

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

(In M.A. 3 of 2025 in Disposed of O.A. No. 209 of 2023)

Kapil Dev & anr. Vs. Municipal Commissioner & ors.

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Dated: 14-02-2025
Place: Ludhiana

Er. Kapil Dev
(Petitioner No. 1)
Petitioner in Person

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

(In M.A. 3 of 2025 in Disposed of O.A. No. 209 of 2023)

Kapil Dev & anr. Applicants

Vs.

Municipal Commissioner & ors Respondents

Submission by Applicant No. 1 regarding actual & factual status of impugned locations as on date with humble prayer for proceedings against Respondent No. 1 & Chairman of Ludhiana Improvement Trust as well as directions for permanent solution for restitution of impugned greenbelts.

Hon'ble sir

Respectfully showeth

The Applicant No. 2 humbly submits as under:

1. That this Hon'ble Tribunal while disposing the O.A. 209 of 2023 pleased to pass the following directions:

Para 19. Accordingly, we dispose of this original application by directing the concerned authorities to get the green belt area cleared from any encroachment and by removal of construction by carrying out the demolition thereof. This direction shall be complied with by Municipal Corporation, Ludhiana under supervision of, District Magistrate, Ludhiana and representative of Punjab State Pollution Control Board. The compliance report shall be submitted by Commissioner, Municipal Corporation, Ludhiana with the

Registrar General of this Tribunal within two months who if finds necessary, shall place the matter before the Bench for further orders.

2. That the present status of impugned locations is as under:

SCRAP YARD OF MCL:

The Scrap yard has been partially dismantled & the location is being used for dumping of waste material as well as parking of construction vehicles by the Respondent No. 1. Two photographs clicked on 13-02-2025 pertaining to existing structure of Scrap Yard depicting non-compliance to the final orders of this Hon'ble Tribunal in O.A. 209 of 2023 are produced herewith as **Annexure PM-1**.

BIRTH & DEATH REGISTRATION EXTENSION OFFICE OF MCL):

The superstructure of MC, Zone D extension building has been demolished but the foundation, flooring and parking area concretized in front of the impugned extension office has not been dismantled and removed completely, thus the Respondent No. 1 has failed to comply with the directions of this Hon'ble Tribunal by not taking adequate steps for restitution of Greenbelt area. Two Photographs clicked on 13-01-2025 depicting present status of MC Ext. Building are produced herewith as **Annexure PM-2**.

REGARDING COMMERCIAL ACTIVITY BY PRIVATE PERSONS ON GREENBELT IN MODEL TOWN EXT. ROAD FROM PAKHOWAL ROAD TO DUGRI ROAD:

Restaurant: The structure of restaurant has been demolished but the illegal gate opening towards greenbelt area still exists.

Car Workshop: The seal fixed by Municipal Corporation was damaged and the Car Workshop was found to be operation as on 13-01-2025. However, the MCL has fixed

the seal again as seen on 14-02-2025. Two Photographs clicked on 13-01-2025 depicting operational Car Workshop is produced herewith as **Annexure PM-3**.

Wine Shop: One door adjoining shutters towards greenbelt was found to be opened as on 13-01-2025 , however the seal is again fixed by MCL as seen on 14-02-2025. It is pertinent to humbly submit that the seal put on shutters was repeatedly broken by the wine shopkeeper and after updating the than Municipal Commissioner Sh. Sandeep Rishi on whatsapp, the seal was fixed again and again. News published on 12th July 2024 highlighting issue of MC seal broken by Wine shop is produced herewith as **Annexure PM-4**. One Photograph clicked on 13-01-2025 depicting the wine shop operational through one door towards greenbelt is produced herewith as **Annexure PM-5**.

LORD SHIVA STATUE:

The sacred statue of Lord Shiva still exists in Leisure Valley (greenbelt area) as on 14-02-2025. One Photograph clicked on 13-01-2025 showing the Sacred Statue of Lord Shiva is produced herewith as **Annexure PM-6**.

3. That the action of putting seal by MCL is mere an eye wash as such seals were broken by the encroachers (Car Workshop, Wine Shop) again to operate the illegal commercial activity in Greenbelt area and MCL failed to register FIR against the accused persons. It is pertinent to humbly submit here that the violators have **no Right of Way towards greenbelt area and doors/shutters fixed towards greenbelt are illegal** and to stop encroachment over greenbelts, such illegal doors and shutters are required to be closed permanently by constructing brickwork at all such openings for restitution of Greenbelt area, otherwise the violators will continue their illegal activity in future too.

PRAYER:

Keeping in view of directions dated 04-07-2024 of this Hon'ble Tribunal in O.A. 209 of 2023, Environment laws, incomplete report submitted by MCL, present status of

impugned locations, non-compliance of orders of this Hon'ble Tribunal by the Municipal Commissioner, the District Magistrate of Ludhiana & PPCB, it is clear that Respondent No. 1 & Chairman of Ludhiana Improvement Trust has failed to comply with the orders dated 04-07-2024 of this Hon'ble Tribunal, thus liable to be prosecuted under section 28 of NGT Act 2010. The Applicant humbly prays as under:

- i. Humble prayer for directions to MCL for removal of illegal openings like doors and shutters fixed towards greenbelt areas and construction of permanent wall to prevent illegal commercial activity in greenbelts by the violators again and again.
- ii. Humble prayer for directions to the District Magistrate to strictly comply with the orders dated 04-07-2024 for restitution of both the greenbelts in true spirit.
- iii. Humble prayer for initiation of proceedings u/s 28 of NGT Act 2010 against the Respondent No. 1 as well as Chairman of Ludhiana Improvement Trust for failure in complying with the directions of this Hon'ble Tribunal.

Keeping in view of the direction of Hon'ble Supreme Court, this Hon'ble Tribunal for Greenbelts and Parks, Notification dated 13-04-2018, Transport Policy dated 07-11-2013, orders dated 04-10-2024 in this Original Application as well as Environmental damage being done by Respondents by allowing encroachments of Greenbelts, the Applicant humbly prays this Hon'ble Tribunal to accept our prayer as submitted in original application & issue directions for Restitution of Greenbelts and Park and further humbly prays this Hon'ble Tribunal to take action against the Municipal Commissioner for submitting false affidavit before this Hon'ble Tribunal.

Dated: 14-02-2025

Place: Ludhiana



Er. Kapil Dev

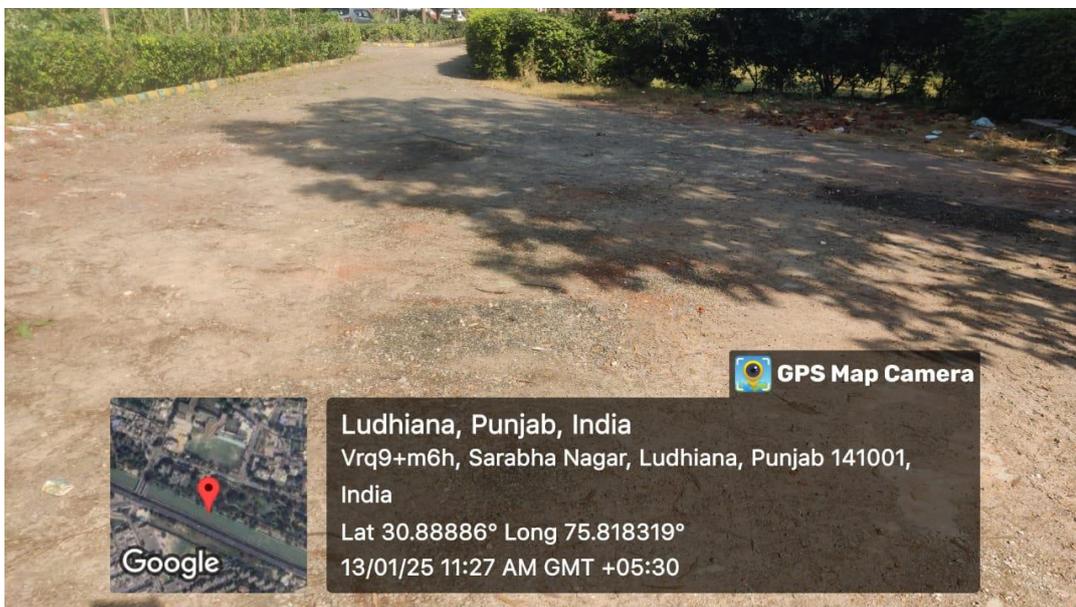
(Petitioner No. 1)

PRESENT STATUS OF SCRAP YARD AS ON 13-01-2025

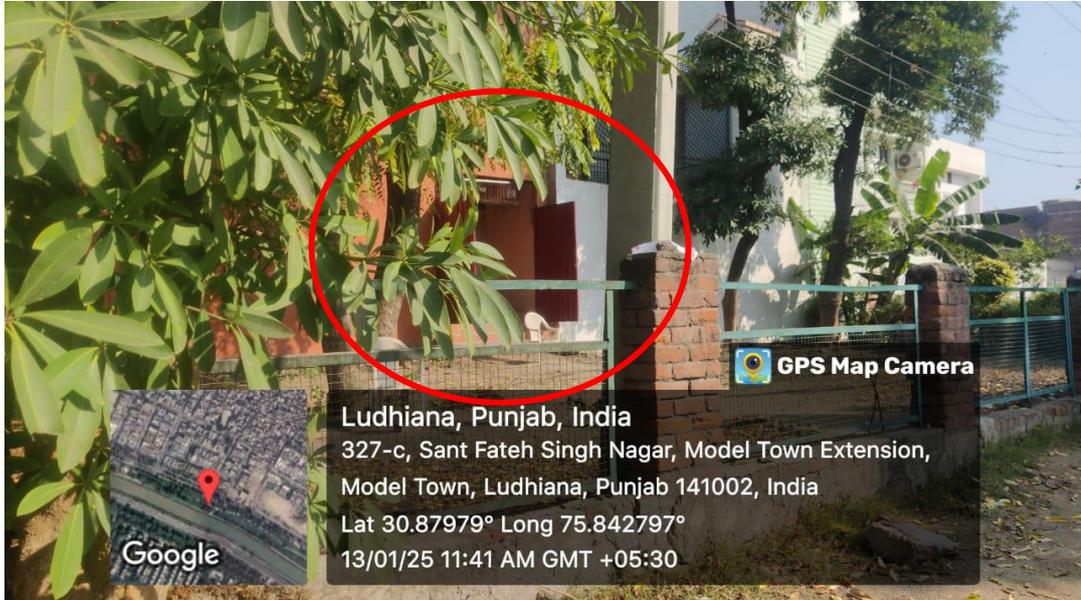


EXISTING FLOORING, FOUNDATION OF EXT. OFFICE AS WELL AS CONCRETE PASSAGE

LEADING TO IMPUGNED BUILDING:



DOOR OF CAR WORKSHOP (RED CIRCLE) OPENED AS ON 13-01-2025:



Video of sealed shop selling liquor has admn on its toes

TIMES NEWS NETWORK

Ludhiana: The building branch officials were on their toes on Wednesday night after they received a video of liquor being sold at a liquor shop that was recently sealed by the municipal corporation teams amid petitions to the National Green Tribunal (NGT).

After the officials checked the spot at night, they found that the seal was in its place, but the liquor vendors had cut the shutter from where they were supplying the liquor.

Officials checked and found that the seal was in place, but vendors had cut the shutter from where they were supplying the liquor

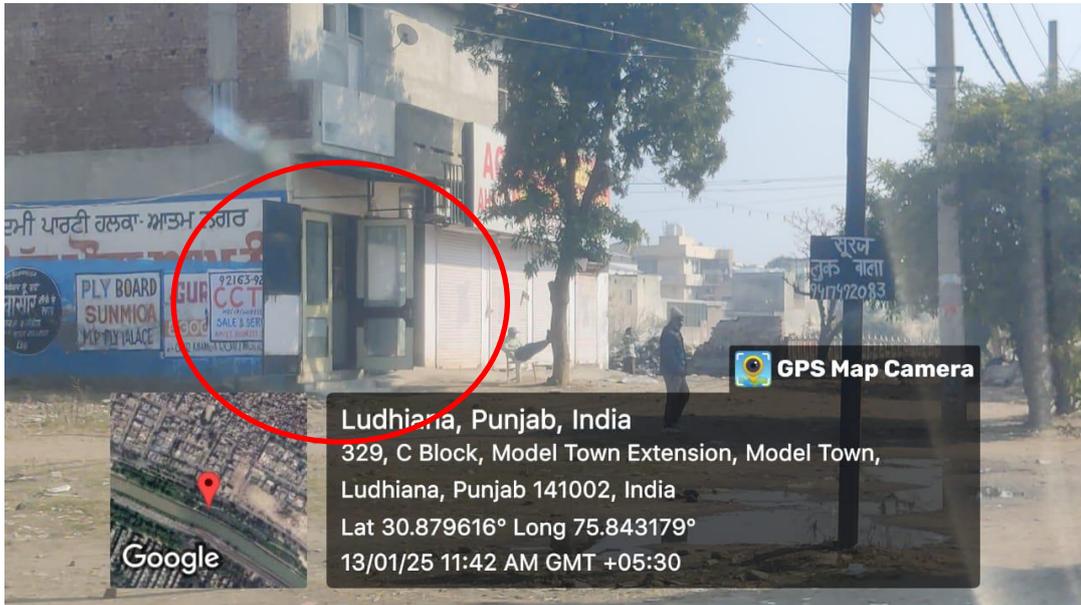
DC/MC commissioner Sakshi Sawhney had received a complaint, which she sent to the concerned staff for action. The DC received a video on Wednesday night at around 9 pm. The clip showed liquor being sold to people by cutting the shop shutter.

This shop located in the green belt was sealed a few days ago by the MC officials following the instructions of the NGT. The shop was running without the NOC from the civic body. After the DC reprimanded the concerned officials of the civic body, the latter swung into action.

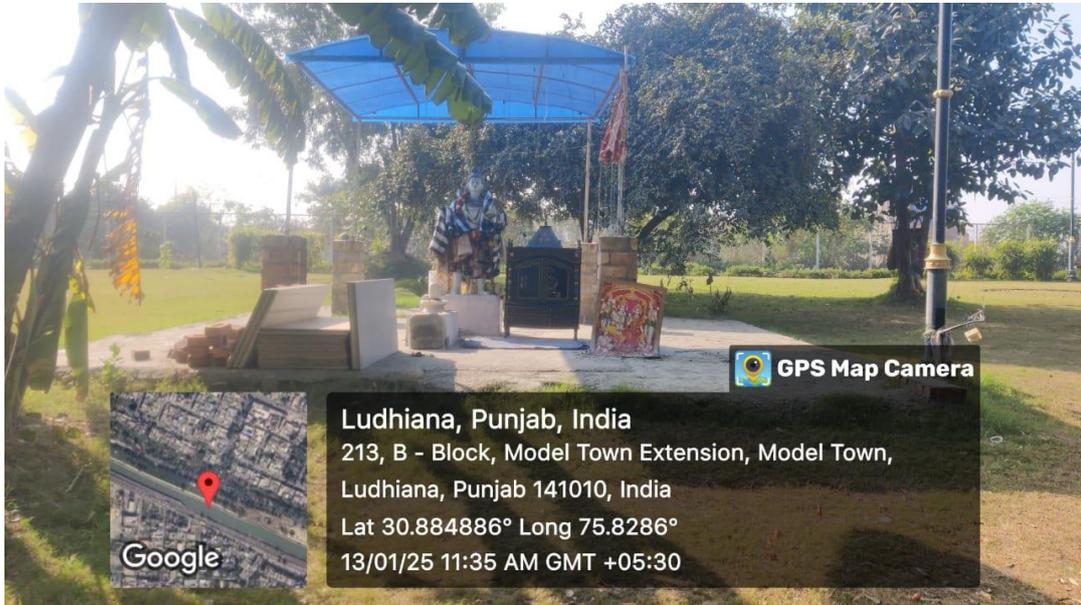
Municipal town planner Sanjay Kanwar sent assistant town planner (ATP) Mohan Singh with a police party to the spot. The ATP reached the spot and closed the liquor vend and warned the contract operators of strict actions.

Ludhiana: the India Research with a p of major the pr Myocan tion in tients tacks were s ing ir ists w ment tres. plast clots en f the





ANNEXURE PM-6



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(in M.A. No. 3 of 2025 in O.A. No. 209 of 2023)

AFFIDAVIT

Kapil Dev & anr. Applicants

vs.

Municipal Commissioner & ors. Respondents

Affidavit of Er. Kapil Dev (aged 48 years) s/o Sh. Jagdish Chander, r/o #186-E, BRS Nagar, Ludhiana in M.A. No. 3 of 2025 in O.A. No. 209 of 2023 depicting actual & factual condition of impugned location.

RESPECTFULLY SHOWETH:

I, the above mentioned deponent do hereby solemnly affirm and declare as under:-

1. That the deponent (Petitioner No. 1) along with anr. petitioners had filed O.A. No. 209 of 2023 before this Hon'ble National Green Tribunal which was disposed of by this Hon'ble Tribunal.
2. That after submission of report by MCL, the Registrar General has opened the case as M.A. 3 of 2025 and the deponent is producing the facts related to non-compliance of orders of this Hon'ble Tribunal by the concerned authorities at impugned locations.

[Signature]
DEPONENT

Certified that the affidavit SPA/GPA has been readover & explained to the deponent executant who seemed directly to understand the same at the making above statement.

Place: Ludhiana
Dated: 14.02.2025

Verification:

Verified that the contents of para 1 and 2 of this affidavit are true and correct. No part of it is false, and nothing material has been kept concealed therefrom.

Place: Ludhiana
Dated: 14.02.2025

ATTESTED AS IDENTIFIED *[Signature]* DEPONENT

NOTARY PUBLIC
LUDHIANA (PB)

14 FEB 2025



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14-02-2025

I know the Deponent/Executants personally and he/she has Signed/Thumb impression in my presence.



Kapil Arora <aroraengineers@gmail.com>

Service of document in MA 3 of 2025 (in disposed of case O.A. 209 of 2023) by Petitioner No. 1

Arora Engineers <aroraengineers@gmail.com>

Sat, Feb 15, 2025 at 10:02 AM

To: dc.ldh@punjab.gov.in, commissionerml@gmail.com, Joint Commissioner
<joint.comm.m@gmail.com>, ceeldh.ppcb@punjab.gov.in, ceeludhiana@yahoo.com,
ldh_it_2009@yahoo.co.in

Dear sir

PFA submission by Applicant in MA 3 of 2025 (in disposed of case O.A. 209 of 2023) as Service of Set of Documents.

Regards

Er. Kapil Dev
Petitioner No. 1
MA 3 of 2025 in O.A. 209 of 2023
Mob. 98720-07872,

**Submission by Petitioner No. 1 in MA 3 of 2025.pdf**

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