

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

INDEX

IN

SUPPLEMENTARY AFFIDAVIT

On Behalf of

Vipin Nayyar aged around 50 years Son of Shri
Surinder Kumar Nayyar Resident of 108/305 Gali No.
8, Veerbhadra Marg, Rishikesh, District
Dehradun.Original Applicant

IN

ORIGINAL APPLICATION No. 305 of 2022

IN THE MATTER OF:

Vipin Nayyar

.....Applicant

Versus

Union of India & Others

.....Respondents

SL.No.	Particulars	Page No.
1	Index	1 – 2
2	Supplementary Affidavit	3 – 9

3	<u><i>Annexure A-1(Colly)</i></u> : True copies of the Order Dated 28.02.2024, Order Dated 29.02.2024 and Order Dated 12.06.2024 passed by the Hon'ble High Court of Uttarakhand in WPMS 522 of 2024.	10 – 15
4	<u><i>Annexure A-2</i></u> : True copy of the Order Dated 21.05.2024 passed by the Hon'ble Supreme Court in civil appeal no. 6528 of 2024 titled as <i>Surender Mogha Vs Union of India & Ors.</i>	16 – 17
5	<u><i>Annexure A-3</i></u> : True copy of the Order Dated 21.06.2024 passed by the Hon'ble High Court of Uttarakhand in Writ Petition No. 1480 of 2024 <i>Vipin Nayyar Vs State of Uttarakhand & Ors.</i>	18 – 20



Filed by

Vipin Nayyar

(Applicant in Person)

108/305 Gali No.8 Veerbhadra Marg

Rishikesh-249201, Uttarakhand

Filed on : 22.07.2024

Mobile No. 8006286662

Email : lamadrestones@gmail.com

805



3

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

SUPPLEMENTARY AFFIDAVIT

On Behalf of

Vipin Nayyar aged around 50 years Son of Shri
Surinder Kumar Nayyar Resident of 108/305 Gali No.
8, Veerbhadra Marg, Rishikesh, District
Dehradun.Original Applicant

IN

ORIGINAL APPLICATION No. 305 of 2022

IN THE MATTER OF:

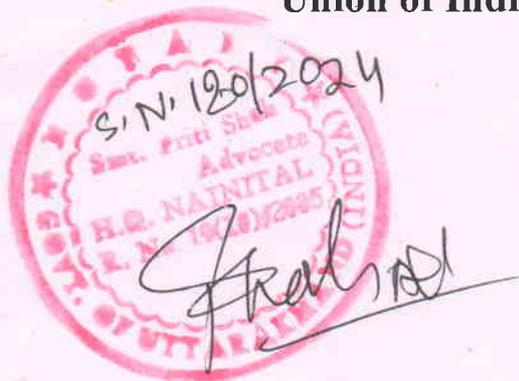
Vipin Nayyar

.....Applicant

Versus

Union of India & Others

.....Respondents



SUPPLEMENTARY AFFIDAVIT BY THE
APPLICANT TO PLACE RELEVANT
DOCUMENTS ON RECORD AND DISCLOSURE
OF SUBSEQUENT EVENTS AND REQUEST TO
PROVIDE FOUR WEEKS' TIME BEFORE FINAL
DECISION IS TAKEN.

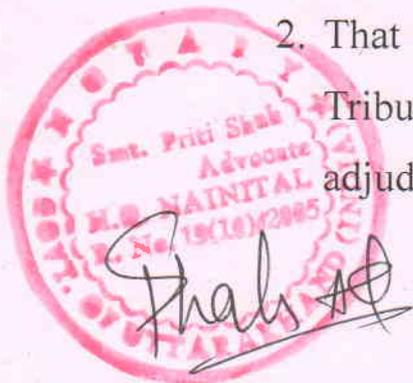


Affidavit of Vipin Nayyar
 (Male) aged about 50 years,
 son of Shri Surinder Kumar
 Nayyar, r/o 108/305 Gali No.8
 Veerbhadra Marg, Rishikesh
 District Dehradun.

DEPONENT

I, the deponent above named do hereby solemnly affirm and state on oath as under :—

1. That I, the deponent above named is the applicant in the aforesaid Original Application and as such he is fully conversant with the facts and circumstances of the case deposed to below.
2. That it is pertinent to bring to the notice of the Hon'ble Tribunal certain subsequent facts for proper and effective adjudication of the matter.

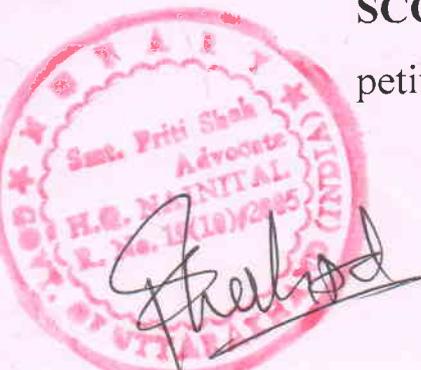


3. That respondent no. 8 preferred Writ Petition No. 522 of 2024 assailing the Final Notification dated 08.01.2024 issued by the State of Uttarakhand for demarcation of Flood Plain Zones of River Ganga in district Dehradun. Vide Order Dated 28.02.2024 the Hon'ble High Court of Uttarakhand was pleased to direct that "*no prosecution shall be launched against the petitioner under the provisions of Uttarakhand Flood Plain Zoning Act, 2012*". The original applicant Vipin Nayyar was present before the Hon'ble High Court on 29.02.2024 and filed an intervention application in the said writ petition on 02.03.2024, the same was allowed vide Order Dated 12.06.2024. True copies of the Order Dated 28.02.2024, Order Dated 29.02.2024 and Order Dated 12.06.2024 passed by the Hon'ble High Court of Uttarakhand in WPMS 522 of 2024 are annexed hereto as Annexure A-1(Colly).
4. That the original applicant has preferred an Interim Order Vacation Application in the writ petition WPMS No. 522 of 2024 pending before the Hon'ble High Court of Uttarakhand.
5. That respondent no. 8 preferred IA No. 164 of 2024 on 08.04.2024 under Order 39 Rule 4, with request to vacate the Order Dated 20.02.2024, before the Hon'ble Tribunal. Respondent No. 8 preferred civil appeal no. 6528 of 2024 titled as *Surender Mogha Vs Union of India & Ors.* before



the Hon'ble Supreme Court and vide Order dated 21.05.2024, the Hon'ble Supreme Court dismissed the same with a direction for expeditious disposal of appeal or variation of interim order application. True copy of the Order Dated 21.05.2024 passed by the Hon'ble Supreme Court in civil appeal no. 6528 of 2024 titled as *Surender Mogha Vs Union of India & Ors* is annexed hereto as Annexure A-2.

6. That respondent no. 8 preferred another IA No. 255 of 2024 for early hearing of IA No. 164 of 2024 and in the light of the directions given by the Hon'ble Supreme Court, IA No. 255 of 2024 was heard on 31.05.2024 and the Hon'ble Tribunal vide Order Dated 31.05.2024 was pleased to uphold the Order Dated 20.02.204 and accordingly IA No. 164 of 2024 and IA No. 255 of 2024 were disposed of.
7. That the original applicant preferred Writ Petition No. 1480 of 2024 on 07.06.2024 before the Hon'ble High Court of Uttarakhand alleging that respondent no. 8 Shri Surender Mogha was allotted "Waterbodies" in breach of section 132(a) of U.P. Zamindari Abolition & Land Reforms Act, 1950 and also in violation of the directions of the Hon'ble Supreme Court in the matter of *Jagpal Singh and Others Vs State of Punjab and Others* as reported in (2011) 11 SCC 396. Vide Order Dated 21.06.2024 the above writ petition was disposed of with a direction to Ld. District

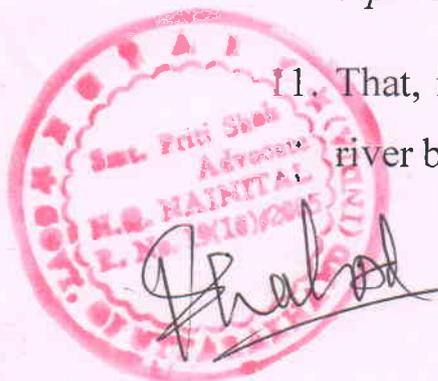


A handwritten signature in blue ink, appearing to be 'W.P.' or similar initials.

Magistrate to look into the representation submitted by the petitioner and take decision as per law. True copy of the Order Dated 21.06.2024 passed by the Hon'ble High Court of Uttarakhand in Writ Petition No. 1480 of 2024 *Vipin Nayyar Vs State of Uttarakhand & Ors.* is annexed hereto as Annexure A-3.

8. That a committee has been constituted by the Ld. District Magistrate, that would submit its report and the final decision would be taken within 4 weeks from now. The decision would have a crucial effect on the present case and would assist the Hon'ble Tribunal to adjudicate the matter properly, completely and effectively.
9. That the Order dated 21.05.2024 passed by the Hon'ble Supreme Court was only limited to "expeditious disposal of appeal or variation of interim order application" and the same has already being complied with vide Order dated 31.05.2024 passed by the Hon'ble Tribunal.
10. That it is necessary in the interest of justice, that respondent no. 5 District Magistrate may kindly be directed to submit its report before the Hon'ble Tribunal, in compliance with the Order Dated 21.06.2024 passed by the Hon'ble High Court of Uttarakhand in Writ Petition No. 1480 of 2024 *Vipin Nayyar Vs State of Uttarakhand & Ors.*

11. That, it is submitted that respondent no. 8 was allotted the river bed of "River Rambha" an important tributary of River

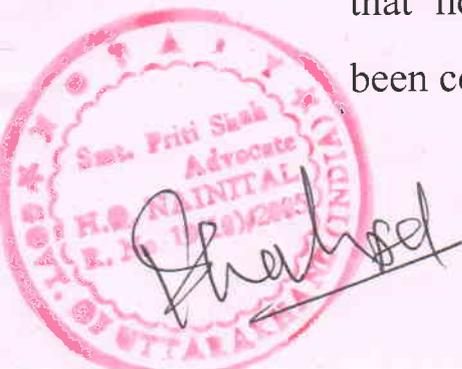


Ganga in Rishikesh and the same is situated within reserve forest.

12. That all the copies annexed along with this Supplementary Affidavit are true copies of their respective originals.
13. That the applicant prays that the instant Supplementary Affidavit along with its annexures may kindly be taken on record and the same may kindly be treated as part of the Original Application.
14. That in light of the facts and circumstances submitted in the preceding paragraphs, the applicant humbly prays that the Hon'ble Tribunal may kindly allow further 4 weeks' time before final decision is taken on the instant Original Application of the applicant.

VERIFICATION

I, the deponent above named, do hereby swear, affirm and verify that the contents of paragraph nos. **1, 2, 4, 6, 8, 9, 10, 11, 12, 13 and 14** of this affidavit are true to my personal knowledge in this case; those contents of paragraph nos. **3, 5 and 7** of this affidavit are based on perusal of records of this case; those contents of paragraph no's —NIL— are based on legal advice in this case; which all I believe to be true and that no part of this affidavit is false and nothing material has been concealed.



A handwritten signature in blue ink, located at the bottom right of the page.

9

SO, HELP ME GOD.

WPK

(DEPONENT)

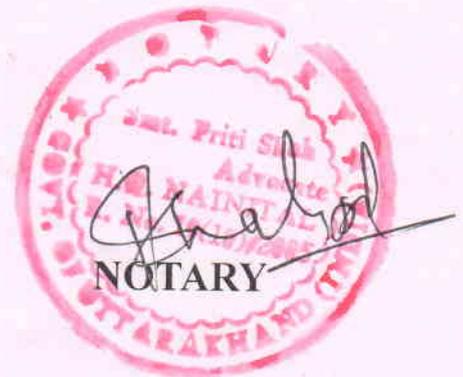
I, Vipin Nayyar S/o Shri Surinder Kumar Nayyar appearing before The Hon'ble National Green Tribunal at New Delhi as party-in-person do hereby certify that I am the Deponent above making this Supplementary Affidavit and I identify myself through Aadhaar Card No. 4618 0949 9602

WPK

Vipin Nayyar
(Party-In-Person)

Solemnly affirmed and sworn before me on this 22nd day of July 2024 at about 09:30 AM by the deponent, who has been identified by self through Aadhaar Card No.4618 0949 9602

I have satisfied myself by examining the deponent that the deponent has understood the contents of this Supplementary Affidavit, which has been read over and explained to him by me.



Subscribed and sworn to before me on this 22-07-2024 by the Deponent Identified by *Anil* Sworn and Verified the Contents of this Affidavit at *Dehradun*
Smt. PRITI SHAM
Notary H.O. NAINITAL
Reg. No. 1519/2020
Vipin Nayyar S/o Surinder Kumar Nayyar R10108/305
Gate No. 8,
Veerbhadramarg
Rishikesh
Distt Dehradun



812

ANNEXURE A-1

VIPIN NAYYAR || RESPONDENT || 8006286662 || 22-07-2024 06:24:27 AM



Lp+xjX7X

10

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WPMS NO. 522 OF 2024

DISTRICT: DEHRADUN

1 - SURENDER MOGHA

..... Petitioner

Versus.

1 - STATE OF UTTARAKHAND

2 - DISTRICT MAGISTRATE DEHRADUN DISTT DEHRADUN

..... Respondent

Petitioner Advocate: VIPUL SHARMA

Respondent Advocate: C.S.C.



VP



SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS 522/ 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. N.P. Singh and Mr. Nivesh Bahuguna, Counsel for the petitioner.</p> <p>Mr. K.K. Sah, Additional CSC, for the State.</p> <p>(2) Put up tomorrow as fresh to enable learned State Counsel to seek instructions in the matter.</p> <p>(3) Till the next date of listing, no prosecution shall be launched against the petitioner under the provisions of Uttarakhand Flood Plain Zoning Act, 2012.</p> <p>(Manoj Kumar Tiwari, J.)</p> <p>28.2.2024 Pr</p>



814

VIPIN NAYYAR || RESPONDENT || 8006286662 || 22-07-2024 06:25:08 AM



Lp+xjX7X

12

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WPMS NO. 522 OF 2024

DISTRICT: DEHRADUN

1 - SURENDER MOGHA

..... Petitioner

Versus.

1 - STATE OF UTTARAKHAND

2 - DISTRICT MAGISTRATE DEHRADUN DISTT DEHRADUN

..... Respondent

Petitioner Advocate: VIPUL SHARMA

Respondent Advocate: C.S.C.



VP



No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS ⑬
			<p>WPMS No.522 of 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. N.P. Singh and Mr. Nivesh Bahuguna, Advocates for the petitioner. Mr. K.K. Shah, Additional C.S.C. for the State of Uttarakhand. Mr. Vipin Nayyar, intervener, in person.</p> <p>2. At the request of learned counsel for the petitioner, list on 12.03.2024.</p> <p>3. Interim order, if any, to continue till then.</p> <p style="text-align: right;">(Manoj Kumar Tiwari, J.) 29.02.2024</p> <p>Arpan</p>



816

VIPIN NAYYAR || RESPONDENT || 8006286662 || 22-07-2024 06:20:39 AM



Lp+xjX7X

14

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WPMS NO. 522 OF 2024

DISTRICT: DEHRADUN

1 - SURENDER MOGHA

..... Petitioner

Versus.

1 - STATE OF UTTARAKHAND

2 - DISTRICT MAGISTRATE DEHRADUN DISTT DEHRADUN

..... Respondent

Petitioner Advocate: VIPUL SHARMA

Respondent Advocate: C.S.C.



[Handwritten signature]



No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS (15)
			<p>WPMS No. 522 of 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>(1) Mr. Vipul Sharma, learned counsel for the petitioner.</p> <p>(2) Mr. Devendra Pant, learned Brief Holder for the State of Uttarakhand.</p> <p>(3) Intrvention application (IA No. 2 of 2024) is allowed.</p> <p>(4) Petitioner has challenged the notification dated 08.01.2024 only on the ground that no preliminary notification, as contemplated in Section 8 of Uttarakhand Flood Plain Zoning Act, 2012, was issued nor any public notice was given, as contemplated in Section 9(1) of the said Act.</p> <p>(5) Learned State Counsel shall get instructions on the aforesaid aspect of the matter.</p> <p>(6) List this case on 19.06.2024.</p> <p>(7) Till the next date of listing, interim order dated 28.02.2024 is extended in view of the undertaking given by learned counsel for the petitioner that petitioner will not raise any construction over the land in question.</p> <p style="text-align: right;">(Manoj Kumar Tiwari, J.) 12.06.2024</p> <p>Aswal</p>

818
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

ANNEXURE A-2

16

CIVIL APPEAL NO.6528 OF 2024

SURENDRA MOGHA

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

ORDER

1. While we are not inclined to interfere in against the interim order passed by the National Green Tribunal, Delhi on 22.02.2024, the request, if any, made by the appellant for expeditious disposal of the appeal or variation of the interim order may be considered by the Tribunal and an appropriate order may be passed.
2. With these observations, the civil appeal stands dismissed.
3. Pending application(s), if any, shall also stand disposed of.

....., J
[PAMIDIGHANTAM SRI NARASIMHA]

..... J
[SANJAY KAROL]

NEW DELHI,
MAY 21, 2024



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

17

Civil Appeal No.6528/2024

SURENDRA MOGHA

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.122596/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.122597/2024-EXEMPTION FROM FILING O.T.
IA No. 122596/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 122597/2024 - EXEMPTION FROM FILING O.T.)

Date : 21-05-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE SANJAY KAROL

[VACATION BENCH]

For Appellant(s) Mr. N. P. Singh, Adv.
Mr. Kedar Nath Tripathy, AOR
Mr. Gyanadutta Chouhan, Adv.

For Respondent(s)

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

The civil appeal stand dismissed in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(Signed order is placed on file)

(NIDHI WASON)
COURT MASTER (NSH)



820

ANNEXURE A-3

18

VIPIN NAYYAR || PETITIONER || 8006286662 || 30-06-2024 09:00:54 PM



Lp+0iHPX

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WPMS NO. 1480 OF 2024

DISTRICT: DEHRADUN

1 - VIPIN NAYYAR

..... Petitioner

Versus.

- 1 - STATE OF UTTARAKHAND
- 2 - STATE OF UTTARAKHAND
- 3 - ASSISTANT COLLECTOR FIRST CLASS
- 4 - SURENDER MOGHA

..... Respondent

Petitioner Advocate: IN PERSON

Respondent Advocate: C.S.C.



Handwritten signature



No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS ①9
			<p>WPMS No. 1480 of 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Vipin Nayyar, petitioner, in person.</p> <p>2. Mr. J.S. Bisht, Standing Counsel for the State.</p> <p>3. Mr. Vipul Sharma, Advocate for respondent no. 4.</p> <p>4. By means of this writ petition, petitioner has sought the following reliefs:-</p> <p><i>"1. To issue the Writ, Order or Direction in the nature of Mandamus directing District Collector Dehradun respondent no. 2 to initiate proceedings of his own motion and to take an appropriate lawful decision under Sub-Section 4 of Section 198 of UPZA&LR Act 1950 with specific reference to the objections as raised by the petitioner in his representation dated 11.03.2024 (Annexure A-13) at the earliest within the time framed by this Hon'ble Court."</i></p> <p>5. Learned counsel for respondent no. 4 submits that petitioner does not have any <i>locus standi</i> in the matter, therefore; writ petition would not be maintainable at his instance. He further submits that Section 198(4) of UPZA&LR, referred to in the relief clause, would not be applicable to the allotment made in favour of Respondent no. 4 as he does not belong to Scheduled Caste.</p> <p>6. Since the allegation in Writ Petition is that 'Bhumidari with transferrable rights' have been granted to respondent no. 4 over water body land, which is against the law declared by Hon'ble Supreme Court and the land in question is used for carrying out commercial activities on the banks of river, therefore, without going into the merits of</p>

the allegation made by the petitioner, the writ petition is disposed of with a direction to the District Magistrate to look into the representation submitted by the petitioner and take decision as per law, within eight weeks from the date of production of certified copy of this order.

7. Respondent no. 4 shall be given opportunity of hearing before taking any decision in the matter.

(Manoj Kumar Tiwari, J.)

21.06.2024

U.U.

