

कार्यालय

जिलाधिकारी

गौतमबुद्ध नगर

पत्रांक:- 375/L-182/2024

दिनांक:- 03-08-2024

E-Filing/E-mail

To,

The Registrar
The National Green Tribunal,
Principal Bench,
New Delhi.

Subject: Regarding Submission of Report on behalf of District Magistrate, Gautam Buddha Nagar in compliance of order dated 21.05.2024 in O.A. No. 641/2023 Suman Chauhan and Others versus Government of Uttar Pradesh and others.

Respected Sir,

In compliance of directions of Hon'ble Tribunal in the above-captioned matter listed on 21.05.2024, please find enclosed herewith report on behalf of District Magistrate, Gautam Buddha Nagar. It is kindly requested that the same may be placed before the Hon'ble Bench for consideration and necessary directions.

Enclosure: As above.

Yours Sincerely,

(Manish Kumar Verma)
District Magistrate
Gautam Buddha Nagar

Copy To:

1. Shri Bhanvar Jadon, Standing Counsel, State of Uttar Pradesh in Hon'ble National Green Tribunal.

District Magistrate
Gautam Buddha Nagar

Report on Behalf of District Magistrate, Gautam Buddha Nagar in compliance of order dated 21.05.2024 in Original Application No. 641/2023 Suman Chauhan and Others Versus Government of Uttar Pradesh and Others.

1. That in the said original application, plea of the applicants is that their properties are situated in different villages in NOIDA, District Gautam Budh Nagar, Uttar Pradesh and that during the floods in Yamuna River between 12th -15th July, 2023, polluted water of river Yamuna mixed with sewage, hazardous chemical effluents, stinking sludge etc entered in the village and in their houses causing loss to them.
2. That the applicants have alleged that it was not a natural calamity but it was a man-made disaster. Therefore, in the original application, applicants have claimed the damages for loss of properties, agricultural and horticultural products etc.
3. That Hon'ble Tribunal has taken cognizance of the facts raised by Counsel for the State on 11.03.2024 that the applicants are not the villagers but they are the farmhouse owners which have been illegally constructed on the flood plain area of river Yamuna.
4. That in compliance of directions of Hon'ble Tribunal, reply on behalf of District Magistrate, Gautam Budh Nagar has been filed on 18.05.2024 and same has been taken on record by Hon'ble Tribunal. In said response filed by

the undersigned full particulars of the applicants and details of the properties, which are primarily farmhouses has been presented in a chart form along with photographs. Photographs are also enclosed along with the report to show that nature of construction is permanent.

5. That the applicants have agreed to the fact that they are not villagers but owners of farmhouses, however, they have pleaded that the nature of their construction is not permanent.
6. That Hon'ble Tribunal took up the said matter on 21.05.2024 and observed that applicants have not furnished requisite enclosures to substantiate the plea that the construction carried out by them is not permanent in nature. Thus, Hon'ble Tribunal had constituted a joint committee of representatives of Central Pollution Control Board, Central Public Works Department, Noida Authority and District Administration to ascertain the correct position with regards to nature of construction. Relevant part of the order dated 21.05.2024 of Hon'ble Tribunal is as below:

"...4. Applicants have also filed response in terms of the order of the Tribunal wherein it is not disputed that the applicants are owners of the farm lands, though, a plea has been taken that the nature of their construction is not permanent but nothing has been enclosed along with the response to substantiate the same.

5. Since the plea of the respondents is that construction is exiting on the flood plain area, therefore, to ascertain the correct position about the nature of construction, we form a joint committee comprising of the following:-

(i) Representative of Member Secretary, CPCB;

(ii) Representative of Chief Engineer, CPWD;

(iii) Representative of CEO, NOIDA;

(iv) District Magistrate, Gautam Budh Nagar

District Magistrate, Gautam Budh Nagar will act as nodal agency for compliance and coordination.

6. The committee will visit the site and ascertain the nature and extent of construction (permanent, temporary and area with full details of construction) of each of the applicants, if due permission from the competent authority has been taken to raise such construction and submit the report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF..."

7. That as per directions of Hon'ble Tribunal, the site visit must be carried out by the Joint Committee comprising of officers from Central and State Government. As no nomination was received from any of the concerned department, the undersigned has issued a letter to Central Pollution Control Board, New Delhi, Noida Authority and Public Works Department on 26-07-2024 to nominate officers from their respective departments to

ensure compliance of directions of Hon'ble Tribunal and furnish desired report. Nomination from concerned departments is still awaited.

8. That the undersigned condones the delay in submission of desired report in the said matter and it is respectfully submitted that the nominations shall be sought on priority and joint committee shall convene site inspections and submit its report within one month.


(Manish Kumar Verma)
District Magistrate
Gautam Buddha Nagar