

F No L-25012(11)/11/2023-LME NMCG-
National Mission for Clean Ganga
Department of WR, RD&GR
Ministry of Jal Shakti

Major Dhyanchand National Stadium
Near India Gate, New Delhi
Date: 12.02.2024

Subject: - Status Report in the matter of OA 341/2022- Deepak Awasthi vs State of U.P- before the Hon'ble NGT(PB)

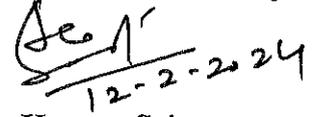
Sir,

This is with reference to the above matter before the Hon'ble NGT. The status report is attached herewith. The same may kindly be placed before the Hon'ble NGT for consideration.

2. This issues with the approval of the competent authority.

Encl: As above

Your faithfully



Anup Kumar Srivastava
Executive Director (Tech)

To
The Registrar,
Hon'ble National Green Tribunal(PB), Copernicus Marg, New Delhi

Copy for information to:

- (1) PPS to the Secretary, DoWR, RD&GR, Ministry of Jal Shakti, Shram Shakti Bhawan, New Delhi.
- (2) PS to the DG, NMCG

NATIONAL MISSION FOR CLEAN GANGA**STATUS REPORT ON BEHALF OF THE NATIONAL MISSION FOR CLEAN GANGA
IN THE MATTER OF. OA 341/2022- DEEPAK AWASTHI VS STATE OF U.P**

1. That in the aforesaid matter the allegation relates to illegal settlement in Sarjupurba colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, UP . As a result of illegal construction and encroachment in the colony, garbage, polythene and sewage is allegedly being directly discharged in river Ganga. Besides the ancient Ghats of Ranighat, Barighat, Tiwarighat and Rameshwarghat are also being damaged and river flow is impacted.

2.The Hon'ble NGT vide order dated 04.12.2023 has impleaded the following as respondents and sought report in the matter: -

- i. Regional Officer, MoEF &CC, Lucknow;
- ii. Director, National Mission for Clean Ganga;
- iii. Member Secretary, Uttar Pradesh Pollution Control Board;
- iv. Member Secretary, Central Pollution Control Board;
- v. Vice-Chairman, Kanpur Development Authority;
- vi. Commissioner, Municipal Corporation, Kanpur; \
- vii. ACS/PS, Irrigation Department State of UP;
- viii. ACS/PS, Urban Development Department, State of UP;
- ix. District Magistrate, Kanpur;

3.That paragraph 21-24 and 53- 55 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, inter-alia provides the constitution and functions of the State Ganga Committee and the District Ganga Committees(DGCs) respectively While the functions of the State Ganga Committee , amongst other, includes coordination and implementation of the conservation activities relating to River Ganga including augmentation of sewerage infrastructure, catchment area treatment, protection of flood plains, creating public awareness and such other measures at the State level and regulation of activities aimed at the prevention, control and abatement of pollution in the River Ganga to maintain its water quality, the responsibilities of the (DGCs), amongst other includes the identifying activities which may be threats in the area of specified

District abutting the River Ganga for protection of River Ganga and its tributaries or its River bed and making a plan for remedial action and take remedial action in respect thereof. Further DGC is duly empowered for taking remedial action at its own end for protection of River Ganga and its tributaries or its River bed abutting in the specified District.

4. That in view of the foregoing provisions, in the first instance the NMCG has sought reports from the State Programm Management Group (U.P) and the District Magistrate –cum Chairperson District Ganga Committee, Kanpur vide letter dated 29.01.2024 and 30.01.2024. The copies of the communications sent to the Project Director, State Programm Management Group (SPMG) Lucknow (U.P) and the District Magistrate –cum Chairperson District Ganga Committee, Kanpur are attached.

5. The reports from the above authorities are awaited.



Anup Kumar Srivastva
Executive Director (Tech .

MOST URENT /COURT MATTER

F.No. L-25012(11)/8/2024-LME
National Mission for Clean Ganga
Department of Water Resources, River Development
& Ganga Rejuvenation
Ministry of Jal Shakti

Major Dhyanchand National Stadium,
Near India Gate, New Delhi-110002

Dated: 29.01.2024

Subject: OA No 341/2022 Deepak Awasthi Vs State of U.P -before the Hon'ble NGT
Sir,

In the aforesaid matter the Hon'ble NGT has taken cognizance of illegal settlement in Sarjupurba colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, (U.P). The illegal construction and encroachment by settlement in that colony, resulting in accumulation of garbage, polythene and sewage is being directly discharged in river Ganga. It is also alleged that Ghats of Ranighat, Barighat, Tiwarighat and Rameshwarghat are being damaged and river flow has been narrowed down due to the illegal encroachments. During the hearing of the matter the Hon'ble NGT noted that neither the flood plain zone (FPZ) of river Ganga in the area concerned has been notified nor full particulars relating to the drains flowing towards the aforesaid four ghats, their tapping and treatment of sewage from those drains have been furnished.

2. That while besides NMCG the concerned authorities in the State of U.P have been impleaded as respondents to file replies, it would be appropriate that the comments/response in the matter may be arranged to be furnished to the NMCG latest by 01.02.2023. The matter will be listed on 13.02.2024.

3 This issues with the approval of the competent authority.

Encl: As above

Yours faithfully


Anup Srivastava

Executive Director(Tech)

To

1.The Project Director, SPMG U.P(Lucknow)

2.District Magistrate, Kanpur (U.P)
[District Ganga Council Kanpur(U.P)

Copy for information to:

- (i) PPS to the Secretary, DoWR, RD&GR, Ministry of Jal Shakti, Shram Shakti Bhawan, New Delhi
- (ii) PS to the DG, NMCG,
- (iii) Director (Coordination) NMCG

Item No.07

Court No. 1

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

Original Application No. 341/2022

Deepak Awasthi

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 04.12.2023

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

Respondent: Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. I.K. Kapila, Adv. for Kanpur Nagar Nigam (Through VC)

ORDER

1. This original application is registered on the basis of a letter petition. An issue has been raised regarding illegal settlement in Sarjupurba colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, Uttar Pradesh. The grievance is that as a result of illegal construction and encroachment by settlement in that colony, garbage, polythene and sewage is being directly discharged in river Ganga. It is also the grievance that ancient Ghats of Ranighat, Barighat, Tiwarighat and Rameshwarghat are being damaged and river flow has been narrowed down due to the illegal encroachments.

2. The Tribunal by order dated 17.05.2022 had formed a joint committee comprising representatives of Additional Chief Secretary, Urban Development, Government of Uttar Pradesh, State Unit of National Mission for Clean Ganga, State PCB and District Magistrate, Kanpur and had call for a factual and action taken report.

3. The committee had filed the report on 10.08.2022 and Tribunal had duly considered the said report in the proceedings dated 28.08.2023.
4. Thereafter, Kanpur Nagar Nigam has filed the response to the joint committee report. Perusal of the said response, reveals that much is desired in the direction of drainage, sewage treatment as also illegal encroachment.
5. A plea has been raised by the Counsel appearing for the Kanpur Nagar Nigam that the matter relating to the encroachment action needs to be taken by Kanpur Development Authority and Irrigation Department.
6. The report reveals that the flood plain zone of river Ganga in the area concerned has not been notified and full particulars relating to the drains flowing towards the aforesaid four ghats, their tapping and treatment of sewage from those drains have also not been disclosed.
7. The report does not reflect upon the extent of illegal encroachment which was the main grievance raised in this original application. In respect of Rani ghat, it is stated that the construction of drain of size 0.6m x 0.75m from Bari ghat to Rani ghat pumping station was in progress and targeted to be completed by 30.11.2023. Similarly, in respect of Rameshwar ghat, it is stated that construction of 45.00 m drain at Rameshwar ghat is under progress and will be completed before 30.11.2023. Completion date is over but Counsel appearing for Nagar Nigam does not have any instructions if the work has been completed as per schedule.
8. In the aforesaid background, the Counsel appearing for Kanpur Nagar Nigam has prayed for four weeks time to file a comprehensive report with all the relevant particulars.

9. At this stage, we deem it proper to implead the following as respondent in the matter:-

- i. Regional Officer, MoEF &CC, Lucknow;
- ii. Director, National Mission for Clean Ganga;
- iii. Member Secretary, Uttar Pradesh Pollution Control Board;
- iv. Member Secretary, Central Pollution Control Board;
- v. Vice-Chairman, Kanpur Development Authority;
- vi. Commissioner, Municipal Corporation, Kanpur;
- vii. ACS/PS, Irrigation Department State of UP;
- viii. ACS/PS, Urban Development Department, State of UP;
- ix. District Magistrate, Kanpur;

10. Let notice be issued to the above respondents for taking appropriate action in respect of the grievance raised in the original application and filing the action taken report before the Tribunal.

11. Let the action taken report be filed on or before the next date of hearing.

12. List the matter on 13.02.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 04, 2023
Original Application No. 341/2022
JG

NATIONAL GREEN TRIBUNAL
Principal Bench, No-7 Dault
Muzaffarpur, Bihar
23 MAR 2022
Dairy No. 1038
Signature

सेवा में,
श्रीमान् अहमदा अहमद,
राष्ट्रीय हरित प्राधिकरण,
नई दिल्ली

विषय :- अपराधी, भूमाफिया, इलाकाई पुलिस व प्रशासन की मिली भगत से राष्ट्रीय गंगा नदी की प्रवाह भूमि व प्राचीन घाट रानीघाट, बारीघाट, तिवारीघाट व रामेश्वर घाट में राष्ट्रीय हरित प्राधिकरण के निर्देशों का पूर्णतः उल्लंघन कर लगातार अवैध निर्माण व अतिक्रमण करवाने व नवीन निर्मित अटल घाट से रानी घाट से अवैध बंधा हटाने तथा गंगा नदी में नगर निगम द्वारा उक्त अतिक्रमण व अवैध निर्माणों से उत्सर्जित कूड़ा कचड़ा नदी व नदी तट पर फेंकने व गंगा नदी के प्रवाह भूमि में बसी अवैध बस्ती सरजूपुरवा का मलमूत्र आदि सीधे गंगा में प्रवाहित होने से रोकने के सम्बन्ध में।

श्रीमान् जी,

निवेदन है कि प्रार्थी दीपक अवस्थी पुत्र श्री श्रीप्रकाश अवस्थी, निवासी- म0नं0- 5/106 पुराना कानपुर, कानपुर नगर का निवासी है, कानपुर नगर की जीवन रेखा, पहचान सदातीरा पतित पावनी राष्ट्रीय नदी माँ गंगा, महानगर की पेयजल आवश्यकता को पूर्ण करने के साथ-साथ धार्मिक महात्व भी रखती है, लेकिन नगर प्रशासन के भ्रष्टाचार और जिम्मेदार अधिकारियों की गम्भीर लापरवाही के कारण गंगा के घाटों और घाटों के नीचे गंगा जी के प्रवाह भूमि में क्षेत्रीय पुलिस, दबंग, अपराधी, भूमाफियाओं, जिला प्रशासन व नगर निगम के कर्मचारियों की मिली भगत से लगातार अवैध निर्माण व अतिक्रमण करवाया जा रहा है नदी के अस्तित्व को समाप्त करने का प्रयास कर गंगा नदी के प्रवाह भूमि व नदी में पॉलीथिन कूड़ा आदि फेंका जा रहा है। उक्त कूड़े के द्वारा नदी तट को पाटकर अवैध निर्माण उक्त घाटों पर व नदी भूमि पर कराये जा रहे हैं उक्त अवैध निर्माण अब बस्ती का रूप लेते जा रहे हैं जिम्मेदार व्यक्तियों के भ्रष्टाचार, लापरवाही व अवैध निर्माण के कारण सरजूपुरवा नामक अवैध बस्ती रानीघाट के नीचे गंगा नदी की प्रवाह भूमि में बसा दी गयी है और उक्त बस्ती व अवैध निर्माणों के फलस्वरूप उत्सर्जित कूड़ा कचड़ा, मलमूत्र आदि सीधे गंगा नदी में प्रवाहित हो गंगा नदी को प्रदूषित कर रहा है। माँ गंगा के प्राचीन घाट रानीघाट, भगवान राम चन्द्र जी के पुत्र लवकुश के कर्ण छेदन संस्कार का स्थान बारीघाट, तिवारीघाट व रामेश्वर घाट के अतिक्रमण व गंगा नदी के प्रवाह भूमि में स्थित अतिक्रमण व अवैध कब्जों को बचाने के लिए राष्ट्रीय हरित प्राधिकरण के निर्देशों का पूर्णतः उल्लंघन कर भ्रष्ट अधिकारियों, भूमाफियाओं व अपराधियों की साठगांठ से गंगा नदी पर अवैध व विधिविरुद्ध तरीके से बंधा बनाकर प्राचीन घाटों का अस्तित्व समाप्त कर, नदी के प्रवाह को सँकरा करने का प्रयास व नदी में अवैध व विधि विरुद्ध तरीके से मछलियों का शिकार करा, इलाकाई पुलिस की साठगांठ से तिवारी घाट में अवैध मछली मण्डी लगवायी जा रही है जो कि कानूनन अवैधानिक व विधि विरुद्ध है ऐसी स्थिति में प्रार्थी का प्रार्थना पत्र संज्ञान में लेकर उचित कानूनी कार्यवाही किया जाना अति आवश्यक एवं न्यायसंगत है।

दीपक अवस्थी

अतः श्रीमान् जी से प्रार्थना है कि उक्त अवैध व विधि विरुद्ध तरीके से बनाये जा रहे बंधे का निर्माण कार्य रोककर, माँ गंगा के प्रवाह क्षेत्र व घाटों के अवैध निर्माण व अतिक्रमण को हटाकर, रानीघाट, बारीघाट, तिवारीघाट व रामेश्वर घाट पर गंगा नदी का अबाध प्रवाह सुनिश्चित करा नदी में कूड़ा, मलमूत्र व पालीथिन आदि के विसर्जन को रोकने व राष्ट्रीय हरित प्राधिकरण द्वारा राष्ट्रीय नदी माँ गंगा के संरक्षण हेतु बनाये गये प्रावधानों एवं निर्देशों का जिला प्रशासन द्वारा सख्ती से पालन करा, नदी को प्रदूषित करने के दोषी, लापरवाह, भ्रष्ट व्यक्तियों व अपराधी भूमाफियाओं के खिलाफ उचित कानूनी कार्यवाही करने की कृपा करें। ताकि आम जनमानस को स्वच्छ व निर्मल जल व स्वच्छ पर्यावरण की उपलब्धता सुनिश्चित हो सके।

श्रीमान् मान जी की महान दया होगी।

दिनांक:- 15-03-2022

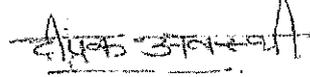
संलग्नक :-

1. फोटोग्राफ रानीघाट में गंगा नदी की प्रवाह भूमि पर पड़ा कूड़ा करकट व पालीथिन पुराना कानपुर कानपुर नगर।
2. फोटोग्राफ अवैध बंधा व फोटो ग्राफ गंगा नदी की प्रवाह भूमि पर स्थित अतिक्रमण व अवैध निर्माण, पुराना कानपुर कानपुर नगर।

प्रेषित प्रतिलिप :-

1. महामहिम राष्ट्रपति महोदय, भारत संघ, नई दिल्ली।
2. आदरणीय प्रधानमंत्री महोदय, भारत सरकार, नई दिल्ली।
3. श्रीमान् अध्यक्ष महोदय, राष्ट्रीय हरित प्राधिकरण, नई दिल्ली।
4. श्रीमान् निर्देशक महोदय, राष्ट्रीय स्वच्छ गंगा मिशन, भारत सरकार, नई दिल्ली।
5. मा0 राज्यपाल महोदय, लखनऊ 30प्र0
6. मा0 मुख्यमंत्री महोदय, लखनऊ 30प्र0
7. मण्डलायुक्त महोदय, कानपुर नगर
8. श्रीमान् पुलिस आयुक्त महोदय, कानपुर नगर
9. श्रीमान् जिलाधिकारी महोदय, कानपुर नगर।
10. श्रीमान् नगर आयुक्त महोदय, कानपुर नगर।
11. श्रीमान् अधीक्षण अभियंता सिंचाई विभाग झाड़ीबाबा का पड़ाव कानपुर नगर।

प्रार्थी



दीपक अवस्थी

पुत्र श्री श्रीप्रकाश अवस्थी,
निवासी- म0नं0- 5/106
पुराना कानपुर, कानपुर नगर
मो0नं0- 9519791267



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राष्ट्रीय स्वच्छ गंगा मिशन
National Mission for Clean Ganga

File No. L-25012(11)/5/2024-LME NMCG

Date: 30th January, 2024

To,

The Project Director,
State Programme Management Group,
Uttar Pradesh,
Email: pd@smcg-up.org

Sub.: Regarding encroachment in the flood plain of river Ganga

Ref.: Order dated 4th December, 2023 in the matter of Deepak Awasthi vs State of U.P OA no 341/2022 before the Hon'ble NGT(PB).

Sir,

This is in reference to the Hon'ble NGT order dated 4th December, 2023 (copy enclosed) in the above said matter. The issue raised in the matter relates to illegal settlement in Sarjupurba colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, U.P. It is alleged that as a result of illegal construction and encroachment in that colony, garbage, polythene and sewage is being directly discharged in to the river Ganga. The ancient Ghats of Ranighat, Barighat, Tiwarighat and Rameshwarghat are being damaged and river flow has been narrowed down due to the illegal encroachments.

Earlier the Hon'ble NGT vide order dated 17.05.2022 had constituted a Joint committee; comprising representatives from SPMG amongst other representatives and sought a factual and action taken report. The Joint committee had submitted the report on 10.08.2022 which was duly considered by the Hon'ble NGT during the proceedings held on 28.08.2023. It was inter-alia observed that the report did not reflect the extent of illegal encroachment.

As per section 24 of The River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 Powers, duties and functions of State Ganga Committees.– (1) Every State Ganga Committee shall, subject to the provisions of the Act and rules made or directions issued thereunder, have the power to take all such measures, including those in paragraphs 6, 7 and 8, as it deems necessary or expedient for effective abatement of pollution and conservation of the River Ganga and for implementing the decisions or directions of the National Ganga Council and National Mission for Clean Ganga.

एन.एम.सी.जी., (जल शक्ति मंत्रालय, जल संसाधन, नदी विकास और गंगा संरक्षण विभाग, भारत सरकार)

प्रथम तल, मेजर ध्यान चन्द नेशनल स्टेडियम, इन्डिया गेट, नई दिल्ली-110002

NMCG, (Ministry of Jal Shakti, Department of Water Resources, River Development & Ganga Rejuvenation, Government of India)

First Floor, Major Dhyan Chand National Stadium, India Gate, New Delhi-110002

Ph : 011-22072000, 22072001

(3) In particular and without prejudice to the generality of the provisions of sub-paragraphs (1) and (2), such measures may include all or any of the following matters, namely:-

(a) coordination and implementation of the conservation activities relating to River Ganga including augmentation of sewerage infrastructure, catchment area treatment, protection of flood plains, creating public awareness and such other measures at the State level and regulation of activities aimed at the prevention, control and abatement of pollution in the River Ganga to maintain its water quality, and to take such other measures relevant to river ecology and management in the State concerned;

Hence, you are requested to kindly look into the matter and submit the report on necessary action taken in the matter to the NMCG.

Encl.: As above

Yours faithfully,



30.01.2024

(Anup Kumar Srivastava)
Executive Director (Technical)



File No. L-25012(11)/5/2024-LME NMCG

Date: 30th January, 2024

To,

The District Magistrate Cum
Chairperson, District Ganga Committee,
Kanpur, Uttar Pradesh
Email: dmkan@nic.in

Sub.: Regarding encroachment in the flood plain of river Ganga

Ref.: Order dated 4th December, 2023 in the matter of Deepak Awasthi vs State of U.P OA no 341/2022 before the Hon'ble NGT(PB).

Sir,

This is in reference to the Hon'ble NGT order dated 4th December, 2023 (copy enclosed) in the above said matter. The issue raised in the matter relates to illegal settlement in Sarjupurba colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, U.P. It is alleged that as a result of illegal construction and encroachment in that colony, garbage, polythene and sewage is being directly discharged in to the river Ganga. The ancient Ghats of Ranighat, Barighat, Tiwarighat and Rameshwarghat are being damaged and river flow has been narrowed down due to the illegal encroachments.

The River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 has various provisions for dealing with the flood plains under section 4, 6 and 42 wherein construction in the flood plain area is explicitly prohibited. The Hon'ble NGT has also passed orders/directions in the matter of O. A. No. 200/2014 —M. C. Mehta Vs. Union of India & Ors., directing the State Government(s) for identification and demarcation of flood plain in river Ganga, based on one in twenty-five years cycle of Highest Flood Level (HFL). Till the said identification is completed, 100 meters from the edge of the river would be designated as 'no development /construction Zone '.

Further, as per section 55 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 (National Mission for Clean Ganga Authority order, 2016) the functions and power of DGC have been defined. Accordingly, DGC is

requested to take appropriate action as necessary in the matter under intimation to the NMCG.

Encl.: As above

Yours faithfully,


20.01.2024

(Anup Kumar Srivastava)
Executive Director (Technical)

Copy to:

1. Chief Secretary, Govt. of Uttar Pradesh cum Chairperson, State Ganga Committee, email: csup@nic.in
2. PS to DG, NMCG