

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 710/2023
(IA Nos. 835/2023, 480/2024, 479/2024 & 478/2024)

Sushil Raghav
Versus
Applicant

State of Uttar Pradesh & Ors.
Respondent(s)

Date of hearing: 17.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Sruthi K, Adv.

Respondents: Mr. Bhanwar Pal Singh Jadon, Mr. Chetan Jadon & Ms. Gargi Chaturvedi, Advs. for the State of UP & UPPCB
Mr. Raj Kumar, Adv. for CPCB (Through VC)
Mr. Malak Bhatt, Mr. Shreyansh Chopra, Ms. Samridhi, Mr. Harshit Rastogi & Ms. Gauri Vashisht, Advs. for Ghaziabad Nagar Nigam (Through VC)
Mr. Yagyawalkya Singh & Ms. Divya Swamy, Advs. for R - 7 (GDA)
Mr. Mayank Arora & Mr. Vikram Singh, Advs. in I.A Nos. 478-480/2024

ORDER

1. In this original application, the Tribunal is examining the grievance of the original applicant that there was a park earmarked at Rajendra Nagar Industrial Colony at G.T. Road Mile 8/7, Sahibabad, Ghaziabad. The allegation is about construction of a road/pathway on the land earmarked for the park and also the construction of a drain and shifting of the boundary wall of the park to reduce the park area.
2. The Tribunal on 24.07.2024 had directed the Chief Secretary, State of UP to file the affidavit disclosing the steps proposed to free the park from encroachment. The Chief Secretary, State of UP has filed the

affidavit dated 30.09.2024 disclosing that a Committee comprising of high officials did a comprehensive survey/inspection of the site on 22.08.2024. During the site visit, the history of land, layout map, and District Magistrate's report dated 18.07.2024 were taken into account and the comprehensive report was submitted with the following conclusion:

- "A. Adjacent Factory owners have constructed a road on the park land, which has an area of 864 sq.mt. In the original layout map, plots numbers 79 and 80 have been subdivided into small industrial plots and factories are running on that site. The factories which have opened their gates towards the park, are using this road to go to the main road. Apart from the above-mentioned route, they do not have an exit on the road (except the corner plot).*
- B. The Municipal Corporation has planted trees for in the encroachment free area (8311.80 sq.m.).*
- C. The remaining part of the park (2864 sq. m) is used for building the Jagjeevan Ram workers' colony, where people from the lower income group have been residing for more than 40 years."*

3. The report further mentions about the formation of four teams by the Municipal Corporation, Ghaziabad for conducting the household survey and the facts that emerged from the site as under:

"17. It is submitted that Municipal Corporation Ghaziabad has formed 4 teams to conduct a household survey and assessment of geotag status of Babu Jagjivan Ram Park located in Rajendra Nagar Industrial Area under Mohan Nagar Zone on 11.09.2024. The following facts emerged from the site which below-mentioned: -

- A. The total area of Park is 12040 sq. mt. Out of which, on 2864 sq. mtr. area, more than 172 houses are built, and 993 persons are residing there for the last 40 years.*
- B. The existing 9 industries have 119 workers. The road constructed on park land is in front of these factories, occupying 293 sq. mt. area.*
- C. So out of 12040 sq. mt. park area 3157 sq. mt. is under houses and roads. The remaining 8883 sq. mt. is available as open park.*

D. Municipal Corporation has developed around 21000 Miyawaki plantation on the remaining encroachment free area.

ANNEXURE R-10: -A true copy of the report of the Additional Municipal Commissioner dated- 11.09.2024.

4. The Chief Secretary on affidavit has stated that the appropriate and necessary directions have been issued to the concerned department and appropriate action will be taken by following the due process of law to resolve the issue in question.

5. Learned Counsel appearing for the Municipal Corporation, Ghaziabad has submitted, on instructions, that the action has been initiated by the GDA and the Municipal Corporation, Ghaziabad will be assisting the GDA in that action.

6. Learned Counsel for the GDA has submitted that the show cause notices have been issued to the concerned 9 industries and the due process of law will be followed.

7. IA No. 478/2024 is an application for impleadment/intervention filed on behalf of one Brij Raj Singh stated to be one of the owners of the industry located at Plot No. 80-K, Khasra No.-218, Street no. 4A, Rajendra Nagar Industrial Area, Mohan Nagar, Ghaziabad, UP-201007. IA No. 479/2024 is an application seeking exemption from filing certified copies of documents. IA No. 480/2024 is an application for direction. Learned Counsel for the applicant is directed to supply copies of these IAs to all the concerned parties in the OA who will have an opportunity to file reply to the IAs within four weeks.

8. List on 07.02.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 17, 2024
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