

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

Original Application No. 710/2023
(I.A. No. 835/2023)

Sushil Raghav

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 30.11.2023

**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: Mr. Rahul Choudhary & Ms. Sruthi K. Advocates

ORDER

1. In this original application, Applicant has raised the grievance that the park was earmarked at Rajendra Nagar Industrial Colony on G.T. Road Mile 8/7, Sahibabad, Ghaziabad but the Ghaziabad Municipal Corporation is undertaking the activity of construction of road/pathway on the land earmarked for park and is also constructing the drain and shifting the boundary of the park by reducing the park area. The plea of the Applicant is that park is required to be preserved in view of the order of the Tribunal in the matter of *Residents Welfare Association vs. State of Haryana* reported in 2019 SCC OnLine NGT 2797.

2. Learned Counsel for the Applicant submits that the National Clean Air Program has been formulated in terms of Section 16(2)(b) of the Air (Prevention and Control of Pollution) Act, 1981 which requires the concerned authorities to maintain the green area and in the present case, reduction of green area violates the National Clean Air Program also. He has further submitted that the impugned activity also violates the short-term action plan relating to 'Non-Attainment Cities' which requires the

Forest Department to maintain greening of open area, gardens, community places, etc.

3. Having regard to the issue which has been raised in the OA, we are of the opinion that the OA involves substantial issue relating to compliance of the environmental laws.

4. Hence, at this stage, we deem it proper to issue notice to the Respondents. The Applicant is directed to serve the respondents and file affidavit of service on or before the next date of hearing.

5. We also form a Committee comprising of the Member Secretary, Uttar Pradesh Pollution Control Board, concerned Divisional Forest Officer and District Magistrate, Ghaziabad who will carry out the spot inspection, ascertain the correct position on the spot and file action taken report before the Tribunal within six weeks Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. The District Magistrate will be the nodal officer in the Committee.

6. List on 05.02.2024.

7. A copy of this order be forwarded to Member Secretary, Uttar Pradesh Pollution Control Board, concerned Divisional Forest Officer and District Magistrate, Ghaziabad by e-mail for compliance.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 30, 2023
OA No. 710/2023 (I.A. No. 835/2023)
DV