

Item No.01 (Through VC-Court No. 2)

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

Execution Application No. 15/2020

In

Original Application No. 343/2018

Jitendra Kumar

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 29.06.2020

CORAM:

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER

HON'BLE MR. SIDDHANTA DAS, Expert Member

For Applicant(s): Mr. Sanjay Upadhyay, Advocate

For Applicant(s): Mr. GIGI. C. George, Advocate for
State of UP

ORDER

Instant execution application has been filed for seeking directions of demolition of illegally constructed rooms in the designated green belt and to stop operations of cattle sheds and dairy farm located in the vicinity of the green belt area and park around Ram Ji dham Colony and Rishipuram Colony, Sikandra, Agra.

After taking into consideration all the relevant facts since the year 2018 when the original application was filed and the orders passed from time to time, we had directed the District Magistrate, Agra to visit the site and submit his report. In the said order we had mentioned, inter-alia, that applicant had filed a written complaint to District Magistrate, Agra, TTZ Authority, SSP Agra, etc., mentioning

about re-operation of the dairy farm and construction of pakka rooms in the designated green belt. It was also observed that the said activities was in gross violation of the earlier orders passed by the Tribunal and being done by the same person, namely, respondent no. 10 in the original application.

We have received the inspection report which has been signed by Additional Collector(City) Agra, Secretary, Agra Development Authority, Agra and Collector Agra but it does not record the presence of the person present on the site, at the time of inspection.

At the outset, in the inspection report some extracts of our order dated 25.06.2020 has been given. In this regard, we would like to mention here that the said order ought to have been read as a whole and in its letter and spirit the inspection should have been conducted.

The paragraph, prior to the one which has been extracted in the inspection report, was very relevant wherein it had been specifically mentioned that: “re-operation of the dairy farm and construction of pakka rooms in the designated green belt” and the same should have been noted by the Collector.

However, a bare reading of the inspection report clearly mention about the illegal construction as follow:

“इस कालौनी में स्थित भूखण्ड संख्या-34 के बगल में स्थित पार्क का क्षेत्रफल 259.6 वर्गमीटर है, जिसमें पूर्व की ओर लगभग 15 वग मीटर पर अतिक्रमण कर कमरा एवं बाथरूम विद्यमान है।”

Therefore, it is prima-facie established that illegal pakka construction is very much present in the designated green belt which needs to be removed immediately.

Consequently, we direct the District Magistrate, Agra to demolish the room and bathroom which are in existence in an area, which is in the east of plot no. 34 of the Colony. The said exercise should be done within three days from today and the expenses incurred on the same shall be recovered from respondent no. 10 in the original application.

Before parting with this order, taking into consideration the facts and circumstances of the case which was initiated in the year 2018 and various orders passed from time to time, we direct the Collector Agra to ensure that no illegal construction or cattle shed or operation of dairy farm are raised/takes place in the area of green belt in future. It has been categorically stated in the report that there is no shelter shed or cattle farm, as of now. Therefore, he shall ensure that there shall be no raising of illegal construction including shelter for cattle or cattle farm, by having inspections conducted. In case of putting up of cattles or raising of cattle shed in the area in question, it shall be personal responsibility of Collector Agra and liable for non-compliance of the order of the Tribunal.

A compliance report with regard to demolition of aforesaid pukka construction shall be send by the District Magistrate to the Tribunal by 06th July, 2020.

Accordingly, Execution application (15/2020) stands disposed of with no order as to cost.

Justice Raghuvendra S. Rathore, JM

Siddhanta Das, EM

JG

