

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

WRITTEN ARGUMENTS
On behalf of Respondent No. 7
IN

Original Application NO. 211 OF 2024

Sanjay Aggarwal

..... Applicant

VERSUS

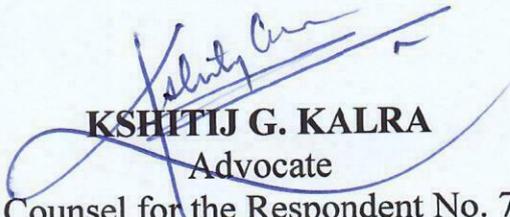
State of Uttarakhand & others

..... Respondents

Sl. Nos.	Description of Papers	Page Nos.
1.	Index	A
2.	Written Arguments	1-5

Entries from serial nos. 1 to 2 have been filled by me.

Dated: 03/11/2025


KSHITIJ G. KALRA
 Advocate
 Counsel for the Respondent No. 7
 UK 983/2021
 8668740652

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1. That it is germane to put forth at the inception itself that the Respondent No. 7 is a law abiding citizen and has never committed any environmental violations, so alleged by the Applicant in his letter which was addressed to the Hon'ble Tribunal.
2. That it is relevant to state that the Hon'ble Tribunal was gracious to pass the following on the previous dates:

"In the present case this Tribunal is mainly concerned with the grievance regarding encroachment on/obstruction of the drain involving substantial question relating to environment but this Tribunal is not concerned with the questions as whether the constructions in question are unauthorized due to having been raised without sanctioning of requisite maps by the Competent Authority or not and whether the construction in question are liable to be demolished for the above said violation or not and regarding the same appropriate action has to be taken by the concerned authorities in

Answer

accordance with law by taking into consideration rights of bona-fide third parties and also taking appropriate measures for preventing raising of such unauthorized constructions at the very initial stage”

3. That it would be relevant to state before this Hon'ble Tribunal that the prescribed Authority/SDM Narendra Nagar, while taking the cognizance of alleged encroachment on the land/seasonal rain drain, had instituted a case under Section 4 of the Uttar Pradesh Public Premises (Eviction of Unauthorized Occupants) Act, 1972 (hereinafter referred to as **UP PP Act**).
4. That the Respondent No. 7 also finds it relevant to submit that they were issued a notice to appear and submit its response in light of the alleged notice issued under the concerned provisions of UP PP Act.
5. That further, in response to the same, the Respondent No. 7 has submitted its detailed reply explaining as to why the land on which the Respondent No. 7 has constructed his residence was not an encroached land and was only belonging to him. The air on the issue of non-encroachment is also evident from the fact that the name of the Respondent No. 7 has been mutated in the

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Ramesh

revenue records, which is a procedure wherein the names get mutated for the particular area of land owned by the owner, only after proper surveys and reports.

6. That it is further relevant to state that this Hon'ble Tribunal, being governed by the National Green Tribunal Act, 2010 has the 2010, has the powers to entertain matters pertaining to the enactments contained in the Schedule – I of the said National Green Tribunal Act, 2010 as per Section 14. It is further germane and noteworthy to mention that the only issue left in the said matter i.e. UP PP Act is pertaining to alleged encroachment of land, cognizance of which has already been taken by the concerned Authority. The Section 14 of the National Green Tribunal Act, 2010 is reproduced herein below:

14. Tribunal to settle disputes.—(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

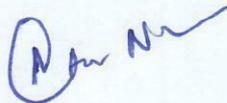
7. That it is also relevant to state that the enactment namely UP PP Act, is also not covered under the Schedule – I of the National

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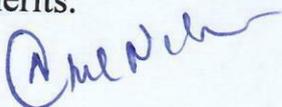
Green Tribunal Act, 2010 in light of which it is most respectfully stated that on this juncture, this Hon'ble Court now lacks the jurisdiction to entertain the instant OA mainly for two reasons:

- a. **UP PP Act, 1972 is not covered under the Schedule – I of the National Green Tribunal Act, 2010.**
- b. **Cognizance of the issue pertaining to alleged encroachment on seasonal rain drain has already been taken by the concerned/prescribed authority.**

8. That it is further also relevant to state that the reports of the State machineries make it evident that there were no other environmental violations being done by the Respondent No. 7 therefore, as per the Respondent No. 7, there are no other merits left in the instant OA.
9. That it would also be pertinent to mention that even the Applicant has never appeared before this Hon'ble Tribunal to argue or to press the matter which also makes it evident that the only motive behind filing this Application was to harass the Respondent no. 7.



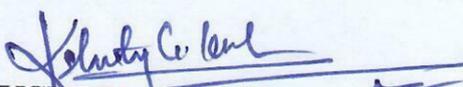
10. That in regards to the allegation made by the Applicant that the Respondent No. 7 has dumped material in the drain, is also false for the reason that as the drain comes from a height, it brings along various particles etc. with it, however the same cannot be construed that it was the Respondent No. 7 who had polluted or dumped any material in the same.
11. That all the contents of the application filed by the Applicant are baseless and were devoid of any merits. The relevant authorities have already taken cognizance of the matters of importance.
12. That in light of the same it is implored before this Hon'ble Tribunal to kindly take cognizance of the same and dismiss the Original Application for being devoid of any merits.


Respondent No. 7
ATUL NEHRA

Date: 03-11-2025

Place: New Delhi

Presented by:


KSHITI G. KALRA

Advocate

Counsel for the Respondent No. 7

UK 983/2021

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