

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
OBJECTION BY APPLICANT TO REPORT/REPLY**

In

ORIGINAL APPLICATION NO. 511 OF 2023

IN THE MATTER OF

Priyank Bharati

APPLICANT IN PERSON

Versus

1. State of Uttar Pradesh through its Chief Secretary
2. District Magistrate, Meerut
3. Sub Divisional Magistrate, Mawana
4. Executive Officer, Nagar Panchayat Hastinapur

RESPONDENTS

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Priyank Bharati

Applicant in Person

Date : 12.01.2024

Place : Meerut

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

OBJECTION BY APPLICANT TO REPORT/REPLY

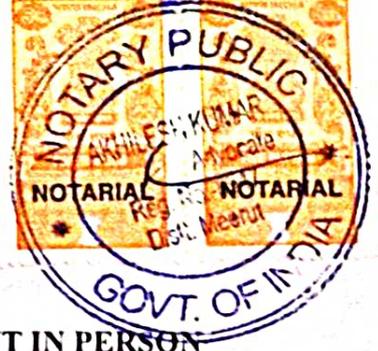
In

ORIGINAL APPLICATION NO. 511 OF 2023

IN THE MATTER OF

Priyank Bharati

—APPLICANT IN PERSON



Versus

State of Uttar Pradesh through its Chief Secretary and others —RESPONDENTS

Affidavit cum Objection to Report/Reply by Applicant

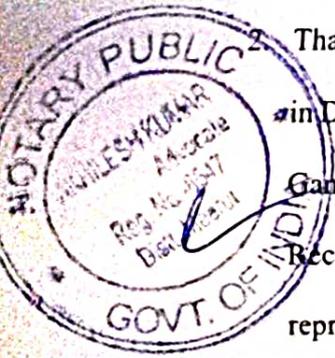
MOST RESPECTFULLY SHOWETH;

I, Priyank Bharati aged about 36 years R/O 148/4 Jagriti Vihar Meerut-250004, UP hereby solemnly affirm and declare as under

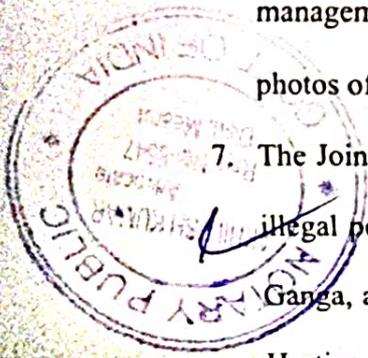
1. That Honourable NGT constitute the Joint Committee on 21.08.2023.

That the Joint Committee submits the Plan of Ganga River (rather than Budhi Ganga) in District Muzaffarnagar, Meerut and Hapur but neglects to include the name of Budhi Ganga, referring to it merely as a Drain while in the historical documents/Government Records a Budhi Ganga is mentioned. This raises concerns about accurate representation and documentation of geographical features. But Joint Committee admits that Budhi Ganga lies in flood plain zone/catchment area of river Ganga.

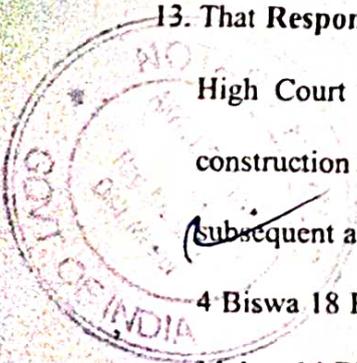
3. That Joint Committee wrote in his report that "Budhi Ganga is a old tributary of River Ganga" and in the same sentence Joint committee states in the report that बूढी गंगा गंगा नदी की एक पुरानी धारा है. Both statements are contradictory to each other.



4. That the Joint Committee in his report failed to include crucial details in its submission regarding the flow of Akbarpur Scape (Nala) in Hastinapur Kaurvan. Specifically, there was an oversight in acknowledging that the land on which this nala is located belongs to Budhi Ganga. Furthermore, the submission neglected to specify the authority or entity that granted permission for the construction of this nala. This omission gives rise to concerns about the regulated flow of Akbarpur Scape on Budhi Ganga land, as it appears to lack proper authorization. There is no necessity for constructing this Nala on the land of Budhi Ganga. Google map is attached and mark them as **Annexure 1**.
5. That the Joint Committee in his report state that there is no notification of Budhi Ganga with Irrigation department. But fails to state that whether the river have notification to being a river.
6. That The Joint committee in his report also forgot to mention the dumping grounds in Hastinapur Kaurvan and Hastinapur Pandavan on the bank of Budhi Ganga. During the Kartik Poornima-2023 celebration, NP Hastinapur organizes a fair along the banks of Budhi Ganga in Hastinapur Pandavan. Unfortunately, a dumping ground on the river bank leads to the burning of garbage during devotees' holy dips. This intersection of religious festivities and environmental degradation prompts inquiries into the management practices affecting the sacred site during significant cultural events. The photos of dumping ground are attached and mark them as **Annexure 2**
7. The Joint Committee has also neglected to furnish a report regarding encroachments, illegal possessions, constructions, the unauthorized alteration on the course of Budhi Ganga, and the illicit dumping of soil on Budhi Ganga's land. Illegal Construction in Hastinapur Pandavan is still going on till 1 Dec 2023 and illegal dumping of soil on the land of Budhi Ganga photos are attached and marked them as **Annexure 3**.



8. The Joint Committee report, the incomplete response from Respondent No. 3 and absence of Respondent No 1,2 and 4 reply indicate that the system fails to safeguard the historical, archaeological, and cultural significant river Budhi Ganga, associated with the Mahabharata time.
9. **That Respondent 1**, in disregard of their obligation, neglects the submission of revenue records concerning with Budhi Ganga Muzaffarnagar and Garhmuketshwar.
10. **The Respondent No.1. 2. And 3** could not submit any documentation regarding the allocation of land (*avantan patravliya*) on the Budhi Ganga since from 1948.
11. **That Respondent no 3** asserts the absence of revenue records (*avantan patravlis*) in the Tehsil for Baghpur Khunti village. This prompts a crucial inquiry into the mechanisms employed by the authorities to ascertain rightful landowners and regulate land registries in the absence of requisite documentation. The absence of *avantan patravlis* introduces a significant lacuna in the verification process, casting doubt upon the accuracy and legitimacy of land ownership transactions in the village.
12. That despite the presence of approximately 50-60 villages in which the land of Budhi Ganga exists in the form of Jheel/Budhi Ganga under the jurisdiction of Tehsil Mawana, the report submitted by **Respondent no 3** selectively addresses a mere 7 villages.
13. **That Respondent no 3** asserts the existence of a stay order of Honourable Allahabad High Court in Hastinapur Pandawan but neglects to elucidate the persistence of construction activities under the stay order. Additionally, respondents 1,2 and 3 take no subsequent actions to vacate said stay. Also stay order is on approximately 75 Bighas 4 Biswa 18 Biswansi of Land but according Khatauni Phasli Varsh 1360 there is 193 bighas 14 Biswa of land then where is 118 bighas of land in **Hastinapur Pandawan** where as there is a 252 Bighas 2 Biswa of land in *Hastinapur Kaurvan* is mentioned



20. That Representation given by Applicant to Respondent No 3 to Correct the inconsistency persist in the Khataunis about the name of Budhi Ganga. Photo and Application copy is attached and marked as Annexure 4
21. That Article 21 of Constitution of India Right to Life has been extinguished, and the entire biodiversity has been affected by the cessation of the Budhi Ganga from Muzaffarnagar to Garhmuketshwar via Meerut.

In the case of Animal Welfare Board of India vs Nagraja and ors. **Honourable Supreme Court of India, 2014**. Honourable Court said that

*“Article 21 (the right to life) of Indian Constitution safeguards the right of human it also protects the life and the word life has been given an expanded definition and any disturbance from the basic environment which includes all forms of life including animal life which are necessary for human life fall within the meaning of Article 21 Animal have right to live”*

22. That the responsibility of the State in safeguarding nature and the environment is outlined in various provisions of the Constitution of India. Some of these include:

**Directive Principles of State Policy:**

Article 48A directs the State to protect and improve the environment and safeguard forests and wildlife.

But state fails to do so in case of Budhi Ganga.

23. That the tehsil of Mawana stands as the sole witness to the total eradication of a historical river. Currently, officials are exclusively involved in deceiving the court through procedural maneuvers, presenting a dire fate for this river. Whether this signifies a tragic destiny for the river or a matter that is yet to be definitively determined for the nation remains uncertain.



24. That Respondent 3 states that on the behalf of various orders land of Budhi Ganga was allotted. But according to The U.P. Zamindari Abolition and Land Reforms Act, 1950

*132. Land in which [bhumidhari] rights shall not accrue. - Notwithstanding anything contained in Section 131, but without prejudice to the provisions of Section 19, [bhumidhari] rights shall not accrue in-*

*(a) pasture lands or lands covered by water and used for the purpose of growing singhara or other produce or land in the bed of a river and used for casual or occasional cultivation;*

*(b) such tracts of shifting or unstable cultivation as the State Government may specify by notification in the Gazette; and*

**Whereas Uttar Pradesh Consolidation of Holding Act 1953 :**

*[(2) 'Consolidation' means re-arrangement of holdings in a unit amongst several tenure-holders in such a way as to make their respective holdings more compact];*

*Explanation. - For the purpose of this clause, holding shall not include the following:*

*(i) Land which was grove in agricultural year immediately preceding the year in which the notification under Section 4 was issued;*

*(ii) land subject to fluvial action and intensive soil erosion;*

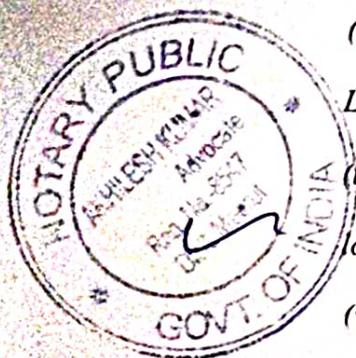
*(iii) land mentioned in Section 132 of the U.P. Zamindari Abolition and Land Reforms Act, 1950;*

*(iv) such compact areas as are normally subject to prolonged water-logging;*

*(v) usar, kallar and rihala plots forming a compact area including cultivated land within such area;*

*(vi) land in use for growing pan, rose, bela, jasmine and kewra; and*

*(vii) such other areas as the Director of Consolidation may declare to be unsuitable for the purpose of Consolidation;*



During the period when these two laws were in force, the procedure for allotment raises questions about its legitimacy. Respondent number 2 and 3 failed to clarify the legal aspects of these allotments, and no corrective action was initiated by Respondent 1.

25. That So far, respondent 1 has not taken any notice to safeguard Budhi Ganga.
26. That on one hand, scientists are engaged in searching for an extinct river (Saraswati River), and on the other hand, there have been concerted efforts recorded in history to terminate another river (Budhi Ganga).
27. That in the year 2001, the Honourable Supreme Court rendered a landmark decision in the case of Hinch Lal Tiwari vs Kamla Devi. Regrettably, over the ensuing 22 years, State UP and the District Authorities have persistently neglected to comply with the regulatory framework established by the Honourable Supreme Court. This ongoing failure to execute the court's directives raises profound concerns regarding the efficiency of the legal system and the enforcement of pivotal decisions over an extended temporal span.

For all the reasons stated above the Hon'ble Tribunal may kindly be pleased to take cognizance of all these facts and to pass appropriate orders to meets the ends of Justice and equity.

AND FOR THIS ACT OF KINDNESS THE APPLICANTS, AS IN DUTY BOUND, SHALL EVER PRAY.

Verification

Verified on this 12 day of January 2024 that the contents of the present Application are true and correct to my knowledge and belief and nothing material is concealed therefrom.

  
Priyank Bharati

Applicant in Person

Date : 12.01.2024.

Place : Meerut

ATTESTED  
AKHILESH KUMAR 12/01/24  
NOTARY MEERUT

Annexure 1

196

True Copy  
[Signature]

Chetan Chauhan  
Cricket Acadmey  
चेतन चौहान  
क्रिकेट अकादमी  
Temporarily closed

Bhagwan Shantinath  
Samvasaran  
भगवानशांतिनाथ  
समवसरण

Mandir Hastinapur  
मंदिर  
हास्तिपुर

Google

Tiwari Classes  
तिवारी क्लासेस

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Search



ENG IN



GPS Map  
Camera Lite

5268+JQX द्रोपदी चौराहा, Draupadi Ghat Rd, Hastinapur Pandwan, Uttar Pradesh 250404, India

Latitude  
**29.1617691°**

Longitude  
**78.01609665°**

Local 03:00:33 PM  
GMT 09:30:33 AM

Altitude 213 meters  
Monday, 27.11.2023

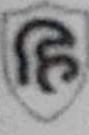
Note : Captured by Priyank Bharati

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*Priyank Bharati*



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जैन मंदिरों के पास बने डंपिंग ग्राउंड में पड़े कूड़े में लगी आग

# डंपिंग ग्राउंड के कूड़े में आग, धुएं से परेशानी

## समस्या

हस्तिनापुर, संवाददाता। जैन मंदिरों के समीप बने डंपिंग ग्राउंड में पड़े कूड़े में शनिवार शाम अचानक आग लग गई। डंपिंग ग्राउंड में आग लगने से यहां आने वाले पर्यटक सैलानियों और स्थानीय लोगों को काफी परेशानियों से जूझना पड़ा।

ऐतिहासिक नगरी में जैन धर्म के धार्मिक स्थलों के समीप वन आरक्षित क्षेत्र में नगर पंचायत द्वारा डंपिंग ग्राउंड बनाकर नगर के कूड़े को डाला जाता है। जिसमें से उठने वाली दुर्गंध से पहले ही स्थानीय लोग व जैन मंदिरों की प्रबंध कमिटी परेशान है। कई बार शिकायत कर डंपिंग ग्राउंड को ढकवाने या यहां से किसी अन्यत्र स्थान पर स्थानांतरित करने की बात कर चुकी है। वहीं सरकार भी पर्यावरण को प्रदूषण से



जैन मंदिरों के समीप डंपिंग ग्राउंड में लगी कचरे में आग।

बचने के लिए किसी भी तरह के गले और कूड़े से निकलने वाले धुएं और खेतों में जलने वाली किसानों की पराली पर भी प्रतिबंध लगाया हुआ है। परंतु नगर पंचायत के लिए यह प्रबंध मायने नहीं रखता। क्योंकि शनिवार को डंपिंग ग्राउंड में कूड़े में लगी आग से निकलने वाला काला धुआं जहां पर आने वाले पर्यटक सैलानी और स्थानीय लोगों के लिए मुसीबत का सबब बन गया। दुर्गंध

युक्त जहरीले धुएं से आस-पास की आबोहवा खराब हो गई। स्थानीय लोगों ने मामले की सूचना अधिशासी अधिकारी को दी।

अधिशासी अधिकारी राजीव कुमार का कहना है कि मामला जानकारी में नहीं था। परीक्षा में ड्यूटी लगी हुई है इसलिए बाहर हैं। अगर डंपिंग ग्राउंड में आग लगी है तो उसे तुरंत बुझाई जाएगी।

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# डंपिंग ग्राउंड में पड़े कूड़े में लगी आग

संवाद न्यूज एजेंसी

हस्तिनापुर। कस्बे में नगर पंचायत के डंपिंग ग्राउंड में पड़े कूड़े में सदिग्ध परिस्थितियों में आग लग गई। डंपिंग ग्राउंड में आग लगने से यहां आने वाले पर्यटक सेलानियों और स्थानीय लोगों को काफी परेशानियों से जूझना पड़ा।

ऐतिहासिक नगरी में जैन धर्म के धार्मिक स्थलों के समीप वन आरक्षित क्षेत्र में नगर पंचायत द्वारा डंपिंग ग्राउंड बनाकर नगर के कूड़े को एकत्रित किया गया है। जहां पर कस्बे से हर रोज एकत्रित होने वाला हजारों टन कूड़ा यहां पर लाया जाता है।

सरकार ने पर्यावरण को प्रदूषण से बचाने के लिए किसी भी तरह के कूड़े से निकलने वाले धुएं और खेतों में जलने वाली किस्मों की पराली पर भी प्रतिबंध लगाया हुआ है।

परंतु नगर पंचायत के लिए यह प्रबंध मानने नहीं रखता, क्योंकि शनिवार सुबह से डंपिंग ग्राउंड में कूड़े में लगाई गई आग से निकलने वाला काला धुआं पर्यटकों



हस्तिनापुर में नगर पंचायत के डंपिंग ग्राउंड में पड़े कूड़े में लगी आग से उठता धुआं। संवाद

और स्थानीय लोगों के लिए मुसीबत का सबब बन गया। शाम के समय ऐतिहासिक नगरी के आसमान में धुएं की चादर सी बन गई। सड़क किनारे स्थित डंपिंग ग्राउंड में लगी आग के कारण यह खतरनाक धुआं देर शाम तक लोगों के परेशानी का सबब बना रहा। दुर्गंध युक्त जहरीले धुएं से आसपास की अबोहवा खराब हो गई। लोगों ने मामले की सूचना अधिशासी अधिकारी को दी। शाम तक आग को

मामला जानकारी में नहीं था। परीक्षा में ड्यूटी लगी हुई है, इसलिए बाहर है। अगर डंपिंग ग्राउंड में आग लगी है तो नगर पंचायत के कर्मचारियों को मौके पर भेजकर तुरंत आग बुझाई जाएगी।  
- राजीव जैन, अधिशासी अधिकारी, नगर पंचायत, हस्तिनापुर

बुझाने के लिए कई प्रयास किए गए, परंतु सफलता नहीं मिली।

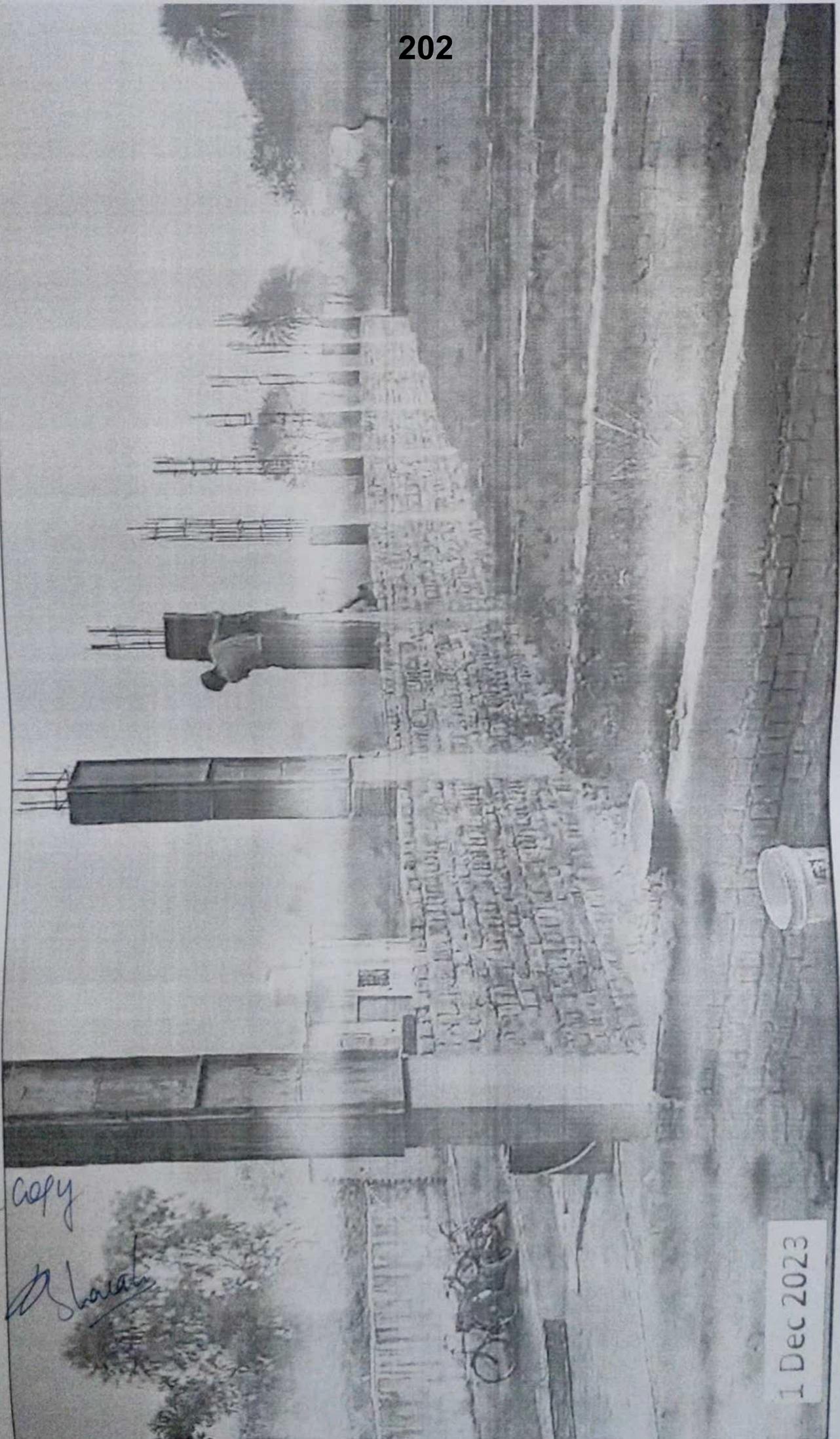
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Annexure - 3



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1 Dec 2023



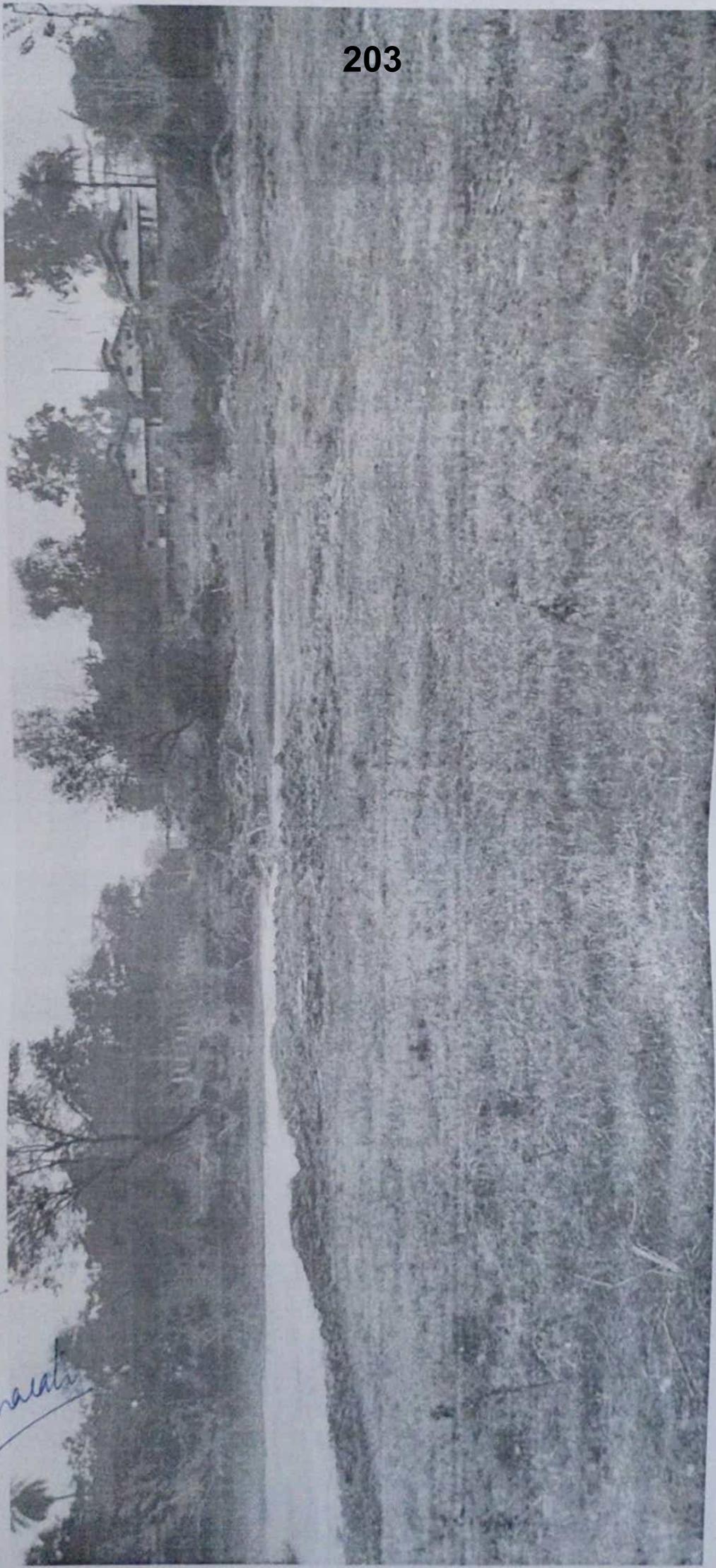
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1 Dec 2023

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GPS Map  
 Camera Lite

5267+9FH, Draupadi Ghat Rd, Hastinapur Pandwan, Uttar Pradesh 250404,  
 India

Latitude  
 29.16175768°

Longitude  
 78.0144724°

Local 02:18:44 PM  
 GMT 08:48:44 AM

Altitude 213 meters  
 Thursday, 16.11.2023

Note : Captured by Priyank Bharati

सेवा में,  
उपजिलाधिकारी,  
भवाना

11-01-24.

विषय :- बूढ़ी गंगा के संदर्भ में

महोदय जी,

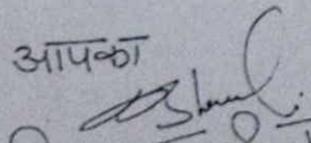
निवेदन यह है कि भवाना तहसील के अंतर्गत मधुभारतकालीन बूढ़ी गंगा ग्राम सैफपुर फिरोजपुर से मिर्जापुर तक रक्बा पूर्व की रक्बा निभो में मौजूद है। परन्तु इन रक्बा निभो में त्रुटियाँ विद्यमान हैं कहीं-कहीं पर बूढ़ी गंगा लिखा है तो कहीं पर काला पानी और कहीं झील दर्ज है जबकि यह सब "बूढ़ी गंगा" ही है।

Settlement Report of the District of Meerut 1865-70 (Printed at Government Press, North-western Provinces 1874) & Uttar Pradesh District Gazettiers Meerut-1965 में यह सब बूढ़ी गंगा के नाम से दर्ज है।

अतः आपसे निवेदन है कि उपरोक्त साक्ष्यों के आधार पर काला पानी, बूढ़ी गंगा, बूढ़ी गंगा, झील के नामों को सही करत हुए "बूढ़ी गंगा" नाम दर्ज किया जाए।

सादर धन्यवाद

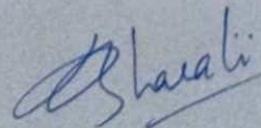
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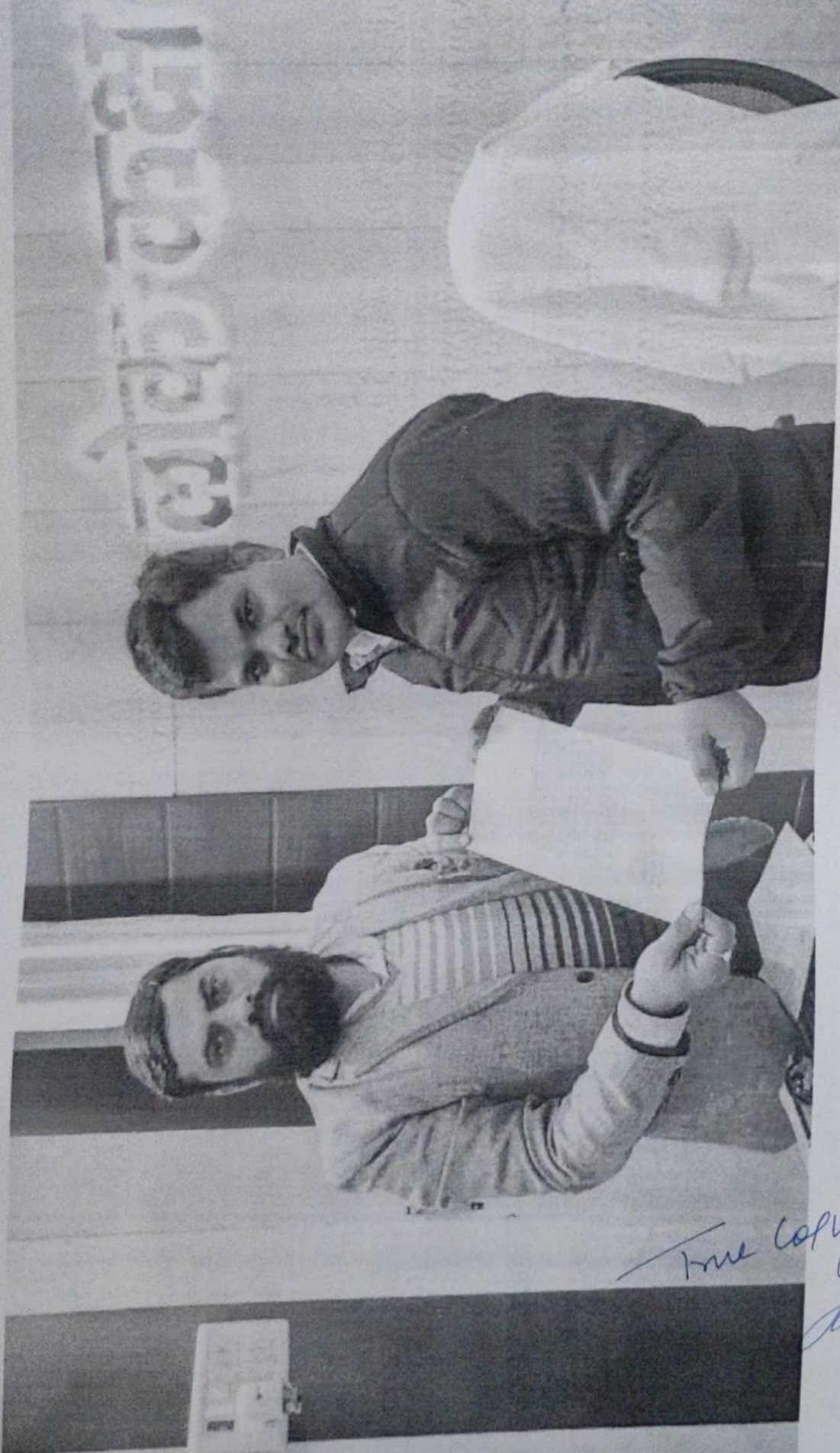
  
प्रतिक शर्मा 11-01-24.

148/4 जाग्रति विहार, मेरठ

मोठ - 9411823914

True copy.





*True copy  
Shahat:*