

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

Original Application No. 710/2023
(IA NO 835/2023, IA NO 480/2024, IA NO 479/2024,
IA NO 478/2024, IA NO 325/2025, IA NO 300/2025,
IA NO 299/2025, IA NO 298/2025, IA NO 36/2025)

Sushil Raghav Applicant

Versus

State of Uttar Pradesh & Ors. Respondent(s)

Date of hearing: 21.05.2025

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Rahul Choudhary & Ms. Shreepurna Dasgupta, Advs. for Applicant

Respondents: Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat, Ms. Anjali Sharma & Ms. Gargi Chaturvedi, Advs. for the State of UP & UPPCB (Through VC)
Mr. Malak Bhatt, Mr. Shreyansh Chopra & Ms. Somya Saxena, Advs. for R - 11
Dr. Divya Swamy & Mr. Yagyawalkya Singh, Adv. for R - 7 (GDA).
Mr. Mayank Arora & Mr. Vikram Singh, Advs. for R - 12
Mr. Raj Kumar, Adv. for CPCB
Mr. Narender Singh Yadav, Mr. Abhishek Yadav & Mr. Mayank Kr. Singh, Advs. in I.A No. 298/2025
Ms. Sthavi Asthana, Adv. for UPSIDA

ORDER

1. In this Original Application, Tribunal is examining the grievance of the applicant concerning the encroachment on the park earmarked as Rajendra Nagar Industrial Colony at GT Road Mile 8/7, Sahibabad, Ghaziabad, UP.
2. On the previous date i.e. 02.04.2025 Tribunal had taken note of response of respondent no.7-Ghaziabad Development Authority disclosing

that a committee of high officials had done the inspection of the site on 22.08.2024 considered the history of the land, layout map and comprehensive report was submitted.

3. Tribunal in the previous proceedings had reproduced the gist of the said comprehensive report disclosing that total area of the park as 12040 sq.mt and extent of encroachment being 3157 sq.mt leaving only an area of 8883 sq. mt. available as open park. In terms of the direction of the Tribunal, a fresh report has been filed by respondent no.7- Ghaziabad Development Authority dated 19.05.2025, reflecting the details of the action initiated as under:-

- “4. That in compliance of the directions passed by this Hon'ble Tribunal and in extension of the previous compliance, the Respondent No. 7 has issued 112 more show cause notices dated 01.04.2025, 03.04.2025 & 04.04.2025 under Section-27 of the Uttar Pradesh Town Planning and Development Act-1973. A true copy of the show cause notice dated 01.04.2025, 03.04.2025 & 04.04.2025 is marked and annexed herein as ANNEXURE A-4 (Colly).*
- 5 That it is humbly submitted that in total the Respondent No. 7 had issued 49 show cause notices under Section-27 of the Uttar Pradesh Town Planning and Development Act-1973 earlier - 9 show cause notice dated 30.12.2024 to the industries and 40 show cause notices dated 30.12.20204 & 31.01.2025 (Annexed in the short reply of Respondent No. 7) to the residents of the approximately 172 houses built in the area. Therefore, in total 161 show cause notices have been issued in a phased manner.*
- 6. That it is humbly submitted that in pursuance of the show cause notice dated 30.12.2024 issued to the 9 industries wherein reply was sought and the noticees stated that the issue is pending before this Hon'ble Tribunal. It was further stated that the sale deed 22.06.2004 is a part of freehold industrial area bearing plot 80-K which states that CC Road was already present and the noticees have not constructed any road.*
- 7. That it is humbly submitted that a letter was sent to Additional Municipal Commissioner, Municipal Corporation of Ghaziabad and Deputy Commissioner, Police Commissionerate, Ghaziabad requesting for a team and assistance for demolition of unauthorized construction. Thereafter, on 08.05.2025 with the*

assistance of the local police and authority the demolition of the unauthorized construction was carried out.

8. *It is humbly submitted that in pursuance of the same, further action has been taken by the Respondent No. 7 in accordance with law and the unauthorized road has been demolished. It is further humbly submitted that the process of restoration of the green belt is being resisted by the locals. A true copy of the photographs of the demolition are duly marked and annexed herein as the ANNEXURE A-5 (Colly).”*

6 Above report reveals that 161 show cause notices have been issued to the concerned persons who have allegedly encroached upon the park/road constructed in the park.

7 Learned Counsel for respondent no.7 has submitted that as per her instruction no reply to the show case notices have been received till now and respondent no.7 will wait for another 45 days for receipt of the reply and thereafter action will be taken.

8 Learned Counsel for the State of UP has referred to the paragraph 18 of the reply affidavit dated 30.09.2024 filed by respondent-Chief Secretary, State of UP stating as under:

“18. The deponent here state that appropriate and necessary directions has been issued to concerned departments and appropriate steps will be taken following the due process of law to resolve the issue in question. It is further stated that the required remedial actions will be taken in consideration of the issue in hand and by adopting the due process of law. “

9 Learned Counsel for the State has also referred to minutes of the meeting dated 06.09.2024 Chaired by Chief Secretary, UP wherein following directions were issued”

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क्र० सं०	मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन वाद संख्या एवं पारित आदेश दिनांक	कार्यवाही के निर्देश	कार्यवाही किये जाने वाले संबंधित विभाग
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1	Execution Application No-33/2021 In O.A No-68/2021 Sushil Raghav Vs State of Uttar Pradesh & Ors में पारित आदेश दिनांक 16.05.2024	विषयगत प्रकरण के संबंध में नगर निगम, गाजियाबाद द्वारा उक्त क्षेत्रों में अवस्थित घरों की संख्या, कुल सीवर कनेक्शनों की संख्या, पूर्व में डाली गयी सीवर लाइन की लम्बाई का डाटा उपलब्ध कराया जाए।	नगर आयुक्त, नगर निगम, गाजियाबाद।
		- विषयगत वाद में बची हुई सीवर लाइन, हाउस कनेक्शन इत्यादि के संबंध में डी०पी०आर० तैयार कर उपलब्ध कराया जाए। - डी०पी०आर० प्राप्त होने के पश्चात संबंधित विभाग द्वारा यथाशीघ्र अमृत 2.0 योजनान्तर्गत प्रशासकीय एवं वित्तीय स्वीकृति निर्गत किये जाने के संबंध में अग्रतर कार्यवाही की जाए।	- नगर विकास विभाग, उ०प्र० शासन। - प्रबन्ध निदेशक, उत्तर प्रदेश जल निगम (नगरीय), लखनऊ। - मुख्य अभियन्ता (गाजियाबाद क्षेत्र), उत्तर प्रदेश जल निगम (नगरीय), गाजियाबाद।
		उक्त रिपोर्ट/आख्या तथा डी०पी०आर० प्राप्त होने के पश्चात संबंधित विभाग	नगर विकास विभाग, उ०प्र० शासन।

		द्वारा ससमय प्रतिशपथपत्र का आलेख्य तैयार कर उपलब्ध कराया जाए।	
2	ओ०ए० संख्या-710/2023 Sushil Raghav Vs State of Uttar Pradesh & Ors में पारित आदेश दिनांक 24.07.2024	विषयगत प्रकरण के संबंध में नगर निगम, गाजियाबाद द्वारा बाबू जगजीवन राम पार्क का मूल क्षेत्रफल, पार्क में बसें हुए लोगों एवं घरों की संख्या, पार्क से होकर गुजरने वाले पक्के मार्ग की अवस्थिति एवं लम्बाई चौड़ाई तथा मार्ग से जुड़ने वाले औद्योगिक इकाईयों की संख्या व उनमें कार्य करने वाले श्रमिकों का सर्वे कर डाटा उपलब्ध कराया जाए।	नगर आयुक्त, नगर निगम, गाजियाबाद।
		उक्त पार्क में अवैध रूप से अवस्थित घरों तथा औद्योगिक इकाईयों हेतु उपलब्ध एकमात्र सम्पर्क मार्ग को हटाये जाने की कार्यवाही विधिक/न्यायसंगत (due process of	- जिलाधिकारी, गाजियाबाद - नगर आयुक्त, नगर निगम, गाजियाबाद - उपाध्यक्ष, गाजियाबाद विकास

		law) तरीके से की जाए।	प्राधिकरण, गाजियाबाद।
		उक्त रिपोर्ट/आख्या प्राप्त होने के पश्चात संबंधित विभाग द्वारा ससमय प्रतिशपथपत्र का आलेख्य तैयार कर उपलब्ध कराया जाए।	नगर विकास विभाग, उ०प्र० शासन।

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10. He has also sought four weeks time to place on record the fresh action taken report on behalf of Chief Secretary, State of UP.

11. Learned Counsel appearing for respondent no.12 has submitted that respondent no.12 is not the encroacher and that he has also objected to the original application by referring it to be time-barred. Tribunal in the previous order dated 02.04.2025 had granted respondent no.12 an opportunity to file the reply which has not been filed till now.

12. Learned Counsel for the applicant submits that these objections be considered after the reply is filed.

13. Learned Counsel appearing for respondent no.12 submits that reply to the original application will be filed within two weeks, thereafter rejoinder, if any, can be filed within four weeks.

14. I.A. No. 298/2025: has been filed by Subhas Singh and others. This is an IA at the instance of as many as 22 applicants who are stated to have their houses in the area concerned. Prayer for impleadment is not opposed by Counsel for the applicant even otherwise applicants in IA 298/2025 are

likely to be affected, therefore, they are required to be impleaded. Hence, IA 298/2025 is allowed. Let the cause title of the original application be amended and an amended memo of parties be filed.

15. IA No. 299/2025: has been filed by the applicant seeking exemption from filing of certified and official translation of the annexures. On due consideration IA is allowed, subject to the conditions that applicant in the IA will place on record legible translated copies of the document on which he wants to rely upon during the course of argument.

16. Learned Counsel for the applicant in the original applicant seeks three weeks' time to file reply to IA No. 300/2025.

17. So far as IA 325/2025 is concerned with afflux of time, said IA has become infructuous which is accordingly dismissed.

18. Let the reply to the original application be filed by all the concerned parties within three weeks and rejoinder, if any, be filed within three weeks thereafter.

19. List on 09.07.2025.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

May 21, 2025

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