

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A NO. 201 OF 2024**

IN THE MATTER OF:

AMIT KUMAR

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

....RESPONDENTS

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BEHALF OF THE RESPONDENT NO. 6 AND 7**

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FILED BY:



Amit Kumar
Phone No. +91 9050487878
Email: amit0123.ac@gmail.com

**Place - New Delhi
Date - 04.12.2024**

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MOST RESPECTFULLY SHOWETH:

1. That the present application has been filed before this Hon'ble Tribunal seeking the revival of the Khokhari/Sindhali River, spanning the Saharanpur and Shamli districts of Uttar Pradesh, which has been adversely impacted by encroachments, lack of restoration measures, and administrative negligence.
2. That this Hon'ble Tribunal, vide its order dated 27.08.2024, directed Respondent No. 6 (District Magistrate, Saharanpur) and Respondent No. 7 (District Magistrate, Shamli) to submit their responses, along with a **time-bound restoration plan**, for the revival of the Khokhari river.
3. That the Applicant herein respectfully submits this objection to the affidavits and compliance reports filed by the said Respondents, which are riddled with inconsistencies, procedural inadequacies, and a lack of meaningful action in compliance with the directions of this Hon'ble Tribunal.
4. That the Applicant reserves the liberty to file a detailed para-wise reply, as and when deemed necessary, to address specific averments and to assist this Hon'ble Tribunal in ensuring that its directives are implemented in letter and spirit to achieve the desired objective of justice and ecological restoration.

Objections to the submission by the Respondent No. 6

5. That the District Magistrate Saharanpur, have time and again, failed to include the uppermost stretch of the Khokhari River in the Saharanpur district in the restoration efforts. The Applicant, in furtherance of the restoration

objective, submitted multiple complaints to Respondent No. 6 through the state and central government grievance portal, including detailed surveys to include the Budhi River as part of the revival plan. Despite this, no meaningful steps have been taken to address these concerns.

True copies of the letters dated 24.09.2024 and 26.09.2024 mentioning the inclusion actions required to be taken to include the Budhi Nadi in restoration of Khokhari River are annexed herewith as **Annexure A-1**.

6. That according to the restoration plan submitted by the Block Development Officer (Nakur) dated 22.11.2024, and the Executive Engineer (Sinchai Nirman Khand, Saharanpur) vide letter dated 14.08.2024, two critical steps were to be completed by 30.11.2024 - (a) the complete removal of illegal encroachments by 31.10.2024 and (b) the preparation of a Detailed Project Report (DPR) for the restoration. Regrettably, both these essential steps remain unaccomplished. There has been no removal of encroachments, nor has the DPR been submitted or placed on record by DM Saharanpur i.e. Respondent No. 6.
7. That the alleged restoration work, which commenced on 22.11.2024, has been limited to only one village, Kallarhedi, as evidenced by the photographs annexed by the Respondent No. 6. It is pertinent to note that these photographs originate solely from the village of Kallarhedi, and no restoration work has been undertaken in any of the other villages as claimed by the Respondent No. 6. This is a clear misrepresentation of the actual progress on the ground. Furthermore, no action was taken by the Respondent authorities in relation to the restoration, even on paper, until just one week before the hearing date, indicating a complete lack of timely intervention.
8. That no funds have been allocated for the tree plantation on the banks of the Khokhari River, as alleged in the restoration plan submitted on behalf of the Respondent No. 6.

Objections to the submission by the Respondent No. 7

9. That the Respondent No. 7, the District Magistrate Shamli, has, time and again, demonstrated a gross failure in adhering to the directions of this Hon'ble Tribunal. Despite clear instructions, the District Magistrate has not filed a response through an affidavit, nor has there been any issuance of an official letter authorizing funds or approving the restoration plan for the

revival of the Khokhari River stretch within Shamli District. This continued inaction reflects a flagrant disregard for the authority of this Tribunal and the urgent need for compliance with the restoration plan.

10. That the affidavit submitted on behalf of the Respondent No. 7 is, in fact, not from the District Magistrate Shamli, but from the Chief Development Officer (CDO), who is not a respondent in this Original Application. The DM Shamli did not issue any authorization to the CDO, the same is not annexed, and hence CDO Shamli has no legal standing in these proceedings and has no authority to make submissions on behalf of the Respondent No. 7. The submission of CDO Shamli, therefore, is not only unauthorized but also constitutes a clear procedural impropriety, as he has not been appointed by the District Magistrate nor is he a respondent to this matter. This action is completely contrary to the prescribed process and undermines the integrity of these proceedings.
11. That no substantive steps have been taken by the Shamli district authorities in relation to the Khokhari River revival until just one week prior to the hearing of this matter.
12. That the only **restoration plan** submitted by the Shamli District authorities is one issued by the Executive Engineer (Drainage Khand, Shamli). This undated document appears on page **104** of the case diary. It is evident that this restoration plan has not been approved by the District Magistrate, nor has any funding been allocated for its implementation. Furthermore, the timeline provided in the restoration plan refers ambiguously to a period marked as “T,” a term that is both vague and inadequate for the **“time-bound”** execution mandated by this Hon'ble Tribunal. Such unprofessional conduct is nothing short of negligence, as it not only flouts the Tribunal's orders but also severely undermines the restoration process.
13. That none of the steps enumerated in the restoration plan have been executed by the Respondent No. 7 or the authorities under their purview. No restoration work has been carried out on the ground, and the Respondent has failed to submit any photographic or documentary evidence to substantiate the claims of action taken.
14. That the claim of a “systematic and comprehensive survey to map encroachments” is utterly false. No such survey has been conducted, and this is substantiated by the complete absence of any documented evidence proving the existence of encroachments on the Khokhari Riverbed.

15. That the previously recorded encroachments in Chausana and Sakauti villages (as detailed on pages 100 and 102 of the case diary) have been completely ignored in the submission on behalf of the respondent No. 7. There is no indication of any action taken against the encroachers, nor is there any update on the current status of these encroachments. It is also noteworthy that no follow-up action has been taken in Sakauti Village, where the previous encroachments remain unaddressed.
16. It is further submitted that the status of Chausana Village is reported as “complete”, with a further note stating that “No major obstructions identified”. This claim is directly contradicted by the previous records of encroachments in Chausana Village, which are clearly documented on page 100 of the case diary.
17. That the key phases of restoration outlined by the Shamli district authorities, the first two phases should have been completed by this time. However, no village-specific details of the encroachments have been submitted (phase 1), nor has any evidence been provided to substantiate that encroachments have been cleared (Phase 2). The fact that none of the phases have been completed by the authorities of Shamli District not only violates the explicit directives of this Hon'ble Tribunal but also represents a blatant dereliction of duty. This gross negligence and failure to perform their legal obligations is a matter of grave concern and warrants strict action by this Tribunal.

Recommendations

18. In light of the foregoing, it is respectfully submitted that, to comply with the Hon'ble Tribunal's order dated 25.08.2024, Respondent Nos. 6 and 7, along with the competent authorities, be directed to submit a detailed 'Time-Bound' Restoration Plan, along with evidence of fund approvals from the relevant authorities.
19. Given the apparent lack of coordination between the District Magistrates of Shamli (Respondent No. 7) and Saharanpur (Respondent No. 6), it is submitted that the **Divisional Commissioner (Respondent No. 8)** should be tasked with leading the joint revival efforts and ensuring proper implementation of the river restoration. Since Respondent No. 8 has not submitted any response thus far, this Hon'ble Tribunal may direct

Respondent No. 8 to establish a joint effort in coordination with Respondent Nos. 6 and 7.

20. It is further submitted that the Restoration Plan must include all stretches of the Khokhari River, specifically the upper stretch (Budhi Nadi) in the Saharanpur District, to ensure a comprehensive revival of the river as directed by the Hon'ble Tribunal.

It is, therefore, respectfully prayed that the submissions of the applicant be taken on record and appropriate directions be issued in the interest of justice.



Amit Kumar

New Delhi

Dated: 04.12.2024

Annexure A-1 (colly)

कार्यालय सहायक अभियन्ता-प्रथम
सिंचाई निर्माण खण्ड, सहारनपुर।

पत्रांक :- 708 /सहा0अभि0-प्रथम/आई0जी0आर0एस0

दिनांक : 24-9-2024

विषय :- आई0जी0आर0एस0 संख्या- 60000240171878 के निस्तारण के सम्बन्ध में।

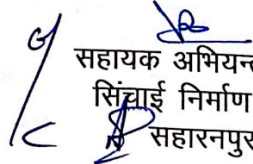
संदर्भ :- आपका पत्रांक संख्या- 2176/सिंनिखस/आई0जी0आर0एस0/दिनांक 20.09.2024

अधिशाली अभियन्ता, सिंचाई निर्माण खण्ड, सहारनपुर।

उपरोक्त विषयक आई0जी0आर0एस0 संख्या- 60000240171878 का अवलोकन करने का कष्ट करें, जिसके माध्यम से आवेदक द्वारा खोखरी/सिंघली नदी पुनर्जीवन योजना में नदी के समस्त ऊपरी हिस्से (बूढी नदी) को सम्मिलित करने और माननीय राष्ट्रीय हरित अधिकरण (NGT) के दिनांक 10.05.2024 के आदेशों के अनुपालन में आवश्यक कार्यवाही किये जाने हेतु निवेदन किया है।

उक्त के क्रम में, अवगत कराना है कि वर्तमान में इस उपखण्ड के कार्याक्षेत्र में बूढी नदी जनपद सहारनपुर में अम्बाला रोड पर सरसावा टोल प्लाजा के डाउनस्ट्रीम में ग्राम वाजिदपुर, कुतुबपुर, अपलाना, समसपुर, नवादा नारायणपुर, नरसूलाहगढ आदि के दांये किनारे से होती हुयी, ग्राम फतेहपुर एवं बाधी के जंगल की सीमा पर यमुना नदी में समाहित हो रही है। वर्तमान में, बूढी नदी के पुनर्जीवन हेतु अग्रिम कार्यवाही किये जाने से पूर्व, राजस्व अभिलेखानुसार, नदी के सीमांकन/चिन्हाकन हेतु राजस्व टीम के साथ संयुक्त निरीक्षण की आवश्यकता होगी। जिस हेतु उपजिलाधिकारी (नकुड), जिला सहारनपुर से इस कार्यालय के पत्रांक 704/सहा0अभि0-प्रथम/आई0जी0आर0एस0/दिनांक 23.09.2024 के द्वारा उक्तानुसार राजस्व टीम गठित करते हुये निरीक्षण हेतु तिथि एवं समय निर्धारित करने हेतु पत्राचार किया जा रहा है। बूढी नदी के सीमांकन/चिन्हाकन हेतु राजस्व टीम के साथ संयुक्त निरीक्षण एवं राजस्व आख्या प्राप्ति उपरान्त, विषयांकित आर0जी0आर0एस0 के निस्तारण हेतु यथोचित कार्यवाही प्रारम्भ कर दी जायेगी।

आख्या सूचनार्थ प्रेषित है।


सहायक अभियन्ता-प्रथम
सिंचाई निर्माण खण्ड,
सहारनपुर।



कार्यालय अधिशासी अभियन्ता
(सिंचाई एवं जल संसाधन विभाग)
सिंचाई निर्माण खण्ड, सहारनपुर।

Email Address:-
eesreicd001@gmail.com,
eeicdidupsa-up@nic.in
Phone No:-0132-2661746



सेवा में,

जिलाधिकारी महोदय,
सहारनपुर।

पत्रांक: 2226 / सिनिखस/आई0जी0आर0एस0 / दिनांक: 26.09.2024

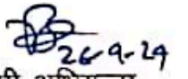
विषय: आई0जी0आर0एस0 सन्दर्भ सं0-60000240171878 के सम्बन्ध में।
महोदय,

उपरोक्त विषयक इस खण्ड के अन्तर्गत आई0जी0आर0एस0/भारत सरकार पी0जी0 पोर्टल पर प्राप्त सन्दर्भ सं0-60000240171878 का सन्दर्भ ग्रहण करने की कृपा करे। जिसमें आवेदक द्वारा खोखरी/सिंधली नदी पुनर्जीवन योजना में नदी के समस्त ऊपरी हिस्से (बूढी नदी) को सम्मिलित करने हेतु विन्दुवार सुझाव प्रस्तुत किये है।

तदक्रम में सहायक अभियन्ता-प्रथम, सिंचाई निर्माण खण्ड, सहारनपुर के पत्रांक 708/स0अ0-प्रथम/आई0जी0आर0एस0/दिनांक 24.09.2024 द्वारा प्रस्तुत आख्यानुसार अवगत कराना है, कि शिकायतकर्ता से दूरभाष पर सम्पर्क किया गया। सिंधली/खोखरी नदी की पुनर्जीवन हेतु उपजिलाधिकारी नकुड द्वारा एक समिति का गठन किया गया है। गठित समिति में राजस्व विभाग एवं सिंचाई विभाग की संयुक्त टीमों द्वारा सिंधली/खोखरी नदी के पुनरूद्धार एवं अतिक्रमण मुक्त कराने हेतु सीमांकन/चिन्हांकन का कार्य प्रक्रियाधीन है।

आवेदक द्वारा उपरोक्त पुनर्जीवन योजना में बूढी नदी को सम्मिलित करने हेतु सुझाव प्रस्तुत किये गये है। अवगतनीय है, कि सिंधली/खोखरी नदी के प्रक्रियाधीन पुनर्जीवन योजना में बूढी नदी को सम्मिलित किये जाने हेतु, राजस्व विभाग द्वारा राजस्व अभिलेखों के आधार पर बूढी नदी के सीमांकन/चिन्हांकन हेतु संयुक्त निरीक्षण की आवश्यकता होगी। उक्त के सम्बन्ध में उप जिलाधिकारी नकुड सहारनपुर को पत्र प्रेषित किया गया है। अतएव बूढी नदी के सीमांकन/चिन्हांकन उपरान्त विषयांकित आई0जी0आर0एस0 के निस्तारण हेतु अग्रिम आवश्यक कार्यवाही किया जाना सम्भव होगा।

आख्या सादर, सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।


26-9-24
अधिशासी अभियन्ता
सिंचाई निर्माण खण्ड,
सहारनपुर।