

**Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi**

Original Application No. 303 of 2023

Applicant

Karanvir Thamman

Versus

State of Punjab and others

Respondent(s)

Short reply of Environmental Engineer, Punjab Pollution Control Board, Regional Office Faridkot, on behalf of respondent no.4 i.e. Punjab Pollution Control Board in compliance to order dated 16/10/2023.

Respectfully showeth:

1. That the present original application has been filed by the Applicant under section 14 and section 15 read with Section 20 of the National Green Tribunal Act , 2010, for seeking the issuance of appropriate directions be issued to the respondents or to any other agency, which the Hon'ble Tribunal may deem it appropriate time bound directions to the appropriate respondents or to any other agency, which this Hon'ble Tribunal may deem It to direct the authorities concerned i) to demarcate the flood plains of River Satluj within a stipulated time frame, and ii) to ensure complete protection to the riverbed/flood plains by ordering to demolish the illegal encroachments and



- iii) restoring the riverbed/flood plains, iv) to direct the respondents to pay the compensation for the damage caused to the riverbed/flood plains due to the illegal encroachments/activities.
2. That the Hon'ble Tribunal after considering the issue raised in the original application, vide order dated 25.04.2023 had sought the status on the subject of mapping of flood plain zone in terms of the earlier directions of the Hon'ble Tribunal contained in order dated 21.09.2020 passed in OA No. 673/2018 from the Chief Secretary of Punjab after interacting with the concerned department.
3. That the status report in terms of the said direction on behalf of the Chief Secretary, Punjab has been filed and an affidavit of Principal Secretary, Water Resources Department, Punjab was also filed before the Hon'ble Tribunal. However, the Hon'ble Tribunal was pleased to issue notice to the respondents vide order dated 16.10.2023 to enable them to file response to the averments made in the original application specifically in the light of the prayers which are made therein.
4. That the prayers which have been made by the applicant in the present case are reproduced herein below for kind perusal.
- i) to demarcate the flood plains of River Satluj within a stipulated time frame, and
 - ii) to ensure complete protection to the riverbed/flood plains by ordering to demolish the illegal encroachments and
 - iii) restoring the riverbed/flood plains,

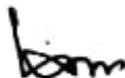
- iv) to direct the respondents to pay the compensation for the damage caused to the riverbed/flood plains due to the illegal encroachments/activities.
5. That the examination of the case has revealed that the applicant on the basis of news item published In Punjabi Jagran newspaper dated 10.12.2022 has stated that the land of river satluj is being encroached upon by unauthorized encroachers in 47 km stretch of District Ferozpur and Taran Taran. It is alleged in the application that the issue of unauthorized encroachments is a clear dominance of human activities including agriculture and construction over the land near the river too. The prayers made by the applicant primarily relates of the demarcation of the flood plains of river satluj and to ensure protection and restoration of the riverbed/floodplains by ordering to demolish illegal encroachments. The subject matter of the case falls under the purview of the department of Water Resources of the state and the District Administration as far as encroachments, if any are concerned.
6. That the applicant has also stated in para 9 of the application that the above activities obstruct the river in a manner that it impedes the proper flow which leads to substantial aggravation and arises other consequences and has made reference to Clause (b) of Section 24 of the Water (Prevention & Control of Pollution) Act, 1974. In this regard it is respectfully submitted that Section 24 of the Water (Prevention & Control of Pollution) Act, 1974 relates to the prohibition on use stream or well for disposal of polluting matter etc. The spirit



of the provisions of Section 24 of the Water (Prevention & Control of Pollution) Act, 1974 is that, no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any [stream or well or sewer or on land] Clause (b) provides that, no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

In this regard it is stated that there is no industrial pollution which affects river Satluj along 47 km stretch which falls in the Districts of Ferozpur and Taran Taran.

7. That it is relevant to mention here that the issue of protection of river Sutiej from pollution and environmental degradation has already been dealt with by the Hon'ble Tribunal vide judgment dated 22.01.2021 passed in OA No. 916/2018, Sobha Singh & Ors. Vs. State of Punjab & Ors and vide order dated 21.09.2020 passed in OA No. 673 of 2018 in the matter of News item published in "The Hindu" authored by Shri Jacob Koshy litted "More river stretches are not critically polluted: CPCB". In Compliance to the Orders above mentioned, the State of Punjab has already made action plans for clean river



Satluj, Beas and Ghaggar and the action plans are being implemented by various departments of the Government of Punjab.

8. That the issue of maintaining the flow of the river and the demarcation thereof falls under the Purview of the department of Water Resources Punjab, hence the affidavit filed by the department of Water Resources may kindly be perused.
9. That the short reply on behalf of the Punjab Pollution Control Board is hereby filed in compliance to order dated 16.10.2022.

Submitted by

06.01.2024
Environmental Engineer
Punjab Pollution Control Board, Regional Office, Faridkot
(On Behalf of respondent no. 4 Punjab Pollution control Board)