

Item No. 05

(Court No.1)

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

(By Video Conferencing)

Original Application No. 04/2020  
(I.A. No. 430/2020)

Sunil Kumar Sharma (Journalist)

Applicant

Versus

Uttar Pradesh Industrial Development Authority & Anr. Respondent(s)

Date of hearing: 27.08.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Sharad Chauhan, Advocate  
Mr. Hem Chandra Joshi, Advocate in I.A. No. 430/2020

Respondent: Mr. Rajesh Rana, Advocate for UPSIDC

**ORDER**

1. A report was sought from District Magistrate, Ghaziabad with reference to the allegation that there was encroachment on the green belt, in violation of the Master Plan, by way of a private building named 'Udyog Bhawan' at Ghaziabad.

2. The matter was last considered on 25.09.2020 in the light of the report of the District Magistrate, Ghaziabad dated 11.09.2020, acknowledging the encroachment. The Tribunal accordingly directed remedial action and filing of compliance report. Operative part of the order is reproduced below:-

“1.....xxx.....xxx.....xxx.....xxx

2. Accordingly, the report filed on 11.09.2020 by the District Magistrate acknowledges illegal encroachment as follows:-

“3. That in compliance of the order of the Hon'ble Tribunal, on 02.03.2020 a team of Lekhpal, Revenue Inspector and Naib Tehsildar had visited the land in question and found that the in question is currently under the possession/jurisdiction of Nagar Nigam Ghaziabad.

4. That an office premises has been constructed and operated by the UDYAMI SANGH (Association) without the permission of Nagar Nigam Ghaziabad.

5. That the inspecting team had found **that an illegal encroachment done by UDYAMI SANGH as Udyog Bhawan having the measurement of 940 Sqm (Covered) and 292 Sqm (Vacant) at S- Block, South Side of G.T Road Industrial Area, Ghaziabad-201009 on the land reserved for green belt.** The copy of Photograph is annexed herewith as ANNEXURE-A.”

3. In view of the above, let further remedial action be taken by the District Magistrate, Ghaziabad and a compliance report filed before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

3. We regret to note that no compliance report has been filed as directed, even after acknowledging illegal encroachment in the green belt. However, the alleged encroacher the Industrial Area Manufactures Association (South Side of G.T. Road, Industrial Area Manufactures Association, at Udyog Bhawan, through its General Secretary Mahesh Chandra Agarwal, R/o 378 Block, New Friends Colony, South Delhi, Delhi – 11025) seeking impleadment by mentioning that what is constructed on the green belt is not commercial building but a public building used by public at large. Association has 212 Members representing industrial units in the industrial sectors. The building is used for the meeting of the industrial owners. As per the Master Plan green belt can be used with special permission for such activities.

4. We have heard learned counsel appearing in I.A. We also note the presence of counsel for the UPSIDC. There is nothing to rebut the report of the District Magistrate, noted earlier, that the construction in question is illegal encroachment of green belt in violation of the Master Plan, without requisite permission of the Nagar Nigam.

5. Accordingly, we direct District Magistrate, Ghaziabad with the assistance of SSP, Ghaziabad to forthwith take remedial action of removing the encroachment and restoring the green belt. Any failure in this regard may leave no option except to take coercive measures against the District Magistrate, Ghaziabad and SSP, Ghaziabad personally.

6. The District Magistrate, Ghaziabad may also assess and recover compensation for wrongful encroachment of public land in the green belt. Pending assessment of final compensation, a token amount of Rs. 10 Lakhs be deposited as interim compensation for the violations by the applicant in the IA - South Side of G.T. Road, Industrial Area Manufactures Association, through its General Secretary-Mahesh Chandra Agarwal with the District Magistrate, Ghaziabad within one month, failing which coercive measures for recovery may be taken. The amount may be utilized for restoration of the environment.

The application is disposed of.

A copy of this order be forwarded to the District Magistrate, Ghaziabad and SSP, Ghaziabad by e-mail for compliance.

In view of order in the main matter, I.A. No. 430/2020 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

August 27, 2021  
Original Application No. 04/2020  
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