

Item No. 04

(Court No. 1)

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

(By Video Conferencing)

M.A. No. 01/2022

IN

Original Application No. 93/2017

R. L. Sharma & Ors.

Applicant(s)

Versus

New Okhla Industrial Development Authority & Ors.

Respondent(s)

Date of hearing: 08.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sushant Singh, Advocate for Applicant in M.A 01/2022

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates. for UPPCB

ORDER

1. This application is in the nature of execution of earlier orders of this Tribunal dated 14.08.2018 and 13.03.2019.

2. Vide order dated 14.08.2018, the issue considered was of restoration of green belt in Sector 48 NOIDA as per layout plan given in Master Plan 2021 and 2031. The Tribunal directed removing of encroachments in the green belt, including illegal structures. The order is reproduced below:-

“ The applicants had initially filed this application with a number of prayers with regard to restoration of the Green Belt in Sector 48, NOIDA, as per the Layout Plan given in the Master Plan, 2021 as well 2031. Subsequently, applicants confined themselves to

prayer 'A' of the application and accordingly they sought an amendment which was allowed on 13-04-2018.

In so far as the nature of land in question, its use and Layout Plan in the Master Plan is concerned, there is no dispute between the parties. However, it has been submitted by the Learned Counsel for Respondent/Authority that some persons have approached Courts of Law in respect of some part of the land in question. He has also submitted that encroachments in this very area has been made by RWA (page 188).

In the facts and circumstances of the case, we dispose of this application with the following directions:-

- 1. Respondent/Authority shall remove all the encroachments in the area of green belt, in Sector*
- 2. All the structures/constructions in the land in question shall be removed except those which have been marked in the Layout Plan/Master Plan of 2021 and 2031.*
- 3. Respondents shall also leave those areas of the green belt, presently where an interim order passed by Court of Law is subsisting*
- 4. Land which is cleared from encroachments shall be immediately restored as a green belt, by planting of trees etc.”*

3. The matter has been considered thereafter vide orders dated 13.03.2019, 14.02.2020, 14.08.2021 and 01.11.2021 and was last considered on 21.01.2022. The Tribunal directed CEO, NOIDA to look into the matter and take further action in coordination with the local Police.

4. Report dated 17.05.2022 has been filed by the NOIDA Authority mentioning the action taken. From the report, we find that while a part of the green belt is said to have been made restored, some encroachments are still continuing on account of pendency of other proceedings. Part of the area is said to be encroached by Police Administration.

5. In view of above, we direct the CEO, NOIDA to monitor further action. Where period of interim order has come to an end, further necessary action may be taken. It will be open to the applicants to move the concerned courts where proceedings are pending for appropriate

orders in view of law laid down by the Hon'ble Supreme Court *inter-alia* in *Lal Bahadur v. State of U.P & Ors. (2018) 15 SCC 407* that encroachment of green area cannot be regularized. The Commissioner of Police, NOIDA may look into alleged encroachment by police for parking vehicles and take remedial action as per law.

The Application will stand disposed of accordingly.

A copy of this order be forwarded to the CEO, NOIDA and Police Commissioner, NOIDA for further appropriate action in accordance with law.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

July 08, 2022
M.A. No. 01/2022
IN Original Application No. 93/2017
AB