

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**ORIGINAL APPLICATION NO.-1155/2024**  
**(I.A. No. 443/2024)**

**IN THE MATTER OF:**

**KAUSHALENDRA KUMAR**

**....APPLICANT**

**VERSUS**

**UNION OF INDIA & ORS.**

**...RESPONDENT(S)**

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THROUGH

A handwritten signature in black ink, appearing to read 'Bhanwar Pal Singh Jadon', written over the word 'THROUGH'.

BHANWAR PAL SINGH JADON

SATNDING COUNSEL FOR THE STATE OF U.P. (NGT)

EMAIL- [bhanwar09jadon@gmail.com](mailto:bhanwar09jadon@gmail.com)

**DATE: 09.01.2025**

**PLACE: NOIDA**

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO.-1155/2024  
(I.A. No. 443/2024)



**IN THE MATTER OF:**

**KAUSHALENDRA KUMAR**

**....APPLICANT**

**VERSUS**

**UNION OF INDIA & ORS.**

**...RESPONDENT(S)**

**REPLY ON BEHALF OF DISTRICT MAGISTRATE, GHAZIABAD IN  
COMPLIANCE TO THE ORDER DATED 19.09.2024 PASSED BY THE  
HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW  
DELHI.**

I, Indra Vikram Singh, aged about 55 years, s/o Late Sunder Singh R/o H.No. - 01, Civil Line, P.S. Sadar Bazaar, Tehsil, Shahjhanpur, District- Shahjhanpur posted as District Magistrate, Ghaziabad, U.P. do hereby solemnly affirm and state as under:

1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and am competent and authorized to swear the present Reply.
2. That I state that the contents of the Reply has been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.



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3. That in the present matter, the applicant alleges that there is pollution and encroachment on the Hasanpur-Lodha Wetland which was Inventorized in the National Wetland Inventory and Assessment Project (NWIA). That the NWIA was carried out by Space Applications Centre (SAC) Ahmedabad. That the applicant has further alleged that the prohibited activities under Rule 4(1) of the Wetland Rules 2017 are being carried out.
4. That the captioned matter was last listed for hearing on 19.09.2024. That in the said order the Hon'ble Tribunal directed the Respondents to submit their replies. Hence, the present reply on behalf of District Magistrate, Ghaziabad is being filed.
5. That it is to be submitted that the Hon'ble Tribunal vide order dt. 19.09.2024 constituted a Joint Committee comprising of the representative of the Member Secretary, Central Pollution Control Board (CPCB), Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB), Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh State Wetland Authority, Member Secretary, National Wetland Authority and District Magistrate, Ghaziabad acting as a nodal authority agency. Further, it was directed to the Joint Committee to visit and inspect the site in question.

The relevant portion of the order dt. 19.09.2024 has been reproduced herein as follows:

*"7. Joint Committee will visit the site, and ascertain the truthfulness of the allegations, the sources of pollution in the wetland in question and the extent of industrial effluent flowing/discharged in the wetland. Joint Committee will get the water sample analysis of the wetland in question done, will obtain the original record indicating the area of the wetland*



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*reflected in the record and will also ascertain the existing area of the wetland to find out the extent of encroachment which has been done thereupon. The Joint Committee will complete this exercise within a period of two months and will submit the report immediately thereafter.*

*8. List on 10.01.2025”*

*A Copy of Order dt. 19.09.2024 has been attached herein as Annexure A/1.*

6. That the Joint Committee inspected the site in question on 19.12.2024. That following recommendations were given by the Joint Committee in their report dt. 19.12.2024:

*“1. The concerned authority, District Administration, Gautam Budh Nagar may be directed to complete the measurement and demarcation of the Hasanpur Lake so that original record indicating the area of wetland and existing area to the extent to the encroachment could be ascertained.*

*2. UPSIDA may be directed to ensure the complete replacement of existing drains network with a new storm water drainage network show that no water logging takes place in the said area and drainage can flow normally.*

*3. Ministry of Environment, Forest and Climate Change (Wetland division), New Delhi has issued office memorandum dated 08.03.2022 for the protection of wetlands as per rule 4 of the wetlands (Conservation and Management) Rules, 2017. In view of above the said area of Hasanpur Lake should be notified by the state authorities.*

*4. Untreated domestic waste water coming from nearby villages should be diverted.”*

***That it is to be noted that the Joint Committee Report dt. 19.12.2024 has already been submitted before the Hon'ble Tribunal.***



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7. That in compliance of the First and Fourth Recommendation as mentioned in the Joint Committee Report i.e.

*“1. The concerned authority, District Administration, Gautam Budh Nagar may be directed to complete the measurement and demarcation of the Hasanpur Lake so that original record indicating the area of wetland and existing area to the extent to the encroachment could be ascertained.....*

*4) Untreated domestic waste water coming from nearby villages should be diverted.”*

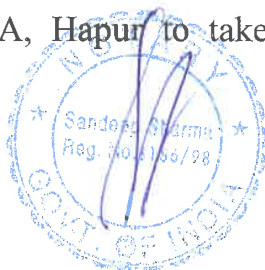
That District Magistrate, Ghaziabad issued a letter dt. 08.01.2025 to the District Magistrate, Gautam Budhha Nagar and District Magistrate Hapur to take actions to divert the domestic waste water coming from nearby villages. That in the same letter it was directed to District Magistrate, Gautam Buddha Nagar to complete the measurement of the said lake and to provide with the demarcation report of the said area so that the original record indicating the area of the wetland and the report with respect to the extent of encroachment in the site in question could be further submitted to the Hon’ble Tribunal.

*A Copy of the letter dt. 08.01.2025 has been attached herein as Annexure A/2.*

8. That in compliance of the Second Recommendation as mentioned in the Joint Committee Report i.e.

*“2. UPSIDA may be directed to ensure the complete replacement of existing drains network with a new storm water drainage network show that no water logging takes place in the said area and drainage can flow normally. ....”*

A letter dt. 08.01.2025 was issued by District Magistrate, Ghaziabad to Regional Manager, UPSIDA, Hapur to take actions for ensuring the



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complete replacement of existing drains network with a new storm water drainage network of the Joint Committee.

*A Copy of letter dt. 08.01.2025 has been attached herein as Annexure A/3.*

9. That in compliance of the Third Recommendation as mentioned in the Joint Committee Report i.e.

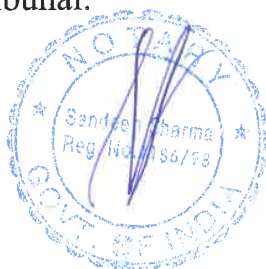
*“3. Ministry of Environment, Forest and Climate Change (Wetland division), New Delhi has issued office memorandum dated 08.03.2022 for the protection of wetlands as per rule 4 of the wetlands (Conservation and Management) Rules, 2017. In view of above the said area of Hasanpur Lake should be notified by the state authorities.”*

A letter dt. 08.01.2025 was issued by the District Magistrate, Ghaziabad to the Divisional Forest Officer, Social Forestry Division, Hapur in compliance of the aforementioned recommendations of the Joint Committee and notify the said area of the Hasanpur Lake.

*A Copy of letter dt. 08.01.2025 has been attached herein as Annexure A/4.*

10. That in light of the above submissions, it is respectfully submitted that the District Magistrate, Ghaziabad has fully complied with the directions issued by this Hon'ble Tribunal vide its order dated 19.09.2024 directions have been given with respect to the recommendations mentioned in the Joint Committee Report dt. 19.12.2024.

11. Hence, the present reply is being filed for the kind consideration and perusal of this Hon'ble Tribunal.



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12. That I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.

  
**DEPONENT**

**VERIFICATION**

Verified at Ghaziabad on this 9<sup>th</sup> day of January, 2025, that the contents of the above affidavit from paragraphs 1 to 12 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



**ATTESTED**

(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)

  
**DEPONENT**

09 JAN 2025

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**Original Application No. 1155/2024  
(I.A. No. 443/2024)

Kaushalendra Kumar

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 19.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. R. Jawahar Lal, Ms. Meghna Kumar &amp; Mr. Cecil C. George, Advs.

**ORDER**

1. In this original application, applicant has raised the grievance in respect of pollution and encroachment on the Hasanpur-Lodha wetland which according to the applicant is inventorized in the National Wetland Inventory and Assessment project (NWIA), NWIA was carried out by Space Applications Centre (SAC), Ahmedabad. The applicant has raised a further grievance that the prohibited activities under Rule 4 (1) of the Wetlands Rules, 2017 are rampant and the authorities have not taken action to preserve the wetland and to prevent the encroachment and pollution thereof.

2. Learned counsel for the applicant has submitted that the industrial effluents from Mussoorie-Gulawathi Industrial Area through an overflow drain is being discharged in the wetland in question and support thereof he has placed reliance upon the map on Pages no. 72 and 73. He has further submitted that the industrial effluent flowing in that overflow drain is also entering the agricultural field as it is broken at some places and in support of this allegation he has placed reliance upon the photographs on Page No. 65 onwards. He has also submitted that such



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(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)

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industrial effluent is even entering the park and has referred to the photographs from Page No. 81 onwards. Referring to the photograph on Page No. 126 he has submitted that a road is being constructed on the wetland and referring to the photographs from Page No. 127 onwards he has submitted that the illegal dumping on the wetland is in progress. To ensure that the area of the wetland reduces and the encroachment thereon becomes easy in the original application, the applicant has given the specific suggestions:-

(a) necessary action may kindly be taken against the Respondent Nos. 17 to 49 for violation of provisions of the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Wetlands (Conservation and Management) Rules, 2017 and Rules framed under the said enactments;

(b) necessary action may kindly be taken against the Respondent Nos. 1 to 16 and their concerned officials for failing to implement effective measures to correct, control and prevent the aforesaid violations/ damage and hold the perpetrators, including the Respondent Nos. 17 to 49, liable and accountable for the violation of the various environmental laws;

(c) necessary action be taken against Respondent Nos. 17 to 49 who for their personal benefits illegally converting land in and around Hasanpur-Lodha wetland by converting it in residential/ industrial units causing severe threat to the wetland. It is prayed that immediate closure of such conversion of land; any dumping of waste and construction of any nature be stopped till the parties file their proper replies;

(d) heavy penalties, in the form of compensation and exemplary costs be imposed on the Respondent Nos. 17 to 49 for violation of provisions of the Environment (Protection) Act, 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Wetlands (Conservation and Management) Rules, 2017 and Rules framed under the said enactments and on the Respondent Nos. 1 to 16 for aiding and abetting the said wrong by not taking any action;

(e) the applicant and the villagers whose agricultural land have been impacted by the aforesaid illegal activities may be awarded appropriate compensation;



3. Counsel for the applicant has also submitted that though the complaints were made to the different authorities no action has been taken.

ATTESTED

(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (J.P.)

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4. The OA raises substantial issue relating to compliance of environmental norms.
5. Issue notice to the respondents for filing their response/reply by way of affidavit at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal. Applicant is directed to serve the other respondents and file the affidavit of service at least one week before the next hearing date.
6. Having regard to the seriousness of the allegation, we also constitute a Joint Committee comprising of the representative of the Member Secretary, Central Pollution Control Board (CPCB), Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB), Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh State Wetland Authority, Member Secretary, National Wetland Authority and District Magistrate, Ghaziabad. District Magistrate, Ghaziabad will act as a nodal agency in the joint committee.
7. Joint Committee will visit the site, and ascertain the truthfulness of the allegations, the sources of pollution in the wetland in question and the extent of industrial effluent flowing/discharged in the wetland. Joint Committee will get the water sample analysis of the wetland in question done, will obtain the original record indicating the area of the wetland reflected in the record and will also ascertain the existing area of the wetland to find out the extent of encroachment which has been done thereupon. The Joint Committee will complete this exercise within a period of two months and will submit the report immediately thereafter.

8. List on 10.01.2025.

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(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)

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9. Let a copy of this order along with a copy of the OA be forwarded to the Member Secretary, CPCB, Member Secretary, UPPCB, Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh State Wetland Authority, Member Secretary, National Wetland Authority and District Magistrate, Ghaziabad. District Magistrate, Ghaziabad.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 19, 2024  
Original Application No. 1155/2024  
(I.A. No. 443/2024)  
AS..



ATTESTED

(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Chaziabad (U.P.)

09 JAN 2025

## कार्यालय जिलाधिकारी, गाजियाबाद।

पत्रांक 2334...../एनजीटी-232/ओए-1155/2025

दिनांक 08/01/2025

प्रेषक

जिलाधिकारी  
गाजियाबाद।

सेवा मे,

1. जिलाधिकारी  
गौतमबुद्धनगर।
2. जिलाधिकारी  
हापुड़।

**विषय:** मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली मे विचाराधीन आई0ए0 संख्या 443/2024 इन ओ0ए0 संख्या 1155/2024 Kaushalendra Kumar Versus Union of India & Ors. में पारित आदेश दिनांक 19.09.2024 के सम्बन्ध में।

महोदय,

उपरोक्त विषयक मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा आई0ए0 संख्या 443/2024 इन ओ0ए0 संख्या 1155/2024 Kaushalendra Kumar Versus Union of India & Ors. में पारित आदेश दिनांक 19.09.2024 (छायाप्रति संलग्न) का संदर्भ ग्रहण करने का कष्ट करे। उक्त आदेश के अनुपालन मे गठित संयुक्त समिति द्वारा हसनपुर लौधा, हापुड़ का निरीक्षण दिनांक 19.12.2024 को किया गया। संयुक्त समिति द्वारा अपनी आख्या मे निम्नवत संस्तुति की गयी है:-

1. The concerned authority, District Administration, GautamBudh Nagar may be directed to complete the measurement and demarcation of the Hasanpur Lake so that original record indicating the area of wetland and existing area to the extent to the encroachment could be ascertained.
4. Untreated domestic waste water coming from nearby villages should be diverted.

उल्लेखनीय है कि संयुक्त समिति द्वारा की गयी संस्तुति के अनुसार बिन्दु संख्या 01 व 04 के सम्बन्ध मे कार्यवाही जनपद गौतमबुद्धनगर एवं हापुड़ द्वारा किया जाना अपेक्षित है।

अतः आपसे अनुरोध है कि उपरोक्तानुसार कार्यवाही हेतु सम्बन्धित को निर्देशित करने का कष्ट करे एवं कृत कार्यवाही से अद्योहस्ताक्षरी को अवगत कराने का कष्ट करें।

संलग्नक:उपरोक्तानुसार।

ATTESTED

(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)



(इन्द्र बिक्रम सिंह)  
जिलाधिकारी  
गाजियाबाद।

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कार्यालय

जिलाधिकारी,

गाजियाबाद।

पत्रांक 2332/एनजीटी/ओए-1155/2025

दिनांक 08/01/2025

क्षेत्रीय प्रबन्धक,  
यू०पी०एस०आई०डी०ए०,  
गाजियाबाद।

मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ०ए० संख्या 1155/2024 (IA No 445/2024) Kaushalendra Kumar Versus Union of India & Ors. में पारित आदेश दिनांक 19.09.2024 में निम्न आदेश पारित किये गये हैं:-

".....6. Having regard to the seriousness of the allegation, we also constitute a Joint Committee comprising of the representative of the Member Secretary, Central Pollution Control Board (CPCB), Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB), Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh Wetland Authority, Member Secretary, National Wetland Authority and District Magistrate, Ghaziabad. District Magistrate, Ghaziabad will act as a nodal agency in the joint committee.

7. Joint Committee will visit the site, and ascertain the truthfulness of the allegations, the sources of pollution in the wetland in question and the extent of industrial effluent flowing/discharged in the wetland. Joint Committee will get the water sample analysis of the wetland in question done, will obtain the original record indicating the area of the wetland reflected in the record and will also ascertain the existing area of the wetland to find out the extent of encroachment which has been done thereupon. The Joint Committee will complete this exercise within a period of two months and will submit the report immediately thereafter.

8. List on 10.01.2025....."

मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ०ए० संख्या 1155/2024 (IA No 445/2024) Kaushalendra Kumar Versus Union of India & Ors. में पारित आदेश दिनांक 19.09.2024 के अनुपालन में गठित संयुक्त समिति द्वारा हसनपुर लौधा, हापुड़ का निरीक्षण दिनांक 19.12.2024 को किया गया। संयुक्त समिति द्वारा अपनी आख्या में की निम्नवत संस्तुति की गयी है:-

2. UPSIDA may be directed to ensure the complete replacement of existing drains network with a new storm water drainage network show that no water logging takes place in the said area and drainage can flow normally.

अतः आपको निर्देशित किया जाता है कि समिति द्वारा की गयी संस्तुति के दृष्टिगत आवश्यक कार्यवाही करते हुए कृत कार्यवाही से अद्योहस्ताक्षरी को अवगत कराना सुनिश्चित करे।



(इन्द्र विक्रम सिंह)  
जिलाधिकारी  
गाजियाबाद।

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09 JAN 2025

ATTESTED

(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (J.P.)

कार्यालय

जिलाधिकारी,

गाजियाबाद।

पत्रांक 2333...../एनजीटी/ओए-1155/2025

दिनांक 08/01/2025

प्रभागीय निदेशक,  
सामाजिक वानिकी प्रभाग,  
हापुड़।

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0 संख्या 1155/2024 (IA No 445/2024) Kaushalendra Kumar Versus Union of India & Ors. में पारित आदेश दिनांक 19.09.2024 में निम्न आदेश पारित किये गये हैं:-

".....6. Having regard to the seriousness of the allegation, we also constitute a Joint Committee comprising of the representative of the Member Secretary, Central Pollution Control Board (CPCB), Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB), Regional Office, MoEF & CC, Lucknow, Member Secretary, Uttar Pradesh State Wetland Authority, Member Secretary, National Wetland Authority and District Magistrate, Ghaziabad. District Magistrate, Ghaziabad will act as a nodal agency in the joint committee.

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8. List on 10.01.2025....."

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0 संख्या 1155/2024 (IA No 445/2024) Kaushalendra Kumar Versus Union of India & Ors. में पारित आदेश दिनांक 19.09.2024 के अनुपालन में गठित संयुक्त समिति द्वारा हसनपुर लौधा, हापुड़ का निरीक्षण दिनांक 19.12.2024 को किया गया। संयुक्त समिति द्वारा अपनी आख्या में की निम्नवत संस्तुति की गयी है:-

3. Ministry of Environment, Forest and Climate Change (Wetland division), New Delhi has issued office memorandum dated 08.03.2022 for the protection of wetlands as per rule 4 of the wetlands (Conservation and Management) Rules, 2017. In view of above the said area of Hasanpur Lake should be notified so that the prohibited activities under rule 4(2) of wetland rules 2017 can regulated.

अतः आपको निर्देशित किया जाता है कि समिति द्वारा की गयी संस्तुति के दृष्टिगत आवश्यक कार्यवाही करते हुए कृत कार्यवाही से अद्योहस्ताक्षरी को अवगत कराना सुनिश्चित करें।



09 JAN 2025

(इन्द्र विक्रम सिंह)  
जिलाधिकारी  
गाजियाबाद।

07

ATTESTED

(Sandeep Sharma)  
Reg. No. 1136/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)