

**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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Filed by:



Amit Kumar
(Applicant in person)
Place: New Delhi
Dated: 28.01.2026

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**OBJECTIONS ON BEHALF OF THE APPLICANT TO THE ADDITIONAL
AFFIDAVIT AND ACTION PLAN FILED BY RESPONDENT NO. 6 (DM SHAMLI)**

MOST RESPECTFULLY SHOWETH:

1. The Applicant most respectfully submits that the Additional Affidavit dated 01.11.2025 submitted by the Respondent No. 6 i.e. District Magistrate, Shamli, is grossly inadequate, dilatory, and fails to meet the stringent requirements of the Hon'ble Tribunal's order dated 01.08.2025.
2. The Applicant, at this stage, is filing these specific objections to the content of the Additional Affidavit dated 01.11.2025 submitted by the Respondent No. 6 to highlight the deliberate suppression of data and technical failures by the District Magistrate Shamli, while reserving the liberty to file a further detailed response as more facts emerge.

Objections/Submissions by the Applicant

3. That this Hon'ble Tribunal, vide its order dated 01.08.2025, had directed the Respondent No. 6 i.e. District Magistrate, Shamli to file a fresh affidavit clearly **indicating all minor and major drains outfalling into the river, a timebound plan to prevent sewage discharge, the demarcation of floodplains, and the specific actions taken for the removal of encroachments to ensure the continuous flow of the Khokhari River in strict compliance with the Ganga Order of 2016.** However, the 'Additional

Affidavit' filed by Respondent No. 6 on 01.11.2025 is a patently vague, evasive, and non-compliant document. It is nothing more than a bureaucratic facade designed to mislead this Hon'ble Tribunal and is a deliberate attempt to mislead this Hon'ble Tribunal. Instead of showing ground-level enforcement as mandated, the Respondent relies on hypothetical 'proposed' costs and distant 'future' timelines to evade immediate accountability for the ongoing ecological death of the Khokhari River. **The document lacks any concrete remedial measures and confirms that the DM Shamli has failed to perform the statutory duties explicitly directed by this Hon'ble Tribunal.**

4. That the Respondent No. 6 has failed to clearly indicate all the minor and major drains which are out falling in the river Khakhori in Shamli District and neither attached a "time-bound" plan to prevent the flowing of sewage and domestic waste in the river. Instead, the Respondent No. 6 relied on a letter sent by the District Panchayat Raj Officer to the Chief Development Officer vaguely mentioning that the action will be taken in 45 days after the allotment of funds. The Respondent No. 6 has willfully failed to implement the mandatory provisions of *Order 6 of the Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016*. That the Respondent No. 6 despite being the Chairman of the District Ganga Committee of Shamli district has failed to list all the major and minor drains falling into the Khokhari River and their tapping as directed by the Hon'ble NGT and hence **Respondent No. 6 is liable to be imposed with the environment compensation until the time the untreated water and solid waste is dumped in the Khokhari River.**
5. That the Applicant submits that the dumping of solid waste into the riverbed of the Khokhari River continues unabated and with total impunity, as is unequivocally established by the latest geotagged and timestamped photographs which expose the Respondent no. 6's total failure with compliance of NGT directions, applicable laws, and the Ganga Order 2016.

True copies of the representative geotagged pictures evidence showing the illegal

dumping of solid waste in the riverbed within the Shamli district are annexed herewith as **Annexure B-1**.

6. It is most respectfully submitted that despite the clear directions of this Hon'ble Tribunal, **the illegal encroachments upon the Khokhari riverbed in Shamli District have not been removed**. The Respondent No. 6 has failed to take any action on the ground; instead, the administration has limited its 'action' to the mere issuance of notices by the SDM Court. It is submitted that the Tehsildar, Unn, has willfully failed to comply with these judicial notices, making the entire legal process a paper exercise to shield the encroachers.
7. The Respondent No. 6 has failed to place on record a single geotagged photograph as evidence of actual encroachment removal. In stark contrast, the **Applicant is placing on record clear, incontrovertible proof that the riverbed is still under encroachment**. The latest geotagged and timestamped pictures demonstrate that permanent illegal constructions continue to stand on the riverbed. Further, the Applicant's formal representations to Respondent No. 6 via the State Grievance Portal (Jansunwai Ref No. 60000260006129) have been completely ignored, showing a pattern of systemic negligence and lack of accountability.

True copies of the geotagged and timestamped pictures showing encroachment on the Khokhari riverbed are annexed herewith as **Annexure B-2**.

A true copy of the representation sent by Applicant to Respondent No. 6 via Jansunwai Ref No. 60000260006129 is annexed as **Annexure B-3**.

8. That the Respondent No. 6's claim regarding the demarcation of the floodplains is a pure lie. It is most respectfully submitted that despite the categorical directions of this Hon'ble Tribunal in its order dated 01.08.2025 to provide a 'timebound action for the demarcation of floodplains,' the deadlines set by the administration itself have lapsed without a single stone being moved on the ground.

As of the date of this filing, there exists no Gazette Notification declaring or protecting the floodplains of the Khokhari River.

9. That the action plan submitted by the Respondent No. 6 is nothing more than a compilation of hollow correspondence and administrative paperwork. It is most respectfully submitted that while mere letters have been exchanged between departments, there is **zero action on the ground**; the Khokhari River remains in the same state of absolute degradation as it was when this matter first reached this Hon'ble Tribunal.

That the Respondent No. 6 has blatantly ignored the directions of this Tribunal by failing to provide a definitive, time-bound restoration plan. The affidavit is conspicuously silent on the most critical aspects of rejuvenation: it fails to specify the exact date on which the excavation work will commence, the exact date of its completion, and the final timeline for the total restoration of the river's perennial flow. This calculated ambiguity is a direct affront to the judicial process and **confirms that Respondent No. 6 has no genuine intent to comply with the environmental mandates of this Hon'ble Tribunal.**

10. That the Respondent No. 6 has blatantly disregarded the direction of this Hon'ble Tribunal to ensure the continuous flow of the Khokhari River. A perusal of the Respondent's own records reveals a shocking attempt to facilitate the conversion of river land into private owner name, as per Judicial Page No. 645, the revenue records for Village Alipura indicate that Khasra No. 23Mi which is part of the flow of the Khokhari river is currently recorded under private ownership. The Respondent No. 6 chose to assist in the systematic erasure of the river from revenue records rather than ensuring its continuous flow as mandated by the Ganga Order 2016 and also directed the Hon'ble NGT vide order dated 01.08.2025.

11. That a summary table showing the non compliance by the Respondent No. 6 District Magistrate Shamli is shown below:

Part of Hon'ble NGT Order 01.08.2025	Compliance/Non compliance by DM Shamli	Remarks (Material to refer and the details of non compliance)
clearly indicating all the minor and major drains which are out falling in the river Khakhori	Not complied	list of all drains missing in the Affidavit of DM Shamli
the timebound plan to prevent the flowing of sewage and domestic waste in the river	Not complied	No action plan provided to prevent the flowing of sewage. domestic waste is still dumped in the riverbed (ref to Annexure B-1)
the timebound action for the demarcation of flood plains	Not complied	No Gazette notification is yet done and floodplain of Khokhari river still not demarcated
the action which has been taken for removal of the encroachment	Not complied	Not action taken and no evidences provided by the Respondent No. 6 Encroachment on riverbed still exist (ref to Annexure B-2)
timebound proposed action for removing the remaining encroachments from the floodplain	Not complied	Respondent No. 6 merely mentioned that the remaining encroachments will be removed in conjunction with the excavation work without mentioning a precise deadline to do so.
the action plan to ensure continuous flow of the river in their District	Not complied	The continuous flow is lacking as the <u>Judicial Page No. 645, it shows that in Village Alipura, the Khasra No. 23Mi is a private owner making the Khokhari river non continuous.</u>
the efforts which have made by them for restoration of the of the river strictly in compliance of the Ganga order of 2016	Not complied	No funds allocated, no time bound restoration plan and there is ongoing violation of the Ganga Order 2016.

PRAYER

12. In light of the above submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. **Impose exemplary costs upon the Respondent No. 6 i.e. DM Shamli for wilful non-compliance with the order dated 01.08.2025** and for attempting to mislead this Tribunal with a vague action plan.
- b. Direct the Respondent No. 6 for submission of a technical restoration plan with fixed dates for the commencement and completion of excavation and full river rejuvenation.
- c. Direct immediate stoppage of all untreated sewage and solid waste dumping into the Khokhari River.
- d. Mandate the Gazette Notification of the floodplain within a fixed timeline to prevent further damage to the river.
- e. Grant any other relief that this Hon'ble Tribunal deems fit and proper in the interest of justice and environmental protection.

VERIFICATION

Verified at **New Delhi** on this **27th** day of **January** 2026 that the contents of the above submission, are correct and true to the best of our knowledge, belief, and official records. No part of it is false, and nothing material has been concealed therein.

Filed by:



Amit Kumar
(Applicant in person)
New Delhi

Dated: 28.01.2026

Annexure B-1

Geotagged Pictures dated 27.01.2025 showing solid waste dumping in Khokhari riverbed in Shamli District



Image 1



Image 2

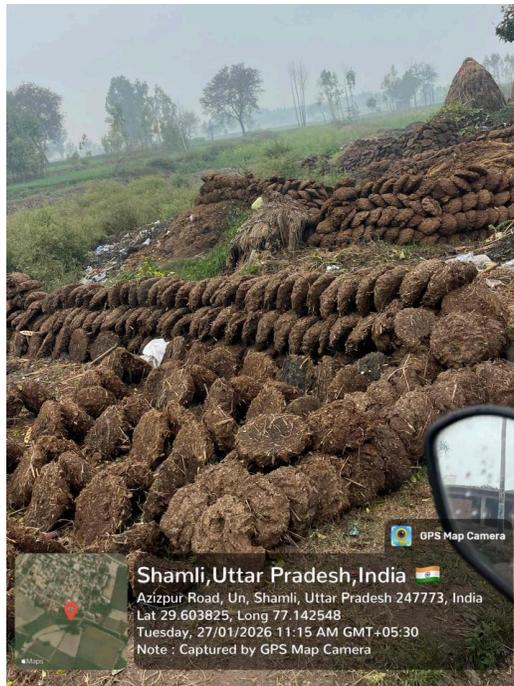


Image 3

Annexure B-2

Geotagged Pictures dated 27.01.2025 showing encroachment on Khokhari River



Image 4: Permanent encroachment on Khokhari Riverbed



Image 5 & 6: Encroachment on Khokhari River filling it and doing agriculture on its riverbed

Annexure B-3

सेवा में,
जिलाधिकारी महोदय
जनपद शामली, उत्तर प्रदेश

विषय: माननीय न्यायालय उपजिलाधिकारी, ऊन द्वारा खोखरी नदी के पुनरुद्धार हेतु पारित बेदखली आदेशों के अनुपालन न होने एवं राजस्व प्रशासन की शिथिलता के संबंध में शिकायत।

महोदय,

अवगत कराना है कि जनपद शामली में प्रवाहित खोखरी नदी के संरक्षण एवं पुनर्जीवित करने हेतु माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा समय समय पर स्पष्ट दिशा-निर्देश जारी किए गए हैं। इन आदेशों के अनुपालन में ड्रेनेज खण्ड, मुजफ्फरनगर द्वारा गठित टीम ने दिनांक 04-07-2024 एवं 10-07-2024 को स्थलीय निरीक्षण कर नदी के संरेखन में आने वाले अवैध अतिक्रमणों को चिन्हित किया था।

उक्त प्रकरण में न्यायालय उपजिलाधिकारी, ऊन द्वारा विस्तृत सुनवाई के पश्चात दिनांक 27-06-2025 को अंतिम आदेश पारित किए गए हैं, जिसके अंतर्गत वाद संख्या 2700/2025 (सरकार बनाम हरेन्द्र आदि) में ग्राम सकौती स्थित खोखरी नदी की भूमि पर हरेन्द्र, मोहित, सचिन कुमार, रामकुमार सहित कुल 27 प्रतिवादीगणों तथा वाद संख्या 2701/2025 (सरकार बनाम राजेश आदि) में ग्राम चौसाना स्थित नदी की भूमि पर राजेश, संजीव, प्रमोद, घसीटू, विनोद एवं अतरा आदि द्वारा किए गए स्थाई अतिक्रमण को भारतीय नागरिक सुरक्षा संहिता 2023 की धारा 152 के तहत 'पब्लिक न्यूसेंस' मानते हुए तत्काल हटाने एवं एक सप्ताह के भीतर अनुपालन आख्या प्रस्तुत करने के कड़े निर्देश दिए गए थे।

उपजिलाधिकारी न्यायालय, ऊन द्वारा भारतीय नागरिक सुरक्षा संहिता 2023 की धारा 152 के अंतर्गत पारित इन आदेशों में अधिशासी अभियन्ता (ड्रेनेज खण्ड), तहसीलदार ऊन एवं प्रभारी निरीक्षक (थाना झिंझाना) को समन्वय स्थापित कर तत्काल अतिक्रमण हटाने हेतु निर्देशित किया गया था।

उपजिलाधिकारी न्यायालय, ऊन ने संबंधित अधिकारियों को एक सप्ताह के भीतर संयुक्त अनुपालन आख्या प्रस्तुत करने का आदेश दिया था। अत्यंत खेद का विषय है कि पर्याप्त समय व्यतीत हो जाने के उपरांत भी तहसीलदार ऊन द्वारा इस दिशा में कोई ठोस कार्यवाही नहीं की गई है और न ही अवैध कब्जों को मुक्त कराया गया है। राजस्व विभाग की इस शिथिलता के कारण खोखरी नदी के पुनरुद्धार (Restoration Plan) का कार्य बाधित हो रहा है, जो कि सीधे तौर पर माननीय एनजीटी के आदेशों की अवमानना की श्रेणी में भी आता है।

अतः श्रीमान जी से विनम्र निवेदन है कि जनहित एवं पर्यावरण संरक्षण को दृष्टिगत रखते हुए तहसीलदार ऊन एवं संबंधित टीम को कड़े निर्देश निर्गत करने की कृपा करें, ताकि ग्राम सकौती एवं चौसाना में खोखरी नदी की भूमि पर व्याप्त अवैध अतिक्रमण को तत्काल ध्वस्त कर नदी को अतिक्रमण मुक्त कराया जा सके।

भवदीय,



डॉ अमित कुमार

मोबाइल नंबर: +91 9050487878

दिनांक: 6 जनवरी 2025

संलग्नक: माननीय न्यायालय उपजिलाधिकारी, ऊन द्वारा वाद संख्या 2700/2025 एवं 2701/2025 में पारित आदेशों की छायाप्रतियां।

संदर्भ संख्या : 60000260006129 , दिनांक - 28 Jan 2026 तक की स्थिति

आवेदनकर्ता का विवरण :

शिकायत संख्या:-
60000260006129

आवेदक का नाम-
Dr Amit Kumar
विषय-

District Magistrate Shamli is expected to take immediate and necessary action as per law. Detailed letter is attached.

विभाग -

शिकायत श्रेणी -

सार्वजनिक भूमि जैसे तालाब, खलिहान, शमशान, खेल का मैदान, आरक्षित भूमि आदि पर कब्जा/ अतिक्रमण

शिकायत की स्थिति -

लंबित

प्राप्त रिमाइंडर-

प्राप्त फीडबैक -

दिनांक को फीडबैक:-

फीडबैक की स्थिति -

फीडबैक पर कार्यवाही-

कार्यवाही दिनांक -

संलग्नक देखें -

[Click here](#)

नोट- अंतिम कॉलम में वर्णित सन्दर्भ की स्थिति कॉलम-5 में अंकित अधिकारी के स्तर पर हुयी कार्यवाही दर्शाता है!

अग्रसारित विवरण :

क्र.स.	सन्दर्भ का प्रकार	आदेश देने वाले अधिकारी	अग्रसारित दिनांक	नियत दिनांक	अधिकारी को प्रेषित	आदेश	स्थिति
1	अंतरित	लोक शिकायत अनुभाग -3(, मुख्यमंत्री कार्यालय)	09-01-2026	30-01-2026	जिलाधिकारी-शामली, 	कृपया शीघ्र नियमानुसार कार्यवाही किये जाने की अपेक्षा की गई है।	अधीनस्थ को प्रेषित
2	अंतरित	जिलाधिकारी ()	09-01-2026	30-01-2026	उप जिलाधिकारी-ऊन,जनपद-शामली,राजस्व एवं आपदा विभाग 	नियमनुसार आवश्यक कार्यवाही करें	अधीनस्थ को प्रेषित
3	अंतरित	उप जिलाधिकारी (राजस्व एवं आपदा विभाग)	10-01-2026	30-01-2026	तहसीलदार-ऊन,जनपद-शामली,राजस्व एवं आपदा विभाग 	आवश्यक कार्यवाही करने का कष्ट करें एवं आख्या प्रेषित करें	कार्यालय स्तर पर लंबित