

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

ORIGINAL APPLICATION NO. 341 OF 2022

**IN THE MATTER OF:**

Deepak Awasthi

.....Applicant

Versus

State of Uttar Pradesh

.....Respondents

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Through,

*Harshita Raghuvanshi*

**(HARSHITA RAGHUVANSHI)**

Advocate for the Respondent No.5,

Chamber No. 439, 4<sup>th</sup> Floor,

Block D, Additional Building Complex,

Supreme Court, New Delhi-01

Dated: 18.11.2024

New Delhi

Mobile No. 8090217309

E-mail: [harshitaraghuvanshi@hotmail.com](mailto:harshitaraghuvanshi@hotmail.com)

Additional Affidavit in compliance with the Hon'ble NGT orders  
dated 04.12.2023 and 05.08.2024



Sat Shukla S/o Late D.N. Shukla, aged about 45 years working as  
Officer on Special Duty Zone 1, Kanpur Development Authority,  
Kanpur Nagar, do hereby solemnly affirm and state as under:

1. That I am well conversant with the facts of the present case and competent to swear this affidavit before this Hon'ble Tribunal. The contents of this affidavit are true and correct to the best of my knowledge, based on official records and nothing material has been concealed.
2. That this original application is registered on the basis of a letter petition. An issue has been raised regarding illegal settlement in Sarjupurba colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, Uttar Pradesh. The grievance is that as a result of illegal construction and encroachment by settlement in that colony, garbage, polythene and sewage is being directly discharged in river Ganga. It is also the grievance that ancient Ghats of Ranighat, Barighat, Tiwarighat and Rameshwarghat are being damaged and river flow has been narrowed down due to the illegal encroachments.



3. The Hon'ble Tribunal by order dated 04.12.2023 was pleased to implead the answering respondent in the matter as Respondent No. V.[Vice-Chairman, Kanpur Development Authority].A true copy order dated 04.12.2023 is annexed herewith as **Annexure A-1**. It further directed as below:-

....*"10. Let notice be issued to the above respondents for taking appropriate action in respect of the grievance raised in the original application and filing the action taken report before the Tribunal.*

*11. Let the action taken report be filed on or before the next date of hearing.*

*12. List the matter on 13.02.2024."*

4. That on 17.01.2024 the counsel for the answering respondent had filed her Vakalatnama in the afore mentioned O.A. after the notice was received. She appeared in the matter on 24.04.2024 and her name is also reflected in the order of the same date.
5. That on 05.08.2024 when the matter was listed the name of the counsel was not shown in the cause list and inadvertently the matter was not marked by her clerk and she could not appear on that day.
6. The Hon'ble Tribunal by order dated 05.08.2024 passed the following:-

...*"5. Learned Counsel for the Irrigation Department, State of UP has submitted that the encroachment is required to be cleared*



by the Kanpur Development Authority (KDA) which is Respondent No. 5. The record reflects that notice has already been issued to Respondent No. 5 through e-mail but it has not cared to appear in the OA.

6. Hence, we impose a cost of Rs. 5,000/- upon Respondent No. 5 to be deposited with Registrar General, NGT within two weeks for not appearing inspite of notice and for not filing the response.

7. The Vice Chairman, KDA – Respondent No. 5 is directed to appear virtually on the next date of hearing.

8. Let a copy of this order be forwarded to the Vice Chairman, KDA - Respondent No. 5 by e-mail for compliance.”

A copy of the order is annexed herewith as Annexure A-2.



7. That in compliance of the afore mentioned order the Demand Draft has been deposited on 14.11.2024 with the Registrar General, NGT.

8. That it is further submitted that on 11.11.2024 the spot inspection of Surajpurva located at Ranighat was done and a report has been sent to the Tehsildar/ OSD. There are about 100-150 old houses on the spot and they were built about 40-50 years ago. SarjuPurva Basti was found to be located on Arazi number - 67 of village Katri Kanpur Kohna and number - 774, 777, 779, 782 of village Katri Lodhvakheda. According to the Khatauni year 1427-1432 of village Katri Kanpur Kohna, Arazi number- 67 area 0.20 hectare is non-transferable landhold in the account of category-2. The records of village Katri Lodhvakheda are sealed. Village Katri Kanpur Kohna

and Katri Lodhvakheda are included in the list of villages the records of which are maintained by Tehsil Sadar Kanpur . Photographs of the spot and a copy of the Khatauni of village Katri Kanpur Kohna are enclosed.A translated copy of the report dated 11.11.2024 is annexed herewith as **Annexure A-3.**

9. That a letter dated 11.11.2024 has been sent to the In Charge Officer,Revenue Archives Tehsil/ Patwari Fund, Revenue Archives Kanpur Nagar for obtaining copy of Khatauni in relation to Original Application No. 341/2022 in Hon'ble NGT.A translated copy of the letter dated 11.11.2024 is annexed herewith as **Annexure A-4.**

10. That after obtaining the required revenue records, suitable action will be taken by the Authority, in accordance with law.

That any further directions passed by this Hon'ble tribunal will be complied promptly.



*[Signature]*  
DEPONENT

**VERIFICATION:-**

Verified at kanpur, on 18th day of November, 2024; that the contents of the present affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

*[Signature]*  
DEPONENT

...  
of *[Signature]*  
which the contents of this affidavit  
has been read & explained and  
is subscribed by Shri *[Signature]* 18/11/24

**Shashi Kanti Advocate**  
201/1 Notary/Kanpur Nagar

Item No.07

Court No. 1

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

Original Application No. 341/2022

Deepak Awasthi

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 04.12.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)  
Mr. I.K. Kapila, Adv. for Kanpur Nagar Nigam (Through VC)

**ORDER**

1. This original application is registered on the basis of a letter petition. An issue has been raised regarding illegal settlement in Sarjupurba colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, Uttar Pradesh. The grievance is that as a result of illegal construction and encroachment by settlement in that colony, garbage, polythene and sewage is being directly discharged in river Ganga. It is also the grievance that ancient Ghats of Ranighat, Barighat, Tiwarighat and Rameshwarghat are being damaged and river flow has been narrowed down due to the illegal encroachments.

2. The Tribunal by order dated 17.05.2022 had formed a joint committee comprising representatives of Additional Chief Secretary, Urban Development, Government of Uttar Pradesh, State Unit of National Mission for Clean Ganga, State PCB and District Magistrate, Kanpur and had call for a factual and action taken report.

3. The committee had filed the report on 10.08.2022 and Tribunal had duly considered the said report in the proceedings dated 28.08.2023.

4. Thereafter, Kanpur Nagar Nigam has filed the response to the joint committee report. Perusal of the said response, reveals that much is desired in the direction of drainage, sewage treatment as also illegal encroachment.

5. A plea has been raised by the Counsel appearing for the Kanpur Nagar Nigam that the matter relating to the encroachment action needs to be taken by Kanpur Development Authority and Irrigation Department.

6. The report reveals that the flood plain zone of river Ganga in the area concerned has not been notified and full particulars relating to the drains flowing towards the aforesaid four ghats, their tapping and treatment of sewage from those drains have also not been disclosed.

7. The report does not reflect upon the extent of illegal encroachment which was the main grievance raised in this original application. In respect of Rani ghat, it is stated that the construction of drain of size 0.6m x 0.75m from Bari ghat to Rani ghat pumping station was in progress and targeted to be completed by 30.11.2023. Similarly, in respect of Rameshwar ghat, it is stated that construction of 45.00 m drain at Rameshwar ghat is under progress and will be completed before 30.11.2023. Completion date is over but Counsel appearing for Nagar Nigam does not have any instructions if the work has been completed as per schedule.

8. In the aforesaid background, the Counsel appearing for Kanpur Nagar Nigam has prayed for four weeks time to file a comprehensive report with all the relevant particulars.

9. At this stage, we deem it proper to implead the following as respondent in the matter:-

- i. Regional Officer, MoEF &CC, Lucknow;
- ii. Director, National Mission for Clean Ganga;
- iii. Member Secretary, Uttar Pradesh Pollution Control Board;
- iv. Member Secretary, Central Pollution Control Board;
- v. Vice-Chairman, Kanpur Development Authority;
- vi. Commissioner, Municipal Corporation, Kanpur;
- vii. ACS/PS, Irrigation Department State of UP;
- viii. ACS/PS, Urban Development Department, State of UP;
- ix. District Magistrate, Kanpur;

10. Let notice be issued to the above respondents for taking appropriate action in respect of the grievance raised in the original application and filing the action taken report before the Tribunal.

11. Let the action taken report be filed on or before the next date of hearing.

12. List the matter on 13.02.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 04, 2023  
Original Application No. 341/2022  
JG

Item No. 10

Court No. 1

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

Original Application No. 341/2022

Deepak Awasthi

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 05.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Ms. Priyanka Swami, Mr. Yash Vardhan Kaushik & Mr. Shlok Mittal,  
Advs. for R - 7  
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)  
Mr. I.K. Kapila, Adv. for Kanpur Nagar Nigam (Through VC)  
Mr. Rajkumar, Adv. for CPCB (Through VC)

**ORDER**

1. The Tribunal in this OA is examining the issue of illegal settlement of Sarjupurba Colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, Uttar Pradesh.
2. Having regard to the issue involved in the OA, the question of demarcation of flood plain zone of River Ganga in the stretch concerned in terms of River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 arises.
3. Learned Counsel appearing for the Irrigation Department, State of UP has referred to the report of NMCG (on page 190), but the said report also mentions about demarcation of flood plain in terms of the definition in para 3(l). However, it proceeds further to say that the entire zone corresponding to flood of recurrence interval of 1 in 100 years is not conveyed to mean that it is declared as protected zone. We are at this

stage considering the issue of demarcation of the flood plain in terms of 2016 Order.

4. Learned Counsel for Irrigation Department has admitted that even taking into account the criteria prescribed in the said report, the illegal settlement of Sarjupurba Colony falls within the protected zone. Hence, undisputedly, no encroachment is permissible there. Thus, even as per the understanding of the Irrigation Department of State of UP, the encroachment in question is required to be cleared.

5. Learned Counsel for the Irrigation Department, State of UP has submitted that the encroachment is required to be cleared by the Kanpur Development Authority (KDA) which is Respondent No. 5. The record reflects that notice has already been issued to Respondent No. 5 through e-mail but it has not cared to appear in the OA.

6. Hence, we impose a cost of Rs. 5,000/- upon Respondent No. 5 to be deposited with Registrar General, NGT within two weeks for not appearing inspite of notice and for not filing the response.

7. The Vice Chairman, KDA – Respondent No. 5 is directed to appear virtually on the next date of hearing.

8. Let a copy of this order be forwarded to the Vice Chairman, KDA - Respondent No. 5 by e-mail for compliance.

9. Learned Counsel for the Irrigation Department, State of UP has submitted that meanwhile process of demarcation of the flood plain of River Ganga in the stretch concerned will be started and the same will try to be completed within six months. Hence, let a fresh report be filed by Respondent No. 7, Irrigation Department, State of UP indicating the progress in this regard atleast one week before the next date of hearing by

e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

10. List on 14.11.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 05, 2024  
Original Application No. 341/2022  
DV

**ANNEXURE A-3****Tehsildar/Special Duty Officer, Land Bank Zone-1 Sir**

Please be informed today on 11.11.2024, the site inspection of SarjuPurva located at Rani Ghat was done with Assistant Engineer Mr. Sandeep Modanwal. There are about 100-150 old houses on the spot and they were built about 40-50 years ago. SarjuPurva Basti was found to be located on Arazi number - 67 of village Katri Kanpur Kohna and number - 774, 777, 779, 782 of village Katri Lodhvakheda. According to the Khatauni year 1427-1432 of village Katri Kanpur Kohna, Arazi number- 67 area 0.20 hectare is non-transferable landhold in the account of category-2 It is registered under the authority of the village head and the records of village Katri Lodhvakheda are sealed. Village Katri Kanpur Kohna and Katri Lodhvakheda are included in the list of new villages. The records of the new villages are maintained by the tehsil head. Photographs of the spot and a copy of the Khatauni of village Katri Kanpur Kohna are enclosed. The report is sent to the service.


Signature

11.11.2024

**//True Translated Copy//**

तहसीलदार/विशेष कार्याधिकारी, भूमि बैंक जोन-1 महोदय

कृपया आज दिनांक 11.11.2024 को सहायक अभियन्ता श्री संदीप मोदनवाल के साथ रानी घाट स्थित सरजूपुरवा का स्थल निरीक्षण किया गया। मौके पर लगभग 100-150 तक पुराने मकानात लगभग 40-50 वर्ष पूर्व के निर्मित है। सरजूपुरवा बस्ती ग्राम कटरी कानपुर कोहना की आराजी संख्या-67 तथा ग्राम कटरी लोधवाखेडा की आराजी संख्या-774, 777, 779, 782 पर स्थित होना पाया गया। ग्राम कटरी कानपुर कोहना की खतौनी वर्ष 1427-1432 के अनुसार आराजी संख्या-67 रकबा 0.020 हे० श्रेणी-2 के खाते में असंकमणीय भूमिधरों के अधिकार में दर्ज है तथा ग्राम कटरी लोधवाखेडा के अभिलेख सील है। ग्राम कटरी कानपुर कोहना व कटरी लोधवाखेडा नये ग्रामों की सूची के अन्तर्गत सम्मिलित है, नये ग्रामों के ग्राम समाज के अभिलेखों का रखरखाव तहसील सदर से किया जाता है। मौके के फोटोग्राफ व ग्राम कटरी कानपुर कोहना की खतौनी की प्रति संलग्न है। आख्या सेवा में प्रेषित है।

  
11/11/24



**BHULEKH**  
Uttar Pradesh

## उद्घरण खतौनी (अप्रमाणित प्रति)

12/Nov/2024 11:23:03

ग्राम क्रमांक : 150320 ग्राम का नाम (परगना) : कटरी कानपुर कोहना (कानपुर सदर) तहसील : कानपुर सदर जनपद : कानपुर नगर फसली वर्ष : 1427-1432 (01 जुलाई, 2019 से 30 जून, 2025) भाग : 1

(1) खाला संख्या : 00002

श्रेणी : 2 / भूमि जो असंक्रामणीय भूमिधरो के अधिकार में हो।

खतौदार का विवरण		खतौदारी प्राप्त होने का विवरण		भूमि का विवरण		खतौदार का अंश							
(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)						
नाम/पिता-मति-संरक्षक-प्रबंधक का नाम / जाति कोड / आधार नं० (अंतिम चार अंका) अथवा नैन नं० (6-9 स्थान के अंका) / पता / जन्मतिथि (अवयक्त हेतु)	न्यायालय का नाम / कम्प्यूटीकृत वाद संख्या अथवा आदेश संख्या / आदेश का दिनांक / जोत का आधार	वर्ष	गाटा (यूटीक कोड)	गाटे का कुल क्षेत्रफल(हे०)	हिस्से में	क्षेत्रफल में(हे०)	खतौदार द्वारा देय भूभाजित						
67	1) बृहद संजय सिंह/बृहदप्रकाश सिंह/5/50 पुराना कानपुर 2) श्रीमती सावित्री/स्व० बृहदप्रकाश सिंह/5/50 पुराना कानपुर	1403फ.0	67(1503200067000021)	0.0200	1) 1/2 2) 1/2	1) 0.0100 2) 0.0100	0.00						
कुल गाटे- एक कुल क्षेत्रफल- शून्य दशमलव शून्य दो शून्य शून्य (हेक्टेयर)		कुल भू-भाजित- शून्य दशमलव शून्य शून्य सय		कुल अंश का क्षेत्रफल- शून्य दशमलव शून्य दो शून्य शून्य (हेक्टेयर)									
नामान्तरण / खतौदार की श्रेणी परिवर्तन का विवरण				खतौदारी किया गया		दर्ज किया गया							
(10)	न्यायालय का नाम / कम्प्यूटीकृत वाद संख्या अथवा आदेश संख्या / आदेश का दिनांक /	(11)	नाम/पिता-मति-संरक्षक-प्रबंधक का नाम / जाति कोड / आधार नं०	(12)	गाटे का खसरा	(13)	क्षेत्रफल(हे०)	(14)	नाम/पिता-मति-संरक्षक-प्रबंधक का नाम / जाति कोड /	(15)	गाटे का खसरा नम्बर / यूटीक कोड	(16)	क्षेत्रफल(हे०)

Hindi



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## ANNEXURE A-4

Office  
Kanpur Development Authority  
Section- (Land Bank) Zone- 1  
Kanpur Nagar

Letter No.:- D/556(1)/ Tehsildar-1/KDA/2024-25      Date:-11-11-24

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To,  
**In Charge Officer,**  
Revenue Archives Tehsil/ Patwari Fund  
Revenue Archives  
Kanpur Nagar.

**Subject:- Regarding obtaining copy of Khatauni in relation to  
Original Application No. 341/2022 in Hon'ble NGT.**

Sir,

Please be informed that Original Application No. 341/ 2022 is pending before Hon'ble National Green Tribunal, New Delhi, regarding which Khatauni of Arazi number 774, 777, 779, 782 of Revenue Village- Katra Lodhvakheda, Tehsil Sadar, District Kanpur Nagar is not available on Bhulekh portal. To obtain the said Khatauni, the regional Amin of the Authority contacted the Revenue Archives (the room for obtaining the quote Khatauni). The archives personnel informed that the Khatauni of the village in question is sealed due to which the copy of the said Khatauni cannot be obtained. Therefore, you are requested to provide the authentic copy of the land records number 774, 777, 779 and 782 of the above mentioned village Katri Lodhvakheda.

Special Officer,  
(Land Bank), Zone-1,  
Kanpur Development Authority,  
Kanpur

Copy:-

1. Shri Sohan Lal, Regional Amin, Kanpur Development Authority,  
please obtain a certified copy of the record in question.

Special Officer,  
(Land Bank), Zone-1,  
Kanpur Development Authority,  
Kanpur

**//True Translated Copy//**

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कायालय  
कानपुर विकास प्राधिकरण,  
अनुभाग-(भूमि बैंक) जोन-1  
कानपुर नगर।

पत्रांक :- डी/556(1) / तहसीलदार-1 / के0डी0ए0 / 2024-25

दिनांक :- 11-11-24

सेवा में,

प्रभारी अधिकारी,  
राजस्व अभिलेखागार तहसील/पटवारी फण्ड  
राजस्व अभिलेखागार  
कानपुर नगर।

**विषय:-**मा0 N.G.T में योजित **Original Application No. 341/2022** के सम्बन्ध में खतौनियों की प्रति प्राप्त कराये जाने विषयक।

महोदय,

कृपया अवगत कराना है कि मा0 राष्ट्रीय हरित प्राधिकरण नई दिल्ली के समक्ष **Original Application No. 341/2022** विचाराधीन है जिसके सम्बन्ध में राजस्व ग्राम-कटरी लोधवाखेड़ा, तहसील सदर, जिला कानपुर नगर की आराजी संख्या-774, 777, 779, 782 की खतौनी भूलेख पोर्टल पर उपलब्ध नहीं है। उक्त खतौनियां प्राप्त किये जाने हेतु प्राधिकरण के क्षेत्रीय अमीन द्वारा राजस्व अभिलेखागार (उद्धरण खतौनी प्राप्त किये जाने वाले कक्ष) में सम्पर्क किया गया। राजस्व अभिलेखागार के कार्मिकों द्वारा अवगत कराया गया कि प्रश्नगत ग्राम की खतौनी सील है, जिस कारण उक्त खतौनी की प्रति प्राप्त नहीं करायी जा सकती। अतः आपसे अनुरोध है कि उपरोक्त ग्राम कटरी लोधवाखेड़ा की आराजी संख्या-774, 777, 779 व 782 की प्रमाणित प्रति उपलब्ध कराने का कष्ट करें।

विशेष कार्याधिकारी  
(भूमि बैंक) जोन-1  
कानपुर विकास प्राधिकरण  
कानपुर

प्रतिलिपि:-

1. श्री सोहन लाल, क्षेत्रीय अमीन, कानपुर विकास प्राधिकरण को प्रश्नगत अभिलेखों की प्रमाणित प्रति प्राप्त कराने का कष्ट करें।

विशेष कार्याधिकारी  
(भूमि बैंक) जोन-1  
कानपुर विकास प्राधिकरण  
कानपुर