

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

(In Original Application No. 793 of 2022)

With

(Exe Application No. 44 of 2025)

In the matter of:

Council of Engineers & ors. vs. State of Punjab & ors.

Revised Written Arguments by Applicant No. 2 Er. Kapil Dev

Hon'ble sir,

Respectfully showeth,

The Applicants humbly submit as under:

REGARDING IMPUGNED LIBRARY BUILDING

1. That in pursuance of the directions issued by this Hon'ble Tribunal vide order dated 04.10.2024, and in view of the findings recorded in the Joint Committee Report dated 22.08.2024, as well as the categorical admissions made by the Municipal Corporation, Ludhiana as produced in the present case at running page no. 816, it is humbly submitted that the impugned area is designated as a green park/open space in accordance with the provisions of the Master Plan.
2. As per the Report dated 21-01-2025 submitted by learned Court Commissioner, the area of impugned park is 350 Sq yards and broadly about 50% of the area is green and in the remaining area (i) library is constructed and (ii) covered with interlocking tiles (Page no. 755).

REGARDING HUGE CONCRETISATION AND ILLEGAL PARKING IN

GREENBELT ALONG OLD G.T. ROAD AS WELL AS LODHI CLUB ROAD:

3. That the remedial measures enumerated in Paragraphs 1 to 4 (running Page No. 420) of the Joint Committee Report dated 22.08.2024 categorically confirm that unnecessary concretization and parking have been created within the impugned greenbelt along Old G.T. Road as well as along Lodhi Club Road, which infringes upon the designated green spaces and is required to be strictly prohibited. However, the impugned greenbelts are still being concretised further and used for illegal parking & commercial activities. Photographs produced by Applicants (Page no. 16 to 21, 354 to 358, 668 to 685, 793 to 796 & 837-838) clearly depicts the blatant violations by MCL and other respondents.
4. That the parking of vehicles in the greenbelt area is in blatant violation of the directions issued by the Hon'ble Punjab and Haryana High Court (Running Page Nos. 788–792), the policy framed and issued by the Department of Transport, Punjab mandating that school vehicles must be parked within the designated land owned by the respective schools (Running Page No. 805), as well as Clause No. 17 of the Gazette Notification (Running Page No. 640), which expressly prohibits the use of green/open spaces for any non-green or commercial activity, including parking.
5. That once the Municipal Corporation, Ludhiana has admitted before this Hon'ble Tribunal that the impugned locations are designated greenbelts under the Master Plan of Ludhiana, the law laid down by the Hon'ble Supreme Court in respect of protection of parks and greenbelts becomes fully applicable and binding upon the Respondents. The Hon'ble Supreme Court in *Lal Bahadur vs. State of U.P. & Ors.*, (2018) 15 SCC 407 (Running Page No. 696), *Bangalore Medical Trust vs. B.S. Muddappa & Ors.*, (1991) 4 SCC 54 (Running Page No. 697), and in *M.C. Mehta* (laying down the doctrine of 'absolute liability'), as well as the judgments of this Hon'ble Tribunal in *Sanjay Gupta vs. Ghaziabad Nagar Nigam* (Running

Page No. 704) and *Shariq Abbas Zaidi & Anr. vs. State of U.P. & Ors.* (O.A. No. 598 of 2019), unequivocally hold that greenbelts, parks, and open spaces cannot be diverted for any non-green or commercial use, and such precedents are binding upon the Respondents under Article 141 of the Constitution of India.

REGARDING E.A. No. 44 of 2025– DIRECTIONS NOT COMPLIED WITH BY

THE MUNICIPAL COMMISSIONER OF LUDHIANA

6. That despite repeated and continuous directions issued by this Hon'ble Tribunal, the Municipal Commissioner, Ludhiana has willfully failed to ensure compliance for a period exceeding one year. Such non-compliance constitutes a deliberate violation of the orders of this Hon'ble Tribunal and renders the said authority liable for prosecution under the provisions of the National Green Tribunal Act, 2010, including Section 26 relating to penalty for failure to comply with orders of the Tribunal.

Keeping in view of the binding directions of the Hon'ble Supreme Court of India, this Hon'ble Tribunal, the applicable environmental laws, and Article 21 of the Constitution of India guaranteeing the right to life with a clean and healthy environment, and considering the facts and evidence placed on record by the Applicants, it is most humbly prayed that the reliefs sought in the Original Application (OA) and Execution Application (EA) may kindly be allowed, and necessary directions be issued accordingly in the interest of justice, environment, and public health.



Dated: 28-10-2025

Place: Ludhiana

Kapil Dev

(Applicant No. 2 in person)

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