

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

ORIGINAL APPLICATION NO 238 OF 2024

IN THE MATTER OF :-

**NEWS ITEM TITLED "UP GIVES PERMISSION TO FELL 112000
TREES FOR ROAD ALONG UPPER GANGA CANAL", APPEARING
IN 'HINDUSTAN TIMES' DATED 01.02.2024**

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FILED BY:

Date: 24.07.2024
Place: New Delhi


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IN THE MATTER OF :-

**NEWS ITEM TITLED "UP GIVES PERMISSION TO FELL
112000 TREES FOR ROAD ALONG UPPER GANGACANAL",
APPEARING IN 'HINDUSTAN TIMES' DATED 01.02.2024**

**ADDITIONAL AFFIDAVIT OF SPECIAL SECRETARY,
PUBLIC WORK DEPARTMENT STATE OF UTTAR PRADESH,
IN COMPLIANCE OF ORDER DATED 08.07.2024 PASSED BY
THIS HON'BLE TRIBUNAL**

I,SHESHNATH....., aged about 57 years, S/o
Sh.....MUNNILAL....., presently posted as Special
Secretary, Public Work Department State Of Uttar Pradesh, the
deponent, do hereby solemnly state and affirm as under:

1. That the deponent herein is posted as the Special Secretary, Public Work Department State Of Uttar Pradesh since and is swearing this affidavit in his official capacity as the Special Secretary.
2. That the instant is the petition arising out of *Suo Moto* registration taken up by this Hon'ble Tribunal on the basis of



news item titled as **"UP GIVES PERMISSION TO FELL 112000 TREES FOR ROAD ALONG UPPER GANGA CANAL"** instituting an O.A. No. 238 of 2024. This Hon'ble Tribunal *vide* its order dated 13.03.2024 issued notices to Respondents and answering respondent N. 6 submitted a report on 18.05.2024 before this Hon'ble Tribunal stating therein the facts and circumstances relating to the construction of road in question.

3. That it is most respectfully submitted that a decision was taken by the State of Uttar Pradesh through the High Level Meeting of the state *vide* communication dated 07.07.2017 whereby the instructions were issued by the High Level Meeting for constructing Two lane painted surface road at the right shoulder of the upper Ganga Canal. It was submitted that the said decision was taken after due deliberation and application of mind in a meeting conducted on 29.06.2017 under the chair of the Hon'ble Chief Minister of the State of UP and a specific order was passed for the preparation of the detailed project report. This Hon'ble Tribunal *vide* its order dated 31.05.2024 directed to place on record the complete project report and a copy of the detailed preliminary estimate (May also be termed as complete project report/detailed project report) dated 24.12.2019 prepared by the Zonal Chief Engineer, Meerut zone has already been placed on record in compliance thereof.
4. It is submitted with respect that the matter stood listed on 8/07/2024 and this Hon'ble Tribunal has been pleased to observe that no explanation for the Scheme has been placed



on record regarding the traffic as if the right side of Kawar Marg is joined through the bridge to the left side existing wide road at the end of the boundaries of the State of Uttar Pradesh, then it would result into two wide roads leading to joining one narrow road. It is submitted in this behalf that the Traffic propels more in density after passing through district Muzaffarnagar in Uttar Pradesh as this is the first district, on the route, Prime in importance wherefrom Industrial/Commercial activities are at crescendo. It also can't be ignored that not only the traffic from Haridwar but also from Saharanpur, Shamli, Bijnor & other diverted inroads Haryana gets merged at Muzaffarnagar towards Delhi and there are two routes for Delhi from Muzaffarnagar, one is NH-58 and Ganga Canal road in question is another route. It may be again saying ipso facto that the traffic flow from Delhi to Hardwar via ganga canal gets thinner after passing through Muzaffarnagar district as the option to ride over National Highway at Purkazi becomes available to the commuters and the diverting routes towards Bijnor, Saharanpur, Shamli and even Haryana at Muzaffarnagar indicates in substantiation.

5. That it is most respectfully submitted that a stretch of the road under construction ahead the first bridge is measured into 3.1 KM from the starting point of the proposed road. It is further submitted that the purpose of this stretch of 3.1 KMs is being made to ease out the road connectivity to inhabitant villagers of village Dhamat and Kalyanpur Jalalpur. It has been observed that these villages, if granted the access to the road at the right side of the canal road, it will be more feasible for the inhabitants to commute towards Delhi more easily.

6. In response to the allegations made by the intervenor as



referred in Para 9 of the said order dated 08.07.2024 is denied as being untrue and factually unsustainable.

7. It is deposed that the proposed road on the right side of the canal is being constructed after issuance of proper 'No Objections Certificate' (*hereinafter referred as "NOC"*) from Uttar Pradesh Irrigation Department (the owner of the land) contained with necessary instructions and conditions in this behalf. A Copy of said NOC dated 01.03.2021 is annexed herewith as **Annexure R-1**. It is of pertinence that in terms of clause 8 of the said NOC it is clearly provided that construction of the proposed road shall start with 7.5 meters distance from the slope of Dolla of the canal which includes 5 meters wide Brick soling Road (Kharanja) of the Irrigation department. It may not be out of place to mention that the said Kharanja is used by the Irrigation department for their routine inspection as well as stacking in the desilting material from the canal for proper maintenance of the canal. It apparent on the face of canal that there is no gap on the left side of Canal between the road and Dola of the canal and no place to stack the material excavated from the canal while undertaking cleaning process. Hence, it is of eclecticism imperative to leave a gap of 7.5 meters for irrigation department to take up maintenance work of canal.

8. Withstanding the above, it is also of pertinence that the irrigation department vide its letter No. 3945/CEGANGA/N.G.T dated 19.07.2024 has clarified that the service road of 5m is required for stacking the desilting material stacking and the materials for repair and Patrolling.



It also has been clarified by the irrigation department that there is no such provision available at the left side of the Canal. The said letter of the department clearly brings out that the water level in the canal has increased time to time keeping in view the water demand at Tail end. If the water level further increase and exigency arose, the right side of the Canal will be used for this purpose. A Copy of said letter dated 19.07.2024 is annexed herewith as **Annexure R-2**.

9. It is reiterated with respect that the original width of the proposed road was 20 meters which, at some places, stands reduced to 15 meters with a view to minimize the felling of trees and resultantly it may be submitted that nearly 3000 trees have been saved from felling till date by way of reducing the width of the road to 15 meters as said. It is also submitted that every legitimate effort shall be made to save more trees in future. Furthermore, the transplanting of the trees is also in process and the answering respondent is in a position to place necessary photos in substantiation thereof, if directed. It may also be allowed stated on behalf of the answering respondent that about 1700 trees have been earmarked for further transplantation and some of them are uprooted for their relocation in the vicinity under strict technical supervision of the Forest Department.

10. As regards to the illegal felling of trees is concerned as alleged by the intervener, it is respectfully submitted that no such illegalities have been committed on behalf the answering respondent and hence the allegations are baseless. It is undertaken that no illegal activity of cutting unauthorized trees shall be done by the department as environment



protection is the duty of state.

11. It is deposed that the traffic census conducted by PWD on the existing road at the left side of the canal is also one of the parameters duly tested on the anvil for the necessity of another road and the same is made as part of the said detailed preliminary estimate. It is submitted that 14512 is the Passenger Car Unit (*hereinafter referred as "PCU"*) offspringing from the traffic census and it may safely be presumed that half of this PCU i.e., 7256 vehicles will be diverted to the road under construction at various intersections. Furthermore, the said PCU 7256 qualifies as per PWD norms for construction of a road of width 7 Meters bituminous.
12. As regards the traffic plying on route in State of Uttar Pradesh, it is submitted that the traffic coming from Haridwar towards Muradnagar via the existing road on the left side shall be diverted to the road under construction on the right side through traffic crossing more than 20 in number and as such the traffic on both sides of the canal may be set at ease.
13. It is reiterated that the proposed category of the road in question, as per the terms of detailed preliminary estimate, has been approved by the competent authorities by duly considering various studies, surveys and census conducted by the concerned authorities.
14. That the deponent further undertakes before this Hon'ble Tribunal that the order passed by this Hon'ble Tribunal will be



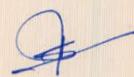
complied with in letter and spirit and also, will further undertakes all such preventive measures to preserve the environment in the course of construction of the aforesaid project.



DEPONENT

VERIFICATION:-

I, the above named deponent to hereby verify that the contents of this affidavit are true and correct to my knowledge, no para of it is false and nothing material has been concealed there from. Verified by me on this the24..... day of July, 2024, at.....Lucknow.....



DEPONENT

दूपन संख्या.....0107357.....
 द्वारा शपथ की गई.....शोधनाथ, विशिष्ट सचिव, लोक निर्माण विभाग, ड.प.शाखन /
 जिनका परिचय श्री.....हरिचन्द्र, समीक्षा अधिकारी.
 दिनांक...24.07.24...समय...1:45 बजे.
 वाद संख्या...आरिजिनल अपीलेशन नं०-238/2024
 पक्षकार.....
 न्यायालय...भा.सं.जी.टी. नई दिल्ली

Blumar
 24.07.24
 (हरिचन्द्र, समीक्षा अधिकारी)
 लोक निर्माण विभाग
 I-IDENTIFY THE DEPONENT
 WHO HAS SIGNED BEFORE ME



WZ
 24.07.24
 राजेन्द्र प्रसाद यादव
 शपथ-आयुक्त एवं अनुभाग अधिकारी
 न्याय अनुभाग-7
 उ०प्र० सचिवालय

प्रेषक,

मुख्य अभियन्ता (गंगा)
सिंचाई एवं जल संसाधन विभाग, उत्तर प्रदेश,
मेरठ।

प्रेषित,

अधीक्षण अभियन्ता, मेरठ वृत्त,
लोक निर्माण विभाग, मेरठ।

पत्रांक:-

विषय:

संदर्भ:

महोदय,

/मु.अ.गंगा/एन0ओ0सी0/कांवड मार्ग

दिनांक:

2021

जनपद मुजफ्फरनगर, मेरठ एवं गाजियाबाद में चौधरी चरण सिंह कांवड मार्ग (गंगा नहर की दांयी पटरी) का नवनिर्माण कार्य हेतु अनापत्ति प्रमाण पत्र निर्गत करने के सम्बन्ध में।
आपका पत्रांक-128डब्ल्यू/536डब्ल्यू-गे0वृ0/21, दिनांक 07.01.2021

उपरोक्त विषयक अपने संदर्भित पत्र का अवलोकन करें, जिसके द्वारा इस कार्यालय के पत्रांक-नि 2616/मु.अ.गं/कांवड सडक, दिनांक 21.12.2017 द्वारा गंगा नहर की दांयी पटरी पर लोक निर्माण विभाग को मार्ग निर्मित किये जाने हेतु पूर्व में निर्गत अनापत्ति प्रमाण पत्र को शासन स्तर पर हुयी बैटिक (उ0प्र0 शासन लोक निर्माण अनुभाग-11 का पत्र संख्या-1532ई0/23-11-2019 लखनऊ, दिनांक 11.10.2019) में गंगा नहर की दांयी पटरी पर नव निर्माण हेतु डोला उपरान्त 7.00 मी0 पटरी/भूमि (कुल 9.00 मी0) छोड़ते हुए मार्ग निर्माण हेतु संशोधित अनापत्ति प्रमाण पत्र निर्गत किये जाने की अपेक्षा की गयी है।

इस सम्बन्ध में संगठन के अन्तर्गत अधीक्षण अभियन्ता, प्रथम मण्डल सिंचाई कार्य, मेरठ के पत्र संख्या-960/प्रथम/कांवड सेवा मार्ग, दिनांक 06.02.2021 द्वारा उपलब्ध करायी गयी आख्या/प्रस्ताव के कम में इस कार्यालय के पत्रांक-नि 1027/मु.अ.गंगा/एन0ओ0सी0, दिनांक 23.01.2021 एवं पत्रांक-1791/मु.अ.गंगा/एनओसी, दिनांक 09.02.2021 द्वारा प्रकरण मुख्य अभियन्ता(जल संसाधन) कार्यालय प्रमुख अभियन्ता, सिंचाई एवं जल संसाधन विभाग, उ0प्र0, लखनऊ को निर्धारित शर्तों एवं प्रतिबंधों के साथ अनापत्ति प्रमाण पत्र निर्गत किये जाने हेतु प्रेषित किया गया।

मुख्य अभियन्ता(जल संसाधन) कार्यालय प्रमुख अभियन्ता, सिंचाई एवं जल संसाधन विभाग, उ0प्र0, लखनऊ के पत्रांक-137/अनिम-8/यूनिट-6, दिनांक 19.02.2020(छायाप्रति संलग्न) द्वारा निम्न शर्तों के अधीन मुण्डल सेवा के आधार पर जनपद मुजफ्फरनगर, मेरठ एवं गाजियाबाद में चौधरी चरण सिंह कांवड मार्ग (गंगा नहर की दांयी पटरी) का नवनिर्माण कार्य हेतु अनापत्ति प्रमाण-पत्र निर्गत किये जाने की वांछना की गयी है :-

- 1- सम्बन्धित विभाग/संस्था द्वारा सिंचाई एवं जल संसाधन विभाग की भूमि पर निर्माण के उपरान्त भूमि का स्वामित्व सिंचाई विभाग का ही रहेगा।
- 2- प्रस्तावित कार्यों की ड्राइंग एवं ले-आउट प्लान कार्य से पूर्व सिंचाई एवं जल संसाधन विभाग द्वारा अनुमोदित कराया जाये तथा विभागीय अधिकारियों की देख-रेख में ले-आउट एवं प्रस्तावित कार्य का निष्पादन किया जाये।
- 3- भविष्य में यदि नहर का चौड़ीकरण अथवा नहर की किसी संरचना हेतु भूमि की आवश्यकता होती है तो लोक निर्माण विभाग को सड़क शिफ्ट का कार्य अपने संसाधनों से कराना होगा एवं निर्मित सड़क के अनुरक्षण का दायित्व कार्यदायी संस्था/लोक निर्माण विभाग का होगा।
- 4- सड़क निर्माण के दौरान नहरी संरचना को क्षति नहीं पहुँचायी जाये यदि नहरी संरचना को क्षति पहुँचती है तो क्षतिपूर्ति लोक निर्माण विभाग को करनी होगी।
- 5- मार्ग निर्माण कार्य के दौरान ऐसा कोई कार्य नहीं किया जायेगा जिससे नहर का वाटर वे प्रभावित/अवरुद्ध होता हो। साथ ही नहर में सड़क से गाँव का किसी भी प्रकार श्राव/Effluent पानी न डाला जाये।
- 6- प्रस्तावित संरचनाओं का निर्माण पुरानी संरचनाओं के बराबर में नव निर्माण के रूप में कराया जाना प्रस्तावित है। प्रस्तावित नव निर्मित संरचनाओं का निर्माण कार्य वर्तमान में स्वीकृत भार मानकों के अनुरूप कराया जायेगा।
- 7- सिंचाई विभाग की पक्की संरचनाओं यथा वी0आर0वी0, डी0आर0वी0, क्रॉस रेगुलेटर इत्यादि पर संरक्षण के अनुसार डोले की टो से दूरी ली जायेगी।
- 8- लेपित मार्ग का निर्माण नहर के दांये बैंक के डोले का स्लोप 1.5:1 रखते हुए, डोले की टो से 7.50 मीटर एवं न्यूनतम क्लीयर दूरी गंगा नहर के दांये किनारे के डोले के टो से 10 मीटर छोड़ते हुए किया जाये तथा प्रस्तावित मार्ग का Camber Outer Toe की तरफ रखा जाये।
- 9- मार्ग के नव निर्माण कार्य के दौरान नहर के किसी भी किनारे/भाग से मिटटी नहीं उठायी जायेगी।
- 10- सड़क के अनुरक्षण का दायित्व कार्यदायी संस्था/लोक निर्माण विभाग का होगा अन्यथा की स्थिति में परियोजना की लागत का 30 प्रतिशत अनुरक्षण हेतु सिंचाई एवं जल संसाधन विभाग को उपलब्ध कराना होगा।
- 11- ऊपरी गंगा नहर की दांयी पटरी पर निर्माण किये जाने वाले मार्ग पर यदि भविष्य में टोल लगाया जाता है तो सिंचाई विभाग के कर्मचारियों के वाहनों को उनके परिवय पत्र के आधार पर टोल मुक्त रखा जायेगा।

कमश: पृष्ठ 02 पर.....

- 12- प्रस्तावित कार्यों की लागत सिंचाई एवं जल संसाधन विभाग/की मुख्य अभियन्ता समिति द्वारा अनुमोदित लागत के आधार पर ही मान्य होगी। अनुमोदित लागत लोक निर्माण विभाग द्वारा सिंचाई एवं जल संसाधन विभाग को डिपोजिट मद में उपलब्ध करायी जायेगी।
- 13- कार्यदायी संस्था द्वारा उपर्युक्त प्रतिबंधों के प्रति विचलन किये जाने की स्थिति में यह अनापत्ति स्वतः निरस्त समझी जायेगी तथा इससे उत्पन्न किसी भी विषम परिस्थिति/जटिलता के लिए कार्यदायी संस्था स्वयं पूर्णतः उत्तरदायी होगी।

अतः इस सम्बन्ध में मुख्य अभियन्ता(जल संसाधन) कार्यालय प्रमुख अभियन्ता, सिंचाई एवं जल संसाधन विभाग, उ०प्र०, लखनऊ के पत्रांक-137/ अनिम-8/ यूनिट-6, दिनांक 19.02.2020 द्वारा प्रमुख अभियन्ता एवं विभागाध्यक्ष के अनुमोदनोपरांत एवं प्रदान की गयी सहमति के अनुपालन में शासनादेश संख्या-1687/19-27-सि-4-50(डब्लू)/2019, दिनांक 22.05.2019 में निहित प्राविधानों में प्रवृत्त नियमों के आलोक में उपरोक्त शर्तों के अधीन इस कार्यालय के पत्र संख्या- नि 2616/ मु.अ.गं/कांवड सडक, दिनांक 21.12.2017 द्वारा पूर्व निर्गत अनापत्ति प्रमाण पत्र के कम में गंग नहर की दांयी पटरी पर झोला की टो से 7.50 मीटर छोड़ते हुए मार्ग निर्माण हेतु संशोधित अनापत्ति प्रमाण-पत्र निर्गत किया जाता है।

संलग्नक:- उपरोक्तानुसार

मुख्य अभियन्ता(गंगा)
सिंचाई एवं जल संसाधन विभाग,
उ०प्र०, मेरठ

पत्रांक:- सि-312 / मु.अ.गंगा/ तदिनांक 01/03/21

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

1. मुख्य अभियन्ता(पश्चिम), सिंचाई एवं जल संसाधन विभाग, उत्तर प्रदेश, मेरठ।
2. मुख्य अभियन्ता(जल संसाधन), सिंचाई एवं जल संसाधन विभाग, उत्तर प्रदेश, लखनऊ को उनके पत्र संख्या-137/अनिम-8/यू-6, दिनांक 19.02.2021 के संदर्भ।
3. मुख्य अभियन्ता, मेरठ क्षेत्र, लोक निर्माण विभाग, मेरठ।
4. अधीक्षण अभियन्ता, प्रथम मण्डल सिंचाई कार्य, मेरठ को उनके पत्र संख्या-960/प्रथम/कांवड सेवा मार्ग, दिनांक 06.02.2021 के संदर्भ में।
5. अधिशासी अभियन्ता, मेरठ खण्ड गंगा नहर, मेरठ/मुजफ्फरनगर खण्ड गंगा नहर, मु०नगर ।

मुख्य अभियन्ता(गंगा)
सिंचाई एवं जल संसाधन विभाग,
उ०प्र०, मेरठ

01/03/21

From,
Chief Engineer (Ganga)
Irrigation and Water Resources Department,
Uttar Pradesh, Meerut.

Sent to,
Executive Engineer,
Meerut Circle, Public Works Department,
Meerut.

Letter No: - / M.A. Ganga/NOC/Kanwad Marg Dated: , 2021

Subject: - Regarding the issuance of the NO OBJECTION CERTIFICATE for the reconstruction work of Chaudhary Charan Singh Kawand Marg (Right side road of Gang Nahar) in Muzaffarnagar, Meerut, and Ghaziabad districts.

Reference: - Your letter number - 128 W/536 W-Me. Vr. /21. Dated 07.01.2021.

Sir,

Please refer to your above letter on the subject, vide which and, office letter no. 2616/Mu.A.Gn./Kanwad Road, dated 21.12.2017, the Public Works Department has been previously instructed to construct a road on the right track of the Ganga Canal. No objection certificate was issued in the meeting held at the government level (U.P. Shasan Public Works Section-11 letter no. 1532E0 / 23-11-2019 Lucknow, dated 11.10.2019) for new construction on the right-side road of Ganga Canal after leaving 7.00 meters from the Dolla. It is expected that a Revised No-Objection Certificate is expected to be issued for the same.

In this regard, the organization, as per the information/proposal provided under letter No. 960/First/Kanwad Seva Marg, dated 06.02.2021 of the Superintendent Engineer, First Division Irrigation Works, Meerut, this office letter No.1027/Mu.A Ganga/NOC, dated 23.01.2021 and letter No. 1791/Mu.A.Ganga/NOC dated 09.02.2021, the case was sent to the Office of Chief Engineer (Water Resources), Irrigation and Water Resources Department, Uttar Pradesh, Lucknow for issuance of the No Objection Certificate subject to the prescribed conditions and restrictions therein.

Chief Engineer (Water Resources) Office, Chief Engineer, Irrigation and Water Resources Department, Uttar Pradesh, Lucknow, by letter no. 137 / Anim-8 / Unit-6, dated 19.02.2020 (photocopy attached) on the basis of the following conditions. It is requested to issue No Objection Certificate for the new construction work of Chaudhary Charan Singh Kanwar Marg (right track of Ganga Canal) in Muzaffarnagar, Meerut and Ghaziabad: -

1. After construction by the concerned department/institution on the land of the Irrigation and Water Resources Department,

the ownership of the land will remain with the Irrigation Department only.

2. The drawing and layout plan of the proposed works should be approved by the Irrigation and Water Resources Department before the work and the layout and execution of the proposed work should be done under the supervision of departmental officers.
3. In future, if land is required for widening of the canal or for any structure of the canal, then the Public Works Department will have to get the work of road shifting done from its own resources and the responsibility of maintaining the constructed carriageway will be on the executing agency/Public Works Department.
4. The canal structure should not be damaged during road construction. If the canal structure is damaged then the Public Works Department will have to compensate.
5. During the road construction work, no such work will be done which affects/blocks the water of the canal. Also, no village effluent water should be poured from the road into the canal.
6. The proposed structures are proposed to be constructed as new construction on par with the old structures. The construction work of the proposed newly constructed

structures will be done as per the currently accepted load standards.

7. The distance from the toe of the dolla will be taken as per the survey on the permanent structures of the Irrigation Department like NIRB, DRB, cross regulator etc.
8. **The black sole road to be constructed by keeping the slope on the right bank of the canal as 1.5:1, and keeping 7.50 meters from the toe of the dolla and also leaving a minimum distance clearance of 10 meters from the toe on the right bank of the Ganga canal. The camber of the proposed road should be on the outer toe be kept aside.**
9. During the new construction work of the road, soil will not be lifted from any side/part of the canal.
10. The responsibility of maintenance of the road will be of the executing agency/Public Works Department, otherwise 30 percent of the project cost will have to be made available to the Irrigation and Water Resources Department for maintenance.
11. If toll is imposed in the future on the road being constructed on the Dangi track of the Upper Ganga Canal, then the vehicles of the Irrigation Department employees will be kept toll-free on the basis of their endorsement letters.

12. The cost of the proposed works will be valid only on the basis of the cost approved by the Chief Engineer Committee of the Irrigation and Water Resources Department. The approved cost will be made available by the Public Works Department to the Irrigation and Public Resources Department in a deposit account.
13. In case the executing agency deviates from the above-mentioned restrictions, this No objection will automatically be considered cancelled and the executing agency itself will be fully responsible for any adverse situation/complication arising out of it.

Therefore, in this regard, the Chief Engineer (Water Resources) Office, Chief Engineer, Irrigation and Water Resources Department, 2050, Lucknow, after the approval and consent given by the Chief Engineer and Head of the Department, by letter no. 137/Anim-8/Unit 6. dated 19.02.2020 In compliance with the above conditions, in the light of the rules in force and the provisions contained in Government Order No. 1007/10-27-fr -4-50 (W)/2019, dated 22.05.2019, this office letter no. 2616/Mu. In addition to the earlier issued No Objection Certificate by ARG/Kanwad

Road, dated 21.12.2017, a revised No Objection Certificate is issued for the construction of a road by leaving the tow of Dolla by 7.5 meters on the right track of Ganga Canal.

Attachment:- As above

Chief Engineer (Ganga)
Irrigation and Water Resources Department,
Uttar Pradesh, Meerut

Letter No.-NI-312/M.A.Ganga/ dated 01/03/2021

Copy is sent to the following for information and necessary action: -

1. Chief Engineer (West), Irrigation and Water Resources Department, Uttar Pradesh, Meerut.
2. Chief Engineer (Water Resources), Irrigation and Water Resources Department, Uttar Pradesh, Lucknow with reference to his letter No. 137/Anim-8/U-6, dated 19.02.2021.
3. Chief Engineer, Meerut Region, Public Works Department, Meerut.
4. Superintending Engineer, First Division Irrigation Works, Meerut with reference to his letter No. 960/First/Kanwad Seva Marg, dated 06.02.2021.
5. Executive Engineer, Meerut Section Ganga Muzaffarnagar Canal, Meerut / Section Ganga Canal, Muzaffarnagar.

Chief Engineer (Ganga)
Irrigation and Water Resources Department,
Uttar Pradesh, Meerut

प्रेषक,
अधिकासी अभियन्ता
मेरठ खण्ड गंगा नहर,
मेरठ।

प्रेषित,
अधिकासी अभियन्ता
निर्माण खण्ड, लोक निर्माण विभाग,
मेरठ।

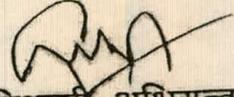
पत्रांक 3945/मेखगंनमे/एन0जी0टी0/ दिनांक 10.07.2024

विषय:- मा0 मुख्य मंत्री जी, की घोषणा से आच्छादित जनपद मुजफ्फरनगर, मेरठ एवं गाजियाबाद में चौधरी चरण सिंह कावंड मार्ग (गंगनहर की दौंयी पट्टी) निर्माण के वृक्षों के पातन के सम्बन्ध में।

संदर्भ:- आपका पत्रांक 1107/कावंड नहर(दौंयी पट्टी)/दिनांक 12.07.2024
महोदय,

अपने उपरोक्त विषयक सन्दर्भित पत्र का अवलोकन करने का कष्ट करे, जिसके द्वारा मा0 मुख्य मंत्री जी, की घोषणा से आच्छादित जनपद मुजफ्फरनगर, मेरठ एवं गाजियाबाद में चौधरी चरण सिंह कावंड मार्ग (गंगनहर की दौंयी पट्टी) निर्माण के वृक्षों के पातन से सम्बन्धित वाद में मा0 एन0जी0टी0 के आदेशों के क्रम में क्रम संख्या-12 में प्रस्तावित हस्तक्षेपकर्ता द्वारा यह मुद्दा उठाया गया है कि गंगनहर की दायी ओर 05 मी0 चौड़ा कच्चा मार्ग उपलब्ध था, यदि उस 05 मी0 कच्चे मार्ग को सम्मिलित करते हुए मार्ग का निर्माण किया जाता तो वृक्षों के पातन को कम किया जा सकता था। मा0 एन0जी0टी0 द्वारा उक्त कच्चे मार्ग को छोड़कर अलग से 20 मी0/15 मी0 में मार्ग क्यों बनाया जा रहा है, स्पष्ट करने हेतु आदेशों के सम्बन्ध में सुस्पष्ट आख्या उपलब्ध कराने की वांछना की गयी है।

आप द्वारा किये गये अनुरोध के क्रम में उपरोक्त वाद में मा0 एन0जी0टी0 द्वारा पारित आदेश दिनांक 08.07.2024 के बिन्दु संख्या-12 के सम्बन्ध में आख्या संलग्न कर सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।
संलग्नक:-उपरोक्तानुसार।


अधिकासी अभियन्ता
मेरठ खण्ड गंगा नहर, मेरठ

पत्रांक /मेखगंनमे/तदिनांक .07.2024

प्रतिलिपि निम्नलिखित को उपरोक्त सन्दर्भित पत्र के क्रम में सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।

- 1- मुख्य अभियन्ता(गंगा), सिंचाई एवं जल संसाधन विभाग, उत्तर प्रदेश, मेरठ।
- 2- मुख्य अभियन्ता, मेरठ क्षेत्र लोक निर्माण विभाग, उत्तर प्रदेश मेरठ।
- 3- अधीक्षण अभियन्ता, प्रथम मण्डल सिंचाई कार्य मेरठ।
- 4- अधीक्षण अभियन्ता मेरठ वृत्त लोक निर्माण विभाग, उत्तर प्रदेश मेरठ।


अधिकासी अभियन्ता
मेरठ खण्ड गंगा नहर, मेरठ

गा0 मुख्य मंत्री जी, की घोषणा से आच्छादित जनपद मुजफ्फरनगर, मेरठ एवं गाजियाबाद में चौधरी धरण सिंह कावंड मार्ग (गंगनहर की दांयी पटरी) निर्माण के वृक्षों के पातन में गा0 एन0जी0टी0 द्वारा पारित आदेश दिनांक 08.07.2024 के बिन्दु संख्या-12 के सम्बन्ध में आख्या।

हरिद्वार स्थित गंगा नदी पर निर्मित भीमगौडा बैराज से ऊपरी गंगा नहर निकलती है, जिसकी कुल लम्बाई 291.94 कि0मी0 तथा नहर प्रणाली की कुल लम्बाई 7222 कि0मी0 है। इस प्रणाली के माध्यम से जनपद हरिद्वार, सहारनपुर, मुजफ्फरनगर, मेरठ, गाजियाबाद, हापुड, बुलन्दशहर, गौतमबुद्धनगर, अलीगढ, फिरोजाबाद, हाथरस, मथुरा, एटा, कासगंज एवं आगरा में प्रत्येक वर्ष वर्तमान में लगभग 6.94 लाख हैक्टियर कृषि भूमि की सिंचाई की जाती है। नहर से सिंचाई के अतिरिक्त औद्योगिक कार्यों तथा जनपद मेरठ, गाजियाबाद, दिल्ली, नोएडा, आगरा, मथुरा में पेयजल भी उपलब्ध कराया जाता है। यहां यह भी अवगत कराना है कि यह नहर प्रणाली वर्ष 1854 से संचालित है, तत्समय से सिंचाई एवं अन्य कार्यों में जल की बढ़ी आवश्यकताओं के दृष्टिगत तीन बार क्रमशः वर्ष 1938, 1956 एवं 2016 में इसकी क्षमता वृद्धि करते हुए 6750 क्यूसेक से वर्तमान में 13000 क्यूसेक की गयी है। भविष्य में भी सिंचाई जल की मांग में वृद्धि एवं नदी के जल की उपलब्धता के सापेक्ष नहर की क्षमता वृद्धि की आवश्यकता होगी। नहर के मूल निर्माण के समय उक्त आवश्यकताओं की पूर्ति हेतु अतिरिक्त भूमि का अधिग्रहण किया गया है। ऊपरी गंगा नहर के सेवा मार्ग को छोड़कर नहर के दोनों तरफ उपलब्ध अतिरिक्त भूमि (लगभग 50 मी0 चौड़ाई में) को शासन द्वारा वर्ष 1954 से संरक्षित वन्य क्षेत्र घोषित किया गया है जिस पर वर्तमान में वन विभाग द्वारा वन भी लगाये गये हैं।

ऊपरी गंगा नहर की बांयी पटरी पर लोक निर्माण विभाग द्वारा पूर्व में ही 07 मी0 चौड़ा कॉवड सेवा मार्ग का निर्माण किया गया है, जिस पर यातायात का घनत्व भी अत्याधिक है जिसके कारण ऊपरी गंगा नहर के बांयी पटरी से नहर के निरीक्षण एवं बांयें बैंक का अनुरक्षण एवं मरम्मत का कार्य कराया जाना दुरू होता है तथा निरीक्षण के समय यहां दुर्घटना की भी प्रबल सम्भावना बनी रहती है। अतः वर्तमान में नहर की बांयी पटरी नहरी प्रयोजन यथा पक्के कार्यों की मरम्मत हेतु निर्माण सामग्री एकत्रित करना, नहर के आन्तरिक अनुभाग से निकाली गयी शिल्ट के डिस्पोजल एवं परवेक्षण हेतु नहर सेवा मार्ग के रूप में उपयोग नहीं हो पा रहा है, बल्कि नहर के निरीक्षण एवं अन्य आवश्यक कार्यों हेतु प्रायः इस नहर की दांयी पटरी का उपयोग किया जाता है।

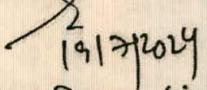
अवगत कराना है कि नहरी सेवामार्ग नहर के सेक्शन का एक अभिन्न हिस्सा होता है, जो नहर के समुचित देख-रेख, पेट्रोलिंग, रख-रखाव व मरम्मत के लिए प्रयोग किया जाता है। यदि नहर की दांयी पटरी पर भी कावंड मार्ग का निर्माण डौले से सटकर किया जायेगा, तो ऐसी स्थिति में ब्रिटिशकालीन निर्मित इस नहर का अनुरक्षण एवं मरम्मत तथा पेट्रोलिंग आदि के आवश्यक कार्य पूर्ण रूप से प्रभावित हो जायेंगे। जैसा कि पूर्व में ही इंगित किया जा चुका है कि ब्रिटिशकालीन इस नहर के निर्माण के उपरान्त समय समय पर जलमांग बढ़ने के साथ साथ नहर की क्षमता वृद्धि भी की जाती रही है, जिसके फलस्वरूप ही यह नहर अपने टेल भाग पर पड़ने वाले जनपदों यथा हाथरस, फिरोजाबाद व एटा पर कृषकों को सिंचाई हेतु जल उपलब्ध करा पा रही है। अतः भविष्य में इस नहर के कमाण्ड क्षेत्र में जलमांग बढ़ने पर इस नहर की भी क्षमता वृद्धि की आवश्यकता होगी, जिसके फलस्वरूप नहर की चौड़ाई बढ़ाने के लिये दांयी पटरी का प्रयोग किया जाना अपरिहार्य होगा।

उपरोक्त के दृष्टिगत ही विभागीय उच्चाधिकारियों के विचार विमर्श एवं अनुमोदन उपरान्त मुख्य अभियन्ता (गंगा) सिंचाई एवं जल संसाधन विभाग उ0प्र0 मेरठ के पत्रांक नि0-312 मुअगंगा/एन0ओ0सी0/कॉवड मार्ग दिनांक 01/03/2021 (छयाप्रति संलग्न) के द्वारा लोक निर्माण विभाग को सशर्त अनुमति प्रदान की गयी जिसमें अन्य बिन्दुओं के साथ बिन्दु संख्या-10 में ये भी उल्लेखित है कि "लेपित मार्ग का निर्माण नहर के दांये किनारे का स्लोप 1.5.1 रखते हुए डौले की ट्रे से 7.50 मी0 एवं न्यूनतम क्लीयर दूरी गंगा नहर के दांये किनारे डौले के ट्रे से 10 मी0 छोड़ते हुए किया जाये तथा प्रस्तावित मार्ग का Camber outer Toe की तरफ रखा जाये।" उपरोक्त के अतिरिक्त यह भी अवगत कराना है कि वृक्षों के पातन के संबंध में समस्त कार्यवाही लोक निर्माण विभाग/वन विभाग द्वारा सम्पन्न की जा रही है।

अतः उक्त से स्पष्ट है कि ऊपरी गंगा नहर के संचालन एवं उस पर निर्मित विभिन्न संरचनाओं के समुचित देख-रेख, रख-रखाव व मरम्मत तथा पेट्रोलिंग/विभागीय उपयोग हेतु न्यूनतम आवश्यक भूमि के दृष्टिगत ही उच्चाधिकारियों द्वारा इस नहर के दांये बैंक पर डौले से 10 मी0 नहरी प्रयोजन हेतु सेवामार्ग सुरक्षित रखते हुए, पृथक कावंड सेवा मार्ग निर्माण हेतु अनापत्ति प्रदान की गयी है।


अधिशासी अभियन्ता
मेरठ खण्ड गंगा नहर
मेरठ।


अधीक्षण अभियन्ता
प्रथम मण्डल सिंचाई कार्य,
मेरठ।


मुख्य अभियन्ता (गंगा)
सिंचाई एवं जल संसाधन विभाग
उत्तर प्रदेश मेरठ।

From,
Executive Engineer
Meerut Division Ganga Canal,
Meerut.

To,
Executive Engineer
Construction Division,
Public Works Department,
Meerut.

Letter No. 3945/Mekhganme/NGT/ Dated 19.07.2024

Subject: - Regarding the felling of trees during the construction of Chaudhary Charan Singh Kawad marg (Right side road of Ganga canal) in the districts Muzaffarnagar, Meerut and Ghaziabad, as covered by the declaration made by the Honourable Chief Minister.

Reference: - Your letter no. 1107/Kavad Nahar (right side road) dated 12.07.2024.

Sir,

Kindly refer your above-mentioned letter, through which, vide which the matter related to the felling of trees during the construction of Chaudhary Charan Singh Kawad Marg (Right side Road of Ganga Nahar) in the districts of Muzaffarnagar, Meerut, and Ghaziabad as covered by the declaration by the Honourable Chief Minister and in terms of the orders passed by the Hon'ble NGT, the issue has been raised by the proposed intervener at serial no. 12 that a kachha road of 5-meter-wide was in existence on the right side of the Ganga canal and if the said kachha road of 5 meter was included,

the felling of the trees could have been reduced. The Hon'ble NGT has observed and directed to explain as to why the road of 20/15 meters is not being constructed by the said kacha road of 5 meters.

As per the request made by you, the report regarding the point under para number 12 as observed vide order dated 08.07.2024 passed by Hon'ble NGT in the above-mentioned case is attached and sent for information and further necessary action.

Attachments: As above.

Executive Engineer
Meerut Section Ganga Canal, Meerut.

Letter No. _____ /Mekhganme/Date _____ 07.2024

The copy is sent to the following for information and further necessary action in connection with the letter referred above:

1. Chief Engineer (Ganga), Irrigation and Water Resources Department, Uttar Pradesh, Meerut.
2. Chief Engineer, Meerut Region Public Works Department, Uttar Pradesh Meerut.
3. Superintendent Engineer, First Division Irrigation Works, Meerut.
4. Superintendent Engineer, Meerut Circle Public Works Department, Uttar Pradesh, Meerut.

Executive Engineer
Meerut section Ganga Canal, Meerut.

A report In relation to Point Number 12 of the order dated 08.07.2024 passed by the Hon'ble NGT regarding the felling of trees for the construction of Chaudhary Charan Singh Kawad Mard (Right Side Road Gang Nahar) in the district Muzaffarnagar, Meerut and Ghaziabad as covered by the declaration made by the Hon'ble Chief Minister.

The Upper Ganga Canal originates from the Bhimgouda Barrage built on the Ganga River located in Haridwar, whose total length is 291.94 km and the total length of the canal system is 7222 km. Through this system, at present about 6.94 lakh hectares of agricultural land is being irrigated every year in the districts Haridwar, Saharanpur, Muzaffarnagar, Meerut, Ghaziabad, Hapur, Bulandshahar, Gautam Buddha Nagar, Aligarh, Firozabad, Hathras, Mathura, Etah, Kasganj and Agra. Apart from irrigation, the canal is also being used for industrial purposes and the canal further also provides drinking water in the districts of Meerut, Ghaziabad, Delhi, Noida, Agra, Mathura. It is also to be informed here that this canal channel has been in operation since the year 1854, since then, in view of the increased requirements of water for irrigation and other works, its capacity has been increased thrice in the years 1938, 1956 and 2016 respectively from

6750 cusecs to 13000 cusecs at present. In future also, there may be a necessity to increase the capacity of the canal by keeping in view the increase in demand for irrigation water and the availability of river water. During the original construction of the canal, additional land was acquired to meet the above requirements. Except the service road on the Upper Ganga Canal, the additional land available on both sides of the canal (about 50 meters in wide) has been declared as a protected forest area by the government since 1954, at present trees have also been planted by the Forest Department in the said area.

On the left side of the Upper Ganga Canal, a 07-meter wide Kavadi service road has already been constructed by the Public Works Department, on which the density of traffic is also very high due to which inspection of the canal from the left side of the Upper Ganga Canal and maintenance as well as repair of the left bank is difficult. There is always a strong possibility of an accident at the time of inspection. Therefore, at present the left side of the canal is difficult to be used for canal services such as to collect the material for repair of pakka road, for disposal of silt taken out of inner section of

canal and canal inspection. While, the right track of this canal is often used for canal inspection and other necessary works.

It is to inform that canal service road is an integral part of the canal section, which is used for proper care, patrolling, maintenance and repair of the canal. If Kanwar Marg will be constructed on the right side also adjacent to Dolla, then under such circumstances, the essential works of maintenance and repair of this canal of British period and patrolling etc there of will be affected completely. As it has already been indicated herein above that after the construction of this British period canal, at par with the increase in water demand, the capacity of the canal has also been increased and because of this reason only, this canal is able to supply water for irrigation to farmers in the area at its tail part such as Hathras. Firozabad. Therefore, in future, if the water demand increases in the command area of this canal, there will be a need to increase the capacity also of this canal, as a result of which, it will be inevitable to use the right track to increase the width of the canal.

In view of the above, after discussion and approval of senior departmental officials, Chief Engineer (Ganga) Irrigation and Water Resources Department, Uttar Pradesh, Meerut, vide letter no. 312 Muaganga/NOC/Kavad Marg dated 01/03/2021 (photocopy attached), Public Works Department a Conditional permission was granted whereby it is mentioned in point no. 10 apart from other points that "Construction of a coated road will be undertake while keeping the slope of the right bank of the canal as 1.5.1. by keeping 7.50 Meters from dolla and by keeping the minimum clearance of distance. Thus, It should be done by leaving 10 meters from from the toe of the dolla on the right bank and the camber of the proposed route should be kept towards the outer toe." Apart from the above, it is also to be informed that all the action regarding the felling of trees is being completed by the Public Works Department/Forest Department.

Therefore, it is clear from the above that in view of the operation of the Upper Ganga Canal and the proper care, maintenance and repair of the various structures built on it and the minimum required amount of land for patrolling/departmental use, the higher authorities have

decided to build a dolla on the right bank of this canal. Keeping the service road reserved for 10-meter canal purpose, no objection is thus granted for construction of separate Kanwar service road.

Executive Engineer
Meerut Division, Ganga Canal
Meerut.

Superintendent Engineer
First Division Irrigation Works,
Meerut.

Chief Engineer (Ganga)
Irrigation & Water
Resources Dept.
Meerut.