

commercial & other activities by going against directions of Hon'ble Supreme Court as well as this Hon'ble Tribunal.

2. That this Hon'ble Tribunal vide orders dated 07-11-2022 please to issue directions for formation of Committee comprising RO, MoEF&CC, Chandigarh, Commisisoner, MCL, State PCB and the Deputy Commissioner of Ludhiana to visit the site, look into the grievance of the Applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit report within 15 days.
3. That the RO, MoEF&CC Chandigarh submitted its separate report dated 06-01-2023 affirming the issues raised by the Applicants. The Joint Committee Report dated Nil was submitted by other three members i.e. DC Ludhiana, MC Ludhiana and PPCB separately and same was rejected by this Hon'ble Tribunal vide orders dated 21-07-2023 and please to issue directions for formulation of new committee comprising of representative of Regional Officer MoEF&CC and CPCB and representative of PSPCB (as nodal officer) preferably from Chandigarh to verify the facts and submit report within two months.
4. That since the MCL failed to provide the development Plan to the new Joint Committee, this Hon'ble Tribunal vide orders dated 31-07-2024 imposed penalty of Rs One Lakh for creating obstructions in the working of Hon'ble Tribunal and bodies constituted by it. After getting

the development plan, the newly Joint Committee submitted its report dated 22-08-2024 before this Hon'ble Tribunal.

5. That the report dated 22-08-2024 submitted by the new Joint Committee too affirms the issues raised by the Applicants in Original Applicants with conclusion and finding in brief (running page no. 420 onwards) as under:

- i. That the existing green areas on both sides of Old G.T. Road are insufficient and unnecessary concretization should be replaced with greenery, including trees, shrubs and grass to create a more sustainable and environmentally friendly urban landscape.
- ii. All illegal parking practices, particularly those that infringe upon green spaces should be strictly prohibited and Parking should not interfere with the existing tree cover or greenbelts. The Municipal Corporation should ensure that these regulations are strictly enforced.
- iii. Access to Lodhi Club and Sacred Heart School should be controlled and limited to designated entry points. The remaining areas of the ROW should be developed as greenbelt, enhancing the recreational and environmental value of the space. The greenbelt should be accessible to Public.

- iv. The Municipal Corporation Ludhiana should actively monitor green area footprints around roads, old buildings and public spaces, ensuring these areas are not converted into illegal parking zones or other non-green users. Continuous tracking and reporting mechanisms should be established to prevent the loss of green space in the city.
6. That on 04-10-2024, the Municipal Corporation admitted that the impugned areas falls in category of city parks/major open spaces in the Master Plan, Ludhiana vide para 5 of their additional affidavit dated 02-10-2024. Accordingly, the learned counsel of Municipal Corporation Ludhiana prayed for allowing two weeks' time to take appropriate steps for taking appropriate action and for restoration of park to its original position which was pleased to be permitted by the this Hon'ble Tribunal. However, since the MCL failed in compliance of orders dated 04-10-2024, this Hon'ble tribunal vide orders dated 24-03-2025 directed the Respondent Municipal commissioner to file compliance report within one month.
7. That since the Respondent Municipal Commissioner of Ludhiana failed to comply with orders of this Hon'ble Tribunal, the Applicants filed Execution Application No. 44 of 2025 in the present case and this Hon'ble Tribunal vide orders dated 21-07-2025 pleased to issue notices to the Respondents and directed them to file responses/compliance report within next four weeks.

WRITTEN ARGUMENTS BY APPLICANTS

REGARDING IMPUGNED LIBRARY BUILDING

1. That keeping in view of directions of this Hon'ble Tribunal vide orders dated 04-10-2024, Joint Committee report dated 22-08-2024 and as admitted by Municipal Corporation Ludhiana, the impugned area is green park/open spaces as per provisions of Master Plan.

2. That as per Report of the 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.

3. That as directed by this Hon'ble Tribunal vide orders dated 29-09-2024 in O.A. 165 of 2023 (Case titled Akash Vashishtha vs. Union of India), the tiling/concretization of pavements should not exceed more than 5%. Further, as per Policy for Park Management in Punjab 15% of surface can be concretized. **However, such policy doesn't allow construction of any structure over land of park**, therefore, the building constructed over land of park against the directions of Hon'ble Supreme Court and this Hon'ble Tribunal. However, **the MCL has repeatedly & deliberately misinterpreting the term Surface with Superstructure**. It is pertinent to humbly submit here that NGT Act 2010 has overriding effect on State laws.

4. That the MCL has repeatedly produced different and wrong facts regarding area of impugned park whereas the actual area of Park is 350 Sq yards and it has been confirmed by the Report of learned court Commissioner.
5. That as per reply to RTI given by MCL, the impugned building is not library of Municipal Corporation Ludhiana. Further, in letter No. 218/Horti/D dated 26-10-22 (Running Page No. 124) it is clearly mentioned that “since the size of park is very small, hence it is proposed that park may be maintained by MCL. The agreement with Maharana Partap Society Regd. was never renewed after 2022.
6. Above all, this Hon’ble Tribunal vide orders dated 04-10-2024 in the present case, has already directed the Municipal Commissioner of Ludhiana to file compliance report for restitution of Park to its original position.
7. That at time of construction of library, the Respondent MCL was well aware of the facts that there are directions of Hon’ble Supreme Court and cannot justify the illegal construction done deliberately in violation to the law of land on ground of wastage of Public Money. It is pertinent to humbly submit here that the Applicant No. 2 along with other Applicants has filed another **Original Application No. 381 of 2025** (Case title Public Action Committee & ors. vs. State of Punjab & ors.) pertaining to fresh construction in Parks and Greenbelts by Respondent No. 3 and while disposing the case vide orders dated 31-07-2025, the Hon’ble Chairperson Bench has issued directions of

formulation of a committee to verify the facts regarding Parks and Greenbelts and take remedial measures and Punitive action against the encroachers.

**REGARDING CONCRETIZATION AND ILLEGAL PARKING OF
VEHICLES IN GREENBELT ALONG G.T. ROAD AS WELL AS LODHI
CLUB ROAD**

8. That the report dated 22-08-2024 submitted by the new Joint Committee has confirmed that there is unnecessary concretization in impugned Greenbelt along Old GT Road as well as along Lodhi Club Road and has recommended as under that:

- I. **the existing green areas on both sides of Old G.T. Road are insufficient and unnecessary concretization should be replaced with greenery, including trees, shrubs and grass to create a more sustainable and environmentally friendly urban landscape.**
- II. All illegal parking practices, particularly those that infringe upon green spaces should be strictly prohibited and Parking should not interfere with the existing tree cover or greenbelts. The Municipal Corporation should ensure that these regulations are strictly enforced.
- III. Access to Lodhi Club and Sacred Heart School should be controlled and limited to designated entry points. The remaining areas of the ROW should be developed as greenbelt, enhancing the recreational and environmental value of the space. The greenbelt should be accessible to Public.

- IV. The Municipal Corporation Ludhiana should actively monitor green area footprints around roads, old buildings and public spaces, **ensuring these areas are not converted into illegal parking zones or other non-green users**. Continuous tracking and reporting mechanisms should be established to prevent the loss of green space in the city.
9. That as submitted earlier in submissions by the Applicant, as per the policy notified as per the Clause 17 of Notification No. CTP(LG)/2018/1177 dated 13-04-2018 issued by Department of Local Government (Town Planning Wing) regarding Public Parking Policy for Municipal Corporation Town of Punjab **“the Area Parking plans need to maintain judicious mix of green spaces for healthy neighbourhoods to reduce health risk among residents and children. All green areas and neighbourhood parks need to be protected from parking”**.
10. That as per **that keeping of directions of Hon’ble Punjab & Haryana High Court, the Department of Transport (Transport-2 Branch) Government of Punjab issued orders dated 07-11-2013 for transport policy** which were forwarded to all DEOs & All School Heads of State of Punjab vide Memo No. DySPO (PSEB)/2019/190122 dated 05-07-2019 by Department of School Education, Government of Punjab in which it is clearly mentioned as under:
- “To ensure that School must have their own designated land for parking areas so that the congestion caused due to traffic in front of school could be minimized”**.

11. That after admission of the fact that the impugned locations are greenbelts (as per the provisions of master plan of Ludhiana) before this Hon'ble Tribunal by MCL, the directions of Hon'ble Supreme Court in regard with Parks and Greenbelts as held in **Lal Bahadur vs. State of U.P. & ors. (2018) 15 SCC407**, **Bangalore Medical Trust vs. B.S. Muddappa & ors. (1991) 4 SCC 54** as well as this Hon'ble Tribunal in various cases are binding on the Respondents. The Applicant has already produced the facts regarding encroachments over Greenbelts along Old G.T. Road as well as Lodhi Club Road greenbelt in submissions dated 14/02/2025 & 27/02/2025.

12. That the Hon'ble Supreme Court has recognized that converting parks into parking areas can lead to a loss of green space and negatively impact groundwater recharge. This is because parks play a crucial role in absorbing rainwater and replenishing groundwater, while paved surfaces like parking lots reduce this natural process. The Hon'ble Supreme Court highlights the environmental consequences of such conversions, emphasizing the need to balance urban development with ecological concerns. The Supreme Court affirmed that it is the duty of constitutional courts to protect the environmental rights of citizens. This was also reiterated by the court in –

- i. The M.C. Mehta case (lays down the concept of 'absolute liability'),

- ii. The Godavarman Thirumulpad case (redefined the concept of 'forests') and
- iii. The recent (2024) case where SC ruled that citizens have a "right against the adverse effects of climate change" which means **development cannot come at the cost of the environment.**

The Hon'ble Apex Court's stance aligns with the public trust doctrine, which suggests that natural resources like groundwater are held in trust by the government for the benefit of the public. Any actions that deplete or damage these resources should be carefully considered and minimized. It is well known fact that the concretisation of greenbelts and parks results into depletion of groundwater table.

13. That this Hon'ble Tribunal vide orders dated 04-03-2020 in a case title Shariq Abbas Zaidi & anr. Vs. State of U.P. & ors. (O.A. No. 598 of 2019) has pleased to issued directions to the Commissioner, Municipal Corporation Ghaziabad as under:

*In this case the Learned Counsel for the applicant has fairly submitted that all other compliances have now been done except that **the cars of the visitors of respondent no. 5 are still being parked in the green belt area.** Further, he submits that the green belt area across the road is also being used by respondent no.5 for marriage purposes.*

*In response to the submission made by the applicant, **Commissioner, Municipal Corporation, Ghaziabad, present in person, submits that he has recently visited the site and***

would ensure that no parking in the said area takes place.

He has also submitted that in order to prevent the use of green belt for marriage purposes Municipal Corporation has already started raising RCC pillars and thereafter the entire land would be enclosed by barbed-wire fencing. He further submits that the exercise would be done within 15 days from today.

In view of the aforesaid submissions and statements made by the respective parties, we deem it proper to dispose of this application. However, it is made clear that in case the statement made on behalf of Municipal Corporation Ghaziabad is not complied with within the stipulated time, the applicant would be at liberty to approach the Tribunal again and in such a situation deterring cost would be awarded for not executing the statement made before us today.

Keeping in view of the facts produced above, the Applicants humbly pray to this Hon'ble Tribunal to kindly accept the prayer as submitted in the Original Application as under:

- i. the restitution of Green Belt by closing the Entrance Gate of both Lodhi Club as well as Sacred Heart Convent School as well as removal of interlocking tiles fixed over land of Green Belt for access to illegal entrance and planting samplings of indigenous trees and shrubs.**

- ii. The Restitution of Green Belts located along Roadside from Jargon Bridge to Sherpur Chowk, Ludhiana by stopping the**

parking of vehicles as well as removal of concrete surface and planting samplings of indigenous trees and shrubs.

iii. to impose fine (as deem fit by this Hon'ble Tribunal) on Respondent No. 2, 3, 5 & 6 for deliberately ignoring the direction of the Hon'ble Supreme Court as well as this Hon'ble Tribunal issued in a similar matter (O.A. No. 199 of 2022) and not acting on Notice & its reminder given by the Petitioner Association.

iv. Any other as deemed to be fit by this Hon'ble Tribunal.

AND

keeping in view of deliberate non-compliance of orders of this Hon'ble Tribunal dated 04-10-2024 as well as 24-03-2025 by Municipal Commissioner of Ludhiana, the applicants humbly prays this Hon'ble Tribunal to initiate proceeding u/s 28 of NGT Act 2010 read with section 25 of NGT Act against the Municipal Commissioner of Ludhiana in Execution Application 44 of 2025 filed before this Hon'ble Tribunal by the Applicants.



Dated: 17-08-2025

Kapil Dev

Place: Ludhiana

(Applicant No. 2 in person)