

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
(M.A. No. /2023)**

**IN
ORIGINAL APPLICATION No. 275 of 2023**

IN THE MATTER OF

MAHESH KUMAR

.... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & OTHERS

... RESPONDENTS

AND IN THE MATTER OF

DR AJIT KUMAR

...APPLICANT / INTERVENOR

NEXT DATE - 02.11.2023

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	RESPONSE / REPLY OF DR AJIT KUMAR	1 – 13
2.	ANNEXURE 1 A TRUE COPY OF THE ORDER DATED 20.04.2023 PASSED BY THIS HON'BLE COURT	14 – 16
3.	ANNEXURE 2 A TRUE COPY OF THE ORDER DATED 27.07.2023 PASSED BY THIS HON'BLE COURT	17 – 21
4.	ANNEXURE 3 A TRUE OF THE ORDER DATED 20.05.2013 PASSED BY THIS HON'BLE COURT.	22 – 25
5.	ANNEXURE 4 A TRUE COPY OF THE ORDER DATED 10.02.2017 PASSED BY THIS HON'BLE COURT.	26 – 27
6.	ANNEXURE 5 A TRUE COPY OF THE ORDER DATED 12.10.2017 PASSED BY THIS HON'BLE COURT.	28

7.	ANNEXURE 6 A TRUE COPY OF THE RELEVANT EXTRACT OF “RIVER GANGA REJUVENATION PROTECTION AND MANAGEMENT AUTHORITIES ORDER DATED 07.10.2016	29 – 32
8.	ANNEXURE 7 A TRUE COPY OF THE RTI REPLY DATED 16.01.2023 FROM NMCG – NATIONAL MISSION FOR CLEAN GANGA	33 – 40
9.	ANNEXURE 8 A TRUE COPY OF SECTION 55 OF “THE NORTHERN INDIAN CANAL AND DRAINAGE ACT, 1873	41
10.	ANNEXURE 9 Colly A COPY OF THE ORDER DATED 04.09.2019 PASSED IN OA NO. 145/2015 AND DATED 13.07.2017 IN THE MATTER OA NO. 200/2014 PASSED BY THIS HON’BLE TRIBUNAL	42 – 52
11.	ANNEXURE 10 A TRUE COPY OF REPRESENTATION DATED 05.12.2022	53 – 66
12.	ANNEXURE 11 A TRUE COPY OF REPRESENTATION DATED 15.03.2023	67 – 75
13.	ANNEXURE 12 Colly A TRUE COPY OF RELEVANT ORDERS OF THE HIGH COURT	76 – 81
14.	ANNEXURE 13 A TRUE COPY OF LEGAL NOTICE DATED 15.04.2023	82 – 97

15.	ANNEXURE 14 A copy of the relevant extract of IIT report	98 – 103
16.	ANNEXURE 15 A pictorial representation showing the difference between “Flood Plain Area” and “Active Flood Plain Area”	104
17.	ANNEXURE 16 A copy of recent letter to the authorities seeking preservation of ecosystem and taking remedial measures by constructing / repairing embankment on the edge of the flowing river Yamuna or 100 meters therefrom parallel to the river.	105 – 120
18.	VAKALATNAMA	121
19.	Proof of service	122 – 123

DR AJIT KUMAR
APPLICANT / INTERVENOR

Through


M/S DEEKSHA LAW FIRM
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(M.A. No. /2023)

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NEXT DATE - 02.11.2023

RESPONSE / REPLY OF DEEPAK RANA

RESPECTFULLY SHEWETH

1. That the present matter is filed by the Original Applicant before this Hon'ble tribunal with a grievance that the respondent authorities have failed in removing unauthorized construction over the flood plain zone of Yamuna and Hindan Rivers, Gautam Buddha Nagar, Uttar Pradesh.
2. The original applicant has made reference to the earlier order of this Hon'ble tribunal dated 20.05.2013 passed in OA no. 89/2013, *Akash Vashishtha & Anr vs Union of India & Ors.* It is submitted that the original applicant has however, deliberately concealed effect of the

subsequent final order dated 10.02.2017 and review order thereupon dated 12.10.2017 passed in the said OA No. 89/2013.

3. Consequently, being misled by the Original Applicant, this Hon'ble Tribunal, vide its order dated 20.04.2023 (**ANNEXURE 1**), has directed the authorities including Noida / Greater Noida authorities to look into the matter and take remedial action, following due process of law and to file an action taken report. A copy of the report is directed to be furnished to the alleged violators for their response, if any, before the next date.
4. The applicant is holding agriculture land and Farm House in Yamuna Pushta, Noida. The allegation of the Original Applicant & Authorities that the entire area involved is in flood plan zone, is factually and legally incorrect, in as much as that there is no survey or demarcation ever carried out for the purpose.
5. The said aspect of non – demarcation was brought to the notice of this Hon'ble court on the last date of hearing, whereafter vide order dated 27.07.2023 (**ANNEXURE 2**), directions were passed directing the District Magistrate, Greater Noida / Gautam Budha Nagar to ensure the identification and demarcation of flood plain zone of River Yamuna and Hindon, which shall be done by Notification dated 07th October,

2016 on “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016” and Office Memorandum dated 14th February, 2022 on “Guidelines for siting industries which are in close proximity with the river” and submit a report.

6. No such demarcation of flood plain is yet done in the entire area. Also that there is requirement of demarcation of “Active Flood plain area” by the concerned authorities, in terms of Notification dated 07th October, 2016 on “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016”.
7. Thus, in response, the present Applicant thus makes the following submissions.
 - i. That there are no violations, in carrying out any farming / farm land activities / farm houses or raising temporary structures in the area.
 - ii. That the land is self - owned by the farmers. The farm owners have purchased the land from the individual farmers respectively by way of registered documents. The land / area is neither a government property nor an acquired one or on the river land.

- iii. That the government itself is charging the revenue / stamp duty on the circle rate of Rs 2.30 Crore per hectare. All registries of the land were done on a minimum area of 1008 sq yds.
- iv. That many dog shelters, cow sheds, poultry farming, fishery and related activities are being carried out in these farms.
- v. No concrete / pucca construction, cement / brick has been used. Only temporary and removable structures are used on < 10% of the land area.
- vi. All these planning and farm activities and the development are being carried out for more than 2 – 3 decades regarding which the authorities have full knowledge. There also exist government structures like Gaushala, temples and crematorium etc in the area.
- vii. Every endeavor is made by the farm owners to develop and maintain greenery in the area and to keep ecological balance. None of the drain is being poured in the river.
- viii. The farm owners have been carrying on ‘tree plantation drives’, and successfully maintaining the entire area fertile, growing ornamental / fruit bearing plants / trees, keeping the surroundings clean and recharging the ground water level periodically.
- ix. That these farm houses are 4 – 5 kms away from the river, and are no threat to the river ecology. The distance between the River

Bank and constructed Band Road, on an average is 5 – 6 km. That the authorities have constructed the Band road not parallel to the flowing river, leaving this huge private land / villages in between.

- x. The area is fertile and have a green coverage and is not an obstruction to the river stream, nor it is a “flood plain area or “active flood plain area”.

8. That the reliance placed by the Original Applicant to the earlier order of this Hon’ble tribunal dated 20.05.2013 is highly misplaced, in view of the following facts:

- a. That the order dated 20.05.2013 (**ANNEXURE 3**) passed by this Hon’ble tribunal was an interim order, which stands merged into its final order dated 10.02.2017 (**ANNEXURE 4**), by virtue of which the main matter i.e. Original Application no. 89 of 2013 title “Akash Vashishtha & Anr versus Union of India & Ors” itself was finally disposed off, giving primacy to *the “River Ganga Rejuvenation Protection and Management Authorities Order dated 07.10.2016” issued by the Ministry of Water Resources, River Development and Ganga Rejuvenation*, which provides for protection of

flood plain, fixation thereof and the activity which can be carried out in the flood plain.

A review application bearing no. 05/2017 for seeking review of this subsequent order dated 10.02.2017 was dismissed, vide order dated 12.10.2017 (**ANNEXURE 5**) passed by this Hon'ble Tribunal.

b. That thus “River Ganga Rejuvenation Protection and Management Authorities Order dated 07.10.2016” now hold the field. (**ANNEXURE 6**).

c. That the applicant herein, vide a RTI reply dated 16.01.2023 (**ANNEXURE 7**) from NMCG – National Mission for Clean Ganga, is informed that

“... till the state government makes any identification and demarcation of the flood plain area of River Ganga or its tributaries, 100 meters from the edge of the river would be designated as ‘No development / construction Zone’”.

Further that “.... There is no information of any survey / review by NMCG – National Mission for Clean Ganga carried out for identification of flood plain of river

Yamuna and / or temporary or permanent structures falling within the active flood plain area”

- d. That as per the provisions of Section 55 of “The Northern Indian Canal and Drainage Act, 1873, (ANNEXURE 8) the state government is required to notify the flood plain area, its limits and matters incidental thereto, in the official gazette. No such notification in respect of the flood plains of River Yamuna flowing through the District of Gautam Buddha Nagar, has been issued till date by the State of UP. In the absence of any such gazette notification regarding ‘flood plain area’ in the region, no presumptions can be drawn.
9. That in the absence of any such survey or demarcation or any empirical data, a blanket or sweeping action for demolition would be misconstruction and misinterpretation of the orders passed by this Hon’ble tribunal, and of the legal provisions; as the farm houses are not falling in “Flood Plain Area” or “Active flood plain area”.
10. That this Hon’ble Tribunal has in the past also had directed for the demarcation of flood plain area to be carried out, vide its order dated 04.09.2019 passed in OA no. 145/2015 title “Umashankar Patwa &

Another versus Union of India & others” in a similar situation, with reference to area falling in Agra. Similar such orders were passed dated 13.07.2017 in the matter OA no. 200/2014 “M.C. Mehta vs. Union of India & Ors. reported in 2017 NGTR (3) PB 1. A copy of the order dated 04.09.2019 passed in OA no. 145/2015 and another order dated 13.07.2017 in the matter OA no. 200/2014 passed by this Hon’ble tribunal is **ANNEXURE 9 Colly**.

11. That there are representations dated 05.12.2022 (**ANNEXURE 10**) and dated 15.03.2023 (**ANNEXURE 11**) made by “River Front Farm Owners Association, Noida” pending before the State Government and other authorities for seeking a joint survey of the entire area in consultation / participation with the farm owners with a view to demarcate, and map the entire area and identify the khasra numbers and villages; and earmark the area falling under “Flood Plain Area” etc.

12. That matters of farm house demolitions are pending before the Hon’ble Allahabad High court, in the various Writ Petitions including WP © no. 10021 / 2023 title “Ratna Mitra v/s Noida Authority and Others”, and WP © no. 23221 / 2022 title “Rajesh Aggarwal & others v/s Noida Authority and Others”, wherein directions for preserving status quo are operating. All these batch of matters are under

consideration and the whole issue is sub-judice before the Hon'ble Allahabad High Court, and Noida Authority and State of UP etc have been directed to file their counter affidavit and rejoinder thereafter is to be filed by the farm owners. The said counter affidavit is yet to be filed by the authorities. Relevant orders of the High court are enclosed as **ANNEXURE – 12 Colly**.

13. That a legal notice dated 15.04.2023 (**ANNEXURE 13**) was issued to the authorities, explaining the whole legal aspect of the matter, and seeking a personal hearing, as all the farm house owners are law abiding citizens, and would remove the structures themselves, if declared illegal by the Hon'ble court.
14. That thereafter, the Applicant herein has come to know about the present proceedings before this Hon'ble Tribunal.
15. That the present matter will have far reaching consequences even to the other areas; and thus, the present response is being made, by the Applicant so as to apprise true and complete facts before this Hon'ble tribunal, as the applicant and other similarly placed individuals would be directly impacted by the outcome of the present case.
16. That concept of "Flood Plain Area" and "Active Flood Plain Area" needs to be explained, which are two distinct situations.

S.No.	Flood Plain Area	Active Flood Plain Area
1	<p>It is defined in Section 3(L) of Notification dated 07th October, 2016 on “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016”, Annexure 6 above – as</p> <p><i>“Flood Plain” means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in 100 years.</i></p>	<p>“Active Flood Plain Area” is not defined in Notification dated 07th October, 2016 on “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016”. However, as per the IIT report submitted and mentioned in Ganga River Basin – Management Development Plan, 2015,</p> <p><i>“Active Flood Plain” is defined as an area on either side of a stream / river which is regularly flooded on a periodic basis. A typical hydrological criterion to designate an “Active Flood Plain” in a given reach is the 2.33 years return period of the flood.</i></p> <p>A copy of the relevant extract of IIT report is enclosed herewith and marked as Annexure 14</p>
2	<p>“Flood Plain Area” is the area beyond the “Active Flood Plain Area”. It is in fact an area “Beyond No Construction Zone.”</p>	<p>“Active Flood Plain Area” is that area where no construction is permissible; and is thus “No construction Zone”, in terms of Section 6 (3) of Notification dated 07th October, 2016 on “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016”, which provides that</p>

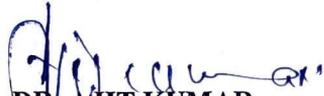
		<p><i>No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the river Ganga, Bank of river Ganga or its tributaries or Active flood plain area or river Ganga or its tributaries.</i></p> <p>A pictorial representation showing the difference is enclosed herewith and marked as Annexure 15.</p>
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17. The Authorities have been pointed out repeatedly that the Farm houses are far beyond the “No construction Zone”; and for this purpose, a survey / demarcation be carried out; with a further request to carry out immediate remedial measures towards the preservation of the ecology by constructing / repairing embankment on the edge of the flowing river Yamuna or 100 meters therefrom parallel to the river, so as to prevent breach of water, during the period when the river becomes swollen. A copy of recent letter is **Annexure 16**. But there is no response or action by the authorities to prevent any disaster or preserve the eco-system.

PRAYER

Under the circumstances it is respectfully prayed:

- i. That the present response / reply of the Applicant / intervenor be taken on record; and
- ii. Appropriate directions be passed for demarcation of the "Active flood plain area" of river Yamuna / Hindon by constituting a Joint Committee under the control of National Mission for clean Ganga (NMCG) in Noida / Greater Noida; and
- iii. Appropriate directions be passed for the authorities to carry out immediate remedial measures towards the preservation of the ecology by constructing / repairing embankment on the edge of the flowing river Yamuna or 100 meters therefrom parallel to the river, so as to prevent breach of water, during the period when the river becomes swollen; and
- iv. Such other and further order which this Hon'ble tribunal deems fit and proper be also passed in the interest of justice.


DR. AJIT KUMAR

APPLICANT/ INTERVENOR

Through


M/S DEEKSHA LAW FIRM
RAJESH AGGARWAL
ADVOCATE ON RECORD,
SUPREME COURT OF INDIA
T1/ 1501, SUPREME TOWERS,
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New Delhi

Dated: 17/10/2023

EMAIL: deekshalawfirm2017@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL,
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(M.A. No. /2023)

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AFFIDAVIT

I, DR. AJIT KUMAR S/o Late Sh. Braj Kishore Singh at C-29, GF, Eldeco Residency Greens, Sector – PI – 32, Greater Noida, Kasana, Gautam Buddha Nagar, Uttar Pradesh 201310, aged about 53 years presently at Delhi, do hereby solemnly affirm



as under:

- 1. That I am the Applicant / intervenor in the present application, and conversant with the facts of the case and thus competent to depose.
- 2. That the contents of accompanying response / reply are true and correct

and read over who has
Identified the Deponent to me
Signed Put T.I. in my Presence

DEPONENT

VERIFICATION

Verified at New Delhi on this 17 day of October, 2023 that the contents of the above affidavit are true & correct and nothing has been concealed there from.

CERTIFIED THAT DEPONENT
S/o MA. No. Age
Res. No. Sec. ...
C-29 GF Eldeco Residency
has solemnly affirmed that the contents of the affidavit which have been read & explained to him/her are true & correct to his/her knowledge.

DEPONENT

(Oath Commissioner Delhi) 17 OCT 2023

Item No. 03

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 275/2023
(I.A. No. 269/2023)

Mahesh Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 20.04.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Satyabeer Singh, Advocate

ORDER

1. Grievance in this application is against failure of the statutory authorities in removing unauthorized construction over the flood plain zone of Yamuna and Hindan Rivers at Khata No. 163, Khasra nos. 507kh, 652 and 673, Village Lakhnawali, Greater Noida, Gautam Buddha Nagar, Uttar Pradesh.

2. Case set out in the application is that there are more than 250 constructions in the above Flood Plain Zone, including the construction in question and though representation has been made to the authorities, the same are not being removed. The applicant has referred to earlier order of the Tribunal on the subject dated 20.05.2013 in *Application No. 89/2013, Akash Vashishtha & Anr. vs. Union of India & Ors.*, and reports dated 05.07.2022, 27.07.2022 and 17.10.2022 of SDM Sadar, Gautam Buddha


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Nagar, dated 11.10.2022 of Irrigation Department and dated 07.10.2022 by Greater Noida Industrial Development Authority.

3. In view of above, we consider it necessary to direct District Magistrate and Commissioner of Police, Gautam Buddha Nagar, Noida and Greater Noida Authorities, State PCB and Executive Engineer, Irrigation Department, Gautam Buddha Nagar to look into the matter and take remedial action, following due process of law and to file an action taken report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. District Magistrate, Gautam Buddha Nagar will be nodal agency for coordination and compliance. Copy of the report may also be furnished to the alleged violators for their response, if any, before the next date.

List for further consideration on 27.07.2023.

No ground is made out for passing an interim order at this stage. I.A. No. 269/2023 will stand disposed of accordingly.

A copy of this order be forwarded to District Magistrate and Commissioner of Police, Gautam Buddha Nagar, Noida and Greater Noida Authorities, State PCB and Executive Engineer, Irrigation Department, Gautam Buddha Nagar by e-mail for compliance.

The applicant may serve a set of papers on District Magistrate and Commissioner of Police, Gautam Buddha Nagar, Noida and Greater Noida Authorities, State PCB and Executive Engineer, Irrigation Department, Gautam Buddha Nagar and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

April 20, 2023
Original Application No. 275/2023
(I.A. No. 269/2023)
SN


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A TRUE COPY OF THE ORDER DATED 27.07.2023 PASSED BY THIS HON'BLE COURT

Item No. 12

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(BY HYBRID MODE)

Original Application No. 275/2023

Mahesh Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 27.07.2023

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

Applicant: Mr. Satyabeer Singh, Advocate

Respondent: Mr. Daleep Dhyani, Adv. for UPPCB
Ms. Priyanka Swami, Adv. for the State of UP
Mr. Abdhesh Chaudhary, Adv. for R - 5 & 6
Ms. Deeksha Aggarwal, Adv. for Intervenors

ORDER

1. The issue raised in this application is unauthorized constructions over the flood plain zone of Yamuna and Hindan River in Greater Noida, Gautam Budh Nagar, Uttar Pradesh. The contention of the applicant is that in OA No. 89/2013, Akash Vasishtha & Anr. vs. Union of India & Ors., vide order dated 20.05.2013, this Tribunal held that no unauthorized constructions will be raised over Yamuna flood plain zone and any construction raised within the Yamuna River flood plain zone will be unauthorized and necessary action be initiated against the violator of law.
2. Case set out in the application is that there are more than 250 constructions in the above Flood Plain Zone, including the construction in question and though representation has been made to the authorities, the


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same are not being removed. The applicant has referred to earlier order of the Tribunal on the subject dated 20.05.2013 in *Application No. 89/2013, Akash Vashishtha & Anr. vs. Union of India & Ors.*, and reports dated 05.07.2022, 27.07.2022 and 17.10.2022 of SDM Sadar, Gautam Buddha Nagar, dated 11.10.2022 of Irrigation Department and dated 07.10.2022 by Greater Noida Industrial Development Authority.

3. The matter was taken up by this Tribunal on 20.04.2023 and District Magistrate, Gautam Buddha Nagar, Noida was directed to submit a report.

4. In compliance thereof, the District Magistrate, Gautam Buddha Nagar, Noida vide report dated 25.07.2023 has submitted that plot no. 507(क + ख) total area 0.6570 hectare is in notified area of Greater Noida Development Authority and within the flood plain zone of river Hindan. Plot nos. 652 and 673 is also within the flood plain zone of river Hindan and notified area of the Noida Development Authority but on the spot, there are residential complexes and colonies.

5. It is submitted that this Tribunal, vide order dated 13.07.2017 in OA No. 200/2014, *M.C. Mehta vs. Union of India & Ors.*, has passed following directions:

“182.3. We pass the following directions for compliance:

- i. We direct and constitute a Special Committee consisting of representatives from MoWR, Senior Officer from Department of Irrigation, State of Uttar Pradesh, Revenue Department of Uttar Pradesh and Central Water Commission which shall identify and demarcate the floodplains of river Ganga in Segment B of Phase-I on one in twenty five years cycle.
- ii. Till the said identification and demarcation of floodplain is completed, we direct that 100 meters from the edge of the river would be designated as no development/construction zone in Segment B of Phase-I i.e. Haridwar to Unnao, Kanpur.
- iii. The Special Committee would also identify no development/construction zone, regulatory zone and the activities that can be/cannot be carried on in the regulatory zone of the floodplain.

- iv. *There shall be a complete prohibition on disposing of MSW, E-waste or bio-medical waste on the floodplain or in river Ganga or its tributaries falling in Segment B of Phase-I.*
- v. *As directed in our order dated 11th April, 2017, for each default, the defaulter would be liable to pay Environmental Compensation of Rs. 50,000/- per default for such dumping and/or throwing the waste of any kind into the river.*
- vi. *All the concerned authorities including the UPPCB, UPJN and State of UP shall be responsible for carrying out these directions as well as the directions contained in our order dated 11th April, 2017 (supra).*
- vii. *There shall be no dumping or landfill sites for any kind of waste irrespective of any technology for waste processing, within 500 meters from the edge of the river Ganga and/or its tributaries.”*

6. In pursuance of above, MoEF&CC has issued Office Memorandum dated 14th February, 2022 on “Guidelines for siting industries which are in close proximity”. Relevant part of the Notification is reproduced below:

“xxx.....xxx.....xxx

4. *Further vide judgement dated 13.07.2017 in OA No. 200/2014, M.C. Mehta vs. Union of India & Ors. reported in 2017 NGTR (3) PB1 in the context of river Ganga, it was observed that "till the demarcation of the floodplains and identification of permissible and non-permissible activities by the State Government of this judgement, we direct that 100 meters from the edge of the river would be treated as no development/construction zone in Segment-B of Phase-I (Haridwar to Unnao, Kanpur)".*

5. *Based on the above, the aspect related to siting of industries was deliberated in the Ministry and suggestions/comments/observations were sought from different Ministries including Ministry of Jal Shakti (MoJS). Based on the inputs received, it is hereby directed that the following criteria for siting of industries in close proximity to rivers shall be followed:*

"Industries shall not be located within the river flood plain corresponding to one in 25 years flood, as certified by concerned District Magistrate/Executive Engineer from state water resource Deptt. or any other officer authorised by State Govt. for this purpose."

6. xxx.....xxx.....xxx

i&ii. xxx.....xxx.....xxx

iii. *Further, in respect of regulatory activities in floodplain of the river Ganga and its tributaries, prior approval of National Mission on Clean Ganga (NMCG) is required to be taken by the concerned authorities/ departments/agencies / persons.”*

7. The District Magistrate and learned Counsel appearing for the respondents had submitted that a Writ Petition being WRIT – C No. 15166 of 2023, *Green Valley Colony Resident Welfare Association vs. State of UP and Ors.* was filed before the Hon'ble Allahabad High Court in which certain interim orders have been passed. Vide order dated 05.05.2023, Hon'ble Allahabad High Court passed an order as follows:

“Heard learned counsel for the parties.

The petitioner has challenged the order dated 15.02.2023 passed by Senior Manager, Work Circle 10 NOIDA and Deputy Collector, NOIDA, directing demolition of constructions existing over Khasra No. 652 and 673.

Sri Kaushalendra Nath Singh, learned counsel for the respondent authority submits that against the impugned order, the petitioner has alternative remedy of filing appeal before the Chairman under the New Okhala Industrial Development Authority (Building & Regulation) Act, 2010.

He further states that in case any appeal is filed, it will be decided expeditiously and no coercive action will be taken until the appeal is decided.

Accordingly, the instant petition is disposed of by providing that in case any appeal is filed within two weeks from today, the same will be decided by the competent authority within next four weeks and until the appeal is decided, no coercive action shall be taken against the petitioner in pursuance of the impugned order. The petitioner will not raise any further construction on the spot.”

8. The contentions of learned Counsel appearing for the respondents are that in pursuant to the said order dated 05.05.2023 passed by the Hon'ble Allahabad High Court, the alleged violators have filed their representation/appeal before Chairman/CEO, NOIDA Authority under New Okhala Industrial Development Authority (Building & Regulation) Act, 2010 and the same is under consideration and is yet to be decided on merit.

9. In response to the application, an application has been moved by one Manoj Singh with the prayer that the authorities may be directed to demarcate the flood plain area of river Yamuna and Hindan.

10. In view of above, since the Hon'ble Allahabad High Court has already passed an order in above Writ Petitions and a revision/application is pending before the NOIDA Authority, thus the New Okhala Industrial Development Authority is directed to decide the application within a reasonable time say within two months according to the rules.

11. The District Magistrate, Greater Noida/Gautam Budha Nagar is directed to ensure the identification and demarcation of flood plain zone of River Yamuna and Hindan which shall be done by referring Notification dated 07th October, 2016 on "River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016" and Office Memorandum dated 14th February, 2022 on "Guidelines for siting industries which are in close proximity with the river" and submit a report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List the matter on 02.11.2023.

A copy of this order be forwarded to District Magistrate and Greater Noida/Gautam Buddha Nagar by e-mail for compliance.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 27, 2023
Original Application No. 275/2023
DV


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A TRUE OF THE ORDER DATED 20.05.2013 PASSED BY THIS HON'BLE COURT

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Application No. 89 of 2013

Akash Vashishtha & Anr. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present: **Applicant:** Mr. Amit Khemka, Advocate along with Ms. Sanorita D. Bharali, Advocate with Mr. Akash Vashishtha, Applicant in Person
Respondent No. 1: Ms. Neelam Rathore, Advocate
Respondent No. 2&3: Mr. Ardhendumauli Kumar Prasad, Advocate
Respondent No. 5: Mr. D. Rajeshwar Rao, Advocate
Respondent No. 6: Mr. Manjit Singh, Addl. AG
Respondent No. 8&11: Mr. Pankaj Pandey, Advocate
Respondent No. 9&12: Ms. Reena Singh, Advocate with Mr. Arjun Singh, Advocate
Respondent No. 10: Ms. Sushma Singh, Advocate
Respondent No. 13: Mr. Rajesh Chhabra, Advocate

Date and Remarks	Orders of the Tribunal
<p>Item No. 2 May 20, 2013</p>	<p>All Respondents have been served. The service on all Respondents is complete. Learned counsel appearing for the respective Respondents pray for time to file Reply. Let Replies be filed within four weeks from today with advance copy to the learned counsel appearing for the Applicant who may file Rejoinder within one week thereafter. We make it clear that no further time would be allowed to complete the pleadings. It is conceded before us by all learned counsel appearing for respective Authorities, Corporations, NCT of Delhi, State of Uttar Pradesh and State of Haryana that there are unauthorized and illegal constructions raised on the flood plain of river Yamuna. These constructions have been raised without permission of any competent authority. On the contrary, these Authorities including the Irrigation Department of State of Uttar Pradesh and other Authorities claim to have issued Notices to the persons who have raised unauthorized and illegal constructions upon the flood plain of river Yamuna, but rarely of any effect. It is an admitted position in law that construction upon flood plain area is prohibited. It not only affect the natural flow of the river but even causes environment</p>



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problems besides raising risk to human life and property.

Learned counsel appearing for the Applicant has brought to our notice the Notification dated 16th March, 2010 issued by the Chief Secretary of Uttar Pradesh to all the Authorities including the Police in the State of Uttar Pradesh to ensure that no constructions whatsoever is raised on the flood plain zone and whichever constructions have been raised should be removed. The relevant extract of the said notification state as under:-

“It is coming to the knowledge of government that illegal constructions / encroachments are increasing in the flood plain zones and they are not being controlled. While on one hand complexities due to obstruction of natural flow of water during floods may arise from such illegal constructions, on the other hand, there is danger of loss of life and property to the residents. In this connection, orders have been given in the past from time to time and orders have also been given by Housing Division-I, UP through its government Order No. 1773/9-A-1-1995, dated 18 May, 1995 and also GO No. 2432/9-A-1 Encroachment/2003(AB), dated 04 April 2003 but these government orders have not been followed strictly, which is leading to a rise in the number of such illegal constructions / encroachments. Hence, upon a careful deliberation, the government has taken the following decisions :

1. Clear depiction of flood plain zones along rivers as flood affected areas in the Master Plans and to prevent any constructions in these areas, these areas should be reserved as Green. It should be ensured to ban all kinds of constructions in flood plain zones under the Zoning Regulations of the concerned cities.
2. No NOC will be granted, under the RBO Act, UP Urban Planning & Development Act 1973 and Industrial Development Act 1973, to any kind of construction inside the flood plain zone and nor will be the lay-out plans of such constructions be approved. To stop such kind of illegal constructions, effective action would be taken under the provisions of the above acts.
3. Action to be taken by Irrigation Department to remove illegal constructions and notify the areas along canals under Section 55 of the India Canal & Drainage Act.
4. Effective use of Up Flood Emergency Powers Act by all District Magistrates.
5. Concerned officials of Irrigation Department must caution all those carrying out illegal constructions in flood plain areas of rivers to remove them off immediately and also make it clear to them

that no compensation would be done by the government for any loss arising out of damages due to floods and flood safety/relief measures will not be undertaken and the cost of damage will be recovered by those carrying out/having illegal constructions.

People should remove off illegal constriction at their own will. Effective action would be taken against illegal constructors by the concerned development authorities/industrial development authorities and Nagar Palika Parishads under applicable provisions of the acts.

6. Effective action would be ensured by SSP/SPs of all districts through the Police Station Officers to check illegal constructions inside flood plain areas.

7. Strict compliance should be made for removing illegal constructions as soon they are done in flood plain areas that belong to Irrigation Department.

8. Strict, punitive action should be taken against officers/staff workers of concerned departments, after fixing their accountability, if they fail to take the expected action in the case of illegal constructions”.

Despite the above Notification and the stand taken by the Authorities, NCT of Delhi and the State of Haryana, there has been mushrooming of unauthorized and illegal constructions on the flood plain zone. It is high time that these Authorities should discharge their statutory obligations in accordance with law and with greater sense of responsibility.

Despite the said Notification and specific directions issued to all the Authorities much less constructions have been stopped or/and demolished. On the contrary there has been rapid mushrooming of unauthorized and illegal constructions on the flood plain of river Yamuna.

In view of the above circumstances, we hereby issue *ad interim* injunction restraining any illegal and unauthorized construction, be it temporary or permanent, on the flood plain zone of river Yamuna in the NCT of Delhi, State of Haryana and State of Uttar Pradesh. All Authorities of the respective States including the Police, Irrigation Department, Environment Department and PWD and all the public Authorities and Corporations shall ensure that no illegal and unauthorized construction is raised upon the flood plain zone of river Yamuna. Wherever unauthorized

and illegal constructions have been raised steps should be taken to demolish the same in accordance with law.

We hereby direct the NCT of Delhi, State of Uttar Pradesh and State of Haryana to specifically file Plans/Maps showing extent of one in 25 years flood plain zones. Furthermore, they shall also state, if any of the Government Department had issued No Objection Certificate for such construction on flood plain of river Yamuna.

Complete details should be furnished along with the Reply to be filed the by respective Departments / Corporations and Authorities and by the Ministry of Water Resources.

We make it clear that the responsibility of carrying out the said directions shall be of Vice Chairman, Commissioners, Secretaries of the concerned Department and Deputy Commissioner of Police of those areas.

At the oral request of the learned counsel appearing for the parties, the Delhi Development Authority and East Municipal Corporation of Delhi are impleaded as Respondent No. 14 and 15 respectively.

The learned counsel appearing for the Applicant shall serve Dasti Notice to the said Authority and Corporation.

Similar order and injunction shall operate in regard to river Hindon as well.

List on 10th July, 2013.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D. K. Agrawal)

.....,EM
(Dr. G.K. Pandey)

.....,EM
(Prof. A. R. Yousuf)


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A TRUE COPY OF THE ORDER DATED 10.02.2017 PASSED BY THIS
HON'BLE COURT

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 89 of 2013
(M.A. NOS. 489/2013, 491/2013, 565/2013, 609/2013,
15/2014, 55/2014, 57/2014, 64/2014, 94/2014, 151/2014, 210/2014,
211/2014, 304/2014 & 305/2014)**

Akash Vashishtha & Anr. Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant:	Ms. Ritu Garg, Adv. Mr. Kailash Pandey, Adv. in M.A.
Respondent No. 1:	Mr. Mukul Singh, Adv. for MoEF & CC
Respondent No. 2-4 & 8:	Mr. Abhishek Yadav, Adv.
Respondent No. 3 :	Mr. Raman Yadav and Mr. Dalsher Singh, Adv. on behalf of Irrigation Dept.
Respondent No. 9 & 12 :	Ms. Reena Singh, AAG of Uttar Pradesh
Respondent No. 10 :	Mr. Sudhir Kulshaeshtha, Adv.
Respondent No. 11 :	Mr. M.P. Shorawala, Adv. and Ms. Geetan Dua, Adv.
Respondent No. 14 :	Mr. Ravi P. Mehrotra and Mr. Abhinav Kumar Malik, Advocates for DDA
Respondent Nos. 20-22:	Mr. G.S. Raghav, Adv. Mr. Raj Kumar, Adv. with Ms. Niti Choudhary, LA, CPCB

Date and Remarks	Orders of the Tribunal
<p>Item No. 16</p> <p>February 10, 2017 sn</p>	<p>The prayer in this Application was for issuance of the direction to the Respondents to implement Environmental Laws and its agency to prevent new farmhouses, concrete construction to come up in the Flood Plain Area of Yamuna and Hindon. Further, it is prayed for registration of an FIR.</p> <p>Learned Counsel appearing for the Respondents, State and Ministry of Environment, Forest and Climate Change have brought to our notice that the Notification dated 7th October, 2016 has been issued by the Ministry of Water Resources, River Development and Ganga Rejuvenation which provides for protection of flood plain,</p>


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	<p>Item No. 16</p> <p>February 10, 2017 sn</p>	<p>fixation thereof and the activity which can be carried out in the flood plain.</p> <p>In the light of the above, the present Application has been rendered infructuous. The parties are free to take appropriate steps in furtherance thereof including, if anybody wishes to challenge the same in accordance with law. The States and Centres are free to act with the Notification in accordance with law.</p> <p>With the above direction, Original Application No. 89 of 2013 stands disposed of without any order as to cost.</p> <p><u>M.A. Nos. 489/2013, 491/2013, 565/2013, 609/2013, 15/2014, 55/2014, 57/2014, 64/2014, 94/2014, 151/2014, 210/2014, 211/2014, 304/2014 & 305/2014</u></p> <p>These Applications do not survive for consideration as the main Application itself stands disposed of.</p> <p>Thus, M.A. Nos. 489/2013, 491/2013, 565/2013, 609/2013, 15/2014, 55/2014, 57/2014, 64/2014, 94/2014, 151/2014, 210/2014, 211/2014, 304/2014 & 305/2014 stand disposed of accordingly.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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A TRUE COPY OF THE ORDER DATED 12.10.2017 PASSED BY THIS
HON'BLE COURT

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Review application No. 05 of 2017
(M.A. No. 318/2017)

in

Original Application No. 89 of 2013
Akash Vashishtha & Anr. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 08</p> <p>October 12, 2017</p> <p>JG</p>	<p>We have heard the Learned Counsel appearing for the applicant at some length.</p> <p>We see no reason to review our order dated 10-02-2017.</p> <p>While declining the same, we make it clear that the applicant would be at liberty to take such other appropriate remedy on the subsequent action or even on the ground that the existing structure can not be protected under the Notification in accordance with law.</p> <p>The review application No. 05/2017 is disposed of accordingly with no order as to cost. Liberty prayed is granted.</p> <p><u>M.A. No. 318/2017</u></p> <p>The application does not survive as the review application itself stand disposed of.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Nagin Nanda)</p>

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**A TRUE COPY OF THE RELEVANT EXTRACT OF “RIVER
GANGA REJUVENATION PROTECTION AND MANAGEMENT
AUTHORITIES ORDER DATED 07.10.2016**

**MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT, AND GANGA REJUVENATION
NOTIFICATION**

New Delhi, the 7th October, 2016

S.O. 3187(E).—Whereas it is necessary to constitute authorities at Central, State and District levels to take measures for prevention, control and abatement of environmental pollution in River Ganga and to ensure continuous adequate flow of water so as to rejuvenate the River Ganga to its natural and pristine condition and for matters connected therewith or incidental thereto;

And whereas the River Ganga is of unique importance ascribed to reasons that are geographical, historical, socio-cultural and economic giving it the status of a National River;

And whereas the River Ganga has been facing serious threat due to discharge of increasing quantities of sewage, trade effluents and other pollutants on account of rapid urbanisation and industrialisation;

And whereas, the demand for water of River Ganga is growing for irrigation, drinking water supplies, industrial use and hydro-power due to increase in population, urbanisation, industrialisation, infrastructural development and taking into account the need to meet competing demands;

And whereas there is an urgent need-

- (a) to ensure effective abatement of pollution and rejuvenation of the River Ganga by adopting a river basin approach to promote inter-State and inter-sectoral co-ordination for comprehensive planning and management;
- (b) to maintain ecological flows in the River Ganga with the aim of ensuring continuous flows throughout its length so as to restore its ecological integrity that enables it to self rejuvenate;
- (c) for imposing restrictions in areas abutting the River Ganga in which industries, operations or processes, or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;
- (d) to make provision for inspection of any premises, plants, equipment, machineries, manufacturing or other processes, materials or substances and giving direction to the authorities, officers and persons as may be necessary to take steps, for prevention, control and abatement of environmental pollution in the River Ganga;
- (e) for carrying out and sponsoring investigations and research relating to problems of environmental pollution in the River Ganga and examination of such manufacturing processes, material and substance as are likely to cause environmental pollution;
- (f) for collection and dissemination of information in respect of matters relating to environmental pollution in the River Ganga and preparation of manual, codes or guide relating to the prevention, control and abatement of environmental pollution;

And whereas the State Governments concerned, being equally responsible for Ganga rejuvenation, are required to co-ordinate and implement the river conservation activities at the State level, and to take steps for comprehensive management of the River Ganga in their States;

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And whereas it is required to have planning, financing, monitoring and coordinating authorities for strengthening the collective efforts of the Central Government and the State Governments and authorities under this Order for effective abatement of pollution and rejuvenation, protection and management of the River Ganga;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with clauses (i), (ii), (v), (vi), (vii), (viii), (ix), (x), (xii) and (xiii) of sub-section (2) and (3) of section 3 and sections 4,5,9,10,11, 19, 20 and 23 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the Act) and in supersession of the notifications of the Government of India in the erstwhile Ministry of Environment and Forests numbers S.O.1111(E), dated the 30th September, 2009, S.O. 2493 (E), dated the 30th September, 2009, S.O. 2494 (E), dated the 30th September 2009, S.O. 2495 (E), dated the 30th September 2009, S.O. 287 (E) dated the 8th February, 2010 and in the Ministry of Water Resources, River Development and Ganga Rejuvenation No. S.O. 2539 (E), dated the 29th September 2014, except as respects things done or omitted to be done before such supersession, the Central Government hereby-----

(i)constitutes the authorities by the names mentioned in this Order for the purpose of exercising and performing such of the powers and functions (including the power to issue directions under section 5 of the Act and for taking measures with respect to the matters as mentioned in this Order;

(ii)directs, subject to the supervision and control of the Central Government and the provisions of this Order, such authority or authorities as specified in this Order that shall exercise the powers or perform the functions or take the measures so mentioned in this Order as if such authorities had been empowered by the Act to exercise those powers, perform those functions, or take such measures;

(iii)directs that all its powers and functions (except the power to constitute any authority under sub-section (3) of section 3 and to make rules under the sections 6 and 25 of the Act) under any provision of the Act shall, in relation to River Ganga and matters connected therewith, be exercisable and discharged also by the authorities constituted by this Order and by the officers specified in this Order, subject to such conditions and limitations and to the extent as specified in this Order.

1.Short title and commencement. – (1) This Order may be called the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. Applicability.- This Order shall apply to the States comprising River Ganga Basin, namely, Himanchal Pradesh, Uttarakhand, Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana, Rajasthan, West Bengal and the National Capital Territory of Delhi and such other States, having major tributaries of the River Ganga as the National Council for Rejuvenation, Protection and Management of River Ganga may decide for the purpose of effective abatement of pollution and rejuvenation, protection and management of the River Ganga.

3.Definitions.- (1) In this Order, unless the context otherwise requires, -

(a) “Act” means the Environment (Protection) Act, 1986 (29 of 1986);

(b) “Basin” means the entire catchment of a water body or water course including the soil, water, vegetation and other natural resources in the area and includes land, water, vegetation and other natural resources on a catchment basis;

(c) “Buffer Area” means an area which extends beyond the flood plain of a stream;

(d) “catchment” or “catchment area” includes the entire land area whose runoff from rain, snow or ice drains into a water body or a water course, before the water course joins River Ganga or its tributaries or discharges water into River Ganga or its tributaries;

(e) “commercial fishing” means large scale fishing for commercial purposes by nets, poisoning, or other modern fishing gear or methods in River Ganga or its tributaries;

(f) Competent authority means “Central Government”

(g) “deforestation” means removal or reduction of forest cover, especially when caused by anthropogenic activities or removal of trees and other vegetation of a forest excluding a planned clearance for scientific management of forest in particular in the catchment area of River Ganga;

(h) “degraded forest” means a forest having loss or reduction of native forest cover or vegetation density in the catchment area abutting River Ganga or its tributaries;

(i) “direction” shall mean direction issued under section 5 of the Act and the expression “direct” shall be construed accordingly;

(j) “District Ganga Committee” means the District Ganga Protection Committee mentioned in paragraph 53;

(k) “engineered diversion” means a structure or device constructed or installed to transfer the water of River Ganga or its tributaries into canals or other engineering structures;

- (l) "flood plain" means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years;
- (m) "Ghat" means sloping part at Bank of River Ganga or its tributaries with artificially constructed steps or sloping piece of land used for providing easy human access to water of River Ganga or its tributaries and includes usage of such parts for religious or other related purposes;
- (n) "local authority" includes Panchayati raj institutions, municipalities, a district board, cantonment board, town planning authority or Zila Parishad or any other body or authority, by whatever name called, for the time being invested by law, for rendering essential services or with the control and management of civic services, within a specified local area;
- (o) "National Mission for Clean Ganga" means the authority mentioned in paragraph 31.
- (p) "notification" means a notification published in the Official Gazette and the expression 'notifying' shall be construed accordingly;
- (q) "offensive matter" consists of solid waste which includes animal carcasses, kitchen or stable refuse, dung, dirt, putrid or putrefying substances and filth of any kind which is not included in the sewage;
- (r) "person" include ----
- (i) an individual or group or association of individuals whether incorporated or not;
 - (ii) a company established under the Companies Act, 2013 (18 of 2013);
 - (iii) any corporation established by or under any Central or State Act;
 - (iv) a local authority;
 - (v) every juridical person not falling within any of the preceding sub-clauses;
- (s) "River Bed" means the dried portion of the area of River Ganga or its tributaries and includes the place where the River Ganga or its tributaries run its course when it fills with water and includes the land by the side of River Ganga or its tributaries which retains the water in its natural channel, when there is the greatest flow of water;
- (t) "River Bed Farming" includes seasonal agriculture or farming on the River Bed of River Ganga or its tributaries during low flows of water;
- (u) "River Ganga" means the entire length of six head-streams in the State of Uttarakhand namely, Rivers Alakananda, Dhauli Ganga, Nandakini, Pinder, Mandakini and Bhagirathi starting from their originating glaciers up to their respective confluences at Vishnu Prayag, Nand Prayag, Karn Prayag, Rudra Prayag, and Dev Prayag as also the main stem of the river thereafter up to Ganga Sagar including Prayag Raj and includes all its tributaries;
- (v) "rubbish" means ashes, broken brick, mortar, broken glass, dust or refuse of any kind and includes filth;
- (w) "sand mining" means large scale removal of river sand from the dried channel belt, flood plain or a part of River Ganga or its tributaries;
- (x) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sewage from open drains;
- (y) "sewerage scheme" means any scheme which a local authority may introduce for removal of sewage by flushing with water through underground closed sewers;
- (z) "Schedule" means Schedule appended to this Order;
- (za) "specified District" means an area of every District abutting the River Ganga, being within a radius of fifteen kilometers of the Ganga River Bank or its tributaries in the States of Himachal Pradesh, Uttarakhand, Uttar Pradesh, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Haryana, Rajasthan, West Bengal and the National Capital Territory of Delhi and such other States, having major tributaries of the River Ganga as referred to in this Order;
- (zb) "State Ganga Committee" means the State Ganga Rejuvenation, Protection and Management Committee constituted under this Order for each of the States mentioned in paragraph 2.
- (zc) State Ganga River Conservation Authority means an authority earlier constituted in each State under the Act as follows, namely:-
- (i) the Bihar State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O287 (E), dated 8th February 2010;
 - (ii) the Jharkhand State Ganga River Conservation Authority constituted by the notification of the Government of India in the Ministry of Environment and Forests number S.O2495(E), dated 30th September 2009;

6. Prevention, control and abatement of environmental pollution in River Ganga and its tributaries.- (1) No person shall discharge, directly or indirectly, any untreated or treated sewage or sewage sludge into the River Ganga or its tributaries or its banks:

Provided that where a local authority does not have, on the date of commencement of this Order, sewerage scheme or infrastructure for collection, storage, transportation and disposal of sewage or sewage sludge or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such local authority shall, within a period, specified by National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of sewage in the territorial area of the local authority.

(2) No person shall discharge, directly or indirectly, any untreated or treated trade effluent and industrial waste, bio-medical waste, or other hazardous substance into the River Ganga or its tributaries or on their banks:

Provided further that where an industry or industrial area management does not have, on the date of commencement of this Order, industrial effluent treatment scheme or infrastructure for collection, storage, transportation and disposal of trade effluents industrial waste, bio-medical waste, or other hazardous substance, etc. or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such industry or industrial area management shall, within a period so specified by the National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of trade effluent and industrial waste, bio-medical waste, or other hazardous substance in the jurisdiction of the industry or industrial area management.

(3) No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries:

Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee:

Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.

(4) No person shall do any act or carry on any project or process or activity which, notwithstanding whether such act has been mentioned in this Order or not, has the effect of causing pollution in the River Ganga.

(5) It shall be the duty of the National Mission for Clean Ganga, every Specified State Ganga Committee or specified District Ganga Protection Committee, local authority and all other authorities and persons to disseminate widely and bring to public notice, using various means, information captured in reports and the aforesaid measures in the local language in every village, town, city and other areas abutting River Ganga and its tributaries.

7. Emergency measures in case of pollution of River Ganga or its tributaries --- If any poisonous, noxious or polluting matter is present or has entered into the River Ganga due to any accident or other unforeseen act or event, and it is necessary or expedient to take immediate action, the National Mission for Clean Ganga shall take immediate action for carrying out such operations or direct for carrying out such operations by the specified State Ganga Committee or specified District Ganga Committee or local authority or any other authority or Board or Corporation, as it may consider necessary for all or any of the following purposes, namely; -

(a) the manner of removing the matter from River Ganga and disposing it off in such a manner as it may specify, as also, for carrying out such operations as is considered appropriate for mitigation or removal of any pollution caused by such matter;

(b) issuing directions restraining or prohibiting any person concerned from discharging any poisonous, noxious or polluting matter in the River Ganga;

(c) undertaking any additional work or functions as may be necessary to address such emergency.

8. Power to issue directions. - The National Mission for Clean Ganga shall, in the exercise of its powers and performance or its functions under this Order, issue such directions in writing as it may consider necessary for abatement of pollution and rejuvenation, protection and management of the River Ganga to the concerned authority or local authority or other authorities or Board or Corporation or person and they shall be bound to comply with such directions.

9. Ganga safety audit.- Every District Ganga Committee shall cause the Ganga safety audit to be carried out by such Ganga Safety Auditors within such time frame and in accordance with such protocols as may be specified by the


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A TRUE COPY OF THE RTI REPLY DATED 16.01.2023 FROM NMCG – NATIONAL MISSION FOR CLEAN GANGA

Online RTI Request Form Details

RTI Request Details :-

RTI Request Registration number	MOWRC/R/E/22/00381
Public Authority	Ministry of Water Resources, River Development & Ganga Rejuvenation

Personal Details of RTI Applicant:-

Name	Ankur Tiwari
Gender	Male
Address	567/92, आनंद नगर , आलमबाग, लखनऊ, Lucknow
Country	India
State	Uttar Pradesh
Status	Details not provided
Educational Status	Details not provided
Phone Number	Details not provided
Mobile Number	Details not provided
Email-ID	ankur[dot]tiwari38[at]gmail[dot]com

Request Details :-

Citizenship	Indian
Is the Requester Below Poverty Line ?	No

(Description of Information sought (upto 500 characters))

Description of Information Sought
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Sir,

Refer Ministry of water resources, river development and Ganga Rejuvenation Notification dated 7 th October 2016. This notification applies to river Ganga & all its tributaries including Yamuna. This notification suppresses all earlier notifications/laws in this regard. A copy of this notification is attached herewith. Please note that a portion of river Yamuna also falls in Noida, District Gautam Budh Nagar, Uttar Pradesh. Please focus on clause no. 6.3 of this notification & provide us the following informations (under RTI act) related to the portion of Yamuna river in Noida:

- 1 What is the definition of an active flood zone according to clause no. 6.3?
- 2 To follow clause no. 6.3, of this notification, Has National Mission for Clean Ganga (NMCG) surveyed /reviewed this area & has NMCG identified the active flood zone area? If yes, please provide us copies of the documents/maps supporting the compliance of this.
- 3 To follow clause no. 6.3, Has NMCG surveyed & reviewed this area and identified if there are some temporary or permanent constructions on active flood zone areas & which interrupt the continuous flow of the river. If yes, please provide us copies of the documents/maps supporting the compliance of this.
- 3 If there are some temporary /permanent constructions on the active flood zone then has the NMCG identified the constructions done before & after the date of the implementation of this notification to follow clause 6.3. If yes, please provide us copies of the documents/maps supporting the compliance of this.
- 4 If NMCG has not completed the compliance of clause no. 6.3 then provide us the name, designation & contact numbers of the name, designation & contact numbers of the officials who are responsible for doing the survey & review of this portion of the Yamuna river in compliance of clause no. 6.3.

Concerned CPIO

B L Meena (NMCG)

Supporting document (*only pdf upto 1 MB*)



स्पीड पोस्ट/ईमेल

आरटीआई मैटर

संख्या I-11011/2/2023-एसएमडी/एनएमसीजी

भारत सरकार

जल शक्ति मंत्रालय

जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग

राष्ट्रीय स्वच्छ गंगा मिशन

मेजर ध्यान चंद नेशनल स्टेडियम,

निकट इंडिया गेट, नई दिल्ली - 110001,

दिनांक: 04 जनवरी, 2022

सेवा में,

श्री अंकुर तिवारी,

567/92, आनंद नगर,

आलम बाग,

लखनऊ - 226005

राज्य: उत्तर प्रदेश

E-mail: ankur.tiwari38@gmail.com

विषय:- सूचना का अधिकार अधिनियम, 2005 के तहत मांगी गई सूचना के संबंध में।

महोदय,

कृपया जल शक्ति मंत्रालय, जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग से प्राप्त आरटीआई आवेदन पत्र का संदर्भ लें जिसकी ऑनलाइन पंजीकरण संख्या एमओडब्ल्यूआरसी/आर/ई/22/00381 दिनांक 11/12/2022 है जिसमें सूचना का अधिकार अधिनियम, 2005 के तहत सूचना मांगी गई है।

2. यह जानकारी राष्ट्रीय स्वच्छ गंगा मिशन (एनएमसीजी) से संबंधित है जो अनुलग्नक के रूप में इसके साथ संलग्न है।

3. यदि आप ऊपर दी गई जानकारी से संतुष्ट नहीं हैं तो आप अपनी अपील इस पत्र के जारी होने की तारीख से तीस दिनों के अंदर श्री बिनोद कुमार, प्रथम अपील प्राधिकारी, राष्ट्रीय स्वच्छ गंगा मिशन (एनएमसीजी), प्रथम तल, मेजर ध्यान चंद नेशनल स्टेडियम, इंडिया गेट, नई दिल्ली- 110001 के समक्ष प्रस्तुत कर सकते हैं।

भवदीय

Signed by Birju Lal Meena

Date: 04-01-2023 16:24:41

Reason: Approved

(बी. एल. मीना)

अवर सचिव एवं सीपीआईओ (एनएमसीजी)

अनुलग्नक

As per RTI Act,2005, the information as defined under Section 2 (f) which is available with the public authority in any form can be provided to the applicant. It is also informed that the interrogative queries viz. "what/how/why/when/whether" does not constitute "information" under section 2(f) of RTI Act, 2005.

However, the information pertains to NMCG is as under:

"The provisions under River Ganga (Rejuvenation, Protection and Management) Authorities Order dated 07.10.2016, defines 'flood plain' 'River Bed' and 'Buffer Area' as below:

"flood plain" means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in hundred years;

"River Bed" means the dried portion of the area of River Ganga or its tributaries and includes the place where the River Ganga or its tributaries run its course when it fills with water and includes the land by the side of River Ganga or its tributaries which retains the water in its natural channel, when there is the greatest flow of water;

"Buffer Area" means an area which extends beyond the flood plain of a stream.

However, 'active flood plain area' of River Ganga or its tributaries where construction of any structure, whether permanent or temporary, for residential or commercial or industrial or any other purpose is prohibited, has to be identified and demarcated by the respective State Government(s), based on one in twenty-five years cycle of Highest Flood Level (HFL). Till the said identification is completed 100 meters from the edge of the river would be designated as 'no development /construction Zone'."

The information may also be obtained from concerned State Government.

कार्यालय
राज्य स्वच्छ गंगा मिशन - उ०प्र०
नमामि गंगे तथा ग्रामीण जलापूर्ति विभाग, उ०प्र०
प्लाट नं०-18, सेक्टर-7, गोमती नगर विस्तार योजना, लखनऊ ।
www.smcg-up.org, email: apd@smcg-up.org

पत्र संख्या: 129 / 0066 / एस.एम.सी.जी./04

दिनांक: 10 फरवरी, 2023

सेवा में,

श्री अंकुर तिवारी,

567 / 92, आनन्द नगर आलमबाग लखनऊ-226005

विषय: - जन सूचना अधिकार अधिनियम-2005 के अन्तर्गत सूचना उपलब्ध कराने के सम्बन्ध में ।

महोदय

कृपया राष्ट्रीय स्वच्छ गंगा मिशन, नई दिल्ली के पत्रांक-1-11011/2/2023-SMD NMCG dated 11-01-2023 का सन्दर्भ ग्रहण करने का कष्ट करें (संलग्नक 1) जिसके माध्यम से जन सूचना अधिकार अधिनियम-2005 के अन्तर्गत आपके आवेदन पत्र को इस कार्यालय को संदर्भित किया गया है ।

उपरोक्त के सम्बन्ध में राज्य स्वच्छ गंगा मिशन - उ०प्र० कार्यालय से सम्बंधित सूचनाएं संलग्न कर आपको प्रेषित की जा रही हैं। यदि आप प्रेषित सूचना से संतुष्ट नहीं हैं तो आप अपनी अपील इस पत्र के जारी होने की तारीख से तीस दिन के भीतर प्रथम अपील अधिकारी के समक्ष प्रस्तुत कर सकते हैं। -

संलग्नक: उपरोक्तानुसार

(राजेश कुमार यादव) आर०टी०आई० आफिसर

प्रतिलिपि निम्नलिखित को सूचनार्थ:-

1. अपर परियोजना निदेशक, राज्य स्वच्छ गंगा मिशन - उ०प्र० ।
2. निदेशक वित्त राज्य स्वच्छ गंगा मिशन - उ०प्र० ।
3. श्री बी. एल. मीना, अवर सचिव एवं सीपीआईओ (एन.एम.सी.जी.)
प्रथम तल मेजर

ध्यानचन्द नेशनल स्टेडियम, इंडिया गेट, नई दिल्ली।

आर०टी०आई० आफिसर

S. N.	Information Sought	Response by SMCG-UP
1	What is the definition of an active flood zone according to clause no. 6.3?	Responded by National Mission for Clean Ganga New Delhi.
2	To follow clause no. 6.3, of this notification, Has National Mission for Clean Ganga (NMCG) surveyed /reviewed this area & has NMCG identified the active flood zone area? If yes, please provide us copies of the documents/maps supporting the compliance of this.	As per records available in the office of State Mission for Clean Ganga-Uttar Pradesh, it has no information: available about the question asked. Similarly, it also does not have any copies of documents/maps supporting as desired for the specific area indicated. Further to add the State Mission for Clean Ganga has not undertaken any such exercise.
3	To follow clause no. 6.3, Has NMCG surveyed & reviewed this area and identified if there are some temporary or permanent constructions on active flood zone areas & which interrupt the continuous flow of the river. If yes, please provide us copies of the documents/maps supporting the compliance of this.	As per records available in the office of State Mission for Clean Ganga-Uttar Pradesh, it has no information: available about the question asked. Similarly, it also does not have any copies of documents/maps supporting as desired for the specific area indicated. Further to add the State Mission for Clean Ganga has not undertaken any such exercise.
3	If there are some temporary /permanent constructions on the active flood zone then has the NMCG identified the constructions done before & after the date of the implementation of this notification to follow clause 6.3. If yes, please provide us copies of the documents/maps supporting the compliance of this.	As per records available in the office of State Mission for Clean Ganga-Uttar Pradesh, it has no information: available about the question asked. Similarly, it also does not have any copies of documents/maps supporting as desired for the specific area indicated. Further to add the State Mission for Clean Ganga has not undertaken any such exercise.
4	If NMCG has not completed	The: District Magistrate of the Noida,

	<p>the compliance of clause no. 6.3 then provide us the name, designation & contact numbers of the name, designation & contact numbers of the officials who are responsible for doing the survey & review of this portion of the Yamuna river in compliance of clause no. 6.3.</p>	<p>Gautam Buddha Nagar may be contacted in this regard. Or alternatively the office of Chief Engineer and Head of Department, Irrigation and Water Resources Department, GoUP and Central Water Commission, New Delhi may be contacted. Or.the application can be transferred under the relevant provisions of the RTI Act to offices mentioned above.</p>
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282
PART VII
OF DRAINAGE

55. Power to prohibit obstructions or order their removal.— Whenever it appears to the [97] [Provincial Government] that injury to any land or the public health or public convenience has arisen or may arise from the obstruction of any river, stream or drainage-channel, such Government may, by notification published in the official Gazette, prohibit, within limits to be defined in such notification the formation of any obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream or drainage-channel as is comprised within such limits shall be held to be a drainage-work as defined in section 3.

56. Power to remove obstructions after prohibition.— The Divisional Canal Officer, or other person authorised by the [98] [Provincial Government] in that behalf, may, after such publication issue an order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.

If, within the time so fixed, such person does not comply with the order, the said Canal Officer may himself remove or modify the obstruction; and if the person to whom the order was issued does not, when called upon, pay the expenses involved in such removal or modification, such expenses shall be recoverable by the Collector from him or his representative in interest as an arrear of land-revenue.

57. Preparation of schemes for works of improvement.— Whenever it appears to the [99] [Provincial Government] that any drainage-works are necessary for the improvement of any lands, or for the proper cultivation or irrigation thereof,

or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands,

the [100] [Provincial Government] may cause a scheme for such drainage-works to be drawn up and published, together with an estimate of its cost [101] [* * *], and a schedule of the lands which it is proposed to make chargeable in respect of the scheme.

58. Powers of persons employed on such schemes.— The persons authorised by the [102] [Provincial Government] to draw up such scheme may exercise all or any of the powers conferred on the Canal Officers by section 14.

[103] **59. Rate on land benefited by works.**— An annual rate, in respect of such scheme, may be charged, according to rules to be made by the Provincial Government, on the owners of all lands which shall, in the manner prescribed by such rules, be determined to be so chargeable:

A COPY OF THE ORDER DATED 04.09.2019 PASSED IN OA NO. 145/2015 AND DATED 13.07.2017 IN THE MATTER OA NO. 200/2014 PASSED BY THIS HON'BLE TRIBUNAL

Item No. 03

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 145/2015
(M.A. No. 1259/2016, 1166/2017, 1170/2017 &
586/2018)

Umashankar Patwa & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 04.09.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Rahul Choudhary with Ms. Kanika Sood, Advocates

For Respondent(s)

Ms. Deep Shikha Bharati, Advocate
Mr. A.D.N. Rao with Mr. Amber Sachdeva, Advocate
Mr. Tarunvir Singh Khehar, Advocate
Mr. Daleep Dhayani, Advocate for Mr. Pradeep Misra, Advocate
Mr. Shashank Bajpai with Mr. Amit Dubey, Advocates
Ms. Kanika Agnihotri, Advocate
Mr. Rajkumar Maurya, Advocate
For Mr. Balendu Shekhar, Advocate
Mr. Rajkumar, Advocate
Mr. Sanjay Upadhyay with Mr. Vibhav Misra, Advocates

ORDER

Heard the Learned Counsels for the parties.

In this original application the applicant has raised the issue with regard to flood plain zone and river bed of river Yamuna in Agra. Further, the relief sought by the applicant is to restore the flood plain zone and river bed to



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its original state. It has also been prayed by the applicant that direction be issued to the authority concerned to conduct demolition of encroachment which has come up by way of construction in river flood plain zone and river bed.

After having considered the matter from time to time, the Tribunal had called for report with regard to status at the site. Ultimately, the Tribunal had on 11.03.2019 passed the following order:

“In this matter the primary issue raised is with regard to demarcation of floodplain of river Yamuna in Agra city. Certain reports had been obtained earlier, such as from Irrigation Department etc. which are not only inconsistent but serious objections has been raised against them on behalf of the applicants also. In order to finally set at rest, the position with regard to river floodplain at the site, we think it proper to issue following directions.

- 1. The Director, Namami Gange shall have a joint inspection, along with nominees of National Institute of Hydrology be conducted and submit a report within four weeks from today.*
- 2. The Director, Namami Gange, as well as, the Director General, National Institute of Hydrology, Roorkee shall nominate officials, concerning with the subject, who after visiting*

the site they should file a report with regard to floodplain within the timeline, mentioned above. The report should clearly reflect the demarcation of river floodplain in Agra and the construction in it.”

In pursuance of the said order a Joint Inspection Team was constituted by NMCG on 25.03.2019. The said team consisted of representatives from National Mission for Clean Ganga (NMCG), National Institute of Hydrology-Roorkee (NIH), Central Water Commission (CWC), Irrigation & Water Resource Department-UP and Agra Development Authority.

After having inspected the site as well as on perusal of the relevant records, the Team had submitted its report to the Tribunal on 09.05.2019. The Joint Inspection Team had made several observations but as the primary concern in the case is with regard to the demarcation of flood plain of river Yamuna in the City of Agra, we consider appropriate to refer only the findings in respect of marking of flood line, which as under:

“Two distinct approaches were utilized while marking the flood line corresponding to flood of 2010. First, the flood of 2010 having discharge 6063 cumecs (WL= 152.52 m at Poiya Ghat) was used to locate the water levels upstream and downstream of Poiya Ghat by adopting a slope of

water surface. As per information provided by Irrigation Department of Uttar Pradesh a total of 101 pillars (47 upstream of Poiya Ghat and 54 downstream of Poiya Ghat) including marking at some places has been established on right bank of river Yamuna (**Annexure-3**). The same information has already been submitted to Hon'ble NGT vide Registrar General's report dated 15.10.2016. However, the river on its right bank is also flanked by number of drains meeting the river and the flood line should have rotating around these drains. This aspect could not be properly captured through these 101 pillars/marking and therefore, the inundation as captured by satellite imageries corresponding to 2010 flood was used to mark the flood line based on report dated 17.02.2017 submitted before Hon'ble NGT, wherein 620 points were provided to densely plot the flood line. The inundation line captures all the ground features and the pillar position thus reflects flood line with reasonable accuracy along the right the right bank of river Yamuna. Irrigation Department has submitted that 620 pillars have been established on ground based on the above said report dated 17.02.2017. The list of these 620 pillars has been provided in **Annexure-3**.

During field visit it was seen that area along flood plain has changed considerably due to construction activity and some of the drains have been filled up due to human activity. The flood plain area at many of places has been significantly filled up. The location of any point on earth can be identified by specifying its x and y coordinates (Northing and Easting or latitude and longitude). While the elevation of this point, z, can be specified by measuring its elevation above any reference level. This elevation is dynamic and continuous to change due to large number of reasons including human intervention, natural processes like erosion and deposition. However, the location as specified by latitude and longitude remains fixed for all times to come and can be always traced by appropriate survey methods.

Accordingly, the pillars have been identified using the inundation as occurred during 2010 flood and their location has been well documented and submitted to Hon'ble NGT, vide report dated 17.02.2017. These pillars have accordingly been retraced and marked on the map for marking the flood line irrespective of the fact that actual ground conditions have changed significantly at many places. This flood line corresponding at these pillars

was therefore adopted as flood line for demarcation of extent of floodplain.”

In view of the report received from the Joint Inspection Team which was constituted of the aforesaid various authorities including the Agra Development Authority, we are of the considered opinion that as the question of demarcation of flood plain has been done, the question which now remains is with regard to implementation/execution of the aforesaid report given by experts. Thus, the exercise of clearing the flood plain of river Yamuna at Agra be done by the Agra Development Authority, after giving opportunity of hearing to all concern, by ensuring that all encroachments are cleared. The said exercise should be done by Agra Development Authority, in accordance to law by 31.03.2020. Thereafter a report be sent to the Tribunal.

It is made clear that Agra Development Authority shall immediately take up the matter and commence the exercise for implementation of the report given by the NMCG and other authorities without any further delay, in no case later than 15.09.2019.

A copy of this order be sent to the Principal Secretary to the Hon'ble Chief Minister, UP, Special Secretary, Housing and Urban Development and Vice-Chairman of Agra Development Authority, through email, forthwith.

Accordingly, Original Application No. 145 of 2015 is disposed of, with no order as to cost.

M.A. Nos. 1259/2016, 1166/2017, 1170/2017 & 586/2018

These miscellaneous applications do not survive for consideration as the main application itself stands disposed of.

Accordingly, M.A. Nos. 1259/2016, 1166/2017, 1170/2017 & 586/2018 stand disposed of.

Justice Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

September 04, 2019
JG




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**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

.....

ORIGINAL APPLICATION NO. 200 OF 2014

(C.WRIT PETITION No. 3727/1985)

(M.A. No. 594/2017 & 598/2017)

IN THE MATTER OF:

M.C. Mehta

.....Applicant

Versus

Union of India

.....Respondents

AND

ORIGINAL APPLICATION NO. 501 OF 2014

(M.A. No. 404 of 2015)

Anil Kumar Singhal

.....Applicant

Versus

Union of India & Ors.

.....Respondents

AND

ORIGINAL APPLICATION NO. 146 OF 2015

Society for Protection of Environment &
Biodiversity & Anr.

.....Applicant

Versus

Union of India & Ors.

.....Respondents

AND

APPEAL NO. 63 OF 2015

Confederation of Delhi Industries & CEPT Societies
(An Organisation of CETP Societies)

.....Applicant

Versus

D.P.C.C. & Ors.

.....Respondents


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"

permission from CGWA. The CGWA should also regulate extraction of groundwater for agriculture and other purposes as per State policy. The permission shall be granted subject to such terms and conditions as may be necessary for the purpose of preventing and controlling the pollution on the one hand and ensuring maintenance of depletion in the groundwater projects as well as ensuring measures for recharging of the groundwater levels.

4. We direct the CGWA to carry out the study and notify the areas in Segment-B of Phase-1 which are Overexploited, Critical, Semi-critical and Safe zone. There shall be complete prohibition on extraction of groundwater in the critical areas. Further, in relation to other two areas, the CGWA shall also publicize the fundamental conditions subject to which the extraction of groundwater would be permitted and the extent thereof and if necessary would require people to fix the flow meters who are using the borewell or tube-well for extraction of the groundwater.

DEMARCATON OF FLOOD PLAINS AND CONNECTED DIRECTONS

182.3 We pass the following directions for compliance:

- i) We direct and constitute a Special Committee

consisting of representatives from MoWR, Senior Officer from Department of Irrigation, State of Uttar Pradesh, Revenue Department of Uttar Pradesh and Central Water Commission which shall identify and demarcate the floodplains of river Ganga in Segment B of Phase-I on one in twenty five years cycle.

ii) Till the said identification and demarcation of floodplain is completed, we direct that 100 meters from the edge of the river would be designated as no development/construction zone in Segment B of Phase-I i.e. Haridwar to Unnao, Kanpur.

iii) The Special Committee would also identify no development/construction zone, regulatory zone and the activities that can be/cannot be carried on in the regulatory zone of the floodplain.

iv) There shall be a complete prohibition on disposing of MSW, E-waste or bio-medical waste on the floodplain or in river Ganga or its tributaries falling in Segment B of Phase-I.

v) As directed in our order dated 11th April, 2017, for each default, the defaulter would be liable to pay Environmental Compensation of Rs. 50,000/- per default for such dumping and/or throwing the

all stakeholders will work in tandem and extend full cooperation to each other to implement this judgement. They shall make a concerted effort to achieve the object of this national project of cleaning and rejuvenation of river Ganga and its tributaries. There is no scope for waiting any further. Stakeholders have to take both effective and remedial measures to restore the pristine nature of the holy river Ganga and its tributaries, now, atleast.

186. Ergo we dispose of the above applications and appeal to the limited extent with the directions and orders as aforesaid, while leaving the respective parties to bear their own costs.

Swatanter Kumar
Chairperson

Jawad Rahim
Judicial Member

Raghuvendra S. Rathore
Judicial Member

Bikram Singh Sajwan
Expert Member

Ajay A Deshpande
Expert Member

Nagin Nanda
Expert Member

New Delhi
13th July, 2017



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RIVER FRONT FARM OWNERS ASSOCIATION, NOIDA
Green Beauty Farms, Near Old Club, Sector 135, Noida – 201304
(M) – 9999396394

sumit.mehta2627@gmail.com; riverfrontassociation1@gmail.com

Dated : 05.12.2022

To,

1. The Chief Minister,
Lok Bhawan, Lucknow,
Uttar Pradesh
cmup@nic.in
2. State of Uttar Pradesh,
Through chief secretary,
101, 'B' Block, Lok Bhawan,
U.P. Secretariat, Lucknow – 226001
csup@nic.in
3. New Okhla Industrial Development Authority,
Administrative Complex Sector 6,
Noida - 201301, District Gautam Budh Nagar,
Uttar Pradesh, India
noida@noidaauthorityonline.com
chairman@noidaauthorityonline.com

INDEX

S. No.	Particulars	Page No.
1	<p>Subject: - Representation / Opposition by River Front Farm Owners Association, Noida on the Noida Master Plan - 2031 (Draft), whereby the area between River Yamuna and Bandh Road is proposed to be developed as River front area for recreational activities; and reject / modify the Noida Master Plan - 2031 (if already approved) appropriately & consequent proceedings thereupon, in accordance with the relevant provisions of law.</p> <p>In Re: Representation for seeking regularisation of structures / developments carried out by owners in the land falling in the area between Yamuna River and Bandh Road i.e the entire belt from Sector 135 to 150; and for considering and formulating a positive action plan to regulate the farm houses / land in a rationale manner with a</p>	1- 11


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	balanced approach, etc.	
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NOIDA

DATED : 05.12.2022

Sumit Mehta S/o Sh. Harish Mehta
r/o Green Beauty Farms,
Near Old Club, Sector 135,
Noida – 201304
(M) – 9999396394
sumit.mehta2627@gmail.com;
riverfrontassociation1@gmail.com
RIVER FRONT FARM
OWNERS ASSOCIATION
NOIDA

RIVER FRONT FARM OWNERS ASSOCIATION, NOIDA
Green Beauty Farms, Near Old Club, Sector 135, Noida – 201304
(M) – 9999396394

sumit.mehta2627@gmail.com; riverfrontassociation1@gmail.com

Dated : 05.12.2022

To,

1. The Chief Minister,
Lok Bhawan, Lucknow,
Uttar Pradesh
cmup@nic.in
2. State of Uttar Pradesh,
Through chief secretary,
101, 'B' Block, Lok Bhawan,
U.P. Secretariat, Lucknow – 226001
csup@nic.in
3. New Okhla Industrial Development Authority,
Administrative Complex Sector 6,
Noida - 201301, District. Gautam Budh Nagar,
Uttar Pradesh, India
noida@noidaauthorityonline.com
chairman@noidaauthorityonline.com

Subject: - Representation / Opposition by River Front Farm Owners Association, Noida on the Noida Master Plan - 2031 (Draft), whereby area between the River Yamuna and Bandh Road is proposed to be developed as River front area for recreational activities; and reject / modify the Noida Master Plan - 2031 (if already approved) appropriately & consequent proceedings thereupon, in accordance with the relevant provisions of law.

In Re: Representation for seeking regularisation of structures / developments carried out by owners in the land falling in the area between Yamuna River and Bandh Road i.e the entire belt from Sector 135 to 150; and for considering and formulating a positive action plan to regulate the farm houses / land in a rationale manner with a balanced approach, etc.

Sir,

1. The present representation is being submitted by 'River Front Farm Owners Association', espousing the cause of lakhs of residents and owners of farm lands / farm houses, falling in between the Yamuna River Bank and the constructed Bandh Road, (which is a huge area running into many hectares), and the entire land belongs to the respective owners thereof by way of registered title documents in their favour.
2. The distance between the River Bank and constructed Bandh Road, on an average is 5-6 Km. The area is very fertile and have a green coverage and is not an obstruction to the river stream, nor it is a flood plain area. The flood has never come in this region inspite of heavy rainfall and even during the time when river Yamuna flow above danger mark.
3. This entire belt, which starts from Sector 135 till Sector 150, is mainly cultivated or used as farm land activities by the respective farmers / owners of the respective piece of lands. This agricultural / farm land belongs to farmer and is not an unauthorised land. The farm owners have purchased the land from the individual farmers respectively by the way of registered documents. The land / area is neither a government property nor an acquired one.

4. The government is charging the revenue on the circle rate of Rs 2.30 crore per hectare of land for farm land purposes and Rs. 1.30 crore for agricultural land purposes (which the farm owners have paid, and mutation thereupon has taken place or is in process). All registries of the land were done were on a minimum area of 1008 sq. yards as per the land norms.
5. Many dog shelters, cow sheds, poultry farming, fishery and relating activities are being carried out here. Most of the farms are used for farming, horticulture, plantation, poultry, animal husbandry, dairy farms, etc. which comes under agriculture/ farming. No concrete/ pucca construction, cement/ brick has been used. All these planning and farm activities and the development are being carried out for more than 2-3 decades, regarding which the authorities have full knowledge as they themselves were generating revenue and also that there was a tacit consent, as no objection whatsoever was ever raised. There also exist government Gaushala, temples and crematorium etc in the area.
6. The aforesaid area / land was never a part of the development in the Master Plan for Noida - 2021. However, now that the land is shown as proposed for River Front Development in the Noida Master Plan - 2031 (Draft).

7. Any such proposal by the government would be highly prejudicial to the rights of owners of the said area. It is thus earnestly urged before the authority & the government to consider the following submissions :-

- i. At the very outset it may be pointed out that the farm owners themselves are law abiding and respectable citizens and include various high dignitaries like Judges/ Former Judges, Former CEOs of NOIDA Authority itself, Lawyers, Senior Advocates, IAS officials, IPS officials, Serving/ Retired Police Officials, Journalists, Other Bureaucrats amongst other Middle Class Salaried and Professionals etc. These individuals are/ were themselves law enforcers, and they would always be abiding law. Thus, there is no occasion for any state aggression against them at any point of time. They are contributing after their retirement to the social causes including farming activities etc for the upliftment of villagers generating employment for them and are taking initiative to educate their children. It is their hard-earned money and any destruction by the state would completely ruin them. It is a misconception of the state that the area is encroached and under any land mafia. Each of the farm owner is holding the registered document in their favour and they are very much

available at their respective properties. The process be made smooth and participative and rationale in nature. These farmhouses are not in stray but are large in number. Thus, any action/ decision of the authority / government would impact masses and would result in the damage of multiple crores of rupees (which the authority itself claims in various print media reports).

- ii. There was demolition drive in the past, on the pretext that the area is in 'Flood plain zone', or that there is some breach of NGT guidelines etc. Regarding this, various batch of Writ Petitions were preferred in Allahabad High court; and those issues are now sub-judice.
- iii. Dehors these developments, the present representation is made independently on a larger issue that the area be regularised and for considering and formulating a positive action plan to regulate the farm houses / land in a rationale manner with a balanced approach.
- iv. The farm owners have purchased the land from the individual farmers respectively, by way of registered documents. The

land/ area is neither a government property, nor an acquired one. The government is charging revenue on the circle rate of Rs. 2.30 crore per hectare of land for farm land purposes and circle rate of Rs. 1.30 crore for agricultural land, which the farm owners have paid, and mutation thereupon has taken place or is in process. All registries of the land were done were on a minimum area of 1008 sq. yards as per the land norms.

- v. As per the survey carried out by the Authority, it has come out that there are more than 2500 – 3000 farms in the area. These farms have not come in a day.

- vi. The density of the population in the area is on the lower side and there is no harm being made to the ecology. These farms with temporary constructions have come as a savior to old age people and infant children, more particularly in corona time, when due to fresh air and good greenery being maintained, there is no causality occurring in the area. The farm owners are generating ecology friendly solar electricity thereby conserving ecology. These farms have also turned out to be eco friendly to birds and other Avians and there is their

constant inflow due to the greenery and organic earthly components.

- vii. None of the farm owners have raised any permanent constructions or more than permissible on the agricultural land. Every endeavor is made by each of them to develop and maintain greenery in the area and to keep ecological balance. All these farms are much away from the river bed. None of the drain is being poured in the river. Rather the owners are recycling the drainage or have created individual separate tanks / treatment plants, which is later used as a manure. The farm owners have been carrying on 'tree plantation drives', and successfully maintaining the entire area fertile, clean and recharging the ground water level periodically.

- viii. There is lot of peaceful and serene atmosphere in the area and a lot of public/ charitable services are provided therein like Free educational services to the villagers, free medical aid, free legal aid services, family counseling, rotary charitable activities and general upliftment of the villagers. The activities are pertaining to the development of the villagers/ community and for a noble cause. Each of the farm owner is nurturing a

family of his care taker and supporting their children in education. Many dog shelters, cow sheds, poultry farming and relating activities are being carried out. Most of the farms are used for farming, horticulture, plantation, poultry, animal husbandry, dairy farms, etc. which comes under agriculture/ farming.

- ix. All these planning and farm activities and the development are being carried out for more than 2-3 decades, regarding which the authorities have full knowledge as they themselves were generating revenue and also that there was a tacit consent, as no objection whatsoever was ever raised, in the entry of the material for the temporary sheds etc. in the area, although there had always been police pickets at different entry points and the survey/ patrolling also being carried out by different authorities, and is also required under revenue/ land laws.
- x. Farm owners have not carried out any permanent construction. Only temporary and removable structures are used on <10% of the land area. The majority of the area is maintained lush green and lakhs of rupees have been spent by the owners individually towards the plantation of a huge number of trees,

landscaping, organic farming making the entire area completely green and free from any pollution, full of grass with fruit bearing trees, crops, vegetables and other vegetation, which topography is dominant in each farm land, making it nature friendly not only for old, sick, young & families but also for the tourists. Temperature here is atleast 3 – 4 degrees less than from the main city. The action of Authority of reckless demolition would cause a huge pile of debris/ garbage/ waste material thereby causing irreversible pollution/ ecological imbalance and uprooting of plants, trees, flora and fauna of the area.

- xi. In view of huge number of farms already in existence, their demolition and displacement is not a viable solution, rather scheme for its regulation is required to be made by the authorities after carrying out intensive survey of the area, on payment/ levying of any regularisation charges, as may be fixed by the government; and such farms be permitted in consonance and in aid of recreational activities/ tourism, as a government – public partnership, with an appropriate modifications in the draft master plan of 2031.

In the given detailed background, you are requested

- i. To take on record, and deal with the present Representation / Opposition by River Front Farm Owners Association, Noida on the Noida Master Plan - 2031 (Draft), whereby the area between the River Yamuna and Bandh Road is proposed to be developed as River front area for recreational activities; and reject / modify the Noida Master Plan - 2031 (if already approved) appropriately & consequent proceedings thereupon, in accordance with the relevant provisions of law; and / or
- ii. To take on record, and deal with the present Representation for seeking regularisation of structures / developments carried out by owners in the land falling in the area between Yamuna River and Bandh Road i.e the entire belt from Sector 135 to 150; and for considering and formulating a positive action plan to regulate the farm houses / land in a rationale manner with a balanced approach; and / or
- iii. To make the residents/ farm owners participative in the process and to give them personal hearing and reasonable opportunity before taking a final view and action in the matter, so as to evolve a picture which may be rationale and beneficial to both state and its subjects; and / or

- iv. To carry out a joint survey of the entire area in consultation / participation with the farm owners with a view to demarcate, map the entire area and identify the khasra numbers and villages; and the area falling under active flood plain area/ High Flood Level; and / or
- v. To consider the development of another Band Road along - side the stream of River Yamuna or any other viable solution as may be deemed fit.

Thanking you,

Yours Sincerely,

NOIDA
DATED : 05.12.2022

Sumit Mehta S/o Sh. Harish Mehta
r/o Green Beauty Farms,
Near Old Club, Sector 135,
Noida – 201304
(M) – 9999396394
sumit.mehta2627@gmail.com;
riverfrontassociation1@gmail.com
RIVER FRONT FARM
OWNERS ASSOCIATION
NOIDA



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Acknowledgement

Received one letter from Ms./Mr./Sh./Smt./ Sumit
 Regarding- Sub- Representation /Opposition by River front farm Owners
 Association Master Plan- 2031 (Draft) Noida(CEO)
 On Date 06-December -2022
 No-47-06-12-2022 New Okhla Industrial Development Authority

Deposition of Rep /Oppsn By RIVER FRONT FARM
 OWNER ASSOCIATION AT NOIDA ON
 06/12/2021

Acknowledgement

Received one letter from Ms./Mr./Sh./Smt./ Sumit
 Regarding- Sub- Representation /Opposition by River front farm Owners
 Association Master Plan- 2031 (Draft) Noida(Chairman)
 On Date 06-December -2022
 No-48-06-12-2022 New Okhla Industrial Development Authority


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A TRUE COPY OF REPRESENTATION DATED 15.03.2023

RIVER FRONT FARM OWNERS ASSOCIATION, NOIDA

Green Beauty Farms, Near Old Club, Sector 135, Noida-201304
(Mobile - 9999396394) (Email : sumit.mehta2627@gmail.com;
riverfrontassociation1@gmail.com)

Dated : 15th March, 2023

To,

The Chief Secretary of Uttar Pradesh,
The Member of Legislative Assembly (Dadri),
The Member of parliament (Gautam Budh Nagar),
The Chief Minister of Uttar Pradesh,
The Infrastructure & Industrial Development Minister of Uttar Pradesh,
The Prime Minister of India,
The Honourable President of India,
The Honourable Chief Justice of India,

Subject: Application cum representation for provision of basic amenities / facilities under Article 21 of the constitution of India to approximately 3,000 farm owners, their families & agriculture / domestic staff living in different villages viz "Chak Mangrola", "Nagla Nagli", "Dostpur Mangroli" etc, near Sector 135 in Noida, Uttar Pradesh and for regularising the area.

Dear Sirs,

We wish to state that we are farm & farm-house owners living in various villages, viz, "Chak Mangrola", "Nagla Nagli", "Dostpur Mangroli" etc, near Sector 135, Noida. The total count of farms in this area, is approximately 3,000. The total population including farm owners, their families & agricultural / domestic help is approximately 20,000-25,000. We have been residing here for a long time; however, we have been deprived of basic amenities like water, electricity, roads, sewerage, police security, health facilities, street lights, internet broadband, etc. Please note that Government of Uttar Pradesh has to provide us amenities / facilities under article 21 of the constitution.

We have contacted the responsible offices under state Government of Uttar Pradesh viz Noida Authority, DM-Gautam Budh Nagar etc. many times for the provision of basic amenities, but no help was forthcoming; not a single penny has been spent on this by these offices. The response(s) that we received was



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that our 'area falls in the floodplains of Yamuna River'. We would like to emphasise that **this is a misconception**. There hasn't been a single flood in this area anytime experienced by oldest living people here. Moreover, there are prevailing laws / notifications which prove / justify that our farms do not fall in flood plains.

Your officers have also stated that our farm houses are illegal as these are located in an area notified under the NOIDA Master Plan. In this context it is highlighted that Noida master Plans haven't been approved by NCR Planning Board and are implemented by Noida Authority in violation of NCRPB Act-1985.

We request you to kindly go through our para-wise detailed justification for the above:

1. **Our farm houses don't fall in floodplains:**

a. **Uttar Pradesh Govt has not notified any policy for river flood zone demarcation and permitted activities in different zones:** Vide a model draft policy Bill (1975) for flood zoning of rivers, Govt of India (GOI) had advised all states to make their own policy / law to regulate the identification & demarcation of Flood Plain zoning and permitted activities in different zones. Vide a written reply in Rajya Sabha on 14th March 2022, the Hon'ble Minister of State for Jal Shakti, Shri Bishweswar Tudu, had stated, "we would really appreciate if demarcation, delineation and notification of river flood plains in Delhi NCR is initiated ASAP as first case for flood plain demarcation in urban area". Ministry of Jal Shakti, GOI had advised all States, including Uttar Pradesh, to make such a policy. National Mission for Clean Ganga (NMCG) has also, time to time, advised all states in the basin of Ganga & its tributaries to complete this action, in adherence to the River Ganga (Rejuvenation, Protection and Management) Authorities Notification, dtd. 7th October, 2016 (Link https://nmcg.nic.in/writereaddata/fileupload/47_AuthorityNotification.pdf). Uttar Pradesh Govt has not notified any policy for river flood zone demarcation and permitted activities in different zones which is evident in point number 1 of an RTI reply by NOIDA Authority. RTI Reply enclosed as Annexure-1.

In view of the absence of any policy for flood zoning, it would be grossly unfair to treat our farm houses as being located in flood plains.

b. **The area of our farms has not been surveyed by Government for active flood zoning according to the notification of National Mission for clean Ganga (NMCG-2016):** Refer the Ministry of Water Resources, River Development and Ganga Rejuvenation Notification dated 7th October 2016 quoted above (Link https://nmcg.nic.in/writereaddata/fileupload/47_AuthorityNotification.pdf). This notification applies to river Ganga & all its tributaries including Yamuna and suppresses / supersedes all earlier notifications / laws in this regard. Clause 6.3 of this notification reads : *“No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries: Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee: Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.*

Thus, it is abundantly clear in the above notification that: (i) Apart from in the river or on it's banks, construction is not allowed specifically in the **Active Flood Plain** of the river. (ii) In case of any construction completed, before the commencement of the above notification, **the NMCG shall review such constructions** so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.

Additionally, in an RTI reply by the NMCG, it has been clarified that the identification of active flood plains (where construction is prohibited), has to be identified and demarcated by the respective State Govts based on one in 25 years cycle of High Flood Level (HFL). Till such time the said identification is not done, **100 meters from the edge of the river will be designated as 'no development / construction zone'**. Furthermore, in the same RTI, the **State NMCG had confirmed that the exercise of**

identification and demarcation of the Active Flood Plain had not yet been carried out. The RTI reply is enclosed as Annexure-2.

It is also relevant to mention a direction passed by the NGT in para 182.3 (ii) of its 13.07.2017 judgment in the matter of *M.C. Mehta Vs. Union Of India OA No. 200 of 2014*, that where no identification and demarcation of floodplains has been done, a **distance of 100 meters from the edge of the river would be designated as no development / construction zone.**

It is also relevant that Guidelines issued by Ministry of Environment, Forest and Climate Change, GOI, dated 14.02.2022 for siting of industries in close proximity to a river expressly prohibit such siting within 500 meters distance from the flood plains. A conjoint reading of the NGT order dated 13.12.2016 and the guidelines dated 14.02.2022 would reveal that **even with respect to the setting up of industries, the same is permissible if it is at a distance of at least 600 meters from the riverbed.**

In view of the above definitions of active flood plains / No development zone Our farm houses don't fall in the limits of active flood zone / No development zone; as our farm houses are situated at a minimum distance of 500m from the river edge, extending up to a couple of kms; thus, in view of the above they **definitely do not fall in active flood plains.**

2. Our Farm Houses don't fall in the area notified by Noida Authority under Noida Master Plan 2021 & 2031 as it has not been approved by NCR Planning Board

a. It has also been stated by your officers that our farm houses are illegal as these are located in an area notified under the Master Plan 2031 of Noida. We want to bring to your notice that Comptroller & Auditor General (CAG) has declared that Noida Master Plan 2021 & 2031 were illegally implemented by Noida Authority without getting approval from NCR Planning Board. The audit by CAG was done for a period 2005-2018. Please read the audit report at link https://cag.gov.in/uploads/download_audit_report/2021/7.%20Chapter-2%20Planning-061bc91243c6db5.35700217.pdf

b. Furthermore, in a judgement dated 21st October, 2011, in WRIT - C No - 37443 of 2011, Petitioners : Gajraj And Others, Respondent : State Of UP And Others, **Allahabad High court quashed the Greater Noida Master**

Plan 2021 on the grounds that it was not approved by NCR Planning Board. Link to the judgement: <https://indiankanoon.org/doc/195081303/>)

c. The Hon'ble Supreme Court in its judgment 6 (31 March 1994) observed that the overriding effect of the NCR Planning Board Act 1985 by virtue of Section 27 and total prohibition of any activity of development in violation of the finally published Regional Plan (RP) by NCRPB provided in Section 29 of the Act **is sufficient to indicate that any claim inconsistent with the finally published RP in the area cannot be sustained on any ground.**

d. The Hon'ble Allahabad High Court in its judgement 7 of 01 October 1996 stated that one stipulation is inescapable that unless the NCRPB gives the green signal nothing can go ahead. The obvious implication of this is that at every stage in reference to the plans, aforesaid, each constituent State, as part of the NCR Plan, has to keep close consultation with the federal agency which is the Board (NCRPB).

e. The Hon'ble Allahabad High Court, in its judgement 1998, elaborated that land uses cannot be changed except with the tacit permission and close scrutiny of the NCRPB. Whatever development is permissible must be strictly monitored under the NCR Plan Act, 1985 by the authorities named and constituted under it.

In view of the above, it will be grossly unfair to treat our farm houses as illegal since Noida Authority has implemented the Master Plans without approval of NCRPB. We request Noida Authority to amend the master plans and incorporate the area of our farm houses in an amicable manner and get it duly approved.

3. Our Farmhouses are built on our own land with legal rights:

a. We have obtained full legal rights of farm house lands vide registered sale deeds with the Sub Registrar of Gautum Budh Nagar. Whereas the circle rate for **undeveloped agricultural** land in the area had been fixed by the Registrar at the far lower rate of **Rs 1,23,42,000/-** per hectare, the registration charges for our farmlands were at the circle rate of **Rs 2,30,00,000/- per hectare for 'developed fenced farmland with gate and road access'**.

b. By virtue of this registration, we are full and undisputed owners in possession of the property described as “developed and fenced farmland with road access”.

c. It is submitted that the structures raised by us are in due compliance of the applicable regulations for such use of the land and the farm owners have been using the land in accordance with the prescribed land use after paying the appropriate registration charges.

4. Our farm houses are temporary constructions with abundant of area kept open for farming :

a. The nature of the land belonging to our farm houses is developed fenced farmland with gate and road access and a temporary construction with an abundance of land kept open for farming. It is further relevant to mention that the construction raised by us are temporary in nature.

5. Noida Authority and other Govt agencies have also raised permanent construction in the same area :

a. Noida Authority has constructed permanent structures for a Gaushala and Cremation place in the same location. In addition, there are many temples made of brick and concrete. It is learnt that the ‘Beri Wala Temple’ has been in existence for over 100 years. Whilst all such structures are in contravention of the extant rule position, in that they are ‘Permanent’ in nature, we the farm owners have no grouse against them as they serve the Society in a positive way.

b. Central / State Govts have carried out permanent developments near the Yamuna river. Akshardham, Common Wealth Village and many other buildings have come up in similar ‘Flood Plain’ areas. Recently, a large tract of land was reclaimed by the Indian Air Force in the same area and ‘Permanent’ structures of brick and cement have been built on it.

6. Farm owners are involved in legitimate activities with zero carbon foot print and maintaining the eco system of the river Yamuna :

a. We are modern, educated and progressive farmers committed to the development and promotion of sustainable environment friendly practices and committed to adopting environmentally friendly practices that help preserve and sustain the bio-diversity of the surrounding ecology. Farm owners have been engaged in farming and living practices that minimize the carbon and water foot-print of human habitation and cultivation. We have been launching regular tree plantation drives and promoting water harvesting and waste recycling and green waste disposal methods in the premises and the vicinity of this area. The practices being undertaken by us are vital to sustain the eco-system in ways that are essential to preserve the rich bio-diversity of the green area.

b. Whereas urban sewer disposal is being done by Noida Authority in the river Yamuna, our farm houses have established our own sewage treatment plants & create no pollution to the environment and river. We are involved in launching the Yamuna rejuvenation and cleaning works in this area.

c. Farm owners are using solar energy for their needs. It is estimated that approx. 5,000 kw of electricity is generated from solar in this area. Approx. 10 million plants and trees have been planted by farm owners within their land and in common areas, which provide a healthy 'green lung' to the urban area of Noida. The farmhouse owners are committed to leave zero carbon foot print. The area is maintained lush green, tree plantation drives are carried out annually, dairy & fish farming is encouraged, residents produce their own compost, thereby reducing waste, we organise door-to-door kitchen and other waste collection centrally. Due to the eco-friendly environment being maintained, the place has become home to a large number of birds. The farm houses are well away from the river and no drains from our farms end up into it. We have created individual septic tanks and the contents are later used as a manure. There is no misuse or any illegal activity, and the area is peaceful and serene.

7. Farm houses are generating employment for poor people :

a. We provide employment to a huge number of poor; their children are looked after and some residents even impart free education, medical and legal aid to them. Domestic and agriculture help has given employment to many poor people. As a matter of fact, these farm houses have come as a saviour to old age people and infants, more particularly during the Corona pandemic, when due to fresh air and bountiful greenery being maintained, **there was no causality at all in the area.**

b. With all these activities, these villages have indeed become exemplary and should be considered as **'Ideal / Model' villages.** To be emulated by others. Unfortunately, however, instead of appreciation of the participative role of the residents in the ecology conservation goal of the government, unlawful force is being used against us, and we are being shown in a poor light. It is pertinent to mention here that there is no electricity connection provided by PVVNL in these farm houses and thus there is no scope for any misuse or any commercial activity. On the other hand, the farm owners are generating electricity the environment-friendly solar way.

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Summary of Application/Complaint: To summarise, the following are the major issues which need due deliberation and addressal by the Authorities :

- a. Authorities are not providing us basic amenities/ facilities under article 21 of Constitution.
- b. Our farm houses don't fall in flood plains : Refer Para 1 above.
- c. Our Farm Houses don't fall in the area notified by Noida Authority under Noida Master Plan 2021 & 2031 : Refer Para 2 above.
- d. Our Farmhouses are built on our own land with legal rights : Refer Para 3 above.

Prayer In view of the above we reiterate that our farmhouses are not illegal construction and do not violate the extant Rules / Laws of NMCG and other relevant Authorities on such construction. We request all the relevant authorities to provide us the basic amenities of Water, Electricity, Sewerage, etc, as we are law abiding citizens of India who are contributing generously to maintaining the environment through environment friendly practices and upholding a huge

Social responsibility by providing employment to a huge number of poor, and imparting free education, medical and legal aid.

We also request Noida Authority to amend the Master Plan of Noida as requested and provide facilities by implementing various taxes as required by law.

We further request Authorities to provide us a hearing to discuss on our grievance & on regularization of our area in an amicable manner.

Sincerely,



Sumit Mehta
(Mo: 9999396394)



Manoj Singh
(Mo: 8076083151)

For

River Front Farm Owners Association, Noida

Copy marked to (for information & necessary action)

1. District Magistrate, District Gautam Budh Nagar, Uttar Pradesh
2. The Chief Executive Officer, New Okhla Industrial Development Authority, Noida, Uttar Pradesh
3. The Chief Engineer. Noida zone, Paschimanchal Vidyut Vitran Nigam Limited
4. The Commissioner of police, District Gautam Budh Nagar, Uttar Pradesh
5. The Engineer in Chief & Head of Department, Irrigation and Water Resources Department, Government of Uttar Pradesh

Enclosed: Annexure-1 & 2



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Chief Justice's Court

Annexure 12 Colly

Case :- WRIT - C No. - 23221 of 2022

76

Petitioner :- Rajesh Aggarwal And 10 Others

**Respondent :- New Okhla Industrial Development Authority
And Another**

Counsel for Petitioner :- Ashutosh Tiwari, Devansh Misra

Counsel for Respondent :- CSC, Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Shri Kaushalendra Nath Singh, learned counsel for respondent-Development Authority prays for and is granted two weeks' time to file counter affidavit. One week thereafter is granted to the petitioner to file rejoinder affidavit.

2. Connect and list along with Writ-C No. 10021 of 2023.

3. Till the next date of listing, status quo as on date may be preserved.

Order Date :- 30.5.2023

Ravi Prakash

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, CJ.)


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Case :- WRIT - C No. - 10021 of 2023

Petitioner :- Ratna Mitra

Respondent :- New Okhla Industrial Development Authority And
2 Others

Counsel for Petitioner :- Pushkar Mehrotra

Counsel for Respondent :- A.S.G.I.,Ankur
Agarwal,Kaushalendra Nath Singh,Rajesh Tripathi

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Saumitra Dayal Singh,J.

Sri Ankur Agarwal, learned counsel appearing for the Development Authority and learned counsel appearing for respondent no. 2 pray for and are granted two weeks' time to file counter affidavit. Petition may have one week thereafter to file rejoinder affidavit.

List in the week commencing 2nd July, 2023.

Till the next date of listing, status quo as on date may be preserved.

Order Date :- 1.5.2023

Shiraz

(S.D. Singh, J.)

(Pritinker Diwaker, C.J.)

Case :- WRIT - C No. - 18584 of 2023

Petitioner :- Rahul Bhatt And Another

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Devansh Misra

Counsel for Respondent :- C.S.C.,Kaushlendra Nath Singh

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

Shri Kaushalendra Nath Singh, learned counsel for respondent-Development Authority prays for and is granted two weeks' time to file counter affidavit. One week thereafter is granted to the petitioners to file rejoinder affidavit.

Connect and list along with Writ-C No. 10021 of 2023.

Till the next date of listing, status quo, as on date, may be preserved.

Order Date:- 30.5.2023

CS/-

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, C.J.)

Case :- WRIT - C No. - 18544 of 2023

Petitioner :- Anu Mittal

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Devansh Misra, Shubhendu Mishra

Counsel for Respondent :- C.S.C., Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Shri Kaushalendra Nath Singh, learned counsel for respondent-Development Authority prays for and is granted two weeks' time to file counter affidavit. One week thereafter is granted to the petitioner to file rejoinder affidavit.

Connect and list along with Writ-C No. 10021 of 2023.

Till the next date of listing, status quo, as on date, may be preserved.

Order Date:- 30.5.2023

CS/-

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, C.J.)

Case :- WRIT - C No. - 18464 of 2023

Petitioner :- Kiran Kumar Chandrabhan And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Devansh Misra, Shubhendu Mishra

Counsel for Respondent :- C.S.C., Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Shri Kaushalendra Nath Singh, learned counsel for respondent-Development Authority prays for and is granted two weeks' time to file counter affidavit. One week thereafter is granted to the petitioners to file rejoinder affidavit.

Connect and list along with Writ-C No. 10021 of 2023.

Till the next date of listing, status quo, as on date, may be preserved.

Order Date:- 30.5.2023

CS/-

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, C.J.)

Case :- WRIT - C No. - 18496 of 2023

Petitioner :- Meena Negi And 7 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Sanjay Kumar Om, Praveen Kumar

Counsel for Respondent :- C.S.C, Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Shri Kaushalendra Nath Singh, learned counsel for respondent-Development Authority prays for and is granted two weeks' time to file counter affidavit. One week thereafter is granted to the petitioners to file rejoinder affidavit.

Connect and list along with Writ-C No. 10021 of 2023.

Till the next date of listing, status quo, as on date, may be preserved.

Order Date:- 30.5.2023

CS/-

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, C.J.)



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323



A TRUE COPY OF LEGAL NOTICE DATED 15.04.2023

Annexure 13

rajesh aggarwal <deekshalawfirm2017@gmail.com>

Notice / Letter dated 15.04.2023 to District Ganga Committe, Noida Authority and other Authorities

rajesh aggarwal <deekshalawfirm2017@gmail.com>

Sat, Apr 15, 2023 at 4:26 PM

To: admn.nmcg@nic.in, akashvashishtha.lawyer@gmail.com, ceo@noidaauthorityonline.com, noida@noidaauthorityonline.com, chairman@noidaauthorityonline.com, dmgbn@nic.in, cp-pol.gb@up.gov.in, csup@nic.in, cmup@nic.in, shafaque.alam@timesgroup.com, editorial@hindustantimes.com, "Dr. B. K. Dash" <drbkdash@gmail.com>, rajesh aggarwal <deekshalawfirm2017@gmail.com>

PFA Notice / Letter dated 15.04.2023 to District Ganga Committe, Noida Authority and other Authorities

SUBJECT: FARMHOUSES ON THE PLAINS OF YAMUNA NEAR SECTOR 135, NOID

IN RE: NEWS ITEM PUBLISHED IN TIMES OF INDIA DATED 23.03.2023 REGARDING REMOVAL OF ILLEGAL STRUCTURES AND NEWS ITEM PUBLISHED IN THE HINDUSTAN TIMES DATED 14.04.2023

--
THANKS AND REGARDS!

RAJESH AGGARWAL
ADVOCATE ON RECORD
SUPREME COURT OF INDIA,
T1/1501, SUPREME TOWERS,
SECTOR 99, NOIDA - 201303
9810179438



Letter to District Ganga Committee and others _compressed.pdf

6193K

TRUE COPY

**RAJESH AGGARWAL
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
T1/1501, SUPREME TOWERS,
SECTOR 99, NOIDA,
UTTAR PRADESH – 201303
(M) – 9810179438
EMAIL : deekshalawfirm2017@gmail.com**

Dated : 15.04.2023

To,

1. District Ganga Committee
Through its Chairman
Manish Kumar Verma
admn.nmcg@nic.in
2. Sh. Akash Vashishtha
Member, District Ganga Committee
akashvashishtha.lawyer@gmail.com
(M) - 097170 06866
3. CEO, Noida Development Authority
ceo@noidaauthorityonline.com
(noida@noidaauthorityonline.com
chairman@noidaauthorityonline.com
4. The District Magistrate,
dmgbn@nic.in
5. The Commissioner of Police
cp-pol.gb@up.gov.in
6. The State of UP
csup@nic.in
cmup@nic.in
7. Times of India
shafaque.alam@timesgroup.com



8. The Hindustan Times
editorial@hindustantimes.com

SUBJECT: FARMHOUSES ON THE PLAINS OF YAMUNA NEAR
SECTOR 135, NOIDA

IN RE: NEWS ITEM PUBLISHED IN TIMES OF INDIA DATED
23.03.2023 REGARDING REMOVAL OF ILLEGAL
STRUCTURES
AND NEWS ITEM PUBLISHED IN THE HINDUSTAN TIMES
DATED 14.04.2023

INDEX

S.NO.	DESCRIPTION	PAGE NO.
1	NOTICE / LETTER DATED 15.04.2023 BY RAJESH AGGARWAL, ADVOCATE ON RECORD, SUPREME COURT OF INDIA	1 - 12
2	Annexure 1 News report dated 23.03.2023	13
3	Annexure 2 News report dated 14.04.2023	14
4	Annexure 3 RTI reply dated 16.01.2023 from NMCG	15 - 21
5	Annexure 4 RTI reply dated 03.01.2023	22 - 23
6	Annexure 5 Letter dated 07.02.2023	24 - 27
7	Annexure 6 Representation dated 05.12.2022	28 - 42
8	Annexure 7 Representation dated 15.03.2023	43 - 56

9	Annexure 8 Letter dated 14.12.2022	57 - 61
10	Annexure 9 Relevant orders of the High court	62 - 77

Dated : 15.04.2023

RAJESH AGGARWAL
ADVOCATE ON RECORD
SUPREME COURT OF INDIA

**RAJESH AGGARWAL
ADVOCATE ON RECORD
SUPREME COURT OF INDIA
T1/1501, SUPREME TOWERS,
SECTOR 99, NOIDA,
UTTAR PRADESH – 201303
(M) – 9810179438**

EMAIL : deekshalawfirm2017@gmail.com

Dated : 15.04.2023

To,

1. District Ganga Committee
Through its Chairman
Manish Kumar Verma
admn.nmcg@nic.in
2. Sh. Akash Vashishtha
Member, District Ganga Committee
akashvashishtha.lawyer@gmail.com
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8. The Hindustan Times
editorial@hindustantimes.com

**SUBJECT: FARMHOUSES ON THE PLAINS OF YAMUNA NEAR
SECTOR 135, NOIDA**

**IN RE: NEWS ITEM PUBLISHED IN TIMES OF INDIA DATED
23.03.2023 REGARDING REMOVAL OF ILLEGAL
STRUCTURES
AND NEWS ITEM PUBLISHED IN THE HINDUSTAN
TIMES DATED 14.04.2023**

Sir,

In response to the afore-mentioned news reports dated 23.03.2023 (**Annexure 1**) and dated 14.04.2023 (**Annexure 2**) revealing some decisions being taken by District Ganga Committee & Noida Authority etc, regarding demolition of farm houses, with an endeavor to clean Yamuna and enhance Green cover, we have to state, as follows, particularly regarding the status of farm houses constructed near Sector 135, Noida :

1. It is a false claim of Noida Authority that the land is owned by it or is encroached. The entire belt, which starts from sector 135 till sector 150, is mainly cultivated or used for farm land activities by the respective farmers / owners of the respective piece of lands. This agricultural / farm land belongs to farmer and is not an unauthorized



land. The farm owners have purchased the land from the individual farmers respectively by way of registered documents. The land / area is neither a government property nor an acquired one or the river land. It is thus urged before you to make appropriate verification of records.

2. The government is charging the revenue on the circle rate of Rs 2.30 crore per hectare of land for farm land purposes and Rs 1.30 crore for agricultural land purposes (which the farm owners have paid, and mutation thereupon has taken place or is in process). All registries of the land were done on a minimum area of 1008 sq yards as per the land norms.
3. Many dog shelters, cow sheds, poultry farming, fishery and related activities are being carried out here. Most of the farms are used for farming, horticulture, plantation, poultry, animal husbandry, dairy farms etc which comes under agriculture / farming. No concrete / pucca construction, cement / brick has been used. Only temporary and removable structures are used on <10% of the land area. All these planning and farm activities and the development are being carried out for more than 2-3 decades regarding which the authorities have full knowledge as they themselves were generating revenue. There also exist government Gaushala, temples and crematorium etc in the area.



Every endeavor is made by the farm owners to develop and maintain greenery in the area and to keep ecological balance. None of the drain is being poured in the river. Rather the owners are recycling the drainage or have created individual separate tanks / treatment plants, which is later used as a manure. The farm owners have been carrying on 'tree plantation drives', and successfully maintaining the entire area fertile, clean and recharging the ground water level periodically.

4. These farm houses are 4 – 5 kms away from the river; and are no threat to the river ecology. The distance between the River Bank and constructed Bandh Road, on an average is 5 – 6 km. The area is very fertile and have a green coverage and is not an obstruction to the river stream, nor it is a flood plain area. The flood has never come in this region inspite of heavy rainfall and even during the time when river Yamuna flow above danger mark.
5. There was demolition drive in the past, on the pretext that the area is in 'Flood plain zone', or that there is some breach of NGT guidelines etc. It is a legal position that all NGT orders have now finally merged in "*River Ganga Rejuvenation, Protection and Management Authorities Order dated 07.10.2016*". Relevant Clause 6.3 of the notification reads as



“...No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the River Ganga, Bank of river Ganga or its tributaries or active flood plain area of River Ganga or its tributaries.

Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for clean Ganga acting through the State Ganga Committee and District Ganga Committee

Provided further that in case any such construction has been completed, before the commencement of this Order, in the river Bank of River Ganga or its tributaries or active flood plain area or river Ganga or its tributaries, the National Mission for clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in river Ganga or its tributaries, and if that be so, it shall cause for removing them..”.



6. We are in receipt of RTI reply dated 16.01.2023 from NMCG – National Mission for Clean Ganga (Copy enclosed as **Annexure 3**), whereby it is informed that

“...till the state government makes any identification and demarcation of the flood plain area of River Ganga or its Tributaries, 100 meters from the edge of the river would be designated as ‘No development / construction Zone’”

Further that *“...there is no information of any survey / review by NMCG carried out for identification of flood plain of River Yamuna and / or temporary or permanent structures falling within the active flood plain area”*

7. There is no survey carried out for the identification of “active flood plain area” or “flood plain area”. None of the farm houses are in the river bed or falling in ‘No development / construction zone’ or within 100 meters from the edge of the river.

8. We are in receipt of a further RTI reply dated 03.01.2023 (**Annexure 4**) from National Capital Region Planning Board, thereby informing that



“...Master Plan 2021 is only in force as on date and that there are some comments and suggestions on the Noida Master Plan 2031 (draft) made by NCRPB.”

9. In this regard a letter dated 07.02.2023 (**Annexure 5**) is thus written to Noida Authority by Dr. B.K. Dash & Company, Advocate, Supreme court of India, seeking identification of “Flood plain area”.

10. There are representations including the representation dated 05.12.2022 (**Annexure 6**) and dated 15.03.2023 (**Annexure 7**) made by ‘River Front Farm Owners Association, Noida’ pending before the State Government and other authorities for seeking regularization of structures / developments carried out by the owners in the land falling in the area between Yamuna River and Bandh Road i.e. the entire belt from sector 135 to 150; and for considering and formulating some positive action plan to regulate the farm houses / land in a rationale manner with a balanced approach; and to carry out a joint survey of the entire area in consultation / participation with the farm owners with a view to demarcate, map the entire area and identify the khasra numbers and villages; and earmark the area falling under “Active flood plain area / Flood plain area etc; and to consider the



development of another Band road along-side the stream of river Yamuna or any other viable solution as may be deemed fit.”

11. There is a letter dated 14.12.2022 (**Annexure 8**) written by Dr. B.K. Dash & Company, Advocate, Supreme court of India, informing that various high dignitaries including Ex CEO's of Noida Authority themselves have acquired / owned Farm houses in the area (in the name of their Family members / relatives). It was also informed in the said letter that matters of farm house demolitions are pending before the Hon'ble Allahabad High court, after the rejection of the objections of farm owners by the Noida Authority, in the various writ petitions including
- i. Writ petition © No. 17895/2022 (“Abhiram Singh and 20 others versus State of UP and 2 others”),
 - ii. Writ Petition © no. 17568/2022 (“Suchit Malhotra and 8 others versus State of UP and 2 others”),
 - iii. Writ Petition © no. 23221/2022 (“Rajesh Aggarwal and 10 others versus Noida Authority and another”)
 - iv. Writ Petition © no. 18017/2022 (“Data Ram and 6 others versus State of UP and 4 others”)



- v. Writ Petition © no. 17909/2022 (“Anand and 4 others versus State of UP and Another”)
- vi. Writ Petition © no. 17903/2022 (“Kali Charan @ Kali Charan Chauhan and 5 others versus State of UP and Another”)
- vii. Writ Petition © no. 17892/2022 (“Krishna Pal Singh versus State of UP and Another”)
- viii. Writ Petition © no. 17742/2022 (“Rajesh Jamnani & Another versus Noida Authority and 2 others”)
- ix. Writ Petition © no. 17711/2022 (“Kuldeep Sharma & Another versus State of UP and 2 Another”)
- x. Writ Petition © no. 17877/2022 (“Vijay Kher & Another versus State of UP and 2 others”)
- xi. Writ Petition © no. 17876/2022 (“Vipin Sharma versus State of UP and 2 others”)
- xii. Writ Petition © no. 17875/2022 (“Shradha Sinha versus State of UP and 2 others”)
- xiii. Writ Petition © no. 17710/2022 (“Akash Yadav and 4 others versus State of UP and Another”)
- xiv. Writ Petition © no. 17831/2022 (“Jaspreet Kaur and 6 others versus State of UP and 2 Others”)
- xv. Now that recently another Writ Petition © no. 10021/2023 (“Ratan Mitra vs NOIDA and 2 others”) is filed wherein Hon’ble Chief



Justice of Allahabad High court has issued notice for 01.05.2023.

All these batch of matters are under consideration and their status is “pending status”, and the whole issue is sub judice before the Hon’ble Allahabad High court. Noida Authority has been directed to file its counter affidavit and rejoinder thereafter is to be filed by the farm owners. The said counter affidavit is yet to be filed by the Authority. (Relevant orders of the High court are enclosed as **Annexure 9**.)

12. There is no verification of records made by you, nor any legal opinion was sought on the subject. A mindless step was taken without caring if your action is in accordance with law or not.
13. The arbitrariness is writ large on the face of it since, pick and choose policy is being adopted. Instead of starting any action from “Active flood area or river bed side”, all your actions were made in the area which is 4-5 kms away from the river.
14. The area is not “Flood plain area”, as it was never notified so, at any point of time. You have not taken care or examined various court orders passed on the subject from time to time, which are in favour of the farm owners; and which observed that the land in question is not



notified for any planned activity in the approved master plan of 2021; and further that certain developments are permissible in the area, which do not require any approval or consent from your authority.

15. Thus, the actions by the District Ganga Committee and Noida Authority are based on fallacious assumptions, without any empirical data or any concrete study. District Ganga Committee must hear us on the subject involved, and any decision taken against our back is a total misuse and abuse of powers vested in the statutory authority, violating the principle of natural justice and fair play.

16. You are thus requested to provide us personal hearing, in the light of submissions made herein above on the subject involved, and not to take law in your own hands; and await the verdict of Allahabad High court; and not to rush for sweeping demolitions by the use of force (much less the police force), as all of us are law abiding citizens, and would remove the structures ourselves, if declared illegal by the Hon'ble court. The Police is requested not to become party to the illegal actions of the authorities, and shall swing into action only when so directed / permitted by the Hon'ble court.

Thanking you,



Dated : 15.04.2023

Yours sincerely,


RAJESH AGGARWAL
ADVOCATE ON RECORD
SUPREME COURT OF INDIA

1. Annexure 1 - News report dated 23.03.2023
2. Annexure 2 - News report dated 14.04.2023
3. Annexure 3 - RTI reply dated 16.01.2023 from NMCG
4. Annexure 4 - RTI reply dated 03.01.2023
5. Annexure 5 - Letter dated 07.02.2023
6. Annexure 6 - Representation dated 05.12.2022
7. Annexure 7 - Representation dated 15.03.2023
8. Annexure 8 - Letter dated 14.12.2022
9. Annexure 9 - Relevant orders of the High court



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Ganga River Basin Management Plan Interim Report

September 2013

by

Consortium of 7 “Indian Institute of Technology”s (IITs)



IIT
Bombay



IIT
Delhi



IIT
Guwahati



IIT
Kanpur



IIT
Kharagpur



IIT
Madras



IIT
Roorkee

In Collaboration with



IIT
BHU



NIH



CIFRI



NEERI



JNU



PU



NIT-K



DU



ISI
Kolkata



Allahabad
University



WWF
India

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Glossary of Technical Terms

The following technical terms have been used in this document. They may be defined as follows (in a simplified manner where possible for ease of understanding):

- (a) “**Active Flood Plain**” is the area on the two sides of a river that gets inundated by a flood having a mean recurrence interval of 2.33 years.
- (b) “**Afforestation**” is the planting of trees to restore or re-establish forest cover.
- (c) “**Aviral Dhara**” or “**Continuous Flow**” (in a river or stream) means continuity of flow in both time and space, including connectivity of flow throughout the river.
- (d) “**Basin**” means the entire catchment (*of a water body or water course*) including the soil, water, vegetation and other natural resources in the area.
- (e) “**Catchment**” (or “**Drainage Basin**”) is the entire land area whose runoff from rain, snow or ice drains into a water body or a water course (before the water course joins another river or discharges into a water body.)
- (f) “**Connectivity**” (of a river) means continuity of flow in the three directions, viz. longitudinal connectivity (along the length of the river), lateral connectivity (across the width of river), and vertical connectivity (below the water surface in vertical direction).
- (g) “**Deforestation**” means removal or reduction of forest cover, especially when caused by anthropogenic activities.
- (h) “**Degraded Forest**” means a forest having loss or reduction of native forest cover and/or vegetation density.
- (i) “**Direct Injection**” (of water) means injection or introduction (of water) directly into subsurface waters through natural or artificial crevices, faults, channels or conduits without the natural passage through porous soil strata.
- (j) “**Ecological Park**” is a protected area for conservation of native, endangered species.
- (k) “**Ecology**” is the totality of relations between organisms and their environment. It includes the composition, distribution, amount, number and changing states of organisms within and among ecosystems.
- (l) “**Ecosystem**” is a community of organisms and their physical environment, considered to function together as a unit, and characterized by a flow of energy that leads to trophic (or nutritional) structure and material cycling.
- (m) “**E-Flows**” means Environmental Flows (*defined later*);
- (n) “**Embankment**” is a raised wall of earth, stone or other material to hold back water within a water body or water course; it includes levees constructed on either side of a river as a flood protection measure.
- (o) “**Engineered Diversion**” means a structure or device constructed or installed to transfer (part of) the river water into a canal or other engineering structure.
- (p) “**Environmental Flows**” are the regime of flows required to maintain the ecological integrity of a river and the goods and services provided by it, computed by Building Block Method (or other standard holistic methods).

Appendix II**Summaries of IIT_GRBMP Thematic Reports****001_GBP_IIT_GEN_DAT_01_Ver 1_Dec 2010****River Ganga at a Glance: Identification of Issues and Priority Actions for Restoration**

River Ganga's origin and subsequent course in the plains are described. The Ganga River System is reviewed in three distinct fluvial segments. The Upper Ganga Segment from Gaumukh to Haridwar is described and essential environmental actions needed are defined, especially with regard to the effect of hydropower projects and tourism on the river ecosystem. In the Middle Ganga Segment up to Varanasi, the chief environmental measures needed are found to be complete stoppage of discharge of industrial and domestic wastewaters (and hence their recycling), and the creation of a dolphin protection zone below Garmukhteswar. The Lower Ganga Segment up to Ganga Sagar needs similar pollution control measures as in Middle Ganga, besides detailed hydrological and geomorphological studies to deal with the high silt loads.

002_GBP_IIT_EQP_S&R_01_Ver 1_Dec 2010**Guidelines for the Preparation of Urban River Management Plan (URMP) for Class I Towns in Ganga River Basin**

Most Class I Towns of Ganga River Basin (GRB) are located near River Ganga or its tributaries, and their sewage, solid wastes, riverbank encroachments, etc. harm the rivers. Hence URMPs (Urban Renewal Management Plans) are needed for all Class I Towns of GRB over a 25-year planning horizon for wastewater management and riverbank protection. The URMPs, to be prepared immediately by individual towns, should include actionable items such as removal of encroachments and beautification of riverbanks, banning/ restriction of undesirable activities, sewage collection and diversion, pumping and treatment, and storage, transport and reuse of treated sewage and sludge. The URMPs should be implemented after approval by an expert committee of NGRBA, and funding for various work packages should be made available through NGRBA by different ministries. Unlike other city development plans the URMPs will be river-centric and not city-centric, thereby preventing adverse urban impacts on rivers.

003_GBP_IIT_EQP_S&R_02_Ver 1_Dec 2010**Sewage Treatment in Class I Towns: Recommendation and Guidelines**

Urban sewage is a major point source of pollution and also a source of recycled water. Adequate sewage treatment for reuse – either in centralized STPs (Sewage Treatment Plants) or small decentralized STPs – will minimize fresh water withdrawals. The costs, process quality, reliability, environmental factors, land requirements, etc. of different sewage treatment processes are compared. The treatment chain is considered in three stages – Preliminary Treatment, Primary and Secondary Treatment, and Tertiary Treatment.

Technological options for the second stage treatment are considered, and for eight different treatment processes the unit treatment costs and footprint area of treatment plant are derived. A decision matrix table of costs and different treatment parameters is presented. Technological options for sludge management, flow measurement, and bio-assay tests (of treated effluent) are explained. The importance of reusing the treated water, and thereby enabling zero liquid discharge from treatment plants into the environment, is emphasized.

004_GBP_IIT_EQP_S&R_03_Ver 1_Dec 2010

Guidelines for Implementation of Sewage Collection, Diversion, Pumping, Treatment, and Reuse (Sewage CDPTR) Infrastructure in Class I Towns

Currently, sewer networks and pumping facilities are absent or partial, treatment plants malfunctioning or inadequate, and sludge disposal improper. ULBs (Urban Local Bodies) responsible for operating these facilities have different concerns besides financial and other constraints. The Sewage CDPTR Infrastructure for all Class I Towns of Ganga River Basin (GRB) needed are: (i) complete stoppage of sewage discharge into rivers, (ii) sewage treatment up to tertiary level, and (iii) reuse of treated sewage water for non-contact/ non-potable purposes. Thus, all new Sewage Treatment Plants must treat up to tertiary level and existing plants upgraded to this level. All Sewage CDPTR Infrastructure should be funded by central and state governments and executed through private-public partnership adopting a DBFO (Design-Build-Finance-Operate) Model, wherein a ULB may contract a service provider for 5–15 years with annual payments against service rendered. Public monitoring of such facilities through independent NGOs, CSOs, etc. is required.

005_GBP_IIT_FGM_DAT_01_Ver 1_Dec 2010

Active Floodplain Mapping: Defining the River Space

The “valley” and “active floodplain” of a river defines the space that it occupies for performing its natural functions. “Floodplain” is an area that is inundated during flood. “Valley” is a wider topographic low occupied by the river and its floodplain over a longer time. Standard hydrological criteria of defining “active floodplain” is the 2.33 year return flood. Floodplain is ecologically most sensitive and supports a wide variety of vegetation and life forms; its complete preservation is one of the prime indicators of good river health.

Landsat 4-5 TM (30 m resolution), **IRS P6 AWIFS** (56 m), **SRTM** data were processed in Arc GIS to generate critical parameters for identifying floodplain and valley; and were validated by cross consultation of **MODIS** and **Google Earth** flood times images.

In a basin scale, active floodplain of Ganga River can be divided into four stretches:

- a. Hardiwar-Narora: As the river leaves its mountainous reaches it creates a wider (~ 28 km) floodplain that narrows (~10 km) downstream; reduces to ~5 km near the Narora barrage;
- b. Narora-Kanpur: Widens (~28 km) again after its confluence with Ramganga, reduces to ~15 km upstream of Kanpur and narrowest (~1 km) downstream of Kanpur.

Appendix III**THE NATIONAL RIVER GANGA BASIN MANAGEMENT BILL, 2013**

(An ACT to provide for Regulation, Conservation and Development of the National River Ganga Basin, and for the establishment of National River Ganga Basin Management Commission and National River Ganga Basin Tribunal for effective and expeditious disposal of matters affecting the River Basin with a view to restore and conserve the river basin and for matters connected therewith or incidental thereto)

WHEREAS, the river Ganga is declared as the National River of India on November 5, 2008 by the Government of India considering its unique position in Indian society and world's natural heritage.

AND WHEREAS, it shall be desirable to adopt an integrated river basin management approach that focuses on maintenance and restoration of wholesomeness of rivers of the Ganga Basin in public interest.

AND WHEREAS 'Wholesomeness' in this context shall mean sanctity of the river system as imbibed in the following points:

- a. Continuous Flow ("Aviral Dhara") in time and space including maintenance of connectivity of flow in the river systems.
- b. Un-polluted Flow ("Nirmal Dhara") meaning that quality of river waters is not significantly affected by human activities.
- c. Rivers as Geologic Entities that is, rivers as the earth's creations of ancient times (over geological ages), which may not be recoverable if damaged.
- d. Rivers as Ecological Entities that is, rivers as delicately structured ecological balance between various living species and the physical environment achieved over thousands of years and vulnerable to irreversible change.

AND WHEREAS 'Public Interest' in this context shall mean welfare or wellbeing of all beings including the future generations.

AND WHEREAS, to attain the wholesomeness, it is mandated to adopt preventive and corrective approach, the Act shall prohibit, restrict and promote activities that directly or indirectly affect the wholesomeness of all rivers in the National River Ganga Basin.

AND WHEREAS, the Act shall establish appropriate authorities to achieve the objectives of the Act and matters related thereto.

AND WHEREAS the Act shall be enacted to realize fundamental right guaranteed under Article 21 and to give effect to provisions of the Directive Principles of State Policy under

Articles 39(b), 48 A, 49 and the Fundamental Duties enshrine under Article 51A (f) and(g) of the Constitution of India.

AND WHEREAS, the Act shall be enacted by Parliament by invoking legislative power under Article 246 read with Entry 56 of the Union List of the Constitution of India.

CHAPTER I PRELIMINARY

1. Short Title, Extent and Commencement

- 1) The Act may be called The National River Ganga Basin Management Act, 2012.
- 2) It shall extend to the whole National River Ganga Basin.
- 3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States.

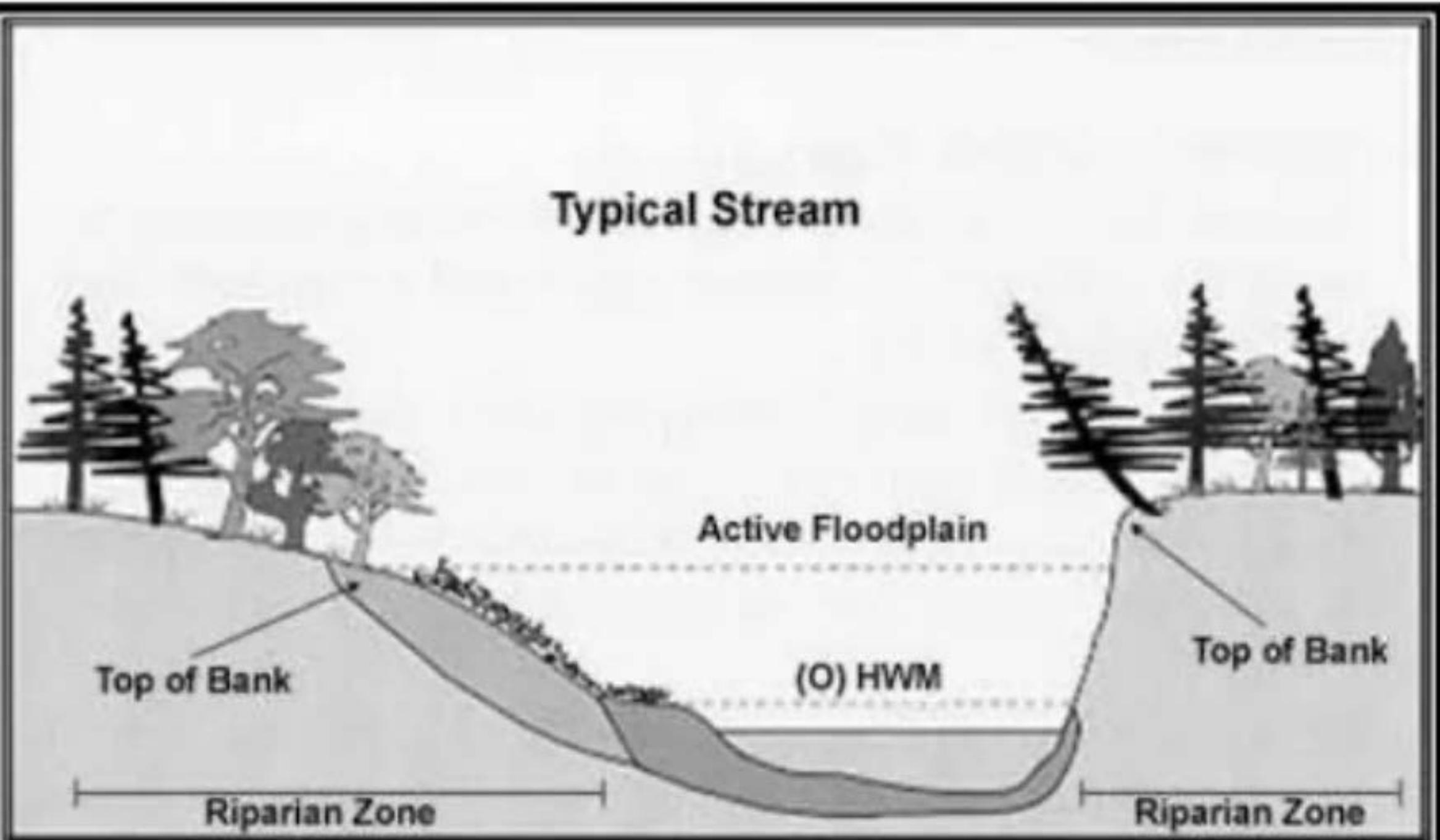
2. Definitions

In this Act, unless the context otherwise requires –

- 1) "Active Flood Plain" is the area on the two sides of a river that gets inundated by a flood having a mean recurrence interval of 2.33 years;
- 2) Afforestation means plantation of trees to restore or reestablish the forest cover;
- 3) Authority means any authority, board, corporation, council, department, institute, university or any other body corporate, established by or under any Central, State or Provincial Act in force in the territory of India and includes,
 - a. The Central Government,
 - b. The State Governments,
 - c. A Department of the Government,
 - d. Local authorities;
- 4) "Aviral Dhara" (in a river or stream) means continuity of flow in both time and space, including connectivity of flow throughout the river;
- 5) Basin includes land, water, vegetation and other natural resources on a catchment basis;
- 6) "Basin" means the entire catchment (of a water body or water course) including the soil, water, vegetation and other natural resources in the area;
- 7) "Catchment" (or "Catchment Area", or "Watershed", or "Drainage Basin") is the entire land area whose runoff from rain, snow or ice drains into a water body or a water course (before the water course joins another river or discharges into a water body);
- 8) Class I town means a town whose population is greater than 100,000;


TRUE COPY

ACTIVE FLOOD PLAIN





rajesh aggarwal <deekshalawfirm2017@gmail.com>

Representation letter by River front farm owners, noida

River Front Association <riverfrontassociation1@gmail.com>

Sun, Jul 30, 2023 at 6:20 PM

To: csup@nic.in, cmup@nic.in, ceo@noidaauthorityonline.com, chairman@noidaauthorityonline.com, dmgnb@nic.in, admn.nmcg@nic.in, sumit.mehta2627@gmail.com, River Front Association <riverfrontassociation1@gmail.com>, deekshalawfirm2017@gmail.com, manoj@synergyinfracon.com, "tony51aoc@rediffmail.com" <tony51aoc@rediffmail.com>

Please find attached Representation letter by River front farm owners, Noida for your kind perusal and necessary action / compliance.

Thanks and regards!

-sd-

Secretary / President

River front Farm Owners Association

**River front letter to DM etc .pdf**

506K

TRUE COPY

A copy of letter to the authorities seeking preservation of ecosystem and taking remedial measures by constructing / repairing embankment on the edge of the flowing river Yamuna or 100 mtrs therefrom parallel to the river; & reply thereupon.

RIVER FRONT FARM OWNERS ASSOCIATION, NOIDA
Green Beauty Farms, Near Old Club, Sector 135, Noida – 201304
(M) – 9999396394
sumit.mehta2627@gmail.com; riverfrontassociation1@gmail.com

Dated : 30.07.2023

To,

1. State of U.P. through its Principal Secretary, Industrial Development, Govt. of Uttar Pradesh, Lucknow.
csup@nic.in, cmup@nic.in
2. New Okhla Industrial Development Authority (Noida), through Its Chief Executive Officer, Administrative Complex Sector 6, Noida 201301, District Gautam Budha Nagar, Uttar Pradesh.
ceo@noidaauthorityonline.com,
chairman@noidaauthorityonline.com
3. District Magistrate, Gautam Budha Nagar, NOIDA Uttar Pradesh.
dmgbn@nic.in
4. National Mission for Clean Ganga
Department of Water Resources, River Development and Ganga Rejuvenation,
Ministry of Jalshakti, 1st floor, Major Dhyan Chand National Stadium, India Gate, New Delhi – 110002
Through its Director General
admn.nmeg@nic.in

Subject: Representation on behalf of residents and Farm House Owners of the villages (Chak Mangraula, Dostpur Mangrauli, Nangla Nangli, Asdullapur etc) in Pushta near Sector 135, Noida and adjoining areas for the compliance of NGT order of demarcation, and to take immediate preventive measures by constructing a bund road near the edge of the river i.e. 100 meters from the edge of the river Yamuna, so that the villages in question gets appropriately protected

Sir,


TRUE COPY

I furtherance to our physical meeting dated 28.07.2023 with the District Magistrate in his office at Surajpur Greater Noida, we are submitting the present representation, as was desired:

1. We request for immediate rectifying measures for the repair of river edge from where Yamuna water had overflowed in this unprecedented 2023 flood. This flood in particular was not the normal course of the flow of the river, and it was alleged to be a man - made disaster (regarding which separate enquiry is required), as water even flooded Red Fort, ITO, Lutyen Zone, Supreme court, Taj Mahal etc. Merely because water came to these places, they cannot be declared as flood plain areas in an arbitrary manner. A separate brief of why the flood should be considered a man - made disaster, is attached.
2. Vide a recent order dated 27.07.2023 passed by NGT, wherein we were the intervenors, the authorities i.e. (DM, Greater Noida/ Gautam Budh Nagar in particular) have been directed to ensure the identification demarcation of flood plain zone of River Yamuna and Hindon by referring to Notification dated 07.10.2016 on 'River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016.
3. The vide NGT earlier order dated 13.07.2017 passed in OA No. 200/2014, '*M.C. Mehta vs Union of India & Others*', and also that reply to RTI dated 04.01.2022 by your department, it is settled that till the said identification is completed, 100 meters from the edge of the river would be designated as '*no development / construction zone*'.
4. The farm houses in question in the villages Chak Mangraula, Dostpur Mangrauli, Nangla Nangli, Asdullapur etc, falling near Sector 135, Noida are at a much greater distance from the above stated '*no development / construction zone*'. It is not an obstruction to the river stream, nor it is a 'flood plain area'. The flood has never come in this region inspite of heavy rainfall or even during the time when river Yamuna flow above danger mark on several occasions. The area was inundated this time in the year 2023, that too because of the lapse of the authorities. This was on account of lack of measures like de-silting, cleaning / maintenance of barrage gates, creation of 'Bundhs' and checking for and repairing of breaches in existing 'Bundhs' near the edge of the river. The water did not breach on the other edge of the river because of preventive steps existing on that side which fall within the jurisdiction of Haryana.

5. It is not understandable as to why existing pushta was made 4-5 km away (which is a huge area running into many hectares) from the edge of the river. Displacing the villagers / residents of so many villages in this belt is not a viable solution. Instead, immediate protective measures are required to be taken to make a 'bund road', 100 meters from the edge of the flowing river Yamuna, so that river water may not spill / flow in the villages. In this regard, our earlier detailed representations / objections dated 05.12.2022, 07.02.2023, 15.03.2023, 15.04.2023 and 01.05.2023 are pending and may be dealt with favourably.
6. The constructions in the farm houses are removable and temporary. They are also in conformity with the norms of developments on an agricultural land. No concrete / pucca construction, cement / brick has been used. No columns or lanterns have been laid. The structures are purely temporary and removable in short notice, and that too in a minimal area of the land. Otherwise, the farm houses are largely comprising of a garden with a lot of trees and plantations. Such raising of temporary structures does not come within the definition of "*Building*", which may require any sanctioning of building plans etc. or any permission from the authority. The boundary walls are only fencing of wire mesh, to identify each of the farm house, and to protect the crops and plantations from any damage. Such a fencing also not require any permission from the authority. It may be pertinent to mention that the Registry of these farm houses has been carried out by your office, as '*Developed Farmlands*', at a much higher circle rate than an ordinary agricultural land.
7. These farm houses are predominantly open with a huge garden, trees and plantations etc., and with a temporary/wire mesh with a green cloth / wooden fencing, with a temporary shed covered with sheets, and temporary partitions (on an area less than 10% of the total area), temporary road, gates etc. which are removable in nature is permissible, and do not require any permission.
8. Both the master plan 2021 and master plan 2031 of the area are not approved. Relevant extract of CAG report in this regard passing strictures on the Authority observing that there is violation of SC Judgement dated 31.03.1994, 1994 SCC (4) 42, "*GDA vs Delhi Auto and General Finance Pvt Ltd*" and Allahabad HC judgements *Civil Misc. Petition no. 26737 of 1993* "*GDA vs Delhi Auto and General Finance Pvt Ltd*" of 01 October 1996, and 1998 dated 18.12.1998 in the *Civil Misc. Petition no. 13899 of 1998*, in as much as that they are not also not

in compliance to National Capital Region Planning Board Act, 1985, and that both the master plan of 2021 and 2031 are still at draft stage, and has many deficiencies, and are still unapproved by the competent authority is enclosed. Both the above two judgements of Allahabad High court, were referred and relied upon by the three Judges Bench of Allahabad High court in *Gajraj and others versus State of UP and others, decided on 21.10.2011 Writ C No. 37443 of 2011*. Our objections on the Master Plan 2031 are pending, wherein we have sought for regularization of the area.

9. That the Allahabad HC has permitted raising of temporary structures in its following orders, which are enclosed.
 - a) *Order dated 18.05.2012 passed by Allahabad High court in Writ – C. No. 24450 / 2012 in case titled ‘Ved Prakash Tyagi vs State of U.P. & Anr’.*
 - b) *Order dated 29.08.2013 passed by Allahabad High court dated in Writ – C. No. 44104 / 2013 in case titled ‘Dkrrish Builders Pvt Ltd and 49 others versus state of UP and 3 others’.*
 - c) *Order dated 29.04.2022 passed by Allahabad High court in Writ – C. No. 12478 / 2022 in case titled ‘Deepak Kori vs State of U.P. & 2 others’.*
10. These farm houses in the area have not come up in a day. These farms with temporary constructions have come as a savior to old age people and infant children, more particularly in corona time, when due to fresh air and good greenery being maintained, there is no causality occurring in the area. This itself suggests that the action of the government is totally uncalled for and without any legal basis. There is total abuse of power. Instead of making these farm owners to become participative in ecology conservation goal of the government, an unlawful force is being used against them, and they are being shown in a poor light. It is pertinent to mention here also the fact that there is no electricity connection in these farms and thus there is no scope or occasion for any misuse or any commercial activity in the area. Rather the farm owners are doing a further ecology friendly solar electricity generation thereby conserving ecology. These farms have also turned out to be eco - friendly to birds and other Avians and there is their constant inflow due to the greenery and organic earthly components. Every endeavor is made by each of them to develop and maintain greenery in the area and to keep ecological balance. All these

farms are much away from the river bed. None of the drain is being poured in the river. Rather the owners are recycling the drainage or have created individual separate tanks / treatment plants, which is later used as a manure. There is no misuse of any farmland by any illegal activity, and rather pollution is being curbed. There is lot of peaceful and serene atmosphere in the area and a lot of public/charitable services are provided therein like Free educational services to the villagers, free medical aid, free legal aid services, family counseling, rotary charitable activities and general upliftment of the villagers. The activities are pertaining to the development of the villagers/ community and for a noble cause. Each of the farm owner is nurturing a family of his care taker and supporting their children in education. Many dog shelters, cow sheds, poultry farming and relating activities are being carried out. Most of the farms are used for farming, horticulture, plantation, poultry, animal husbandry, dairy farms, etc. which comes under agriculture/ farming. The farm owners are very much aware and conscious of their responsibilities and duties, and thus a blatant demolition activity is violative to justice and rather illogical. The authority has recklessly demolished a number of farms containing costly/expensive items in the recent past, thereby causing huge damage to the properties of the law abiding/ tax paying citizens of the country. Appropriate action is required against the high handedness of the officials, under whose orders the demolition/mass destruction actions were carried out in an arbitrary manner. There may indeed be a requirement to curb air pollution, which is being caused by Cement, Rori plants and stone crushers installed in the area, on which the authority should focus and act upon in removing them, instead of victimizing the legitimate and legal owners of the farms.

11. Considering that various high dignitaries like judges/former judges, lawyers/ senior advocates, ex – CEO's of Noida Authority, IAS officials, journalists, other bureaucrats amongst other middle class salaries & professionals etc have developed these farmlands / farm houses. It is their hard-earned money, and it cannot be subjected to such a ruthless treatment of arbitrary demolition by the respondent authority.
12. In view of the foregoing, the following is requested on an urgent basis:
 - a. Compliance of NGT order of demarcation;

- b. Immediate preventive measures by constructing a bund road near the edge of the river i.e. 100 meters from the edge of the river, so that the villages in question gets appropriately protected;
 - c. Appropriate enquiry be also initiated for the lapses of the officials, which has resulted water to breach in the villages from the river Yamuna, this season in the year 2023.
13. You are requested to provide us some specific further date for a joint meeting for a valuable discussion and solution for the whole issue.

Thanking You,

30.07.2023

-sd-
Secretary / President
River Front Farm Owners Association

353



rajesh aggarwal <deekshalawfirm2017@gmail.com>

Reminder for demarcation of "Flood Plain Area" and "Active Flood Plain Area" etc

river front protection association <riverfrontprotection2023@gmail.com>

Fri, Sep 29, 2023 at 5:49 PM

To: csup@nic.in, cmup@nic.in, ceo@noidaauthorityonline.com, chairman@noidaauthorityonline.com, dmgbn@nic.in, admn.nmcg@nic.in, "deekshalawfirm2017@gmail.com" <deekshalawfirm2017@gmail.com>, riverfrontprotection2023@gmail.co

PFA the enclosed Reminder on the subject of Farm Houses in Yamuna Pusta, Sector 135, Noida for favourable action at your end.

Thanking You,

Rajesh Aggarwal
River Front Protection Association



River front Protection Association letter to DM etc .pdf

516K

RIVER FRONT PROTECTION ASSOCIATION, NOIDA
Alaska Farms, Sector 135, Noida – 201304
(M) – 9810179438
deekshalawfirm2017@gmail.com; riverfrontprotection2023@gmail.com

Dated : 29.09.2023

To,

1. State of U.P. through its Principal Secretary, Industrial Development, Govt. of Uttar Pradesh, Lucknow.
csup@nic.in, cmup@nic.in
2. New Okhla Industrial Development Authority (Noida), through Its Chief Executive Officer, Administrative Complex Sector 6, Noida 201301, District Gautam Budha Nagar, Uttar Pradesh.
ceo@noidaauthorityonline.com,
chairman@noidaauthorityonline.com
3. District Magistrate, Gautam Budha Nagar, NOIDA Uttar Pradesh.
dmgbn@nic.in
4. National Mission for Clean Ganga
Department of Water Resources, River Development and Ganga Rejuvenation,
Ministry of Jalshakti, 1st floor, Major Dhyan Chand National Stadium, India Gate, New Delhi – 110002
Through its Director General
admn.nmeg@nic.in

Subject: Reminder on behalf of residents and Farm House Owners of the villages (Chak Mangraula, Dostpur Mangrauli, Nangla Nangli, Asdullapur etc) in Pushta near Sector 135, Noida and adjoining areas for the compliance of NGT order of demarcation of Flood Plain Area;

And

To demarcate “Active Flood Area” i.e. “No Construction Zone”, in terms of Section 6 (3) of “River Ganga Rejuvenation Protection And Management Authorities Order Dated 07.10.2016” read with IIT report thereupon;

And

To carry out immediate remedial measures towards the preservation of the ecology by constructing / repairing embankment on the edge of the flowing river Yamuna or 100 meters parallel to the river, so as to prevent breach of water therefrom;

And

To take appropriate steps to stop illegal operation of Hot mix Plants in the area, in violation of NGT orders;

And

To take appropriate steps to repair the common roads and other development activities in the area, as may be necessary.

Sir,

I furtherance to our physical meeting dated 28.07.2023 with the District Magistrate in his office at Surajpur Greater Noida, and our representation dated 30.07.2023, we are submitting the present letter / reminder as under:

1. There are directions dated 27.07.2023 passed by NGT in OA No. 275/2023 to the authorities to demarcate "Flood Plain Area". We request for the demarcation of "Active Flood Area" also, so as to determine "No Construction Zone" in terms of Section 6(3) of "River Ganga Rejuvenation Protection And Management Authorities Order Dated 07.10.2016" read with IIT report thereupon.
2. We state that the two terms "Flood Plain Area" and "Active Flood Plain Area" are two separate connotations, which can be elaborated herein below in the chart.

S.No.	Flood Plain Area	Active Flood Plain Area
1	It is defined in Section 3(L) of Notification dated 07 th October, 2016 on "River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016", – as	"Active Flood Plain Area" is not defined in Notification dated 07 th October, 2016 on "River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016".

	<p><i>“Flood Plain” means such area of River Ganga or its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with a flood of frequency once in 100 years.</i></p>	<p>However, as per the IIT report submitted and mentioned in Ganga River Basin – Management Development Plan, 2015,</p> <p><i>“Active Flood Plain” is defined as an area on either side of a stream / river which is regularly flooded on a periodic basis. A typical hydrological criterion to designate an “Active Flood Plain” in a given reach is the 2.33 years return period of the flood.</i></p>
2	<p>“Flood Plain Area” is the area beyond the “Active Flood Plain Area”. It is in fact an area “Beyond No Construction Zone.”</p>	<p>“Active Flood Plain Area” is that area where no construction is permissible; and is thus “No construction Zone”, in terms of Section 6 (3) of Notification dated 07th October, 2016 on “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016”, which provides that</p> <p><i>No person shall construct any structure, whether permanent or temporary for residential or commercial or industrial or any other purposes in the river Ganga, Bank of river Ganga or its tributaries or Active flood plain area or river Ganga or its tributaries.</i></p>

3. We again request

4. The farm houses in question in the villages Chak Mangraula, Dostpur Mangrauli, Nangla Nangli, Asdullapur etc, falling near Sector 135, Noida are at a much greater distance from the above stated '*no development / construction zone*'. It is not an obstruction to the river stream, nor it is a 'flood plain area' or 'Active Flood Plain Area'.
5. It is not understandable as to why existing pushta was made 4-5 km away (which is a huge area running into many hectares) from the edge of the river. Displacing the villagers / residents of so many villages in this belt is not a viable solution. Instead, immediate protective measures are required to be taken to make a 'bund road', 100 meters from the edge of the flowing river Yamuna, so that river water may not spill / flow in the villages. In this regard, our earlier detailed representations / objections dated 05.12.2022, 07.02.2023, 15.03.2023, 15.04.2023 and 01.05.2023 are pending and may be dealt with favourably.
6. The constructions in the farm houses are removable and temporary. They are also in conformity with the norms of developments on an agricultural land. No concrete / pucca construction, cement / brick has been used. No columns or lanterns have been laid. The structures are purely temporary and removable in short notice, and that too in a minimal area of the land. Otherwise, the farm houses are largely comprising of a garden with a lot of trees and plantations. Such raising of temporary structures does not come within the definition of "*Building*", which may require any sanctioning of building plans etc. or any permission from the authority. The boundary walls are only fencing of wire mesh, to identify each of the farm house, and to protect the crops and plantations from any damage. Such a fencing also not require any permission from the authority. It may be pertinent to mention that the Registry of these farm houses has been carried out by your office, as '*Developed Farmlands*', at a much higher circle rate than an ordinary agricultural land.
7. These farm houses are predominantly open with a huge garden, trees and plantations etc., and with a temporary/wire mesh with a green cloth / wooden fencing, with a temporary shed covered with sheets, and temporary partitions (on an area less than 10% of the total area), temporary road, gates etc. which are removable in nature is permissible, and do not require any permission.
8. Both the master plan 2021 and master plan 2031 of the area are not approved. Relevant extract of CAG report in this regard passing

strictures on the Authority observing that there is violation of SC Judgement dated 31.03.1994, 1994 SCC (4) 42, “GDA vs Delhi Auto and General Finance Pvt Ltd” and Allahabad HC judgements *Civil Misc. Petition no. 26737 of 1993* “GDA vs Delhi Auto and General Finance Pvt Ltd” of 01 October 1996, and 1998 dated 18.12.1998 in the *Civil Misc. Petition no. 13899 of 1998*, in as much as that they are not also not in compliance to National Capital Region Planning Board Act, 1985, and that both the master plan of 2021 and 2031 are still at draft stage, and has many deficiencies, and are still unapproved by the competent authority is enclosed. Both the above two judgements of Allahabad High court, were referred and relied upon by the three Judges Bench of Allahabad High court in *Gajraj and others versus State of UP and others, decided on 21.10.2011 Writ C No. 37443 of 2011*. Our objections on the Master Plan 2031 are pending, wherein we have sought for regularization of the area.

9. That the Allahabad HC has permitted raising of temporary structures in its following orders, which are enclosed.

a) Order dated 18.05.2012 passed by Allahabad High court in Writ – C. No. 24450 / 2012 in case titled ‘Ved Prakash Tyagi vs State of U.P. & Anr’.

b) Order dated 29.08.2013 passed by Allahabad High court dated in Writ – C. No. 44104 / 2013 in case titled ‘Dkrrish Builders Pvt Ltd and 49 others versus state of UP and 3 others’.

c) Order dated 29.04.2022 passed by Allahabad High court in Writ – C. No. 12478 / 2022 in case titled ‘Deepak Kori vs State of U.P. & 2 others’.

10. These farm houses in the area have not come up in a day. These farms with temporary constructions have come as a savior to old age people and infant children, more particularly in corona time, when due to fresh air and good greenery being maintained, there is no causality occurring in the area. This itself suggests that the action of the government is totally uncalled for and without any legal basis. There is total abuse of power. Instead of making these farm owners to become participative in ecology conservation goal of the government, an unlawful force is being used against them, and they are being shown in a poor light. It is pertinent to mention here also the fact that there is no electricity connection in these farms and thus there is no scope or occasion for any misuse or any commercial activity in the

area. Rather the farm owners are doing a further ecology friendly solar electricity generation thereby conserving ecology. These farms have also turned out to be eco - friendly to birds and other Avians and there is their constant inflow due to the greenery and organic earthly components. Every endeavor is made by each of them to develop and maintain greenery in the area and to keep ecological balance. All these farms are much away from the river bed. None of the drain is being poured in the river. Rather the owners are recycling the drainage or have created individual separate tanks / treatment plants, which is later used as a manure. There is no misuse of any farmland by any illegal activity, and rather pollution is being curbed. There is lot of peaceful and serene atmosphere in the area and a lot of public/charitable services are provided therein like Free educational services to the villagers, free medical aid, free legal aid services, family counseling, rotary charitable activities and general upliftment of the villagers. The activities are pertaining to the development of the villagers/ community and for a noble cause. Each of the farm owner is nurturing a family of his care taker and supporting their children in education. Many dog shelters, cow sheds, poultry farming and relating activities are being carried out. Most of the farms are used for farming, horticulture, plantation, poultry, animal husbandry, dairy farms, etc. which comes under agriculture/ farming. The farm owners are very much aware and conscious of their responsibilities and duties, and thus a blatant demolition activity is violative to justice and rather illogical. The authority has recklessly demolished a number of farms containing costly/expensive items in the recent past, thereby causing huge damage to the properties of the law abiding/ tax paying citizens of the country. Appropriate action is required against the high handedness of the officials, under whose orders the demolition/mass destruction actions were carried out in an arbitrary manner. There may indeed be a requirement to curb air pollution, which is being caused by Cement, Rori plants and stone crushers installed in the area, on which the authority should focus and act upon in removing them, instead of victimizing the legitimate and legal owners of the farms.

11. Considering that various high dignitaries like judges/former judges, lawyers/ senior advocates, ex – CEO's of Noida Authority, IAS officials, journalists, other bureaucrats amongst other middle class salaries & professionals etc have developed these farmlands / farm houses. It is their hard-earned money, and it cannot be subjected to

such a ruthless treatment of arbitrary demolition by the respondent authority.

12. In view of the foregoing, the following is requested on an urgent basis:
 - a. Compliance of NGT order of demarcation of “Flood Plain Area” and “Active Flood Plain Area” i.e. “No development or No Construction Zone”, in terms of Section 6 (3) of “River Ganga Rejuvenation Protection And Management Authorities Order Dated 07.10.2016” read with IIT report thereupon; and
 - b. To carry out immediate remedial measures towards the preservation of the ecology by constructing / repairing embankment on the edge of the flowing river Yamuna or 100 meters parallel to the river, so as to prevent breach of water therefrom, so that the villages in question gets appropriately protected; and
 - c. To take appropriate steps to stop illegal operation of Hot mix Plants in the area, in violation of NGT orders; and
 - d. To take appropriate steps to repair the common roads and other development activities in the area, as may be necessary.
13. You are requested to provide us some specific further date for a joint meeting for a valuable discussion and solution for the whole issue.

Thanking You,

29.09.2023

-sd-
Rajesh Aggarwal
River Front Protection Association



rajesh aggarwal <deekshalawfirm2017@gmail.com>

Reminder for demarcation of "Flood Plain Area" and "Active Flood Plain Area" etc

river front protection association <riverfrontprotection2023@gmail.com>
To: deekshalawfirm2017@gmail.com

Wed, Oct 11, 2023 at 2:37 PM

----- Forwarded message -----

From: **dmgbn** <dmgbn@nic.in>

Date: Sat, Sep 30, 2023 at 10:22 AM

Subject: Re: Reminder for demarcation of "Flood Plain Area" and "Active Flood Plain Area" etc

To: <riverfrontprotection2023@gmail.com>

Sir/Ma'am,

Your mail has been sent to ADM F for action.

From: riverfrontprotection2023@gmail.com**To:** "CHIEF SECRETARY GoUP" <csup@nic.in>, "Chief Minister Office Uttar Pradesh" <cmup@nic.in>, ceo@noidaauthorityonline.com, chairman@noidaauthorityonline.com, "dmgbn" <dmgbn@nic.in>, "Clean Ganga Mission" <adm.nmCG@nic.in>, deekshalawfirm2017@gmail.com, riverfrontprotection2023@gmail.com**Sent:** Friday, September 29, 2023 6:14:18 PM**Subject:** Reminder for demarcation of "Flood Plain Area" and "Active Flood Plain Area" etc

[Quoted text hidden]


TRUE COPY

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH : NEW DELHI**

MAHESH KUMAR ...PETITIONER
VERSUS
STATE OF UTTAR PRADESH & OTHERS ...RESPONDENTS

IN RE: DR. AJIT KUMAR – APPLICANT / INTERVENOR



KNOW ALL to whom these present shall come that I, DR. AJIT KUMAR S/o Late Sh. Braj Kishore Singh at C-29, GF, Eldeco Residency Greens, Sector – PI – 32, Greater Noida, Kasana, Gautam Buddha Nagar, Uttar Pradesh – 201310, do hereby appoint RAJESH AGGARWAL ADVOCATE ON RECORD, SUPREME COURT OF INDIA, T1/1501, SUPREME TOWERS, SECTOR 99, NOIDA – 201303, (M) – 9810179438; D/431/1988; DEEKSHALAWFIRM2017@GMAIL.COM (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

The deposit, draw and receive money, cheque, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me on this 17th day of October, 2023.


Advocate




Client



**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

(M.A. No. /2023)

IN

ORIGINAL APPLICATION No. 275 of 2023

IN THE MATTER OF

MAHESH KUMAR

.... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & OTHERS

... RESPONDENTS

AND IN THE MATTER OF

Dr. Ajit Kumar

...APPLICANT / INTERVENOR

PROOF OF SERVICE

S.NO.	PARTICULARS	RECEIVING
1.	Sh. Satyabeer Singh, Adv for petitioner	satyaveersinghadv1992@gmail.com
2.	The District Magistrate, Gautam Buddha Nagar	dmgbn@nic.in
3.	The Commissioner of Police, Gautam Buddha Nagar	cp-pol.gb@up.gov.in
4.	State PCB, Uttar Pradesh	ceoadmin@uppcb.in
5.	Executive Engineer,	engineerinchieffidup@gmail.com

	Irrigation Department, Gautam Buddha Nagar.	
6.	CEO, Noida Authority, Gautam Buddh Nagar	ceo@noidaauthorityonline.com
6.	NGT	judicial-ngt@gov.in

All parties served through email. Delivery report attached.

Dr. Ajit Kumar
APPLICANT / INTERVENOR



Through

M/S DEEKSHA LAW FIRM
RAJESH AGGARWAL
ADVOCATE ON RECORD,
SUPREME COURT OF INDIA
T1/ 1501, SUPREME TOWERS,
SECTOR 99, NOIDA 201303
(M) 9810179438

New Delhi
Dated: 19.10.2023

EMAIL: deekshalawfirm2017@gmail.com