

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 175 OF 2022

IN THE MATTER OF :-

Vijay Kishor Goswami

...Applicant

Versus

State of Uttar Pradesh & Ors

...Respondents

**AFFIDAVIT OF EXECUTIVE ENGINEER PROVINCIAL
DIVISION PUBLIC WORKS DEPARTMENT MATHURA, UTTAR
PRADESH, (RESPONDENT-2) IN COMPLIANCE OF ORDER
DATED 09.01.2023 PASSED BY THIS HON'BLE TRIBUNAL**

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 175 OF 2022

IN THE MATTER OF :-

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Versus

State of Uttar Pradesh & Ors

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**AFFIDAVIT OF EXECUTIVE ENGINEER PROVINCIAL
DIVISION PUBLIC WORKS DEPARTMENT MATHURA, UTTAR
PRADESH, (RESPONDENT-2) IN COMPLIANCE OF ORDER
DATED 09.01.2023 PASSED BY THIS HON'BLE TRIBUNAL**

Vijay Kishore Mathur
Advocate, Notary Public, Mathura

I, **Ajay Kumar Singh**, aged about 53 years, S/o Sh. Ram Subhag Singh, presently posted as Executive Engineer Public Works Department Provincial Division Mathura, Uttar Pradesh, the deponent do hereby solemnly state and affirm as under :-

1. That I am the abovementioned authorized officer of the answering Respondent No. 2 and has been duly authorized to file the present affidavit on behalf of Respondent No. 2. That the

Deponent is well conversant with the facts and a circumstance of the instant case and is competent to swear this affidavit.

2. That the Deponent has read and understood the contents of the present affidavit. The averments made in the affidavit which are not specifically admitted hereunder must be considered to have been denied by the Deponent.

3. That it is most respectfully submitted that this Hon'ble Tribunal vide its order dated 09.01.2023 was pleased to issue the following directions:-

"..... In view of the fact that the work of concretization of the roads is stated to have been carried out by the Public Works Department and the Uttar Pradesh Rural Engineering Services, Mathura, the Registry is directed to issue notices along with the copies of application, report of the Joint Committee and documents attached with the same to them....."

True copy of order dated 09.01.2023 passed by this Hon'ble

Tribunal is annexed herewith and marked as **Annexure R-1.**

4. That the present affidavit is being filed in pursuance to and in compliance of the aforesaid directions passed by this Hon'ble Tribunal.

5. That the deponent herein is posted as the Executive Engineer Provincial Division Public Works Department Mathura,

since 18.03.2023 and is swearing this affidavit in his official capacity as the Executive Engineer.

6. That it is most respectfully submitted that the Joint Inspection Committee which was constituted vide order dated 07.03.2022 passed by this Hon'ble Tribunal inspected the areas mentioned in the Original Application on 18.05.2022 and has submitted the Factual Status Report on 08.07.2022.

7. That on the basis of report of the site inspection committee, notices were issued to all concerned executive agencies viz. Mathura-Vrindawan Nagar Nigam, Mathura- Vrindawan Development Authority, Public Works Department and UP Rural Engineering Services Mathura to submit their response by 24.05.2022 through designated nodal agency viz. State Pollution Control Board.

8. That in compliance of the directions issued by the Joint Inspection Committee, the office of erst while Executive Engineer vide office letter no. 1936/C-1 dated 28.06.2022 and letter no.1966/C-1 dated 30.06.2022 submitted his response to the Regional Officer Uttar Pradesh Control Board, Mathura. True copy of letter no. 1936/C-1 dated 28.06.2022 and letter no.1966/C-1 dated 30.06.2022 submitted by the deponent is annexed herewith and marked as **Annexure R-2(Colly)**

9. That it is most respectfully submitted that in Chaitanya Vihar and Ramanreti old road is maintained with 15 cm Cement Concrete work which was done by the public works department in the old damaged surface. No widening work has been done on the road and the area around plantation has been kept earthen. Further on Yamuna Parikrama Marg, after year 2018 no interlocking work has been carried out on footpath while earthen footpath is developed by the Braj Teerth Vikas Parishad in place of interlocking tiles.

10. That it is most respectfully submitted that there has been no violation of the orders passed by this Hon'ble Tribunal and also of the Government Order dated 23.03.2018 issued by the State Government for construction and maintenance of roads and footpaths.


VISHAL KISHORE MATHUR
Advocate, Notary Public, Mathura

11. That the deponent undertakes before this Hon'ble Tribunal that the orders passed by this Hon'ble Tribunal will be complied in letter and spirit and will ensure that no concretization takes place within the areas where any work is to be undertaken by the department in future in the city of Vrindavan, Uttar Pradesh


Executive Engineer
DEPONENT P.W.D.
Mathura

VERIFICATION:-

I, the abovenamed deponent to hereby verify that the contents of this affidavit are true and correct to my knowledge,

no para of it is false and nothing material has been concealed there from.

Verified by me on this the 28th day of April, 2023, at

Mathura



Aswathy
Executive Engineer
Provincial Division, P.W.D.
DEPONENT.
AS Mathura

VISHAL KISHORE MATHUR
Advocate, Notary Public, Mathura

The Contents of the affidavits document
read over & explained to Shri. Subramaniam
who is identified by Shri. Subramaniam
and oath attested to day on 28/4/23
at my office & noted down in the notary
Register No. SC 66/23
and Charged fees Rs. 25/-

Vishal Kishore Mathur
Notary Public
District Head Quarter Mathura

श्री. Subramaniam
एक व्यक्तिगत रूप से जानता हूँ इन्होंने
सकल सच/निष्ठा मेरे सामने किये हैं।

पहचान

VAKALATNAMA

Appeal/Application No. EOA NO. 175 / of 2028

Vijay Kishor Goswami

Applicant

VERSUS

State of Uttar Pradesh & ors **Defendant/Respondent**

I/We, the undersigned do hereby nominate and appoint **Shri Ankit Verma, Standing Counsel State of UP, Office at A-15, FF Nizamuddin, East New Delhi**, to be counsel/s in the above matter and for me and on my behalf to appear, plead, act and answer in the above Court or any appellate court or any Court to which the business is transferred in the above matter, and to sign and file petitions, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from, and also to apply for and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrant or order and to conduct any proceeding that may arise there from and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town then, and in such an event my / our said advocate shall not be bound to appear before the court and if myself / our said advocate does appear in the said, case, he shall be entitled to an outstanding fee and other expenses of traveling, lodging, etc.

Provided ALSO that if the case be dismissed in default, or if it be proceeded ex-parte, the said advocate (s) shall not be held responsible for the same. And for all whatsoever my / our said advocate (s) shall lawfully do. I / we do here by agree to and shall in future and confirm.

Ankit Verma
ANKIT VERMA

Advocate

Mob: +91-9990804440


Executive Engineer
Provincial Division, P.W.D.
Signature of the Client


Item No. 1

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 175/2022

Vijay Kishor Goswami

...Applicant

Versus

State of Uttar Pradesh & Ors.

....Respondents

Date of hearing: 09.01.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Mr. Rahul Choudhary, Advocate (through VC).

Respondents: Mr. Rachit Mittal, Ms. Pooja Kapur and Mr. Adarsh Srivastava, Advocates for Respondent No. 3-Mathura-Vrindavan Development Authority,
Mr. Yagyawalkya Singh and Mr. Sharad Chauhan, Advocates for Respondent No. 4-Nagar Nigam Mathura Vrindavan.
Mr. Pradeep Mishra and Mr. Daleep Dhyani, Advocates for UPPCB.
None for Respondents No. 1, 2 and 5.

ORDER

1. Grievance in this application is against reckless and excessive concretization in the areas of Banke Bihar Colony, Ramanreti, Kailash Nagar, Chaitanya Vihar and along Yamuna Parikarma Marg in the city of Vrindavan, Uttar Pradesh in violation of the Orders of this Tribunal in OA No. 165/2013, titled Akash Vishishtha vs. Union of India and the G.O. dated 23.03.2018 issued by the Government of Uttar Pradesh.

2. Vide order dated 07.03.2022, this Tribunal constituted a Joint Committee comprising of State PCB, DFO and District Magistrate- Mathura (Uttar Pradesh) and directed the same to submit Factual and Action Taken Report within three months. In compliance thereof, the

O. A. No. 175/2022

Vijay Kishor Goswami Vs.
State of U.P. & Ors.

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Joint Committee inspected the area on 18.05.2022 and submitted Factual and Action Taken Report vide email dated 08.07.2022.

3. Vide order dated 13.07.2022, notices were ordered to be served on respondents.

4. Replies/response on behalf of Respondents No. 3 and 4 have been filed vide emails dated 16.11.2022 and 30.11.2022, respectively. Response to the Factual and Action Taken Report of the Joint Committee has also been filed by the applicant vide email dated 08.12.2022.

5. We have observed from the photographs attached with the application and response of the applicant to the Factual and Action Taken Report of the Joint Committee that area surrounding the trees has been completely concretized upto the stem of the trees which is bound to suffocate/retard the growth of the same in the course of their life time. This Tribunal has already given directions in OA No. 167/2015 titled as *Indian Council for Enviro-Legal Action Vs. Deputy Commissioner and Another* for de-concretization of the area surrounding the trees for their survival/proper growth. Accordingly, Respondents No. 3 and 4 are directed to take remedial action for de-concretizing at least one meter space around the trees and file Action Taken Report in this regard **within three months** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

6. In view of the fact that the work of concretization of the roads is stated to have been carried out by the Public Works Department and the Uttar Pradesh Rural Engineering Services, Mathura, the Registry is

O. A. No. 175/2022

Vijay Kishor Goswami Vs.
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directed to issue notices along with copies of the application, report of the Joint Committee and documents attached with the same to them.

7. Reply/response on behalf of Public Works Department and the Uttar Pradesh Rural Engineering Services, Mathura be filed **within one month** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

8. List the matter for further consideration on 10.04.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 09, 2023
AVT

कार्यालय अधिशासी अभियन्ता
Office of Executive Engineer
प्रान्तीय खण्ड, लो०नि०वि०, मथुरा
Provincial Division, PWD, Mathura
E-mail : exerpwdmtr@gmail.com



जिलाधिकारी कार्यालय परिसर
Collectrate Compound,
सिविल लाइन, मथुरा-281001
Civil Line, Mathura-281001
Phone No.- 0565-2471431

पत्रांक : 1936 / सी-1
सेवा में,

दिनांक : 28.06.2022

क्षेत्रीय अधिकारी (प्र०)
क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियन्त्रण बोर्ड,
भवन सं०-65 ए, बल्देवपुरी, महोली रोड, मथुरा।

- विषय :-** मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा योजित ओ०ए० सं०-175/2022 विजय कुमार गोस्वामी बनाम स्टेट आफ यू०पी० एवं अन्य में पारित आदेश दिनांक 07.01.2022 के सम्बन्ध में।
- सन्दर्भ :-** (1.) आपका पत्रांक 305/०-85/2022 दिनांक 24.05.2022
(2.) शासनादेश सं०-1022/नौ-5-2016-92सा/18न०वि०अनु०-5, लखनऊ दिनांक 23.03.2018

महोदय,

उपरोक्त विषयक सन्दर्भित पत्र के क्रम में अवगत कराना है कि याचिकाकर्ता श्री विजय कुमार गोस्वामी द्वारा वृन्दावन के विभिन्न क्षेत्रों में Excessive Concretization होने के दृष्टिगत मा० एन०जी०टी० के ओ०ए० नं०-165/2019 आकाश वशिष्ठ बनाम यूनियन आफ इण्डिया में पारित आदेश दिनांक 05.07.2016 एवं उक्त के अनुक्रम में जारी नगर विकास अनुभाग-5, उ०प्र० शासन के सन्दर्भित शासनादेश दिनांक 23.08.2018 में दिये गये निर्देशों के क्रम में दिनांक 18.05.2022 को जारी निरीक्षण टिप्पणी में इंगित मार्ग क्रमांक सं०-1 एवं क्रमांक सं०-5 लोक निर्माण विभाग से सम्बन्धित है, जिसकी आख्या निम्नानुसार है :-

क्रमांक सं०-1 - चेतन्य बिहार में भगवत निवास बिल्डिंग से जगतगुरु कृपालु परिषद संस्था मार्ग विभागीय अभिलेखों में रतन छतरी से वृन्दावन शोध संस्थान मार्ग के नाम से अंकित है, जो कि प्रान्तीय खण्ड, लो०नि०वि०, मथुरा के अधीन है। मार्ग पर अनुरक्षण मद में स्वीकृति के क्रम में पुरानी क्षतिग्रस्त सतह के स्थान पर 15 सेमी० सी०सी० का कार्य किया गया है। मार्ग पर किसी प्रकार का चौड़ीकरण का कार्य नहीं किया गया है। पूर्व निर्मित सतह पर ही मात्र सी०सी० का कार्य किया गया है। पूर्व से स्थापित वृक्षों के किनारे कच्चा भाग रिक्त छोड़ा गया है। मार्ग पर अनुरक्षण कार्य श्रद्धालुओं एवं स्थानीय जनता को लाभ देने हेतु राजकीय हित में किया गया है। अतः सन्दर्भित शासनादेश में दिये गये निर्देशों का उल्लंघन प्रान्तीय खण्ड, लो०नि०वि०, मथुरा द्वारा नहीं किया गया है।

क्रमांक सं०-5 - यमुना परिक्रमा मार्ग विभागीय अभिलेखों में वृन्दावन परिक्रमा मार्ग के नाम से अंकित है, जो निर्माण खण्ड-1, लो०नि०वि०, मथुरा के अधीन है। मार्ग पर वर्ष 2018 के उपरान्त पट्टरियों पर कोई भी इण्टरलॉकिंग का कार्य नहीं कराया गया है। अपितु वृज तीर्थ

विकास परिषद द्वारा मार्ग की पटरियों 1990 में लगी इण्टरलॉकिंग टाइल्सों के स्थान पर कच्चा परिक्रमा मार्ग विकसित कर सौन्दर्यीकरण का कार्य किया गया है। अतः सन्दर्भित शासनादेश में दिये गये निर्देशों का उल्लंघन निर्माण खण्ड-1, लो0नि0वि0, मथुरा द्वारा नहीं किया गया है।

सादर सूचनार्थ प्रेषित।

अधिशाली अभियन्ता
प्रान्तीय खण्ड, लो0नि0वि0
मथुरा

पत्रांक

दिनांक

प्रतिलिपि:-

1. जिलाधिकारी महोदय, मथुरा को सादर सूचनार्थ प्रेषित।
2. अधिशाली अभियन्ता, निर्माण खण्ड-1, लो0नि0वि0, मथुरा को उनके द्वारा उपलब्ध करायी गयी आख्या के क्रम में सूचनार्थ प्रेषित।

अधिशाली अभियन्ता
प्रान्तीय खण्ड, लो0नि0वि0
मथुरा

कार्यालय अधिशासी अभियन्ता
Office of Executive Engineer
प्रान्तीय खण्ड, लो0नि0वि0, मथुरा
Provincial Division, PWD, Mathura
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जिलाधिकारी कार्यालय परिसर
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सिविल लाइन, मथुरा-281001
Civil Line, Mathura-281001
Phone No.- 0565-2471431

पत्रांक : 1966/ सी-1
सेवा में,

दिनांक : 30.06.2022

क्षेत्रीय अधिकारी (प्र0)
क्षेत्रीय कार्यालय, उ0प्र0 प्रदूषण नियन्त्रण बोर्ड,
भवन सं0-65 ए, बल्देवपुरी, महोली रोड, मथुरा।
विषय :- मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा योजित ओ0ए0 सं0-175/2022
विजय कुमार गोस्वामी बनाम स्टेट आफ यू0पी0 एवं अन्य में पारित आदेश दिनांक
07.03.2022 के सम्बन्ध में।
सन्दर्भ :- (1.) आपका पत्रांक 512(ए0)/0-85/2022 दिनांक 28.06.2022
महोदय,

उपरोक्त विषयक सन्दर्भित पत्र का अवलोकन करने का कष्ट करें, जिसमें आप द्वारा
वोँछित आख्या निम्नानुसार है :-

- रमणरेती में श्री ठाकुर जी आश्रम से राधाकृष्ण पाठक बगीची तक - श्री ठाकुर जी आश्रम से राधाकृष्ण पाठक बगीची तक मार्ग विभागीय अभिलेखों में रतन छतरी से वृन्दावन शोध संस्थान मार्ग के नाम से अंकित है, जो कि प्रान्तीय खण्ड, लो0नि0वि0, मथुरा के अधीन है। मार्ग पर अनुरक्षण मद में स्वीकृति के क्रम में पुरानी क्षतिग्रस्त सतह के स्थान पर 15 सेमी0 सी0सी0 का कार्य की लम्बाई लगभग-0.300 किमी0 में कराया गया है। मार्ग पर किसी प्रकार का चौड़ीकरण का कार्य नहीं किया गया है। पूर्व निर्मित सतह पर ही मात्र सी0सी0 का कार्य किया गया है। पूर्व से स्थापित वृक्षों के किनारे कच्चा भाग रिक्त छोड़ा गया है। मार्ग पर अनुरक्षण कार्य श्रद्धालुओं एवं स्थानीय जनता को लाभ देने हेतु राजकीय हित में किया गया है। अतः सन्दर्भित शासनादेश में दिये गये निर्देशों का उल्लंघन प्रान्तीय खण्ड, लो0नि0वि0, मथुरा द्वारा नहीं किया गया है। आप द्वारा अपने निरीक्षण आख्या में मार्ग की लम्बाई लगभग 1.00 किमी0 बतायी गयी है। जिसमें लोक निर्माण विभाग द्वारा लगभग 0.300किमी0 लम्बाई में कार्य कराया गया है।

आपको यह भी अवगत कराना है कि चेतन्य विहार में भगवत निवास बिल्डिंग से जगतगुरु कृपालु परिषद संस्था एवं रमणरेती में श्री ठाकुर जी आश्रम से राधाकृष्ण पाठक बगीची तक मार्ग विभागीय अभिलेखों में रतन छतरी से वृन्दावन शोध संस्थान मार्ग के नाम से अंकित है, जिसकी लम्बाई 0.900 किमी0 है। केवल किसी भाग में लोक निर्माण विभाग द्वारा सी0सी0 का कार्य कराया गया है।

सादर सूचनार्थ प्रेषित।

पत्रांक : /
प्रतिलिपि:-

अधिशासी अभियन्ता
प्रान्तीय खण्ड, लो0नि0वि0 मथुरा
दिनांक

- जिलाधिकारी महोदय, मथुरा को सादर सूचनार्थ प्रेषित।
- सहायक अभियन्ता (प्रथम) प्रान्तीय खण्ड, लो0नि0वि0, मथुरा को उनके द्वारा उपलब्ध करायी गयी आख्या के क्रम में सूचनार्थ प्रेषित।

अधिशासी अभियन्ता
प्रान्तीय खण्ड, लो0नि0वि0 मथुरा



Ch. 0.450



Ch. 0.650

J.E.

A.E.

E.E.



Ch. 0.580



Ch. 0.550


J.E.


A.E.


E.E.



Q. 0.530



Q. 0.530

J.E.

A.E.

E.E.



Ch 0.520



Ch 0.520


J.E.


A.E.


E.E.



Ch 0.515



Ch 0.515


J.E.


A.E.


E.E.