

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

Original application No.279/2024

Dildeep Singh bassi

..... Applicant

versus

State of Punjab

....Respondent

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PLACE: Chandigarh

DATED: 11.10.2024

Answering Respondent


(krishan kumar)

Principal Secretary to Govt Punjab,
Water Resources Department,
Punjab, Chandigarh

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....Respondent

Short reply by way of affidavit on behalf of Principal Secretary, Government of Punjab Water Resources Department to the above Original Application. Answering Respondent is impleaded as respondent in above Original Application by the order Dated 08.08.2024

Respectfully Showeth:-

1. That the present Original Application is pending before this Hon'ble Tribunal and is now listed for hearing on 20.09.2024.
2. That the applicant approached this Hon'ble Tribunal by filing a complaint dated 14/09/2023 against Issued Notification by the Hon'ble Principal Secretary, Government of Punjab Department of Housing and Urban Development, Mini Secretariat, Punjab, Sector 9 Chandigarh, is regarding the blockage/realignment of the existing N Choe near village Manauli. Which had been flowing naturally for over 200 years.
3. That In regard to the realignment of "N Choe," it is pertinent to mention here that in the meeting held on 23-02-2021, under the chairmanship of the Chief Administrator, GMADA, the decision was taken that Choe has to be realigned in Sectors 82 and 83 as per the notified SAS Nagar Master Plan, in which most of the land in these sectors is owned by M/s JLPL and the remaining portion of the land in which Choe is to be realigned is owned by private owners.
4. That the above-mentioned realignment has been proposed on the land in question to be acquired through an acquiring

agency, i.e., GMADA. the above-mentioned realignment has been proposed on the land in question to be acquired through an acquiring agency, i.e., GMADA. The Land Acquisition Collector of GMADA has initiated the acquisition of land proceedings under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the 'RFCTLARR Act, 2013') on 02-12-2021 for 10.9583 acres, and after taking approval from the Punjab Govt., a notification under Section 11 dated 28-03-2023 has been issued by the Principal Secretary Dept. of HUD, Punjab.

5. That It is pertinent to mention here that the acquisition of land for realignment of N Choe, that complete identity of the land on which realignment is sought to be acquired at the instance of GAMDA, and all material particulars in respect thereof were known to the GAMDA. That the officials of the answering respondent/ Department of Irrigation have reviewed the site near Village Manauli, Mohali, where the realignment of the N-Choe was in question. It was observed that the water body is identified on spot as the 'Jagatpura Drain/Chai-Nala' and not 'N-Choe'. During the visit, the answering respondent had been informed by officials of GMADA that presently the acquisition of private land near village Manauli is in the process and is yet to be completed. 
6. That after requisites formalities for acquisition is to yet to be completed by the officials of GAMADA. Then the officials of the answering respondent along with officials of GAMADA will enter upon the land and survey and take levels of any land in such locality and to do all other acts necessary to ascertain whether the land is adapted for such purposes to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon.
7. That in compliance of order dated 24.05.2024 passed by this Hon'ble Tribunal, the committee was constituted and held a meeting on dated 30/07/2024 where the representative of the

Department of irrigation Punjab is present and during the meeting it has been mentioned that after the acquisition of land, requisite Topographical Survey/Hydraulic Survey will be done in consonance with Irrigation Department Punjab, before the execution of realignment of the Choe. Minutes of meeting dated 30/07/2024 are attached as Annexure R1.

8. That at present, the Department has not received any official request from GMADA/PUDA seeking a No Objection Certificate or permission for the realignment of the Jagatpura Drain/Chai-Nala flowing near village Manauli. That the acquisition of the necessary private land for the proposed realignment is currently underway. However, if such a request is received in the future, the irrigation will proceed strictly as per departmental rules and regulations after evaluating the overall impact of the realignment by conducting proper survey. The department assures that no unlawful or unauthorized realignment will take place. Further, for ready reference of this Hon'ble Tribunal letter dated 12.09.2024 is appended herewith as Annexure R-2.

In the view of above, That the present answering respondent is fully committed in their endeavor to provide every immediate and effective steps in the completion of the requisite Topographical Survey/Hydraulic Survey of the site for alignment to the officials of the GAMADA.

PLACE:

Deponent

DATED:

(krishan kumar)

Principal Secretary to
Govt Punjab, Water
Resources Department,
Punjab, Chandigarh

VERIFICATION:

The deponent do hereby verify that the contents of paras 1 to 8 of short reply are true and correct to as per my knowledge derived from record and factual position. The Deponent have not suppressed any material fact there from.

PLACE:**DATED:****Deponent**

kr)

(krishan kumar)

Principal Secretary to
Govt Punjab, Water
Resources Department,
Punjab, Chandigarh

Minutes of meeting regarding the complaint against issue notification by the Hon'ble Principal Secretary, Government of Punjab, Department of Housing and Urban Development, Mini Secretariat, Punjab, Sector 9, Chandigarh, is regarding the blockage/realignment of the existing "N Choe", near village Manauli, Tehsil Mohali, District Mohali, Punjab held on 30-07-2024 at S.A.S Nagar.

The meeting was attended by the following members:

- (1) Sh. Rantej Sharma, Executive Engineer, PPCB, S.A.S Nagar.
- (2) Sh. Gurtej Singh Gracha, Executive Engg. cum Mining Officer, Dept. of Water Resources. Punjab.
- (3) Sh. Rajinder Soni, Xen, Engineering Department, UT Chandigarh.
- (4) Sh. Peeyush Jindal, Asst. Environmental Engg., PPCB, S.A.S Nagar.
- (5) Sh. Sukhwinder Singh, SDO (Civil), GMADA, S.A.S Nagar.
- (6) Sh. Punnayadeep Sharma, Tehsildar, District Administration, Chandigarh
- (7) Sh. Arjun Grewal, Tehsildar, District Administration, S.A.S Nagar.

On the subject cited matter, Hon'ble NGT has passed orders in OA No 279/2024 as "Dildeep Singh Basi v/s State of Punjab" in which the complainant has raised his grievance that the Department of Housing and Urban Development, State of Punjab is taking steps for realignment of N-Choe without any proper survey of the land and water flow, which is likely to cause serious ecological and environmental hazards in the area concerned as the said exercise is being undertaken by permitting certain individuals and therefore, is not for benefit of the people, but malicious in nature. A report has been sought regarding the issues raised by the complainant through the order issued.

In compliance of the order, a committee was formed of following members which are as below:-

1. District Magistrate, SAS Nagar.
2. Deputy Commissioner, Chandigarh.
3. Punjab Pollution Control Board.
4. Representative of Department of Irrigation, Punjab
5. Representative of Department of Irrigation, Chandigarh
6. Representative of Department of Housing and Urban Development, Punjab.

The representatives of the above officers/offices visited the site and the following facts were discussed: -

1. The petition filed by the complainant is regarding the prevention of realignment of the choe (Chai Nala) which is originates from Sector-31 of Chandigarh and flows through village Jagatpura, Kambala, Papadi etc. to village Manauli in IT City and passes through Sector-82 Alpha and Sector-83 Alpha and then merges with N-Choe at Sector-101 Alpha, S.A.S Nagar.
2. It has been stated by the complainant that the realignment of Choe will benefit some people, particularly M/s Janta Land Promoters Pvt Ltd (JLPL). It is informed here that, GMADA has already acquired and developed the land of Sector-82Alpha, 83Alpha and 101Alpha as per the notified SAS Nagar Master Plan. As Chai Nala (Choe) meanders through the Sector-82 Alpha and 83Alpha in IT City, approximately 86 acres land of IT City (Flag A) cannot

be used for development works/auction, as some portion of land is cut-off due to the current alignment of Chai Nala. The choe is being realigned as per notified SAS Nagar Master Plan (flag B). By realigning the said Choe, 86 acres land of GMADA can be reclaimed and developed which will be in the financial interest of GMADA.

3. In the meeting held on 23-02-2021 under the Chairmanship of Chief Administrator, GMADA, the decision was taken that Choe has to be realigned in Sector-82 and 83 as per notified SAS Nagar Master Plan in which most of the land in these sectors is owned by M/s JLPL and remaining some portion of the land in which choe is to be realigned is owned by private owners. The cost of execution of realignment of the choe falling in the area of JLPL project will be borne by M/s JLPL. In regards to the land owned by the private persons, the Land Acquisition Collector of GMADA has initiated the acquisition of land under The Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (RFCTLARR) on 02-12-2021 for 10.9583 acres and after taking approval from Punjab Govt., notification under Section 11 on dated 28-03-2023 has been issued by Principal Secretary, Dept. of HUD, Punjab. After the acquisition of land, requisite Topographical Survey/Hydraulic Survey will be done in consonance with Irrigation Dept., Punjab, before the execution of realignment of the choe.
4. At the time of site visit, it was found that no work is in progress on the site.
5. The meeting ended with a vote of thanks.

Executive Engineer,
PPCB, S.A.S Nagar.

Executive Engineer-cum Mining,
Dept. of Irrigation, S.A.S Nagar.

SDO (Civil),
GMADA, S.A.S Nagar,

Tehsildar,
District Administration, S.A.S Nagar.

Tehsildar,
District Administration,
Chandigarh.

Annexure 2

OFFICE OF EXECUTIVE ENGINEER / S.A.S NAGAR
36
Drainage cum Mining & Geology Division, Water Resources Department, Punjab

Plot No. B-65, Phase 7 B, Industrial Area, S.A.S Nagar Mohali, Punjab Email-xenminingmohali@gmail.com

No. 10461-64/D.B./63

Dated 12/9/24

To

Deputy Commissioner,
S.A.S. Nagar, Mohali.

Subject: - The Complaint Against issued Notification by the Hon'ble Principal Secretary Govt. of Punjab, Department of Housing and Urban Development, Mini Secretariat, Punjab Sector 9 Chandigarh is Regarding the Blockage-Realignment of the Existing "N-Choe" near Village Manauli Tehsil & District Mohali, Punjab.

Reference: - In reference to your office letter No. 6072-75 dated 29.07.2024.

With respect to the above cited subject & letter under the reference you are being informed that undersigned along with other committee members visited the mentioned site on dated 30.07.2024. (Minutes of meeting are attached herewith). During the site visit along with other committee members it was found that the Choe which is flowing near Village Manauli, Tehsil & District- Mohali is Jagatpura Drain/Chai-Nala not N-Choe.

In context to said case this is to inform you that till date this office has not received any official application from GMADA/PUDA to seek NOC/Permission for realignment of "**Jagatpura Drain**" (or Chai-Nala) near Village Manauli Tehsil & District Mohali, Punjab.

As per verbal discussion with officials of GMADA/PUDA during the above said visit undersigned have been informed that presently acquisition of required private land near Village Manauli, Tehsil & District- Mohali, Punjab is under process.

At present this office/Department (Water Resources Department, Punjab) is not planning any kind of realignment of "**Jagatpura Drain**" (or Chai-Nala) near Village Manauli Tehsil & District Mohali, Punjab. If in future any such request is received from GMADA/PUDA then this office/Department will proceed as per Departmental rules & regulations after considering the overall impact of this realignment. This office will make sure that no unlawful realignment of "**Jagatpura Drain**" (or Chai-Nala) takes place without prior permission/NOC from competent authority of Water Resources Department, Punjab.

This is for your information & necessary action please.

D.A.- As mentioned above

Executive Engineer/SAS Nagar
Drainage-cum-Mining & Geology Division
Water Resources Department, Punjab

o/c

Copy: -

1. Chief Engineer, Drainage Cum Mining & Geology, WRD, Punjab, Chandigarh in reference to letter no. I/894062/2024 Dated 29.07.2024.
2. Superintending Engineer, Drainage Cum Mining, Circle, Patiala for information & necessary actions.
3. Sub-Divisional Officer, Drainage Cum Mining, Mohali is directed to keep regular check on the above-mentioned site & make sure no illegal realignment of Jagatpura Drain or Chai Nala takes place.