

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

(In Original Application No. 292 of 2023)

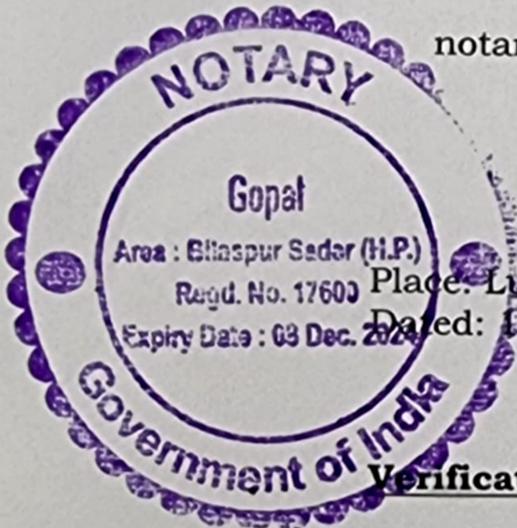
Dr. Amanadeep Signh Bains & anr. Vs Municipal Commissioner of
Ludhiana & ors.

Affidavit of Yogesh Maini (aged 41 years) s/o Late Sh. Kapil Bhushan Maini
r/o #678/1, Prem Nagar, Shiv Mandir Road, Civil Lines, Ludhiana.

RESPECTFULLY SHOWETH:

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

1. That the deponent, who is Applicant No. 2 (in person) in O.A. No. 292
of 2023 with this Hon'ble National Green Tribunal.
2. That the contents of Para 1 to 5 of Submission filed along with this
Affidavit along with Annexures (depicting major violation of orders of
this Hon'ble Tribunal by Municipal Commissioner of Ludhiana) &
notarized affidavit are true and best of my knowledge.



Y. M. Maini
DEPONENT

Certified that the above/overleaf who
before me on oath affirmation
Verification: 19 day of 04 2024
at Self in the Distt. of Bilaspur
by Sh. Yogesh Maini who
identified by Sh. Self who
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, who admitted the contents thereof to
be true.

ATTESTED
Gopal
Notary Public (Govt. of India)
Bilaspur Sadar (H.P.)

(Gopal)
Notary Public (Govt. of India)
Bilaspur Sadar (H.P.)

Y. M. Maini
DEPONENT

IDENTIFIED BY
self
Place: Ludhiana
Dated: 19.04.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

AT PRINCIPAL BENCH, NEW DELHI

(In O.A. No. 292 of 2023)

Case title:

Dr. Amandeep Singh & anr.

Vs

The Municipal Commissioner of Ludhiana & ors.

Subject: Submission by Applicant depicting false undertaking given by Municipal Commissioner of Ludhiana on 27-02-2024 before this Hon'ble Tribunal AND continuous damage to Environment at Rakh Bagh with new construction and trying to give religious color to the Encroachments encroachers in active connivance with the Respondent – with humble request to issue directions of initiating proceedings under NGT Act 2010 and Environment Protection Act 1986 against the Respondents and to impose Environment Penalty on them

Hon'ble sir,

Respectfully sheweth

The Applicant humbly submits as under:

- 1.** That during the last proceedings before this Hon'ble Tribunal, the Respondent i.e. the Commissioner of Municipal Corporation Ludhiana had submitted that all the concrete structures erected for the setting up of the statue and Cafeteria will be removed and the green area of the park will be restored to its original position.

However, it is humbly submitted that the concrete structure constructed for erecting the Statue, which also includes curved wall (on which history of hero cycles is written) along with steps has partially been demolished and wall area and steps still exists there and only granite has been removed from this part of structure by the Respondent No. 1. Further, the Canteens/Cafeteria are still operational and running in active connivance with the Respondent. Four Photographs depicting cafeteria still operational at Rakh Bagh are produced herewith as Annexure PO-2.

2. That as submitted in main petition by the Applicants regarding the encroachment over land by one Pakshi Seva Society in Rakh Bagh by construction of hutments, however it has come to our knowledge that this Society has not only encroached upon Public Park (Rakh Bagh) by permanent hutments (constructed using brickwork & plaster) but HAVE CONSTRUCTED PARMANENT BASEMENT under these structures as well as fixed granite marble at larger area outside their illegally encroached area, however to avoid any litigation, the Applicants never entered these permanent structures made in the shape of hutments. Such illegal hutments along with basement which is deliberately being termed as temporary structure by MCL, may kindly be directed to be demolished. Two Photographs depicting permanent structure (which is basement room) under illegal hutments (which is basement room) constructed by the society are produced herewith as **Annexure PO-**

3. Two photographs depicting illegal construction being done on 11th April 2024 by Pakshi Sewa society are produced herewith as **Annexure PO-4**.

3. That besides above illegal structures in Rakh Bagh, a **NEW CONSTRUCTION** of wall to encroach upon area to fix the granite has been **started by this society** illegally on in first week of April 2024. Further, this Society, in order to continue to encroach upon the land of Public Park (Rakh Bagh) has given the religious color by writing **JAI SHRI RAM** (in hindi) at the newly constructed shed in January 2024. The society is illegally fixing granite over the green area and they are also heard saying that they won't hesitate in writing **"WAHEGURU"** to continue to build structure in the park. **Despite clear orders of this Hon'ble Tribunal The Commissioner of Municipal Corporation has kept mum on all such ongoing illegal construction activities on Public Park.**
- Four photographs depicting new construction done at Rakh Bagh (along with giving religious color to illegal activities) along with building material staked at spark are produced herewith as **Annexure PO-5**.

4. That as already submitted in the Original Application that this society is emotionally playing with the sentiments of people visiting the Rakh Bagh in order to pay them and feed the pigeons which is resulting into **slow damage to the respiratory system especially affecting the Children and senior citizens** as the micro particles originating from pigeons causes damage to the respiratory system of human beings

and thus such practice may kindly be directed to be stopped and War Memorial encroached upon by the society may kindly be directed to be cleared.

5. That the Rakh Bagh is still being used as Amusement Park by the Respondent No. 2 by continue to operate Joy-Rides, however as per news covered by some social media channels, the Rakh Bagh is now not being maintained properly and it is clear from deteriorating condition of this public park where rodents can be seen at many places due to non-maintenance. **It is also heard that the Respondent No. 2 is likely to backup from maintaining the Park i.e. Rakh Bagh.** If so, it clearly depicts that the main intensions of Respondent No. 2 were to earn money by converting the Public Park space into commercial outlets (Cafeteria and Amusement Park). It is pertinent to humbly submit here that as per Respondent No. 1, the amusement park is being operated directly by Respondent No. 2, **however as per QR code available for mode of payment, the accounts holders are in the name of "MAPLE ADVENTURE" rather than M/s O.P. Munjal Foundation.** Thus, all the **illegal commercialization of Public Park is being done to monetize under the shadow of maintaining the Park,** that too with CSR funds and such activity is being done in active connivance with Respondent No. 1. One Photograph depicting Amusement Park still in operational at Public Park is produced herewith as **Annexure PO-6.**

PRAYER:

Keeping in view of the above produced facts, it is clear that Respondent No. 1 has failed to comply with the directions of Hon'ble Supreme Court & this Hon'ble

Tribunal. Further, despite submitting to remove the concrete structures and to reinstate the green area of park within two days from 27-02-2024, the Municipal Commissioner of Ludhiana has failed to perform his lawful duty by not removing the concrete structures installed for statue and cafeteria in the Public Park (Rakh Bagh) as well as illegal permanent structures of hutments and new construction done by Pakshi Sewa Society till date. Thus, the Municipal Commissioner and other Respondents are continuously damaging the Environment, the Applicants humbly submit before this Hon'ble Tribunal to accept our prayer as submitted in the Original Application and take action against the Respondent No. 1 as per provisions of NGT Act 2010 and Environment Protection Act 1984.



Date: 19-04-2024

Place: Ludhiana

Yogesh Maini

(Applicant No. 2 – in person)

Four Photographs depicting Cafeteria still operation:

ANNEXURE PO-II





ANNEXURE PO-3

ILLEGAL HUTMENTS WITH BASEMENT IN RAKH BAGH



ANNEXURE PO-4

ONGOING ILLEGAL CONSTRUCTION AT RAKH BAGH AS ON 11-04-24



ANNEXURE PO-5

NEWLY CONSTRUCTED ILLEGAL STRUCTURE AT RAKH BAGH





JOY RIDES STILL OPERATIONAL AT RAKH BAGH AS ON 23-03-2024

