैध निर्माण के बचाव के लिए उपयोग नहीं किया जा सकता। ऐसे निर्माण पर्यावरण, सार्वजनिक स्वास्थ्य और सुव्यवस्थित शहरी विकास के लिए खतरनाक हैं और उन पर कठोर कार्यवाही होनी चाहिए।

17. The Hon'ble Supreme Court further clarified that illegal and unauthorized constructions cannot be protected, even if significant time has elapsed, substantial investments have been made, or there has been administrative delay. Any construction carried out in violation of the local authority's approved plan or without plan approval must be compulsorily demolished. Delay, administrative failure, regulatory incapacity, construction costs, or investments cannot be used to defend illegal constructions. Such constructions pose a threat to the environment, public health, and orderly urban development and must be subjected to strict action.

18. यह कि माननीय न्यायालय ने यह भी प्रतिपादित किया कि स्थानीय प्रशासन, सरकारी अधिकारी और नियामक प्राधिकरण अवैध निर्माणों को रोकने, नोटिस जारी करने और नियमों का अनुपालन सुनिश्चित करने में सक्रिय एवं जवाबदेह हैं। यदि अधिकारी अवैध निर्माण की सूचना मिलने के बावजूद कार्यवाही नहीं करते या जानबूझकर निष्क्रिय रहते हैं, तो यह नियोजन और पर्यावरण संरक्षण के लक्ष्यों का उल्लंघन है। ऐसी निष्क्रियता से पर्यावरणीय असंतुलन, अव्यवस्थित शहरी विस्तार और ग्राम/नगर क्षेत्र में अवैधता को बढ़ावा मिलता है, जो न्यायालय ने अस्वीकार्य पाया है।

18. The Court also held that local administration, government officials, and regulatory authorities are actively responsible for preventing illegal constructions, issuing notices, and ensuring compliance with rules. If officials fail to act upon information regarding illegal construction, or remain deliberately inactive, it constitutes a breach of planning and environmental protection objectives. Such inaction promotes environmental imbalance, unplanned urban sprawl, and illegality in villages and urban areas, which the Court deemed unacceptable.

19. यह कि माननीय न्यायालय ने निर्देश दिया कि भवन निर्माण से पूर्व सभी नियमों, zonal नियोजन, मास्टर प्लान, और पर्यावरणीय प्रतिबंधों का पालन अत्यंत कड़ाई से सुनिश्चित किया जाए। पर्यावरणीय प्रभावों, संसाधनों (जैसे बिजली, जल आपूर्ति, सीवेज) की उपलब्धता, तथा स्वीकृति प्रमाणपत्रों (completion/occupation certificates) की मान्यता के बिना किसी भी कनेक्शन, लाइसेंस या लेनदेन को मंजूरी नहीं दी जानी चाहिए। यह पर्यावरण सुरक्षा और सुव्यवस्थित शहरी विकास के उद्देश्य की पूर्ति के लिए अनिवार्य है।

19. The Court directed that prior to any building construction, strict compliance with all rules, zoning regulations, the Master Plan, and environmental restrictions must be ensured. No connection, license, or transaction should be approved without evaluation of environmental impacts, availability of resources (such as electricity, water supply, and sewage), and recognition of required certificates (e.g., completion/occupation certificates). This is mandatory to ensure environmental protection and orderly urban development.

20. यह कि माननीय न्यायालय ने निर्णय में यह भी कहा गया कि उन अधिकारियों के खिलाफ विभागीय एवं दंडात्मक कार्यवाही आरंभ की जानी चाहिए जो अवैध निर्माण, अतिक्रमण या पर्यावरण उल्लंघन को रोकने में विफल रहे हैं या इसके लिए मिलीभगत करते हैं। न्यायालय ने निर्देश दिया कि ऐसे अधिकारियों पर विभागीय अनुशासनात्मक कार्यवाही, दंडात्मक प्रतिबंध और यदि आवश्यक हो तो आपराधिक जांच भी होनी चाहिए ताकि भविष्य में नियमों का उल्लंघन न हो।

20. The Court also held that departmental and punitive action must be initiated against officials who fail to prevent illegal construction, encroachment, or environmental violations, or who collude in such acts. The Court directed that such officials are liable to departmental disciplinary action, punitive restrictions, and, if necessary, criminal investigation to prevent future violations.

21. यह कि माननीय न्यायालय ने व्यापक दिशानिर्देश जारी किए हैं, जिनमें वास्तु/नक्शा अनुमोदन, निरीक्षण, रिकॉर्डिंग, विभागीय समन्वय, समयबद्ध अनुवर्ती कार्यवाही, शिकायतों का कार्यदिवस 90 दिनों में निस्तारण, तथा निर्माण/परिवर्तन को पर्यावरणीय, सामाजिक और नियोजन मानदंडों के अनुरूप बनाए रखना शामिल हैं। इसका उद्देश्य अवैध निर्माण, पर्यावरण हानि, और नियोजन उल्लंघन को रोकना तथा अधिकारियों तथा निर्माणकर्ताओं दोनों को कर्तव्यनिष्ठ बनाना है।

21. The Court issued comprehensive guidelines covering plan/architectural approval, inspection, recording, departmental coordination, time-bound follow-up, disposal of complaints within 90 days, and ensuring that construction/land-use changes comply with environmental, social, and planning norms. The objective is to prevent illegal construction, environmental damage, and planning violations, and to ensure dutyfulness and accountability of both officials and builders.

22. यह कि वर्ष 1979-2001 के लिए झांसी महायोजना-2001 तैयार की गई थी। जिसका अनुमोदन शासनादेश संख्या 4201/37-3-82-32-एन.के.वी./81 दिनांक 13.10.1982 द्वारा किया गया था। शासन द्वारा स्वीकृत उक्त झांसी महायोजना-2001 में झांसी क्षेत्र की 5002.90 हेक्टेयर भूमि आरक्षित की गई थी। जिसमें अन्य उपयोग के साथ-साथ मुख्य रूप से आवासीय हेतु 2216.50 हेक्टेयर और मनोरंजन सुविधाओं हेतु कुल 504.83 हेक्टेयर भूमि आरक्षित की गई थी। जिसमें उपरोक्त पार्क एवं खुले स्थल आदि आरक्षित थे, उन पर अवैध निर्माण करवाकर उस भूमि को नई महायोजना-2031 में आवासीय के रूप में परिवर्तन कर दिया गया है। जिसका सीधा एवं प्रतिकूल दुष्प्रभाव झांसी महायोजना-2001 में निर्धारित आवासीय क्षेत्र की 2216.50 हेक्टेयर भूमि पर निवासरत घनी आबादी पर पड़ना पड़ रहा है।

22. That the Jhansi Master Plan–2001 for the period 1979–2001 was prepared and approved by the Government vide Government Order No. 4201/37-3-82-32-NKV/81 dated 13.10.1982. Under the said Government-approved Jhansi Master Plan–2001, a total area of **5002.90 hectares** of land in the Jhansi region was earmarked for various land uses, out of which **2216.50 hectares** were primarily reserved for residential purposes and **504.83 hectares** were reserved for recreational facilities. The said recreational land included the above-mentioned parks and open spaces. However, by permitting illegal constructions over the said parks and open spaces, the land has been subsequently shown as residential in the new Draft Master Plan–2031. As a direct and adverse consequence thereof, the densely populated residential area spread over **2216.50 hectares**, as earmarked under the Jhansi Master Plan–2001, is being severely and adversely affected.

23. यह कि झांसी प्रशासन एवं विकास प्राधिकरण के अधिकारियों मिलीभगत से भू-माफियाओं और स्थानीय विकासकर्ताओं द्वारा विगत वर्षों से उपरोक्त पार्क एवं खुले स्थल आदि की भूमि पर अवैध निर्माण कराया जा रहा है। जिसमें शासकीय और गैर शासकीय भूमि शामिल है।

23. That, in collusion with the officials of the Jhansi administration and the Development Authority, land mafias and local developers have, for the past several years, been carrying out illegal constructions over the aforesaid parks and open spaces. Such illegal constructions include encroachments upon both Government and non-Government land.

24. यह कि झांसी महानगर में बढ़ते प्रदूषण से चिंतित जिम्मेदार नागरिकों द्वारा वर्ष 2020 में झांसी महायोजना-2021 में पार्क (जिसे नई झांसी महायोजना-2031 में आवासीय कर दिया गया है) के अतिक्रमण को हटाने और पार्क को विकसित कराने की मांग को लेकर शहर में हस्ताक्षर अभियान चलाया गया था। उक्त अभियान के तहत बड़ी संख्या हस्ताक्षर युक्त ज्ञापन दिनांक 06.11.2020 को माननीय मुख्यमंत्री महोदय, मुख्य सचिव, उत्तर प्रदेश शासन, प्रमुख सचिव, आवास एवं शहरी नियोजन, उत्तर प्रदेश शासन और झांसी प्रशासन के संबंधित अधिकारियों व विभागों को दिया गया है।

24. That, being concerned about the increasing pollution in Jhansi city, responsible citizens initiated a signature campaign in the year 2020, seeking removal of encroachments from the park earmarked under the Jhansi Master Plan–2021 (which has been shown as residential in the new Draft Jhansi Master Plan–2031) and for development of the said park. Pursuant to the said campaign, a memorandum bearing a large number of signatures was submitted on **06.11.2020** to the Hon'ble Chief Minister, the Chief Secretary, Government of Uttar Pradesh, the Principal Secretary, Housing and Urban Planning Department, Government of Uttar Pradesh, and the concerned officers and departments of the Jhansi administration. (*Annexed*)

25. यह कि झांसी महायोजना में आरक्षित पार्क एवं खुले स्थल आदि की भूमि पर कराए जा रहे अवैध निर्माणों की स्थानीय लोगों द्वारा शासन-प्रशासन स्तर पर सिकायतें की गई थी। एवं माननीय अधिकरण नई दिल्ली में याचिकाएं दीयरी की गईं लेकिन अवैध निर्माण कराने में अधिकारियों की संलिप्तता होने कारण न तो अवैध निर्माणों को रोकने का प्रयास किया गया और न ही उन्हें हटाया गया।

25. That the local residents had lodged complaints at various levels of the Government and administration regarding the illegal constructions being carried out on the land reserved for parks and open spaces under the Jhansi Master Plan, and petitions were also filed before the Hon'ble Tribunal at New Delhi. However, owing to the involvement and connivance of the concerned officials in facilitating such illegal constructions, no effective steps were taken either to restrain the illegal constructions or to remove the same.

26. यह कि झांसी महायोजना में आरक्षित पार्क एवं खुले स्थल आदि की भूमि पर अवैध निर्माण कराने में अधिकारियों और सत्ताधारी नेताओं की मिलीभगत होने के कारण ही इन अवैध निर्माणों को बचाने के उद्देश्य से पार्क एवं खुले स्थल आदि को नई झांसी महायोजना-2031 में परिवर्तित किया गया है।

26. That due to the collusion between certain officials and ruling political functionaries in facilitating illegal constructions on the land reserved for parks and open spaces under the Jhansi Master Plan, the said parks and open spaces have been deliberately re-designated in the new Draft Jhansi Master Plan-2031, with the sole objective of protecting and regularizing such illegal constructions.

27. यह कि नागरिकों के लिए झांसी महायोजना 2001-2021 में आरक्षित पार्क एवं खुले स्थल आदि को संविधान के अनुच्छेद 21 (जीवन के अधिकार) के अंतर्गत “स्वच्छ पर्यावरण के अधिकार” का हिस्सा हैं। जिसे अवैध निर्माण कराने में संलिप्त अधिकारियों ने पार्क एवं खुले स्थल आदि की अवैध निर्माण वाली भूमि को नई झांसी महायोजना-2031 में आवासीय के रूप में परिवर्तन कर दिया है। जो भारतीय संविधान एवं पर्यावरण संरक्षण कानूनों के विरुद्ध और तत्कालीन जिम्मेदार प्राधिकारियों की मिलीभगत से, कानून की हर आवश्यकता की पूर्ण अवहेलना करते हुए, पार्क के भू-उपयोग का आवासीय में परिवर्तन की अनुमति दी गई है।

27. That the parks and open spaces reserved for citizens under the Jhansi Master Plans-2001 and 2021 form an integral part of the “right to a clean and healthy environment” guaranteed under **Article 21 of the Constitution of India**. However, the officials involved in facilitating illegal constructions have unlawfully reclassified the land comprising such parks and open spaces, upon which illegal constructions exist, as residential in the new Draft Jhansi Master Plan-2031. Such conversion of land use from park/open space to residential has been permitted in blatant violation of the Constitution of India and the environmental protection laws, and has been carried out through collusion of the then responsible authorities, in complete disregard of mandatory legal requirements.

28. यह कि झांसी प्रशासन और विकास प्राधिकरण के अधिकारियों ने साजिशान शासन से झांसी महायोजना-2021 में आरक्षित पार्क एवं खुले स्थल आदि को नई झांसी महायोजना-2031 में आवासीय के रूप में परिवर्तन कराया गया है। ताकि उन भू-माफियाओं और स्थानीय विकासकर्ताओं को बचाया जा सके, जो इन अधिकारियों को सुविधा शुल्क देकर, महायोजना का उल्लंघन कर निर्माण प्रतिबंधित घोषित क्षेत्र, द्वारा पार्क एवं खुले स्थल आदि की भूमि पर अवैध कॉलोनी विकसित कर रहे हैं।

28. That the officials of the Jhansi administration and the Development Authority, in a premeditated and conspiratorial manner, have procured from the Government the conversion of parks and open spaces reserved under the Jhansi Master Plan–2021 into residential land use in the new Draft Jhansi Master Plan–2031, with the intent to shield land mafias and local developers who, in violation of the Master Plan and in designated prohibited construction zones, have been developing illegal colonies over the land reserved for parks and open spaces by paying illegal gratification to the said officials.

29. यह कि शासन द्वारा पार्क एवं खुले स्थल आदि को आवासीय में बदलने की गई यह कार्यवाही उत्तर प्रदेश नगर नियोजन एवं विकास अधिनियम, 1973, भारतीय संविधान, पर्यावरण संरक्षण कानून, एवं मा. सुप्रीम कोर्ट के निर्णय (लाल बहादुर बनाम यूपी राज्य, 2018) व राजेंद्र कुमार बड़जात्या एवं अन्य बनाम उ.प्र. आवास एवं विकास परिषद और अन्य, [2024 एससीसी ऑनलाइन एससी 3767] और NGT के पूर्व आदेशों का घोर उल्लंघन है। जिम्मेदार प्राधिकारियों ने यह कुकृत्य उन भू-माफियाओं और स्थानीय विकासकर्ताओं को बचाने के लिए किया गया जो अधिकारियों को सुविधा शुल्क देकर, अधिनियम, 1973, महायोजना और पर्यावरण संरक्षण कानूनों का उल्लंघन कर निर्माण प्रतिबंधित घोषित क्षेत्र, पार्क की भूमि पर अवैध कॉलोनी विकसित कर रहे हैं।

29. The action taken by the government to convert parks and open spaces into residential areas constitutes a blatant violation of the Uttar Pradesh Urban Planning and Development Act, 1973, the Constitution of India, environmental protection laws, and the judgments of the Hon'ble Supreme Court (Lal Bahadur v. State of U.P., 2018) and Rajendra Kumar Barjatya & Ors. v. U.P. Awam Vikas Parishad & Ors. [2024 SCC Online SC 3767], as well as the prior orders of the Hon'ble National Green Tribunal. The responsible authorities committed this malfeasance to protect land mafias and local developers who, by paying facilitation fees to officials, are violating the Act of 1973, the Master Plan, and environmental protection laws to develop illegal colonies in areas where construction is prohibited, including park lands.

30. यह कि माननीय उच्च न्यायालय, इलाहाबाद में योजित याचिका संख्या 4633/2019, राजेंद्र प्रसाद अरोरा एवं अन्य बनाम उत्तर प्रदेश राज्य एवं अन्य में दिए गये निर्णय के पृष्ठ संख्या 22 के दूसरे पैरे में कहा है कि उप्र नगर नियोजन और विकास अधिनियम 1973 की धारा 26 (घ) में प्रावधान है कि जो कोई इस अधिनियम के अन्तर्गत अतिक्रमण अथवा अवरोध को रोकने अथवा मना करने के विशेष कर्तव्य के अधीन होते हुए ऐसे अतिक्रमण अथवा अवरोध को रोकने अथवा मना करने में जान-बूझकर अथवा आवश्यकपूर्वक उपेक्षा करता है अथवा जान-बूझकर लोप करता है, उसको साधारण कारावास जो एक माह तक का हो सकता है अथवा जुर्माना जो 10,000 तक का हो सकता है

अथवा दोनों दंडों का प्रावधान है। मा. न्यायालय ने यह भी कहा है कि अधिनियम की धारा 26-डी अतिक्रमण को नहीं रोकने के लिए दंड का प्रावधान करता है। यह धारा यूपी की धारा 7 द्वारा डाली गई है। इस धारा को देखने से स्पष्ट होता है कि यदि किसी अधिकारी को अतिक्रमण या अवरोध रोकने का दायित्व सौंपा गया है अतिक्रमण या अवरोध को रोकने में विफल रहता है तो उसे एक माह के साधारण कारावास या जुर्माना के साथ दंडित किया जायेगा।

इसके बावजूद शासन-प्रशासन की ओर से झांसी प्राधिकरण के तत्कालीन उन अधिकारियों और अभियंताओं के विरुद्ध विभागीय कार्यवाही, अधिनियम की धारा-26 डी और भ्रष्टाचार निवारण अधिनियम के तहत कार्यवाही नहीं करके उन्हें प्रोत्साहित किया गया, जो पार्क एवं खुले स्थल आदि की भूमि पर अवैध निर्माण कराने एवं संरक्षण देने में संलिप्त है, जिनके द्वारा भू-माफियाओं और स्थानीय विकासकर्ताओं से सुविधा शुल्क लेकर जानबूझकर पार्क एवं खुले स्थल आदि के अवैध निर्माणों को रोकने/हटाने के अपने पदीय कर्तव्यों पालन नहीं किया जा रहा है।

30. It is stated that the Hon'ble High Court of Allahabad, in Writ Petition No. 4633/2019, Rajendra Prasad Arora & Ors. v. State of U.P. & Ors., on page 22, second paragraph, observed that Section 26(g) of the Uttar Pradesh Urban Planning and Development Act, 1973, provides that any person who, being under a special duty to prevent or prohibit encroachments or obstructions under this Act, willfully or necessarily neglects or deliberately omits to prevent or prohibit such encroachment or obstruction, shall be liable to simple imprisonment for up to one month, or a fine of up to ₹10,000, or both. The Hon'ble Court further observed that Section 26-D of the Act prescribes punishment for failure to prevent encroachments. This provision has been inserted through Section 7 of the U.P. Act. A reading of this section makes it clear that if an officer is entrusted with the duty to prevent encroachments or obstructions and fails in performing such duty, he shall be liable to simple imprisonment of one month or a fine.

Despite this, the government administration has failed to initiate departmental action against the then officers and engineers of the Jhansi Authority under Section 26-D of the Act and the Prevention of Corruption Act, thereby encouraging those involved in facilitating and protecting illegal constructions on park and open land. These officials, by accepting facilitation fees from land mafias and local developers, have willfully failed to perform their official duties to prevent or remove such illegal constructions on parks and open spaces.

31. यह कि अधिकारियों की मिलीभगत से पार्क एवं खुले स्थल आदि पर अवैध कॉलोनियां विकसित करने वाले भूयाओं और स्थानीय विकासकर्ताओं को प्रोत्साहित करने के लिए माफि-, अधिकारियों ने झांसी विकास प्राधिकरण की वेबसाइट झांसी महायोजना-2001 व 2021 और नई झांसी महायोजना-2031 को अपलोड नहीं किया गया है। जिससे लगातार पार्कों की भूमि को आवासीय दर्शाकर क्रयनिर्माण किया जा रहा है विक्रय कर अवैध-

31. It is stated that, to encourage land mafias and local developers who, with the collusion of officials, are developing illegal colonies on parks and open spaces,

the authorities have not uploaded the Jhansi Master Plans—Master Plan 2001, 2021, and the new Master Plan 2031—on the website of the Jhansi Development Authority. As a result, park lands are continuously being depicted as residential plots, bought and sold, and illegally constructed upon.

32. यह कि माननीय न्यायाधिकरण द्वारा पारित आदेश के अनुक्रम में जारी शासनादेश संख्या 168/आठ-3-20-206-विविध/18टी.सी., दिनांक 19.02.2020 में निर्देश दिये गये है कि विकास प्राधिकरण तथा विनियमित क्षेत्र में प्रभावी महायोजनाओं में प्रस्तावित पार्क, खुले स्थल, हरित पट्टिका, क्रीडा स्थल तथा मार्ग भू-उपयोग से सम्बन्धित गाटा संख्या/खसरा संख्या/आराजी संख्या का विवरण तथा सजरा मानचित्र पर सुपर इम्पोज करते हुए मानचित्र सम्बन्धित अधिकरण की वेबसाइट पर प्रदर्शित/अपलोड करते हुए जनपद स्तर के स्टाम्प एवं रजिस्ट्रेशन कार्यालय को तत्काल उपलब्ध कराया जाय। जिसका अभि तक पूर्णतः पालन नहीं किया गया है, और जो भी भू-उपयोग से सम्बन्धित सजरा मानचित्र और आराजी विवरण वेबसाइट पर प्रदर्शित/अपलोड किया है वह अस्पष्ट और आधा-अधूरा है।

32. It is stated that, in accordance with the order passed by the Hon'ble Tribunal, Government Order No. 168/Aath-3-20-206-Vividh/18T.C., dated 19.02.2020, directed that the Development Authority and the effective Master Plans in the regulated area shall provide details of the proposed parks, open spaces, green belts, playgrounds, and roads, including the relevant plot numbers/khasra numbers/araazi numbers, and superimpose them on cadastral maps. These maps and details were to be displayed/uploaded on the website of the concerned authority and immediately made available to district-level Stamp and Registration offices. It is submitted that this directive has not been fully complied with to date, and the cadastral maps and araazi details that have been displayed/uploaded on the website are incomplete and unclear.

33. यह कि माननीय अधिकरण द्वारा उक्त याचिकाओं में पार्क एवं खुले स्थल आदि के अवैध निर्माणों को हटाने के निर्देश/आदेश दिये गये है। इसके बावजूद अधिकतारियों द्वारा पार्क एवं खुले स्थल आदि के अवैध निर्माणों को हटाने की कार्यवाही करने के बजाए अधिकारी जानबूझकर न्यायिक और कानून के निर्देशों की अवहेलना करते हुए सरकारी धनराशी से उन अवैध निर्माणों को सड़क, नाली, बिजली, पानी आदि की सुविधाएं दे रहे है। जब कि माननीय सर्वोच्च न्यायालय ने Rajendra Kumar Barjatya & Ors. v. U.P. Avas Evam Vikas Parishad & Ors., [2024 SCC OnLine SC 3767], निर्णय दिनांक 17.12.2024 में यह विधि स्पष्ट रूप से स्थापित की है कि स्वीकृत भवन योजना के उल्लंघन में अथवा बिना किसी वैध अनुमति के किए गए निर्माण पूर्णतः अवैध एवं अनधिकृत हैं और ऐसे निर्माणों को किसी भी प्रकार का संरक्षण नहीं दिया जा सकता। न्यायालय ने स्पष्ट निर्देश दिया कि बिना वैध Completion Certificate अथवा Occupation Certificate के किसी भी भवन को बिजली, पानी, सीवर, ड्रेनेज अथवा अन्य कोई भी मूलभूत सेवा कनेक्शन प्रदान नहीं किया जाएगा, क्योंकि ऐसा करना अवैध निर्माण को प्रत्यक्ष रूप से बढ़ावा देना होगा और यह नियोजन कानूनों, पर्यावरण संरक्षण तथा *Rule of Law* के प्रतिकूल है। माननीय सर्वोच्च न्यायालय ने यह भी निर्देशित किया कि यदि किसी अवैध निर्माण को गलत तरीके से सेवा कनेक्शन प्रदान किया गया है, तो संबंधित अधिकारियों के विरुद्ध तत्काल विभागीय एवं विधिक कार्यवाही की जाए तथा ऐसे निर्माणों को आवश्यकतानुसार ध्वस्त किया जाए। न्यायालय ने आगे यह भी प्रतिपादित किया कि अवैध निर्माणों के नियमितीकरण की कोई भी योजना केवल अत्यंत अपवादात्मक परिस्थितियों में, एकमुश्त उपाय के रूप में तथा पर्यावरण, जनहित और भूमि की

प्रकृति को ध्यान में रखते हुए ही लाई जा सकती है; अन्यथा अवैध निर्माणों को किसी भी प्रकार की सुविधा देना या उन्हें बनाए रखना न्यायिक आदेशों की अवहेलना और विधि का दुरुपयोग होगा।

33. It is stated that the Hon'ble Tribunal, in the aforementioned petitions, has issued directions/orders to remove illegal constructions on parks and open spaces. Despite this, the authorities, instead of taking action to remove such illegal constructions, are willfully disregarding judicial and legal instructions and providing these constructions with facilities such as roads, drains, electricity, and water using public funds.

The Hon'ble Supreme Court, in *Rajendra Kumar Barjatya & Ors. v. U.P. Awas Evam Vikas Parishad & Ors.*, [2024 SCC OnLine SC 3767], dated 17.12.2024, has clearly held that constructions carried out in violation of approved building plans or without any valid permission are entirely illegal and unauthorized, and such constructions cannot be afforded any protection. The Court explicitly directed that no building shall be provided with electricity, water, sewerage, drainage, or any other essential services without a valid Completion Certificate or Occupation Certificate, as doing so would directly promote illegal constructions and contravene urban planning laws, environmental protection statutes, and the Rule of Law.

The Hon'ble Court further directed that if any illegal construction has been provided with services in violation of law, immediate departmental and legal action must be taken against the responsible officers, and such constructions must be demolished as necessary. The Court also emphasized that any scheme for regularizing illegal constructions may only be implemented in extremely exceptional circumstances, as a one-time measure, and with due regard to environmental concerns, public interest, and the nature of the land; otherwise, providing facilities to or maintaining illegal constructions would constitute a violation of judicial orders and an abuse of law.

34. यह कि पार्क एवं खुले स्थल आदि का भू-उपयोग परिवर्तित करने से भू-माफियाओं और स्थानीय विकासकर्ताओं में यह संदेश गया है कि भविष्य में भी पार्क एवं खुले स्थल आदि हेतु आरक्षित भूमि पर अवैध कॉलोनियों का निर्माण करके उन्हें राजनीतिक दबाव/प्रभाव से आवासीय/नियमित कराया जा सकता है। यदि पार्क एवं खुले स्थल आदि को भूमि को पूर्व की भांति यथावत झांसी महायोजना-2031 में पार्क एवं खुले स्थल आदि के रूप में आरक्षित नहीं किया तो भविष्य में देश के शहरों की महायोजनाओं में आरक्षित पार्कों का संरक्षण और विकसित कराना असंभव हो जायेगा।

34. It is stated that the conversion of the land use of parks and open spaces has sent a message to land mafias and local developers that, in the future as well, they can construct illegal colonies on land reserved for parks and open spaces and have them regularized or converted to residential use through political pressure or influence. If the lands currently designated as parks and open spaces are not preserved in their original form in the Jhansi Master Plan 2031, it will

become impossible to protect and develop parks reserved in the Master Plans of cities across the country in the future.

हरित क्षेत्र को आवासीय क्षेत्रों में बदलने के दुष्प्रभाव (Adverse Effects of Converting Park into Residential Areas.)

35. यह कि यदि झांसी महायोजना-2001 व 2021 में आरक्षित पार्क एवं खुले स्थल आदि की भूमि जो झांसी महायोजना-2031 में आवासीय की गई है, को निरस्त कर पूर्व की भांति यथावत पार्क एवं खुले स्थल आदि में आरक्षित नहीं किया तो झांसी नगर की पुरानी और घनी आवादी वाले लगभग 2000.0 हेक्टेयर क्षेत्र में गंभीर और दीर्घकालिक दुष्परिणाम होंगे, जो न केवल पर्यावरण बल्कि जनस्वास्थ्य और शहरी जीवन की गुणवत्ता को प्रभावित करते हैं। जिससे देश में पर्यावरणीय, जनस्वास्थ्य, सामाजिक, शहरी नियोजन, कानूनी और न्यायिक संबंधी दुष्परिणाम होंगे। जो निम्नवत है:-

35. It is stated that if the lands reserved as parks and open spaces in the Jhansi Master Plan 2001 and 2021, which have been designated as residential in the Jhansi Master Plan 2031, are not reverted and restored to their original status as parks and open spaces, serious and long-term adverse consequences will occur in the approximately 2,000-hectare area of old and densely populated Jhansi city. These consequences will affect not only the environment but also public health and the quality of urban life, leading to environmental, public health, social, urban planning, legal, and judicial repercussions across the country, which are as follows:-

1. यह कि मास्टर प्लान/भूमि उपयोग योजना में हरित क्षेत्रों, नगर पार्कों एवं खुले स्थलों को आवासीय क्षेत्रों में परिवर्तित किया जाना गंभीर, प्रतिकूल एवं दीर्घकालिक पर्यावरणीय दुष्परिणाम उत्पन्न करता है, जो पर्यावरण संरक्षण के संवैधानिक एवं वैधानिक सिद्धांतों के प्रत्यक्षतः विरुद्ध है। ऐसे परिवर्तन से वृक्षों एवं वनस्पति का व्यापक क्षरण होगा, जिसके परिणामस्वरूप शहरी हरित क्षेत्र (Urban Green Space) में भारी कमी आएगी और वायु प्रदूषण का स्तर उल्लेखनीय रूप से बढ़ेगा। इसके अतिरिक्त, पक्षियों, कीटों तथा अन्य सूक्ष्म एवं स्थूल जीवों के प्राकृतिक आवास नष्ट होंगे, जिससे क्षेत्र की जैव विविधता को अपूरणीय क्षति पहुँचेगी। वृक्षों की कटाई से वातावरण में कार्बन डाइऑक्साइड (CO₂) के अवशोषण की क्षमता में कमी आएगी, जिसके कारण ग्रीनहाउस गैसों की सांद्रता बढ़ेगी और जलवायु परिवर्तन के प्रभाव तीव्र होंगे। नगर पार्कों के स्थान पर कंक्रीट एवं डामर आधारित निर्माण से Urban Heat Island Effect उत्पन्न होगा, जिससे ग्रीष्म ऋतु में तापमान कई डिग्री तक बढ़ सकता है और जनस्वास्थ्य पर प्रतिकूल प्रभाव पड़ेगा। साथ ही, हरित क्षेत्रों की खुली एवं पारगम्य मिट्टी वर्षा जल के प्राकृतिक संचयन एवं अवशोषण में सहायक होती है; इनके अभाव में वर्षा जल सीधे नालों में प्रवाहित हो जाएगा, जिससे भूजल पुनर्भरण (Groundwater Recharge) में भारी गिरावट आएगी। उक्त समस्त दुष्परिणाम सतत विकास, पर्यावरणीय संतुलन, सार्वजनिक स्वास्थ्य तथा भावी पीढ़ियों के अधिकारों (Inter-generational Equity) के सिद्धांतों के प्रतिकूल हैं; अतः ऐसे भूमि-उपयोग परिवर्तन को माननीय न्यायाधिकरण द्वारा रोकना न्यायोचित एवं अनिवार्य है।

1. It is submitted that the conversion of green areas, municipal parks, and open spaces into residential zones in the Master Plan/Land Use Plan causes serious, adverse, and long-term environmental consequences, which are directly contrary to the constitutional and statutory principles of environmental protection. Such changes will result in extensive degradation of trees and vegetation, leading to a significant reduction in urban green spaces and a marked increase in air pollution levels. Additionally, the natural habitats of birds, insects, and other micro and macro fauna will be destroyed, causing irreparable damage to the region's biodiversity.

The felling of trees will reduce the capacity of the environment to absorb carbon dioxide (CO₂), thereby increasing the concentration of greenhouse gases and intensifying the impacts of climate change. Concrete and asphalt-based constructions in place of municipal parks will generate the Urban Heat Island Effect, causing temperatures to rise by several degrees during the summer months and adversely affecting public health. Furthermore, open and permeable soils in green areas facilitate natural rainwater harvesting and infiltration; in their absence, rainwater will flow directly into drains, severely reducing groundwater recharge.

All these adverse consequences run counter to the principles of sustainable development, environmental balance, public health, and inter-generational equity. Therefore, preventing such land-use changes is both just and imperative, and the Hon'ble Tribunal is urged to intervene.

2. यह कि मास्टर प्लान में निर्दिष्ट हरित क्षेत्रों/नगर पार्कों को आवासीय उपयोग में परिवर्तित किया जाना जनस्वास्थ्य के दृष्टिकोण से गंभीर, प्रतिकूल एवं दूरगामी दुष्परिणाम उत्पन्न करता है, जो संविधान के अनुच्छेद 21 के अंतर्गत निहित स्वस्थ जीवन के अधिकार तथा पर्यावरण संरक्षण के स्थापित सिद्धांतों के प्रत्यक्षतः विरुद्ध है। हरित एवं खुले स्थलों के अभाव में नागरिकों के लिए टहलने, दौड़ने, खेलकूद, योग एवं अन्य शारीरिक गतिविधियों के अवसर समाप्त हो जाते हैं, जिसके परिणामस्वरूप मोटापा, उच्च रक्तचाप, हृदय रोग, मधुमेह (डायबिटीज) एवं जीवनशैली से जुड़ी अन्य गंभीर बीमारियों में वृद्धि होना स्वाभाविक है। इसके अतिरिक्त, हरित क्षेत्र न केवल भौतिक स्वास्थ्य बल्कि मानसिक स्वास्थ्य के लिए भी अत्यंत आवश्यक हैं, क्योंकि ऐसे खुले एवं प्राकृतिक स्थल तनाव को कम करने, मानसिक शांति बनाए रखने तथा सामाजिक अंतःक्रिया को प्रोत्साहित करने में सहायक होते हैं। इन स्थलों के नष्ट होने से मानसिक तनाव, चिंता, अवसाद एवं अन्य मानसिक विकारों के मामलों में वृद्धि होती है, जिसका प्रतिकूल प्रभाव समाज के समग्र स्वास्थ्य एवं उत्पादकता पर पड़ता है। अतः हरित क्षेत्रों का आवासीय उपयोग में रूपांतरण सार्वजनिक स्वास्थ्य, सामाजिक कल्याण तथा सतत विकास के सिद्धांतों के विरुद्ध है और इसे माननीय राष्ट्रीय हरित अधिकरण द्वारा रोका जाना न्यायोचित, आवश्यक एवं जनहित में अनिवार्य है।

2. It is submitted that the conversion of green areas/municipal parks specified in the Master Plan into residential use causes serious, adverse, and long-term

consequences from a public health perspective, which are directly contrary to the right to a healthy life under Article 21 of the Constitution and established principles of environmental protection. In the absence of green and open spaces, citizens lose opportunities for walking, jogging, sports, yoga, and other physical activities, naturally resulting in an increase in obesity, high blood pressure, heart disease, diabetes, and other serious lifestyle-related illnesses.

Furthermore, green areas are not only essential for physical health but also for mental well-being, as such open and natural spaces help reduce stress, maintain mental peace, and encourage social interaction. The destruction of these spaces leads to increased cases of mental stress, anxiety, depression, and other psychological disorders, which adversely affect the overall health and productivity of society.

Therefore, converting green areas into residential use is contrary to public health, social welfare, and the principles of sustainable development, and preventing such conversion is just, necessary, and in the public interest, warranting intervention by the Hon'ble National Green Tribunal.

3. यह कि मास्टर प्लान में आरक्षित हरित क्षेत्रों/नगर पार्कों को आवासीय उपयोग में परिवर्तित किया जाना सामाजिक संतुलन एवं शहरी नियोजन के मूल सिद्धांतों के प्रत्यक्षतः विपरीत है, जिससे नगर की नियोजित संरचना पर गंभीर प्रतिकूल प्रभाव पड़ता है। नगर पार्क की भूमि पर विकसित की जा रही अवैध कॉलोनियों एवं अनधिकृत निर्माणों के कारण जलापूर्ति, विद्युत, सड़क, सीवरेज, जलनिकासी एवं अन्य बुनियादी नागरिक सुविधाओं पर अत्यधिक दबाव उत्पन्न होता है, जो पूर्व-नियोजित क्षमता से कहीं अधिक है और परिणामस्वरूप संपूर्ण क्षेत्र की अवसंरचना विफल होने की स्थिति में पहुँच जाती है। इसके अतिरिक्त, जनसंख्या घनत्व में असंतुलित वृद्धि से यातायात जाम, वाहन संख्या में वृद्धि तथा वायु एवं ध्वनि प्रदूषण में उल्लेखनीय बढ़ोतरी होती है, जिससे नागरिकों के स्वास्थ्य एवं दैनिक जीवन पर प्रतिकूल प्रभाव पड़ता है। हरित एवं खुले स्थलों के अभाव में क्षेत्र भीड़भाड़युक्त, अव्यवस्थित एवं प्रदूषित हो जाता है, जिससे निवासियों के जीवन-स्तर एवं जीवन की गुणवत्ता में गंभीर गिरावट आती है। साथ ही, पर्यावरण संरक्षण, जनस्वास्थ्य एवं नागरिक अधिकारों से संबंधित विधिक आदेशों एवं सार्वजनिक नीतियों की अवहेलना समाज एवं पारिस्थितिकी तंत्र को अपूरणीय क्षति पहुँचाती है। अतः ऐसे कृत्य सार्वजनिक हित, सतत शहरी विकास एवं पर्यावरणीय न्याय के विरुद्ध हैं और माननीय राष्ट्रीय हरित अधिकरण द्वारा इन पर प्रभावी रोक लगाया जाना विधिसम्मत एवं अनिवार्य है।

3. It is submitted that the conversion of green areas/municipal parks reserved in the Master Plan into residential use is directly contrary to the fundamental principles of social balance and urban planning, and has serious adverse effects on the planned structure of the city. Illegal colonies and unauthorized constructions being developed on municipal park land create excessive pressure on water supply, electricity, roads, sewerage, drainage, and other basic civic amenities, far exceeding the pre-planned capacity, and may lead to the failure of the entire infrastructure in the area.

Furthermore, unbalanced increases in population density result in traffic congestion, growth in the number of vehicles, and significant rises in air and noise pollution, adversely affecting citizens' health and daily life. The absence of green and open spaces causes the area to become crowded, disorganized, and polluted, leading to a severe decline in residents' standard of living and quality of life. Additionally, the disregard of legal orders and public policies related to environmental protection, public health, and citizens' rights inflicts irreparable damage on society and the ecosystem.

Therefore, such acts are against public interest, sustainable urban development, and environmental justice, and it is both lawful and imperative that the Hon'ble National Green Tribunal take effective measures to prevent them.

4. यह कि मास्टर प्लान में आरक्षित हरित क्षेत्रों/नगर पार्कों को आवासीय उपयोग में परिवर्तित किया जाना गंभीर कानूनी दुष्परिणामों को जन्म देता है, जो विधि-शासन (Rule of Law) की मूल अवधारणा को ही कमजोर करता है। यदि अवैध एवं अनधिकृत निर्माणों को संरक्षण प्रदान करने के उद्देश्य से पार्क अथवा ग्रीन एरिया की भूमि का भूमि-उपयोग परिवर्तन कर दिया जाता है, तो इससे यह अत्यंत अनुचित संदेश जाएगा कि कानून का उल्लंघन करने पर भी बाद में न केवल क्षमा मिल सकती है, बल्कि अवैध कृत्य से लाभ भी प्राप्त किया जा सकता है। ऐसी स्थिति भविष्य में नागरिकों एवं भू-माफियाओं को जानबूझकर पार्कों एवं खुले स्थलों पर अतिक्रमण एवं निर्माण करने के लिए प्रोत्साहित करेगी, इस अपेक्षा में कि बाद में उन्हें आवासीय घोषित कर वैधता प्रदान कर दी जाएगी।

इसके अतिरिक्त, यदि एक बार पार्क अथवा हरित क्षेत्र की आरक्षित भूमि को अन्य प्रयोजन हेतु परिवर्तित करने की अनुमति दी जाती है, तो यह एक खतरनाक मिसाल (precedent) स्थापित करेगी, जिससे देशभर में अन्य नगरों के पार्कों एवं ग्रीन बेल्ट को भी क्रमशः समाप्त करने का मार्ग प्रशस्त हो जाएगा। ऐसा कृत्य माननीय राष्ट्रीय हरित अधिकरण एवं माननीय सर्वोच्च न्यायालय द्वारा समय-समय पर पारित उन आदेशों एवं सिद्धांतों के प्रत्यक्ष उल्लंघन के समान होगा, जिनमें ग्रीन एरिया, खुले स्थलों एवं पर्यावरण संरक्षण को सर्वोच्च प्राथमिकता दी गई है; परिणामस्वरूप विधिक अराजकता बढ़ेगी, न्यायालयों एवं अधिकरणों के समक्ष विवादों तथा जनहित याचिकाओं की संख्या में वृद्धि होगी। साथ ही, इससे देश के विभिन्न शहरों की स्वीकृत मास्टर प्लान/महायोजनाओं का व्यापक उल्लंघन होगा, जिससे शहरों को हरित, स्वच्छ, टिकाऊ एवं प्रदूषण-मुक्त बनाने की संवैधानिक एवं नीतिगत योजनाएं विफल हो जाएंगी।

यह भी अत्यंत गंभीर है कि ऐसे निर्णयों से नागरिकों के मन में पर्यावरण संरक्षण के प्रति आस्था एवं विश्वास कमजोर पड़ेगा, विशेषकर उन मामलों में जहाँ नागरिकों द्वारा जनहित में माननीय अधिकरण के समक्ष विभिन्न पर्यावरणीय याचिकाएं—जैसे EA No. 38 of 2022, OA No. 918 of 2022, OA No. 485 of 2024, OA No. 911 of 2024, OA No. 1062 of 2024, OA No. 1285 of 2024 एवं OA No. 1388 of 2024—विचाराधीन हैं। अतः हरित क्षेत्रों को आवासीय क्षेत्रों में परिवर्तित करने की अनुमति देना न केवल कानून के शासन, बल्कि पर्यावरणीय न्याय, सतत विकास एवं सार्वजनिक हित के मूल सिद्धांतों के भी प्रतिकूल है, और इसे माननीय राष्ट्रीय हरित अधिकरण द्वारा सख्ती से रोका जाना आवश्यक है।

4. That the conversion of green areas/municipal parks reserved in the Master Plan into residential use gives rise to grave legal consequences and strikes at the very foundation of the **Rule of Law**. If, with the intent to protect illegal and unauthorized constructions, the land use of parks or green areas is altered, it would convey a highly undesirable message that even upon violation of law, not only can forgiveness be granted later, but benefits may also be derived from such illegal acts. Such a situation would, in future, encourage citizens as well as land mafias to deliberately encroach upon and construct over parks and open spaces, in the expectation that the same would subsequently be declared residential and accorded legitimacy.

Furthermore, once permission is granted to convert land reserved for parks or green areas to any other use, it would set a dangerous **precedent**, paving the way for the gradual extinction of parks and green belts in other cities across the country. Such an action would amount to a direct violation of the orders and principles laid down from time to time by the Hon'ble National Green Tribunal and the Hon'ble Supreme Court, wherein protection of green areas, open spaces and the environment has been accorded the highest priority. The inevitable consequence would be increased legal disorder, a surge in disputes and public interest litigations before courts and tribunals, and widespread violation of approved Master Plans/Master Schemes of various cities, thereby frustrating the constitutional and policy objectives of developing cities that are green, clean, sustainable and pollution-free.

It is further of grave concern that such decisions erode public faith and confidence in environmental protection, particularly in cases where vigilant citizens have approached the Hon'ble Tribunal in public interest through various environmental proceedings, including **EA No. 38 of 2022, OA No. 918 of 2022, OA No. 485 of 2024, OA No. 911 of 2024, OA No. 1062 of 2024, OA No. 1285 of 2024 and OA No. 1388 of 2024**, which are presently pending consideration. Therefore, permitting the conversion of green areas into residential zones is not only contrary to the Rule of Law but is also fundamentally opposed to the principles of **environmental justice, sustainable development and public interest**, and thus deserves to be strictly restrained by the Hon'ble National Green Tribunal.

5. यह कि मास्टर प्लान में आरक्षित हरित क्षेत्रों/नगर पार्कों को आवासीय उपयोग में परिवर्तित / न्यायिक दुष्परिणामों को जन्म देता है किया जाना गंभीर, जो न केवल पर्यावरणीय न्याय बल्कि संपूर्ण न्यायिक व्यवस्था की विश्वसनीयता पर प्रतिकूल प्रभाव डालता है। माननीय सर्वोच्च न्यायालय एवं विभिन्न उच्च न्यायालयों द्वारा समयसमय पर पारित स्पष्ट एवं बाध्यकारी निर्णयों—जैसे *Rajendra Kumar Barjatya & Ors. v. U.P. Avas Evam Vikas Parishad & Ors., 2024 SCC OnLine SC 3767, Lal Bahadur v. State of U.P. (2018) तथा Bangalore Medical Trust v. B.S. Muddappa & Ors., (1991) 4 SCC 54*—में यह विधि स्थापित की जा चुकी है कि सार्वजनिक पार्क, ग्रीन बेल्ट एवं खुले स्थल जनहित एवं पर्यावरण संरक्षण हेतु

आरक्षित होते हैं और इन्हें किसी भी दशा में आवासीय या अन्य व्यावसायिक उपयोग में परिवर्तित नहीं किया जा सकता। इसके बावजूद यदि कार्यपालिका द्वारा ऐसे न्यायिक आदेशों की अवहेलना की जाती है अथवा उन्हें तोड़मरोड़ कर लागू किया जाता है-, तो इससे न केवल माननीय न्यायालयों के आदेशों की अवमानना की प्रवृत्ति को बल मिलेगा, बल्कि भारतीय न्याय व्यवस्था की साख एवं विश्वसनीयता भी गंभीर रूप से प्रभावित होगी।

इसके अतिरिक्त, न्यायालयों के स्पष्ट निर्देशों के अनुपालन में विफलता से जनता का न्यायपालिका पर विश्वास कमजोर होगा और यह संदेश जाएगा कि विधि के शासन (Rule of Law) के स्थान पर प्रशासनिक मनमानी को प्राथमिकता दी जा रही है। ऐसी स्थिति कानून के शासन की मूल अवधारणा को आघात पहुंचाती है, जिससे विधिक अनुशासन शिथिल होता है और अराजकता की स्थिति उत्पन्न होने की आशंका बढ़ जाती है। साथ ही, कार्यपालिका द्वारा न्यायिक आदेशों की अवहेलना लोकतांत्रिक एवं संवैधानिक व्यवस्था के लिए भी घातक है, क्योंकि इससे अधिकारियों में संविधान की सर्वोच्चता एवं न्यायपालिका की भूमिका के प्रति अनादर की प्रवृत्ति विकसित होती है। अतः हरित क्षेत्रों को आवासीय क्षेत्रों में परिवर्तित करना **न्यायिक मर्यादा, संवैधानिक संतुलन तथा पर्यावरणीय न्याय—तीनों के प्रतिकूल** है, और इसे माननीय राष्ट्रीय हरित अधिकरण द्वारा विधि एवं जनहित में पूर्णतः प्रतिबंधित किया जाना आवश्यक है।

5. That the conversion of green areas/municipal parks reserved in the Master Plan into residential use gives rise to serious **judicial consequences**, adversely affecting not only **environmental justice** but also the credibility and authority of the entire judicial system. The Hon'ble Supreme Court and various High Courts have, through clear and binding judgments—such as **Rajendra Kumar Barjatya & Ors. v. U.P. Avas Evam Vikas Parishad & Ors., 2024 SCC OnLine SC 3767; Lal Bahadur v. State of U.P. (2018); and Bangalore Medical Trust v. B.S. Muddappa & Ors., (1991) 4 SCC 54**—unequivocally laid down the law that public parks, green belts and open spaces are reserved for public interest and environmental protection, and under no circumstances can they be converted into residential or commercial use. Despite this settled legal position, if the executive disregards or dilutes such judicial mandates, it would not only encourage a tendency of disobedience to judicial orders but would also gravely undermine the credibility and sanctity of the Indian judicial system.

Furthermore, failure to comply with explicit judicial directions erodes public confidence in the judiciary and conveys a perception that **administrative arbitrariness is being preferred over the Rule of Law**. Such a scenario strikes at the very foundation of the Rule of Law, weakens legal discipline, and increases the likelihood of disorder and lawlessness. Additionally, non-compliance with judicial orders by the executive poses a serious threat to the democratic and constitutional framework, as it fosters a culture of disregard for the supremacy of the Constitution and the role of the judiciary among public authorities. Therefore, permitting the conversion of green areas into residential zones is contrary to **judicial propriety, constitutional balance and environmental justice**, and deserves to be **strictly prohibited by the Hon'ble National Green Tribunal** in the interest of law and public good.

6. यह कि मास्टर प्लान में आरक्षित हरित क्षेत्रों/ग्रीन बेल्ट/नगर पार्कों को आवासीय उपयोग में परिवर्तित करने पर रोक लगाने के सशक्त कानूनी आधार विद्यमान हैं। माननीय सर्वोच्च न्यायालय द्वारा *Rajendra Kumar Barjatya & Ors. v. U.P. Avas Evam Vikas Parishad & Ors.*, 2024 SCC OnLine SC 3767, *Lal Bahadur v. State of U.P.*, (2018) 15 SCC 407 तथा *Bangalore Medical Trust v. B.S. Muddappa & Ors.*, (1991) 4 SCC 54 जैसे ऐतिहासिक निर्णयों में यह स्पष्ट रूप से स्थापित किया गया है कि सार्वजनिक पार्क, ग्रीन बेल्ट एवं खुले स्थल जनहित एवं पर्यावरण संरक्षण हेतु आरक्षित होते हैं और उनके भूमि-उपयोग को आवासीय अथवा किसी अन्य प्रयोजन में परिवर्तित करना विधि-विरुद्ध, मनमाना एवं असंवैधानिक है। ऐसे परिवर्तन संविधान के अनुच्छेद 21 के अंतर्गत स्वच्छ एवं स्वस्थ पर्यावरण में जीवन के अधिकार, अनुच्छेद 48ए के अंतर्गत राज्य के पर्यावरण संरक्षण संबंधी दायित्व तथा अनुच्छेद 51ए(जी) के अंतर्गत नागरिकों के मूल कर्तव्य का स्पष्ट उल्लंघन करते हैं।

इसके अतिरिक्त, पर्यावरण संरक्षण अधिनियम, 1986 की धारा 3 एवं 5 के अंतर्गत केंद्र एवं राज्य सरकारों पर पर्यावरणीय गुणवत्ता बनाए रखने तथा पर्यावरण को क्षति पहुँचाने वाली गतिविधियों को रोकने का वैधानिक दायित्व है, जिसके अंतर्गत ग्रीन एरिया/पार्कों का संरक्षण अनिवार्य है। साथ ही, उत्तर प्रदेश शहरी नियोजन एवं विकास से संबंधित विधानों तथा जन विश्वास (Public Trust Doctrine) के सिद्धांत के अनुसार राज्य एवं विकास प्राधिकरण प्राकृतिक संसाधनों के मात्र ट्रस्टी हैं, स्वामी नहीं, और वे मास्टर प्लान में आरक्षित हरित क्षेत्रों को किसी अन्य उपयोग में परिवर्तित करने के लिए अधिकृत नहीं हैं। अतः हरित क्षेत्रों को आवासीय क्षेत्रों में बदलने का कोई भी प्रयास न केवल वैधानिक प्रावधानों एवं न्यायिक दृष्टांतों के प्रतिकूल है, बल्कि जनहित, पर्यावरणीय न्याय एवं सतत विकास के सिद्धांतों के भी स्पष्ट रूप से विरुद्ध है; इसलिए ऐसे किसी भी परिवर्तन को माननीय राष्ट्रीय हरित अधिकरण द्वारा प्रतिबंधित किया जाना पूर्णतः न्यायोचित एवं आवश्यक है।

6. That there exist strong and well-established **legal grounds** to restrain the conversion of green areas/green belts/municipal parks reserved in the Master Plan into residential use. The Hon'ble Supreme Court, through landmark judgments such as **Rajendra Kumar Barjatya & Ors. v. U.P. Avas Evam Vikas Parishad & Ors.**, 2024 SCC OnLine SC 3767; **Lal Bahadur v. State of U.P.**, (2018) 15 SCC 407; and **Bangalore Medical Trust v. B.S. Muddappa & Ors.**, (1991) 4 SCC 54, has unequivocally settled the law that public parks, green belts and open spaces are reserved for public interest and environmental protection, and that any change of their land use to residential or any other purpose is illegal, arbitrary and unconstitutional. Such conversions violate **Article 21** of the Constitution guaranteeing the right to life in a clean and healthy environment, **Article 48A** which casts a duty upon the State to protect and improve the environment, and **Article 51A(g)** which imposes a fundamental duty upon citizens to safeguard the natural environment.

Furthermore, under **Sections 3 and 5 of the Environment (Protection) Act, 1986**, the Central and State Governments are statutorily obligated to maintain environmental quality and to prevent activities that cause environmental degradation, which necessarily includes the protection of green areas and public parks. Additionally, under the applicable urban planning laws of the State of

Uttar Pradesh and the doctrine of **Public Trust**, the State and development authorities act merely as trustees of natural resources and not as owners, and therefore lack the authority to divert or convert green areas reserved in the Master Plan for any other use. Consequently, any attempt to convert green areas into residential zones is not only contrary to statutory provisions and binding judicial precedents, but is also manifestly opposed to **public interest, environmental justice and the principles of sustainable development**; hence, such conversion deserves to be strictly prohibited by the Hon'ble National Green Tribunal.

36. यह कि उपर्युक्त विधिक स्थिति के आलोक में, मास्टर प्लान में आरक्षित पार्क/ओपन स्पेस/ग्रीन बेल्ट/डूब क्षेत्र की भूमि पर किए गए अवैध निर्माण तथा ऐसी आरक्षित भूमि को नई महायोजना में आवासीय घोषित करना कानूनन अस्वीकार्य, शून्य एवं पर्यावरणीय कानूनों के प्रतिकूल है और इस पर माननीय एनजीटी का हस्तक्षेप आवश्यक है।

36. In light of the above legal position, any illegal construction on land reserved as parks, open spaces, green belts, or flood zones under the Master Plan, and any declaration of such reserved land as residential in the new Master Plan, is legally impermissible, null, and contrary to environmental laws. Intervention by the Hon'ble NGT is warranted in this regard.

37. यह कि उपर्युक्त विधिक स्थिति के आलोक में, पर्यावरणीय रूप से संवेदनशील क्षेत्रों, हरित पट्टियों, पार्क, जल निकायों एवं उनके कैचमेंट क्षेत्रों में किए गए अथवा प्रस्तावित किसी भी प्रकार के निर्माण/भूमि उपयोग परिवर्तन को माननीय एनजीटी द्वारा शून्य घोषित कर रोकना पूर्णतः न्यायसंगत एवं विधिसंगत है।

37. In view of the above legal position, it is entirely just and legally sound for the Hon'ble NGT to declare null and void any construction or change of land use in environmentally sensitive areas, green belts, parks, water bodies, and their catchment areas, whether already undertaken or proposed.

38. यह कि माननीय राष्ट्रीय हरित अधिकरण, प्रधान पीठ, नई दिल्ली द्वारा पारित आदेश दिनांक 03.11.2025 के अनुपालन में, आवेदक द्वारा मूल आवेदन (OA) संख्या 545/2025, उससे संबंधित नोटिस तथा आदेश की सत्यापित प्रतियाँ दिनांक 15.11.2025 को ई-मेल के माध्यम से प्रतिवादी संख्या 1,2 और 8 के साथ-साथ प्रतिवादी संख्या 3-7 एवं 9 को भी विधिवत रूप से सेवा कर दी गई हैं। उक्त सेवा के प्रमाण स्वरूप ई-मेल प्रेषण विवरण/डिलीवरी रिपोर्ट एवं अन्य प्रासंगिक अभिलेख इस माननीय अधिकरण के समक्ष संलग्न किए जा रहे हैं। इस प्रकार माननीय अधिकरण के आदेशानुसार सेवा की कार्यवाही पूर्ण रूप से संपन्न कर दी गई है।

38. That in compliance with the order dated **03.11.2025** passed by the Hon'ble **National Green Tribunal, Principal Bench, New Delhi**, the Applicant duly served the verified copies of the **Original Application (O.A.) No. 545/2025**, along with the connected notice and order, upon **Respondent Nos. 1, 2 and 8**, as well as **Respondent Nos. 3 to 7 and 9**, through e-mail on **15.11.2025**. Proof

of such service, including e-mail transmission details/delivery reports and other relevant records, is being annexed herewith for the kind perusal of this Hon'ble Tribunal. Thus, the service of notice has been fully and duly effected in accordance with the directions of this Hon'ble Tribunal.

प्रार्थना

अतः उपर्युक्त तथ्यों, परिस्थितियों, संलग्न अभिलेखों, साक्ष्यों तथा माननीय सर्वोच्च न्यायालय एवं माननीय राष्ट्रीय हरित अधिकरण द्वारा प्रतिपादित विधि-सिद्धांतों के आलोक में, यह माननीय न्यायाधिकरण कृपा करे:-

1. आवेदक द्वारा प्रस्तुत इस *Additional Submission* तथा इसके साथ संलग्न समस्त अभिलेखों, साक्ष्यों एवं दस्तावेजों को अभिलेख पर लेने की कृपा करे;
2. पूर्व महायोजनाओं में आरक्षित पार्क, खुले स्थल एवं डूब क्षेत्र में हुए अवैध एवं अनधिकृत निर्माणों तथा उन्हें नई झांसी महायोजना-2031 में आवासीय दर्शाए जाने की कार्यवाही को अवैध, मनमानी एवं पर्यावरण कानूनों के प्रतिकूल घोषित करे।
3. महायोजना 2001 में आरक्षित पार्क, खुले स्थल एवं डूब क्षेत्र को नई झांसी महायोजना-2031 में आवासीय घोषित की समस्त कार्यवाही को शून्य घोषित कर पूर्व महायोजना 2001 के अनुसार यथावत एवं स्थाई घोषित कर उन्हें पर्यावरण तथा सार्वजनिक हित में विकसित कराने का आदेश जारी करें।
4. पूर्व महायोजनाओं में आरक्षित पार्क, खुले स्थल एवं डूब क्षेत्र में हुए अवैध एवं अनधिकृत निर्माणों को तत्काल हटाने हेतु आदेशित करें।
5. प्रकरण के तथ्यों एवं परिस्थितियों को दृष्टिगत रखते हुए, माननीय न्यायाधिकरण जो अन्य/अतिरिक्त आदेश पारित करना उचित एवं न्यायसंगत समझे, वह भी पारित करने की कृपा करे।

इसके लिए आवेदक सदैव कृतज्ञ रहेगा।

Prayer

Therefore, in view of the aforesaid facts and circumstances, the annexed records, evidence and documents, and in the light of the legal principles laid down by the Hon'ble Supreme Court and the Hon'ble National Green Tribunal, this Hon'ble Tribunal may graciously be pleased to:-

1. Take on record the present Additional Submission filed by the Applicant along with all annexed records, evidence, and documents;
2. To declare as illegal, arbitrary, and contrary to environmental laws the actions relating to illegal and unauthorized constructions raised in areas

reserved as parks, open spaces, and submergence zones under the earlier Master Plans, and the subsequent depiction of such areas as residential in the new Jhansi Master Plan–2031.

3. Declare as void the entire action of declaring the parks, open spaces, and submergence/flood-prone areas reserved in Master Plan–2001 as residential in the new Jhansi Master Plan–2031, and further direct that the said areas shall remain unchanged and permanently governed by Master Plan–2001, and be developed in accordance therewith in the interest of environment and public welfare;

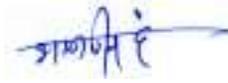
4. Direct the immediate removal of all illegal and unauthorized constructions raised on the parks, open spaces, and submergence/flood-prone areas reserved in the earlier Master Plans;

5. Pass any other and/or further order(s) as this Hon'ble Tribunal may deem fit, proper, and just in the facts and circumstances of the present case.

And for this act of kindness, the Applicant shall, as ever, remain grateful.

Date 23.01.2026

Applicant



Mansing S/o Shri Ram Sahay,

Address- Shivaji Nagar, Jhansi, Uttar Pradesh.

E-Mail- mansinghabu25@gmail.com

Mo. 7080097452



BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 545 OF 2025

IN THE MATTER OF:

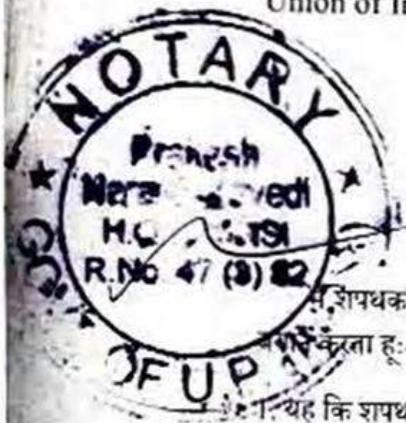
Mansing & Ors.

.....Applicant

Versus

Union of India & Ors.

.....Respondents



शपथ-पत्र

शपथकर्ता मानसिंह पुत्र श्री रामसहाय पता- शिवाजी नगर, झांसी, उत्तर प्रदेश। शपथपूर्वक निम्नलिखित करता हूँ:-

1. यह कि शपथकर्ता उपरोक्त प्रकरण में आवेदक है एवं हालात प्रकरण से पूरी तरह से वाकिफ हैं तथा अतिरिक्त सबमिशन देने में सक्षम है।
2. यह कि शपथकर्ता द्वारा उपरोक्त प्रकरण में अतिरिक्त सबमिशन प्रस्तुत किया जा रहा है।
3. यह कि शपथकर्ता द्वारा प्रस्तुत अतिरिक्त सबमिशन में सही-सही तथ्यों में तहरीर किया गया है। जिन्हें पुनः संक्षिप्ता के कारण शपथपत्र में दोहराया नहीं जा रहा है इसलिए उन्हें इस शपथपत्र में अडॉप्ट किया जा रहा है जो इस शपथपत्र का भाग माना जाये।

मैं शपथकर्ता तस्दीक करता हूँ कि वर्तमान शपथ पत्र की विषय-वस्तु मेरे निजी ज्ञान और जानकारी अमुसार सब सत्य और सही है तथा इसमें कोई भी महत्वपूर्ण तथ्य छिपाया नहीं गया है। यह तस्दीक आज दिनांक 23.01.2026 को बमुकाम अहाता कचहरी झांसी में की गयी।

शपथकर्ता

मानसिंह



809
I certify that the foregoing statement
sworn before me this 23/01/2026
by Shri/Smt./Kum. Mansingh
whom the contents
have been read over
and identified by
received by

23/01/2026
PRANESH NARASIMHA REDDY
ADVOCATE

Item No. 01

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 780/2022

Narendra Kushwaha

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 04.11.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: None appeared

ORDER

1. Neither the applicant has appeared nor anyone else has appeared on his behalf though we have called this matter twice. In the circumstances, we proceed to consider the matter on perusal of records.

2. Applicant, Narendra Kushwaha has in effect challenged Jhansi Master Plan 2031 on the ground that there was an area which was proposed to be maintained as 'Nagar Park' in Master Plan 2001 and Master Plan 2021, of Jhansi but in the Master Plan 2031, it has not been maintained as another park but proposed as residential. It is pointed out that 'Nagar Park' comprising of area of 198.38 hectares was shown in the Master Plan of Jhansi of 2001 and 2021 but it was not properly maintained and illegal, unauthorized encroachment was allowed. As a result thereof, about 100.42 hectares land of Nagar Park was encroached. Instead of removing encroachments, Jhansi Development Authority has opted a

circuitous way by declaring the area of 'Nagar Park' as residential in the Draft Master Plan 2031 which is illegal.

3. We find from the record that this is a second petition filed by this Applicant, Narendra Kushwaha in as much as earlier also he was before Tribunal in O.A. No. 114 of 2021, *Narendra Kushwaha vs. State of Uttar Pradesh* raising a similar grievance. There was an additional grievance with regard to a waterbody i.e. Jhansi Tal. Both these aspects were considered by this Tribunal and the application was finally disposed of vide judgment dated 14.09.2022.

4. The operative part of the order contained in para 4 to 6 is reproduced under:-

*"4. In pursuance of above, Principal Secretary, UD, UP, Municipal Commissioner, Jhansi, Vice Chairman, Jhansi Development Authority and DM Jhansi are present in person. A report has been filed on 12.09.2022 by the Commissioner, Jhansi Division. The report mentions the steps taken to prevent pollution and to protect the water body i.e. Jhansi Tal. It is stated that the water quality is not fit for bathing and thus, is of poor quality. Learned Principal Secretary, UD, UP, assures the Tribunal that by taking remedial action, the situation of pollution will be brought under control soon. **With regard to encroachments, it is mentioned in the report of the Commissioner that action has been taken in some cases but there is a stay by the High Court in some matters out of those in which orders have been passed. Further, there is apprehension that taking action against encroachers may adversely affect law and order situation.** It has also been observed that several beautification and catchment improvement works are underway and these need to be completed without further delay.*

5. *However, learned Principal Secretary, UD, UP, submits that upholding the law by removing the encroachment will in fact improve the law and order. **We are of the view that the Rule of Law has to be upheld and it is absurd to say that if lawful action is taken law and order situation will deteriorate which means illegality should be tolerated and lawlessness allowed.** It is responsibility of the State to protect Water bodies by way of completely stopping entry of sewage into the Tal which are significant for environment. The State is to act as trustee and not whimsically as thought by the Commissioner in taking an untenable plea to defeat the law. There is no question of deterioration of law and order in doing so.*

6. *In this view of the matter, we record the assurance of learned Principal Secretary, UD, UP that further remedial action will be taken for protection of water body by controlling the pollution and removing the encroachments, following due process of law. It appears that against 26 MLD of STPs only 8-10 MLD is treated which needs to be looked into and remedied. In absence of recharging source for the Tal, treated sewage compliant with BOD and Fecal Coliform level may be used for filling the Tal and growing fisheries into it.”*

5. It appears that reference of Nagar Park specifically could not mentioned in the above judgement though in the earlier orders it was clearly mentioned.

6. In the present application, applicant has prominently challenged Draft Master Plan 2031. Master Plan is prepared by Development Authority under the provisions of Uttar Pradesh Urban Planning and Development Act, 1973 following the procedure laid down therein.

7. It is not in dispute that Master Plan 2031 is not yet notified by the State Government and in the stage of Draft Master Plan. Since the Master Plan 2031 is still in the process of finalization, we find it appropriate to direct State Government to look into this matter particularly in light of judgment of the Supreme Court in *Lal Bahadur vs. State of UP and Ors.*, (2018) 15 SCC 407 wherein a green belt shown in the earlier Master Plan but converted as residential in subsequent Master Plan was not upheld by the Supreme Court and the subsequent Master Plan, change of Park as residential was set aside.

8. The State Government therefore, shall look into the matter and take appropriate decision in respect of the Nagar Park at Jhansi in the light of Master Plan 2001 and 2021 and also the law laid down by Supreme Court in *Lal Bahadur vs. State of UP (Supra)*.

9. With the above observations, application is disposed of.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

November 04, 2022
Original Application No. 780/2022
SN

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO. 14604 OF 2024
(Arising out of SLP (C) No.36440 of 2014)**

RAJENDRA KUMAR BARJATYA AND ANOTHER ... APPELLANT(S)

VERSUS

U.P. AVAS EVAM VIKAS PARISHAD & ORS. ... RESPONDENT(S)

**CIVIL APPEAL NO. 14605 OF 2024
(Arising out of SLP (C) No.1184 of 2015)**

RAJEEV GUPTA AND OTHERS ... APPELLANT(S)

VERSUS

U.P. AVAS EVAM VIKAS PARISHAD & ORS. ... RESPONDENT(S)

J U D G M E N T**R.MAHADEVAN, J.**

1. Leave granted.
2. Challenging the final judgment and order dated 05.12.2014 passed by the High Court of Judicature at Allahabad¹ in Writ-C.No.46342 of 2013, the

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VISHAL ANAND
Date: 2024.12.17
16:50:05 IST
Reason:

Appellants herein, who are third parties to the proceedings, have preferred the

¹ Hereinafter shortly referred to as “the High Court”

present appeals.

3. The aforesaid writ petition was filed by the Respondent No.1 seeking for issuance of a Writ of Mandamus to direct the Respondent Nos.2 to 4 to stop the illegal / unauthorized commercial construction on residential plot no.661/6, Shastri Nagar Yojna No.7, Meerut, and to provide police force to execute the order of demolition dated 31.05.2011 passed by the competent authority viz., Executive Engineer, Construction Division-8, U.P. Avas Evam Vikas Parishad, Sector 9, Shastri Nagar, Meerut.

4. By the judgment and order impugned herein, the High Court allowed the above writ petition with the following directions and observations:

(a) The District Magistrate, Meerut and the Senior Superintendent of Police Meerut shall remain present on the date and time to be notified by the petitioner-Avas Evam Vikas Parishad for the purposes of demolition of unauthorized constructions. Such demolitions must be effected on or before 31st December, 2014.

(b) Criminal proceedings should be launched against respondent nos.4 and 5 as well as against the officers, who were In-charge of the office of Avas Vikas Parishad at the relevant time including the Chief Engineer and the Executive Engineer when these constructions had come up.

(c) The Chief Secretary, U.P. Lucknow shall ensure that the departmental proceedings are also initiated against the officers of Avas Evam Vikas Parishad responsible for the situation, which has been created. The Housing Commissioner shall also ensure that all like nature of unauthorized constructions are similarly dealt with without any discrimination and without any favouritism. For the purpose, he shall ensure that the highest officer posted in the office of Avas Evam Vikas Parishad at Meerut is made personally responsible for giving notice to the owner/persons in possession of the unauthorized occupations. The proceedings must be decided and appropriate action be taken within two months from the date of receipt of a certified copy of this order. There should be no complaint to this Court that any person has been treated favourably in the matter of demolition of the unauthorized

constructions.

(d) We also direct the Chief Secretary, U.P. Lucknow to ensure that the district authorities at Meerut are responded to the request of Awas Evam Vikas Parishad in the matter of demolition with all promptness and with full force.

(e) We make it clear that all unauthorized constructions have to be dealt with in same manner.”

5. At the outset, it is imperative to note the relevant background facts leading to the present litigation. The Respondent No.5 by name, Veer Singh was originally allotted a plot bearing No.661/6, situated in Bhoomi Vikas, Grisathan Yojna No.7, Sector No.6, Phase-1, Shastri Nagar, Meerut, U.P.² by the Respondent No.1 on 30.08.1986. Possession was also handed over to him on 15.06.1989. In respect of the subject property, the Respondent No.1 executed a freehold deed dated 06.10.2004 in favour of the Respondent No.5 with specific condition that the property shall be used only for residential purposes. Contrary to the same, the Respondent No.5 with the assistance of his power of attorney agent by name, Vinod Arora i.e., Respondent No.6, started raising illegal commercial construction on the subject property without obtaining any sanction / approval from the Respondent No.1. Though show cause notices were issued to him, he neither responded to the same nor took any steps against the illegal construction, which compelled the competent authority to pass the order of demolition of the illegal / unauthorized construction on the subject property on 31.05.2011. However, the Respondent No.1 was unable to execute the said

² Hereinafter shortly referred to as the “subject property”

order, due to lack of co-operation from the local as well as police authorities. Therefore, they preferred the Writ Petition bearing No.46342 of 2013, which was allowed by the High Court, by order dated 05.12.2014, which is assailed in these appeals by the appellants herein, who are the owners of the commercial shops, which are stated to have been illegally / unauthorizedly constructed on the subject property by the Respondent Nos.5 and 6.

6. The common submissions made by the learned counsel appearing for the appellants in these appeals are that admittedly, shops in the subject property have been in existence for the past 24 years; and the Respondent No.1 had converted the subject property from leasehold to freehold by the registered document dated 06.10.2004 on "As is where is basis" and as per clause 6(a) of the said deed, the Respondent No.1 had accepted the construction made on the subject property and they were fully aware of the same from its inception. That apart, through registered sale deeds, all the appellants herein had purchased the shops constructed on the subject property for valuable consideration and have been occupying the premises since then and earning their livelihood. However, the Respondent No.1 without issuing notice under section 82 of the U.P. Avas Evam Vikas Parishad Adhiniyam, 1965³ to the appellants, erroneously took steps to demolish the entire construction in the subject property by treating the same as illegal and unauthorized one and also obtained the demolition order

³ For short, "the Act"

from the High Court, which is arbitrary, illegal and in violation of the principles of natural justice. In support of the same, the learned counsel placed reliance on the decision of this Court in *Municipal Corporation, Ludhiana v. Inderjeet Singh*⁴, wherein, demolition of commercial property was carried out by Municipal Corporation, without serving proper notice on the respondent i.e., notice was served on a dead person and in such circumstances, it was observed by this Court that *'had a proper show cause notice been served upon the first respondent, he could have shown that the alleged violation of the provisions of the Act is of negligible character, which did not warrant an order of demolition.'*

6.1. Elaborating further, the learned counsel for the appellants submitted that without issuing notice to the appellants and occupants of the shops, the High Court has ordered demolition of the entire construction in the subject property. According to the learned counsel, the High Court, before ordering demolition, should have directed the authorities to explore the possibility of regularizing the alleged illegal construction in the subject property. It is also submitted by the learned counsel that there were initially about 15 to 20 shops and now, there are more than 600 commercial establishments run in the area earmarked as 'Central Market', but the Respondent No.1 failed in its statutory duty to keep pace with the booming development and therefore, this situation has arisen. It is further

⁴ (2008) 13 SCC 506

alleged that the Respondent No.1 adopted a pick and choose policy, whereby the construction made on the subject property was cherry picked for demolition, whereas in the entire vicinity of the Central market, buildings like this have blossomed and mushroomed. The learned counsel ultimately, submitted that the right of the Respondent No.1 to seek demolition is barred by delay and laches and they were negligent and acted hand in glove with the people responsible for such sorry state of affairs and that, in terms of Sections 92 to 94 r/w Sections 3, 7 and 8 of the Act, the State Government has full rights and control over the Respondent No.1, but they failed to exercise the same in proper perspective. Resultantly, due to no fault on the part of the appellants, their valuable rights are jeopardized and prejudiced at the hands of the Respondent No.1, who are acting in collusion and connivance with dishonest builders and land grabbers. Stating so, the learned counsel prayed to set aside the impugned order passed by the High court and allow these appeals.

7. On the other hand, the learned counsel appearing for the Respondent No.1 made detailed submissions reiterating the averments stated in the counter affidavit. According to him, U.P. Avas Evam Vikas Parishad viz., Respondent No.1 is the Housing Board of the State of Uttar Pradesh, an autonomous body created under the statute and governed by the U.P. Avas Evam Vikas Parishad

Adhiniyam, 1965⁵. With a view to eliminate housing problem and have a planned development in the District of Meerut, they floated a scheme called “Shastri Nagar Yojna No.7”. In the said scheme, plots were carved out and categorized as residential and commercial as per usage. The residential plots could be used only for constructing the residential house and no commercial activity was permitted on the said plots. However, the Respondent No.5 started raising illegal commercial construction on the plot allotted to him, without obtaining any sanction from the competent authority. Though the Respondent No.1 sent show cause notices / communication to the Respondent No.5 to stop the illegal construction and get the same regularized, the Respondent No.5 did not respond to the same and he continued to construct the shops for commercial purposes. Therefore, the competent authority rightly passed the order of demolition of the unauthorized construction. But the said order was not enforced by the Respondent No.1, due to non-co-operation of the local as well as police authorities. Finally, the Respondent No.1 approached the High Court by filing the writ petition stating that the subject property was patently in violation of the statutory provisions applicable and it has to be demolished. The High Court after taking note of the facts and circumstances of the case, rightly passed the impugned order, which need not be interfered with by this Court.

7.1. In reply to the contentions raised on the side of the appellants, the learned counsel for the Respondent No.1 made the following submissions:

⁵ For short, “the Act”

(i) The Respondent No.5 got the property converted from leasehold to freehold on the basis of the fabricated construction completion certificate.

(ii) Unauthorized construction was made only by the original allottee i.e., Respondent No.5 and not the appellants. Further, the Respondent No.1 did not know about the change of interest *qua* the subject property as it was never intimated to them. Moreover, the appellants were aware of the unauthorized construction and notices issued to stop the same, at the time of purchasing the shops itself. In such circumstances, there was no need for the appellants to be arrayed as parties before the High Court in adherence to the principles of natural justice.

(iii) The Respondent No.1 from the year 1990 onwards had served several notices on the Respondent No.5, directing him to stop the unauthorized construction, but he never paid heed to any of the notices and continued to raise the unauthorized construction. Therefore, it is incorrect to state that the Respondent No.1 lost its right to demolish the said unauthorized construction on the ground of delay and laches.

(iv) The appellants' right over the shops was created in pursuance of the change in usage of plot and unauthorized construction raised by the original allottee, which was never approved by the Respondent No.1 and therefore, in no way, their rights are being infringed by the Respondent No.1. Further, it cannot be said that the action of the Respondent No.1 is barred by the principles of acquiescence and estoppel.

(v) The violations made by Respondent No.5 are deliberate, designed and motivated and it is not a case where the violations are marginal or insignificant or that it had crept in accidentally. It is only after complying with all the requirements of law that a violation would qualify for regularization. Therefore, there is no illegality or infirmity in the order of the High Court directing demolition of the unauthorized construction.

(vi) Nevertheless, the appellants always have a remedy to sue the Respondent No.5 for return of money and/or damages.

(vii) After carrying out all kinds of development activities in different sectors of the Scheme, the Respondent No.1 allotted commercial properties, wherever required, by way of auction sale and commercial activities are taking place on such properties and therefore, it is wrong to state that the Respondent No.1 failed in its duty to provide planned development in the area.

(viii) An illegal act, more so, when it was done deliberately, does not become legal only because certain length of time has passed.

Thus, it is submitted by the learned counsel that the appeals filed by the appellants may be dismissed by this Court.

8. The learned counsel for the Respondent Nos.2 to 4 made his submissions supporting the case of the Respondent No.1 in entirety. Placing reliance on the counter affidavit filed by the respondent authorities, it is submitted by the learned counsel that they are ready to provide all the protection and facilities to the Respondent No.1 to demolish the unauthorized construction as ordered by

the High Court. Therefore, the learned counsel prayed for appropriate orders in these appeals.

9. During the pendency of these appeals, the Respondent No.5 died, his legal heirs were brought on record as Respondent Nos.5.1 to 5.6, and the cause title was accordingly amended. Despite the service of notice, none appeared on behalf of the legal heirs of the deceased Respondent No.5. *Qua* the Respondent No.6, who also died during the pendency of these appeals, it was recorded by this Court on 24.03.2022⁶ in SLP(C)No.36440 of 2014 that considering the status of the parties and the subject matter in issue, there was no requirement to substitute the legal representatives of the deceased Respondent No.6. In such circumstances, we have to examine the stand of the Respondent No.5 as was placed before the High Court. It was stated by the Respondent No.5 therein that after allotment, the Respondent No.5 executed a power of attorney in respect of the subject property in favour of the Respondent No.6, who raised the illegal / unauthorized commercial construction on the same. He categorically admitted that the construction was made without any sanctioned map / plan by the Respondent No.6. However, he has no objection, if the construction is demolished and he shall not claim any compensation from the Respondent

⁶ It has been pointed out that respondent No. 6 in these petitions, Shri Vinod Arora S/o Late K.L. Arora, has expired. It has also been pointed out that he has been a party in these matters in his capacity as power of attorney holder of the other private i.e., respondent No. 5. Looking at the status of the parties and the subject matter of these petitions, as at present, we see no reason to require substitution of legal representatives of the deceased respondent. Learned counsel for the parties may file short notes on their submissions while also clarifying the position at site, as existing today. List these matters for final hearing at the admission stage on 27.04.2022.

No.1. Thus, according to the Respondent No.5, the Respondent No.6 was the original owner of the shops which were constructed on the subject property on the strength of the power of attorney executed by the Respondent No.5. Whereas, it was stated by the Respondent No.6 before the High Court that it was the Respondent No.5, who had raised construction of the shops and had sold the same to the different persons.

10. Heard the learned counsel appearing for the appellants as well as the Respondent No.1 and the Respondent Nos.2 to 4 and also perused the materials available on record carefully and meticulously.

11. This Court on 17.12.2014⁷ in SLP(CC) No.21102 of 2014⁸, granted an order of *status quo* in respect of the shop nos.6 and 10 situated in the subject property on condition that the appellants deposit a sum of Rs.10,00,000/- on or before 23.12.2014. The said order was duly complied with by the appellants. Thereafter, as per the order dated 22.01.2015 passed by this Court, the deposited amount was kept in interest bearing account. It is revealed from the latest office report dated 18.11.2024 that amount of Rs.10,00,000/- deposited by the

⁷ The notice shall be issued, subject to the petitioner depositing a sum of Rs.10,00,000/- before this Court by 23rd December, 2014.

Status quo, existing as on today, qua the Shop Nos.10 and 6, Ground Floor, Plot No.661/ 6, Bhoomi Vikas, Grisathan Yojna No. 7, Sector No.6, Phase-I, Shastri Nagar, Meerut, U.P., of the petitioner Nos.1 and 2 respectively, shall be maintained till the next date of hearing.

⁸ Arising out of which is SLP(C) No.36440 of 2014

appellants in SLP(C)No.36440 of 2014, was kept in an interest-bearing Fixed Deposit with UCO Bank, Supreme Court Compound, which is being renewed from time to time and is now bearing the next date of maturity on 10.05.2025.

12. This Court also granted an order of *status quo* on 05.01.2015⁹ in SLP(CC) No.21820 of 2014¹⁰. Subsequently, at the instance of the appellants, on 30.11.2018¹¹, the said order was clarified by this Court to the effect that it confined to the shops of the seven appellants in the subject property.

13. Concededly, the appellants are third parties to the writ proceedings. They have come up with these appeals stating that they are the most affected persons by the order passed by the High Court and will be deprived of their livelihood if the same is implemented. It is the principal contention of the learned counsel appearing for the appellants that the shops have been in existence for the past 24 years and the appellants are the owners of the same by virtue of the registered

⁹ Permission to file special leave petition is granted.
Issue notice, returnable within eight weeks.
Status quo, existing as on today, shall be maintained until further orders.

¹⁰ Arising out of which is SLP (C) No.1184 of 2015

¹¹ I.A. No. 98823/2017 is for seeking a clarification of the order of this Court dated 5.1.2015 so that the status quo as directed should be maintained in respect of the shops of the seven petitioners in the special leave petition.

Our attention has been drawn to the fact that an order was passed by this Court on 17.12.2014 in another special leave petition bearing SLP(C) No. 36440/2014 to that effect.

Hence, we direct that the order of status quo dated 5.1.2015 shall stand confined to the shops of the seven petitioners in plot No. 661/6 in Bhumi Vikas, Grihsthan Yojana No.7, Sector-6, Phase-I, Shastri Nagar, Meerut, U.P.

The I.A. is, accordingly, disposed of.

List the matter in the second week of January, 2019 along with SLP(C) No. 36440/2014.

sale deed and the Respondent No.1 was fully aware of the construction made on the subject property from its inception. However, without issuing any notice to the appellants and occupants of the shops, the order of demolition came to be passed and hence, it is arbitrary, illegal and in violation of the principles of natural justice.

14. The facts remain undisputed are that the Respondent No.5 was allotted the subject property on 30.08.1986 and possession was handed over to him on 15.06.1989. The Respondent No.1 had executed a sale deed cum free hold deed in favour of the Respondent No.5 in respect of the subject property, on 06.10.2004. It is alleged by the Respondent No.1 that the said deed was executed by the Respondent No.1 based on the fabricated construction completion certificate produced by the Respondent No.5 and he with the assistance of the Respondent No.6, after possession, started to construct commercial shops, without obtaining sanctioned map / plan / approval from the competent authority. Clause 6-B of the said deed dated 06.10.2004 specifically stated that the property shall be used only for the residential purposes. It was also clearly mentioned in Clause 8 that the said property shall not be used for any purposes other than residential purposes and the Registered intending buyer shall always follow the rules and bylaws of the Council in respect of the property sold. However, there was no material available to prove that the Respondent No.5 was in possession of the sanctioned plan in respect of the construction made on the subject property or that he submitted any application

before the authority concerned seeking sanction / approval for such construction and the same was pending. It is also pertinent to mention at this juncture that the Respondent Nos.5 and 6 before the High Court categorically admitted that the construction of the commercial shops was made without there being any sanctioned plan from the competent authority. The survey report produced by the Respondent No.1 relating to Scheme No.7, Shastri Nagar, Meerut, would further disclose that there are 6379 sanctioned residential properties, in which 860 plots have been used for commercial purpose. Therefore, it is crystal clear that the Respondent Nos.5 and 6 without obtaining sanctioned plan / approval from the competent authority, illegally / unauthorizedly constructed the shops on the subject property, for commercial purposes and sold to the appellants and others for valuable consideration.

15. Undoubtedly, the competent authority under section 83 of the Act, is empowered to remove the unauthorized construction. As stated earlier, in this case, the plot allotted to the Respondent No.5 was residential in nature and the same was illegally used for commercial purpose and therefore, the construction raised on the subject property was liable to be removed by the competent authority. However it is the specific case of the appellants that the Respondent No.5 started to construct the commercial shops in the year 1990 itself, i.e., immediately after taking possession of the subject property and the Respondent No.1 was fully aware of such construction made by the Respondent No.5, from

its inception, but they did not take immediate steps against the same. It can be reasonably inferred that the Respondent No.1 was aware of the construction made on the subject property at the beginning itself, which prompted them to issue show cause notice dated 19.09.1990 to the Respondent No.5 to stop the illegal construction and take appropriate steps. Without giving reply to the same, the Respondent No.5 continued to raise illegal commercial construction on the plot allotted to him. Thereafter, *vide* letter dated 27.09.2002, the Respondent No.1 instructed the Respondent No.5 to get the illegal construction regularized. But the Respondent No.5 did not respond to the same and he continued the illegal construction of some more shops on the subject property. Therefore, the Respondent No.1 sent a notice dated 09.02.2004 to the Respondent No.5 stating that the plot allotted to him was being illegally used for commercial purpose and hence, the construction raised on the subject property was liable to be removed under section 83 of the Act. Even thereafter, the Respondent No.5 failed to reply to the said notice, which compelled the competent authority to pass an order of demolition dated 23.03.2005 for removal of unauthorized construction. However, the said order could not be executed by the Respondent No.1. In the meanwhile, the shops constructed on the subject property were purchased by the appellants herein and others, which was not intimated to the Respondent No.1 by the Respondent No.5. It is also evident from the records that in the year 2011, the Respondent No.5 again started to raise the illegal construction on the subject property, which was

objected to by the Respondent No.1 by issuing notice dated 20.04.2011 and directing him to immediately stop the unauthorized construction and show cause as to why the same should not be demolished. However, there was no reply on the side of the Respondent No.5. Finding no other alternative, the competent authority by exercising powers under section 83 of the Act, passed the order dated 31.05.2011 to demolish the said illegal construction raised on the subject property. Thus, from 1990 onwards, though the Respondent No.1 had periodically issued notices for removal of unauthorized constructions, it did not lead to actual removal/ demolition. Despite sufficient opportunities being granted to Respondent Nos.5 and 6 they did not utilize the same and continued the illegality. Such parties cannot plead estoppel. Even otherwise, we are of the view that there cannot be any estoppel against law. The lapses on the part of the authorities will not vest any person with a right to put up construction without planning approval and in violation of the conditions regarding usage. However, the fact that the notices issued by the authorities between 1990 to 2013 did not culminate into demolition, would speak volumes about the lackadaisical attitude of the authorities and that also smacks of collusion with the violators. Therefore, the fact that the building has stood over 24 years will not clothe the appellants with any right in law and hence we do not find any force in the contentions of the counsel for the appellants alleging delay and laches.

16. As regards the allegation raised by the appellants that without issuing any notice, the order of demolition came to be passed against them, the records

reveal that before passing the order of demolition dated 30.05.2011 by the competent authority, the Respondent No.1 sent show cause notice dated 20.04.2011 to the Respondent No.5 pointing out the raising of commercial construction illegally on the plot allotted for residential use, that too, without sanctioned map / plan and permission accorded. Subsequently, the copy of the notice served on the Respondent No.5 was pasted on the notice board. But the Respondent No.5 failed to appear before the authority concerned to put forth his stand. Therefore, the Respondent No.1 passed the order dated 31.05.2011 for demolishing the unauthorized construction, but the same did not take place.

16.1. Even thereafter, the Respondent No. 5 continued to raise illegal commercial construction, which led the Respondent No.1 to lodge a First Information Report on 29.07.2013 and also sought for assistance from Respondent No. 4 for demolition. However, on account of the fact that there was no assistance from the police, the demolition could not be proceeded with. It is thereafter that the Respondent No.1 approached the High Court by filing the writ petition. It is clear from the above narration of facts that there has been no violation of the principles of natural justice and the Respondent No.1 after sending notices to the original allottee i.e., Respondent No.5 took steps to remove the unauthorized construction made on the subject property. Therefore, the action impugned now is not *de novo* action, but only continuation of the earlier line of events as stated above.

16.2 As regards the rights of the appellants, independent from that of Respondent No.5, are concerned, we are unable to believe that the appellants did not even verify the original allotment order before purchase of the property to know the permissible use of the property and the factum of existence or otherwise of any approval in respect of the commercial building purchased by them. In this regard, the doctrine of Caveat Emptor would require the buyer to perform all acts within his capacity to ascertain the title of the seller and the defects in the property. Further, Sub-section (1) (a) of Section 55 of the Transfer of Property Act makes it clear when the buyer with ordinary care is not able to ascertain the material defect in the property or in the seller's title, it becomes the duty of the seller to disclose the same though it is the primary responsibility is on the buyer to ascertain the defects in the property and the title. In the present case, it appears that neither the appellants as buyers nor the Respondent No. 5 as seller have performed their obligations under the law. Having said this, it is pertinent to mention here that some notices have also been issued after the appellants have come into occupation of the premises. Thus, the contention of the appellants that they were not put on notice and that the orders are in violation of the principles of natural justice, is a fig leaf of a defence that can hardly have any basis in law.

17. The deed dated 06.10.2004 said to have been executed by the

Respondent No.1 granting freehold right to the Respondent No.5 while simultaneously issuing notices against unauthorized constructions, does not inspire the confidence of this court. In any event the said grant is also subject to a condition that it shall be used for residential purpose and hence it cannot be treated as a licence to construct the shops without any sanction/approval. That apart, the registration of the property would not in any way amount to regularizing the unauthorized construction. The power to take action against an unauthorized construction is independent and not in anyway connected to the Registration Act. Seen from any angle the appellants cannot claim that the construction of shops was in accordance with law.

18. Notably, the High Court, in the order impugned herein, clearly observed that the officials who are responsible for ensuring planned land development and for ensuring that no unauthorized/illegal constructions take place, themselves start colluding with the land mafias. A situation has been created, where the authority itself is forced to approach the High Court for a writ of mandamus to the district police to provide help in the matter of demolition of the unauthorized constructions, which have been raised within the jurisdictional territory of the authority concerned. Having held thus, and also considering the stand of the Respondent Nos.5 and 6 that they have no objection for demolition of the unauthorized construction, the High Court passed the order of demolition with direction to the authorities. We find no reason much less valid reason to

interfere with the well-reasoned order passed by the High Court.

19. In a catena of decisions, this Court has categorically held that illegally of unauthorized construction cannot be perpetuated. If the construction is made in contravention of the Acts / Rules, it would be construed as illegal and unauthorized construction, which has to be necessarily demolished. It cannot be legitimized or protected solely under the ruse of the passage of time or citing inaction of the authorities or by taking recourse to the excuse that substantial money has been spent on the said construction. The following decisions are of relevance and hence cited herein below to drive home the point that unauthorized constructions must be dealt with, with an iron hand and not kid gloves.

(i) In *K. Ramadas Shenoy v. Chief Officers, Town Municipal Council*¹², after having found that the impugned resolution sanctioning plan for conversion of building into a cinema was in violation of the Town Planning Scheme and hence, it has no legal foundation, this Court held that the High Court was wrong in not quashing the resolution on the surmise that money might have been spent.

The relevant passage reads as follows:

“29. The Court enforces the performance of statutory duty by public bodies as obligation to rate payers who have a legal right to demand compliance by a local authority with its duty to observe statutory rights alone. The scheme here is for the benefit of the public. There is special interest in the performance of the duty. All the residents in the area have their personal interest in the

¹² (1974) 2 SCC 506

performance of the duty. The special and substantial interest of the residents in the area is injured by the illegal construction.

30. The High Court was not correct in holding that though the impeached resolution sanctioning plan for conversion of building into a cinema was in violation of the Town Planning Scheme yet it could not be disturbed because Respondent No.3 is likely to have spent money. An excess of statutory power cannot be validated by acquiescence in or by the operation of an estoppel. The Court declines to interfere for the assistance of persons who seek its aid to relieve them against express statutory provision. Lord Selborne in Maddison v. Alderson [1883] 8 App. Cases 467 said that courts of equity would not permit the statute to be made an instrument of fraud. The impeached resolution of the Municipality has no legal foundation. The High Court was wrong in not quashing the resolution on the surmise that money might have been spent. Illegality is incurable.

31. For the foregoing reasons, the appeal is accepted. The order of the High Court leaving resolution dated 19 June, 1970 being Annexure 'D' to the petition undisturbed is set aside. The resolution dated 19 June, 1970 being Annexure 'D' to the petition before the High Court is quashed. The parties will pay and bear their own costs."

(ii) *Dr.G.N. Khajuria and others v. Delhi Development Authority and others*¹³, in which, the Authority concerned misused the power and allotted the plot earmarked for park for a nursery school. This Court vehemently condemned the same and ordered for cancellation of the said allotment, besides recommending penal action against the authority concerned. The relevant paragraphs are extracted below:

"8. We, therefore, hold that the land which was allotted to Respondent 2 was part of a park. We further hold that it was not open to the DDA to carve out any space meant for park for a nursery school. We are of the considered view that the allotment in favour of Respondent 2 was misuse of power, for reasons which need not be adverted. It is, therefore, a fit case, according to us, where the allotment in favour of Respondent 2 should be cancelled and we order accordingly. The fact that Respondent 2 has put up some structure stated to be permanent by his counsel is not relevant, as the same has been done on a plot of land allotted to it in contravention of law. As to the submission that dislocation

¹³ (1995) 5 SCC 762

from the present site would cause difficulty to the tiny tots, we would observe that the same has been advanced only to get sympathy from the Court inasmuch as children, for whom the nursery school is meant, would travel to any other nearby place where such a school would be set up either by Respondent 2 or by any other body.

9. The appeal is, therefore, allowed by ordering the cancellation of allotment made in favour of Respondent 2. It would be open to this respondent to continue to run the school at this site for a period of six months to enable it to make such alternative arrangements as it thinks fit to shift the school, so that the children are not put to any disadvantageous position suddenly.

10. Before parting, we have an observation to make. The same is that a feeling is gathering ground that where unauthorised constructions are demolished on the force of the order of courts, the illegality is not taken care of fully inasmuch as the officers of the statutory body who had allowed the unauthorised construction to be made or make illegal allotments go scot free. This should not, however, have happen for two reasons. First, it is the illegal action/order of the officer which lies at the root of the unlawful act of the citizen concerned, because of which the officer is more to be blamed than the recipient of the illegal benefit. It is thus imperative, according to us, that while undoing the mischief which would require the demolition of the unauthorised construction, the delinquent officer has also to be punished in accordance with law. This, however, seldom happens. Secondly, to take care of the injustice completely, the officer who had misused his power has also to be properly punished. Otherwise, what happens is that the officer, who made the hay when the sun shined, retains the hay, which tempts others to do the same. This really gives fillip to the commission of tainted acts, whereas the aim should be opposite.”

(iii) In *M.I. Builders (P) Ltd. v. Radhey Shyam Sahu*¹⁴, this court in clear terms, held that there is no alternative to the construction which is unauthorised and illegal to be dismantled. The relevant paragraphs read thus:

“13. There is no alternative to the construction which is unauthorised and illegal to be dismantled. The whole structure built is in contravention of the provisions of law as contained in the Development Act. The decision to award contract and the agreement itself was unreasonable. The construction of the underground shopping complex, if allowed to stand, would perpetuate an illegality. Mahapalika could not be allowed to benefit from the illegality. A decision of this Court in Seth Badri Prasad and others vs. Seth Nagarmal and

¹⁴ (1999) 6 SCC 464

others (1959 (1) Supp. SCR 769 at 774) was referred to, to contend that the court could not exclude from its consideration a public statute and since the construction of the underground shopping complex was wholly illegal it had to be dismantled. No question of moulding a relief can arise as the builder made construction on the basis of the interim order of this Court and at its own risk.”

“73. The High Court has directed dismantling of the whole project and for restoration of the park to its original condition. This Court in numerous decisions has held that no consideration should be shown to the builder or any other person where construction is unauthorised. This dicta is now almost bordering the rule of law. Stress was laid by the appellant and the prospective allottees of the shops to exercise judicial discretion in moulding the relief. Such a discretion cannot be exercised which encourages illegality or perpetuates an illegality. Unauthorised construction, if it is illegal and cannot be compounded, has to be demolished. There is no way out. Judicial discretion cannot be guided by expediency. Courts are not free from statutory fetters. Justice is to be rendered in accordance with law. Judges are not entitled to exercise discretion wearing the robes of judicial discretion and pass orders based solely on their personal predilections and peculiar dispositions. Judicial discretion wherever it is required to be exercised has to be in accordance with law and set legal principles. As will be seen in moulding the relief in the present case and allowing one of the blocks meant for parking to stand, we have been guided by the obligatory duties of the Mahapalika to construct and maintain parking lots.”

“81. A number of cases come to this Court pointing to unauthorised constructions taking place at many places in the country by builders in connivance with the corporation/municipal officials. In a series of cases, this Court has directed demolition of unauthorised constructions. This does not appear to have any salutary effect in cases of unauthorised construction coming to this Court. While directing demolition of unauthorised construction, the court should also direct an enquiry as to how the unauthorised construction came about and to bring the offenders to book. It is not enough to direct demolition of unauthorised construction, where there is clear defiance of law. In the present case, but for the observation of the High Court, we would certainly have directed an enquiry to be made as to how the project was conceived and how the agreement dated 4-11-1993 came to be executed.”

(iv) In *Esha Ekta Apartments Coop Housing Society Limited v. Municipal Corporation of Mumbai*¹⁵, it was observed by this Court that the courts are expected to refrain from exercising equitable jurisdiction for regularisation of

¹⁵ (2013) 5 Supreme Court Cases : (2013) 3 Supreme Court Cases (Civil) 89

illegal and unauthorised constructions and the relevant passage of the said decision is extracted below:

"1. In the last five decades, the provisions contained in various municipal laws for planned development of the areas to which such laws are applicable have been violated with impunity in all the cities, big or small, and those entrusted with the task of ensuring implementation of the master plan, etc. have miserably failed to perform their duties. It is highly regrettable that this is so despite the fact that this Court has, keeping in view the imperatives of preserving the ecology and environment of the area and protecting the rights of the citizens, repeatedly cautioned the authorities concerned against arbitrary regularisation of illegal construction by way of compounding and otherwise."

"8. At the outset, we would like to observe that by rejecting the prayer for regularisation of the floors constructed in wanton violation of the sanctioned plan, the Deputy Chief Engineer and the appellate authority have demonstrated their determination to ensure planned development of the commercial capital of the country and the orders passed by them have given a hope to the law-abiding citizens that someone in the hierarchy of administration will not allow unscrupulous developers/builders to take law into their own hands and get away with it."

"56. We would like to reiterate that no authority administering municipal laws and other similar laws can encourage violation of the sanctioned plan. The courts are also expected to refrain from exercising equitable jurisdiction for regularisation of illegal and unauthorised constructions else it would encourage violators of the planning laws and destroy the very idea and concept of planned development of urban as well as rural areas."

(v) The aforesaid view was reiterated in *Supertech Limited v. Emerald Court Owner Resident Welfare Association and others*¹⁶ by holding that illegal constructions have to be dealt with strictly to ensure compliance with rule of law. The relevant paragraphs read as under:

"159. The rampant increase in unauthorised constructions across urban areas, particularly in metropolitan cities where soaring values of land place a premium on dubious dealings has been noticed in several decisions of this Court. This state of affairs has often come to pass in no small a measure because of the collusion between developers and planning authorities."

¹⁶ (2021) 10 SCC 1

160. From commencement to completion, the process of construction by developers is regulated within the framework of law. The regulatory framework encompasses all stages of construction, including allocation of land, sanctioning of the plan for construction, regulation of the structural integrity of the structures under construction, obtaining clearances from the different departments (fire, garden, sewage etc.) and the issuance of occupation and completion certificates. While the availability of housing stock, especially in metropolitan cities, is necessary to accommodate the constant influx of people, it has to be balanced with two crucial considerations - the protection of the environment and the well-being and safety of those who occupy these constructions. The regulation of the entire process is intended to ensure that constructions which will have a severe negative environmental impact are not sanctioned. Hence, when these regulations are brazenly violated by developers, more often than not with the connivance of regulatory authorities, it strikes at the very core of urban planning, thereby directly resulting in an increased harm to the environment and a dilution of safety standards. Hence, illegal construction has to be dealt with strictly to ensure compliance with the rule of law.

161. The judgments of this Court spanning the last four decades emphasise the duty of planning bodies, while sanctioning building plans and enforcing building regulations and bye-laws to conform to the norms by which they are governed. A breach of the planning authority of its obligation to ensure compliance with building regulations is actionable at the instance of residents whose rights are infringed by the violation of law. Their quality of life is directly affected by the failure of the planning authority to enforce compliance. Unfortunately, the diverse and unseen group of flat buyers suffers the impact of the unholy nexus between builders and planners. Their quality of life is affected the most. Yet, confronted with the economic might of developers and the might of legal authority wielded by planning bodies, the few who raise their voices have to pursue a long and expensive battle for rights with little certainty of outcomes. As this case demonstrates, they are denied access to information and are victims of misinformation. Hence, the law must step in to protect their legitimate concerns."

(vi) In *Kerala State Coastal Zone Management Authority vs. Maradu Municipality*¹⁷, it was once again reiterated that illegal and unauthorised constructions put up with brazen immunity, cannot be permitted to remain. The relevant passage of the said decision is quoted below:

"107. At this stage, we must deal with the argument raised before us by the company. It is submitted that a world class resort has been put up which will

¹⁷ (2021) 16 SCC 822

promote tourism in a State like Kerala which does not have any industries as such and where tourism has immense potential and jobs will be created. It is submitted that the Court may bear in mind that the company is eco-friendly and if at all the Court is inclined to find against the company, the Court may, in the facts of this case, give direction to the company and the company will strictly abide by any safeguards essential for the preservation of environment.

108. We do not think that this Court should be detained by such an argument. The Notification issued under the Environment (Protection) Act is meant to protect the environment and bring about sustainable development. It is the law of the land. It is meant to be obeyed and enforced. As held by the Apex Court, construction in violation of the Coastal Regulation Zone Regulations is not to be viewed lightly and he who breaches its terms does so at his own peril. The fait accompli of constructions being made which are in the teeth of the Notification cannot present, but a highly vulnerable argument. We find that the view taken by the Kerala High Court in aforesaid decision is appropriate. Permission granted by the Panchayat was illegal and void. No such development activity could have taken place. In view of the findings of the Enquiry, Committee, let all the structures be removed forthwith within a period of one month from today and compliance be reported to this Court."

(vii) In *State of Haryana v. Satpal*¹⁸, it was held that the High Court committed a very serious error in directing to legalise the unauthorized occupation and possession made by the original writ petitioners on payment of market price and hence, it deserved to be quashed. The operative portion of the judgment is reproduced below:

"19. Under the circumstances, the High Court has committed a very serious error in directing to legalise the unauthorised occupation and possession made by the original writ petitioners on payment of market price. Even the other directions issued by the High Court are not capable of being implemented, namely, to segregate the vacant land from the residential house and which can be separated and utilised for earmarked purpose i.e. school premises. The unauthorised construction is in such a manner and even some areas are not used for residential purpose and some of the area is covered by vegetation and therefore, it is not possible to segregate and separate the same, which can be used for school premises. There is no other panchayati land and/or other land, which is available, which can be used as school premises/playground. The adjacent land belongs to some private persons and they are not ready to part with their land to be used as school premises/playground.

¹⁸ (2023) 6 SCC 643

20. In view of the above and for the reasons stated above, the impugned judgment and order passed by the High Court and the directions issued (reproduced hereinabove) directing to legalise the unauthorised occupation and possession made by the original writ petitioners on the land, which is earmarked for school premises/playground is unsustainable and the same deserves to be quashed and set aside and is accordingly quashed and set aside. However, the original writ petitioners are granted 12 months' time to vacate the land, which is occupied by them unauthorisedly and if within one year from today, they do not vacate the lands in question, the appropriate authority is directed to remove their unauthorised and illegal occupation and possession.”

(viii) Finally, in a recent decision in *Re: Directions in the matter of demolition of structures*¹⁹, while determining a question whether the executive should be permitted to take away the shelter of a family or families as a measure for infliction of penalty on a person, who is accused in a crime under our constitutional scheme, this Court has extensively analysed all the aspects and issued certain directions to the authorities. The penultimate paragraphs read as under:

“IX. DIRECTIONS

90. In order to allay the fears in the minds of the citizens with regard to arbitrary exercise of power by the officers/officials of the State, we find it necessary to issue certain directions in exercise of our power under Article 142 of the Constitution. We are also of the view that even after orders of demolition are passed, the affected party needs to be given some time so as to challenge the order of demolition before an appropriate forum. We are further of the view that even in cases of persons who do not wish to contest the demolition order, sufficient time needs to be given to them to vacate and arrange their affairs. It is not a happy sight to see women, children and aged persons dragged to the streets overnight. Heavens would not fall on the authorities if they hold their hands for some period.

91. At the outset, we clarify that these directions will not be applicable if there is an unauthorised structure in any public place such as road, street, footpath,

¹⁹ 2024 SCC OnLine SC 3291

abutting railway line or any river body or water bodies and also to cases where there is an order for demolition made by a Court of law.

A. NOTICE

- i. No demolition should be carried out without a prior show cause notice returnable either in accordance with the time provided by the local municipal laws or within 15 days' time from the date of service of such notice, whichever is later.*
- ii. The notice shall be served upon the owner/occupier by a registered post A.D. Additionally, the notice shall also be affixed conspicuously on the outer portion of the structure in question.*
- iii. The time of 15 days, stated herein above, shall start from the date of receipt of the said notice.*
- iv. To prevent any allegation of backdating, we direct that as soon as the show cause notice is duly served, intimation thereof shall be sent to the office of Collector/District Magistrate of the district digitally by email and an auto generated reply acknowledging receipt of the mail should also be issued from the office of the Collector/District Magistrate. The Collector/DM shall designate a nodal officer and also assign an email address and communicate the same to all the municipal and other authorities in charge of building regulations and demolition within one month from today.*
- v. The notice shall contain the details regarding:*
 - a. the nature of the unauthorized construction.*
 - b. the details of the specific violation and the grounds of demolition.*
 - c. a list of documents that the noticee is required to furnish along with his reply.*
 - d. The notice should also specify the date on which the personal hearing is fixed and the designated authority before whom the hearing will take place;*
- vi. Every municipal/local authority shall assign a designated digital portal, within 3 months from today wherein details regarding service/pasting of the notice, the reply, the show cause notice and the order passed thereon would be available.*

B. PERSONAL HEARING

- i. The designated authority shall give an opportunity of personal hearing to the person concerned.*
- ii. The minutes of such a hearing shall also be recorded.*

C. FINAL ORDER

- i. Upon hearing, the designated authority shall pass a final order.*
- ii. The final order shall contain:*
 - a. the contentions of the noticee, and if the designated authority disagrees with the same, the reasons thereof;*
 - b. as to whether the unauthorized construction is compoundable, if it is not so, the reasons therefor;*
 - c. if the designated authority finds that only part of the construction is unauthorized/noncompoundable, then the details thereof.*

d. as to why the extreme step of demolition is the only option available and other options like compounding and demolishing only part of the property are not available.

D. AN OPPORTUNITY OF APPELLATE AND JUDICIAL SCRUTINY OF THE FINAL ORDER.

i. We further direct that if the statute provides for an appellate opportunity and time for filing the same, or even if it does not so, the order will not be implemented for a period of 15 days from the date of receipt thereof. The order shall also be displayed on the digital portal as stated above.

ii. An opportunity should be given to the owner/occupier to remove the unauthorized construction or demolish the same within a period of 15 days. Only after the period of 15 days from the date of receipt of the notice has expired and the owner/occupier has not removed/demolished the unauthorized construction, and if the same is not stayed by any appellate authority or a court, the concerned authority shall take steps to demolish the same. It is only such construction which is found to be unauthorized and not compoundable shall be demolished.

iii. Before demolition, a detailed inspection report shall be prepared by the concerned authority signed by two Panchas.

E. PROCEEDINGS OF DEMOLITION

i. The proceedings of demolition shall be video-graphed, and the concerned authority shall prepare a demolition report giving the list of police officials and civil personnel that participated in the demolition process. Video recording to be duly preserved.

ii. The said demolition report should be forwarded to the Municipal Commissioner by email and shall also be displayed on the digital portal.

92. Needless to state that the authorities hereinafter shall strictly comply with the aforesaid directions issued by us.

93. It will also be informed that violation of any of the directions would lead to initiation of contempt proceedings in addition to the prosecution.

94. The officials should also be informed that if the demolition is found to be in violation of the orders of this Court, the officer/officers concerned will be held responsible for restitution of the demolished property at his/their personal cost in addition to payment of damages.”

20. In the ultimate analysis, we are of the opinion that construction(s) put up in violation of or deviation from the building plan approved by the local

authority and the constructions which are audaciously put up without any building planning approval, cannot be encouraged. Each and every construction must be made scrupulously following and strictly adhering to the Rules. In the event of any violation being brought to the notice of the Courts, it has to be curtailed with iron hands and any lenience afforded to them would amount to showing misplaced sympathy. Delay in directing rectification of illegalities, administrative failure, regulatory inefficiency, cost of construction and investment, negligence and laxity on the part of the authorities concerned in performing their obligation(s) under the Act, cannot be used as a shield to defend action taken against the illegal/unauthorized constructions. That apart, the State Governments often seek to enrich themselves through the process of regularisation by condoning/ratifying the violations and illegalities. The State is unmindful that this gain is insignificant compared to the long-term damage it causes to the orderly urban development and irreversible adverse impact on the environment. Hence, regularization schemes must be brought out only in exceptional circumstances and as a onetime measure for residential houses after a detailed survey and considering the nature of land, fertility, usage, impact on the environment, availability and distribution of resources, proximity to water bodies/rivers and larger public interest. Unauthorised constructions, apart from posing a threat to the life of the occupants and the citizens living nearby, also have an effect on resources like electricity, ground water and access to roads, which are primarily designed to be made available in orderly development and

authorized activities. Master plan or the zonal development cannot be just individual centric but also must be devised keeping in mind the larger interest of the public and the environment. Unless the administration is streamlined and the persons entrusted with the implementation of the act are held accountable for their failure in performing statutory obligations, violations of this nature would go unchecked and become more rampant. If the officials are let scot-free, they will be emboldened and would continue to turn a nelson's eye to all the illegalities resulting in derailment of all planned projects and pollution, disorderly traffic, security risks, etc.

21. Therefore, in the larger public interest, we are inclined to issue the following directions, in addition to the directives issued by this Court in *Re: Directions in the matter of demolition of structures* (supra):

(i) While issuing the building planning permission, an undertaking be obtained from the builder/applicant, as the case may be, to the effect that possession of the building will be entrusted and/or handed over to the owners/beneficiaries only after obtaining completion/occupation certificate from the authorities concerned.

(ii) The builder/developer/owner shall cause to be displayed at the construction site, a copy of the approved plan during the entire period of construction and the

authorities concerned shall inspect the premises periodically and maintain a record of such inspection in their official records.

(iii) Upon conducting personal inspection and being satisfied that the building is constructed in accordance with the building planning permission given and there is no deviation in such construction in any manner, the completion/occupation certificate in respect of residential / commercial building, be issued by the authority concerned to the parties concerned, without causing undue delay. If any deviation is noticed, action must be taken in accordance with the Act and the process of issuance of completion/occupation certificate should be deferred, unless and until the deviations pointed out are completely rectified.

(iv) All the necessary service connections, such as, Electricity, water supply, sewerage connection, *etc.*, shall be given by the service provider / Board to the buildings only after the production of the completion/occupation certificate.

(v) Even after issuance of completion certificate, deviation / violation if any contrary to the planning permission brought to the notice of the authority immediate steps be taken by the said authority concerned, in accordance with law, against the builder / owner / occupant; and the official, who is responsible

for issuance of wrongful completion /occupation certificate shall be proceeded departmentally forthwith.

(vi) No permission /licence to conduct any business/trade must be given by any authorities including local bodies of States/Union Territories in any unauthorized building irrespective of it being residential or commercial building.

(vii) The development must be in conformity with the zonal plan and usage. Any modification to such zonal plan and usage must be taken by strictly following the rules in place and in consideration of the larger public interest and the impact on the environment.

(viii) Whenever any request is made by the respective authority under the planning department/local body for co-operation from another department to take action against any unauthorized construction, the latter shall render immediate assistance and co-operation and any delay or dereliction would be viewed seriously. The States/UT must also take disciplinary action against the erring officials once it is brought to their knowledge.

(ix) In the event of any application / appeal / revision being filed by the owner or builder against the non-issuance of completion certificate or for

regularisation of unauthorised construction or rectification of deviation etc., the same shall be disposed of by the authority concerned, including the pending appeals / revisions, as expeditiously as possible, in any event not later than 90 days as statutorily provided.

(x) If the authorities strictly adhere to the earlier directions issued by this court and those being passed today, they would have deterrent effect and the quantum of litigation before the Tribunal / Courts relating to house / building constructions would come down drastically. Hence, necessary instructions should be issued by all the State/UT Governments in the form of Circular to all concerned with a warning that all directions must be scrupulously followed and failure to do so will be viewed seriously, with departmental action being initiated against the erring officials as per law.

(xi) Banks / financial institutions shall sanction loan against any building as a security only after verifying the completion/occupation certificate issued to a building on production of the same by the parties concerned.

(xii) The violation of any of the directions would lead to initiation of contempt proceedings in addition to the prosecution under the respective laws.

22. As far as the present case is concerned, we pass the following orders:

(i) The order of the High Court shall stand confirmed.

(ii)The appellants are directed to vacate and handover the vacant premises to the respondent authorities within a period of three months from the date of receipt of a copy of this judgment.

(iii)On such surrender, the respondent authorities shall take steps to demolish the unauthorised construction made on the subject property, within a period of two weeks therefrom.

(iv)All the authorities shall provide necessary assistance to the Respondent No.1 to execute the order of the High Court in its letter and spirit.

(v)Appropriate criminal as well as departmental action shall be taken against the erring officials / persons concerned in line with the order of the High Court and a report shall be filed before this Court.

(vi)The amount deposited by the appellants in SLP (C)No. 36440 of 2014 be refunded to them, along with accrued interest.

23. With the aforesaid observations and directions, these appeals stand dismissed. There is no order as to costs. Pending application(s), if any, shall stand disposed of.

.....**J.**
[J.B. Pardiwala]

.....**J.**
[R. Mahadevan]

NEW DELHI
DECEMBER 17, 2024.

NOTE:

1) The Registrar (Judicial) is directed to circulate a copy of this Judgment to the Registrar General of all the High Courts, so as to enable the High Courts to refer it, while considering the disputes relating to unauthorised construction, deviation / violation of building permission, plan, *etc.*

2) The Registrar (Judicial) is also directed to circulate a copy of this Judgment to the Chief Secretaries of all the States / Union Territories. All the State / UT Governments shall issue circulars to all the local authorities / Corporations, intimating them about the directions issued by this Court and for strict compliance.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5606 OF 2010

LAL BAHADUR

APPELLANT (S)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

RESPONDENT (S)

WITH

C.A.NO.5607 OF 2010

WITH

CONMT.PET.(C)NO.494 OF 2013 IN C.A.NO.5607 OF 2010

O R D E R

1. The appeals have been preferred as against the judgment and order passed by the High Court of Allahabad, Bench at Lucknow, deciding two Writ Petitions by the common order dated 08.02.2006 questioning the change in master plan 2021 and land

acquisition proceedings.

2. The facts, in short, unfolds that the area in question was reserved for green belt in the master plan that was prepared in the year 1995. A fresh master plan was prepared and approved on 31.03.2005. The area was changed from green belt to residential one on the prayer being made by the Lucknow Development Authority. Surprisingly the act was done in tandem, the date on which the master plan was modified, the area in question was changed from green belt to the residential one. On the same day, a notification had been issued under Section 4(1) read with Section 17(1) of the Land Acquisition Act, 1894 (in short 'the Act'). A corrigendum was issued on 05.05.2005 and later on 24.10.2005 that shows the notification had been issued under Section 4(1), 17(1) of the Land Acquisition Act in utter haste. A declaration under Section 6 was issued on 24.10.2015.

3. The area to be acquired in the notification under Section 4 was 266.661 Hectares for the purpose of expansion of Gomti Nagar at Lucknow. Out of this,

C.A.NO.5606/2010

203.189 Hectares area belongs to individual landowners and rest of the area belonged to the Government. The declaration under Section 6 was confined to the area 203.189 Hectares. The total area reserved for the green belt in the master plan was 266.661 Hectares.

4. A Writ Petition was preferred in the month of June 2005. The High Court had passed an interim order of status quo with respect to the disputed property. The petitioner in the Writ Petition had prayed for the relief to issue a writ in the nature of certiorari for quashing of master plan especially challenging the legality and validity of a portion of the Master Plan of 2021 converting green belt area to residential. Adarsh Samuhik Sahkari Krishi Samiti Limited owned land in area 10.102 Hectares whereas Lal Bahadur owned 0.512 Hectares. The prayer was also made in the Writ Petition to quash the notification issued under Section 4(1) of the Land Acquisition Act invoking the urgency provision.

5. The Lucknow Development Authority had issued a Public Notice on 23.02.2005 inviting objections/suggestions to the Draft Master Plan by 04.03.2005. In the Draft Master Plan, the disputed land was shown for parks and open spaces/green belt. After considering the objections/suggestions, the Master Plan was finalised, which was later approved by the Government on 31.03.2005, and notified on 09.04.2005.

6. It was urged on behalf of the petitioners that the Master Plan of 2021 was in violation of the mandatory provisions of Section 11 of U.P. Urban Planning and Development Act, 1973 (in short "the Act of 1973"). The area could not have been changed from greenbelt/open spaces to the area reserved for development of residential colonies. The action was based on malice in law. It was unreasonable, arbitrary and tantamount to the colourable exercise of power, and it was contrary to reports of the expert's Committee. The action was in violation of Articles 21 and 48A of the Constitution of India. The authorities were guilty of acting contrary to the public interest

and duty to protect the environment that was their constitutional duty and tantamount to removing of oxygen filled lung spaces that are absolutely necessary for the healthy environment for the inhabitants of Lucknow. There is a paucity of such spaces, it would result in ecological imbalance and hazardous to the health. The notification under section 4 of the Act was bad in law; inquiry under Section 5A could not have been dispensed with.

7. The stand of the Lucknow Development Authority in the reply was that Writ was not maintainable. The Master Plan had been notified after following the due process of the Act of 1973. The objections were duly invited. Thereafter, the Master Plan had been finalised. The total 278 objections were received from the Public against the Draft Master Plan. The Lucknow Development Authority suggested that land in village Ujariyaon was required for the purpose of residential use that was accepted. It was also submitted that earlier the area had been acquired for Gomti Nagar in the year 1983 which had been developed and for its expansion some more area was necessary. As the

Government under Section 4 of the Act had issued such notification and due procedure of law had been followed for preparation of Master Plan duly considering the various aspects particularly the ever increasing population. Other facts were also denied.

8. The High Court by the impugned judgment and order had dismissed the Writ Petitions. It was held that the precaution has been taken to preserve the environment and safeguarding of forests and wildlife as required by Article 48-A of the Constitution of India. There was no violation of provisions of Articles 21 and 48-A of the Constitution of India. The provision for urgency had been rightly invoked. Aggrieved by the judgment and order passed by the High Court, the appeals have been preferred.

9. Shri Rakesh Dwivedi learned Senior Counsel appearing on behalf of the appellant has urged that the change in the Master Plan from green belt to residential one was illegal, unconstitutional and change was made to oblige the builders. The respondents have acted in tandem even before the final

publication of the Master Plan 2021 in the Gazette on 09-04-2005. The notification under Sections 4(1) read with Section 17(1) of the Land Acquisition Act, 1894 had been issued and on the same day, the Master Plan was finalised by the State Government. Though, Master Plan was notified on 09.04.2005 but issuance of notification under Section 4, 17(1) and 17(4) on 31-03-2005 clearly indicated that it was the colourable exercise of power to oblige some builder and there was some invisible hand acting illegally to usurp the land as well as to destroy the green belt. Learned counsel has submitted that inquiry under Section 5A of the Act could not have been dispensed with as it provides a safeguard in consonance with Article 300A. Learned senior counsel has referred to the decision of this Court in *Ram Dhari Jindal Memorial Trust V. Union of India*, (2012) 11 SCC 370. He has prayed for the quashing the notifications as well as the part of Master Plan 2021 changing green belt to residential one.

10. Learned AAG appearing on behalf of the State of U.P. and learned counsel appearing for the Lucknow

Development Authority have at the outset stated that the entire area of 266.661 Hectares has been converted to "Janeshwar Mishra Park" and that this Court had permitted vide order dated 14.07.2010. It is being used as the park it shall continue to be used as park without putting up any construction and it would not be converted to residential area in future. They have further stated that the area shall not be converted for any other purpose. Its use shall not be changed in future.

They have contended that as the appellant did not file any objections to the proposed Master Plan they were precluded from filing Writ applications in the High Court as need for expansion of Gomti Nagar urgency was felt and provisions of 17(1),17(4) of the Act had been invoked but ultimately the residential scheme has been dropped. Possession had been taken. A large number of incumbent had collected the compensation as per award that has been passed. Hence, no case for interference is made out in changed circumstances due to development of the park.

11. Firstly, we take up the issue regarding change of the area from green belt to a residential one. It is not in dispute that the area had been reserved for green belt in 1995 Master Plan. We find that it was absolutely unwarranted exercise of power on the part of the respondents to change the area from green belt to residential one in Master Plan 2021. Learned Senior Counsel is right that some invisible hand was behind the change that is why the respondents acted in tandem and the notification under section 4 of the Act had been issued on the same very day on which the Master Plan had been finalised by the State Government. Even before the master plan was notified in the Gazette 09-04-2005, under the Act of 1973, the notification had been issued under section 4 of the Act on 31.03.2005. We wholly agree with the submission of the learned counsel on behalf of the appellant that change of the area from green belt to residential was, in fact, in flagrant violation of the provisions contained in Articles 21 and 48A and also 51A (g) of the Constitution. Articles 48A and 51A(g) are extracted hereunder:

"48A. Protection and improvement of environment and safeguarding of forests and wild life.- The State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country.

51A(g). to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures."

12. Law is well settled in this regard. In *Bangalore Medical Trust v. B.S. Muddappa & Ors.* (1991) 4 SCC 54, this Court had considered the question whether area reserved for a public park can be converted for other purposes. The State Government by the subsequent order had allotted the area reserved for public parks to a Medical Trust, for the purposes of constructing a hospital. This Court has laid down the importance of open spaces and public parks in the said case and held that said spaces are a "gift from people to themselves". It observed that:

"23. The scheme is meant for the reasonable accomplishment of the statutory object which is to promote the orderly development of the City of Bangalore and adjoining areas and to preserve open spaces by reserving public parks and playgrounds with a view to protecting the residents from the ill-effects of urbanisation. It is meant for the development of the city in a way that maximum space is provided for the benefit of the public at large for recreation, enjoyment, 'ventilation' and fresh air. This is clear from the Act itself as it

originally stood. The amendments inserting Sections 16(1) (d), 38A and other provisions are clarificatory of this object. The very purpose of the BDA, as a statutory authority, is to promote the healthy growth and development of the City of Bangalore and the area adjacent thereto. The legislative intent has always been the promotion and enhancement of the quality of life by the preservation of the character and desirable aesthetic features of the city. The subsequent amendments are not a deviation from or alteration of the original legislative intent, but only an elucidation or affirmation of the same.

24. Protection of the environment, open spaces for recreation and fresh air, playgrounds for children, promenade for the residents, and other conveniences or amenities are matters of great public concern and of vital interest to be taken care of in a development scheme. It is that public interest which is sought to be promoted by the Act by establishing the BDA. The public interest in the reservation and preservation of open spaces for parks and playgrounds cannot be sacrificed by leasing or selling such sites to private persons for conversion to some other user. Any such act would be contrary to the legislative intent and inconsistent with the statutory requirements. Furthermore, it would be in direct conflict with the constitutional mandate to ensure that any State action is inspired by the basic values of individual freedom and dignity and addressed to the attainment of a quality of life which makes the guaranteed rights a reality for all the citizens.

25. Reservation of open spaces for parks and playgrounds is universally recognised as a legitimate exercise of statutory power rationally related to the protection of the residents of the locality from the ill effects of urbanisation.

26. In *Agins vs. City of Tiburon* [447 us 255 (1980)], the Supreme Court of the United States upheld a zoning ordinance which provided '... it is in the public interest to avoid unnecessary conversion of open space land to strictly urban uses, thereby protecting against the resultant

impacts, such as pollution, destruction of scenic beauty. Disturbance of the ecology and the environment, hazards related geology, fire and flood, and other demonstrated consequences of urban sprawl'. Upholding the ordinance, the Court said:

".... The State of California has determined that the development of local open-space plans will discourage the "premature and unnecessary conversion of open-space land to urban uses". The specific zoning regulations at issue are exercises of the city's police power to protect the residents of Tiburon from the ill-effects of urbanization. Such governmental purposes long have been recognized as legitimate.

The zoning ordinances benefit the appellants as well public by serving the city's interest in assuring careful and orderly development of residential property with provision for open-space areas.

36. Public park as a place reserved for beauty and recreation was developed in 19th and 20th Century and is associated with growth of the concept of equality and recognition of importance of common man. Earlier it was a prerogative of the aristocracy and the affluent either as a result of royal grant or as a place reserved for private pleasure. Free and healthy air in beautiful surroundings was privilege of few. But now it is a gift from people to themselves'. Its importance has multiplied with emphasis on environment and pollution. In modern planning and development, it occupies an important place in social ecology. A private nursing home, on the other hand, is essentially a commercial venture, a profit-oriented industry. Service may be its morn but earning is the objective. Its utility may not be undermined but a park is a necessity, not a mere amenity. A private nursing home cannot be a substitute for a public park. No town planner would prepare a blueprint without reserving space for it. Emphasis on open air and greenery has multiplied and the city or town planning or development acts of different States require even

private house-owners to leave open space in front and back for lawn and fresh air. In 1984 the BD Act itself provided for reservation of not less than fifteen percent of the total area of the layout in a development scheme for public parks and playgrounds the sale and disposition of which is prohibited under Section 38A of the Act. Absence of open space and public park, in present day when urbanisation is on increase, rural exodus is on large scale and congested areas are coming up rapidly, may given rise to health hazard. Maybe that it may be taken care of by a nursing home. But it is axiomatic that prevention is better than cure. What is lost by removal of a park cannot be gained by establishment of a nursing home? To say, therefore, that by conversion of a site reserved for low-lying into a private nursing home social welfare was being promoted was being oblivious of true character of the two and their utility."

(Emphasis supplied)

13. This Court had clearly laid down that such spaces could not be changed from green belt to residential or commercial one. It is not permissible to the State Government to change the parks and playgrounds contrary to legislative intent having constitutional mandate, as that would be an abuse of statutory powers vested in the authorities. No doubt, in the instant case, the legislative process had been undertaken. The Master Plan had been prepared under the Act of 1973. Ultimately, the respondents have realized the importance of such spaces. It was, therefore, their bounden duty not to change its very

purpose when they knew very well that this is a low-lying area and this area is otherwise thickly populated and provides an outlet for water to prevent flood like situation. In fact, the flood-like situation occurred in the area in question. This Court has permitted the protection by raising Bandh.

14. We have seen the photographs that are placed on record by the learned counsel for the respondents. It's a beautiful park that has come up inter alia in the area in question having lake and a large number of trees. Though park has been beautifully developed the very action of change of purpose was wholly uncalled for. The importance of park is of universal recognition. It was against public interest, protection of the environment and such spaces reduce the ill effects of urbanisation, it was not permissible to change this area into urban area as the garden/ Greenbelt is essential for fresh air, thereby protecting against the resultant impacts of urbanization, such as pollution etc. The provision of the Act of 1973 and other enactments relating to environment could not be permitted to become statutory

mockery by changing the purpose in the master plan from green belts to residential one. Authorities are enjoined with duty maintain them as such as per doctrine of public trust.

15. This Court has considered the preservation of such spaces in *Animal and Environment Legal Defence Fund v. Union of India & Ors.* (1997) 3 SCC 549. This Court has observed that duty is to preserve the ecology of the forest area and regulating of public trust based on the ancient theory of Roman Empire. Considering depletion of forest areas and to preserve fragile ecology urgent steps are required. This court observed:

"11. Therefore, while every attempt must be made to preserve the fragile ecology of the forest area, and protect the Tiger Reserve, the right of the tribals formerly living in the area to keep body and soul together must also receive proper consideration. Undoubtedly, every effort should be made to ensure that the tribals, when resettled, are in a position to earn their livelihood. In the present case it would have been far more desirable, had the tribals been provided with other suitable fishing areas outside the National Park or had been given land for cultivation. Totladoh dam where fishing is permitted is in the heart of the National Park area. There are other parts of the reservoir which extend to the borders of the National Park. We are not in a position to say whether these outlying parts of the reservoir are acces-

sible or whether they are suitable for fishing, in the absence of any material being placed before us by the State of Madhya Pradesh or by the petitioner. Some attempts, however, seem to have been made by the State of Madhya Pradesh to contain the damage by imposing conditions on these fishing permits. The permissions which have been given are subject to the following conditions:

(1) The identified families will be given photo identity cards on the basis of which only fishing and transport will be permitted;

(2) During the rainy season (months: July to October) fishing will be totally banned;

(3) During the rest of the year, entry will be permitted in the water from 12 p.m. to 4 p.m. and transport of fish will be allowed before sunset;

(4) The photo identity card-holders will not be allowed to enter the National Park or the islands in the reservoir nor will they be allowed to make night halts;

(5) Transport of fish will be allowed only on Totladoh-Thuepani Road from Totladoh reservoir.

15. Since all the claims in respect of the National Park area in the State of Madhya Pradesh as notified under Section 35(1) have been taken care of, it is necessary that a final notification under Section 35(4) is issued by the State Government as expeditiously as possible. In the case of *Pradeep Krishen v. Union of India* (1996) 8 SCC 599 this Court had pointed out that the total forest cover in our country is far less than the ideal minimum of 1/3rd of the total land. We cannot, therefore, afford any further shrinkage in the forest cover in our country. If one of the reasons for this shrinkage is the entry of villagers and tribals living in and around the sanctuaries and the National Park there can be no doubt that urgent steps must be taken to prevent any destruction or damage to the environment, the flora and fauna and wildlife in those areas. The State Government is, therefore, expected to act with a sense of urgency in matters enjoined by Article 48-A of the Constitution keeping in mind the duty enshrined in Article 51-A(g). We, therefore, di-

rect that the State Government of the State of Madhya Pradesh shall expeditiously issue the final notification under Section 35(4) of the Wild Life (Protection) Act, 1972 in respect of the area of the Pench National Park falling within the State of Madhya Pradesh."

16. In *M.C. Mehta v. Kamal Nath & Ors.* (1997) 1 SCC 388, this Court has observed that the idea of this theory was that the Government in trusteeship held certain common properties for smooth and unimpaired use of public such as land, water, and air. Air, sea, waters, forests, parks and open land have such a great importance to the people that it would be wholly unjustified to make them a subject of private ownership. this Court has held that the State Government has committed patent breach of doctrine of "public trust" by leasing the ecologically important area. Considering human dependency on the environment, Court cannot sit as a silent spectator and it has to ensure restoration of such areas. The Court observed:

"23. The notion that the public has a right to expect certain lands and natural areas to retain their natural characteristic is finding its way into the law of the land. The need to protect the environment and ecology has been summed up by David B. Hunter (University of Michigan) in an article titled *An ecological*

perspective on property : A call for judicial protection of the public's interest in environmentally critical resources published in Harvard Environmental Law Review, Vol. 12 1988, p. 311 is in the following words:

"Another major ecological tenet is that the world is finite. The earth can support only so many people and only so much human activity before limits are reached. This lesson was driven home by the oil crisis of the 1970s as well as by the pesticide scare of the 1960s. The current deterioration of the ozone layer is another vivid example of the complex, unpredictable and potentially catastrophic effects posed by our disregard of the environmental limits to economic growth. The absolute finiteness of the environment, when coupled with human dependency on the environment, leads to the unquestionable result that human activities will at some point be constrained.

'[H]uman activity finds in the natural world its external limits. In short, the environment imposes constraints on our freedom; these constraints are not the product of value choices but of the scientific imperative of the environment's limitations. Reliance on improving technology can delay temporarily, but not forever, the inevitable constraints. There is a limit to the capacity of the environment to service ... growth, both in providing raw materials and in assimilating by-product wastes due to consumption. The largesse of technology can only postpone or disguise the inevitable.'

Professor Barbara Ward has written of this ecological imperative in particularly vivid language:

'We can forget moral imperatives. But today the morals of respect and care and modesty come to us in a form we cannot evade. We cannot cheat on DNA. We cannot get round photosynthesis. We cannot say I am not going

to give a damn about phytoplankton. All these tiny mechanisms provide the preconditions of our planetary life. To say we do not care is to say in the most literal sense that "we choose death".'

There is a commonly-recognized link between laws and social values, but to ecologists a balance between laws and values is not alone sufficient to ensure a stable relationship between humans and their environment. Laws and values must also contend with the constraints imposed by the outside environment. Unfortunately, current legal doctrine rarely accounts for such constraints, and thus environmental stability is threatened.

Historically, we have changed the environment to fit our conceptions of property. We have fenced, plowed and paved. The environment has proven malleable and to a large extent still is. But there is a limit to this malleability, and certain types of ecologically important resources – for example, wetlands and riparian forests – can no longer be destroyed without enormous long-term effects on environmental and therefore social stability. To ecologists, the need for preserving sensitive resources does not reflect value choices but rather is the necessary result of objective observations of the laws of nature.

In sum, ecologists view the environmental sciences as providing us with certain laws of nature. These laws, just like our own laws, restrict our freedom of conduct and choice. Unlike our laws, the laws of nature cannot be changed by legislative fiat; they are imposed on us by the natural world. An understanding of the laws of nature must therefore inform all of our social institutions."

24. The ancient Roman Empire developed a legal theory known as the "Doctrine of the Public Trust". It was founded on the ideas that certain common properties such as rivers, seashore, forests and the air were held by Government in trusteeship for the free and unimpeded use of

the general public. Our contemporary concern about "the environment" bear a very close conceptual relationship to this legal doctrine. Under the Roman law these resources were either owned by no one (*res nullius*) or by every one in common (*res communis*). Under the English common law, however, the Sovereign could own these resources but the ownership was limited in nature, the Crown could not grant these properties to private owners if the effect was to interfere with the public interests in navigation or fishing. Resources that were suitable for these uses were deemed to be held in trust by the Crown for the benefit of the public. Joseph L. Sax, Professor of Law, University of Michigan – proponent of the Modern Public Trust Doctrine – in an erudite article "*Public Trust Doctrine in Natural Resource Law : Effective Judicial Intervention*", Michigan Law Review, Vol. 68, Part 1 p. 473, has given the historical background of the Public Trust Doctrine as under:

"The source of modern public trust law is found in a concept that received much attention in Roman and English law – the nature of property rights in rivers, the sea, and the seashore. That history has been given considerable attention in the legal literature, need not be repeated in detail here. But two points should be emphasized. First, certain interests, such as navigation and fishing, were sought to be preserved for the benefit of the public; accordingly, property used for those purposes was distinguished from general public property which the sovereign could routinely grant to private owners. Second, while it was understood that in certain common properties – such as the seashore, highways, and running water – 'perpetual use was dedicated to the public', it has never been clear whether the public had an enforceable right to prevent infringement of those interests. Although the State apparently did protect public uses, no evidence is available that public rights could be legally asserted against a recalcitrant government."

25. The Public Trust Doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. According to Professor Sax the Public Trust Doctrine imposes the following restrictions on governmental authority:

“Three types of restrictions on governmental authority are often thought to be imposed by the public trust: first, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; second, the property may not be sold, even for a fair cash equivalent; and third the property must be maintained for particular types of uses.”

34. Our legal system – based on English common law – includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.

35. We are fully aware that the issues presented in this case illustrate the classic struggle between those members of the public who would preserve our rivers, forests, parks and open lands in their pristine purity and those charged with administrative responsibilities who, under the pressures of the changing needs of an increasingly complex society, find it necessary to encroach to some extent upon open lands heretofore

considered inviolate to change. The resolution of this conflict in any given case is for the legislature and not the courts. If there is a law made by Parliament or the State Legislatures the courts can serve as an instrument of determining legislative intent in the exercise of its powers of judicial review under the Constitution. But in the absence of any legislation, the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership, or for commercial use. The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use unless the courts find it necessary, in good faith, for the public good and in public interest to encroach upon the said resources."

(Emphasis supplied)

17. In *Vellore Citizens Welfare Forum v. Union of India & Ors.* AIR 1996 SC 2715, this Court has observed that protection of environment is one of the legal duties. The concept of sustainable development has been emphasized. Balancing has to be made between ecology and development. While setting up the industries is essential for the economic development, measures should be taken to reduce the risk for community by taking all necessary steps for protection of environment. This court observed:

"10. The traditional concept that development and ecology are opposed to each other, is no longer acceptable. "Sustainable Development" is the answer. In the International sphere

"Sustainable Development" as a concept came to be known for the first time in the Stockholm Declaration of 1972. Thereafter, in 1987 the concept was given a definite shape by the World Commission on Environment and Development in its report called "Our Common Future". The Commission was chaired by the then Prime Minister of Norway Ms. G.N. Brundtland and as such the report is popularly known as "Brundtland Report". In 1991 the World Conservation Union, United Nations Environment Programme and World Wide Fund for Nature, jointly came out with a document called "Caring for the Earth" which is a strategy for sustainable living. Finally, came the Earth Summit held in June, 1992 at Rio which saw the largest gathering of world leaders ever in the history - deliberating and chalking out a blue print for the survival of the planet. Among the tangible achievements of the Rio Conference was the signing of two conventions, one on biological diversity and another on climate change. These conventions were signed by 153 nations. The delegates also approved by consensus three non binding documents namely, a Statement on Forestry Principles, a declaration of principles on environmental policy and development initiatives and Agenda 21, a programme of action into the next century in areas like poverty, population and pollution. During the two decades from Stockholm to Rio "Sustainable Development" has come to be accepted as a viable concept to eradicate poverty and improve the quality of human life while living within the carrying capacity of the supporting eco-systems. "Sustainable Development" as defined by the Brundtland Report means "development that meets the needs of the present without compromising the ability of the future generations to meet their won needs". We have no hesitation in holding that "Sustainable Development' as a balancing concept between ecology and development has been accepted as a part of the Customary International Law though its salient features have yet to be finalised by the International Law jurists.

15. The Constitutional and statutory provisions protect a persons right to fresh air, clean water and pollution free environment, but the source of the right is the inalienable common law right of clean environment. It would be useful to quote a paragraph from Blackstone's commentaries on the Laws of England (Commentaries on the Laws of England of Sir William Blackstone) Vol. III, fourth edition published in 1876. Chapter XIII, "Of Nuisance" depicts the law on the subject in the following words :

Also, if a person keeps his hogs, or other noisome animals, 'or allows filth to accumulate on his premises, so near the house of another, that the stench incommodes him and makes the air unwholesome, this is an injurious nuisance, as it tends to deprive him of the use and benefit of this house. A like injury is, if one's neighbour sets up and exercises any offensive trade; as a tanner's, a tallow-chandler's or the like; for though these are lawful and necessary trades, yet they should be exercised in remote places; for the rule is, sic utere "tuo, ut alienum non laedas;" this therefore is an actionable nuisance. 'And on a similar principle a constant ringing of bells in one's immediate neighbourhood may be a nuisance;.... With regard to other corporeal heriditaments; it is a nuisance to stop or divert water that used to run to another's meadow or mill; to corrupt or poison a water-course, by erecting a dye-house or a lime-pit, for the use of trade, in the upper part of the stream; 'to pollute a pond, from which another is entitled to water his cattle; to obstruct a drain; or in short to do any act in common property, that in its consequences must necessarily tend to the prejudice of one's neighbour. So closely does the law of England enforce that excellent rule of gospel-morality, of "doing to others, as we would they should do upto ourselves."

18. In *M.C. Mehta v. Union of India* (1987) Supp. SCC 131, this Court had issued certain directions appointing Commissioner regarding hazardous chemicals, relying on Article 21 and considering that life, public health, and property cannot be lost sight.

19. This Court in *Subhash Kumar v. State of Bihar & Ors.* (1991) 1 SCC 598 has held that right to pollution-free air falls within Article 21 it observed:

"7. Article 32 is designed for the enforcement of Fundamental Rights of a citizen by the Apex Court. It provides for an extraordinary procedure to safeguard the Fundamental Rights of a citizen. Right to live is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution-free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Article 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life. A petition under Article 32 for the prevention of pollution is maintainable at the instance of affected persons or even by a group of social workers or journalists. But recourse to proceeding under Article 32 of the Constitution should be taken by a person genuinely interested in the protection of society on behalf of the community. Public interest litigation cannot be invoked by a person or body of persons to satisfy his or its personal grudge and enmity. If such petitions under Article 32, are entertained it would amount to abuse of process of the court, preventing speedy remedy to other genuine peti-

tioners from this Court. Personal interest cannot be enforced through the process of this Court under Article 32 of the Constitution in the garb of a public interest litigation. Public interest litigation contemplates legal proceeding for vindication or enforcement of fundamental rights of a group of persons or community which are not able to enforce their fundamental rights on account of their incapacity, poverty or ignorance of law. A person invoking the jurisdiction of this Court under Article 32 must approach this Court for the vindication of the fundamental rights of affected persons and not for the purpose of vindication of his personal grudge or enmity. It is duty of this Court to discourage such petitions and to ensure that the course of justice is not obstructed or polluted by unscrupulous litigants by invoking the extraordinary jurisdiction of this Court for personal matters under the garb of the public interest litigation, see *Bandhua Mukti Morcha v. Union of India* (1984) 2 SCR 67; *Sachindanand Pandey v. State of W.B.* (1987) 2 SCC 295; *Ramsharan Autyanuprasi v. Union of India* (1989) Supp SCC 251 and *Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P.* (1990) 4 SCC 449."

(Emphasis supplied)

20. In *M.C. Mehta v. Kamal Nath* (2000) 6 SCC 213, it was held that any disturbance to the basic environment, air or water, and soil which are necessary for life, would be hazardous to life within the meaning of Article 21 of the Constitution. In such cases "polluter pay principle" can also be invoked to restore the environment and to control it. It held:

"8. Apart from the above statutes and the rules made thereunder, Article 48-A of the Constitution provides that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. One of the fundamental duties of every citizen as set out in Article 51-A(g) is to protect and improve the natural environment, including forests, lakes, rivers and wildlife and to have compassion for living creatures. These two articles have to be considered in the light of Article 21 of the Constitution which provides that no person shall be deprived of his life and liberty except in accordance with the procedure established by law. Any disturbance of the basic environment elements, namely air, water and soil, which are necessary for "life", would be hazardous to "life" within the meaning of Article 21 of the Constitution.

9. In the matter of enforcement of rights under Article 21 of the Constitution, this Court, besides enforcing the provisions of the Acts referred to above, has also given effect to fundamental rights under Articles 14 and 21 of the Constitution and has held that if those rights are violated by disturbing the environment, it can award damages not only for the restoration of the ecological balance, but also for the victims who have suffered due to that disturbance. In order to protect "life", in order to protect "environment" and in order to protect "air, water and soil" from pollution, this Court, through its various judgments has given effect to the rights available, to the citizens and persons alike, under Article 21 of the Constitution. The judgment for removal of hazardous and obnoxious industries from the residential areas, the directions for closure of certain hazardous industries, the directions for closure of slaughterhouse and its relocation, the various directions issued for the protection of the Ridge area in Delhi, the directions for setting up effluent treatment plants to the industries located in Delhi, the directions to tanneries etc., are all judgments which seek to protect the environment.

10. In the matter of enforcement of fundamental rights under Article 21, under public law domain, the Court, in exercise of its powers under Article 32 of the Constitution, has awarded damages against those who have been responsible for disturbing the ecological balance either by running the industries or any other activity which has the effect of causing pollution in the environment. The Court while awarding damages also enforces the "POLLUTER-PAYS PRINCIPLE" which is widely accepted as a means of paying for the cost of pollution and control. To put in other words, the wrongdoer, the polluter, is under an obligation to make good the damage caused to the environment."

21. In *M.C. Mehta v. Union of India & Ors.* (1997) 3 SCC 715, it was held to be duty of the State to anticipate, prevent and attack the causes of environmental degradation. Considering the Articles 21 and 48-A and also the fundamental duty it has been observed by the concerned officials, it was incumbent upon them to protect such spaces. Residential use of such area would have been contrary to the public interest as such not tolerable. The court held:

"9. This Court in *Rural Litigation and Entitlement Kendra v. State of U.P.* 1986 Supp SCC 517(*sic*) held as under:

"The consequence of this order made by us would be that the lessee of limestone quarries would be thrown out of business. This would undoubtedly cause hardship to them, but it is a price that has to be paid for

protecting and safeguarding the right of the people to live in a healthy environment with minimal disturbance of ecological balance and without avoidable hazard to them, to their cattle, homes and agriculture and undue affectation of air, water and environment."

22. In our opinion, the submission raised by the learned counsel for the appellant is meritorious that the area should be preserved for green belt as done at present and the provisions made in the master plan 2021 for its conversion into residential area has to be quashed. Unhesitatingly, we agree with the same.

23. As we have held that exercise of conversion was not legal one that will have some impact on the validity of the notification under Section 4 and dispensation of enquiry to be held under Section 5A but in the instant case we find that since the first prayer of the appellant had been allowed, the area has been ultimately reserved and utilized for the purpose of green belt only and as permitted by this Court park had been developed and it shall be maintained as such. We need not go into further into question of dispensation of inquiry whether it was rightly dispensed with. In view of subsequent development and

relief granted to appellants we decline to intervene.

24. Since we have seen the photographs the park has been developed under interim order of this court including bund. After acquisition possession had been taken, award had been passed and most of the owners have collected the compensation, the petitioners may also collect compensation in case they have not received so far but non-collection so far due to pendency of matter would not affect validity of acquisition and development that has been made. We are not inclined to disturb the decision of the High Court with respect to the acquisition. We hold that land has absolutely vested in State. We order, as assured also in future the purpose shall never be changed in any other manner whatsoever. We hereby quash the Master Plan 2021 changing use of area in question from green belt to residential one. It shall be held in trusteeship only for the purpose of park in future.

25. Resultantly, in view of aforesaid discussion, the appeals are partly allowed order of high court is set-aside to the aforesaid extent. Acquisition is upheld but for different reasons. We require the

C.A.NO.5606/2010

respondents to make payment of costs of the appeals to the appellants which we quantify at Rs. 5,00,000/-to be paid in each appeal to be borne by state and Lucknow Development Authority equally within a period of three months and compliance thereof be reported to this Court.

26. In view of the interim order passed by this Court, we do not find any ground to proceed further with contempt petition. Accordingly, the Contempt Petition (C) No.494 OF 2013 is dismissed. Notice issued is discharged.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;
SEPTEMBER 14, 2017.

C.A.NO.5606/2010

ITEM NO.101

COURT NO.10

SECTION III-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5606/2010

LAL BAHADUR

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

WITH

C.A. No. 5607/2010 (III-A)

WITH

CONMT.PET. (C) No. 494/2013 In C.A. No. 5607/2010 (III-A)

Date : 14-09-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. Kavin Gulati, Sr. Adv.
Mr. Aniruddha P. Mayee, AOR
Mr. Avnish Oza, Adv.
Ms. Apoorwa Garg, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.
Mr. P. V. Yogeswaran, AOR
Mr. A.P. Mayee, Adv.
Mr. Avnish Oza, Adv.

For Respondent(s) Mr. Gunnam Venkateswara Rao, AOR

Mr. Vivek Singh, Adv.
Mr. Amit Anand Tiwari, AOR

Mr. Abhishth Kumar, AOR

Mr. Vikrant Yadav, Adv.
Mr. Gaurav Dhingra, Adv.
Mr. M. C. Dhingra, AOR

Mr. D.K. Singh, AAG
Mr. Ardhendumaulu Kumar Prasad, Adv.
Ms. Komal Mundhra, Adv.
Mr. Saurabh Agrawal, Adv.

C.A.NO.5606/2010

UPON hearing the counsel the Court made the following
O R D E R

C.A.No.5606/2010 and 5607/2010

The appeals are partly allowed in terms of the signed reportable order.

CONMT.PET.(C) No. 494/2013 In C.A. No. 5607/2010

In view of the interim order passed by this Court, we do not find any ground to proceed further with contempt petition. Accordingly, the Contempt Petition (C) No.494 OF 2013 is dismissed. Notice issued is discharged.

(SAPNA BISHT)
SENIOR PERSONAL ASSISTANT

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(Signed reportable order is placed on the file)

सेवा में,

दिनांक 2020

1. श्रीमान् मुख्यमंत्री महोदय, उत्तर प्रदेश सरकार।
द्वारा श्रीमान् मंडलाध्यक्ष महोदय, झांसी मण्डल, झांसी।
2. श्रीमान् मुख्य सचिव, उत्तर प्रदेश शासन।
3. श्रीमान् प्रमुख सचिव, आवास एवं शहरी नियोजन विभाग उ. प्र. शासन।

विषय - झांसी महायोजना के अंतर्गत झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरक्षित किए गए नगर पार्क की भूमि पर नगर पार्क विकसित करने के बजाय कराया जा रहे अवैध निर्माणों के संबंध में।

महोदय,

सादर निवेदन है कि झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से झांसी महायोजना के अंतर्गत ऐतिहासिक लक्ष्मीताल के निकट आरक्षित किए गए नगर पार्क की भूमि पर झांसी प्रशासन व झांसी विकास प्राधिकरण के अधिकारियों द्वारा नगर पार्क विकसित कराने के बजाय भू माफियाओं को लाभ पहुंचाने के उद्देश्य से उक्त नगर पार्क की भूमि पर अतिक्रमण / अवैध निर्माण करवाकर समस्त झांसी नगरवासियों को स्वस्थ वातावरण पाने के मौलिक अधिकार से वंचित किया जा रहा है जिसकी ओर हम समस्त झांसी नगरवासी आपका ध्यान आकर्षित कराना चाहते हैं।

श्रीमान् जी से निवेदन है कि उत्तर प्रदेश शासन द्वारा पूर्व स्वीकृत झांसी महायोजना 2001 एवं वर्तमान झांसी महायोजना 2021 के अंतर्गत झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से 84 एकड़ के ऐतिहासिक लक्ष्मीताल के निकट स्थित राजकीय उद्यान नारायण बाग को शामिल करके नारायण बाग से लगी हुई भूमि पर लगभग 460 एकड़ क्षेत्र को नगर पार्क के लिए आरक्षित किया गया है, झांसी महायोजना 2021 की पुस्तक के पृष्ठ संख्या 7 पर स्पष्ट उल्लेख किया गया कि उक्त नगर पार्क की भूमि को पर्यावरण एवं पर्यटन की दृष्टि से सुरक्षित करना अत्यन्त आवश्यक है। झांसी महायोजना में आरक्षित उक्त नगर पार्क की भूमि पर सरकारी विभागों के संबंधित अधिकारियों की मिलीभगत से भू माफियाओं द्वारा अतिक्रमण / अवैध निर्माण किया जा रहा है, जिसके संबंध में कई शिकायतें की गईं इसके बावजूद झांसी प्रशासन व झांसी विकास प्राधिकरण और झांसी नगर निगम के अधिकारियों द्वारा न तो उक्त अतिक्रमणों / अवैध निर्माणों के विरुद्ध रोकने व हटाने की कार्यवाही की जा रही है और न ही उक्त नगर पार्क को विकसित किया जा रहा है। जब की झांसी प्रशासन व झांसी विकास प्राधिकरण और झांसी नगर निगम के अधिकारी जानबूझकर अपने पदीय कर्तव्यों का निर्वहन कर उक्त अतिक्रमणों / अवैध निर्माणों के विरुद्ध कार्यवाही करने के बजाय भू माफियाओं को लाभ पहुंचाने के उद्देश्य से उक्त नगर पार्क की भूमि पर अतिक्रमण / अवैध निर्माण कर बसाई जा रही अवैध कॉलोनी में अवैध रूप से बिजली, पानी, रोड़ आदि का विकास कार्य कराकर झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरक्षित किए गए नगर पार्क की महत्वपूर्ण झांसी महायोजना को प्रभावित कर झांसी के पर्यावरण को प्रदूषित युक्त करने का षड्यंत्र कर रहे हैं।

....2

B. L. Bhasin
Advocate
Reg. No. 216/06

झांसी जिलाधिकारी और मुख्य विकास अधिकारी, भू माफियाओं को लाभ पहुंचाने के और महायोजना में अंकित पार्क, खुले क्षेत्र, हरित पट्टी भू उपयोग की भूमियों में अवैध निर्माण व अवैध कॉलोनियों को बढ़ावा देने के उद्देश्य से जानबूझकर संबंधित विभागों के माध्यम से शासकीय योजनाओं के तहत पर्यावरण नियम कानून और नीतियों का उल्लंघन कर एवं सरकारी धन का दुरुपयोग कर अवैध रूप से झांसी महायोजना के तहत नगर पार्क में आरक्षित नारायण बाग से लगी हुई भूमि में बसाई जा रही अवैध कॉलोनी में नाली, सड़क व बिजली और पानी की सप्लाई के लिए विकास कार्य कराकर झांसी शहर के पर्यावरण को और झांसी महायोजना को प्रभावित कर रहे हैं। इस सम्बंध में अधिकारियों के समक्ष शिकायत पत्र भी प्रेषित किए गए हैं।

महायोजना और विनियमित क्षेत्रों में प्रस्तावित पार्क, खुले क्षेत्र, हरित पट्टी की भू उपयोग की भूमियों पर किये जा रहे एवं किये गए अतिक्रमणों / अवैध निर्माणों की रोकथाम और हटाने हेतु प्रभावी कार्यवाही के सम्बन्ध में मा० उच्चतम न्यायालय एवं मा० उच्च न्यायालय और मा० नेशनल ग्रीन ट्रिब्यूनल में दायर किये गए वार्दों में मा. न्यायालय द्वारा पारित आदेशों का क्रियान्वयन व अनुपालन कराये जाने के सम्बन्ध में उ. प्र. शासन की ओर से दिशा-निर्देश दिये गए एवं कई महत्वपूर्ण / नीतिगत शासनादेश जारी किये गए हैं, इसके बावजूद झांसी प्रशासन व झांसी विकास प्राधिकरण द्वारा उक्त नगर पार्क की भूमि पर किये गए व किये जा रहे अतिक्रमणों / अवैध निर्माणों को न तो रोका जा रहा है और न ही हटाने कार्यवाही की जा रही है।

झांसी महायोजना के अंतर्गत नगर पार्क में आरक्षित नारायण बाग से लगी हुई उक्त भूमि में अवैध रूप से प्लाटिंग कर किए जा रहे अवैध निर्माणों का कारण पार्क, खुले स्थानों को उ. प्र. पार्क, प्लेग्राउण्ड और खुले स्थान (संरक्षण और विनियम) अधिनियम 1975 के अन्तर्गत अधिसूचित न करना व अवैध निर्माणों के विरुद्ध उत्तर प्रदेश नगर नियोजन एवं विकास अधिनियम, 1973 के अधीन प्रभावी कार्यवाही नहीं करना एवं नगर पार्क विकसित नहीं करना है। एक मामले में मा. उच्च न्यायालय में योजित जनहित याचिका संख्या-1495/2008 विवेक कुमार मिश्र बनाम उत्तर प्रदेश राज्य व अन्य में दिनांक 22 अक्टूबर 2010 को पारित आदेश को उत्तर प्रदेश शासन द्वारा प्रमुख सचिव, नगर विकास को अधिनियम की धारा 3 का अनुपालन कराने के सम्बन्ध में निर्देशित किया गया था। इसी आदेश का पूरे प्रदेश में क्रियान्वयन कराने हेतु शासनादेश संख्या-259रिट/नौ-7-11-14/7रिट/2010 नगर विकास अनुभाग-7 दिनांक 23 जून 2011 को उ. प्र. पार्क, प्लेग्राउण्ड और खुली जगह के विनियम और नियन्त्रण के सम्बन्ध में शासनादेश जारी किया था। परन्तु इस शासनादेश के अनुसार आज तक कोई कार्यवाही नहीं की गई। ऐसे ही एक और मामले में जनहित याचिका संख्या-42463/2015 कुमारी जोया जुनैद बनाम उ. प्र. राज्य व अन्य में पारित आदेश दिनांक 31 जुलाई 2015 को पार्क, प्लेग्राउण्ड एवं खुली जगहों की सूची तैयार कर उपलब्ध कराने के निर्देश दिये गये थे। जिसके सम्बन्ध में निदेशक स्थानिय निकाय, उ. प्र. लखनऊ ने पत्र संख्या-3/246-2170/144-रिट/2015 दिनांक 21 मई 2016 के द्वारा उ. प्र. पार्क, खेल के मैदान और खुली जगह (विनियम और नियन्त्रण) अधिनियम 1975 एवं नियमावली 2005 के क्रम में निर्धारित प्रारूप पर सूची मांगी गई थी, परन्तु कोई वास्तविक कार्यवाही नहीं

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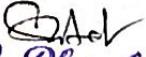
B. L. Bhaskar
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हई। ऐसे ही एक मामले मा. राष्ट्रीय हरित न्यायाधिकरण, नई दिल्ली में योजित वाद संख्या - 380/2018 पार्क एवेन्यू प्लॉट होल्डर्स वेलफेयर सोसायटी बनाम भारत संघ समेत अन्य में दिनांक 19 दिसंबर 2018 को पारित आदेश के अनुपालन में शासनादेश संख्या-डब्लू-09/08-3-19-206 विविध/2018 टी.सी. आवास एवं शहरी नियोजन अनुभाग-3 दिनांक 16 जनवरी 2019 को प्रदेश के समस्त विकास प्राधिकरणों, आवास एवं विकास परिषद तथा विनियमित क्षेत्रों को अपने अपने अभिकरणों में प्रभावी महायोजना में अंकित पार्क, खुले क्षेत्र, हरित पट्टी भू उपयोग के अनुसार भूमि का राजस्व अभिलेखानुसार विवरण गाटा संख्या खसरा संख्या, आंराजी संख्या जिले के जिलाधिकारी / स्टाम्प एवं निबंधन विभाग को अविलम्ब उपलब्ध कराए जाने तथा तैयार की गई सूची को जन जागरूकता की दृष्टि से समाचार पत्रों में प्रकाशन तथा जहां जहां पार्क व हरित पट्टी की भूमि स्थित हो पर होडिंग बोर्ड लगाया जाय तथा समस्त अभिकरणों द्वारा अपनी अपनी बेवसाइट पर भी अपलोड कराय जाने के निर्देश जारी किए गए थे, एवं प्रदेश के समस्त विकास प्राधिकरणों के क्षेत्रान्तर्गत महायोजना में निर्धारित ग्रीन बेल्ट व पार्क भू उपयोग के विरुद्ध हो रहे अवैध निर्माण कार्यों को रोकने हेतु तत्काल सर्वे कराकर उनके विरुद्ध नियमानुसार कार्यवाही किए जाने के आदेश जारी किए गए थे। परन्तु झांसी प्रशासन और झांसी विकास प्राधिकरण की ओर से आज तक शासन के दिशा-निर्देश का और शासनादेशों का अनुपालन तथा क्रियान्वयन नहीं किया गया है और न ही कोई कार्यवाही की गई है। इस सम्बंध में अधिकारियों के समक्ष शिकायत पत्र भी प्रेषित किए गए हैं।

झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य लक्ष्मीताल के निकट झांसी महायोजना 2021 के अंतर्गत नगर पार्क के लिए आरक्षित की गई भूमि पर पार्क विकसित नहीं करने एवं उ. प्र. पार्क, खेल के मैदान और खेल के स्थान (संरक्षण और विनियम) अधिनियम 1975 के अन्तर्गत अधिसूचित न करने व नगर पार्क में आरक्षित उक्त भूमि पर बोर्ड न लगाने के कारण और झांसी प्रशासन व झांसी विकास प्राधिकरण के अधिकारियों की भू माफियाओं से मिलीभगत होने के कारण ही नगर पार्क में आरक्षित उक्त भूमि पर अवैध निर्माण करके एवं कराके झांसी महायोजना 2021 के विरुद्ध शहर के स्वरूप को विरुप करके पर्यावरण को विकृत किया जा रहा है।

श्रीमान जी यहां यह उल्लेखनीय है कि झांसी शहर के बच्चों के मानसिक विकास एवं बूज्गों के स्वास्थ्य को बरकरार रखने और शहर में बढ़ रहे प्रदूषण को नियंत्रित करने के लिए लक्ष्मीताल के निकट नगर पार्क में आरक्षित की गई भूमि में पार्क विकसित किया जाना अति आवश्यक है। यदि लक्ष्मीताल के निकट नगर पार्क में आरक्षित की गई भूमि में किए जा रहे अवैध निर्माणों को हटाकर नगर पार्क विकसित नहीं किया गया तो निश्चित ही नगर पार्क में आरक्षित की गई भूमि में अवैध प्लॉटिंग व अवैध निर्माण करने वाले व्यक्तियों के होसले बड़ते जायगें और सरकार द्वारा झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से झांसी महायोजना 2021 के अंतर्गत आरक्षित किए गए उक्त नगर पार्क का उद्देश्य विफल हो जायेगा जिसके कारण झांसी का वातावरण प्रदूषित होता जायेगा और झांसी शहर के बच्चों के

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मानसिक विकास एवं बजुर्गों के स्वास्थ्य को बरकरार रखने का और शहर में बढ़ रहे प्रदूषण को नियंत्रित करने का संभव कार्य भी असंभव हो जायेगा।

यहां यह भी उल्लेखनीय है कि स्वच्छ वातावरण में जीवन यापन हर नागरिक का मौलिक अधिकार है और स्वस्थ वातावरण में जीवन जीने का यह अधिकार संविधान में प्रदत्त है तथा सरकार एवं सरकारी एजेंसियों का यह संवैधानिक कर्तव्य है कि वे नागरिकों को स्वस्थ वातावरण उपलब्ध कराएँ एवं पर्यावरणीय प्रदूषण होने के कारणों की पूर्व कल्पना करें और उनसे पर्यावरण की सुरक्षा करें।

अतः श्रीमान जी से निवेदन / प्रार्थना है कि शासन स्तर के उच्चाधिकारियों की एक जांच टीम गठित कर झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य लक्ष्मीताल के निकट झांसी महायोजना 2021 के अन्तर्गत नगर पार्क के लिए आरक्षित की गई भूमि पर किए गए एवं किए जा रहे अवैध निर्माणों को हटवाकर जनता के लिए सुन्दर नगर पार्क विकसित करवाएं एवं अवैध निर्माणों के विरुद्ध कार्यवाही नहीं करने वाले और अवैध निर्माण करवाने में संलिप्त अधिकारियों कर्मचारियों के विरुद्ध आवश्यक कार्यवाही करें तथा कृत कार्यवाही से प्रार्थीगणों को भी अवगत कराने की कृपा करें।

दिनांक 2020

प्रतिलिपि - निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु

- 1 श्रीमान मंडलायुक्त / अध्यक्ष, झांसी विकास प्राधिकरण झांसी।
- 2 श्रीमान जिलाधिकारी झांसी उत्तर प्रदेश।
- 3 श्रीमान उपाध्यक्ष, झांसी विकास प्राधिकरण झांसी।
- 4 श्रीमान नगर आयुक्त, झांसी नगर निगम झांसी।
- 5 श्रीमान क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, झांसी।

प्रार्थीगण / शिकायतकर्तागण

क्र.स.	नाम	हस्ताक्षर
1	श्रीमान मंडलायुक्त / अध्यक्ष, झांसी विकास प्राधिकरण झांसी।	
2	श्रीमान जिलाधिकारी झांसी उत्तर प्रदेश। क्र. 9807130415	
3	श्रीमान उपाध्यक्ष, झांसी विकास प्राधिकरण झांसी।	
4	श्रीमान नगर आयुक्त, झांसी नगर निगम झांसी। श्रीमान क्षेत्रीय अधिकारी, उ.प्र. प्रदूषण नियंत्रण बोर्ड, झांसी। क्र. 9807130415	

निवासी - समस्त झांसी नगरवासी जिला झांसी उ.प्र. 284001

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झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरक्षित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

प्रार्थीगण / शिकायतकर्तागण

दिनांक 23 अक्टूबर 2020

क्र.सं.	नाम	हस्ताक्षर
5	सरमता कुमारी	JLMA
6	रमेश च-6	रमेश च-6
7	Manoj Bhargava	Manoj
8	Intizar Mehad	Intizar
9	Hemant Kumar Jaiswal	Hemant
10	Harish chandra	Harish
11	राजेश कुमार गुप्ता 715	राजेश
12	बी.बी. सिद्धी	बी.बी. सिद्धी
13	सुनीता कोरवी 2052	Sunita Korvi
14	सुनील कुमार उदेल 225	Sunil Kumar
15	शिवकुमार शर्मा	Shiv Kumar
16	सुनील कुमार 230	Sunil Kumar
17	राजेश कुमार 250	Rajesh Kumar
18	शिवमंगल सिंह	Shivmangal
19	Kapil Chaturvedi	Kapil
20	सोनी कुमार चौधरी	Soni
21	Syed Huzefa Ali	Syed
22	Pradeep vyas (Aar)	Pradeep
23	Mansy Kumar Singh	Mansy
24	akash singh	Ash

निवासी - समस्त झांसी नगरवासी जिला झांसी उ.प. 284001

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झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरम्भित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

प्रार्थीगण / शिकायतकर्तागण

दिनांक 23 अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
25	अमित कुमार शर्मा	
26	R. S. Agrawal	
27	M. L. Shrivastava	
28	Niteh soni	
29	विष्णु शर्मा	
✓ 30	पवन कुमार शर्मा	
✓ 31	सुधीर कुमार शर्मा	
✓ 32	भगवत शर्मा	
✓ 33	May Mishra	
34	Chandrabendra	
✓ 35	Hjay Shrivastava	
36	M. Prasad	
37	सुरेश कुमार शर्मा	
38	उमेश कुमार शर्मा	
✓ 39	प्रमोद कुमार शर्मा	
✓ 40	Lokenath Sharma लोकेन्द्र शर्मा 250	
✓ 41	बाबू शर्मा	
42	कैलाश कुमार शर्मा	
43	अमर शर्मा	
✓ 44	मंगेश शर्मा	

निवासी - समस्त झांसी नगरवासी जिला झांसी उ.प्र. 284001

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Advocate
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झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरक्षित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

प्रार्थीगण / शिकायतकर्तागण

दिनांक 23 अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
44	अशोक शिखर	
45	Y. K. M. D. G. L. (R. K. M. D. G. L.)	
46	K. C. Verma	
47	सुभाष	
48	श्यामसिंह	
49	गणेश कुमार बिपारी 25 250	
50	रमेश चन्द यादव 250	
51	Chander	
52	राम कुमार सिंह 250	
53	अशोक कुमार सिंह	
54	पवन कुमार	
55	अरविन्द कुमार	
56	Dheeraj Patel	
57	ओम प्रकाश	
58	निखिल कुमार	
59	BABULAL KUSHWAHA	
60	अमर चन्द	
61	Pranod Kumar	
62	Ram kumar	
63	श्यामसिंह	

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झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरम्भित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

प्रार्थीगण / शिकायतकर्तागण

दिनांक 23 अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
64	रशीद फुरशी	Rashid
65	नदीम	
66	Dev	Dev
67	एसम	कुरशी
68	Srujika	Srujika
69	Abhishek Sharma	
70	Anish Sharma	
71	अनिम शर्मा	Anim
72	नन्दकिशोर राव	nand
73	दशरथ साहू	दशरथ
74	दिनेश कुमार	Dinesh
75	अंकित पाल	Amit
76	सुरेश कुमार	सुरेश
77	रवि वर्मा	रवि
78	Rakesh Kushwaha	Rae
79	Mohit Keshyap	Mohit Keshyap
80	अशोक कुमार	
81	Rohit	Rohit
82	राहुल कुमार	
83	Jyoti Thakur	Jyoti Thakur

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झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरक्षित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

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दिनांक 23 अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
84	MOHIT MISHRA 8853974734	Mohit Mishra
85	Prince sen 6386153499	Prince
86	Harsh Keshwani 7054222202	Harsh
87	GIRJASHANIKAR BAI 9935816550	Girjashanikar
88	Shivam 8400340597	शिवम
89	manish kumar 8874089441	manish kumar
90	Md. Waqar	Waqar
91	Azhar	Azhar
92	Rahul Singh	Rahul
93	रवि	रवि
94	Shoob	Shoob
95	Kalam	कलाम
96	Zaki	Zaki
97	रोहित	रोहित
98	Ravi	रवी
99	मनीष राय	मनीष
100	मनीष	मनीष
101	रवि 9026264435	रवि
102	Sandeep	संदीप
103	उदित	उदित

निवासी - समस्त झांसी नगरवासी जिला झांसी उ.प्र. 284001

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झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आसूचित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

प्रार्थीगण / शिकायतकर्तागण

दिनांक 23 अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
104	विट्ठल राम	विट्ठल
105	महेन्द्र कठुआ	महेन्द्र
106	ANKUSH KUSHWAHA	ANKUSH
107	Sumit Kumar	Sumit
108	अमन कुमार	अमन
109	वैशाली कुमारी	वैशाली
110	Rajkumar sharma	Raj
111	विनायक सोनी	विनायक
112	ARVIND KUMAR	ARVIND
113	Rahul Ahirwar	Rahul
114	बाबू राम	बाबू राम
115	vishal	V
116	Shekhar	Shekhar
117	जोषी	जोषी
118	जोषी	जोषी
119	अली	Ali
120	दीपक	दीपक
121	शिवम झा	शिवम झा
122	मनीष	मनीष
123	Samir	Samir

निवासी - समस्त झांसी नगरवासी जिला झांसी उ.प्र. 284001

B. L. Bhaskar
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झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आवेक्षित किए गए नगर पार्क के संरक्ष में शिकायत / प्रार्थना पत्र

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दिनांक

अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
124	Vinay Singh Yadav	Vinay
125	Ashish Sahu	Ashish
126	Shivam Sahu	
127	Ankur Mishra	Ankur Mishra
128	Dekendra Kumar	
129	उमेश सहिखार	Umesh
130	Neha	Neha
31	जयश्री शर्मा	जयश्री शर्मा
132	विजय यादव	विजय यादव
133	जयश्री शर्मा	जयश्री शर्मा
134	Om Yadav	Om Yadav
135	Raj Purohit	Raj Purohit
136	Dshika Mansoori	Dshika
137	Anjali Khare	Anjali Khare
138	Rajneesh Kumar	Rajneesh
139	Razhal Puri	Razhal
140	Tejal Vishwakarma	Tejal
141	KRISHNA yadav	
142	Priyanshu Yadav	Priyanshu
143	Ashinav Sharma	Ashinav

निवासी - समस्त झांसी नगरवासी जिला झांसी उ.प्र. 281001

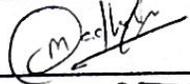
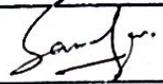
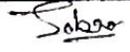
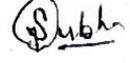
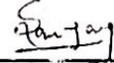
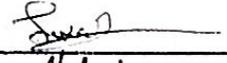
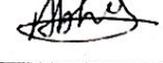
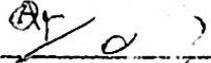
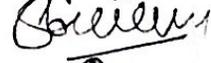
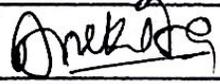
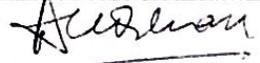
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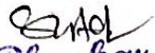
झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरक्षित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

प्रार्थीगण / शिकायतकर्तागण

दिनांक अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
144	Maalika Yadav	
145	राहुल मौरा	राहुल
146	Sanjay Singh	
147	राजीव वर्मा	Rajeev
148	रामनरेश यादव	रामनरेश
149	नरिण्ड खान	
150	रिहसिद	
151	Sobha Singh	
152	रजेश राम	Rajesh
153	Shybam YADAV	
154	संजय श्रीवास्तव	
155	सुरवीर मल्ल	
156	अश्वय	
157	ARPIT	
158	Shivani Yadav	
159	Ankita Yadav	
160	Anamika Sen	Anamika
161	Pooja Kishwaha	
162	Aruna Malik	
163	Krishan Pal Singh Yadav	

निवासी - समस्त झांसी नगरवासी जिला झांसी उ.प्र. 284001


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झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरक्षित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

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दिनांक 23 अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
164	रोहित नाहर	Rohit.
165	KUMAR GAURAV	Gaurav
166	2. देवेंद्र ठाकुर	Devendra
167	कुमार राख	Raakh
168	Suman	Suman
169	Deendra	Deendra
170	Sunil kushwaha	Sunil
171	Ravikant	Ravikant
172	Raj	Raj
173	Sunil Singh	Sunil Singh
174	Nikhil	Nikhil
175	Aman	Aman
176	Arun Kumar 9453865605	Arun Kumar
177	Manish 9452146361	Manish
178	Y.K. SHARMA (Journalist)	Y.K. Sharma
179	शशिभूषण शर्मा	Shashibhushan Sharma
180	पंकज शर्मा नरेश्वर शर्मा	Pankaj Sharma
181	Ravindra Kumar	Ravindra Kumar
182	Farooq Khan	Farooq Khan
183	Sameer Khan	Sameer Khan

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Advocate
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शहरी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरक्षित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

प्रार्थीगण / शिकायतकर्तागण

दिनांक 23 अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
184	Himanshu Kushwaha	
185	Aakash Kushwaha	अकाश
186	Sapan Yadav	Sapan
187	Chiku Raipoot	Raipoot
188	Sudhas	Sudhas
189	Bijankshu	Kashu
190	Abhay	Abhay
191	Devendra Kumar	Devendra
192	Prashant Parashkar	Prashant
193	Abhay Arora	Abhay
194	Bhram Sahay	Bhram
195	अशोक शर्मा	Kumar
196	अनुराग	अनुराग
197	मगवानरक्ष	मगवानरक्ष
198	राजेश	राजेश
199	Mullesh Kumar	Mullesh
200	Utkal Yadav	Utkal
201	अशोक शर्मा	अशोक शर्मा
202	Avinash Sahu	Avinash
203	तुमिल अग्रवाल	Tumil

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23/10/20
M. L. Bhaskar
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 Reg. No. 216/06

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झांसी शहर के पर्यावरण को स्वच्छ रखने के उद्देश्य से आरक्षित किए गए नगर पार्क के संबंध में शिकायत / प्रार्थना पत्र

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दिनांक 23 अक्टूबर 2020

क्र.स.	नाम	हस्ताक्षर
204	Rakesh Tiwari	Rakesh
205	राजेश	राजेश
206	Rakesh	राजेश
207	पवन कुमार	पवन कुमार
208	Mohammad Rafiq	Mohammad Rafiq
209	Sajid Khan	Sajid Khan
210	Sohail	Sohail
211	Vijay Ar.	Vijay Ar.
212	Nasir Ali	Nasir Ali
213	D. P. Singh	D. P. Singh
214	Ravindra	Ravindra
215	Amir Dost	Amir Dost
216	कमलेश राय	कमलेश राय
217	रामवीर कुशवाह	रामवीर
218	उमेश कुमार विहारिया	उमेश कुमार
219	राहीश खान	Rahish Khan
220	अशोक कुमार पटेल	अशोक
221	शक्ति शर्मा	शक्ति
222	मन्तर उमेश मन्तर	मन्तर
223	जी. ए. का. आ. का. ए. अ. अ. जी. ए. का. आ. का. ए. अ. अ.	जी. ए. का. आ. का. ए. अ. अ.

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RJ20400318IN ITR:6285220402318
R: JHANSI H.O (284001)
Counter No:3,06/11/2020,15:45
To:KSHETRIY ADHIVARI ,JHANSI
PIN:284001, Jhansi H.O
From:B.L. BHAGNAR ,JHANSI
Wt:40gms
Amt:27.00(Cash)
(Track on www.indiapost.gov.in)
(Dial 18002666868) (Wear Mask, Stay Safe)



RJ20407304IN ITR:6285220407304
R: JHANSI H.O (284001)
Counter No:3,06/11/2020,15:45
To:MRISHA SACHIV ,(UC)MUM
PIN:226001, Lucknow GPO
From:B.L. BHAGNAR ,JHANSI
Wt:45gms
Amt:32.00(Cash)
(Track on www.indiapost.gov.in)
(Dial 18002666868) (Wear Mask, Stay Safe)



RJ20402295IN ITR:6285220402295
R: JHANSI H.O (284001)
Counter No:3,06/11/2020,15:45
To:PRAMUKH SACHIV ,LUCNOW
PIN:226001, Lucknow GPO
From:B.L. BHAGNAR ,JHANSI
Wt:40gms
Amt:27.00(Cash)
(Track on www.indiapost.gov.in)



महाविद्यालयों की जांच के नाम पर हो रहा उत्पीड़न

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स्ववित्त पोषित महाविद्यालयों ने विरोध में बंद की संस्थायें



उद्योग हकीकत, झांसी

स्ववित्त पोषित बीएड, एवं डीएलएड महाविद्यालय एसोसिएशन के पदाधिकारियों ने पत्रकार वार्ता में बताया शासन स्तर से महाविद्यालयों की छात्र वृत्ति के की जांच के आदेश दिये गये हैं। इसकी जांच के नाम पर महाविद्यालयों के प्रबंध तन्त्र का उत्पीड़न किया जा रहा है। छात्र वृत्ति के दस्तावेजोंके साथ ही महाविद्यालयों के भू अभिलेखों, मान्यता सम्बन्धी पत्रावली, शिक्षकों की योग्यता, संख्या व अन्य विन्दुओं

की जांच मान्यता के समय ही कर ली जाती है। बार बार जांच करने से शासन की मंशा पर सवाल उठ रहे हैं। मान्यता के बाद शासन को जांच का अधिकार नहीं है। सबसे महत्वपूर्ण तथ्य यह है कि जांच कर तीन दिन में आख्या मांगी गई है। जांच में भी भेदभाव बरता जा रहा है। कुछ कालेजों को टारगेट बनाया जा रहा है तो कुछ को छोड़ा जा रहा है। जांच में उर्दई व ललितपुर के कालेजों को छोड़ दिया गया है जबकि झांसी व बांदा के कालेजों को

निशाना बनाया जा रहा है। पदाधिकारियों ने आरोप लगाया कि जिलाधिकारी स्तर पर अनेक एनओसी दो दो साल तक लटकी रहती हैं। इसी के विरोध में महाविद्यालयों की हड़ताल चल रही है। पत्रकार वार्ता में सीवीसिंह, डा. रामचन्द्र पटेल, डा. एस के साहू, डा. वैभव गुप्ता, डा. बाबूलाल तिवारी, देवेन्द्र बख्शी, डा. शरद खरे आदि मौजूद रहे। प्राइवेट कालेजों के महाविद्यालयों के प्रबंधकों ने अपर जिलाधिकारी को ज्ञापन दिया।

सफाई कर्मचारियों की समस्याओं नहीं सुनी जाती

झांसी। उत्तर प्रदेशीय सफाई मजदूर संघ शाखा नगर निगम झांसी के जिलाध्यक्ष अशोक प्याल की अध्यक्षता में एक बैठक आयोजित की गई। जिसमें इस मुद्दे पर चर्चा की गई कि नगर निगम जनता एवं जनप्रतिनिधि सफाई कर्मचारियोंसे सफाई व्यवस्था के नाम पर तमाम अपेक्षाएं रखते हैं, परन्तु सफाई कर्मचारियों से विभिन्न समस्याओं से ग्रस्त होने पर कोई आवाज नहीं उठता है। स्वयं सफाई कर्मचारी संघर्ष करता है और स्वयं समस्या से घिरा रहता है। इसके बाद भी सफाई कर्मचारी की ओर न तो जनता का न ही विभाग और न जनप्रतिनिधियों का ध्यान जाता है। अशोक प्याल ने कहा कि नगर निगम कार्यालय के चपरासियों को सफाई हवलदार किस आधार पर बना दिया गया है जबकि कार्यालय में कर्मचारियों की कमी बताई जाती है। सफाई कर्मचारियों की पदोन्नति पर कुताराजात किया जा रहा है। सफाई कर्मचारियों की समस्याओं का निदान नहीं हुआ तो अब बर्दास्त नहीं किया जायेगा। बैठक सियाराम महरौलिया, कुन्दलाल नेता, गुनलाल करौंसिया, सुभाष माते, राकेश करौंसिया, रामजीसरन, कैलाश, ओम प्रकाश बड़े, भगवानदास कटिन, प्रमोद पहलवान, माधव, शम्भू नवलकिशोर, संजय पहलवान, जितेन्द्र विकी, राजेश, गुरु चंडरिया, विशाल, संदीप कंजराया आदि उपस्थित रहे। संचालन मंदेश पहलवान ने एवं आभार नरेश झगौर ने व्यक्त किया।

कार्य

डीआईजे तत्काल मु करने वे

उद्योग हकी

झांसी थाना कोतवा डेस्क शुरुआत का कमिश्नर, आईजी निकले उसी वक्त आई और न्याय क मामला सदर थान महिला ने बताया वालों ने उसे मारा तेल डालकर जला जिसकी शिकायत में की लेकिन वहां नहीं हुई महिला था

कृति
महिल
एक्शन
काम

अभिनेत्री कृति सीन्स को देख कहना है कि महिला-केंद्रित पसंद करेंगी। मैं एक फीमेन करूंगी। मैं न पसंद करती भी पसंद है। हमेशा से एक मैं कई तरह के शामिल रही बास्केटबॉल खो-खो भी को अपनी आ इस खाशिश मिला है। यह पुलकित ससा संजीदा शेख

झांसी आरक्षित नगर पार्कों को विकसित किया जाये

गणमान्य लोगों ने चलाया हस्ताक्षर अभियान

उद्योग हकीकत, झांसी

झांसी महानगर के पर्यावरण को स्वच्छ रखने के लिए शासन द्वारा स्वीकृत महायोजना में आरक्षित किए गए नगर पार्क को शीघ्र से शीघ्र विकसित कराए जाने की मांग को लेकर कचहरी चौराहे पर बड़ी संख्या में झांसी शहर के सम्मानित वरिष्ठ पत्रकार बंधुओं, वरिष्ठ अधिवक्ताओं, सामाजिक संगठनों लोगों एवं नगर वासियों ने शीघ्र से शीघ्र ऐतिहासिक लक्ष्मी ताल के निकट स्थित नारायण बाग के पास आरक्षित नगर पार्क विकसित किए जाने को लेकर हस्ताक्षर अभियान चलाया जिसमें वरिष्ठ पत्रकार



रामसेवक अड़जरिया, राजेंद्र शर्मा एडवोकेट, के.पी. श्रीवास्तव एडवोकेट, वरिष्ठ पत्रकार अशोक कनौजिया, नरेन्द्र कुशवाहा पत्रकार एवं आरटीआई कार्यकर्ता, अजय श्रीवास्तव एडवोकेट, सुनील कुमार पटेल एडवोकेट, संजीव कुमार चौधरी शहर अध्यक्ष अपना दल,

कुंवर बहादुर आदिम, पवन कुमार शर्मा, चंद्रभान आदिम एडवोकेट, सैयद अफरोज अली प्रदीप व्यास एडवोकेट, हनीफ खान पत्रकार, मनोज दुबे एडवोकेट, बन्धु गुरु, प्रभु दयाल कुशवाहा, मंगेश रायकवार, लोकेंद्र शर्मा एडवोकेट, ओम प्रकाश भोरीवाल एडवोकेट, सुरेंद्र श्रृंगार्षि

डीजल सहित बड़ी संख्या में हस्ताक्षर अभियान में भाग लेकर मुख्यमंत्री जिला प्रशासन के साथ-साथ झांसी विकास प्राधिकरण से मांग की है कि ऐतिहासिक लक्ष्मी ताल के निकट नारायण बाग एवं समीप के आसपास की लगभग 460 एकल भूमि पर शासन द्वारा वर्ष 1984 में झांसी महायोजना में नगर पार्क बनाने की योजना स्वीकृत थी एवं शासन द्वारा 2001 और वर्तमान में झांसी महायोजना 2021 में भी पर्यावरण को स्वच्छ रखने के उद्देश्य से नगर पार्क बनाए जाने की योजना स्वीकृत है फिर भी इतने लंबे अंतराल के बाद भी नगर पार्क को विकसित नहीं करना सदेह की तरफ इशारा करता है इसी को लेकर हस्ताक्षर अभियान चलाया गया।

स्वायत्ताधिकारी, मुद्रक प्रकाशक एवं प्रधान संपादक कमलेश गुप्ता द्वारा डीबी कार्प लिमिटेड 10-11 सेक्टर-बी, इंडस्ट्रियल एरिया गोविंदपुरा भोपाल(म.प्र.) द्रत, एवं स्थानीय संपादक:- अशोक गुप्ता *समाचार चयन के लिए पी.आर.बी. एक्ट के तहत जिम्मेदार सभी विवादों का न्यायिक क्षेत्र है

की मोरंग खदानें

हाकी और डंडे से पीटकर अंधेड़ की हत्या

■ डगमगाने लगे करोड़ों की लागत से बने स्थान पुल के पिलर

पडवार, आदि करीब दो दर्जन मोरंग खदानों से तकरीबन 250 टुक मोरंग रोज निकाली जा रही है, इसी तरह करतल, नरैनी इलाके से एमपी की बरियारी, बिदुआ पुरवा, बशिया, और अजयगढ तहसील छेत्र की करीब 15 मोरंग खदानों से प्रतिदिन 300 टुक मोरंग बांदा की सडकों से फतेहपुर, कानपुर, सुलतानपुर, रायबरेली, आदि जिलों को ले जाई जा रही है, मोरंग बने वाले टुकों के पास यूपी खनिज विभाग का कोई वैध प्रपत्र नहीं होता, सब पुलिस और प्रशासनिक अप्सरों को खुश करके मोरंग का कारोबार कर रहे है, यूपी की करोड़ों अरबों की लागत से बनी सडकें ओवरलोड टुकों की घमाचौकडी से ध्वस्त की जा रही हैं, फयदा भ्रष्ट अधिकारी और मोरंग माफिया का हो रहा है।

बांदा। उधारी का रुपया लेने के लिए अंधेड़ ने कर्जदार युवक की साइकिल अपने पास रख ली। इस बात की भनक लगने पर आधा दर्जन लोगो ने घर जाकर अंधेड़ को हाकी और डंडों से पीट डाला। बचाने में पुत्र और पत्नी भी घायल हो गई। खबर पाकर मौके पर पहुंची पुलिस ने घायलों को सीएचसी में भर्ती कराया, वहां से सभी को जिला अस्पताल रेफर किया गया। अस्पताल में अंधेड़ की मौत हो गई। जबकि घायल मां और बेटे का उपचार किया जा रहा है। मृतक के पुत्र की तहरीर पर हत्या का मुकदमा दर्ज किया गया है। दो नामजद हत्यारोपियों को पुलिस ने गिरफ्तार कर लिया है। एएसपी ने घटनास्थल का निरीक्षण किया। भागवत नगर निवासी 50 वर्षीय मथुरा प्रसाद यादव का मोहल्ले के ही संदीप दीक्षित से लेनदेन था। गुरुवार की रात

○ पुत्र की तहरीर पर हत्या का मुकदमा दर्ज, दो गिरफ्तार
○ बचाने में मृतक की पत्नी और पुत्र भी घायल

संदीप साइकिल से हाइवे किनारे दुकान में सब्जी खरीदने आया था। वहां दुकान के सामने साइकिल खड़ी कर सब्जी खरीदी और पीछे मुड़ा तो उसकी साइकिल गायब थी। सब्जी विक्रेता ने संदीप को बताया कि मथुरा यादव उसकी साइकिल ले गया। संदीप अपने घर पहुंचकर बड़े भाई प्रदीप को बताया। इस पर प्रदीप और संदीप मथुरा के घर पहुंच गए और साइकिल ले जाने को लेकर बहस होने लगी। पलभर में ही लाठी-डंडों से मारपीट होने लगी।

शिनाख्त

गंगल में फंसी के शव की ने पंचनामा पोस्टमार्टम के

लोगों ने केन गे बबूल के वक का शव ते देखा तो पर पहुंची गव को नीचे से शिनाख्त के शव की पुलिस ने शव तवा दिया। परिजनों ने शव की

आरक्षित नगर पार्क को विकसित किया जाए : राजेंद्र शर्मा

झांसी। आज झांसी नगर के पर्यावरण को स्वच्छ रखने के लिए शासन द्वारा स्वीकृत महायोजना में आरक्षित किए गए नगर पार्क को शीघ्र से शीघ्र विकसित कराए जाने की मांग को लेकर कचहरी चौराहे पर बड़ी संख्या में झांसी शहर के सम्मानित वरिष्ठ पत्रकार बंधुओं, वरिष्ठ अधिवक्ताओं, सामाजिक संगठनों लोगो एवं नगर वासियों ने शीघ्र से शीघ्र ऐतिहासिक लक्ष्मी ताल के निकट स्थित नारायण बाग के पास आरक्षित नगर पार्क विकसित किए जाने को लेकर हस्ताक्षर अभियान चलाया जिसमें वरिष्ठ पत्रकार रामसेवक अड़जरिया, राजेंद्र शर्मा एडवोकेट, के.पी. श्रीवास्तव एडवोकेट, वरिष्ठ पत्रकार अशोक कनौजिया, नरेन्द्र कुशवाहा पत्रकार एवं आरटीआई कार्यकर्ता, अजय श्रीवास्तव एडवोकेट, सुनील कुमार पटेल एडवोकेट, संजीव कुमार चौधरी शहर अध्यक्ष अपना दल, कुंवर बहादुर आदिम, मंगेश रायकवार, लोकेन्द्र शर्मा एडवोकेट, ओम प्रकाश भोरीवाल एडवोकेट, सुरेंद्र श्रृंगार्यपि डीजल सहित बड़ी संख्या में हस्ताक्षर अभियान में भाग लेकर माननीय मुख्यमंत्री



महोदय, जिला प्रशासन के साथ-साथ झांसी विकास प्राधिकरण से मांग की है कि ऐतिहासिक लक्ष्मी ताल के निकट नारायण बाग एवं समीप के आसपास की लगभग 460 एकल भूमि पर शासन द्वारा वर्ष 1984 में झांसी महायोजना में नगर पार्क बनाने की योजना स्वीकृत थी फिर भी इतने लंबे अंतराल के बाद भी नगर पार्क को विकसित नहीं करना सदेह की तरफ इशारा करता है इसी को लेकर हस्ताक्षर अभियान चलाया गया।

चित्रकूट। जिलाधिकारी शेषमणि पाण्डेय की अध्यक्षता में जिला शिक्षा अनुश्रवण समिति व नीति आयोग के बिन्दुओं की समीक्षा बैठक में जिलाधिकारी ने कहा कि जिन अधिकारियों ने पिछली बैठक की आख्या नहीं भेजी, वह तत्काल उपलब्ध करायें।

शुक्रवार को कलेक्ट्रेट सभागार में डीएम ने कहा कि जिले की रैंकिंग में कमी न आये। जिला कृषि अधिकारी बसंत कुमार दुबे को निर्देश दिये कि प्रत्येक बिन्दु की रैंकिंग पर फोकस किया जाये। जिस विभाग की प्रगति कम हो उसे पिरामल संस्थान व यूनीसेफका सहयोग लेकर सुधार करायें। जिन विभागों को नीति आयोग ने धनराशि दी है उसका उपभोग प्रमाण पत्र तत्काल उपलब्ध करायें। शिक्षा विभाग के बिन्दुओं ने प्रगति न होने पर बेसिक शिक्षाधिकारी को प्रतिकूल प्रविष्टि देने के निर्देश दिये। सीएमओ के बैठक में गैरहाजिर रहने पर जवाब-तलब के निर्देश दिये। जिलाधिकारी ने जिला शिक्षा अनुश्रवण समिति की समीक्षा कर कहा कि लॉकडाउन अवधि का खाद्यान्न एवं परिवर्तन ब्लाक रामनगर में कम होने पर खण्ड शिक्षाधिकारी रामनगर से जवाब-तलब करने के निर्देश दिये। शहर व रामनगर ब्लाक की समीक्षा कर प्रगति वितरण व अन्य बिन्दुओं पर सऊ व रामनगर की प्रगति वितरण व अन्य बिन्दुओं पर सऊ व रामनगर की प्रगति वितरण व अन्य बिन्दुओं पर सऊ व रामनगर की प्रगति

OA No. 545/2025– Regarding sending of notice, OA and copy of order

1 message

Mansingh Parihar <mansinghbabu25@gmail.com>

Sat, Nov 15, 2025 at 10:21 AM

To: secy-moef@nic.in, mscb.cpcb@nic.in, nagarayukta@jnnjhansi.com

Cc: csup@nic.in, office@rmlawchambers.in, bhanwar jadona <bhanwar09jadon@gmail.com>,
STHAVIASTHANA@gmail.com, feedback@uppcb.in, psecup.urbandev@nic.in, dmjha@nic.in,
nagarayukta@jnnjhansi.com, jda_jhansi@rediffmail.com, commjha@nic.in, ms@uppcb.in, chairman@uppcb.in, pccf-
up@nic.in, judicial-ngt@gov.in

To.

1. Union of India

Through Secretary,

Ministry of Environment and Forests,

Government of India.

Indira Paryavaran Bhawan, Jorbagh Road, New Delhi

Email: secy-moef@nic.in

(Respondent No.1)

2. Central Pollution Control Board,

Through Member Secretary,

Parivesh Bhawan, East Arjun Nagar, Delhi-

Email: mscb.cpcb@nic.in

(Respondent No.2)

3. Municipal Corporation, Jhansi

Through Municipal Commissioner,

office of Municipal Corporation, Jhansi.

Email: nagarayukta@jnnjhansi.com

(Respondent No.8)

विषय: OA संख्या 545/2025 – नोटिस एवं आदेश की प्रति प्रेषण के संबंध में,

महोदय/महोदया,

सादर सूचित किया जाता है कि OA संख्या 545/2025 – मान सिंह एवं अन्य बनाम यूनियन ऑफ इंडिया एवं अन्य – में माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा दिनांक 03.11.2025 को नोटिस जारी कर आदेश पारित किया गया है। आपको उक्त OA, नोटिस एवं आदेश की प्रति संलग्न कर भेजी जा रही है, कृपया संज्ञान लें।

आदेशानुसार आपसे अनुरोध है कि नियत तिथि 28.01.2026 को न्यायाधिकरण के समक्ष उपस्थित होकर नियमानुसार उत्तर/प्रतिक्रिया प्रस्तुत करें।

उल्लेखनीय है कि यह मूल आवेदन माननीय न्यायाधिकरण के समक्ष क्षेत्रीय पार्क और डूब क्षेत्र की भूमि पर अधिकारियों की मिलीभगत से किये जा रहे अवैध निर्माणों एवं पार्क एवं खुले स्थल आदि को नई झांसी महायोजना 2031 में आवासीय परिवर्तन करने के विरुद्ध प्रस्तुत किया गया है, जो झांसी मास्टर प्लान 2001 व 2021 एवं 2031 के तहत झांसी जनपद के मौजा सिमरधा, नयागाँव एवं लहरगिर्द की 208.10 हेक्टेयर भूमि पर क्षेत्रीय पार्क और लगभग 44.65 हेक्टेयर भूमि डूब क्षेत्र के रूप में आरक्षित है। झांसी महायोजना में आरक्षित पार्कों एवं खुले स्थलों में आरक्षित भूमि पर अधिकारियों की मिलीभगत से भू-माफियाओं द्वारा विगत वर्षों से अवैध कॉलोनियाँ विकसित करने हेतु अवैध आवासीय एवं

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वाणिज्यिक निर्माण किये जा रहे हैं। उन्हें बचाने के लिए पूर्व महायोजना में आरक्षित पार्क एवं खुले स्थल को (136.85 हेक्टेयर) नई झांसी महायोजना 2031 में आवासीय परिवर्तन कर दिया गया है। इन अवैध गतिविधियों से हरित क्षेत्र का विनाश एवं प्राकृतिक जल निकास का अवरोध तथा वृक्षों की कटाई और पर्यावरणीय असंतुलन उत्पन्न हुआ है, जो कि नागरिकों के स्वच्छ एवं स्वस्थ पर्यावरण के संवैधानिक अधिकारों (अनुच्छेद 21, 48ए, 51ए (जी)) का उल्लंघन है।

संलग्न:

1. OA 545/2025 का नोटिस
2. आदेश की प्रति दिनांक 03.11.2025
3. OA 545/2025 की प्रति

प्रतिलिपि - प्रतिवादी संख्या 3 लगायत 7 एवं 9 को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित

Applicant

Mansing S/o Shri Ram Sahay,

Address- Shivaji Nagar, Jhansi, Uttar Pradesh.

E-Mail- mansinghabu25@gmail.com

Mo. 7080097452

3 attachments



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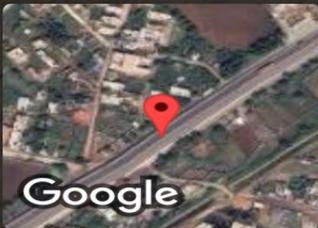
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