

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 303 of 2023

Karnvir Thamman

.....Petitioner/Applicant

Versus

State of Punjab and Others

.....Respondents

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Deponent



Place: Chandigarh

(Krishan Kumar)
Principal Secretary to
Government of Punjab,
Department of Water Resources,
Chandigarh.

Dated:

Original Application No. 303 of 2023

Karnvir Thamman (aged about 52 years) S/o Sh. Sham Lal Thamman,
R/o Imli Wala Mohalla, Banur, Tehsil & District SAS Nagar, Mohali
(Punjab), Mobile No. 9872305234, Email Address:
shentythamman@gmail.com

.....Applicant

Versus

1. State of Punjab through its Chief Secretary, Punjab Civil Secretariat, Chandigarh, Contact No. 0172-2740156, Email Address:- cs@punjab.gov.in .
2. Department of Water Resources, Government of Punjab, through its Principal Secretary, Room no. 606, 6th floor, sector-9, Mini Secretariat, Chandigarh. 16009, Email- ps@punjab.gov.in Contact no-0172-2742307.
3. Director, Department of Rural Development and Panchayat, Government of Punjab, Vikas Bhawan, Sarovar Path, Phase 8, Sector 62, SAS Nagar (Mohali)- 160062, Contact No. 0172-5062522, Email Address:- dir.rdp@punjab.gov.in
4. Punjab Pollution Control Board, Punjab Zonal Office-1, Vatavaran Bhawan, Nabha Road, Patiala through its Secretary, Contact no. 0175-2215793, Email chairman.ptl.ppcb@punjab.gov.in
5. Deputy Commissioner cum District Magistrate Ferozpur, Deputy Commissioner Office 1st Floor, DC Office, District Administrative Complex, Ferozpur Cantt 152001, Contact no. 01632-244054, email- dc.frz@punjab.gov.in

Deputy Commissioner, Tarn Taran, District Administrative Complex,
Harike Road, Tarn Taran, Punjab. Pin Code- 143401, Contact no.
01852-2241101, email- dc.ttn@punjab.gov.in

.....Respondents

Affidavit of Krishan Kumar, Principal Secretary to Government of Punjab, Department of Water Resources, Chandigarh on behalf of Respondent No. 1 & 2.

MOST RESPECTFULLY SHOWETH:-

I, the above named deponent do hereby solemnly affirm and declare as under:-

1. That the present Original Application is pending adjudication before this Hon'ble Tribunal and is listed for hearing on 08.01.2024.
2. That through the present Original Application, the applicant has inter-alia, sought directions from this Hon'ble Tribunal to the respondents (i) to demarcate the flood plains of River Satluj within a stipulated time frame, and (ii) to ensure complete protection to the riverbed/flood plains by ordering to demolish the illegal encroachments and (iii) restoring the riverbed/flood plains and (iv) to direct the respondents to pay the compensation for the damage caused to the riverbed/flood plains due to the illegal encroachments/ activities.
3. That this Hon'ble Tribunal issued specific directions vide order dated 16.10.2023 passed in OA No. 303 of 2023, the relevant portion of which is reproduced herein below for the kind perusal:-

"A perusal of the report and affidavit does not clearly disclose that the direction of the Tribunal in respect of mapping of the river flood plain zone has been

complied with. The affidavit of the Principal Secretary in paragraph no.11 states that "the flood plains have already been defined by construction of Permanent Raised Embankments as per design discharge along the three main rivers". The said statement appears to be a vague statement. Hence, at this stage, we deem it proper to issue notice to the Respondents to enable them to file response to the averments made in the original application specifically in the light of the prayers which are made therein."

4. That it is respectfully submitted that as per directions of this Hon'ble Tribunal regarding mapping of the river flood plain zone of river Sutlej, so as to demarcate the flood plains of river Sutlej in 47 km stretch of Districts Ferozpur and Tarn Taran to ensure complete protection to the riverbed/flood plains by demolishing the illegal encroachments as per the prayer of the applicant, the respondent State has conducted joint survey in Districts Ferozepur and Tarn Taran for identifying the land covered under Sutlej riverbed/flood plains and subsequently, the reports are submitted by concerned Deputy Commissioners. Further, the land under Sutlej riverbed/flood plains have been notified under Section 55 of the Northern Indian Canal and Drainage Act,1873 that empowers the State Government to prohibit obstructions or order their removals on said land vide notification No. WR-IRWR-04/22/2023-IW3/319 dated 25.09.2023 for district Ferozpur and vide notification No. WR-IRWR-04/21/2023-IW3/317 dated 25.09.2023 for district Tarn Taran. The copy of above said notifications are annexed herewith as **Annexure R-1 & Annexure R-2.**

- That further, as per the prayer of the applicant for demolishing the illegal encroachments from Sutlej river flood plains, the Deputy Commissioners of districts Ferozpur and Tarn Taran have been directed vide letter No. 896-99/Drg-1/2023 dated 27.12.2023 (**Annexure R-3**) to conduct the demarcation exercise in accordance with the notifications issued dated 25.09.2023 and to proceed further with identification of encroachment. Once, the demarcation and identification of illegal encroachment gets conducted, the State Government shall make all possible efforts in order to get the illegal encroachments removed, wherever the same are found to be existed. The illegal encroaches shall also be dealt with sternly in accordance with law. However, it is clarified that mostly the land lying in the river bed is private land. However, on such private land, the owners can not raise any obstruction in the smooth flow of river water once a notification under section 55 of the Northern Indian Canal and Drainage Act, 1873 is issued.
6. That so far as the issue of removal of pollution from the rivers and beds thereof is concerned, in this regard, it is submitted that the said issue is not within the domain of the answering respondents' department and the same relates to the Punjab Pollution Control Board, which has also been impleaded as Respondent No. 4 in the present matter.
 7. That the State of Punjab is actively promoting promoting Bamboo plantation on inner slopes of River Banks to reduce scouring and ensuring the structural integrity of banks

In view of the submissions made herein above, it is respectfully submitted that the above information may kindly be taken on the

record of this Hon'ble Tribunal and the present original application may kindly be dismissed in interest of justice.

Place: Chandigarh

Dated:


Deponent
(Krishan Kumar)
Principal Secretary to
Government of Punjab,
Department of Water Resources,
Chandigarh.

VERIFICATION:-

Verified that the contents of affidavit of mine contained in paras 1 to 7 of the above are true and correct to my knowledge as per information derived from the official records. No part of it is false and wrong and nothing material has been kept concealed therein.

Place: Chandigarh

Dated:


Deponent
(Krishan Kumar)
Principal Secretary to
Government of Punjab,
Department of Water Resources,
Chandigarh.