

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

IA NO. 285 & 286 OF 2024

IN

ORIGINAL APPLICATION NO. 238/2024

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

AND IN THE MATTER OF:

1. Vikrant Tongad
2. Satendra Singh
3. Rajendra Tyagi

...Applicants/Proposed Interveners

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Through



AKASH VASHISHTHA

(Advocate for the Applicants/Proposed Interveners)

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Delhi High Court, New Delhi-110002

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Place :- Delhi

Dated :- 22.07.2024

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AND IN THE MATTER OF:

4. Vikrant Tongad
5. Satendra Singh
6. Rajendra Tyagi

...Applicants/Proposed Interveners

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE
APPLICANTS**

The Applicants above-named

MOST RESPECTFULLY SHOWETH:

1. That the primary issue being considered by this Hon'ble Tribunal in the present O.A. is the large-scale felling of 112000 trees for road along the Upper Ganga Canal in the Protected Forest area of three divisions – Ghaziabad, Meerut and Muzaffarnagar for construction of 111 kms Kanwar Marg from Muradnagar in Ghaziabad district to Purkaji in Muzaffarnagar district of Uttar Pradesh near Uttarakhand border, which will adversely affect the biodiversity of the region and displace wildlife and impact the environment due to critical loss of forest and tree cover.
2. That vide Order, dated: 08.07.2024, this Hon'ble Tribunal was pleased to permit the Applicants, herein, to file additional documents in support of the I.A. Nos. 285-286/2024.
3. That the contents of this Affidavit are in addition to the facts and issues raised by the Applicants, herein, in I.A. Nos. 285-286/2024 and may also be read as part of the facts and issues raised in the aforementioned I.A.s.
4. That pursuant to the Order, dated: 08.07.2024, passed by this Hon'ble Tribunal, the Applicant No. 2 visited the Left and Right Bank stretches along the Upper Ganga Canal from Murad Nagar in Ghaziabad district up to Purkazi in Muzaffarnagar district of Uttar Pradesh.
5. That the Applicant No. 2, during the course of his visit, noticed massive cutting, felling and uprooting of thousands

of trees, using JCB machines. After felling and uprooting the trees, all of which were gigantic in sizes, the lands were levelled for the 4-6 lane road, being built in the name of Kanwar Yatra Marg, on the vegetated Right Bank stretch along the canal.

(Geo-tagged photographs and visuals/videos clicked and gathered by the Applicant No. 2 along the Left and Right Banks of the Upper Ganga Canal are annexed herewith and marked as **ANNEXURE AA-1**)

6. That it pertinent to mention here that notwithstanding the Order, dated: 08.07.2024 being uploaded on the NGT Website only in the evening on 11.07.2024, the Respondents continued to carry out massive cutting, felling and uprooting of trees, without a pause, during the intervening period and thereafter.
7. That the Google Satellite images of the stretch along the Upper Ganga Canal, from 12.08.2021 to 06.02.2024 reveal a very dense patch of vegetation/forest on the Right Bank of the canal.

(A True Copy of the Google Satellite images of the stretch along the Upper Ganga Canal, from 12.08.2021 to 06.02.2024, are annexed herewith and marked as **ANNEXURE AA-2**)

8. That the purpose of the trees and the vegetation along the Left Bank of the canals was to protect the banks from erosion, starting with rills and gullies (that create breaches in the canal) and prevent evaporation of the water from the canal. The canal bank plantation serves as shelter belts to the fields adjoining the canal. The plantations further provide greenery and cover to the wild animals along the canal. The plantations also further provide timber and firewood for the rural population living along the canals.
9. That over last several decades, the trees and the forest stretches along the Upper Ganga Canal have continued to serve the aforesaid purpose.
10. That one of the essential hydrological feature of any flowing water body, such as a canal, stream or river is the lateral, longitudinal and vertical hydrological linkages and both surface and sub-surface connections which maintain its flow and ecological integrity.
11. That the aforesaid hydrological feature of a flowing water body, such as a canal, stream or river is also laid down as an important principle for rejuvenation, protection and Management of Ganga, in the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 under the Environment (Protection) Act, 1986.

Clause 4 of the said Notification reads as follows:

“4. Principles to be followed for rejuvenation, protection and management of River Ganga. – (1) The following principles shall be followed in taking measures for the rejuvenation, protection and management of River Ganga, namely:-

- (i) the River Ganga shall be managed as a single system;*
- (ii) the restoration and maintenance of the chemical, physical, and biological quality of the waters of River Ganga shall be achieved in a time bound manner;*
- (iii) the River Ganga shall be managed in an ecologically sustainable manner;*
- (iv) the continuity of flow in the River Ganga shall be maintained without altering the natural seasonal variations;*
- (v) the longitudinal, lateral and vertical dimensions (connectivities) of River Ganga shall be incorporated into river management processes and practices;*
- (vi) the integral relationship between the surface flow and sub-surface water (ground water) shall be restored and maintained;*
- (vii) the lost natural vegetation in catchment area shall be regenerated and maintained;*
- (viii) the aquatic and riparian biodiversity in River Ganga Basin shall be regenerated and conserved;*
- (ix) the bank of River Ganga and its flood plain shall be construction free Zone to reduce pollution sources, pressures and to maintain its natural ground water recharge functions;*
- (x) the public participation in rejuvenation, protection and management, revision and enforcement of any regulation,*

standard, effluent limitation plan, or programme for rejuvenation, protection and management shall be encouraged and made an integral part of processes and practices of River Ganga rejuvenation, protection and management.

...”

(Emphasis added)

12. That any cutting/felling of trees or conversion of the forest into non-forest land or construction of the road along the Upper Ganga Canal would, inevitably, lead to an irreversible ecological hazard and consequently, complete drying up of the Upper Ganga Canal, which would critically affect the already-stressed agriculture in the Western Uttar Pradesh region and deprive a vast population living in these areas of drinking and domestic water. The same is evident from the fact that the Murad Nagar area in Ghaziabad through which the Upper Ganga Canal passes has turned from Safe into a Semi-critical Block for groundwater extraction and is now on the verge of becoming a Critical Block, soon.

(Photographs of the Main Canal passing through Saharanpur, Barot, Baghpat and Ghaziabad in West Uttar Pradesh, with plantations on the Right Bank and which has dried up, with no waters left, is annexed herewith and marked as **ANNEXURE AA-3**)

13. That it pertinent to state here that an Upper Ganga Canal Expressway along the Right Bank of Upper Ganga Canal was conceived by the Uttar Pradesh government in the districts 2010-11. However, in view of the grave ecological and biodiversity hazards that the said project was assessed to bring about in the region, the Ministry of Environment & Forest had rejected the proposal for Forest Diversion and tree cutting submitted by the state government. A fresh proposal submitted by the Uttar Pradesh government before the MOEF&CC, after disregarding and circumventing all previous ecological and legal considerations of the ecological significance of the Protected Forest lands in question, is bad in law and a fraud played upon the statute.

14. That the aforestated fact was reported by Hindustan Times, vide news story, dated: 04.08.2010, titled '*Ganga expressway may gobble over a lakh trees*', which news story had written that a site inspection report prepared by the MOEF&CC pointed out to endangering of the natural habitat of species such as snakes, blue bulls, monitor lizards, porcupines, foxes, jackals, rabbits and rats among others.

The relevant excerpts of the news story are extracted as under:

“The proposed Upper Ganga Canal Expressway (UGC) has come under a cloud after Ministry of Environment and

Forest (MoEF) officials inspected the site and estimated that around 90000-100,000 fully grown trees could face the axe if the project is executed.

...

A site inspection report prepared by MoEF officials from Lucknow, and submitted to the ministry, pointed out that the project was bound to affect protected forest areas and endanger the natural habitat of species such as snakes, blue bulls, monitor lizards, porcupines, foxes, jackals, rabbits and rats among others, MoEF officials told Hindustan Times.

The eight lane expressway, costing around R7,000 crore and scheduled to be constructed on the right side of the Upper Ganga Canal (built in 1854), has patches of forest consisting of indigenous flora and fauna.

In June, the MoEF had returned the state government's proposal seeking permission to cut around 34,477 trees on the stretch covering Ghaziabad, Gautam Budh Nagar, Bulandshahr, Meerut and Muzaffarnagar districts.

After the proposal was returned, MoEF officials inspected the site in the last week of June and estimated that the number of trees that needed to be axed would be much more than requested by the state government.

“As per our estimate, around 90000 100,000 trees would be required to be cut if the project is executed. These would include neem, jamun, sheesham, peepal among others and would disturb the wildlife habitat,” Ritu Raj Singh, Deputy Conservator of Forests (MoEF Central), said.

Deputy Conservator of Forest Ritu Raj Singh said there is a proposal to widen the Kanwar Road, to the left of the Upper Ganga Canal, and NH-58. “Once their widening is complete, the traffic congestions will ease and another road or expressway may not be required,” said Singh, quoting the site inspection report.”

(Emphasis added)

(A True Copy of the news story, dated: 04.08.2010, titled ‘Ganga expressway may gobble over a lakh trees’, published in the Hindustan Times, is annexed herewith and marked as **ANNEXURE AA-4**)

15. That the Report prepared by the Deputy Conservator of Forests, Regional Office (Central Zone), Lucknow of MOEF, on the detrimental impacts of the then-proposed Upper Ganga Canal Expressway, pursuant to the site inspection of the Upper Ganga Canal from Sonauta in Bulandshahr district to Purkazi in Muzaffarnagar district from 24.06.2024 to 26.06.2024, noted patches of rich forest

and inhabited by rich flora and fauna. The report further stated that the Right Bank (on which the trees are presently being cut and forests cleared) was having a good vegetation and abode to animals such as snakes, blue bulls, monitor lizards, porcupines, foxes, jackals, rabbits and rats among others. The report concludes by holding that once the existing two roads connecting Ghaziabad, Meerut, Muzaffarnagar with Uttarakhand viz NH-58 and Kavar road on the left bank of the Upper Ganga Canal were complete, another road/ express way may not be required.

The relevant extracts of Inspection Report are culled out as under:

“Report on 8 lane express way of Upper Ganga Canal.

The express way is proposed to be constructed on the right hand side of the embankment of the Upper Ganga canal, which is presently not under use for any other purpose and on which good vegetation cover has come up. Whereas the left side of the canal embankment is having road all along 148 Km which is presently having width of 7.5 meters and work for widening up to 11 meters is under progress. Another road NH-58, runs all along Upper Ganga Canal, crossing the canal at 3 location and on which also widening for 4/6 laning is under progress and which is likely to be completed by 2011. The work of widening of NH 58 is being taken up by NHAI.

In pursuant of the direction of the CCF, RO, Lucknow, site inspection was conducted from 24-26 June, 2010 by traversing from Sonauta (Bulandshahar) to Purkazi (Muzaffarnagar in U.P.) near Uttarakhand boarder along the Upper Ganga Canal.

...

*a. **Proposed 8 lane express way on the right bank of Upper Ganga Canal** : The Upper Ganga Canal was constructed in 1854 as per the information furnished. The right hand side of the canal is having vegetation all along the canal with patches of rich forest which have been naturalized in due course of time and it is in habitat by number of indigenous flora & fauna.*

...

The extent of trees involved could not be enumerated however as per the ocular estimate of the road alignment, large number of trees would be involved. As per the proposals furnished in the Regional Office 34477 trees in five districts are involved which apparently would be much more than the trees proposed for felling, it may be in the tune of 90000 to 100000. Since the right bank is naturalized and having good vegetation the animals such as Rabbit, Rat, Blue Bull, Monitor lizard, Foxes, Jackal, Porcupines and number of snakes which are having natural abode in these forest, would be affected. As per the information so far environment impact assessment has also not been taken up for the proposed express way which should be taken up to

have proper assessment of environment damage if any being caused if the proposed work is taken up.

...

The widening of road is found to be very essential since numerous accidents have taken place in last view years resulting in death of large number of people drowned into the canal.

...

Conclusion:

The Upper Ganga Canal which was built in 1854 is life line of a large track of western U.P. as it provide irrigation in the area. The left bank of the canal is being utilized and is having 7.5 meter wide road which is used mainly by Kavar during July and August each year. This road is also used through out the year for the routine traffic as well. Taking into consideration the extent of traffic on this road the widening is essentially required for which the proposals have been submitted by the State Government and which are being considered by the Central Government under FC Act.

The proposal submitted by the State Government to the Regional Office has been returned back to the State Government with the instructions to submit a consolidated proposal to the Ministry of Environment & Forests, New Delhi.

There is already two roads which are connecting Ghaziabad, Meerut, Muzaffarnagar with Uttarakhand viz NH-58 and Kavar road on the left bank of the Upper Ganga Canal. These two roads are also under improvement by widening of the roads. Once the widening is completed the traffic would be regularized and as such another road/ express way may not be required. If constructed the express way would cause lot of damage to the vegetation all along the canal and would definitely disturb the habitat of wildlife which are having natural abode all along the canal.”

(Emphasis supplied)

It is submitted that since 2010-11, the vegetation in the Protected Forest along the Upper Ganga Canal has only thickened, with trees attaining a very high canopy density.

(A True Copy of the Inspection Report prepared by the Deputy Conservator of Forests, Regional Office (Central Zone), Lucknow of MOEF, on the detrimental impacts of the then-proposed Upper Ganga Canal Expressway is annexed herewith and marked as **ANNEXURE AA-5**)

PRAYER

In light of the facts and circumstances stated hereinabove, it is, most respectfully, prayed that this Hon'ble Tribunal may be pleased to grant the reliefs, as prayed for, by the Applicants, herein, in I.A. No. 285/2024 and I.A. No. 286/2024 in the aforementioned Original Application and/or Pass any such other or further Order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

  
APPLICANT No.1 APPLICANT No.2 APPLICANT No.3

Through



AKASH VASHISHTHA

(Advocate for the Applicants/Proposed Intervenors)

490, Lawyers' Chamber Block-II,

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Place:- Delhi

Dated:- 22.07.2024

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AND IN THE MATTER OF:

Vikrant Tongad & Ors.

...Applicants

AFFIDAVIT

I, Vikrant Tongad, S/o. Lt. Sh. Baljeet Singh, aged about 34 years, R/o 84, Bhanauta, Greater Noida, Uttar Pradesh - 201311, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No. 1 in the above-mentioned Application and am fully conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. That the I.A. for Additional Documents has been drafted by my counsel on my instructions. The contents of the



same have been read over and explained to me in my language and the same are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

3. That I further say that the Annexures attached with the I.A. for Additional Documents are true copies of their respective originals.

Attest

I, IDENTIFIED THE
DEPONENT WHO HAS
SIGNED IN MY PRESENCE

Attest

DEPONENT

VERIFICATION:

I, the deponent above-named do hereby verify that the contents of this Affidavit from Para 1 to 3 are true to my knowledge nothing material has been concealed therefrom.

VERIFIED at New Delhi on this _____ day of July,
2024.



ATTESTED
Attest
NOTARY PUBLIC

Attest

DEPONENT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

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AND IN THE MATTER OF:

Vikrant Tongad & Ors.

...Applicants

AFFIDAVIT

I, Satendra Singh, S/o. Lt. Sh. S.P Singh, aged about 53 years, R/o BE-243, Avantika Ghaziabad-201002 (Uttar Pradesh), presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No. 2 in the above-mentioned Application and am fully conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. That the I.A. for Additional Documents has been drafted by my counsel on my instructions. The contents of the



same have been read over and explained to me in my language and the same are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

3. That I further say that the Annexures attached with the I.A. for Additional Documents are true copies of their respective originals.

Akash

I, IDENTIFIED THE
DEPONENT WHO HAS
SIGNED IN MY PRESENCE

DEPONENT

VERIFICATION:

I, the deponent above-named do hereby verify that the contents of this Affidavit from Para 1 to 3 are true to my knowledge nothing material has been concealed therefrom.

VERIFIED at New Delhi on this _____ day of July,
2024.



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NOTARY PUBLIC

DEPONENT

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Vikrant Tongad & Ors.

...Applicants

AFFIDAVIT

I, Rajendra Tyagi, S/o. Lt. Sh. Dharamveer Singh Tyagi, aged about 66 years, R/o 7/17, Chiranjiv Vihar, Ghaziabad (Uttar Pradesh) - 201311, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the Applicant No. 3 in the above-mentioned Application and am fully conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. That the I.A. for Additional documents has been drafted by my counsel on my instructions. The contents of the



same have been read over and explained to me in my language and the same are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

- 3. That I further say that the Annexures attached with the I.A. for Additional Documents are true copies of their respective originals.

I, IDENTIFIED THE DEPONENT WHO HAS SIGNED IN MY PRESENCE

DEPONENT

VERIFICATION:

I, the deponent above-named do hereby verify that the contents of this Affidavit from Para 1 to 3 are true to my knowledge nothing material has been concealed therefrom.

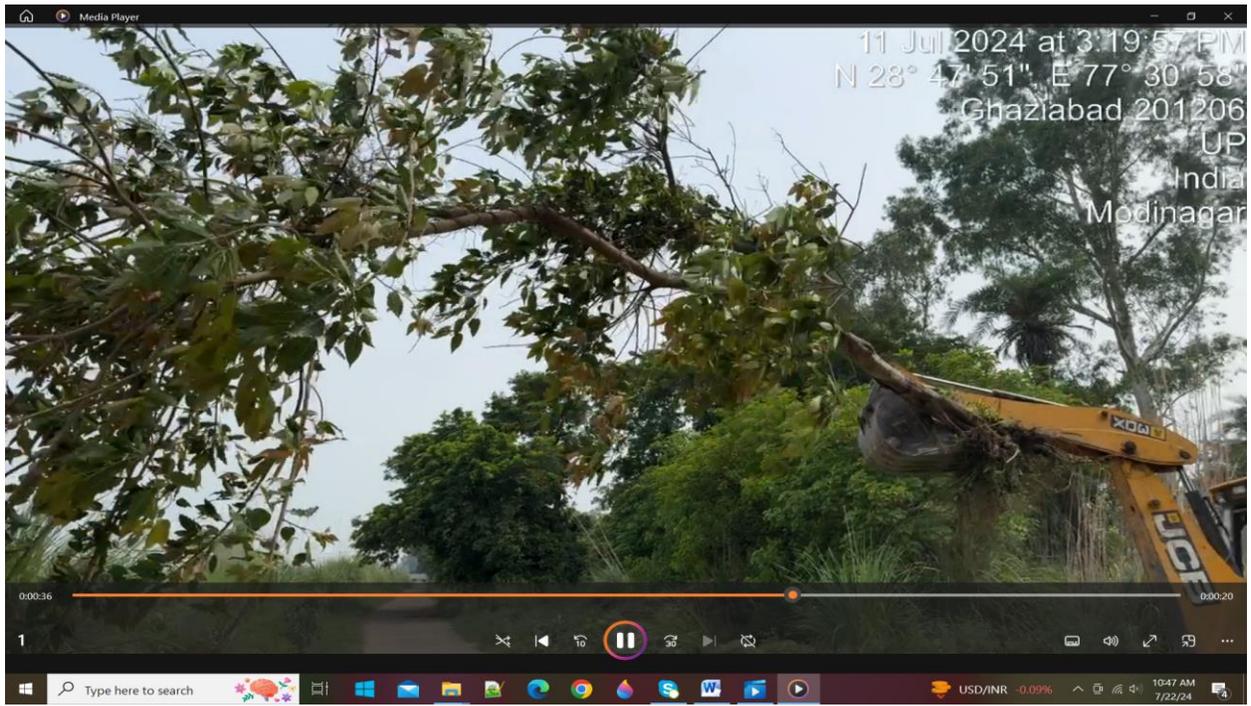
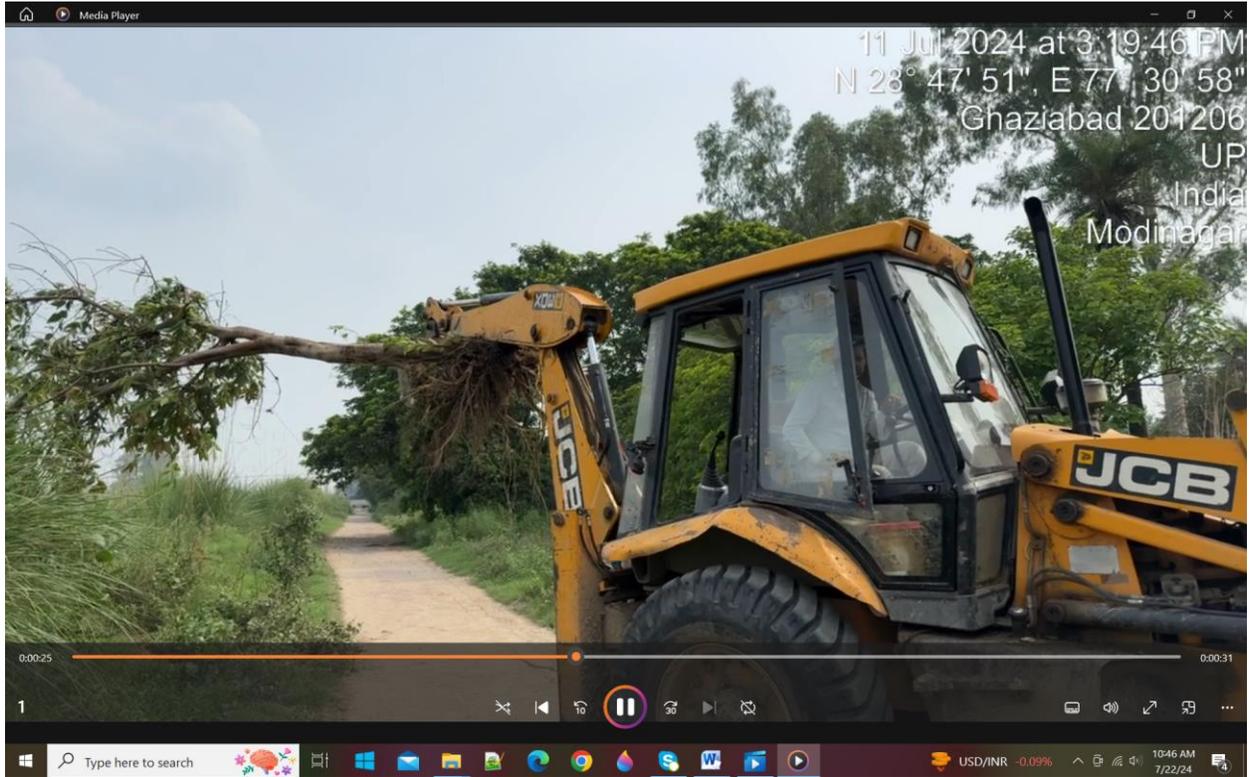
VERIFIED at New Delhi on this _____ day of July, 2024.

NOTARY PUBLIC APPOINTED BY GOVT. OF INDIA G. S. KHARRANDA
Notary Reg. No. 785 22 JULY 2024
ADVOCATE ENL. No. D.287761
ATTESTED 9899422266

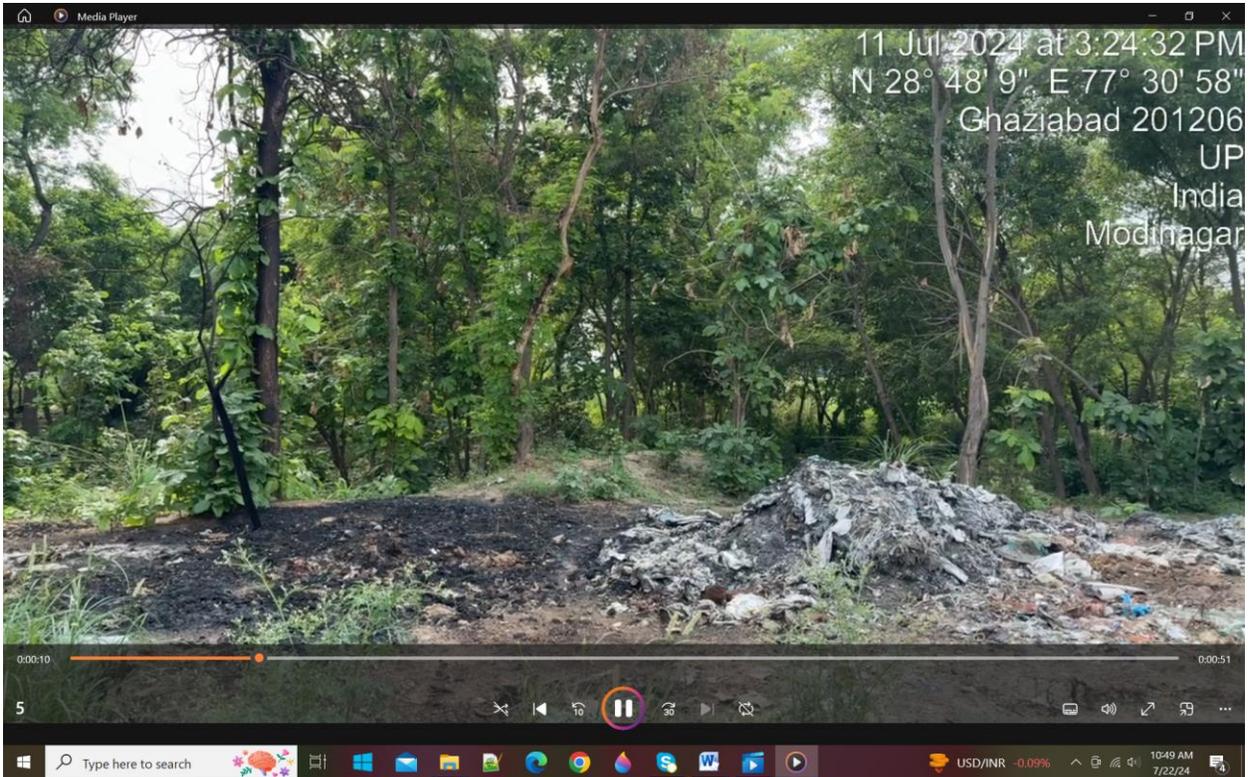
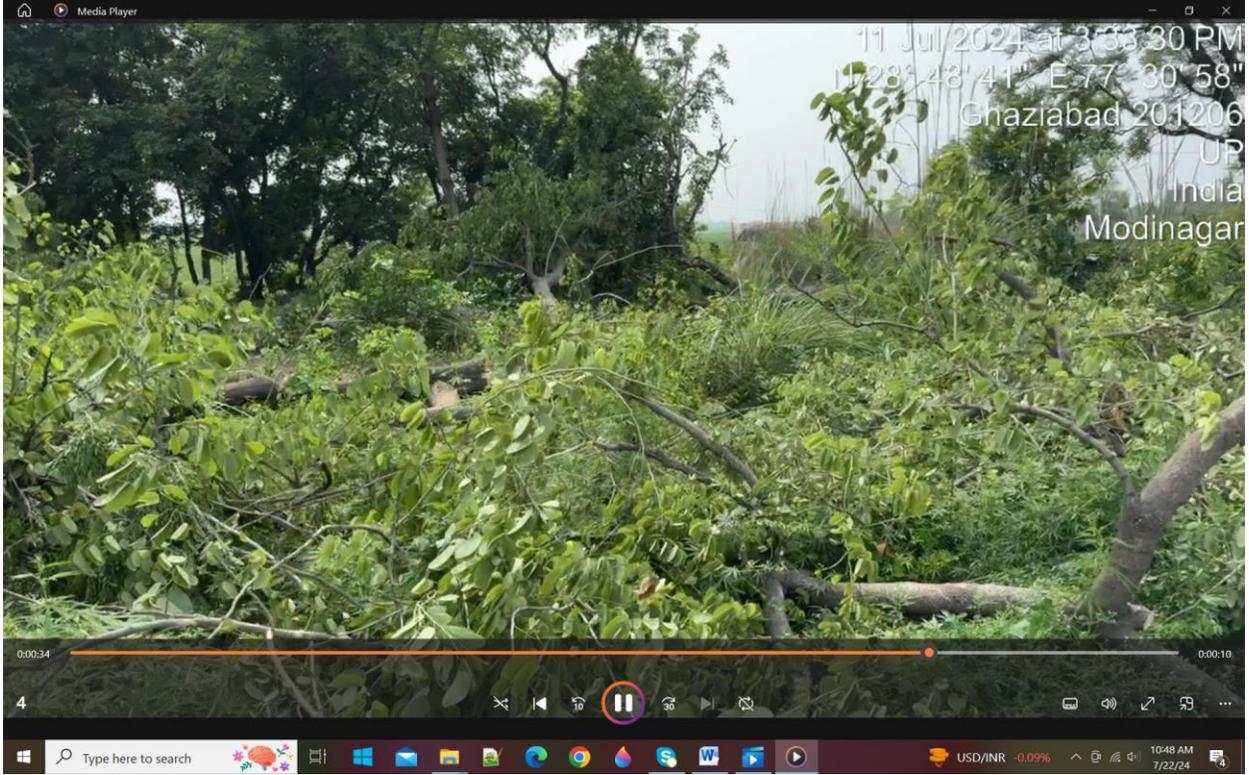
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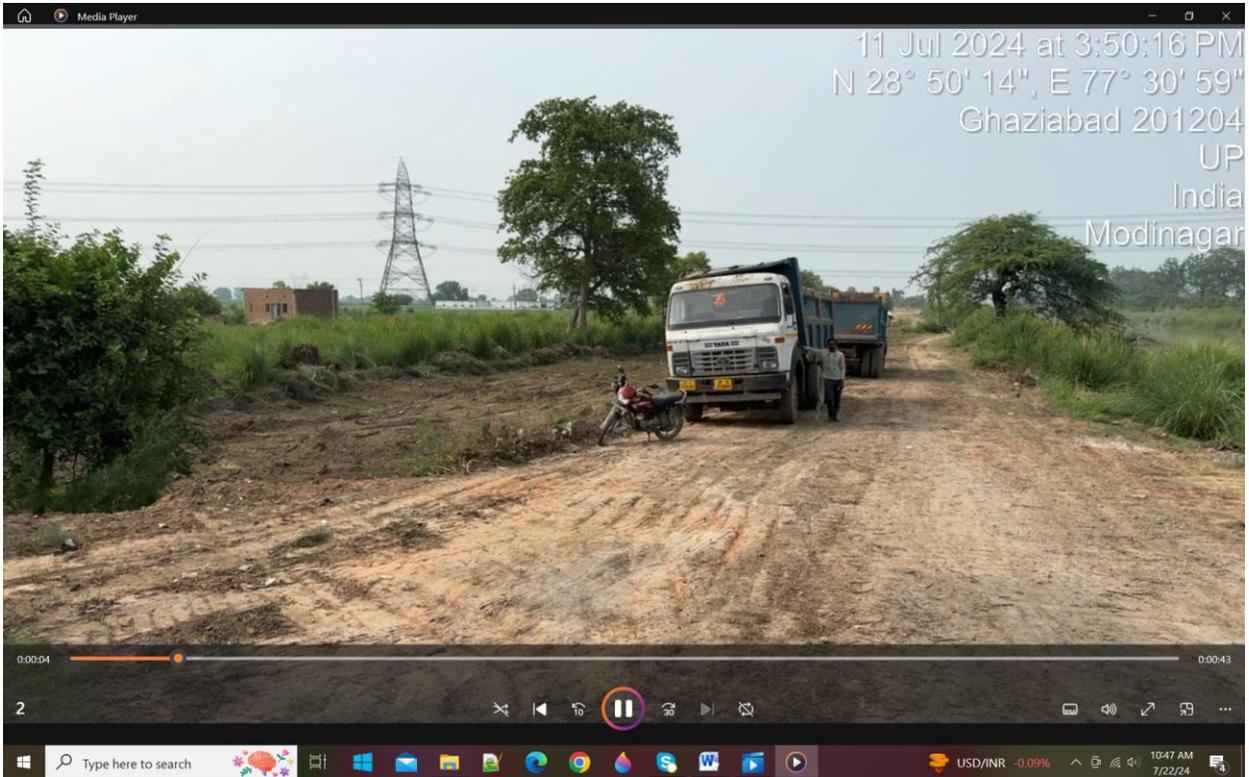
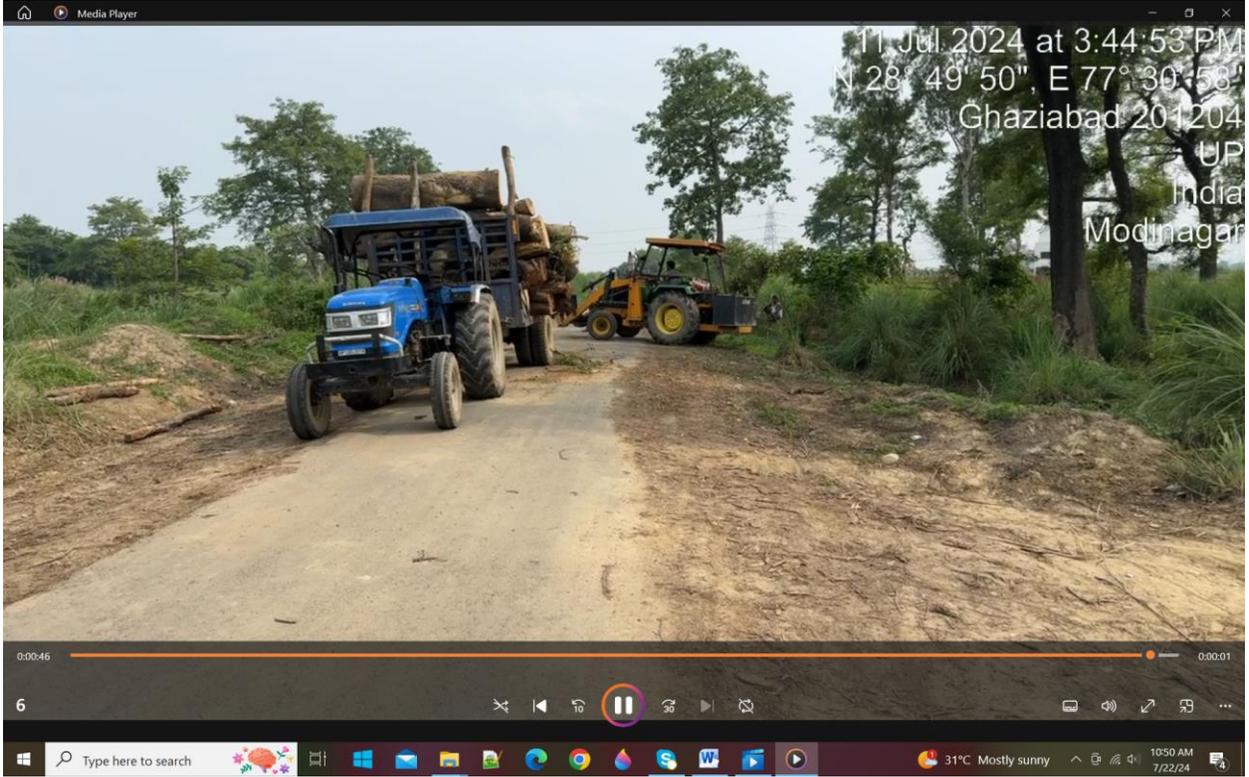
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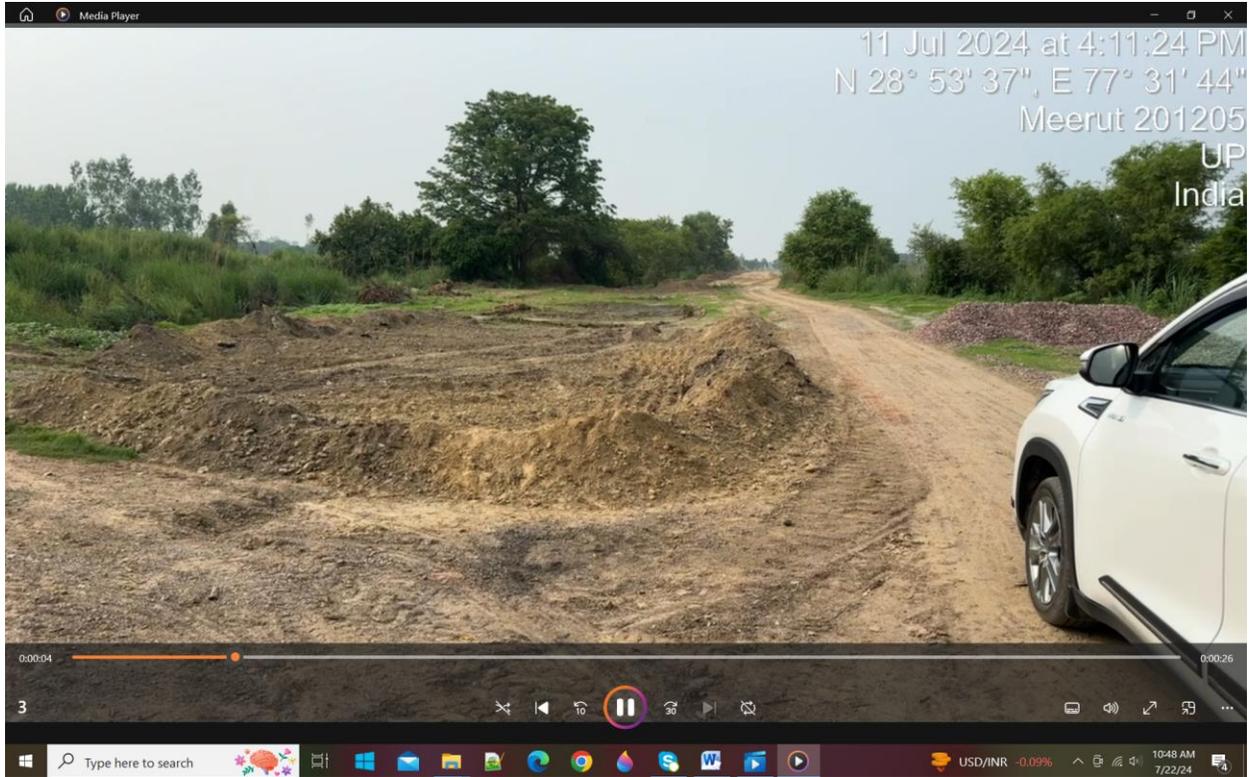
ANNEXURE AA-1















11 Jul 2024 at 4:12:00 PM
N 28° 53' 37", E 77° 31' 44"
Meerut 201205
UP
India



11 Jul 2024 at 4:12:20 PM
N 28° 53' 38", E 77° 31' 44"
Meerut 201205
UP
India



11 Jul 2024 at 4:24:56 PM
N 28° 53' 55" E 77° 31' 48"
Meerut 201205
UP
India



12 Jul 2024 at 3:17:55 PM
N 29° 3' 47" E 77° 35' 30"
Meerut 250341
UP
India
Sardhana



12 Jul 2024 at 4:25:25 PM
N 29° 19' 49", E 77° 45' 57"
Muzaffarnagar 251201
UP
India
Khatauli



12 Jul 2024 at 6:07:34 PM
N 29° 32' 7", E 77° 52' 40"
Muzaffarnagar 251308
UP
India
Jansath





ANNEXURE AA-2











The Main Canal, in Baghpat district (Uttar Pradesh), with Plantations on the Right Bank and Inspection Road on the Left Bank. The canal, originating in Saharanpur and ending near Loni, Ghaziabad, is now dried up, with all kinds of polluting matter now being dumped, therein. Also seen are agricultural fields, all around, which are struggling to get water.



The Main Canal, in Baghpat district (Uttar Pradesh), with Plantations on the Right Bank and Inspection Road on the Left Bank. The canal, originating in Saharanpur and ending near Loni, Ghaziabad, is now dried up, with all kinds of polluting matter now being dumped, therein. Also seen are agricultural fields, all around, which are struggling to get water.



The Main Canal, in Baghpat district (Uttar Pradesh), with Plantations on the Right Bank and Inspection Road on the Left Bank. The canal, originating in Saharanpur and ending near Loni, Ghaziabad, is now dried up, with all kinds of polluting matter now being dumped, therein. Also seen are agricultural fields, all around, which are struggling to get water.



The Main Canal, in Baghpat district (Uttar Pradesh), with Plantations on the Right Bank and Inspection Road on the Left Bank. The canal, originating in Saharanpur and ending near Loni, Ghaziabad, is now dried up, with all kinds of polluting matter now being dumped, therein. Also seen are agricultural fields, all around, which are struggling to get water.

Ganga expressway may gobble over a lakh trees

Hindustan Times | By Peeyush Khandelwal, Ghaziabad

Aug 04, 2010 12:16 AM IST

The proposed Upper Ganga Canal Expressway has come under a cloud after Ministry of Environment and Forest officials inspected the site and estimated that around 90000-100,000 fully grown trees could face the axe if the project is executed. HT reports

The proposed Upper Ganga Canal Expressway (UGC) has come under a cloud after Ministry of Environment and Forest (MoEF) officials inspected the site and estimated that around 90000-100,000 fully grown trees could face the axe if the project is executed.

The 148 kilometre stretch will connect Gautam Budh Nagar with Purkazi in Muzaffarnagar district of UP.

A site inspection report prepared by MoEF officials from Lucknow, and submitted to the ministry, pointed out that the project was bound to affect protected forest areas and endanger the natural habitat of species such as snakes, blue bulls, monitor lizards, porcupines, foxes, jackals, rabbits and rats among others, MoEF officials told Hindustan Times.

The eight lane expressway, costing around R7,000 crore and scheduled to be constructed on the right side of the Upper Ganga Canal (built in 1854), has patches of forest consisting of indigenous flora and fauna.

In June, the MoEF had returned the state government's proposal seeking permission to cut around 34,477 trees on the stretch covering Ghaziabad, Gautam Budh Nagar, Bulandshahr, Meerut and Muzaffarnagar districts.

After the proposal was returned, MoEF officials inspected the site in the last week of June and estimated that the number of trees that needed to be axed would be much more than requested by the state government.

“As per our estimate, around 90000 100,000 trees would be required to be cut if the project is executed. These would include neem, jamun, sheesham, peepal among others and would disturb the wildlife habitat,” Ritu Raj Singh, Deputy Conservator of Forests (MoEF Central), said.

In reply to an RTI query by Ghaziabad Municipal Councilor and social activist Rajendra Tyagi, executing agency Uttar Pradesh Expressways Industrial Development Authority (UPEIDA) said a survey was on to assess the number of trees that needed to be felled and wild animals that would be affected.

However, UPEIDA officials denied any knowledge about the MoEF report and stated that no trees have been axed so far.

“As per our assessment, around 40,000 trees have been identified that would come in the way for different work related to the project. We have no information on the MoEF report,” Ravinder Singh, a senior official of UPEIDA, said.

Deputy Conservator of Forest Ritu Raj Singh said there is a proposal to widen the Kanwar Road, to the left of the Upper Ganga Canal, and NH-58. “Once their widening is complete, the traffic congestions will ease and another road or expressway may not be required,” said Singh, quoting the site inspection report.

Reference:

<https://www.hindustantimes.com/india/ganga-expressway-may-gobble-over-a-lakh-trees/story-CWaBHjug4bZpyVdxyzgSJ.html>

Ganga expressway may gobble over a lakh trees

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Aug 04, 2010 12:16 AM IST



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Hindustan Times

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The 148 kilometre stretch will connect Gautam Budh Nagar with Purkazi in Muzaffarnagar district of UP.

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A site inspection report prepared by MoEF officials from Lucknow, and submitted to the ministry, pointed out that the project was bound to affect protected forest areas and endanger the natural habitat of species such as snakes, blue bulls, monitor lizards,

of indigenous flora and fauna.

In June, the MoEF had returned the state government’s proposal seeking permission to cut around 34,477 trees on the stretch covering Ghaziabad, Gautam Budh Nagar, Bulandshahr, Meerut and Muzaffarnagar districts.

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After the proposal was returned, MoEF officials inspected the site in the last week of June and estimated that the number of trees that needed to be axed would be much more than requested by the state government.

“As per our estimate, around 90000 100,000 trees would be required to be cut if the project is executed. These would include neem, jamun, sheesham, peepal among others and would disturb the wildlife habitat,” Ritu Raj Singh, Deputy Conservator of Forests (MoEF Central), said.

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However, UPEIDA officials denied any knowledge about the MoEF report and stated that no trees have been axed so far.

“As per our assessment, around 40,000 trees have been identified that would come in the way for different work related to the project. We have no information on the MoEF report,” Ravinder Singh, a senior official of UPEIDA, said.

Deputy Conservator of Forest Ritu Raj Singh said there is a proposal to widen the Kanwar Road, to the left of the Upper Ganga Canal, and NH-58. “Once their widening is complete, the traffic congestions will ease and another road or expressway may not be required,” said Singh, quoting the site inspection report.

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News / **India News** / Ganga expressway may gobble over a lakh trees

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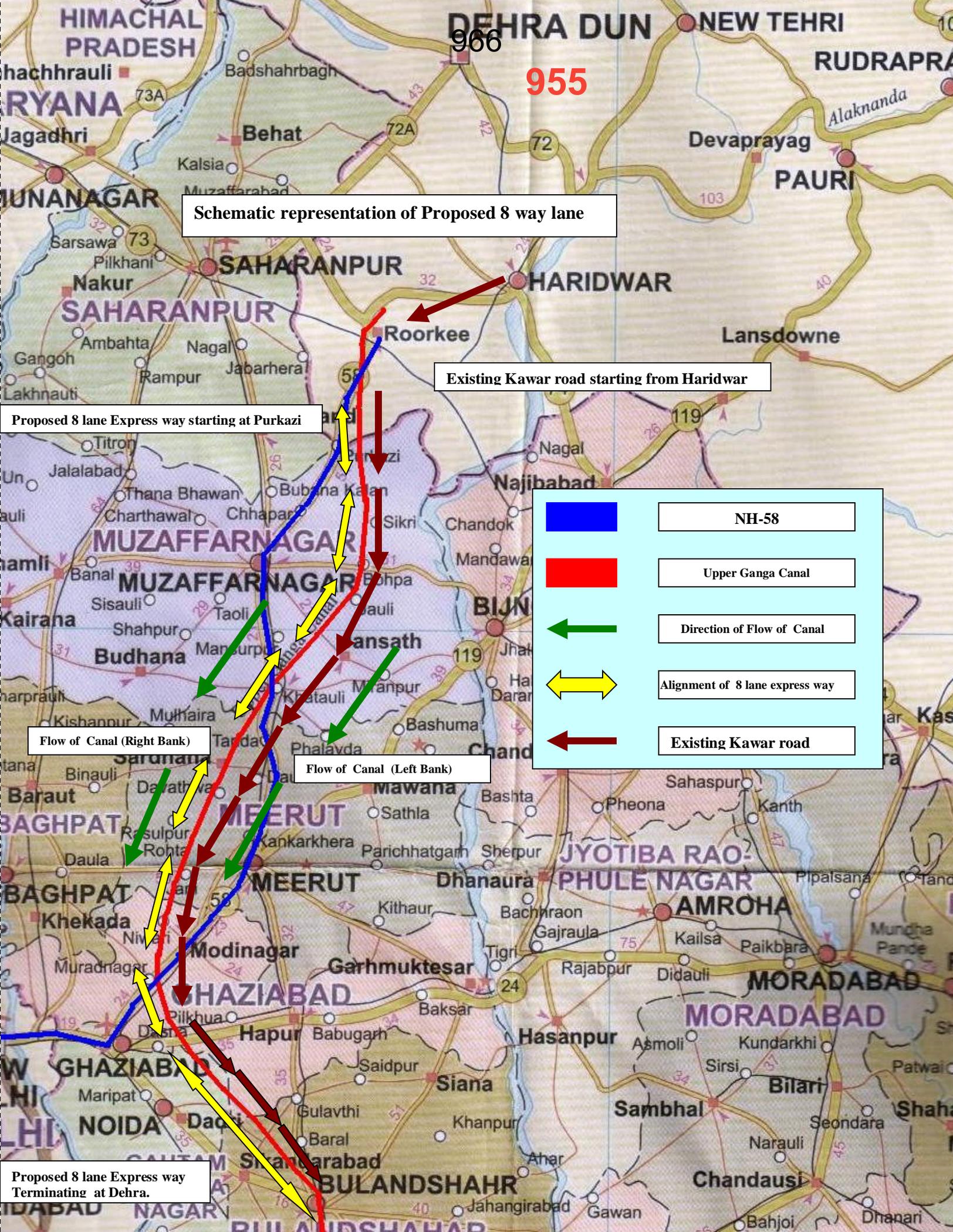
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Report on 8 lane express way of Upper Ganga Canal.

As per the news item published in newspaper Pioneer on 5th June, 2010 and in Mail Today dated 12th June 2010, the State Government has taken a decision to construct 148 Km. long 8 way express-way from Sanauta (Greater Noida) to Deoband (Saharanpur) on the right bank of the Upper Ganga Canal. In the news published in Pioneer and Mail Today it is mentioned that large scale of tree felling to the tune of 125000 matured trees, destruction of wildlife habitat displacement of over 60000 endangered protected species of fauna & flora, waste of public money by U.P. Government and violation of National Ganga River Basin Authority is involved if the proposed express way is being allowed. It has been informed that U.P. Government has sanctioned the land and tenders have been floated. A reference is also been made to the Hon'ble Minister of State (independent charge) of Environment & Forests. It was also informed that work for this Express way have already been started and trees have been felled without approval of Central Government under FC Act. In view of above The RCCF has directed the undersigned to have field visit to inquire about the present status of the works that have been carried out on the banks of Upper Ganga Canal from Ghaziabad to Purkazi (Muzaffarnagar) based on the complaint made.

The proposed road is being constructed by the U.P. Industrial Development Authority (UPIDA). The express way is proposed to be constructed on the right hand side of the embankment of the Upper Ganga canal, which is presently not under use for any other purpose and on which good vegetation cover has come up. Whereas the left side of the canal embankment is having road all along 148 Km which is presently having width of 7.5 meters and work for widening up to 11 meters is under progress. Another road NH-58, runs all along Upper Ganga Canal, crossing the canal at 3 location and on which also widening for 4/6 laning is under progress and which is likely to be completed by 2011. The work of widening of NH 58 is being taken up by NHAI. The location of the proposed express way on right side of the canal, the existing road on left hand side of the canal, upper Ganga Canal and NH-58 is shown in the map attached.



Schematic representation of Proposed 8 way lane

Existing Kwar road starting from Haridwar

Proposed 8 lane Express way starting at Purkazi

	NH-58
	Upper Ganga Canal
	Direction of Flow of Canal
	Alignment of 8 lane express way
	Existing Kwar road

Flow of Canal (Right Bank)

Flow of Canal (Left Bank)

Proposed 8 lane Express way Terminating at Dehra.

In pursuant of the direction of the CCF, RO, Lucknow, site inspection was conducted from 24-26 June, 2010 by traversing from Sonauta (Bulandshahar) to Purkazi (Muzaffarnagar in U.P.) near Uttarakhand boarder along the Upper Ganga Canal. The following officers were present during the site inspection.

1. Shri Devendra Kumar, AE, Bulandshahar Block Ganga Canal.
2. Shri Mukesh Kumar, AE, Bulandshahar Block Ganga Canal.
3. Shri S.K. Kaushal, AE, Meerut Block of Ganga Canal, Meerut.
4. Shri Y.P.S. Malik, DFO, Ghaziabad.
5. Shri Joga Singh, ACF, Meerut Sub Division.

During the visit the reports concerning that the proposed road as well as widening of the existing road on left bank was verified and the concerned officers gave the brief of the works being taken up in their respective areas. Field visits were also organized and present position of the proposed road and the existing road where widening work is in progress is also taken up. As mentioned above the State Government wants to construct the 8 way express way on the right side of the Ganga Canal and work on the existing road on left bank is also under progress. Therefore the present status of these two roads are given hereunder:

- a. **Proposed 8 lane express way on the right bank of Upper Ganga Canal** : The Upper Ganga Canal was constructed in 1854 as per the information furnished. The right hand side of the canal is having vegetation all along the canal with patches of rich forest which have been naturalized in due course of time and it is in habitat by number of indigenous flora & fauna. On this right hand side embankment the State Government is contemplating to build 8 way express way all along 148 Km for which 4 proposals have been submitted, the details of which are furnished here below:

Sr. No.	District	Length (in Km.)	Area (in ha)	Felling involved
1.	Muzaffar Nagar	55.957	244.327	13992
2.	Meerut	41.587	184.758	10899
3.	Ghaziabad	38.359	183.05	9376
4.	Gautambudh Nagar	4.70	20.21	73

The State Government has submitted these proposals for the length/area of the proposed road passing through each district i.e. Muzaffarnagar, Meerut, Ghaziabad, Gautambudhnagar respectively and sought approval of Central Government under FC Act as per para 2.5 of FC Act guidelines. Since in these four proposals of the State Government of 8 way expressway, is a single project, a consolidated proposal was required to be submitted in this case as per the guidelines and since the area belongs to the Irrigation Department which has been declared as protected forest for management purpose but in this case the user agency is not the Irrigation Department but the UPIDA, it does not attract the provision of para 2.5 of the guidelines. Therefore these proposals were not considered and was returned back to the State Government mentioning that since the area involved in this express way construction for more than 40 ha the decision of MOEF, New Delhi is required in this case. Therefore as such no approval has been accorded under FC Act, 1980.

During the site inspection it was found that so far no felling of trees or any advance work has been carried out by the user agency however, work of consolidation of boundaries by means of pillars have been carried out without damaging to the existing vegetation. The photographs given herewith gives the extent of vegetation on the side bank of canal and present status of the work.

The extent of trees involved could not be enumerated however as per the ocular estimate of the road alignment, large number of trees would be involved. As per the proposals furnished in the Regional Office 34477 trees in five districts are involved which apparently would be much more than the trees proposed for felling, it may be in the tune of 90000 to 100000. Since the right bank is naturalized and having good vegetation the animals such as Rabbit, Rat, Blue Bull, Monitor lizard, Foxes, Jackal, Porcupines and number of snakes which are having natural abode in these forest, would be affected. As per the information so far environment impact assessment has also not been taken up for the proposed express way which should be taken up to have proper assessment of environment damage if any being caused if the proposed work is taken up.

- b. **Existing road on left embankment of the canal:** On the left embankment of the Upper Ganga Canal there is an existing road of 7.5 meter width all along in 148 Km. from Roorkee to Bulandshahar. This road is also known as Kanwar road since it is largely being used during the Shivratri Festival by the Kanwar devotees in which more than 50,00,000 of people use this road for going to Haridwar and back. It was informed that as the road is not sufficient wide, accident is very common on this road and it is informed that on many occasion the vehicles felled into the canal, while most of the time go untraced. Therefore the State Government has submitted three proposals for widening of the existing road from 7.5 meter to 11 meters. The details of which are given hereunder.

District	Length (in Km)	Area (in ha)	Felling involved	Status
Muzaffarnagar	46.23	16.18	2882(tree) 13351(seedlings)	Approval in principle vide letter No. 8B/UP/02/76/09/FC/1913 dt.22.03.2010 and withdrawn letter No. 8B/UP/02/77/09/FC/365 dated 17.06.10
Meerut	43.137	15.098	1569(trees) 24755(seedlings)	Approval in principle vide letter No. 8B/UP/02/77/09/FC/1403, dt. 05.01.10 and withdrawn letter No. 8B/UP/02/77/09/FC/365 dt. 17.06.10
Ghaziabad	11.363	3.98	449(trees) 8449(seedlings)	Final approval is granted vide this office letter no. 8B/UP/02/31/09/FC/790 dt. 13.10.09

The area under reference is under the control of Irrigation Department and the proposed work was also being carried out by the Irrigation Department itself therefore it attracted para 2.5 of FC Act guidelines. Since the reason given in the proposal were found justified these proposals were considered for approval and so far the proposal of Ghaziabad involving 3.98 ha was granted final approval. The other two proposals of Meerut and Muzaffarnagar have been accorded in principle approval but since the compliance of the conditions stipulated in the first stage approval has not been furnished the final approval

as so far not been granted. In the meanwhile as per the news published in the newspaper about large scale felling, this office has asked the State Government to furnish the status report in this case and to ensure that no violation of FC Act takes place. The in principle approval accorded in this case stands ineffective in view of which complaint received. During the site inspection it was found that the work of widening of Kavar road on left embankment has been done in case of Ghaziabad district in 3.98 ha only in which 449 trees are involved. The work is found to be in accordance with the approval granted by the Regional Office and as such there is no violation of FC Act. No works whatsoever has been found in Meerut and Ghaziabad district. The widening of road is found to be very essential since numerous accidents have taken place in last few years resulting in death of large number of people drowned into the canal. The purpose of this road was to provide separate path for the movement of Kanwar during the month of July and August each year during Shivratri. However this road is otherwise being utilized for the movement of routine traffic. Therefore as such there is no violation of FC Act in this case and work is being done as per the conditions stipulated by the Government of India under FC Act in case of Ghaziabad only. The photograph given herewith may please be referred to:

Conclusion:

The Upper Ganga Canal which was built in 1854 is life line of a large track of western U.P. as it provide irrigation in the area. The left bank of the canal is being utilized and is having 7.5 meter wide road which is used mainly by Kavar during July and August each year. This road is also used through out the year for the routine traffic as well. Taking into consideration the extent of traffic on this road the widening is essentially required for which the proposals have been submitted by the State Government and which are being considered by the Central Government under FC Act. As such there is no violation of FC Act in this portion of the canal.

The proposed eight way express way is in inception stage which is State Government is working on. As informed the tender has been called but so far no felling of trees have taken place. Only boundary demarcation by means of pillars has been carried out without damage to the existing vegetation. No approval under FC Act has been accorded for the proposed eight way express way. The proposal submitted by the

State Government to the Regional Office has been returned back to the State Government with the instructions to submit a consolidated proposal to the Ministry of Environment & Forests, New Delhi.

There is already two roads which are connecting Ghaziabad, Meerut, Muzaffarnagar with Uttarakhand viz NH-58 and Kavar road on the left bank of the Upper Ganga Canal. These two roads are also under improvement by widening of the roads. Once the widening is completed the traffic would be regularized and as such another road/ express way may not be required. If constructed the express way would cause lot of damage to the vegetation all along the canal and would definitely disturb the habitat of wildlife which are having natural abode all along the canal.

Dy. Conservator of Foests (Central)

Forwarded

Chief Conservator of Forests



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Om Prakash <omprakash.life@gmail.com>

Copy of Service of Additional document in OA No. 238 of 2024 before Hon'ble NGT

1 message

Om Prakash <omprakash.life@gmail.com>

Mon, Jul 22, 2024 at 3:06 PM

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Dear All,

Please find attached -Additional Document

Counsel for the Applicant

**Additional document.pdf**

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