

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI
Original Application no. 131/2025**

DEEP CHANDRA

... APPLICANT

VERSUS

STATE OF UTTAR PRADESH & OTHERS

.... RESPONDENTS

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Through

MRIDUL AGGARWAL
ADVOCATE

RESPONDENT - Farm Owners
Association

M/S DEEKSHA LAW FIRM
DEEKSHA AGGARWAL
ADVOCATE
50, LAWYERS CHAMBER
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NEW DELHI
DATED: 09.09.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI
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STATE OF UTTAR PRADESH & OTHERS

.... RESPONDENTS

Reply on behalf of Respondent - Farm Owners Association

Respectfully sheweth:

1. That the present OA is misconceived and premature, in as much as the issue involved regarding the demarcation of flood plain area is subject matter of OA no. 275/2023 title “Mahesh Kumar vs State of UP & others”, wherein demarcation report of river Yamuna is still awaited. A copy of the order passed by this Hon’ble tribunal in OA no. 275/2023 title “Mahesh Kumar vs State of UP & others” is **Annexure 1**
2. A preliminary compliance report dated 15.10.2024 / 16.10.2024 pertaining to area falling near Sector 135, Noida was filed by the officer of only the rank of executive engineer, in the said OA no. 275/2023, alongwith the details of the pillars put. A copy of the preliminary compliance report dated 15.10.2024 / 16.10.2024 filed on behalf of the Authority is **Annexure 2**
3. That the objections thereupon by way of IA no. 38/2025, and other third - party objections are pending consideration by this Hon’ble tribunal therein in the said OA. A copy of the IA no. 38/205 filed by way of objection to the demarcation report is **Annexure 3**

4. Furthermore, the issue regarding the demolition of the farm houses is sub judice before the Hon'ble Allahabad High court in batch of writ petitions and there is stay operating in favour of the farm house owners.
5. It is submitted that the Noida Authority had earlier issued Public Notice dated 08.06.2022 for the demolition of the Farm houses in the area falling near Section 135, Noida, which public notice (**Copy enclosed as Annexure 4**) were challenged by different Farm house owners by way of different Writ petitions before the Hon'ble Allahabad High court, being Writ Petition (C) No. 17175/2022 (Harit Kisan Kalyan Samiti versus NOIDA and others) and a batch of similar petitions i.e.
 - i. Writ Petition (C) No. 17176/2022 (Arima Saxena and 8 others versus State of UP and others),
 - ii. Writ Petition (C) No. 18009/2022 (Ankit Gupta and 29 others versus State of UP and others), and
 - iii. Writ Petition (C) No. 17895/2022 (Abhiram Singh and 20 others versus State of UP and 2 others)
 - iv. Writ Petition (C) No. 17568/2022 (Suchit Malhotra and 8 others versus State of UP and 2 others),
 - v. few other such Writ Petitionsand the Hon'ble Allahabad High Court vide order dated 14.06.2022 directed the parties to maintain the status quo for 20 days till the objection of the petitioners therein is decided by the authority. A photocopy of the order dated 14.06.2022 passed by the Hon'ble Allahabad High Court and other similar orders are annexed and marked as **Annexure 5**.

6. Thereafter the NOIDA Authority rejected the objections filed by the petitioners in those matters and passed demolition orders declaring the entire area as 'Flood Plain Area', vide order dated 14.02.2023, without there being any scientific data available with it or conducting or notifying any actual demarcation at site. A photocopy of the order dated 14.02.2023 passed by the NOIDA Authority, rejecting the objections is annexed and marked as **Annexure 6**.
7. The individual orders of Noida authority are challenged again in different writ petitions before the High court in Writ Petition no. WRITC- no. 10021/2023 (Ratna Mitra versus Noida and 2 others) being the lead matter alongwith a batch of petitions, and the Hon'ble Allahabad High Court vide order of different dates, including the order dated 01.05.2023 directed the parties to maintain the status quo, which order is still continuing, and the entire issue regarding the "flood plain" vis a vis "construction of farm houses in the area" etc is directly involved therein and sub-judice. A photocopy of the order dated 01.05.2023 directing the parties to maintain the status quo, and other similar orders are annexed and marked as **Annexure 7**. The details of a few of the connected writ petitions are:
 - i. Ratna Mitra vs New Okhla Industrial Development Authority and others Writ C No. 10021 of 2023
 - ii. Writ Petition (C) No. 23221/2022 (Rajesh Aggarwal and 10 others versus State of UP and another),
 - iii. Writ Petition (C) No. 18584/2023 (Rahul Bhatt and Another versus State of UP and 2 others).
 - iv. Writ Petition (C) No. 8983/2023 (Satyaveer Singh and 3 others versus State of UP and 2 others),
8. That the details of the pending writ petitions before the Hon'ble Allahabad High court is given below:

- v. Writ Petition (C) No. 18162/2024 (Jaiveer Lohia and another versus State of UP and 3 others),
- vi. Writ Petition (C) No. 13936/2023 (Mamta Soni and another versus State of UP and 2 others),
- vii. Writ Petition (C) No. 18241/2023 (Anima Saxena versus State of UP and 2 others),
- viii. Writ Petition (C) No. 18464/2023 (Kiran Kumar Chandrabhan and another versus State of UP and 2 others),
- ix. Writ Petition (C) No. 18496/2023 (Meena Negi and 7 others versus NOIDA and Another),
- x. Writ Petition (C) No. 18544/2023 (Anu Mittal versus State of UP and 3 others),
- xi. Writ Petition (C) No. 20367/2023 (Aviroop Banerjee and 23 others versus State of UP and 2 others),
- xii. Writ Petition (C) No. 20487/2023 (Renu Khanna and 3 others versus State of UP and 2 others),
- xiii. Writ Petition (C) No. 20489/2023 (Rajasthan Global Securities private limited versus State of UP and 2 others),
- xiv. Writ Petition (C) No. 20490/2023 (Vaibhav Vishal Srivastava versus State of UP and 2 others),
- xv. Writ Petition (C) No. 22864/2023 (Manoj Kumar Singh and 7 others versus NOIDA and another),
- xvi. Writ Petition (C) No. 23727/2023 (Dhiraj Singh versus State of UP and 2 others),
- xvii. Writ Petition (C) No. 25541/2023 (Praveen Jain and 16 others versus State of UP and 2 others),
- xviii. Writ Petition (C) No. 35523/2023 (Vikram Singh Sodhi versus State of UP and 5 others),

- xix. Writ Petition (C) No. 40220/2023 (Swati Kanodia versus State of UP and 2 others),
- xx. Writ Petition (C) No. 40383/2023 (Mohd. Sharique Farooqi and 4 others versus NOIDA and another),
- xxi. Writ Petition (C) No. 43423/2023 (Dinesh Tyagi and 2 others versus State of UP and 2 others),
- xxii. Writ Petition (C) No. 44474/2023 (Sanjay Goyal versus State of UP and 3 others),
- xxiii. Writ Petition (C) No. 5511/2024 (Pratap Singh Nerwal versus State of UP and another),
- xxiv. Writ Petition (C) No. 7371/2024 (Shailendra Nath Gupta versus NOIDA and 2 others),
- xxv. A few others;

The above stated batch of Writ Petitions are still pending, and the status quo orders are still continuing.

- 9. That the entire set of individuals involved in the above -mentioned writ petitions are directly affected in the present OA; and thus they are necessary parties to the present case, so as to have a comprehensive adjudication on the subject.
- 10. It is respectfully submitted that answering respondent no. 8 is not encouraging any illegal construction activity in the area, and is not connected with any builder or colonizer or property agent / dealer; and is rather in favour of maintaining ecological balance, in as much as that the farm house owners and residents thereof are maintaining the area with many fruit growing and other plantations, keeping the area clean and green, to espouse for pollution free and garbage free atmosphere, and general well - being of the residents and other cultural and religious activities. It is denied that there is any

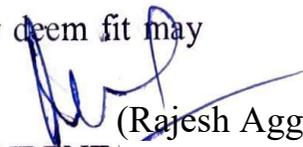
unauthorized constructions raised. The farm house owners are duty bound to obey and comply with any order, which may be passed in the interest of environment by this Hon'ble tribunal.

11. That as far as respondent no. 8 is concerned, each of the individual is pursuing his individual available remedy and not through any Association.
12. That the present litigation / application seems to be a proxy litigation, as it does not disclose the nexus of the applicant with the cause sought to be raised therein. Such malicious litigation with some ulterior motive needs to be nipped in the bud. The applicant has no locus standi in the matter.

PRAYER

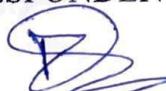
Under the circumstances, it is therefore most respectfully prayed that appropriate orders, as may be deemed fit by the court, in the interest of justice and fair play.

Such other and further order which this Hon'ble court may deem fit may also be passed in the interest of justice.


(Rajesh Aggarwal)
RESPONDENT - Farm Owners
Association

Through

MRIDUL AGGARWAL
ADVOCATE


M/S DEEKSHA LAW FIRM
DEEKSHA AGGARWAL
ADVOCATE
50, LAWYERS CHAMBER
SUPREME COURT OF INDIA
NEW DELHI - 110001
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New Delhi
Dated : 09.09.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
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DEEP CHANDRA

... APPLICANT

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STATE OF UTTAR PRADESH & OTHERS

.... RESPONDENTS

AFFIDAVIT

I, Rajesh Aggarwal S/o Late Sh. Brij Lal Aggarwal R/o T1/1501, Supreme Towers, Sector 99, Noida – 201303 aged about 60 years, do hereby solemnly affirm and declare as under:

1. That the deponent is Respondent in the above noted case and is well conversant with the facts of the case and competent to swear this affidavit.
2. That the contents of the reply have been drafted by my counsel under my instructions and the contents of the same are correct to my knowledge and belief and nothing repeated herein for the sake of brevity and the same may be read as part and parcel of this affidavit.

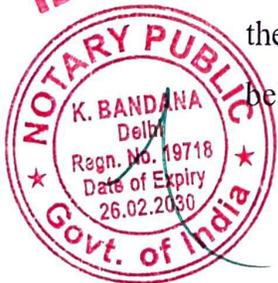
DEPONENT

VERIFICATION

Verified at Delhi on this 09 day of September 2025, that the contents of the above affidavit are true and correct to the best of my knowledge and belief nothing material has been concealed therefrom.

DEPONENT

ATTESTED
NOTARY PUBLIC DELHI
Govt. of India



Item Nos. 08 & 09

Court No. 1

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

Original Application No.275/2023
(I.A. Nos. 869/2023, 688/2024 & 38/2025)

Mahesh Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

With

Original Application No.569/2023
(I.A. Nos. 719/2023, 240/2024,397/2025 & 158/2025)

Alok Kumar

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 26.05.2025

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

Applicant: Mr. Satyabeer Singh, Adv. for Applicant in OA 275/2023 (Through VC)

Respondents: Ms. Garima Prasad, AAG with Ms. Priyanka Swami, Adv. for the State of UP

Mr. Ravindra Kumar, Senior Advocate with Mr. Shivam Saksena, Advs. for GNIDA

Mr. Bhanwar Pal Singh Jadon, Ms. Hemlata Singh, Ms. Gargi Chaturvedi & Ms. Anjali Sharma, Advs. for UPPCB in OA 569/2023

Mr. Gigi. C. George, Adv. for Survey of India in OA 569/2023

Mr. Ravindra Kumar, Senior Advocate with Mr. Nishi Kant Singh & Mr. Shivam Saksena, Advs. for Noida

Mr. Yagyawalkya Singh, Adv. for GDA (Through VC)

Mr. Sumit Arora, Adv. for R - 1 in OA 569/2023 (Through VC)

Ms. Deepa Sharma, Adv. for CPCB in OA 569/2023 (Through VC)

Mr. Rajesh Aggarwal & Ms. Deeksha Aggarwal, Advs. in I.A No. 38/2025

Mr. Panshul Chandra, Adv. in I.A No. 688/2024

ORDER

1. I.A. No. 397/2025 has been filed by the State of U.P. seeking extension of time for completing the survey and marking the flood plain zone of Hindon River in compliance with the earlier direction of the Tribunal. AAG appearing for the State of U.P. has referred to the communication dated 14.05.2025, sent by the Technical Officer, Survey of India, seeking additional time to complete the exercise using drone survey. The Respondent, Survey of India, is directed to disclose in detail why the same methodology was not adopted for River Hindon, which was adopted for River Ganga, and how the floodplain zone with a 1:100-year Highest Flood Level, with a one-meter contour, will be ascertained using drone Survey.

2. For the reasons disclosed in the I.A. the prayer for extension of time is granted. Let the affidavit in terms of the above observation be filed by the Survey of India within four weeks.

3. In O.A. No. 275/2023, in addition to the demarcation of flood plain of River Hindon the issue of demarcation of flood plain of river Yamuna is also involved.

4. Learned AAG appearing for the State has submitted that the demarcation of flood plain zone of river Yamuna for the entire stretch is complete except for 3 km, which is to be done along with the demarcation of river Hindon.

5. In this regard, she has referred to the Status Report dated 27.02.2025 page 821 wherein annexure A-1 a communication by Special Secretary, State of UP page 827 dated 21.12.2024 is enclosed, stating that the demarcation of the flood plain zone with 1:100 years Highest Flood

Level from Asgarpur to Etawah and Shahpur to Prayagraj covering 17 District is complete and the notification is to be issued.

6. Learned AAG submits that the process of issuing the final notification is in progress. Hence, the State of U.P is directed to file further status report disclosing the issuance of the final notification.

7. The communication dated 21.12.2024 does not mention that the demarcation taken into account is one meter contour.

8. Applicant in I.A. No. 38/2025 has submitted that the detailed methodology adopted for demarcation of the flood plain of river Yamuna has not been placed on record. Learned AAG is directed to place the same on record along with the next affidavit.

9. Learned Counsel for the applicant in pending I.As are directed to supply a copy of the I.A. to counsel for all the parties if not already supplied. Counsel for the parties to the O.A. will have the opportunity to file reply to the I.A. within four weeks.

10. List on 17.09.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

May 26, 2025
O.A. No.275/2023 and
O.A. No.569/2023
HB..

A copy of the preliminary compliance report dated 15.10.2024 / 16.10.2024
filed on behalf of the Authority

Annexure 2

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO.275/2023

(I.A. No.869/2023, I.A. No. 353/2024)

IN THE MATTER OF:

Mahesh Kumar

Applicant

Versus

State of Uttar Pradesh & Other

Respondents

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4.	A True Copy Of The Letter Dated 16.08.2024 Is Marked As Annexure 3	50

THROUGH



**PRIYANKA SWAMI
ADVOCATE
COUNSEL FOR EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT
F13, GROUND FLOOR,
JANGPURA, NEW DELHI - 110014**

DATE: 16.10.2024

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO.275/2023****(I.A. No.869/2023, I.A. No. 353/2024)**

IN THE MATTER OF:

Mahesh Kumar

Applicant

Versus

State of Uttar Pradesh & Other

Respondents

**COMPLIANCE REPORT ON BEHALF OF EXECUTIVE ENGINEER
IRRIGATION DEPARTMENT****Most Respectfully Showeth:**

1. That this humble submission is made in response to the Hon'ble Tribunal's order dated 07.08.2024, which directs the Irrigation Department to demarcate the flood plain zone of the river Yamuna and Hindon, for a stretch of 75 kms in Gautam Budh Nagar and 10 kms in Ghaziabad. The order states:

"We, accordingly, direct the Irrigation Department to comply with the Tribunal's order dated 05.07.2024 within four weeks and remain present on the next date."

2. That the Irrigation Department has diligently complied with the directions of the Hon'ble Tribunal regarding the demarcation of the flood plain zone along

a significant stretch of the Yamuna and Hindon rivers. To achieve this, the following measures were undertaken:

A. **Extensive Reach:** The demarcation process spanned a substantial portion of the river basin, covering 72 kilometres of the Yamuna River within the Gautam Budh Nagar district and 10 kilometres of the Hindon River.

B. **Visible Markers:** To clearly demarcated the flood plain zone, 294 robust RCC pillars were installed as per the contour made by the Survey of India along the designated river stretches.

A true copy of the Latitude and Longitude of the flood zone, along with photographs of the installed pillars, are attached herewith as **ANNEXURE 1**.

3. That it is pertinent to mention here that the demarcation of the floodplain zone for the 3 km stretch of the Yamuna River, located upstream of the Okhla barrage, could not be completed due to the unavailability of contour maps from the Survey of India. In this regard, the Survey of India has informed us that a fresh survey is required for the specified 3 km stretch. A true copy of the map of the 3 Km stretch pending is attached as **ANNEXURE 2**.

4. That despite diligent efforts and discussions held with the Survey of India, we regret to inform the Hon'ble Tribunal that the demarcation of the flood plain zone for the said 3 km stretch of the Yamuna remains pending. A fresh survey has been proposed through a demand letter, and the Survey of India has been requested to provide the estimated cost for this undertaking and the timeline for completion. A true copy of the letter dated 16.08.2024 is marked as **ANNEXURE 3**.

5. Further, the Irrigation Department is making all efforts to comply with the remaining directions of the Hon'ble Tribunal, as soon as the survey is complete and the map is made available.
6. That it is respectfully submitted that we assure the Hon'ble Tribunal that the Irrigation Department is committed to ensuring the demarcation of the floodplain zone of the river Yamuna and Hindon, in compliance with the order dated 07.08.2024.
7. That in light of the above and considering the pending response from the Survey of India, we humbly request the Hon'ble Tribunal to grant us additional time to comply with the remaining directions. We remain at the Tribunal's disposal for any further clarifications or directions.

THROUGH



**PRIYANKA SWAMI
ADVOCATE
COUNSEL FOR EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT
F13, GROUND FLOOR,
JANGPURA, NEW DELHI - 110014**

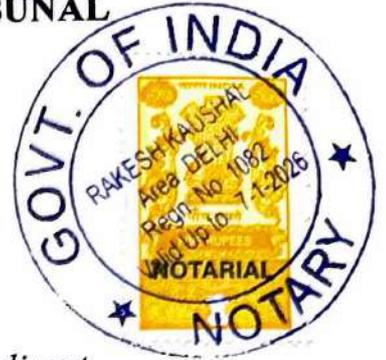
DATE: 15.10.2024

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO.275/2023

(I.A. No.869/2023, I.A. No. 353/2024)



IN THE MATTER OF:

Mahesh Kumar

Applicant

Versus

State of Uttar Pradesh & Other

Respondents

AFFIDAVIT

Affidavit of Sh. Binod Kumar Singh aged about 45 years s/o Sh. HIRAMAN

Singh, presently posted as Executive Engineer, Head Works Division Agra

Canal Okhla having office at Okhla New Delhi-110025.

1. *That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.*
2. *That the accompanying report has been drafted by our counsel upon my instructions.*
3. *That the contents of the accompanying additional affidavit are true and correct and the knowledge has been derived from official records and nothing material has been concealed therefrom.*



16 OCT 2024


DEPONENT**VERIFICATION**

Verified on solemn affirmation at New Delhi on this 16 OCT 2024 day of 2024,
that the contents of the foregoing affidavit are true and correct to the best of my
knowledge and no part of it is false and nothing material has been concealed
therefrom.


DEPONENT**ATTESTED**Notary Public Delhi
**16 OCT 2024**

भारत सरकार
GOVT. OF INDIA



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upgdc-lko@up.nic.in (Admn)

निदेशक का कार्यालय/Office of Director
भारतीय सर्वेक्षण विभाग/Survey of India
मानचित्र भवन/Manchitra Bhawan
उत्तर प्रदेश भू-स्थानिक निदेशालय (उत्तरीक्षेत्र)
Uttar Pradesh G.D (Northern Zone)
5, विभूतिखण्ड, गोमतीनगर, लखनऊ -226010(उ०प्र०)
5, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (UP)

पत्र सं० त- 4835 /39-C-ED(Court case)

दिनांक: 10/09/2024

सेवा में.

अधिशायी अभियन्ता,
हैड वर्कस खण्ड, आगरा नहर,
ओखला, नई दिल्ली-25

विषय:- मा० राजकीय हरित अधिकरण में विचाराधीन O.A. No. 275/2023 में पारित आदेश के संबंध में।

संदर्भ:- 1. आपका पत्र क्रमांक 2322/है०व०ख० दिनांक 20/06/2024

2. इस कार्यालय का पत्र संख्या 2982/39-C-ED(Court case) दिनांक 26/06/2024

महोदय,

उपरोक्त संदर्भित पत्र के अनुक्रम में लेख है कि इस विभाग द्वारा आपके द्वारा चिन्हित 295 स्थानों पर लगे Wooden peg पर जी.पी.एस. प्रेक्षण का कार्य पूर्ण करने के उपरान्त प्रेक्षणों का डाटा (Co-ordinate Excel, kml file, pdf) आपको प्रेषित किया जा रहा है।

संलग्न:- उपरोक्तानुसार।

10.09.24
(पवन कुमार द्विवेदी)

अधिकारी सर्वेक्षक/तकनीकी अधिकारी
कृते निदेशक

प्रतिलिपि:- अपर महासर्वेक्षक, उत्तरी क्षेत्र, चण्डीगढ़ को सूचनार्थ प्रेषित।

OKHLA BARRAGE TO YAMUNA EXPRESS				
Sl. No.	POINT ID	LATITUDE	LONGITUDE	ELLIP. HEIGHT
1	PILLAR NO.1	28.54371794	77.32514446	147.376
2	PILLAR NO.2	28.54239695	77.32706386	146.664
3	PILLAR NO.3	28.54080636	77.32892406	146.462
4	PILLAR NO. 4	28.53994389	77.33138465	146.745
5	PILLAR NO. 5	28.53871811	77.33349821	147.238
6	PILLAR NO. 6	28.53748632	77.3356825	146.861
7	PILLAR NO. 7	28.53651173	77.33765006	146.633
8	PILLAR NO. 8	28.53521267	77.34014725	146.769
9	PILLAR NO. 9	28.53405439	77.34229984	146.567
10	PILLAR NO. 10	28.53293921	77.34451711	146.490
11	PILLAR NO. 11	28.53155137	77.34638456	146.626
12	PILLAR NO. 12	28.52943852	77.34664598	146.402
13	PILLAR NO. 13	28.52716961	77.34730481	146.369
14	PILLAR NO. 14	28.52479737	77.34793979	145.960
15	PILLAR NO. 15	28.52286399	77.34845081	146.080
16	PILLAR NO. 16	28.52050166	77.34890879	147.419
17	PILLAR NO. 17	28.51834657	77.34945605	145.848
18	PILLAR NO. 18	28.51609534	77.35003326	146.625
19	PILLAR NO. 19	28.51359559	77.34961846	146.985
20	PILLAR NO. 20	28.51194926	77.35212479	146.205
21	PILLAR NO. 21	28.51066654	77.35362605	145.728
22	PILLAR NO. 22	28.50888133	77.35588442	145.284
23	PILLAR NO. 23	28.50731473	77.35749311	145.748
24	PILLAR NO. 24	28.50584354	77.35973172	147.078
25	PILLAR NO. 25	28.50429934	77.361498	145.954
26	PILLAR NO. 26	28.50260798	77.36334596	145.559
27	PILLAR NO. 27	28.50161122	77.36534006	145.420
28	PILLAR NO. 28	28.50097431	77.36749231	144.660
29	PILLAR NO. 29	28.50064924	77.37020912	147.506
30	PILLAR NO. 30	28.4999429	77.37282391	144.526
31	PILLAR NO. 31	28.49930847	77.37581379	144.362
32	PILLAR NO. 32	28.49879437	77.37798586	144.434
33	PILLAR NO. 33	28.49760305	77.37959746	144.200
34	PILLAR NO. 34	28.49617384	77.3812646	144.450
35	PILLAR NO. 35	28.49621532	77.3853464	144.552
36	PILLAR NO. 36	28.49585559	77.38609175	144.512
37	PILLAR NO. 37	28.49504204	77.38795363	144.932
38	PILLAR NO. 38	28.49394576	77.39034488	144.227
39	PILLAR NO. 39	28.49399042	77.39282489	144.329
40	PILLAR NO. 40	28.49410894	77.39516502	144.113
41	PILLAR NO. 41	28.49409301	77.39790286	144.292
42	PILLAR NO. 42	28.4942946	77.40047916	144.213
43	PILLAR NO. 43	28.49427945	77.40337251	146.776

OKHLA BARRAGE TO YAMUNA EXPRESS				
Sl. No.	POINT ID	LATITUDE	LONGITUDE	ELLIP. HEIGHT
44	PILLAR NO. 44	28.49290802	77.40408946	144.571
45	PILLAR NO. 45	28.49063846	77.40409525	144.139
46	PILLAR NO. 46	28.48836684	77.4050686	144.258
47	PILLAR NO. 47	28.48609741	77.40548427	144.724
48	PILLAR NO. 48	28.48505393	77.40742136	143.645
49	PILLAR NO. 49	28.48324586	77.40956499	143.960
50	PILLAR NO. 50	28.48194586	77.41121945	144.111
51	PILLAR NO. 51	28.48039691	77.41302347	144.289
52	PILLAR NO. 52	28.4787886	77.41481888	142.736
53	PILLAR NO. 53	28.47679748	77.41600865	145.578
54	PILLAR NO. 54	28.4760413	77.41949727	143.941
55	PILLAR NO. 55	28.47391618	77.42011261	143.559
56	PILLAR NO. 56	28.471951	77.4216085	143.396
57	PILLAR NO. 57	28.47249008	77.42484975	144.749
58	PILLAR NO. 58	28.46842385	77.42456603	143.438
59	PILLAR NO. 59	28.46695744	77.42633965	144.649
60	PILLAR NO. 60	28.46613385	77.42859182	144.605
61	PILLAR NO. 61	28.46544501	77.43095461	144.507
62	PILLAR NO. 62	28.46474578	77.43332856	144.228
63	PILLAR NO. 63	28.46342024	77.4357022	142.941
64	PILLAR NO. 64	28.4629827	77.43805029	143.420
65	PILLAR NO. 65	28.46127165	77.44082288	144.198
66	PILLAR NO. 66	28.45846288	77.44381363	142.865
67	PILLAR NO. 67	28.4566629	77.44556535	142.566
68	PILLAR NO. 68	28.45475105	77.44558404	143.085
69	PILLAR NO. 69	28.45234371	77.44493601	143.128
70	PILLAR NO. 70	28.45017731	77.44427219	143.281
71	PILLAR NO. 71	28.44810665	77.44371551	143.324
72	PILLAR NO. 72	28.44600381	77.44334887	143.471
73	PILLAR NO. 73	28.44317725	77.44316772	143.714
74	PILLAR NO. 74	28.44022197	77.44267798	142.847
75	PILLAR NO. 75	28.44120338	77.44598327	143.259
76	PILLAR NO. 76	28.4429073	77.44801245	146.049
77	PILLAR NO. 77	28.4448491	77.44882206	143.087
78	PILLAR NO. 78	28.44555813	77.45213826	144.353
79	PILLAR NO. 79	28.44459766	77.4552462	144.127
80	PILLAR NO. 80	28.44300916	77.45759766	143.172
81	PILLAR NO. 81	28.44396273	77.46056038	141.858
82	PILLAR NO. 82	28.44185235	77.46431981	141.692
83	PILLAR NO. 83	28.44078458	77.46664569	141.911
84	PILLAR NO. 84	28.43998778	77.46879277	142.087
85	PILLAR NO. 85	28.43865164	77.47109332	141.840
86	PILLAR NO. 86	28.436239	77.47182027	142.567

OKHLA BARRAGE TO YAMUNA EXPRESS				
Sl. No.	POINT ID	LATITUDE	LONGITUDE	ELLIP. HEIGHT
87	PILLAR NO. 87	28.43405468	77.47222258	143.131
88	PILLAR NO. 88	28.43183514	77.47276719	144.431
89	PILLAR NO. 89	28.42980218	77.47241965	142.598
90	PILLAR NO. 90	28.42760878	77.47476103	142.801
91	PILLAR NO. 91	28.42630611	77.4764672	143.506
92	PILLAR NO. 92	28.42468953	77.47833549	143.187
93	PILLAR NO. 93	28.42303233	77.47994597	143.359
94	PILLAR NO. 94	28.42131984	77.48153491	143.484
95	PILLAR NO. 95	28.41941905	77.48262459	141.451
96	PILLAR NO. 96	28.41757811	77.48422445	141.084
97	PILLAR NO. 97	28.41603639	77.4857063	140.645
98	PILLAR NO. 98	28.41448045	77.48798959	140.965
99	PILLAR NO. 99	28.41535902	77.48973311	143.124
100	PILLAR NO. 100	28.41642416	77.49185474	143.268
101	PILLAR NO. 101	28.41287378	77.50890268	140.927
102	PILLAR NO. 102	28.41080079	77.50825845	143.976
103	PILLAR NO. 103	28.40867843	77.50864619	141.592
104	PILLAR NO. 104	28.40924756	77.51849608	139.926
105	PILLAR NO. 105	28.40759392	77.51925507	140.174
106	PILLAR NO. 106	28.40628081	77.51999888	140.203
107	PILLAR NO. 107	28.4045262	77.52091841	140.070
108	PILLAR NO. 108	28.40308806	77.52166034	140.051
109	PILLAR NO. 109	28.40212508	77.52221624	139.786
110	PILLAR NO. 110	28.40009591	77.52332383	139.814
111	PILLAR NO. 111	28.39784841	77.52459117	140.087
112	PILLAR NO. 112	28.39602901	77.52557383	139.606
113	PILLAR NO. 113	28.39412554	77.52662665	139.198
114	PILLAR NO. 114	28.39218823	77.527684	139.886
115	PILLAR NO. 115	28.3901275	77.52878507	139.865
116	PILLAR NO. 116	28.3879423	77.52986681	139.534
117	PILLAR NO. 117	28.38559544	77.53052088	139.334
118	PILLAR NO. 118	28.38384429	77.53158863	139.374
119	PILLAR NO. 119	28.38168663	77.53227477	139.060
120	PILLAR NO. 120	28.37941683	77.53298401	140.023





प्रेषक,

अधिशाली अभियंता
हैड वर्क्स खण्ड आगरा नहर,
ओखला नई दिल्ली-25

प्रेषित,

निदेशक
UP Geopatial Directorate
लखनऊ।

पत्रांक-3107/है0व0ख0/

दिनांक: 16/8/2024

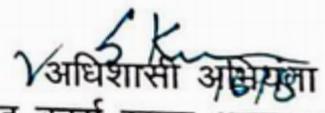
विषय- मा0 राजकीय हरित अधिकरण में विचाराधीन O.A. No.275/2023 में पारित आदेश के सम्बन्ध में।

संदर्भ- आपका पत्रांक 2875/39-C-ED (Court case) दिनांक 21.06.2024
महोदय,

उपरोक्त विषयक संदर्भित पत्र का अवलोकन करने का कष्ट करें। इस संबंध में अवगत कराना है कि मा0 राजकीय हरित अधिकरण में विचाराधीन O.A. No.275/2023 में पारित आदेशों के अनुपालन में पत्र में उल्लिखित वांछित क्षेत्र का मैप आपको संलग्नकर इस अनुरोध के साथ प्रेषित है कि इस क्षेत्र के सर्वेक्षण कर व्यय होने वाली धनराशि से इस कार्यालय को अवगत कराने का कष्ट करें, ताकि मा0 न्यायालय के आदेशों की अनुपालना सुनिश्चित की जा सके।

संलग्नक:- उपरोक्तानुसार।

भवदीय


अधिशाली अभियंता
हैड वर्क्स खण्ड आगरा नहर,
ओखला नई दिल्ली-25

पत्रांक / हैवखं / दिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. मुख्य अभियन्ता यमुना, सिंचाई एवं जल संसाधन विभाग, उ0प्र0, ओखला, नई दिल्ली-25।
2. अधीक्षण अभियन्ता, तृतीय मण्डल सिंचाई कार्य आगरा।
3. जिलाधिकारी, जनपद गौतमबुद्धनगर।
4. सहायक अभियन्ता-प्रथम, हैड वर्क्स खण्ड आगरा नहर ओखला नई दिल्ली-25 को इस निर्देश के साथ प्रेषित है कि आप अपने उपखण्डीय कार्यक्षेत्र में आने वाली रीच के सर्वेक्षण हेतु भारतीय सर्वेक्षण विभाग से सम्पर्क कर मा0 न्यायालय के आदेशों के अनुरूप सीमांकन का कार्य कराया जाना सुनिश्चित करें, ताकि आगामी सुनवाई की तिथि को मा0 न्यायालय के समक्ष प्रतिकूल परिस्थितियों का सामना न करना पड़े।

अधिशाली अभियंता
हैड वर्क्स खण्ड आगरा नहर,
ओखला नई दिल्ली-25

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
I.A No. 38 /2025)
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

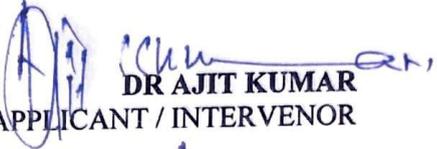
DR AJIT KUMAR ...APPLICANT / INTERVENOR

NEXT DATE - 03.03.2025

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3.	Copy of Order dated 27.07.2023 passed by this Hon'ble tribunal	16 - 20

4.	Copy of Order dated 02.11.2023 passed by this Hon'ble tribunal	21 - 23
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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: 07/01/2025

EMAIL: deekshalawfirm2017@gmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
(M.A. No. /2025)**

**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 - 03.03.2025

**APPLICATION FOR TAKING ON RECORD AND DEALING WITH THE
OBJECTIONS TO THE COMPLIANCE / DEMARCATION REPORT DATED
15.10.2024 ON THE FLOOD PLAIN AREA OF RIVER YAMUNA
PERTAINING TO NOIDA / GAUTAM BUDH NAGAR ETC**

AND / OR

**SEEKING DIRECTIONS TO THE RESPONDENT / COMPETENT
AUTHORITY TO CARRY OUT DEMARCATION AND COMPLY THE
DIRECTIONS OF THIS HON'BLE TRIBUNAL DATED 27.07.2023, 02.11.2023,
29.01.2024 AND 12.03.2024 TO THAT EFFECT IN ITS LETTER AND SPIRIT.**

RESPECTFULLY SHEWETH

1. That vide order dated 02.11.2023, this Hon'ble Tribunal directed District Magistrate, Gautam Budh Nagar to carry out the demarcation of flood plain zone of river Yamuna in reference to the notification

- dated 07.10.2016 on “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016”.
2. That this Hon’ble tribunal also permitted the concerned parties to file their response in the meanwhile.
 3. It is submitted that the present applicant (is one of the stake-holder, has already filed his response dated 17.10.2023 which is on record at **page no. 239 to 364**; and additional response dated 30.12.2023 which is on record at **page no. 403 to 456**. The present applicant is very much concerned with the environmental issues being dealt with by this Hon’ble tribunal, but simultaneously wants to protect his permissible individual rights; and as such the present application / objection may not be construed as adversarial in nature, or opposing the environmental issue involved in the present case.
 4. That the applicant is an Indian Citizen, qualified as MBBS, MD (Medicine) from USSR (now Russia), and registered with Medical Council of India (having a NRI status), but not in active practice now. He is residing in Gautam Budh Nagar, and is a traditional agriculturist holding agricultural land in different states, and doing agriculture in the area at Yamuna Pushta, Noida, and is thus directly impacted by the arbitrary compliance / demarcation report dated 15.10.2024 with respect to river Yamuna in Gautam Budh Nagar, UP prepared by Executive Engineer, Irrigation Department at **Page 727 to 733**.

Simultaneously the applicant is also an environmentalist, having affinity towards flora and fauna; and is nature loving.

5. That chronologically, the present OA originally is with respect to grievance for unauthorized constructions over the flood plain zone of Yamuna and Hindan rivers at a specific area i.e. village Lakhnawali, Greater Noida, Gautam Budh Nagar, UP.

S. No.	Date of order passed by this Hon'ble Tribunal	Details
i.	20.04.2023	This Hon'ble tribunal, vide its order dated 20.04.2023, while issuing notice, directed the authorities to file action taken report after following due process of law and also to serve its copy to the alleged violators for their response.
ii.	27.07.2023	Vide its order dated 27.07.2023, this Hon'ble tribunal enlarged the scope of matter, thereby directing the authorities to identify and demarcate the flood plain zone of entire river Yamuna and Hindan for the District Gautam Budh Nagar and Greater Noida in reference to the Notification dated 07 th October, 2016 on "River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016" and Office Memorandum dated 14 th February, 2022 on "Guidelines for siting industries which are in close proximity with the river".
iii.	02.11.2023	A perusal of subsequent order dated 02.11.2023 passed by this Hon'ble Tribunal reveals that the District Magistrate, Gautam Budh Nagar filed his report dated 31.10.2023 simply stating that the area between the bund and the river is flood plain zone which is identified and demarcated. The said report dated 31.10.2023 filed by District Magistrate, Gautam Budh Nagar was

		<p>observed to be not acceptable to this Hon'ble Tribunal in its order dated 02.11.023 itself in the following words:</p> <p><i>"The report dated 31.10.2023 by the District Magistrate, Gautam Budh Nagar has been filed but after perusal of the said report and the enclosure, we find that the exercise for demarcation of flood plain zone of rivers Yamuna and Hindon in reference to the Notification dated 07.10.2016 has not been carried out. The report simply states that the area between the bund and the river is flood plain zone which is identified and demarcated. No such demarcation report in terms of the order of 2016 is on record.</i></p> <p><i>Hence, District Magistrate, Gautam Budh Nagar and District Magistrate, Ghaziabad are required to place on record the demarcation report relating to the demarcation of the flood plain zone of river Yamuna and Hindon flowing within the limits of their district in reference to the Notification date 07.10.2016."</i></p> <p><i>"... it will be open to the counsel for the concerned parties to file their response in the meanwhile."</i></p>
iv.	16.01.2024	<p>Thereafter vide order dated 16.01.2024 passed by this Hon'ble tribunal, it reflects that the District Magistrate, Gautam Budh Nagar contacted National Institute of Hydrology, Roorkee to determine submergence area of Hindon river and Yamuna river; and sought time to carry out a study by that institute.</p>
v.	29.01.2024	<p>Vide another order dated 29.01.2024 passed by this Hon'ble tribunal, it was observed that <i>"the District Magistrate again reiterated about construction of bandh both sides of the river Yamuna whereas it was already rejected by the tribunal in the previous proceedings about demarcation of flood plain zone in terms of 2016 and 2024 (Amended) notifications."</i> Accordingly, more time was accorded for the demarcation of the flood plain area on the request that National Institute of Hydrology,</p>

		Roorkee has already been approached to carry out the survey and flood plain zoning study.
vi.	09.03.2024	A Joint report dated 09.03.2024 was filed by the authority at Page 637 to Page 657 , stating that irrigation department is not having the required expertise and that even Survey of India has stated that a detailed study is required to demarcate the flood plain area and that it cannot be done on the basis of available maps on the website. Finally, a request is made for permission to get the demarcation carried out through National Institute of Hydrology, Roorkee.
vii.	12.03.2024	It was further reported to this Hon'ble tribunal, vide order dated 12.03.2024 that National institute of Hydrology, Roorkee was engaged by Government of UP who has quoted Rs 42 Lakhs + GST with the study duration of 6 months. This tribunal was of the opinion that 1:25000 scale map with 10 meter and 20 meter contour can be sufficient, for which 'Survey of India (SoI)', a national reputed surveying agency be considered to be engaged for demarcation of the floods plain zone of Yamuna and Hindon as per Ganga Rejuvenation Notification dated 07.10.2016.
vii.	29.04.2024	Vide order dated 29.04.2024 passed by this Hon'ble tribunal it was brought on record by the State of UP that Survey of India has given the map with one meter contour for the stretch of 75 km, out of which, identification of the stretch of 30 km has been done and of remaining 45 km will be done shortly. A further time was granted by this Hon'ble tribunal to complete the process of demarcation.
viii.	07.08.2024	Time was further extended vide order dated 07.08.2024 passed by this Hon'ble tribunal.
ix.	24.10.2024	Vide order dated 24.10.2024 passed by this Hon'ble Tribunal, it reveals that a compliance report dated 15.10.2024 is filed by Executive Engineer, irrigation Department, State of UP disclosing that except for the 3 km stretch located upstream of Okhla Barrage, the

		demarcation of flood plain zone of river Yamuna in Ghaziabad, Greater Noida and Gautam Budh Nagar has been completed. More time was granted to complete the demarcation work. Along with the report, the details of the pillars which have been put up for demarcation of the flood plain of Yamuna have been placed on record along with latitude and longitude from page no. 725 onwards as Annexure 1
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6. The applicant is thus challenging the legality and correctness of the compliance / demarcation report dated 15.10.2024 on the flood plain zone of river Yamuna filed by Executive Engineer, irrigation Department, State of UP on the following amongst other grounds

7. GROUND

- i. Because there is a Requirement of a public notice in leading newspapers in consonance with the principles of natural justice by this Hon'ble tribunal, while converting and entertaining the present case as public interest matter.
- ii. Because a careful and vital balance is to be struck between the environmental safety vis a vis the private property rights of large section of the residents / occupation in the area.

- iii. Because the compliance / demarcation report dated 15.10.2024 is prepared by the officer below the rank of District Magistrate, which is the competent authority under the law to carry out the required exercise.
- iv. Because this Hon'ble tribunal has even clearly spelled out in its order dated 16.01.2024 that *“for the purposes of demarcation of flood plain zone under River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, the responsibility lie at District level with District Magistrate who is in-charge of District Ganga Committee.”*
- v. Because it is the persistent direction of this Hon'ble Tribunal for the District Magistrate to prepare the demarcation report, and thus any such compliance / demarcation report prepared by the Executive Engineer is of no legal value.
- vi. Because on merits also the compliance / demarcation report dated 15.10.2024 is misconceived, it being cursory, arbitrary and without supporting documents which may substantiate that it is prepared in terms “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016’ or Office Memorandum dated 14th February, 2022 on “Guidelines for siting industries which are in close proximity with the river”.
- vii. Because there is no reference or mention even made in the compliance / demarcation report dated 15.10.2024 that any adherence is made to “River Ganga (Rejuvenation, Protection & Management) Authorities

- Order, 2016' or Office Memorandum dated 14th February, 2022 on "Guidelines for siting industries which are in close proximity with the river".
- viii. Because at no point of time that any order was passed by this Hon'ble tribunal making any directions to the irrigation department or directed it to remain present on the next date. Para 1 of the compliance / demarcation report dated 15.10.2024 is thus totally an incorrect averment, nor that there exists any order dated 05.07.2024 or even such a date of hearing in the present matter. The compliance / demarcation report dated 15.10.2024 is thus defective and not a reliable document.
- ix. Because the entire exercise so made is a farce; and there is nothing on record to suggest that there is any fresh Digital Elevation Model (DEM) / contour map prepared or actual inspections carried out at site, after the directions passed by this Hon'ble tribunal from time to time to demarcate the flood plain area in terms of "River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016'.
- x. Because on examination of the compliance/demarcation report dated 15.10.2024, it is apparent that vide letter dated 10.09.2024, the wooden pegs/pillars are installed not by Survey of India, but by Executive Engineer. It is not produced on record as to on what basis or measurements that the said wooden pegs/pillars are installed by the Executive Engineer. The Survey of India only thereafter worked out the

longitudes and latitudes. Further that it reveals from the letter dated 16.08.2024 issued by Executive Engineer that it is the Executive Engineer who had in-fact sent some map to UP Geopatial Directorate, Lukhnow.

- xi. Because it seems that the authorities are wrongfully carrying forward its earlier report dated 31.10.2023 which simply stated that the area between the bund and the river is flood plain zone. The said report dated 31.10.2023 filed by District Magistrate, Gautam Budh Nagar was observed to be not acceptable to this Hon'ble Tribunal in its order dated 02.11.2023.
- xii. Because flood plain area has to be demarcated according to the definition of "Flood plain" as provided in Section 3 (1) (I) of "The River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016", which provides that *'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.* Thus, the exercise had to be done by Survey of India and District Magistrate on the basis of 100 years data and on that basis a fresh Digital Elevation Model (DEM) / contour map has to be prepared after actual inspections carried out at site; and not on the basis of some prior existing map prepared for some other purpose.

- xiii. Because the compliance / demarcation report dated 15.10.2024 is thus unscientific and cryptic; and the competent authority is required to carry out demarcation and comply the directions of this Hon'ble tribunal dated 27.07.2023, 02.11.2023, 29.01.2024 and 12.03.2024 to that effect in its letter and spirit.
- xiv. Because the compliance / demarcation report dated 15.10.2024 is casual, mechanical and cursory in nature; and prejudicial to the property rights enshrined under Article 300A of Constitution of India of the applicant and other residents / occupiers.

PRAYER

Under the circumstances it is respectfully prayed:

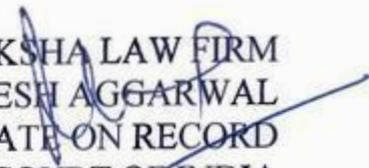
- i. That the present objections to the compliance / demarcation report dated 15.10.2024 on the flood plain area of river Yamuna pertaining to Noida / Gautam Budh Nagar etc be taken on record and dealt with appropriately; and / or
- ii. The respondent / competent authority be directed to carry out demarcation and comply the directions of this Hon'ble tribunal dated 27.07.2023, 02.11.2023, 29.01.2024 and 12.03.2024 to that effect in its letter and spirit; and / or

- iii. Such other and further order which this Hon'ble tribunal deems fit and proper be also passed in the interest of justice.



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: 07/01/2025

EMAIL: deekshalawfirm2017@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
(M.A. No. /2025)

IN
ORIGINAL APPLICATION No. 275 of 2023

IN THE MATTER OF

MAHESH KUMAR APPLICANT

VERSUS

STATE OF UTTAR PRADESH & OTHERS ... RESPONDENTS

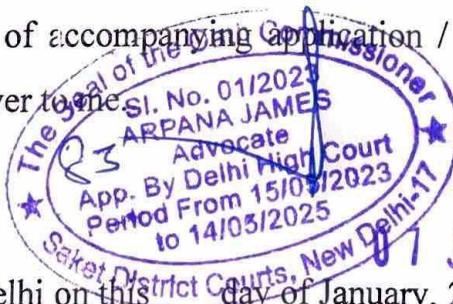
AND IN THE MATTER OF

AJIT KUMAR ...APPLICANT / INTERVENOR

AFFIDAVIT

I, AJIT KUMAR S/o Late Sh. Braj Kishor Singh aged about 53 years R/o C-29, GF, Eldeco Residency Greens, Sector- PI -32, Greater Noida, Kasana, Gautam Buddha Nagar, UP - 201310 presently at Delhi, do hereby solemnly affirm as under:

1. That I am the Applicant – intervenor / objector in the present application, and conversant with the facts of the case and thus competent to depose.
2. That the contents of accompanying Application / objections are true and correct and read over to me.



[Signature]
DEPONENT

VERIFICATION

Verified at New Delhi on this 07 day of January, 2025 that the contents of the above affidavit are true & correct and nothing has been concealed there from.

CERTIFIED THAT THE DEPONENT
 Shri / Smt. / Km. *Ajit Kumar*
 R/o
 Identified by Shri / Smt. *Rajesh Daggand*
 Has solemnly affirmed before me at
 Delhi.....SI. No. *23*
 That the contents of the affidavit which
 have been explained to him are
 true and correct to the knowledge

[Signature]
DEPONENT

[Signature]
I Identify the Executant/Deponent
who has Signed in My presence

07 JAN 2025

[Signature]
Date Commissioner, Delhi
ARPANA JAMES



दिनांक 08 जून, 2022

सार्वजनिक सूचना

एतद्वारा सर्वसाधारण को सूचित किया जाता है कि उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम 1976, के सुसंगत प्राविधानों के अनुसार नौएडा प्राधिकरण के अधिसूचित क्षेत्र में प्राधिकरण की पूर्व अनुमति के बिना कोई भी निर्माण कार्य करना अनुमन्य नहीं है, क्योंकि ऐसे अनाधिकृत निर्माण से संबंधित भूमि की प्रकृति/स्टेटस में परिवर्तन हो सकता है, जिसका नौएडा के समुचित नियोजन, अवस्थापना सुविधाओं के विकास एवं जनसामान्य के हितों पर विपरीत प्रभाव पड़ेगा। इसके अतिरिक्त प्राधिकरण के अधिसूचित क्षेत्र में पड़ने वाली यमुना / हिण्डन नदी के डूब क्षेत्र (Flood Plain Zone) में भी किसी भी प्रकार का निर्माण अनुमन्य नहीं है। यहाँ यह भी ध्यातव्य है कि नौएडा के अधिसूचित क्षेत्र में इस प्राधिकरण के अतिरिक्त किसी अन्य विभाग / निकाय/संस्था को किसी भी प्रकार के निर्माण हेतु नक्शा रवीकृत करने अथवा निर्माण की अनुमति देने का क्षेत्राधिकार प्राप्त नहीं है।

उपरोक्त के संबंध में यह भी सूचित करना है कि वर्तमान समय में चूंकि नौएडा के अधिसूचित क्षेत्र में अनाधिकृत निर्माण बड़े पैमाने पर तीव्र गति से फैल रहा है, जिसको रोकने के लिए पूर्व में प्रकाशित सार्वजनिक सूचनाओं, नौएडा के अधिसूचित क्षेत्र में लगाए गए विभिन्न नोटिस बोर्ड, समय-समय पर अवैध निर्माण के विरुद्ध चलाए गए अतिक्रमण उन्मूलन अभियान एवं नौएडा की अधिकृत वेबसाइट noidaauthorityonline.com के माध्यम से भी अनाधिकृत निर्माण से संबंधित सार्वजनिक सूचना का प्रचार-प्रसार किया जाता रहा है।

अतः सार्वजनिक रूप से जनसामान्य को सूचित किया जाता है कि नौएडा के अधिसूचित/डूब क्षेत्र में कोई भी निर्माण किया जाना पूर्णतः अवैध है। अगर किसी के द्वारा कोई निर्माण किया गया है तो तत्काल स्वयं हटा लें अन्यथा की दशा में नौएडा के अधिसूचित/डूब क्षेत्र में अनाधिकृत निर्माण पाये जाने पर उसे ध्वस्त किया जायेगा। ध्वस्तीकरण की कार्यवाही पर होने वाले व्यय की वसूली भी भू-राजस्व के बकाये की भाँति अनाधिकृत निर्माणकर्ता से ही की जायेगी। इसके अतिरिक्त इसमें संलिप्त अतिक्रमणकारियों के विरुद्ध आवश्यक वैधानिक कार्यवाही भी की जायेगी।

मुख्य कार्यपालक अधिकारी
नौएडा

Case :- WRIT - C No. - 17175 of 2022

Petitioner :- Harit Kisan Kalyan Samiti

Respondent :- New Okhla Industrial Development Authority And 2 Others

Counsel for Petitioner :- Nitin Chandra Mishra

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

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Sameer Jain,J.

Supplementary affidavit filed today is taken on record.

On oral prayer made by learned counsel for the petitioner that the matter is extremely urgent as it involves demolition, we sent for the record of the case and it is heard in presence of learned counsel for the parties.

Heard Sri Vijay Singh, learned Senior Advocate assisted by Sri Nitin Chandra Mishra, learned counsel for the petitioner; Sri Manish Goel, learned Additional Advocate General for the respondents and Sri Anuj Srivastava, learned counsel for NOIDA. With their consent, this writ petition is being disposed of finally without inviting a formal counter affidavit.

The petitioner is a registered Society and has filed the instant petition espousing the cause of its members. The list of members of the petitioner-Society is given in Annexure-2 to the supplementary affidavit. According to the said list there are 53 members in the petitioner-Society. The petitioner has assailed a public notice dated 8.6.2022 issued by respondent no. 1 i.e New Okhla Industrial Development Authority (in short, 'NOIDA') stating that in the notified area, falling under its jurisdiction, no construction activity is permissible without its approval. Recently a number of illegal constructions have been raised in the development area which is flood plain zone of river Ganga/Hindon and that too without getting any building plan sanctioned. It has been clearly mentioned in the notice that all constructions in the notified area/flood plain zone are illegal and should be removed forthwith, failing which, it would be demolished by the respondent-authority.

Sri Vijay Singh, learned counsel for the petitioner submitted that most of the constructions raised by members of the petitioner-society dates back to the year 2010 and that no impact assessment as provided under the second proviso to paragraph-6(3) of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 has been undertaken so far. Straightaway, the respondent authority has issued the

impugned public notice and is now threatening to demolish the constructions. It is further submitted that the members of the petitioner-society have not been served with any individual notice and merely on basis of impugned public notice, the NOIDA authority is threatening to demolish the constructions.

On the other hand, Sri Manish Goyal, learned Additional Advocate General has invited our attention towards various proceedings and reports submitted before the National Green Tribunal by Yamuna Monitoring Committee and tried to contend that the NOIDA Authority while issuing public notice has acted strictly in accordance with law.

On a query made by Court as to whether there is in existence any individual demolition orders against members of the petitioner society or other persons who are getting affected by the impugned public notice, he admits that there is no individual order in existence. He tried to contend that it is difficult for the authority to identify the actual owner/occupier of the plot/land over which such constructions have been raised, therefore, individual notice/order has not been issued so far. He, however, states that in case, the petitioner-society and its members file objection in pursuance of impugned public notice, treating it to be a show cause notice, the NOIDA Authority will decide the same and will not take any action, till the disposal of the objection.

We are of the opinion that the aforesaid course, if adopted, will sub-serve the ends of justice. We, accordingly, permit the petitioner-society and its members to file objection within **ten days** in pursuance of the impugned public notice, as also agreed to by learned counsel for the petitioner, and in which event, the same shall be decided by respondent no. 2 by means of a speaking order. For a period of **twenty days** from today, the status quo as of date shall be maintained by all the parties.

In case, the petitioner and its members fail to file objection within **ten days** from today, it shall be open to the respondent-authority to proceed further in pursuance of the impugned public notice.

The petition stands **disposed off**, accordingly.

Order Date :- 14.6.2022/Ankita

(Sameer Jain,J.)

(Manoj Kumar Gupta,J.)

**Court No. - 217 1**

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Case :- WRIT - C No. - 17176 of 2022**Petitioner :-** Smt. Arima Saxena And 8 Others**Respondent :-** State of U.P. and Another**Counsel for Petitioner :-** Ashish Kumar Singh, Ajay Kumar Singh**Counsel for Respondent :-** C.S.C., Kaushalendra Nath Singh**Hon'ble Manoj Kumar Gupta, J.****Hon'ble Sameer Jain, J.**

On oral prayer made by the learned counsel for the petitioners that the matter is extremely urgent as there is threat of demolition of the house of the petitioners, we sent for the record of the case and it is heard in presence of learned counsel for the parties.

The petitioners have called in question a public notice dated 08.06.2022.

Sri Ashish Kumar Singh, learned counsel for the petitioners as well as Sri Manish Goyal, learned Additional Advocate General appearing for the respondents and Sri Anuj Srivastava for the NOIDA authority states that the instant matter is covered by the order passed today in Writ C No. 17175 of 2022 (Harit Kisan Kalyan Samiti Vs. New Okhla Industrial Development Authority and others). The said writ petition was disposed of with the following directions:-

"We are of the opinion that the aforesaid course, if adopted, will sub-serve the ends of justice. We, accordingly, permit the petitioner-society and its members to file objection within ten days in pursuance of the impugned public notice, as also agreed to by learned counsel for the petitioner, and in which event, the same shall be decided by respondent no.2 by means of a speaking order. For a period of twenty days from today, the status quo as of date shall be maintained by all the parties.

In case, the petitioner and its members fail to file objection within ten days from today, it shall be open to the respondent-authority to proceed further in pursuance of the impugned public notice."

Accordingly, the instant petition also stands disposed of in same terms.

Order Date :- 14.6.2022/AK Pandey



Case :- WRIT - C No. - 18009 of 2022

Petitioner :- Ankit Gupta And 29 Others

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

Counsel for Petitioner :- Vishakha Pande, Abhay Pratap Singh, Sr. Advocate

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

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Dr. Yogendra Kumar Srivastava, J.

The petitioners have called in question a public notice dated 08.06.2022.

Sri Rakesh Pande, learned Senior Counsel assisted by Ms. Vishakha Pandey and Sri Abhay Pratap Singh, learned counsel for the petitioners as well as Sri Shashi Dhar Pandey, learned Standing Counsel appearing for the State-respondents and Sri Kaushalendra Nath Singh, for the NOIDA authority state that the instant matter is covered by the order passed on 14.6.2022 in Writ C No. 17175 of 2022 (Harit Kisan Kalyan Samiti Vs. New Okhla Industrial Development Authority and others). The said writ petition was disposed of with the following directions:-

"We are of the opinion that the aforesaid course, if adopted, will sub-serve the ends of justice. We, accordingly, permit the petitioner-society and its members to file objection within ten days in pursuance of the impugned public notice, as also agreed to by learned counsel for the petitioner, and in which event, the same shall be decided by respondent no.2 by means of a speaking order. For a period of twenty days from today, the status quo as of date shall be maintained by all the parties.

In case, the petitioner and its members fail to file objection within ten days from today, it shall be open to the respondent-authority to proceed further in pursuance of the impugned public notice."

Accordingly, the instant petition also stands disposed off in same terms.

Order Date :- 5.7.2022

Imroz

(Dr. Y. K. Srivastava, J.)

(Manoj Kumar Gupta, J.)

Court No. - 64

44

Case :- WRIT - C No. - 17895 of 2022

Petitioner :- Abhiram Singh And 20 Others

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Vishakha Pande, Abhay Pratap Singh, Sr. Advocate

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

Hon'ble Ajit Kumar, J.

Hon'ble Vikas Budhwar, J.

Learned counsel for the petitioners submits that **Writ C No. 17895 of 2022** be segregated from the bunch and be taken up and disposed of.

Heard learned counsel for the petitioners and Sri Anurag Srivastava holding brief of Sri Kaushalendra Nath Singh learned counsel appearing for respondent No. 2.

Petitioners are aggrieved for the demolition exercise being carried out pursuant to the general notice issued by the authority on 08.06.2022 wherein a reason has been assigned that in the flood plane areas no construction activity can be carried out by anyone in view of the directions issued by the National Green Tribunal.

Learned counsel for the petitioners has argued that not only objections have been filed to the notice but even the land in question has not been acquired by the New Okhla Industrial Development Authority (NOIDA) so as to restrain the petitioners from raising any construction. It is also argued that pending objection before the competent authority propriety demanded that any demolition exercise ought to have been carried out any further only after the decision was taken by the authority.

Learned Advocate appearing for NOIDA submits that given a direction the authority will be disposing of the objection filed by the petitioners dated 10.06.2022 strictly in accordance with law.

In view of the above, without entering into the merits of the claim of the parties, we dispose of this writ petition with a direction to the competent authority to decide the objection filed by the petitioners dated 10.06.2022 in response to the public notice issued

on 08.06.2022 ~~strictly~~ ⁷⁴ in accordance with law. It will be open for the petitioners to raise all such grounds as may be available to them or may be advised including the ground regarding competence of the authority in issuing orders for demolition over and above the land in question.

It is given to understand that the petitioners shall also not be raising any further construction over the land in question.

The appropriate decision shall be taken by the authority within a period of 30 days of production of certified copy of this order.

It is also hereby provided that until the decision is taken by the authority competent in the matter, no further demolition exercise shall be carried out pursuant to the notice issued on 08.06.2022.

It will remain open for the petitioners to file objection within a period of three weeks from today.

Order Date :- 7.6.2023

Rajesh

Case :- WRIT - C No. - 17568 of 2022

Petitioner :- Suchit Malhotra And 8 Others

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Ashutosh Tiwari,Devansh Misra,Shubhendu Mishra

Counsel for Respondent :- C.S.C.,Anuj Srivastava

Hon'ble Ajit Kumar,J.

Hon'ble Vikas Budhwar,J.

Sri Devansh Mishra learned counsel for the petitioners submits that **Writ C No. 17568 of 2022** be segregated from the bunch and be taken up and disposed of.

Heard Sri Devansh Mishra learned counsel for the petitioners and Sri Ankur Agarwal learned counsel appearing for respondent No. 2.

Petitioners are aggrieved for the demolition exercise being carried out pursuant to the general notice issued by the authority on 08.06.2022 wherein a reason has been assigned that in the flood plane areas no construction activity can be carried out by anyone in view of the directions issued by the National Green Tribunal.

Sri Mishra has argued that not only objections have been filed to the notice but even the land in question has not been acquired by the New Okhla Industrial Development Authority (NOIDA) so as to restrain the petitioners from raising any construction. It is also argued that pending objection before the competent authority propriety demanded that any demolition exercise ought to have been carried out any further only after the decision was taken by the authority.

Sri Ankur Agarwal learned Advocate appearing for NOIDA submits that given a direction the authority will be disposing of the objection filed by the petitioners dated 10.06.2022 strictly in accordance with law.

In view of the above, without entering into the merits of the claim of the parties we dispose of this writ petition with a direction to the competent authority to decide the objection filed by the petitioners

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dated 10.06.2022 in response to the public notice issued on 08.06.2022 strictly in accordance with law. It will be open for the petitioners to raise all such grounds as may be available to them or may be advised including the ground regarding competence of the authority in issuing orders for demolition over and above the land in question.

It is given to understand that the petitioners shall also not be raising any further construction over the land in question.

The appropriate decision shall be taken by the authority within a period of 30 days of production of certified copy of this order.

It is also hereby provided that until the decision is taken by the authority competent in the matter, no further demolition exercise shall be carried out pursuant to the notice issued on 08.06.2022.

It will remain open for the petitioners to file objection within a period of three weeks from today.

Order Date :- 7.6.2023

Rajesh

नवीन ओखला औद्योगिक विकास प्राधिकरण

मुख्य प्रशासनिक भवन, सेक्टर-6, नौएडा
जिला-गौतम बुद्ध नगर-201301

पत्र सं० - नौएडा/भूलेख/2023/2613
दिनांक 1.4.2023

आदेश

मा० उच्च न्यायालय, इलाहाबाद में योजित याचिका संख्या-17176/2022, अरिमा सक्सेना व 8 अन्य बनाम उ०प्र० राज्य व अन्य में मा० उच्च न्यायालय, इलाहाबाद द्वारा दिनांक 14.06.2022 को आदेश पारित किया गया है, जिसका क्रियात्मक अंश निम्नवत् है:-

"On oral prayer made by the learned counsel for the petitioners that the matter is extremely urgent as there is threat of demolition of the house of the petitioners, we sent for the record of the case and it is heard in presence of learned counsel for the parties.

The petitioners have called in question a public notice dated 08.06.2022. Sri Ashish Kumar Singh, learned counsel for the petitioners as well as Sri Manish Goyal, learned Additional Advocate General appearing for the respondents and Sri Anuj Srivastava for the NOIDA authority states that the instant matter is covered by the order passed today in Writ C No. 17175 of 2022 (Harit Kisan Kalyan Saniti Vs. New Okhla Industrial Development Authority and others). The said writ petition was disposed of with the following directions:-

"We are of the opinion that the aforesaid course, if adopted, will sub-serve the ends of justice. We, accordingly, permit the petitioner-society and its members to file objection within ten days in pursuance of the impugned public notice, as also agreed to by learned counsel for the petitioner, and in which event, the same shall be decided by respondent no.2 by means of a speaking order. For a period of twenty days from today, the status quo as of date shall be maintained by all the parties. In case, the petitioner and its members fail to file objection within ten days from today, it shall be open to the respondent authority to proceed further in pursuance of the impugned public notice."

Accordingly, the instant petition also stands disposed of in same terms."

मा० न्यायालय द्वारा पारित उपरोक्त आदेश के अनुपालन में याचिका में सम्मिलित याचीगण/प्रत्यावेदकगण श्रीमती अरिमा सक्सेना पत्नी निशीथ सक्सेना, नि०-सी-143, सरस्वती कुंज 25 इन्द्रप्रस्थ एक्सटेंशन, नई दिल्ली व अन्य प्रत्यावेदकगण द्वारा दिनांक 20.06.2022, 23.06.2022 एवं 24.06.2022 को अपना प्रत्यावेदन प्राधिकरण स्तर पर प्रस्तुत किया गया। प्रत्यावेदकगण द्वारा अपने प्रत्यावेदन दिनांक 20.06.2022, 23.06.2022 एवं 24.06.2022 में मुख्य रूप से नौएडा सेक्टर-135, के निकट डूब क्षेत्र (Flood Plain Zone) में बनाये गये फार्म हाउसों के विरुद्ध जारी सार्वजनिक नोटिस दिनांक 08.06.2022 तथा तत्कम में नौएडा प्राधिकरण द्वारा की गयी ध्वस्तीकरण की कार्यवाही को विधि विरुद्ध बताते हुए मा० उच्च न्यायालय के समक्ष उक्त याचिका योजित की गयी है।

याचिका संख्या-17176/2022 में पारित मा० उच्च न्यायालय के आदेश दिनांक 14.06.2022, प्रत्यावेदकगण के प्रत्यावेदन दिनांक 20.06.2022, 23.06.2022 एवं 24.06.2022, याचिका एवं नौएडा प्राधिकरण के संबंधित अभिलेखों का अवलोकन व परीक्षण किया गया, जिसमें निम्नवत् स्थिति उभर कर सामने आती है:-

1. ग्राम-दोस्तपुर मंगरौली, छपरौली बांगर, चकबसंतपुर, चकमंगरौला एवं तिलवाडा नौएडा के अधिसूचित ग्राम हैं। ग्राम-चकबसंतपुर को उत्तर प्रदेश शासन द्वारा जारी अधिसूचना संख्या-4157 भाउ/18-11, दिनांक 17 अप्रैल, 1976, ग्राम-चकमंगरौला, दोस्तपुर, तिलवाडा को उत्तर प्रदेश शासन द्वारा जारी अधिसूचना संख्या-1730 भाउ/18-10-97 लखनऊ दिनांक 06 अगस्त, 1997 एवं ग्राम-छपरौली बांगर उत्तर प्रदेश शासन द्वारा जारी अधिसूचना संख्या-504/18-10-98 लखनऊ दिनांक 31.03.1998 नौएडा प्राधिकरण के अधिसूचित ग्राम हैं।
2. उत्तर प्रदेश औद्योगिक क्षेत्र विकास अधिनियम, 1976 के सुसंगत प्रावधानों के तहत नौएडा के अधिसूचित क्षेत्र में बिना नौएडा प्राधिकरण की अनुमति के कोई भी निर्माण अनुमत्य नहीं है। उल्लेखनीय है कि U.P. Industrial Area Development Act, 1976 में विहित धारा-2 (डी) में यह स्पष्ट किया गया है कि-
(d) 'Industrial Development Area' means an area declared as such by the State Government by notification;

U.P. Industrial Area Development Act, 1976 की धारा-10 में निम्नवत् प्राविधान किया गया है-

"If it appears to the Authority that the condition or use of any site or building is pre-judicially affecting or is likely to affect the proper the planning of, or the amenities in any part of the industrial development area of the interests of the general public there, it may transferee or occupier of that site of building a notice requiring him to take such steps and within such period as may be specified in the notice and thereafter to maintain it in such manners as may be specified therein and in case such transferee or occupier fails to take such steps or to maintain it thereafter the Authority may itself take such steps or maintain it, and realize the cost incurred on it from such transferee or occupier."

U.P. Industrial Area Development Act, 1976 की धारा-17 में निम्नवत प्राविधान किये गये हैं-

".....Overriding effect of the Act 17.

Upon any area being declared an industrial development area under the provision of this act, such area, if included in the master plan or the zonal development plan under the Uttar Pradesh Urban planning and Development Act, 1973, or any development plan under any other Uttar Pradesh Act, shall with effect from the date of such declaration be deemed to be excluded from any such plan....."

इस संबंध में उल्लेखनीय है कि प्रत्यावेदकगण द्वारा कोई ऐसा अभिलेख भी अपने प्रत्य वेदन के साथ प्रस्तुत नहीं किया गया है, जिसमें नौएडा प्राधिकरण से प्रयुक्त निर्माण हेतु कोई अनुमति प्राप्त किया जाना दर्शाया गया हो।

नौएडा प्राधिकरण की अधिसूचित क्षेत्र की भूमि पर अवैध निर्माण के संबंध में New Okhla Industrial Development Area Building Regulation, 2010 के Clause No. 20.2 and 20.3 में निम्नवत उद्धृत किया गया है:-

20.2. "Unsafe Building" An unsafe building shall be considered to constitute danger to public safety hygiene and sanitation and shall be restored by repair or demolished or dealt with as otherwise directed by the Chief Executive Officer of the Authority.

20.3. "Unauthorised development" In case of Unauthorised development, the Chief Executive Officer or an authorized officer by the Chief Executive Officer shall -

(i) Take suitable action which may include demolition of unauthorised works, sealing of premises, prosecution and criminal proceedings against the offenders in pursuance of relevant Acts in force.

(ii) Take suitable action against the technical person concerned.

3. प्रत्यावेदकगण द्वारा अपनी आपत्ति में कथित किया गया है कि सार्वजनिक नोटिस दिनांक 08.06.2022 नैसर्गिक न्याय के विरुद्ध है व उनको सुनवाई का कोई अवसर नहीं दिया गया है। इस संबंध में उल्लिखित है कि प्राधिकरण द्वारा डूब क्षेत्र में एवं बांध रोड पर जगह-जगह दर्शनीय सुस्पष्ट चेतावनी बोर्ड लगा रखे हैं, जिसमें स्पष्ट रूप से अंकित है कि डूब क्षेत्र में किसी भी प्रकार का निर्माण कार्य अनुमन्य नहीं है। समय-समय पर सोशल मीडिया एवं विभिन्न माध्यमों से जनमानस को इस संबंध में सूचित भी किया जाता है। जहाँ तक नोटिस की व्यक्तिगत तामिला का प्रश्न है तो इस संबंध में प्राधिकरण की ओर से प्रयास किया गया परन्तु स्थलीय स्टाफ द्वारा अवगत कराया कि डूब क्षेत्र में बने बड़े-बड़े फार्म हाउसों में कोई स्थायी रिहायश नहीं है। प्रायः इन फार्म हाउसों में 1-2 केयर टेकर रहते हैं, जो फार्म हाउस मालिकों के नाम/ मो. नं इत्यादि उपलब्ध नहीं कराते हैं, जिससे फार्म हाउस के वास्तविक मालिक का नाम व पता ज्ञात हो सके। इसी क्रम में सार्वजनिक नोटिस दिनांक 08.06.2022 को फार्म हाउसों के मुख्य द्वार पर स्थलीय स्टाफ द्वारा चस्पा किया गया था। उल्लेखनीय है कि मा० राष्ट्रीय हरित अधिकरण द्वारा आ०/ए० संख्या-89/2013, आकाश वशिष्ठ बनाम यूनियन ऑफ इण्डिया व अन्य में पारित आदेश 20.05.2013 के क्रम में कार्यवाही हेतु फार्म हाउस निवासियों के सही नाम व पते ज्ञात न होने के कारण प्राधिकरण द्वारा सार्वजनिक नोटिस दिनांक 21.06.2013 व 25.06.2013 समाचार पत्रों में विज्ञप्ति प्रकाशित की गई थी, जिससे क्षुब्ध होकर कतिपय व्यक्तियों द्वारा मा० उच्च न्यायालय, इलाहाबाद में रिट याचिकाएं योजित की गयी थी। रिट याचिका संख्या-44104/2013 व अन्य सम्बद्ध रिटों में मा० उच्च न्यायालय द्वारा सार्वजनिक नोटिस को सही मानते हुए दिनांक 29.08.2013 को निम्न आदेश पारित किया गया था, जिसका क्रियात्मक अंश निम्नवत है:-

"Considering the facts and circumstances of this case, we dispose of this writ petition with a direction that the order dated 21.6.2013 passed by the respondent-NOIDA shall be treated as a notice to the petitioner to which the petitioner may submit their response within three weeks from today. On receipt of such replies, if any, the respondent-NOIDA shall pass reasoned and speaking orders as expeditiously as possible after considering the replies and, if necessary, giving opportunity of hearing to the petitioner.

With the aforesaid directions/observations this writ petition stands disposed of."

पुनः वर्तमान में भी मा० उच्च न्यायालय द्वारा अपने आदेश दिनांक 16.06.2022 में भी सार्वजनिक नोटिस को निरस्त नहीं किया गया है व प्रत्यावेदकगण को आपत्ति प्रस्तुत करने का अवसर प्रदान किया गया है, जिस क्रम में इनका प्रत्यावेदन अब प्रस्तुत हुआ है। अतः प्रत्यावेदकगण द्वारा की गयी आपत्ति निराधार व बलहीन है।

4. प्रत्यावेदकगण द्वारा अपनी आपत्ति में प्राधिकरण के अधिकार क्षेत्र व फ्लड प्लेन जोन की परिभाषा के संबंध में आपत्ति की गयी है, जिसके संबंध में उल्लेखनीय है कि सिंचाई विभाग के प्रमुख अभियंता एवं विभागाध्यक्ष द्वारा अपने परिपत्र संख्या 38/का०प्र०अ०भू-09अ.नि.म.-3 दिनांक 15.01.2015 द्वारा इस संबंध में आदेश जारी किया गया है, जो निम्नवत है:-

उ0प्र0 की विभिन्न नदियों में समर-समय पर फ्लड प्लेन जोन/ फ्लड प्लेन क्षेत्र की परिभाषा के संबंध में चर्चा होती रहती है। इस क्रम में उ0प्र0 की नदियों के लिए एतद्द्वारा फ्लड प्लेन जोन/फ्लड प्लेन एरिया निम्नानुसार परिभाषित किया जाता है:-

फ्लड प्लेन जोन/एरिया

1. जहाँ नदी के दोनों ओर मार्जिनल तटबंध निर्मित है ऐसे स्थानों पर दो तटबंधों के मध्य का क्षेत्र।
 2. जहाँ नदी के दोनों ओर मार्जिनल तटबंध निर्मित नहीं है ऐसे स्थानों पर शहरी क्षेत्र में 1:50 वाढ आर्वत तथा ग्रामीण क्षेत्र में 1:25 वाढ आर्वत का ड्यू क्षेत्र।
5. अधिशासी अभियंता हेंड वक्र्स खण्ड आगरा नहर ओखला, नई दिल्ली-25 द्वारा अपने पत्र दिनांक 02.07.2022 द्वारा अवगत कराया गया कि - ".....यमुना एवं हिण्डन नदी के डूब क्षेत्र में हो रहे अवैध भवन/फार्म हाऊसों का निर्माण बाढ की दृष्टि से बहुत ही हानिकारक है। नदियों के किनारे बनाये जाने वाले तटबंध नदियों में अधिकतम डिस्चार्ज के अनुसार डिजाइन किये गये हैं। तटबंध का डिजाइन करते समय उपरोक्त नदियों के क्षेत्र में मात्र कृषि कार्य हो रहा था, जिससे बाढ के समय यह भूमि जल प्लावित हो जाती थी, और कोई अवैध निर्माण न होने के कारण बिना किसी जन-धन की हानि के बाढ का पानी पास हो जाता था। डूब-क्षेत्र में किसी भी प्रकार का निर्माण होने की स्थिति में भविष्य में जब बाढ के समय जल स्तर बढ़ेगा तो इन अवैध निर्माणों से पानी के बहाव में अवरोध उत्पन्न होने से यह पानी आगे नहीं बढ़कर तटबंध से टकरायेगा जो तटबंध को भी क्षतिग्रस्त कर सकता है। जिससे नोएडा के औद्योगिक एवं आवासीय सैक्टरों में भार जन-धन की हानि होने की प्रबल सम्भावना है। इस खण्ड के कार्यक्षेत्र में ग्राम-नौरंगवाढ खादर रायपुर खादर, असगर्पुर, चकबसंतपुर, शाहपुर गोवर्धनपुर खादर, नगला नगली, नगली बहरामपुर, नरली शागपुर, वाजिदपुर, छपरोली खादर, छपरोली बांगर, असदुल्लापुर, चकमंगरोला, दोस्तपुर मंगरोली खादर, किदावली आदि की भूमिमें यमुना नदी तटबंध के निकट से बह रही है बाढ की दृष्टि से जनपद-गौतमबुद्धनगर संवेदनशीलता की श्रेणी में है।
- अब तक हुये अवैध निर्माणों का डूब-क्षेत्र से हटाया जाना एवं किसी भी प्रकार के स्थायी/अस्थायी निर्माणों को प्रतिबंधित किया जाना मानव सुरक्षा की दृष्टि से आवश्यक है। अन्यथा भविष्य में कभी भी बाढ की विभिधिका का सामना करना पड सकता है। यह भी अवगतनीय है कि मा0 नेशनल ग्रीन ट्र्यूनुल की प्रिंसिपल बेंच नई, दिल्ली के आदेश स0-89/2013, आकाश वशिष्ठ बनाम यूनियन ऑफ इण्डिया व अन्य दिनांक 20.05.2013 के आदेशानुसार फ्लड प्लेन जोन में किसी भी प्रकार का निर्माण कार्य पूर्णतः प्रतिबन्धित है तथा इस जोन को हरित जोन बनाये जाने का प्राविधान है।....."
6. अधिशासी अभियन्ता, सिंचाई निर्माण खण्ड, गाजियाबाद द्वारा अपने पत्र दिनांक 29.06.2022 में अवगत कराया गया है कि- " यमुना एवं हिण्डन नदी के डूब क्षेत्र में हो रहे अवैध भवन फार्म हाऊसों का निर्माण बाढ की दृष्टि से बहुत ही हानिकारक है। नदियों के किनारे बनाये जाने वाले तटबंध नदियों में अधिकतम डिस्चार्ज के अनुसार डिजाइन किये गये हैं। तटबंध का डिजाइन करते समय उपरोक्त नदियों के क्षेत्र में मात्र कृषि कार्य हो रहा था, जिससे बाढ के समय यह भूमि जल प्लावित हो जाती थी, और कोई अवैध निर्माण न होने के कारण बिना किसी जन-धन की हानि के बाढ का पानी पास हो जाता था। डूब-क्षेत्र में किसी भी प्रकार का निर्माण होने की स्थिति में भविष्य में जब भी बाढ के समय जल स्तर बढ़ेगा तो इन अवैध निर्माणों से पानी के बहाव में अवरोध उत्पन्न होने से यह पानी आगे नहीं बढ़कर तटबंध से टकरायेगा जो तटबंध को भी क्षतिग्रस्त कर सकता है। जिससे नोएडा के औद्योगिक एवं आवासीय सैक्टरों में भारी जन-धन की हानि होने की प्रबल सम्भावना है। इस खण्ड के नियंत्रणाधीन दो स्थानों ग्राम याकूतपुर एवं कामबवशपुर की भूमि में यमुना नदी तटबंध के अत्यधिक निकट से बह रही है। ग्राम-याकूतपुर के निकट वर्ष-1996 में यमुना नदी के किनारे पर निर्मित तटबंध बाढ के समय लगभग एक कि.मी. लम्बाई में कट गया था जिसमें सेना की मदद लेनी पडी थी। बाढ की दृष्टि से जनपद गौतमबुद्धनगर संवेदनशीलता की श्रेणी में है।
- अब तक हुए अवैध निर्माणों का डूब-क्षेत्र से हटना एवं किसी भी प्रकार के स्थायी/अस्थायी निर्माणों को प्रतिबंधित किया जाना मानव सुरक्षा की दृष्टि से आवश्यक है। अन्यथा भविष्य में कभी बाढ की विभिधिका का सामना करना पड सकता है।....."
7. इस संबंध में उल्लेखनीय है कि नोएडा विकास क्षेत्र की महायोजना-2031 का अनुमोदन प्राधिकरण बोर्ड द्वारा दिनांक 25.08.2011 को किया गया है व शासन द्वारा दिनांक 29.09.2011 को अनापत्ति प्रदान की गयी। महायोजना के अनुसार नोएडा यमुना नदी व हिण्डन नदी के मध्य स्थित है नोएडा का क्षेत्रफल लगभग

गयी। महायोजना के अनुसार नौएडा गमुना नदी व हिण्डन नदी के मध्य स्थित है नौएडा का क्षेत्रफल लगभग 20000 हे० है जिसमें शहरीकरण हेतु लगभग 15000 हे० भूमि जिन्हाधिकृत है व शेष लगभग 5000 हे० भूमि इन दोनों नदियों के बाढ़ प्रभावित क्षेत्र के अंतर्गत आने के कारण इस भूमि को मारटर प्लान में रिवर फ्रन्ट डेवलपमेंट जोन के अंतर्गत दर्शाया गया है। नौएडा विकास क्षेत्र महायोजना-2031 की महायोजना प्रतिवेदन के बिन्दु संख्या-5.11 में रिवर फ्रन्ट डेवलपमेंट एरिया के संबंध में निम्न प्राविधान दिया गया है:-

".....Noida is bounded by the two embankments of river Yamuna and Hindon. Urbanisation is proposed broadly within the area between these two embankments. Development of urban activities has not been proposed in more than 5000 hectare land situated in the river front area of both the rivers because this is basically a flood affected area. The river Yamuna suffer from inadequate flow and quantum of water during majority time of the year. Rapid urbanization, encroachment on the river banks and over exploitation of water in Delhi has resulted in the dwindling of water flow in the river. The river is highly polluted due to discharge of untreated waste water through drain. However, the river Yamuna generates very high level of water flow during rainy seasons and some times due to discharge of rainy water from dams cause floods in the areas of Delhi and Noida. Conservation of flood prone area is essential. Therefore, urban activities have not been proposed in the river front areas of both the rivers. This entire area is proposed to be kept as green and open. However, it is proposed that the river front areas shall be developed for recreational and tourist activities with the provision of some temporary and removable structure on 1 percent area of a specific development project. A detailed plan of the development of river front areas is proposed to be prepared after a detailed study of its environmental conditions and potentials of development. It is a sensitive area and needs a detailed study to understand the cycle of flood occurrence, the ground water recharge potential and requirement, potential of reclamation and the potential of making this area physically accessible and functional."

उक्त प्राविधान से स्पष्ट है कि सर्वप्रथम रिवर फ्रन्ट डेवलपमेंट एरिया का विस्तृत प्लान तैयार किया जायेगा, जिसमें मनोरंजन तथा पर्यटक गतिविधियों का प्रावधान किया जायेगा। मनोरंजन एवं पर्यटक गतिविधियों में अधिकतम 1% क्षेत्रफल पर अस्थायी एवं Removable structure के निर्माण की अनुमति प्रदान की जायेगी।

महायोजना-2031 के अध्याय-7 के बिन्दु संख्या-7.1.1 में Use zone का उल्लेख है, जिसमें मुख्यतः 8 Use zone हैं, जो निम्नवत हैं:-आवासीय, व्यावसायिक, औद्योगिक, मनोरंजन सार्वजनिक एवं अर्द्ध सार्वजनिक, परिवहन, कृषि/Water body, रिवर फ्रन्ट डेवलपमेंट एरिया।

प्रश्नगत स्थल नौएडा महायोजना-2031 के रिवर फ्रन्ट डेवलपमेंट एरिया के अंतर्गत आता है। महायोजना प्रतिवेदन के बिन्दु संख्या-3.3.1 में विभिन्न भू-उपयोगों (Land use) में अनुमन्य गतिविधियों का उल्लेख है जिसे मैट्रिक्स के रूप में दर्शाया गया है। इस मैट्रिक्स में विभिन्न भू-उपयोगों में अनुमन्य गतिविधियों सहित अनुमन्य गतिविधियों, प्राधिकरण बोर्ड से अनुमन्य गतिविधियों तथा निषिद्ध गतिविधियों का उल्लेख है। इस मैट्रिक्स में रिवर फ्रन्ट डेवलपमेंट का उल्लेख नहीं है, जिससे स्पष्ट है कि रिवर फ्रन्ट डेवलपमेंट एरिया में किसी प्रकार की गतिविधि अनुमन्य नहीं है।

फार्म हाउस के गतिविधि का उल्लेख इस मैट्रिक्स के बिन्दु संख्या-9.2 में है। फार्म हाउस की Row का अवलोकन करने से स्पष्ट होता है कि यह गतिविधि आवासीय, संस्थागत तथा कृषि भू-उपयोग में अनुमन्य है एवं अन्य सभी भू-उपयोग में निषिद्ध है। यह भी उल्लेख किया जाना उचित होगा कि आवासीय, संस्थागत तथा कृषि भूमि पर प्राधिकरण द्वारा अर्जित कर उस पर ले-आउट तैयार किये जाते हैं एवं नियमानुसार इन ले-आउट में प्रस्तावित भूखण्डों का आवंटन किया जाता है। यदि ले-आउट प्लान में भूखण्ड फार्म हाउस के लिए प्रस्तावित है तो ही प्राधिकरण द्वारा भवन विनियमावली, 2010 में दिए गये प्रावधानों के अनुरूप मानचित्र स्वीकृत किया जाता है। इस प्रकार उपरोक्त से स्पष्ट है कि बिना नौएडा की अनुमति/नक्शा पास किये कोई भी निर्माण किया जाना अवैध है।

प्राधिकरण द्वारा कृषि भूमि को अर्जित किया गया है एवं कृषि भूमि पर फार्म हाउस नियोजित किये गये हैं तथा फार्म हाउसों को नियमानुसार आवंटित किये गये हैं एवं फार्म हाउसों के आवंटित भूखण्डों पर भवन विनियमावली, 2010 के अनुरूप मानचित्र भी स्वीकृत किये गये हैं।

8. प्रत्यावेदकगण द्वारा ग्राम-चकंगरीला, चकवसंतपुर, दोस्तपुर, तिलवाडा, छपरोली बांगर के डूब क्षेत्र (फ्लड प्लेन जोन) में निर्माण किया गया है, जो विधि विरुद्ध है।
9. डूब क्षेत्र के संबंध में उOप्रO शासन द्वारा समय-समय पर विभिन्न शासनादेश जारी कर डूब क्षेत्र में किसी भी प्रकार का निर्माण बंध नहीं माना है व इस संबंध में दिशा-निर्देश दिये गये हैं कुछ प्रमुख शासनादेश निम्न है-

विशेष सचिव उ०प्र० शासन द्वारा समस्त जिलाधिकारी उत्तर प्रदेश शासन को सम्बोधित पत्र संख्या 5923(1) एफ-9-21सि.-6/बाढ़/71, दिनांक 03.02.1992 तथा मुख्य सचिव, उत्तर प्रदेश शासन के द्वारा आयुक्त एवं प्रमुख सचिव आवास एवं शहरी नियोजन विभाग एवं अन्य के साथ-साथ प्रमुख सचिव सिंचाई एवं बाढ़ नियंत्रण विभाग उत्तर प्रदेश शासन को सम्बोधित पत्र संख्या 141वी (1) 09-27-सि०-2-18/बाढ़ दिनांक 16.03.2010, प्रमुख सचिव उत्तर प्रदेश शासन के द्वारा प्रमुख अभियन्ता विभागाध्यक्ष सिंचाई विभाग उत्तर प्रदेश को सम्बोधित पत्र संख्या 1560/12-27-सि०-3-43एल/08टी०सी० दिनांक 19.09.2012 के द्वारा भी समय-समय पर निर्देश जारी किये जाते रहे हैं। उक्त पत्रों के सुसंगत अंश निम्नवत् उद्धृत है:-

विशेष सचिव उत्तर प्रदेश शासन का पत्र संख्या 5923 (1) एफ91-27सि-6/397/बाढ़/71 दिनांक 03.02.1992:-

“.....जिलाधिकारी को सूचित कर दिया जाए कि फ्लड प्लेन जोन में निर्मित भवनों/आवादी के बचाव हेतु बाढ़ सुरक्षा कार्य नहीं कराया जाएगा और वे ऐसे क्षेत्र में निर्माण कार्यों पर अंकुश के लिए यू०पी० फ्लड इमरजेंसी पॉवर (क्वीजिशन एवं रिक्वीजिशन) एक्ट 1951 का प्रयोग करें.....”

मुख्य सचिव उत्तर प्रदेश शासन का पत्र संख्या 1417 वी (1) 09-27-सि-2-18/बाढ़ दिनांक 16.03.2010:-

“.....i..... महायोजना के अन्तर्गत नदियों के किनारे फ्लड प्लेन जोन को बाढ़ प्रभावित क्षेत्र के रूप में प्रदर्शित किया जाना एवं इसमें किसी प्रकार का निर्माण अनुमत्य नहीं होना सुनिश्चित करने हेतु इस क्षेत्रों का भू-उपयोग हरित रखा जाए। सम्बन्धित नगरों की महायोजनाओं के जोनिंग रेगुलेशन्स में फ्लड प्लेन्स के अन्तर्गत किसी भी प्रकार का निर्माण प्रतिबन्धित किया जाना सुनिश्चित किया जाए।

ii. आर०बी०ओ० एक्ट, यू०पी० अर्बन प्लानिंग एण्ड डेवलपमेन्ट एक्ट-1973 तथा इण्डस्ट्रियल डेवलपमेन्ट एक्ट-1976 के अन्तर्गत फ्लड प्लेन जोन में किसी प्रकार के निर्माण कार्य हेतु कोई अनापत्ति नहीं दी जाएगी और न ही भू-मानचित्र स्वीकृत किया जाएगा। उक्त प्रकार के अवैध निर्माण को रोकने हेतु उक्त अधिनियमों के प्रावधानों के अन्तर्गत प्रभावी कार्यवाही की जाए।.....”

iii. ऐसे क्षेत्र जो प्रस्तर-(1) एवं (2) से आच्छादित नहीं है, उसमें ओचित्य पाये जाने पर नार्दन इण्डिया कैनल एवं ड्रेनेज एक्ट-1873 की धारा-55 के अन्तर्गत क्षेत्रों को अधिसूचित करते हुए अवैध निर्माण को हटाने के लिए सिंचाई विभाग, उत्तर प्रदेश द्वारा प्रभावी कार्यवाही की जाए।”

प्रमुख सचिव उत्तर प्रदेश शासन का पत्र संख्या 1560/12-27-सि-3-43एल/08टी०सी० दिनांक 19.09.2012:-

“.....जिलाधिकारी, गौतमबुद्धनगर के उक्त पत्र द्वारा यह तथ्य शासन के संज्ञान में लाया गया है कि जनपद गौतमबुद्धनगर में यमुना नदी के किनारे डूब क्षेत्र में कतिपय व्यक्तियों द्वारा अवैध अतिक्रमण करते हुए 319 फार्म हाऊस 124.437 हे० में बनाये गये हैं। कतिपय प्रकरणों में जिला पंचायत द्वारा मानचित्र स्वीकृत करने एवं सिंचाई विभाग की अनापत्ति भी जारी की गयी है। प्रकरण अत्यन्त गंभीर है। ऐसी स्थिति में उक्त डूब क्षेत्र में बनाए गए अवैध फार्म हाऊस/अतिक्रमण तथा अनापत्ति प्रमाण पत्र निर्गत करने वाले अधिकारियों के विरुद्ध आवश्यक कार्रवाई सुनिश्चित करने का कष्ट करें तथा प्रकरण में अन्तर्गत अधिकारियों/कर्मचारियों की सूची पूर्णविवरण के साथ उपलब्ध करने का कष्ट करें। यह प्रत्येक दशा में सुनिश्चित किया जाए कि भविष्य में उक्त क्षेत्र में कोई अतिक्रमण एवं अवैध निर्माण न होने पाए। यदि उक्त क्षेत्र में कोई अतिक्रमण एवं अवैध निर्माण होता है तो संबंधित स्थानीय अधिकारी/कर्मचारीगण व्यक्तिगत रूप से उत्तरदायी होंगे और उनके विरुद्ध कठारे कार्रवाई की जाएगी.....”

मुख्य सचिव उत्तर प्रदेश शासन की अध्यक्षता में दिनांक 20.06.2013 को सम्पन्न बैठक का कार्यवृत्त:-

“..... यमुना नदी के किनारे डूब क्षेत्र में हुए अतिक्रमण तथा अवैध निर्माण को प्रभावी ढंग से रोकने और अवैध निर्माण को ध्वस्त करने की जिम्मेदारी मुख्य रूप से नौएडा, ग्रेटर नौएडा, गाजियाबाद विकास प्राधिकरण, जिनके अधिकार क्षेत्र में यह घटित हुए हैं, की है।.....”

यहाँ यह भी उल्लेखनीय है कि इस संबंध में मा० उच्च न्यायालय, दिल्ली द्वारा भी याचिका संख्या 2112/2002 यजीरपुर बर्तन निर्माता संघ बनाम दिल्ली सरकार व अन्य में Yamuna-Removal of encroachment committee को उच्च न्यायालय, दिल्ली द्वारा आदेश दिनांक 08.12.2005 के माध्यम से निम्नवत् निर्देश दिये गये थे:-

“.....No encroachment either in the form Jhuggi Jhopri clusters or in any other manner by any person or organisation shall be permitted....We are making it clear that no structure whether it pertains to religious, residential or commercial or any other purpose shall be allowed to exist....”

10. नौ राष्ट्रीय हरित अधिकरण द्वारा ओ.ए. संख्या-89/2013, आकाश वशिष्ठ वनाम यूनियन ऑफ इण्डिया व अन्य में पारित आदेश दिनांक 10.02.2017 में MINISTRY OF WATER RE SOURCES, RIVER DEVELOPMENT, AND GANGA REJUVENATION NOTIFICATION DATED 07-10-2016 का उल्लेख किया है। इस नोटिफिकेशन के प्रमुख अंश निम्नवत हैं, जिनके द्वारा गंगा व उसकी उपनदियों (यमुना सहित) में डूब क्षेत्र में किसी भी प्रकार का निर्माण विधि विरुद्ध बताया गया है व पर्यावरण संरक्षण हेतु निर्देशित किया गया है:-

- 3 (1) "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
- 4 (ix) the bank of River Ganga and its flood plain shall be construction free zone to reduce pollution sources pressures and to maintain its natural ground water recharge functions
5. Ecological flow of water in River Ganga to be maintained
- 6 (3) No persons 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 are of River Ganga or Its tributaries
- Decisions of State Ganga Committee to be binding.- The decision taken at the meetings of the State Ganga Committee shall, notwithstanding anything contained in this Order, be binding upon every District Ganga Committee and every local authority or other authority or Board or person referred to in such decision any they shall comply with the decisions of the State Ganga Committee."

11. कतिपय व्यक्तियों/फार्म हाउस डेवलपर द्वारा पूर्व में गलत ढंग से जिला पंचायत से नक्शा पास करा लिया गया था, परन्तु जिला पंचायत द्वारा नक्शों को निरस्त कर दिया गया है। उदाहरण स्वरूप पूर्व में एच0पी0एस0 ग्रीन इन्फ्रास्ट्रक्चर प्रा0लि0 नौएडा को 5,68,512 वर्ग गज का नक्शा जिला पंचायत गौतमबुद्धनगर द्वारा 16 जून, 2022 को निरस्त किया गया है।
12. यहाँ यह भी उल्लेखनीय है कि जिला आपदा प्रबन्धन प्राधिकरण, गौतमबुद्धनगर की बैठक दिनांक 30.09.2020 कार्यवृत्त के प्रस्तर-30 के बिन्दु संख्या-A में उद्धृत किया गया है कि "...A. ग्रेटर नौएडा/नौएडा/यमुना एक्सप्रेस-वे औद्योगिक विकास प्राधिकरणों के अधिसूचित क्षेत्र के अन्तर्गत उपरोक्तानुसार वर्णित प्राविधानों में दी गयी व्यवस्था के अनुसार भविष्य में मानव/प्राकृतिक जनित आपदाओं से जन धन की क्षति को बचाने के लिए अवैध एवं अनाधिकृत तरीके से किये जा रहे भवनों के निर्माण/कॉलोनाईजेशन/प्लानिंग को नियंत्रित करने एवं विधिसम्मत कार्यवाही करने के लिए औद्योगिक विकास प्राधिकरणों एवं पुलिस विभाग के द्वारा अविलम्ब कार्यवाही सुनिश्चित की जाए।..." जिला गंगा समिति, गौतमबुद्धनगर की बैठक दिनांक 25.10.2021, 25.04.2022 एवं 19.05.2022 में जिलाधिकारी, गौतमबुद्धनगर द्वारा जारी कार्यवृत्त में भी यमुना एवं हिण्डन नदियों के (फ्लड प्लेन जोन) डूब क्षेत्र में अवैध एवं अनाधिकृत निर्माण को हटाये जाने हेतु निर्देशित किया गया है।

उपरोक्त विवेचना के आधार पर यह सिद्ध होता है कि प्रत्यावेदकगण द्वारा नौएडा के अधिसूचित ग्राम-चकमरौला, चकबसंतपुर, दोस्तपुर, तिलवाडा, छपरौली बांगर में क्रय की गई भूमि, जो यमुना नदी से बांध के बीच में डूब क्षेत्र (फ्लड प्लेन जोन) में स्थित है पर अनाधिकृत व अवैध निर्माण किया गया है, जिसको हटाया जाना पर्यावरण, नियोजन एवं जनसामान्य की सुरक्षा के दृष्टिकोण से अपरिहार्य है। डूब क्षेत्र (फ्लड प्लेन जोन) में फार्म हाउसों के निर्माण के कारण रिवर फ्रन्ट डेवलपमेंट एरिया का विकास कु-प्रभावित होगा एवं बाढ़ आने की स्थिति में भारी मात्रा में जन-धन की हानि होगी। डूब क्षेत्र (फ्लड प्लेन जोन) में निर्माण के कारण भविष्य में यमुना नदी में बाढ़ आने पर तटबंध पर दबाव बढ़ेगा व तटबंध क्षतिग्रस्त होने की स्थिति में बाढ़ का पानी नौएडा के आवासीय/औद्योगिक सेक्टरों में भर जायेगा जिससे व्यापक हानि की सम्भावना उत्पन्न होगी। अतः प्रत्यावेदकगण द्वारा प्रस्तुत प्रत्यावेदन दिनांक 20.06.2022, 23.06.2022 एवं 24.06.2022 बलहीन होने के कारण निरस्त किया जाता है व सार्वजनिक नोटिस दिनांक 08.06.2022 अंतिम किया जाता है। याचीगण/प्रत्यावेदकगण श्रीमती अरिमा सक्सेना पत्नी निशीथ सक्सेना, नि0-सी-143, सरस्वती कुंज 25 इन्द्रप्रस्थ एक्सटेंशन, नई दिल्ली व अन्य प्रत्यावेदकगण को निर्देशित किया जाता है कि वे प्रश्नगत अवैध एवं अनाधिकृत निर्माण को एक सप्ताह के अन्दर स्वयं हटा लें अन्यथा अवैध एवं अनाधिकृत निर्माण को हटाने के लिये समुचित उपाय अपनाते हुए ध्वस्तीकरण की कार्यवाही प्राधिकरण द्वारा की जायेगी, जिसे पर होने वाले व्यय की वसूली भी भू-राजस्व के बकाये के माँति संबंधित से ही की जायेगी।

उपरोक्त तथ्यों के आलोक में याचिका संख्या-17176/2022, अरिमा सक्सेना व 8 अन्य बनाम उ०प्र० राज्य व अन्य में पारित मा० उच्च न्यायालय, इलाहाबाद के आदेश दिनांक 14.06.2022 के अनुपालन में प्रत्यावेदकगण/याचीगण द्वारा प्रस्तुत प्रत्यावेदन दिनांक 20.06.2022, 23.06.2022 एवं 24.06.2022 एतद्वारा निरतारित किया जाता है।

13/2
(रितु माहेश्वरी)
मुख्य कार्यपालक अधिकारी
नौएडा

प्रतिलिपि:-

1. निबंधक, मा० उच्च न्यायालय, इलाहाबाद को याचिका संख्या-17176/2022 में मा० उच्च न्यायालय, इलाहाबाद द्वारा पारित आदेश दिनांक 14.06.2022 के अनुपालन में सूचनार्थ।
2. जिलाधिकारी, गौतमवृद्धनगर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
3. मुख्य विधि सलाहकार, नौएडा को सूचनार्थ।
4. अधिशासी अभियन्ता, सिंचाई निर्माण खण्ड, गाजियाबाद को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
5. अधिशासी अभियन्ता, हेण्ड वर्क्स खण्ड आगरा नहर ओखला, नई दिल्ली-25 को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
6. प्रत्यावेदकगण श्रीमती अरिमा सक्सेना पत्नी निशीथ सक्सेना, नि०-सी-143, सरस्वती कुंज 25 इन्द्रप्रस्थ एक्सटेंशन, नई दिल्ली व अन्य याचीगण/प्रत्यावेदकगण को सूचनार्थ।

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मुख्य कार्यपालक अधिकारी
नौएडा

A photocopy of the order dated 01.05.2023 directing the parties to maintain the status quo, and other similar orders

Chief Justice's Court

Annexure 7

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

55

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. - 23221 of 2022

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.)

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. - 8983 of 2023

Petitioner :- Satyaveer Singh And 3 Others

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

Counsel for Petitioner :- Raghuvansh Misra, Devansh Misra

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

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Saumitra Dayal Singh, J.

Sri Anoop Trivedi, learned senior Advocate assisted by Sri Devansh Misra, learned counsel for the petitioners, Ms. Akanksha Sharma, learned standing counsel for the State-respondents and Sri Kaushlendra Nath Singh, learned counsel for the NOIDA.

List this case on 30.05.2023 along with Writ C No. 13936 of 2023.

Status quo, as on date, may be preserved till the next date of hearing.

Order Date :- 8.5.2023

SK

(S.D. Singh, J.) (Pritinker Diwaker, C.J.)

Case :- WRIT - C No. - 18162 of 2024

Petitioner :- Jaiveer Lohia And Another

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

Counsel for Petitioner :- Devansh Misra

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

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Devansh Mishra, learned counsel for the petitioners, Sri Fuzail Ahmad Ansari, learned standing counsel for the State-respondents and Sri Kaushalendra Nath Singh, learned counsel for the respondent No.3.

2. The present writ petition is preferred questioning the validity of the public notice dated 08.06.2022 issued by the Chief Executive Officer, NOIDA, District Gautam Budh Nagar (respondent No.3) and it is further prayed that a mandamus may be issued to the respondent Nos.3 and 4 not to take any coercive measures against the petitioners in respect of the structure standing on the disputed plots pursuant to the notice dated 08.06.2022.

3. At the very outset, learned counsel for the petitioners has placed reliance upon an interim order dated 21.02.2024 passed in Writ-C No.10021 of 2023 (Ratna Mitra vs. New Okhla Industrial Development Authority and 2 others) wherein the Division Bench had entertained the writ petition and directed the authorities to file response in the matter and interim protection granted earlier was directed to continue till the following date of listing. He states that initially the first petitioner was recorded tenure holder of the disputed plot and thereafter the first petitioner had executed an agreement to sell in favour of one D.N. Jumera Real Estate Pvt. Ltd. and thereafter, the same was transferred in favour of the second petitioner. He submits that even though the public notice was issued on 08.06.2022 by the respondent - authority but till date the proceeding has not been finalized. He states that the matter is squarely the same and similar indulgence may also be extended in favour of the petitioners as the Division Bench is seized with the matter. In case interim protection is not accorded, the petitioners would suffer irreparable loss and injury.

4. Matter requires consideration.

5. All the respondents are accorded three weeks time to file

counter-affidavit. ⁸⁹ Petitioners shall have a week thereafter to file rejoinder affidavit.

6. Connect with Writ-C No.10021 of 2023 (Ratna Mitra vs. New Okhla Industrial Development Authority and 2 others).

7. Considering the order passed in leading Writ-C No.10021 of 2023, till the next date of listing, parties shall maintain status quo qua the property in dispute and petitioners are also directed not to create any third party interest or alienate the same and raise any further construction on the spot.

Order Date :- 27.5.2024

NLY

Case :- WRIT - C No. - 18162 of 2024

Petitioner :- Jaiveer Lohia And Another

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

Counsel for Petitioner :- Devansh Misra

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

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Devansh Mishra, learned counsel for the petitioners, Sri Fuzail Ahmad Ansari, learned standing counsel for the State-respondents and Sri Kaushalendra Nath Singh, learned counsel for the respondent No.3.

2. The present writ petition is preferred questioning the validity of the public notice dated 08.06.2022 issued by the Chief Executive Officer, NOIDA, District Gautam Budh Nagar (respondent No.3) and it is further prayed that a mandamus may be issued to the respondent Nos.3 and 4 not to take any coercive measures against the petitioners in respect of the structure standing on the disputed plots pursuant to the notice dated 08.06.2022.

3. At the very outset, learned counsel for the petitioners has placed reliance upon an interim order dated 21.02.2024 passed in Writ-C No.10021 of 2023 (Ratna Mitra vs. New Okhla Industrial Development Authority and 2 others) wherein the Division Bench had entertained the writ petition and directed the authorities to file response in the matter and interim protection granted earlier was directed to continue till the following date of listing. He states that initially the first petitioner was recorded tenure holder of the disputed plot and thereafter the first petitioner had executed an agreement to sell in favour of one D.N. Jumera Real Estate Pvt. Ltd. and thereafter, the same was transferred in favour of the second petitioner. He submits that even though the public notice was issued on 08.06.2022 by the respondent - authority but till date the proceeding has not been finalized. He states that the matter is squarely the same and similar indulgence may also be extended in favour of the petitioners as the Division Bench is seized with the matter. In case interim protection is not accorded, the petitioners would suffer irreparable loss and injury.

4. Matter requires consideration.

5. All the respondents are accorded three weeks time to file

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counter-affidavit. Petitioners shall have a week thereafter to file rejoinder affidavit.

6. Connect with Writ-C No.10021 of 2023 (Ratna Mitra vs. New Okhla Industrial Development Authority and 2 others).

7. Considering the order passed in leading Writ-C No.10021 of 2023, till the next date of listing, parties shall maintain status quo qua the property in dispute and petitioners are also directed not to create any third party interest or alienate the same and raise any further construction on the spot.

Order Date :- 27.5.2024

NLY

Case :- WRIT - C No. - 13936 of 2023

Petitioner :- Mamata Soni And Another

Respondent :- State Of Uttar Pradesh And 2 Others

Counsel for Petitioner :- Love Lesh Kumar Verma

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

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Saumitra Dayal Singh,J.

Connect with Writ-C No. 8983 of 2023.

Order Date :- 26.4.2023

RK

(S.D. Singh, J)

(Pritinker Diwaker, CJ)

Case :- WRIT - C No. - 18241 of 2023

Petitioner :- Anima Saxena

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Devansh Misra, Shubhendu Mishra

Counsel for Respondent :- CSC, Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Suneet Kumar, J.

1. Petitioner is aggrieved by the impugned order dated 08 June 2022, whereby, the temporary constructions raised by the petitioner has been directed to be demolished.
2. It is urged that the area for which the jurisdiction is being exercised by N.O.I.D.A. Authorities, has neither, been included in the master plan which is yet to be notified by the State Government.
3. Submission requires consideration.
4. Learned counsel for the respondent is granted four weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks, thereafter.
5. Till the next date of listing, status quo as on date may be preserved.
6. It is clarified that petitioner undertakes not to raise further constructions.
7. List and connect this case with Writ C No. 10021 of 2023.

Order Date :- 26.5.2023

Mukesh Pal

(Suneet Kumar, J) (Pritinker Diwaker, CJ)

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.)

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. - 20367 of 2023

Petitioner :- Aviroop Banerjee And 23 Others

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

Counsel for Petitioner :- Abhay Pratap Singh

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

Hon'ble Pritinker Diwaker,Chief Justice

Hon'ble Ashutosh Srivastava,J.

Sri Kaushalendra Nath Singh, learned counsel appearing for the Development Authority and learned counsel appearing for respondent no. 3 pray for and are granted two weeks' time to file counter affidavit. Petition may have one week thereafter to file rejoinder affidavit.

Connect and list this case along with Writ-C No. 10021 of 2023, in the week commencing 24th July, 2023.

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

Order Date :- 4.7.2023

Deepak/

(Ashutosh Srivastava,J.) (Pritinker Diwaker,C.J.)

Case :- WRIT - C No. - 20487 of 2023

Petitioner :- Smt. Renu Khanna And 3 Others

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

Counsel for Petitioner :- Ashish Kumar Singh, Ajay Kumar Singh

Counsel for Respondent :- C.S.C., A.S.G.I., Arvind Kumar
Goswami, Kaushalendra Nath Singh

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Kshitij Shailendra, J.

1. List after three weeks.
2. Interim order, if any, is extended till the next date of listing.

(Kshitij Shailendra, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 18.12.2023

Jaideep/-

Case :- WRIT - C No. - 20489 of 2023

Petitioner :- Rajasthan Global Securities Private Limited And Another

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

Counsel for Petitioner :- Ashish Kumar Singh, Ajay Kumar Singh

Counsel for Respondent :- C.S.C., A.S.G.I., Arvind Kumar Goswami, Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

Learned counsel for the respondents pray for and are granted two weeks' time to file counter affidavit. Petitioners may have one week thereafter 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 :- 6.7.2023

Ravi Prakash

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, CJ.)

Case :- WRIT - C No. - 20490 of 2023

Petitioner :- Vaibhav Vishal Srivastava

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

Counsel for Petitioner :- Ashish Kumar Singh, Ajay Kumar Singh

Counsel for Respondent :- CSC, A.S.G.I., Arvind Kumar
Goswami, Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

At the request of learned counsel for the parties, link this case along with Writ C No. 10021 of 2023.

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

Order Date :- 10.7.2023

SK

(Ashutosh Srivastava, J.) (Pritinker Diwaker, CJ.)

Case :- WRIT - C No. - 22864 of 2023

Petitioner :- Manoj Kumar Singh And 7 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Sanjay Kumar Om, Praveen Kumar

Counsel for Respondent :- CSC, 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 :- 27.7.2023

pks

(Ashutosh Srivastava, J) (Pritinker Diwaker, CJ)

Case :- WRIT - C No. - 23727 of 2023

Petitioner :- Dhiraj Singh

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

Counsel for Petitioner :- Ashish Kumar Singh, Ajay Kumar Singh

Counsel for Respondent :- A.S.G.I., Kaushalendra Nath Singh

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Shri Ashish Kumar Singh, counsel for the petitioner, Shri Kaushalendra Nath Singh, counsel for NOIDA and Shri Rajesh Tripathi, counsel for respondent No. 3.

2. One of the grounds urged on behalf of petitioner is that the village where the property situates does not form part of the notified area of respondent authority. It is also submitted that this aspect was raised before the authority but the issue has not been examined.

3. Learned counsel for the Noida Authority prays for and is allowed two weeks time to obtain instructions in the matter.

4. List and connect this writ petition along with Writ-C No. 20490 of 2023.

5. Till then existing constructions would not be demolished. The petitioner is also restrained from raising any further constructions.

Order Date :- 21.7.2023

Ravi Prakash

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, C.J.)

Case :- WRIT - C No. - 25541 of 2023

Petitioner :- Parveen Jain And 16 Others

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

Counsel for Petitioner :- Prashant Shukla

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

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Ashutosh Srivastava, J.

1. Connect and list this case along with Writ-C No. 10021 of 2023 (Ratan Mitra versus New Okhla Industrial Development Authority and 2 others).
2. Till the next date of listing, status quo as on date may be preserved.

Order Date :- 3.8.2023

Ravi Prakash

(Ashutosh Srivastava, J.)

(Pritinker Diwaker, C.J.)

Case :- WRIT - C No. - 35523 of 2023

Petitioner :- Vikram Singh Sodhi

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Shivam Agarwal, Tanu Shree

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

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Surendra Singh-I, J.

1. Shri Kaushalendra Nath Singh, learned counsel for Greater Noida has placed true copy of the order dated 13.09.2023. Petitioner may file supplementary affidavit to bring the same on record.

2. The copy of the same has also been made over to the learned counsel for the petitioner.

3. On merits, similar issues are stated to be pending in Writ - C No.10021 of 2023 (Ratna Mitra vs. New Okhla Industrial Development Authority And 2 Others).

4. Connect and list alongwith Writ - C No.10021 of 2023.

5. In view of the order dated 01.05.2023 passed in Writ - C No.10021 of 2023, in this case also, till the next date of listing, status quo as on date may be preserved.

Order Date :- 27.10.2023

Zafar

(Surendra Singh-I, J.) (Saumitra Dayal Singh, J.)

Case :- WRIT - C No. - 40220 of 2023

Petitioner :- Smt. Swati Kanodia

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

Counsel for Petitioner :- Amar Nath Tiwari, Pravesh Kumar

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

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Counsel for the petitioner submits that another petition raising similar issues being Writ-C No. 10021 of 2023 is pending before this Court and wherein there is a direction to maintain status quo as on date.
2. Shri Kaushalendra Nath Singh, counsel for the respondent-Authorities does not dispute the same.
3. Connect with Writ-C No. 10021 of 2023 and list on the date fixed in the said case.
4. In the meantime, status quo as on date shall be maintained.

Order Date :- 23.11.2023

Mukesh Kr.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, A.C.J.)

Case :- WRIT - C No. - 40383 of 2023

Petitioner :- Mohd. Sharique Farooqi And 4 Others

Respondent :- New Okhla Industrial Development Authority And Another

Counsel for Petitioner :- Sanjay Kumar Om

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

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Donadi Ramesh, J.

1. Learned counsel for the petitioners states that the instant impugned order is also under challenge in large number of writ petitions filed before this Court, leading being Writ-C No.10021 of 2023 wherein an order of status quo is in operation.
2. Learned counsel for the respondent-authority does not dispute the above factual position.
3. Connect and list with Writ-C No.10021 of 2023.
4. Parties will exchange affidavits in the meantime.
5. Till the next date of listing, status quo as on date shall be maintained by the parties.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 24.11.2023

rkg

Case :- WRIT - C No. - 43423 of 2023

Petitioner :- Dinesh Tyagi And 2 Others

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

Counsel for Petitioner :- Abhay Pratap Singh, Kuldeep Kumar Singh, Pawan Gaur, Sachin Singh

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

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

Put up this case, as fresh on 30.01.2024 alongwith records of Writ - C No.10021 of 2023 and other connected petitions.

Order Date :- 12.1.2024

Zafar

Case :- WRIT - C No. - 44474 of 2023

Petitioner :- Sanjay Goyal

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 Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Manish Kumar Nigam, J.

1. On oral mention made by counsel for the petitioner that the matter is extremely urgent as there is threat of demolition, the record has been sent for and it is heard in presence of counsel for the parties.
2. The petitioner has assailed the order dated 08.12.2023 by which the representation of the petitioner has been rejected and he has been directed to remove unauthorized construction.
3. Counsel for the petitioner submits that in exactly identical facts and circumstances, Writ - C No. 18241 of 2023 (Anima Saxena vs. State of U.P. & 2 others) was entertained and interim order was passed on 26.5.2023.
4. Learned counsel for the NOIDA is not in a position to dispute the same.
5. Connect with Writ - C No. 18241 of 2023 (Anima Saxena vs. State of U.P. & 2 others) and list on 17.01.2024.
6. In the meantime, respondents to file counter affidavit.
7. Parties shall maintain status-quo as on date till the next date of listing.
8. The petitioner undertakes not to raise any construction in the meantime.

(Manish Kumar Nigam, J.) (Manoj Kumar Gupta, ACJ)

Order Date :- 21.12.2023

nd

Case :- WRIT - C No. - 5511 of 2024

Petitioner :- Pratap Singh Nerwal

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Rajnish Dubey, Bhuwan Raj

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

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

Connect along with the records of Writ Petition No. 10021 of 2023 and list on the date fixed in the matter.

Order Date :- 22.2.2024

Sumaira

Case :- WRIT - C No. - 7371 of 2024

Petitioner :- Shailendra Nath Gupta

Respondent :- New Okhla Industrial Development And 2 Others

Counsel for Petitioner :- Pushkar Mehrotra

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

Hon'ble Ashwani Kumar Mishra,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

Connect along with the records of Writ-C No. 10021 of 2023 and list on the date fixed in the leading matter.

Order Date :- 11.3.2024

Sumaira



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Deeksha Law Firm <deekshalawfirm2017@gmail.com>

Reply by R8 in OA 131 of 2025 "Deep Chandra vs State of Uttar Pradesh & others

Deeksha Law Firm <deekshalawfirm2017@gmail.com>

Sat, Sep 13, 2025 at 10:40 PM

To: Deeksha Law Firm <deekshalawfirm2017@gmail.com>, csup@nic.in, dmgn@nic.in, ceo@noidaauthorityonline.com, eincideplu-up@nic.in, admn.nmcg@nic.in, greenbeautyfarms342@gmail.com, priyanka swami <advpriyankaswami@gmail.com>

Pls Find attached the copy of Reply by R8 in OA 131 of 2025 "Deep Chandra vs State of Uttar Pradesh & others

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THANKS AND REGARDS!

DEEKSHA AGGARWAL

ADVOCATE

50, LAWYERS CHAMBER, SUPREME COURT OF INDIA,

NEW DELHI - 110001

9810179438, 8860243343

DEEKSHALAWFIRM2017@GMAIL.COM**Reply by R8 in OA 131_2025.pdf**

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Deeksha Law Firm <deekshalawfirm2017@gmail.com>

Reply by R8 in OA 131 of 2025 "Deep Chandra vs State of Uttar Pradesh & others

Deeksha Law Firm <deekshalawfirm2017@gmail.com>

Sat, Sep 13, 2025 at 10:44 PM

To: judicial-ngt@gov.in, Deeksha Law Firm <deekshalawfirm2017@gmail.com>

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Deeksha Law Firm <deekshalawfirm2017@gmail.com>

Reply by R8 in OA 131 of 2025 "Deep Chandra vs State of Uttar Pradesh & others

Deeksha Law Firm <deekshalawfirm2017@gmail.com>

Sat, Sep 13, 2025 at 11:19 PM

To: gayyumtajhar@gmail.com, Deeksha Law Firm <deekshalawfirm2017@gmail.com>

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