

(2023) 11 NGT CK 0008

National Green Tribunal Principal Bench, New Delhi

Case No: Original Application No.672 Of 2023 (I.A. No. 795, 796 Of 2023)

Himanshu Mittal & Anr

APPELLANT

Vs

Union of India & Ors

RESPONDENT

Date of Decision: Nov. 2, 2023

Acts Referred:

- National Green Tribunal Act, 2010 - Section 14, 15, 18(1)
- National Green Tribunal (Practices and Procedure) Rules, 2011 - Rule 14

Hon'ble Judges: Arun Kumar Tyagi, JM; Dr. Afroz Ahmad, EM

Bench: Division Bench

Final Decision: Dismissed

Judgement

Application under Section 18(1) of the National Green Tribunal Act, 2010 read with Sections 14 and 15 of the National Green Tribunal Act, 2010.

1. The applicants have filed the present application under Section 18(1) of the National Green Tribunal Act, 2010 read with Sections 14 and 15 of the National Green Tribunal Act, 2010 complaining about encroachments and dumping of solid waste, plastic waste, E-waste and other kinds of toxic wastes in the parks, green belts, playgrounds, open areas and city forest in Ghaziabad and submergence of major portion of Sai Upwan with sewage and drying of more than 2000 trees and vegetation, concretization/cementing while seeking issuance of directions to respondents to demolish/remove all unauthorized constructions of temporary or permanent structures or encroachments in parks, green belts, playgrounds, open areas and city forest in Ghaziabad and not to carry out any further act of concretization or constructions in the same and to restore parks, green belts, playgrounds, open areas and city forest in Ghaziabad and to restore them to their original form.

2. Rule 14 of the National Green Tribunal (Practices and Procedure) Rules, 2011 bars plural remedies and provides that "*An application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another.*"

3. The grievances expressed and the reliefs sought in the application are plural and couched in very general and wide terms without giving requisite details particularly regarding the specific violations and violators and involves misjoinder of causes of action and non-joinder of necessary parties particularly the violators.

4. Learned counsel for the applicant seeks permission to withdraw the application with liberty to file separate applications with single cause of action and specifically mentioning the grievances and the reliefs sought with requisite details and by impleading necessary parties.

5. Dismissed as withdrawn with liberty as aforesaid.