

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

Original Application No. 598/2019
(Earlier O.A. No. 84/2018)

Shariq Abbas Zaidi & Anr.

Applicant(s)

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 11.12.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. S.A. Zaidi, applicant in person
with Ms. Mansi Chahal, Advocate

For Respondent(s)

Mr. Mukesh Kumar Verma,
Advocate

Mr. Vishwajit Singh, Ms. Vijaya
Singh and Mr. Sushmit
Chauhan, Advocates

Mr. Pradeep Misra and Mr.
Daleep Dhyani, Advocates

Mr. Rachit Mittal and Ms. Tanvi
Aggarwal, Advocates

Mr. Siddharth Bawa and Mr.
Shyamal Anand, Advocates

Mr. Pradeep Tyagi and Ms.
Ridam Tyagi, Advocates

Mr. Sandeep Thukral and Mr.
Anil Kher, Advocates

ORDER

Heard the Learned Counsels for the parties. As agreed
by them, we propose to decide the matter at this stage.

Earlier original application (84/2018) was filed
primarily with the prayer that the respondent-State and its
authorities should remove the encroachments from the

green belt which was done by respondents no. 5 to 10. The said application was decided on 08th February, 2019 with the following directions/observations:-

“We, therefore, dispose of this application with the direction to the Municipal Corporation, Ghaziabad to take immediate steps for removal of encroachment of green belt. The said area be restored to its original form, at the cost of the encroachers. However, the Municipal Corporation, Ghaziabad shall submit a compliance report of this order within one month. Registry is directed that on receipt of the report, the same be registered separately and be placed before the Court.”

As per the aforesaid order, on receipt of the compliance report from Municipal Corporation Ghaziabad, the Registry was directed to register the same separately and place before the Court.

It is pertinent to mention here that during the proceedings in original application 84/2018 recommendations were made by Joint Inspection Team on 12th March, 2018.

After registration of the report received from the Corporation, the matter was registered as original application 598/2019. During the course of the present proceedings, the Counsel for the applicant had submitted that the compliance of the order dated 08th February, 2019 has not been made, whereas Learned Counsel for the Corporation controverted said submissions. Therefore the Tribunal had appointed the Court Commissioner who visited the site and submitted its report on 05th September,

2019 wherein she had distinctly mentioned about the recommendations made by the Joint Inspection Team and her observations about the same, during the visit on 26th August, 2019.

In view of the aforesaid facts and circumstances, we considered it appropriate to order that Municipal Corporation Ghaziabad shall comply with the recommendations made by the Joint Inspection Team, and also the observations of the Court Commissioner in respect of non-compliance/partly compliance of the recommendations of the Joint Inspection Team.

The Municipal Corporation Ghaziabad is directed to do the needful i.e. to remove the encroachments as per the recommendations of the Joint Inspection Team and the observations made by the Court Commissioner, within a period of 30 days from today.

It is made clear that Municipal Corporation Ghaziabad shall comply with the recommendations/observations in letter and spirit and henceforth no part of the recommendations/observations should remain, failing which the officer concerned shall be made accountable for non-complying the order of the Tribunal and also be saddled with cost.

As a matter of fact, this is a second opportunity being given to the Municipal Corporation Ghaziabad to remove the encroachments on green belt.

On expiry of the aforesaid time-frame given to the Municipal Corporation Ghaziabad they shall immediately submit a compliance report.

The office is directed to place the report before the Court as soon as the same is submitted by the Corporation.

Accordingly, this original application 598/2019 is disposed of, with no order as to cost.

Justice Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

JG

