

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5921 OF 2022

NARENDER BHARDWAJ

Appellant(s)

VERSUS

M/S 108 SUPER COMPLEX R.W.A. & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 9082 OF 2022

O R D E R

1. These appeals are directed against the Judgment and order dated 26.07.2022 passed by the National Green Tribunal, Principal Bench at New Delhi in Original Application No. 419 of 2021, by which the Tribunal has directed the District Magistrate, Ghaziabad and Municipal Corporation, Ghaziabad to remove the construction of a temple and associated structure allegedly raised on the land shown as open space/Park in Sector - 16A, Vasundhara, District Ghaziabad.

2. Facts giving rise to filing of these appeals in a nutshell are that Respondent No.1 filed an application under Section 14 of the National Green Tribunal Act, 2010 (in short 'the Act') alleging encroachment and illegal construction of a temple on an area earmarked for park. The Respondent No.1 sought removal of structure along with other consequential directions.

3. The Appellant filed a reply in which it was pleaded that even in the Revised Layout Plan dated 14.07.2004 prepared by Uttar Pradesh Housing Board, the temple has been shown to be in existence. It was denied that the temple either has been constructed on an open land/park or that any area has been encroached upon.

4. The Tribunal by an order dated 26.07.2002, *inter alia*, constituted a Joint Committee comprising all officials of District Administration and other authorities, which inspected the site and submitted its report. On the basis of the aforesaid Report, the Tribunal concluded that the temple is constructed on an open space and the construction was raised sometime in the year 2016. The Tribunal, accordingly, directed removal of the temple and the allied structure. In the aforesaid factual background, these appeals have been filed.

5. Learned counsel for the appellant submitted that the order constituting the Committee was passed without issuing any notice to the Appellant. It is also contended that under Section 14 of the Act, the Tribunal has no jurisdiction to pass an order directing removal of an encroachment and, therefore, the impugned order is *per se* without jurisdiction.

6. On the other hand, the learned counsel for Respondent No.1 submitted that the temple has been constructed on the land on an area which is earmarked for the purpose of a park. Our attention has also been invited to the counter affidavit filed by the official Respondents wherein it is pleaded that temple has been constructed on an open land earmarked for the purpose of a park. It is submitted that no interference with the order passed by the Tribunal is called for in these appeals.

7. We have considered the submissions made by both the sides. Section 14 of the Act reads as under :-

*"14. Tribunal to settle disputes -
 (1)The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.*

(2) The Tribunal shall hear the disputes arising from the questions referred to in sub-section (1) and settle such disputes and pass order thereon.

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a

further period not exceeding sixty days."

8. The jurisdictional fact necessary for invocation of the provisions of the Act is that there must be existence of a substantial question of law relating to environment. The substantial question of law has actually been defined in the Statute under Section 2(m) of the Act, which is extracted as under :-

"(m) 'substantial question relating to environment' shall include an instance where,

(i) there is a direct violation of a specific statutory environmental obligation by a person by which,

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution"

9. Further, the substantial question of law is integrally connected to the Statute specified in Scheduled I, which is extracted as under :-

"Schedule I of the National Green Tribunal, 2010 lists 7 central environmental laws that define the tribunal's jurisdiction over civil cases involving substantial environmental questions. These acts are crucial for the enforcement of environmental legal rights

*and granting compensation for damage.
The 7 acts included in Schedule I are:*

- *The Water (Prevention and Control of Pollution) Act, 1974*
- *The Water (Prevention and Control of Pollution) Cess Act, 1977*
- *The Forest (Conservation) Act, 1980*
- *The Air (Prevention and Control of Pollution) Act, 1981*
- *The Environment (Protection) Act, 1986*
- *The Public Liability Insurance Act, 1991*
- *The Biological Diversity Act, 2002"*

10. Thus, under Section 14, the National Green Tribunal has jurisdiction in a case which involves a substantial question of law relating to environment in respect of statutes specified in Schedule I. In the instant case, the Respondent No.1 had invoked the jurisdiction of the Tribunal for removal of an alleged encroachment which according to it, was raised in violation of the Municipal Laws and the provisions of the Town Planning Act. Thus, the conditions precedent for empowering the Tribunal to exercise the jurisdiction under Section 14 of the Act were not fulfilled. The Tribunal, therefore, had no jurisdiction to direct removal of an alleged encroachment and alleged illegal construction which according to Respondent No.1 was raised in violation of the laws not specified in Schedule I to the Act. The impugned order passed by the Tribunal is, therefore, without jurisdiction. It is accordingly

quashed and set aside.

11. However, liberty is reserved to the Residents Welfare Association [RWA] to approach the competent authority seeking redressal of its grievance. Needless to state that no action shall be taken against the Appellants without issuing notice to them and the affected parties.

12. The appeals are, accordingly, disposed of.

13. Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
MARCH 11, 2026.

ITEM NO.25

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5921/2022

NARENDER BHARDWAJ

Appellant(s)

VERSUS

M/S 108 SUPER COMPLEX R.W.A. & ORS.

Respondent(s)

IA No. 126747/2022 - EX-PARTE STAY
IA No. 198673/2022 - EXEMPTION FROM FILING O.T.
IA No. 126748/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

WITH

C.A. No. 9082/2022 (XVII)

Date : 11-03-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Appellant(s) : Mr. Vishnu Shankar Jain, Adv.
Mr. Mani Munjal, Adv.
Ms. Marbiang Khongwir, Adv.
Mr. Parth Yadav, Adv.
Mr. Saurabh Singh, Adv.
Mr. Umesh Dubey, Adv.
Ms. Madhulika, Adv.
Mr. Anand Kumar Rai, Adv.
Mr. Radeesh Kumar Mt, Adv.
Mr. Amulya Dev Mishra, Adv.
Mr. Manoj K. Mishra, AOR

Mr. Vishnu Jain, Adv.
Ms. Divya Jyoti Singh, AOR
Ms. Mani Munjal, Adv.
Ms. Marbiang Khongwir, Adv.
Mr. Parth Yadav, Adv.
Mr. Saurabh Singh, Adv.

For Respondent(s) : Mr. Krishna Kumar, Adv.
Ms. Nandani Gupta, Adv.
Dr. Mrs. Vipin Gupta, AOR

Mr. Dhaval Mehrotra, AOR
Ms. Aditi Desai, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Anupam Misra, Adv.
Mr. Suraj Singh, Adv.

Mr. Abhishek Kumar Singh, AOR
Mr. Malak Manish Bhatt, AOR
Mr. Avijit Roy, AOR

Mr. Siddhartha Sinha, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The appeals are disposed of in terms of the signed order.
2. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR

(Signed order is placed on the file)