

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

Response / reply

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**

MANOJ SINGH

...APPLICANT / INTERVENOR

NEXT DATE - 27.07.2023

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	RESPONSE / REPLY OF MANOJ SINGH	1-10
2.	ANNEXURE 1 - A TRUE COPY OF THE ORDER DATED 20.04.2023 PASSED BY THIS HON'BLE COURT	11-13
3.	ANNEXURE 2 - A TRUE OF THE ORDER DATED 20.05.2013 PASSED BY THIS HON'BLE COURT.	14-17
4.	ANNEXURE 3 - A TRUE COPY OF THE ORDER DATED 10.02.2017 PASSED BY THIS HON'BLE COURT.	18-19
5.	ANNEXURE 4 - A TRUE COPY OF THE ORDER DATED 12.10.2017 PASSED BY THIS HON'BLE COURT.	20
6.	ANNEXURE 5 - A TRUE COPY OF THE RELEVANT EXTRACT OF "RIVER GANGA REJUVENATION PROTECTION AND MANAGEMENT AUTHORITIES ORDER DATED 07.10.2016	21-22
7.	ANNEXURE 6 - A TRUE COPY OF THE RTI	23-30

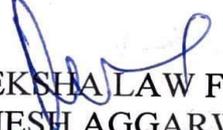
	REPLY DATED 16.01.2023 FROM NMCG – NATIONAL MISSION FOR CLEAN GANGA	
8.	ANNEXURE 7 – A TRUE COPY OF SECTION 55 OF “THE NORTHERN INDIAN CANAL AND DRAINAGE ACT, 1873	31
9.	ANNEXURE 8 – A COPY OF THE ORDER DATED 04.09.2019 PASSED IN OA NO. 145/2015 AND DATED 13.07.2017 IN THE MATTER OA NO. 200/2014 PASSED BY THIS HON’BLE TRIBUNAL	32-42
10.	ANNEXURE 9 – A TRUE COPY OF REPRESENTATION DATED 05.12.2022	43-56
11.	ANNEXURE 10 – A TRUE COPY OF REPRESENTATION DATED 15.03.2023	57-65
12.	ANNEXURE 11 – A TRUE COPY OF RELEVANT ORDER OF THE HIGH COURT	66-71
13.	ANNEXURE 12 – A TRUE COPY OF LEGAL NOTICE DATED 15.04.2023	72-87
14.	VAKALATNAMA	88

15. Proof of service

89 - 91

  
MANOJ SINGH  
APPLICANT / INTERVENOR

Through

  
M/S DEEKSHA LAW FIRM  
RAJESH AGGARWAL  
ADVOCATE ON RECORD,  
SUPREME COURT OF INDIA  
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New Delhi

Dated: 04.07.2023

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
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**IN**

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NEXT DATE - 27.07.2023

**RESPONSE / REPLY OF MANOJ SINGH**

RESPECTFULLY SHEWETH

1. That the present matter is filed by the Original Applicant before this Hon'ble tribunal with a grievance that the respondent authorities have failed in removing unauthorized construction over the flood plain zone of Yamuna and Hindan Rivers, Gautam Buddha Nagar, Uttar Pradesh.
2. The original applicant has made reference to the earlier order of this Hon'ble tribunal dated 20.05.2013 passed in OA no. 89/2013, *Akash Vashishtha & Anr vs Union of India & Ors*. However, subsequent final

order dated 10.02.2017 and review order dated 12.10.2017 are deliberately concealed.

3. Consequently, being misled by the Original Applicant, this Hon'ble Tribunal, vide its order dated 20.04.2023 (ANNEXURE 1), has directed the authorities including Noida / Greater Noida authorities to look into the matter and take remedial action, following due process of law and to file an action taken report. A copy of the report is directed to be furnished to the alleged violators for their response, if any, before the next date.
4. The applicant is holding agriculture land and Farm House in Yamuna Pushta, Noida. The allegation of the Authorities that the entire area involved is in flood plan zone, is factually and legally incorrect. No such demarcation of flood plain is yet done in the entire area. Thus, in response, the present Applicant makes the following submissions, opposing the allegations so made by the Original Applicant:
  - i. That there are no violations, in carrying out any farming / farm land activities / farm houses or raising temporary structures in the area.
  - ii. That the land is self - owned by the farmers. The farm owners have purchased the land from the individual farmers respectively

by way of registered documents. The land / area is neither a government property nor an acquired one or on the river land.

- iii. That the government itself is charging the revenue / stamp duty on the circle rate of Rs 2.30 Crore per hectare. All registries of the land were done on a minimum area of 1008 sq yds.
- iv. That many dog shelters, cow sheds, poultry farming, fishery and related activities are being carried out in these farms. No concrete / pucca construction, cement / brick has been used. Only temporary and removable structures are used on < 10% of the land area.
- v. All these planning and farm activities and the development are being carried out for more than 2 – 3 decades regarding which the authorities have full knowledge. There also exist government structures like Gaushala, temples and crematorium etc in the area.
- vi. Every endeavor is made by the farm owners to develop and maintain greenery in the area and to keep ecological balance. None of the drain is being poured in the river.
- vii. The farm owners have been carrying on ‘tree plantation drives’, and successfully maintaining the entire area fertile, growing ornamental / fruit bearing plants / trees, keeping the surroundings clean and recharging the ground water level periodically.

- viii. That these farm houses are 4 – 5 kms away from the river, and are no threat to the river ecology. The distance between the River Bank and constructed Band Road, on an average is 5 – 6 km. The area is fertile and have a green coverage and is not an obstruction to the river stream, nor it is a flood plain area. The flood has never come in this region inspite of heavy rainfall and even during the time when river Yamuna flow above danger mark.
5. That the reliance placed by the Original Applicant to the earlier order of this Hon'ble tribunal dated 20.05.2013 is highly misplaced, in view of the following facts:
- a. That the order dated 20.05.2013 (ANNEXURE 2) passed by this Hon'ble tribunal was an interim order, which stands merged into its final order dated 10.02.2017 (ANNEXURE 3), by virtue of which the main matter i.e. Original Application no. 89 of 2013 title “Akash Vashishtha & Anr versus Union of India & Ors” itself was finally disposed off, giving primacy to *the “River Ganga Rejuvenation Protection and Management Authorities Order dated 07.10.2016” issued by the Ministry of Water Resources, River Development and Ganga Rejuvenation*, which provides for protection of

flood plain, fixation thereof and the activity which can be carried out in the flood plain.

A review application bearing no. 05/2017 for seeking review of this subsequent order dated 10.02.2017 was dismissed, vide order dated 12.10.2017 (ANNEXURE 4) passed by this Hon'ble Tribunal.

b. That thus "River Ganga Rejuvenation Protection and Management Authorities Order dated 07.10.2016" now hold the field. (ANNEXURE 5).

c. That the applicant herein, vide a RTI reply dated 16.01.2023 (ANNEXURE 6) from NMCG – National Mission for Clean Ganga, is informed that

*"... till the state government makes any identification and demarcation of the flood plain area of River Ganga or its tributaries, 100 meters from the edge of the river would be designated as 'No development / construction Zone'".*

*Further that ".... There is no information of any survey / review by NMCG – National Mission for Clean Ganga carried out for identification of flood plain of river*

*Yamuna and / or temporary or permanent structures falling within the active flood plain area”*

- d. That as per the provisions of Section 55 of “The Northern Indian Canal and Drainage Act, 1873, (ANNEXURE 7) the state government is required to notify the flood plain area, its limits and matters incidental thereto, in the official gazette. No such notification in respect of the flood plains of River Yamuna flowing through the District of Gautam Buddha Nagar, has been issued till date by the State of UP. In the absence of any such gazette notification regarding ‘flood plain area’ in the region, no presumptions can be drawn.
- 
6. That in the absence of any such survey or demarcation or any empirical data, a blanket or sweeping action for demolition would be misconstruction and misinterpretation of the orders passed by this Hon’ble tribunal, and of the legal provisions; as the farm houses are not falling in “Flood Plain Area’.
  7. That this Hon’ble Tribunal has in the past also had directed for the demarcation of flood plain area to be carried out, vide its order dated 04.09.2019 passed in OA no. 145/2015 title “Umashankar Patwa &

Another versus Union of India & others” in a similar situation, with reference to area falling in Agra. Similar such orders were passed dated 13.07.2017 in the matter OA no. 200/2014 “M.C. Mehta vs. Union of India & Ors. reported in 2017 NGTR (3) PB 1. A copy of the order dated 04.09.2019 passed in OA no. 145/2015 and another order dated 13.07.2017 in the matter OA no. 200/2014 passed by this Hon’ble tribunal is ANNEXURE 8 colly.

8. That there are representations dated 05.12.2022 (ANNEXURE 9) and dated 15.03.2023 (ANNEXURE 10) made by “River Front Farm Owners Association, Noida” pending before the State Government and other authorities for seeking a joint survey of the entire area in consultation / participation with the farm owners with a view to demarcate, and map the entire area and identify the khasra numbers and villages; and earmark the area falling under “Flood Plain Area” etc.
9. That matters of farm house demolitions are pending before the Hon’ble Allahabad High court, in the various Writ Petitions including WP © no. 18496 / 2023 title “Meena Negi and others v/s Noida Authority and another”, wherein directions for preserving status quo are operating. All these batch of matters are under consideration and the whole issue is sub-judice before the Hon’ble Allahabad High

Court, and Noida Authority and State of UP etc have been directed to file their counter affidavit and rejoinder thereafter is to be filed by the farm owners. The said counter affidavit is yet to be filed by the authorities. Relevant orders of the High court are enclosed as ANNEXURE – 11

10. That a legal notice dated 15.04.2023 (ANNEXURE 12) was issued to the authorities, explaining the whole legal aspect of the matter, and seeking a personal hearing, as all the farm house owners are law abiding citizens, and would remove the structures themselves, if declared illegal by the Hon'ble court.

11. That thereafter, the Applicant herein has come to know about the present proceedings before this Hon'ble Tribunal.

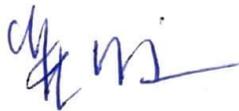
12. That the present matter will have far reaching consequences even to the other areas; and thus, the present response is being made, by the Applicant so as to apprise true and complete facts before this Hon'ble tribunal, as the applicant and other similarly placed individuals would be directly impacted by the outcome of the present case.

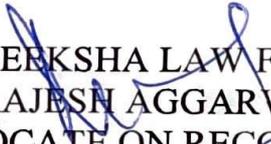
PRAYER

Under the circumstances it is respectfully prayed:

- i. That the present response / reply of the Applicant / intervenor be taken on record; and
- ii. Appropriate directions be passed for demarcation of the “flood plain area” of river Yamuna / Hindon by constituting a Joint Committee under the control of National Mission for clean Ganga (NMCG) in Noida / Greater Noida; and
- iii. Such other and further order which this Hon’ble tribunal deems fit and proper be also passed in the interest of justice.

Through

  
MANOJ SINGH  
APPLICANT / INTERVENOR

  
M/S DEEKSHA LAW FIRM  
RAJESH AGGARWAL  
ADVOCATE ON RECORD,  
MRIDUL AGGARWAL  
DEEKSHA AGGARWAL  
ADVOCATES  
SUPREME COURT OF INDIA  
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(M) 9810179438  
EMAIL: deekshalawfirm2017@gmail.com

New Delhi

Dated: 04.07.2023

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 Response / reply  
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**IN THE MATTER OF**

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VERSUS

STATE OF UTTAR PRADESH & OTHERS ..... RESPONDENTS

**AND IN THE MATTER OF**

**MANOJ SINGH ...APPLICANT / INTERVENOR**

**AFFIDAVIT**

I, Manoj Singh S/o Matwar Singh, aged about 51 years at First Floor, 3 PC Chambers, Village Mamura, Noida – 201301 presently at Delhi, do hereby solemnly affirm as under:

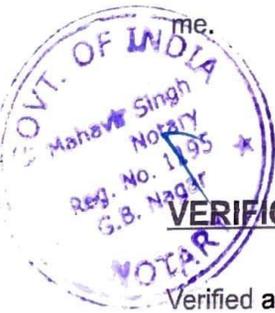
1. That I am the Applicant / intervenor in the present application, and conversant with the facts of the case and thus competent to depose.
2. That the contents of accompanying response / reply are true and correct and read over to,

me.

DEPONENT

**VERIFICATION**

Verified at New Delhi on this 4<sup>th</sup> day of July 2023 that the contents of the above affidavit are true & correct and nothing has been concealed there from.



**ATTESTED**

**MAHAVIR SINGH  
 NOTARY  
 G B NAGAR**

DEPONENT

04 JUL 2023

A TRUE COPY OF THE ORDER DATED 20.04.2023 PASSED BY THIS  
HON'BLE COURT

11

Item No. 03

Court No. 1

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

Original Application No. 275/2023  
(I.A. No. 269/2023)

Mahesh Kumar

Applicant

Versus

State of Uttar Pradesh &amp; Ors.

Respondent(s)

Date of hearing: 20.04.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Satyabeer Singh, Advocate

**ORDER**

1. Grievance in this application is against failure of the statutory authorities in removing unauthorized construction over the flood plain zone of Yamuna and Hindan Rivers at Khata No. 163, Khasra nos. 507kh, 652 and 673, Village Lakhnawali, Greater Noida, Gautam Buddha Nagar, Uttar Pradesh.

2. Case set out in the application is that there are more than 250 constructions in the above Flood Plain Zone, including the construction in question and though representation has been made to the authorities, the same are not being removed. The applicant has referred to earlier order of the Tribunal on the subject dated 20.05.2013 in *Application No. 89/2013, Akash Vashishtha & Anr. vs. Union of India & Ors.*, and reports dated 05.07.2022, 27.07.2022 and 17.10.2022 of SDM Sadar, Gautam Buddha

  
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Nagar, dated 11.10.2022 of Irrigation Department and dated 07.10.2022 by Greater Noida Industrial Development Authority.

3. In view of above, we consider it necessary to direct District Magistrate and Commissioner of Police, Gautam Buddha Nagar, Noida and Greater Noida Authorities, State PCB and Executive Engineer, Irrigation Department, Gautam Buddha Nagar to look into the matter and take remedial action, following due process of law and to file an action taken report within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. District Magistrate, Gautam Buddha Nagar will be nodal agency for coordination and compliance. Copy of the report may also be furnished to the alleged violators for their response, if any, before the next date.

List for further consideration on 27.07.2023.

No ground is made out for passing an interim order at this stage. I.A. No. 269/2023 will stand disposed of accordingly.

A copy of this order be forwarded to District Magistrate and Commissioner of Police, Gautam Buddha Nagar, Noida and Greater Noida Authorities, State PCB and Executive Engineer, Irrigation Department, Gautam Buddha Nagar by e-mail for compliance.

The applicant may serve a set of papers on District Magistrate and Commissioner of Police, Gautam Buddha Nagar, Noida and Greater Noida Authorities, State PCB and Executive Engineer, Irrigation Department, Gautam Buddha Nagar and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

April 20, 2023  
Original Application No. 275/2023  
(I.A. No. 269/2023)  
SN

  
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A TRUE OF THE ORDER DATED 20.05.2013 PASSED BY THIS HON'BLE COURT

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

**Application No. 89 of 2013**

**Akash Vashishtha & Anr. Vs. Union of India & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

**Present:** **Applicant:** Mr. Amit Khemka, Advocate along with Ms. Sanorita D. Bharali, Advocate with Mr. Akash Vashishtha, Applicant in Person  
**Respondent No. 1:** Ms. Neelam Rathore, Advocate  
**Respondent No. 2&3:** Mr. Ardhendumauli Kumar Prasad, Advocate  
**Respondent No. 5:** Mr. D. Rajeshwar Rao, Advocate  
**Respondent No. 6:** Mr. Manjit Singh, Addl. AG  
**Respondent No. 8&11:** Mr. Pankaj Pandey, Advocate  
**Respondent No. 9&12:** Ms. Reena Singh, Advocate with Mr. Arjun Singh, Advocate  
**Respondent No. 10:** Ms. Sushma Singh, Advocate  
**Respondent No. 13:** Mr. Rajesh Chhabra, Advocate

Date and Remarks	Orders of the Tribunal
<p><b>Item No. 2 May 20, 2013</b></p>	<p>All Respondents have been served. The service on all Respondents is complete. Learned counsel appearing for the respective Respondents pray for time to file Reply. Let Replies be filed within four weeks from today with advance copy to the learned counsel appearing for the Applicant who may file Rejoinder within one week thereafter. We make it clear that no further time would be allowed to complete the pleadings. It is conceded before us by all learned counsel appearing for respective Authorities, Corporations, NCT of Delhi, State of Uttar Pradesh and State of Haryana that there are unauthorized and illegal constructions raised on the flood plain of river Yamuna. These constructions have been raised without permission of any competent authority. On the contrary, these Authorities including the Irrigation Department of State of Uttar Pradesh and other Authorities claim to have issued Notices to the persons who have raised unauthorized and illegal constructions upon the flood plain of river Yamuna, but rarely of any effect. It is an admitted position in law that construction upon flood plain area is prohibited. It not only affect the natural flow of the river but even causes environment</p>



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problems besides raising risk to human life and property.

Learned counsel appearing for the Applicant has brought to our notice the Notification dated 16<sup>th</sup> March, 2010 issued by the Chief Secretary of Uttar Pradesh to all the Authorities including the Police in the State of Uttar Pradesh to ensure that no constructions whatsoever is raised on the flood plain zone and whichever constructions have been raised should be removed. The relevant extract of the said notification state as under:-

“It is coming to the knowledge of government that illegal constructions / encroachments are increasing in the flood plain zones and they are not being controlled. While on one hand complexities due to obstruction of natural flow of water during floods may arise from such illegal constructions, on the other hand, there is danger of loss of life and property to the residents. In this connection, orders have been given in the past from time to time and orders have also been given by Housing Division-I, UP through its government Order No. 1773/9-A-1-1995, dated 18 May, 1995 and also GO No. 2432/9-A-1 Encroachment/2003(AB), dated 04 April 2003 but these government orders have not been followed strictly, which is leading to a rise in the number of such illegal constructions / encroachments. Hence, upon a careful deliberation, the government has taken the following decisions :

1. Clear depiction of flood plain zones along rivers as flood affected areas in the Master Plans and to prevent any constructions in these areas, these areas should be reserved as Green. It should be ensured to ban all kinds of constructions in flood plain zones under the Zoning Regulations of the concerned cities.
2. No NOC will be granted, under the RBO Act, UP Urban Planning & Development Act 1973 and Industrial Development Act 1973, to any kind of construction inside the flood plain zone and nor will be the lay-out plans of such constructions be approved. To stop such kind of illegal constructions, effective action would be taken under the provisions of the above acts.
3. Action to be taken by Irrigation Department to remove illegal constructions and notify the areas along canals under Section 55 of the India Canal & Drainage Act.
4. Effective use of Up Flood Emergency Powers Act by all District Magistrates.
5. Concerned officials of Irrigation Department must caution all those carrying out illegal constructions in flood plain areas of rivers to remove them off immediately and also make it clear to them

that no compensation would be done by the government for any loss arising out of damages due to floods and flood safety/relief measures will not be undertaken and the cost of damage will be recovered by those carrying out/having illegal constructions.

People should remove off illegal constriction at their own will. Effective action would be taken against illegal constructors by the concerned development authorities/industrial development authorities and Nagar Palika Parishads under applicable provisions of the acts.

6. Effective action would be ensured by SSP/SPs of all districts through the Police Station Officers to check illegal constructions inside flood plain areas.

7. Strict compliance should be made for removing illegal constructions as soon they are done in flood plain areas that belong to Irrigation Department.

8. Strict, punitive action should be taken against officers/staff workers of concerned departments, after fixing their accountability, if they fail to take the expected action in the case of illegal constructions”.

Despite the above Notification and the stand taken by the Authorities, NCT of Delhi and the State of Haryana, there has been mushrooming of unauthorized and illegal constructions on the flood plain zone. It is high time that these Authorities should discharge their statutory obligations in accordance with law and with greater sense of responsibility.

Despite the said Notification and specific directions issued to all the Authorities much less constructions have been stopped or/and demolished. On the contrary there has been rapid mushrooming of unauthorized and illegal constructions on the flood plain of river Yamuna.

In view of the above circumstances, we hereby issue *ad interim* injunction restraining any illegal and unauthorized construction, be it temporary or permanent, on the flood plain zone of river Yamuna in the NCT of Delhi, State of Haryana and State of Uttar Pradesh. All Authorities of the respective States including the Police, Irrigation Department, Environment Department and PWD and all the public Authorities and Corporations shall ensure that no illegal and unauthorized construction is raised upon the flood plain zone of river Yamuna. Wherever unauthorized

and illegal constructions have been raised steps should be taken to demolish the same in accordance with law.

We hereby direct the NCT of Delhi, State of Uttar Pradesh and State of Haryana to specifically file Plans/Maps showing extent of one in 25 years flood plain zones. Furthermore, they shall also state, if any of the Government Department had issued No Objection Certificate for such construction on flood plain of river Yamuna.

Complete details should be furnished along with the Reply to be filed the by respective Departments / Corporations and Authorities and by the Ministry of Water Resources.

We make it clear that the responsibility of carrying out the said directions shall be of Vice Chairman, Commissioners, Secretaries of the concerned Department and Deputy Commissioner of Police of those areas.

At the oral request of the learned counsel appearing for the parties, the Delhi Development Authority and East Municipal Corporation of Delhi are impleaded as Respondent No. 14 and 15 respectively.

The learned counsel appearing for the Applicant shall serve Dasti Notice to the said Authority and Corporation.

Similar order and injunction shall operate in regard to river Hindon as well.

List on 10<sup>th</sup> July, 2013.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D. K. Agrawal)

.....,EM  
(Dr. G.K. Pandey)

.....,EM  
(Prof. A. R. Yousuf)

A TRUE COPY OF THE ORDER DATED 10.02.2017 PASSED BY THIS  
HON'BLE COURT

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

**Original Application No. 89 of 2013  
(M.A. NOS. 489/2013, 491/2013, 565/2013, 609/2013,  
15/2014, 55/2014, 57/2014, 64/2014, 94/2014, 151/2014, 210/2014,  
211/2014, 304/2014 & 305/2014)**

**Akash Vashishtha & Anr. Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present:**

<b>Applicant:</b>	<b>Ms. Ritu Garg, Adv. Mr. Kailash Pandey, Adv. in M.A.</b>
<b>Respondent No. 1:</b>	<b>Mr. Mukul Singh, Adv. for MoEF &amp; CC</b>
<b>Respondent No. 2-4 &amp; 8:</b>	<b>Mr. Abhishek Yadav, Adv.</b>
<b>Respondent No. 3 :</b>	<b>Mr. Raman Yadav and Mr. Dalsher Singh, Adv. on behalf of Irrigation Dept.</b>
<b>Respondent No. 9 &amp; 12 :</b>	<b>Ms. Reena Singh, AAG of Uttar Pradesh</b>
<b>Respondent No. 10 :</b>	<b>Mr. Sudhir Kulshaeshtha, Adv.</b>
<b>Respondent No. 11 :</b>	<b>Mr. M.P. Shorawala, Adv. and Ms. Geetan Dua, Adv.</b>
<b>Respondent No. 14 :</b>	<b>Mr. Ravi P. Mehrotra and Mr. Abhinav Kumar Malik, Advocates for DDA</b>
<b>Respondent Nos. 20-22:</b>	<b>Mr. G.S. Raghav, Adv. Mr. Raj Kumar, Adv. with Ms. Niti Choudhary, LA, CPCB</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No. 16</b></p> <p><b>February 10, 2017 sn</b></p>	<p>The prayer in this Application was for issuance of the direction to the Respondents to implement Environmental Laws and its agency to prevent new farmhouses, concrete construction to come up in the Flood Plain Area of Yamuna and Hindon. Further, it is prayed for registration of an FIR.</p> <p>Learned Counsel appearing for the Respondents, State and Ministry of Environment, Forest and Climate Change have brought to our notice that the Notification dated 7<sup>th</sup> October, 2016 has been issued by the Ministry of Water Resources, River Development and Ganga Rejuvenation which provides for protection of flood plain,</p>

  
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	<p><b>Item No. 16</b></p> <p><b>February 10, 2017 sn</b></p>	<p>fixation thereof and the activity which can be carried out in the flood plain.</p> <p>In the light of the above, the present Application has been rendered infructuous. The parties are free to take appropriate steps in furtherance thereof including, if anybody wishes to challenge the same in accordance with law. The States and Centres are free to act with the Notification in accordance with law.</p> <p>With the above direction, Original Application No. 89 of 2013 stands disposed of without any order as to cost.</p> <p><b><u>M.A. Nos. 489/2013, 491/2013, 565/2013, 609/2013, 15/2014, 55/2014, 57/2014, 64/2014, 94/2014, 151/2014, 210/2014, 211/2014, 304/2014 &amp; 305/2014</u></b></p> <p>These Applications do not survive for consideration as the main Application itself stands disposed of.</p> <p>Thus, M.A. Nos. 489/2013, 491/2013, 565/2013, 609/2013, 15/2014, 55/2014, 57/2014, 64/2014, 94/2014, 151/2014, 210/2014, 211/2014, 304/2014 &amp; 305/2014 stand disposed of accordingly.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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A TRUE COPY OF THE ORDER DATED 12.10.2017 PASSED BY THIS  
HON'BLE COURT

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Review application No. 05 of 2017  
(M.A. No. 318/2017)

in

Original Application No. 89 of 2013  
Akash Vashishtha & Anr. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 08</p> <p>October 12, 2017</p> <p>JG</p>	<p>We have heard the Learned Counsel appearing for the applicant at some length.</p> <p>We see no reason to review our order dated 10-02-2017.</p> <p>While declining the same, we make it clear that the applicant would be at liberty to take such other appropriate remedy on the subsequent action or even on the ground that the existing structure can not be protected under the Notification in accordance with law.</p> <p>The review application No. 05/2017 is disposed of accordingly with no order as to cost. Liberty prayed is granted.</p> <p><u>M.A. No. 318/2017</u></p> <p>The application does not survive as the review application itself stand disposed of.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Nagin Nanda)</p>

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**A TRUE COPY OF THE RELEVANT EXTRACT OF “RIVER  
GANGA REJUVENATION PROTECTION AND MANAGEMENT  
AUTHORITIES ORDER DATED 07.10.2016**

**MINISTRY OF WATER RESOURCES, RIVER DEVELOPMENT, AND GANGA REJUVENATION  
NOTIFICATION**

New Delhi, the 7th October, 2016

**S.O. 3187(E).**—Whereas it is necessary to constitute authorities at Central, State and District levels to take measures for prevention, control and abatement of environmental pollution in River Ganga and to ensure continuous adequate flow of water so as to rejuvenate the River Ganga to its natural and pristine condition and for matters connected therewith or incidental thereto;

And whereas the River Ganga is of unique importance ascribed to reasons that are geographical, historical, socio-cultural and economic giving it the status of a National River;

And whereas the River Ganga has been facing serious threat due to discharge of increasing quantities of sewage, trade effluents and other pollutants on account of rapid urbanisation and industrialisation;

And whereas, the demand for water of River Ganga is growing for irrigation, drinking water supplies, industrial use and hydro-power due to increase in population, urbanisation, industrialisation, infrastructural development and taking into account the need to meet competing demands;

And whereas there is an urgent need-

- (a) to ensure effective abatement of pollution and rejuvenation of the River Ganga by adopting a river basin approach to promote inter-State and inter-sectoral co-ordination for comprehensive planning and management;
- (b) to maintain ecological flows in the River Ganga with the aim of ensuring continuous flows throughout its length so as to restore its ecological integrity that enables it to self rejuvenate;
- (c) for imposing restrictions in areas abutting the River Ganga in which industries, operations or processes, or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards;
- (d) to make provision for inspection of any premises, plants, equipment, machineries, manufacturing or other processes, materials or substances and giving direction to the authorities, officers and persons as may be necessary to take steps, for prevention, control and abatement of environmental pollution in the River Ganga;
- (e) for carrying out and sponsoring investigations and research relating to problems of environmental pollution in the River Ganga and examination of such manufacturing processes, material and substance as are likely to cause environmental pollution;
- (f) for collection and dissemination of information in respect of matters relating to environmental pollution in the River Ganga and preparation of manual, codes or guide relating to the prevention, control and abatement of environmental pollution;

And whereas the State Governments concerned, being equally responsible for Ganga rejuvenation, are required to co-ordinate and implement the river conservation activities at the State level, and to take steps for comprehensive management of the River Ganga in their States;

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**6. Prevention, control and abatement of environmental pollution in River Ganga and its tributaries.-** (1) No person shall discharge, directly or indirectly, any untreated or treated sewage or sewage sludge into the River Ganga or its tributaries or its banks:

Provided that where a local authority does not have, on the date of commencement of this Order, sewerage scheme or infrastructure for collection, storage, transportation and disposal of sewage or sewage sludge or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such local authority shall, within a period, specified by National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of sewage in the territorial area of the local authority.

(2) No person shall discharge, directly or indirectly, any untreated or treated trade effluent and industrial waste, bio-medical waste, or other hazardous substance into the River Ganga or its tributaries or on their banks:

Provided further that where an industry or industrial area management does not have, on the date of commencement of this Order, industrial effluent treatment scheme or infrastructure for collection, storage, transportation and disposal of trade effluents industrial waste, bio-medical waste, or other hazardous substance, etc. or such infrastructure is not functional on the said date in an area abutting the River Ganga or its tributaries, every such industry or industrial area management shall, within a period so specified by the National Mission for Clean Ganga from the date of commencement of this Order, develop such infrastructure or make such infrastructure functional, as the case may be, for collection, storage, transportation and disposal of trade effluent and industrial waste, bio-medical waste, or other hazardous substance in the jurisdiction of the industry or industrial area management.

(3) No person 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 area of River Ganga or its tributaries:

Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee:

Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.

(4) No person shall do any act or carry on any project or process or activity which, notwithstanding whether such act has been mentioned in this Order or not, has the effect of causing pollution in the River Ganga.

(5) It shall be the duty of the National Mission for Clean Ganga, every Specified State Ganga Committee or specified District Ganga Protection Committee, local authority and all other authorities and persons to disseminate widely and bring to public notice, using various means, information captured in reports and the aforesaid measures in the local language in every village, town, city and other areas abutting River Ganga and its tributaries.

**7. Emergency measures in case of pollution of River Ganga or its tributaries** --- If any poisonous, noxious or polluting matter is present or has entered into the River Ganga due to any accident or other unforeseen act or event, and it is necessary or expedient to take immediate action, the National Mission for Clean Ganga shall take immediate action for carrying out such operations or direct for carrying out such operations by the specified State Ganga Committee or specified District Ganga Committee or local authority or any other authority or Board or Corporation, as it may consider necessary for all or any of the following purposes, namely; -

(a) the manner of removing the matter from River Ganga and disposing it off in such a manner as it may specify, as also, for carrying out such operations as is considered appropriate for mitigation or removal of any pollution caused by such matter;

(b) issuing directions restraining or prohibiting any person concerned from discharging any poisonous, noxious or polluting matter in the River Ganga;

(c) undertaking any additional work or functions as may be necessary to address such emergency.

**8. Power to issue directions.** - The National Mission for Clean Ganga shall, in the exercise of its powers and performance or its functions under this Order, issue such directions in writing as it may consider necessary for abatement of pollution and rejuvenation, protection and management of the River Ganga to the concerned authority or local authority or other authorities or Board or Corporation or person and they shall be bound to comply with such directions.

**9. Ganga safety audit.**- Every District Ganga Committee shall cause the Ganga safety audit to be carried out by such Ganga Safety Auditors within such time frame and in accordance with such protocols as may be specified by the

  
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A TRUE COPY OF THE RTI REPLY DATED 16.01.2023 FROM NMCG – NATIONAL MISSION FOR CLEAN GANGA

## Online RTI Request Form Details

### RTI Request Details :-

<b>RTI Request Registration number</b>	MOWRC/R/E/22/00381
<b>Public Authority</b>	Ministry of Water Resources, River Development & Ganga Rejuvenation

### Personal Details of RTI Applicant:-

<b>Name</b>	Ankur Tiwari
<b>Gender</b>	Male
<b>Address</b>	567/92, आनंद नगर , आलमबाग, लखनऊ, Lucknow
<b>Country</b>	India
<b>State</b>	Uttar Pradesh
<b>Status</b>	Details not provided
<b>Educational Status</b>	Details not provided
<b>Phone Number</b>	Details not provided
<b>Mobile Number</b>	Details not provided
<b>Email-ID</b>	ankur[dot]tiwari38[at]gmail[dot]com

### Request Details :-

<b>Citizenship</b>	Indian
<b>Is the Requester Below Poverty Line ?</b>	No

(Description of Information sought (upto 500 characters))

<b>Description of Information Sought</b>
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Sir,

Refer Ministry of water resources, river development and Ganga Rejuvenation Notification dated 7 th October 2016. This notification applies to river Ganga & all its tributaries including Yamuna. This notification suppresses all earlier notifications/laws in this regard. A copy of this notification is attached herewith. Please note that a portion of river Yamuna also falls in Noida, District Gautam Budh Nagar, Uttar Pradesh. Please focus on clause no. 6.3 of this notification & provide us the following informations (under RTI act) related to the portion of Yamuna river in Noida:

- 1 What is the definition of an active flood zone according to clause no. 6.3?
- 2 To follow clause no. 6.3, of this notification, Has National Mission for Clean Ganga (NMCG) surveyed /reviewed this area & has NMCG identified the active flood zone area? If yes, please provide us copies of the documents/maps supporting the compliance of this.
- 3 To follow clause no. 6.3, Has NMCG surveyed & reviewed this area and identified if there are some temporary or permanent constructions on active flood zone areas & which interrupt the continuous flow of the river. If yes, please provide us copies of the documents/maps supporting the compliance of this.
- 3 If there are some temporary /permanent constructions on the active flood zone then has the NMCG identified the constructions done before & after the date of the implementation of this notification to follow clause 6.3. If yes, please provide us copies of the documents/maps supporting the compliance of this.
- 4 If NMCG has not completed the compliance of clause no. 6.3 then provide us the name, designation & contact numbers of the name, designation & contact numbers of the officials who are responsible for doing the survey & review of this portion of the Yamuna river in compliance of clause no. 6.3.

**Concerned CPIO**

**B L Meena ( NMCG)**

**Supporting document** (*only pdf upto 1 MB*)



स्पीड पोस्ट/ईमेल

आरटीआई मैटर

संख्या I-11011/2/2023-एसएमडी/एनएमसीजी

भारत सरकार

जल शक्ति मंत्रालय

जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग

राष्ट्रीय स्वच्छ गंगा मिशन

\*\*\*\*

मेजर ध्यान चंद नेशनल स्टेडियम,

निकट इंडिया गेट, नई दिल्ली - 110001,

दिनांक: 04 जनवरी, 2022

सेवा में,

श्री अंकुर तिवारी,

567/92, आनंद नगर,

आलम बाग,

लखनऊ - 226005

राज्य: उत्तर प्रदेश

E-mail: ankur.tiwari38@gmail.com

विषय:- सूचना का अधिकार अधिनियम, 2005 के तहत मांगी गई सूचना के संबंध में।

महोदय,

कृपया जल शक्ति मंत्रालय, जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग से प्राप्त आरटीआई आवेदन पत्र का संदर्भ लें जिसकी ऑनलाइन पंजीकरण संख्या एमओडब्ल्यूआरसी/आर/ई/22/00381 दिनांक 11/12/2022 है जिसमें सूचना का अधिकार अधिनियम, 2005 के तहत सूचना मांगी गई है।

2. यह जानकारी राष्ट्रीय स्वच्छ गंगा मिशन (एनएमसीजी) से संबंधित है जो अनुलग्नक के रूप में इसके साथ संलग्न है।

3. यदि आप ऊपर दी गई जानकारी से संतुष्ट नहीं हैं तो आप अपनी अपील इस पत्र के जारी होने की तारीख से तीस दिनों के अंदर श्री बिनोद कुमार, प्रथम अपील प्राधिकारी, राष्ट्रीय स्वच्छ गंगा मिशन (एनएमसीजी), प्रथम तल, मेजर ध्यान चंद नेशनल स्टेडियम, इंडिया गेट, नई दिल्ली- 110001 के समक्ष प्रस्तुत कर सकते हैं।

भवदीय

Signed by Birju Lal Meena

Date: 04-01-2023 16:24:41

Reason: Approved

(बी. एल. मीना )

अवर सचिव एवं सीपीआईओ (एनएमसीजी)

अनुलग्नक

As per RTI Act,2005, the information as defined under Section 2 (f) which is available with the public authority in any form can be provided to the applicant. It is also informed that the interrogative queries viz. "what/how/why/when/whether" does not constitute "information" under section 2(f) of RTI Act, 2005.

However, the information pertains to NMCG is as under:

"The provisions under River Ganga (Rejuvenation, Protection and Management) Authorities Order dated 07.10.2016, defines 'flood plain' 'River Bed' and 'Buffer Area' as below:

"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;

"River Bed" means the dried portion of the area of River Ganga or its tributaries and includes the place where the River Ganga or its tributaries run its course when it fills with water and includes the land by the side of River Ganga or its tributaries which retains the water in its natural channel, when there is the greatest flow of water;

"Buffer Area" means an area which extends beyond the flood plain of a stream.

However, 'active flood plain area' of River Ganga or its tributaries where construction of any structure, whether permanent or temporary, for residential or commercial or industrial or any other purpose is prohibited, has to be identified and demarcated by the respective State Government(s), 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'."

The information may also be obtained from concerned State Government.

\*\*\*\*\*

**कार्यालय**  
**राज्य स्वच्छ गंगा मिशन - उ०प्र०**  
नमामि गंगे तथा ग्रामीण जलापूर्ति विभाग, उ०प्र०  
प्लाट नं०-18, सेक्टर-7, गोमती नगर विस्तार योजना, लखनऊ ।  
www.smcg-up.org, email: apd@smcg-up.org

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पत्र संख्या: 129 / 0066 / एस.एम.सी.जी./04

दिनांक: 10 फरवरी, 2023

सेवा में,

श्री अंकुर तिवारी,

567 / 92, आनन्द नगर आलमबाग लखनऊ-226005

विषय: - जन सूचना अधिकार अधिनियम-2005 के अन्तर्गत सूचना उपलब्ध कराने के सम्बन्ध में ।

महोदय

कृपया राष्ट्रीय स्वच्छ गंगा मिशन, नई दिल्ली के पत्रांक-1-11011/2/2023-SMD NMCG dated 11-01-2023 का सन्दर्भ ग्रहण करने का कष्ट करें (संलग्नक 1) जिसके माध्यम से जन सूचना अधिकार अधिनियम-2005 के अन्तर्गत आपके आवेदन पत्र को इस कार्यालय को संदर्भित किया गया है ।

उपरोक्त के सम्बन्ध में राज्य स्वच्छ गंगा मिशन - उ०प्र० कार्यालय से सम्बंधित सूचनाएं संलग्न कर आपको प्रेषित की जा रही हैं। यदि आप प्रेषित सूचना से संतुष्ट नहीं हैं तो आप अपनी अपील इस पत्र के जारी होने की तारीख से तीस दिन के भीतर प्रथम अपील अधिकारी के समक्ष प्रस्तुत कर सकते हैं। -

संलग्नक: उपरोक्तानुसार

( राजेश कुमार यादव) आर०टी०आई० आफिसर

**प्रतिलिपि निम्नलिखित को सूचनार्थ:-**

1. अपर परियोजना निदेशक, राज्य स्वच्छ गंगा मिशन - उ०प्र० ।
2. निदेशक वित्त राज्य स्वच्छ गंगा मिशन - उ०प्र० ।
3. श्री बी. एल मीना, अवर सचिव एवं सीपीआईओ (एन.एम.सी.जी.)  
प्रथम तल मेजर

ध्यानचन्द नेशनल स्टेडियम, इंडिया गेट, नई दिल्ली।

आर०टी०आई० आफिसर

S. N.	Information Sought	Response by SMCG-UP
1	What is the definition of an active flood zone according to clause no. 6.3?	Responded by National Mission for Clean Ganga New Delhi.
2	To follow clause no. 6.3, of this notification, Has National Mission for Clean Ganga (NMCG) surveyed /reviewed this area & has NMCG identified the active flood zone area? If yes, please provide us copies of the documents/maps supporting the compliance of this.	As per records available in the office of State Mission for Clean Ganga-Uttar Pradesh, it has no information: available about the question asked. Similarly, it also does not have any copies of documents/maps supporting as desired for the specific area indicated. Further to add the State Mission for Clean Ganga has not undertaken any such exercise.
3	To follow clause no. 6.3, Has NMCG surveyed & reviewed this area and identified if there are some temporary or permanent constructions on active flood zone areas & which interrupt the continuous flow of the river. If yes, please provide us copies of the documents/maps supporting the compliance of this.	As per records available in the office of State Mission for Clean Ganga-Uttar Pradesh, it has no information: available about the question asked. Similarly, it also does not have any copies of documents/maps supporting as desired for the specific area indicated. Further to add the State Mission for Clean Ganga has not undertaken any such exercise.
3	If there are some temporary /permanent constructions on the active flood zone then has the NMCG identified the constructions done before & after the date of the implementation of this notification to follow clause 6.3. If yes, please provide us copies of the documents/maps supporting the compliance of this.	As per records available in the office of State Mission for Clean Ganga-Uttar Pradesh, it has no information: available about the question asked. Similarly, it also does not have any copies of documents/maps supporting as desired for the specific area indicated. Further to add the State Mission for Clean Ganga has not undertaken any such exercise.
4	If NMCG has not completed	The: District Magistrate of the Noida,

	<p>the compliance of clause no. 6.3 then provide us the name, designation &amp; contact numbers of the name, designation &amp; contact numbers of the officials who are responsible for doing the survey &amp; review of this portion of the Yamuna river in compliance of clause no. 6.3.</p>	<p>Gautam Buddha Nagar may be contacted in this regard. Or alternatively the office of Chief Engineer and Head of Department, Irrigation and Water Resources Department, GoUP and Central Water Commission, New Delhi may be contacted. Or.the application can be transferred under the relevant provisions of the RTI Act to offices mentioned above.</p>
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PART VII  
OF DRAINAGE

**55. Power to prohibit obstructions or order their removal.**— Whenever it appears to the [97] [Provincial Government] that injury to any land or the public health or public convenience has arisen or may arise from the obstruction of any river, stream or drainage-channel, such Government may, by notification published in the official Gazette, prohibit, within limits to be defined in such notification the formation of any obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream or drainage-channel as is comprised within such limits shall be held to be a drainage-work as defined in section 3.

**56. Power to remove obstructions after prohibition.**— The Divisional Canal Officer, or other person authorised by the [98] [Provincial Government] in that behalf, may, after such publication issue an order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.

If, within the time so fixed, such person does not comply with the order, the said Canal Officer may himself remove or modify the obstruction; and if the person to whom the order was issued does not, when called upon, pay the expenses involved in such removal or modification, such expenses shall be recoverable by the Collector from him or his representative in interest as an arrear of land-revenue.

**57. Preparation of schemes for works of improvement.**— Whenever it appears to the [99] [Provincial Government] that any drainage-works are necessary for the improvement of any lands, or for the proper cultivation or irrigation thereof,

or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands,

the [100] [Provincial Government] may cause a scheme for such drainage-works to be drawn up and published, together with an estimate of its cost [101] [\* \* \*], and a schedule of the lands which it is proposed to make chargeable in respect of the scheme.

**58. Powers of persons employed on such schemes.**— The persons authorised by the [102] [Provincial Government] to draw up such scheme may exercise all or any of the powers conferred on the Canal Officers by section 14.

[103] **59. Rate on land benefited by works.**— An annual rate, in respect of such scheme, may be charged, according to rules to be made by the Provincial Government, on the owners of all lands which shall, in the manner prescribed by such rules, be determined to be so chargeable:

A COPY OF THE ORDER DATED 04.09.2019 PASSED IN OA NO. 145/2015 AND DATED 13.07.2017 IN THE MATTER OA NO. 200/2014 PASSED BY THIS HON'BLE TRIBUNAL

Item No. 03

Court No. 2

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

Original Application No. 145/2015  
(M.A. No. 1259/2016, 1166/2017, 1170/2017 &  
586/2018)

Umashankar Patwa & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 04.09.2019

**CORAM:**

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Rahul Choudhary with Ms.  
Kanika Sood, Advocates

For Respondent(s)

Ms. Deep Shikha Bharati,  
Advocate  
Mr. A.D.N. Rao with Mr.  
Amber Sachdeva, Advocate  
Mr. Tarunvir Singh Khehar,  
Advocate  
Mr. Daleep Dhayani, Advocate for  
Mr. Pradeep Misra, Advocate  
Mr. Shashank Bajpai with Mr.  
Amit Dubey, Advocates  
Ms. Kanika Agnihotri, Advocate  
Mr. Rajkumar Maurya, Advocate  
For Mr. Balendu Shekhar,  
Advocate  
Mr. Rajkumar, Advocate  
Mr. Sanjay Upadhyay with Mr.  
Vibhav Misra, Advocates

**ORDER**

Heard the Learned Counsels for the parties.

In this original application the applicant has raised the issue with regard to flood plain zone and river bed of river Yamuna in Agra. Further, the relief sought by the applicant is to restore the flood plain zone and river bed to

its original state. It has also been prayed by the applicant that direction be issued to the authority concerned to conduct demolition of encroachment which has come up by way of construction in river flood plain zone and river bed.

After having considered the matter from time to time, the Tribunal had called for report with regard to status at the site. Ultimately, the Tribunal had on 11.03.2019 passed the following order:

*“In this matter the primary issue raised is with regard to demarcation of floodplain of river Yamuna in Agra city. Certain reports had been obtained earlier, such as from Irrigation Department etc. which are not only inconsistent but serious objections has been raised against them on behalf of the applicants also. In order to finally set at rest, the position with regard to river floodplain at the site, we think it proper to issue following directions.*

- 1. The Director, Namami Gange shall have a joint inspection, along with nominees of National Institute of Hydrology be conducted and submit a report within four weeks from today.*
- 2. The Director, Namami Gange, as well as, the Director General, National Institute of Hydrology, Roorkee shall nominate officials, concerning with the subject, who after visiting*

*the site they should file a report with regard to floodplain within the timeline, mentioned above. The report should clearly reflect the demarcation of river floodplain in Agra and the construction in it.”*

In pursuance of the said order a Joint Inspection Team was constituted by NMCG on 25.03.2019. The said team consisted of representatives from National Mission for Clean Ganga (NMCG), National Institute of Hydrology-Roorkee (NIH), Central Water Commission (CWC), Irrigation & Water Resource Department-UP and Agra Development Authority.

After having inspected the site as well as on perusal of the relevant records, the Team had submitted its report to the Tribunal on 09.05.2019. The Joint Inspection Team had made several observations but as the primary concern in the case is with regard to the demarcation of flood plain of river Yamuna in the City of Agra, we consider appropriate to refer only the findings in respect of marking of flood line, which as under:

*“Two distinct approaches were utilized while marking the flood line corresponding to flood of 2010. First, the flood of 2010 having discharge 6063 cumecs (WL= 152.52 m at Poiya Ghat) was used to locate the water levels upstream and downstream of Poiya Ghat by adopting a slope of*

water surface. As per information provided by Irrigation Department of Uttar Pradesh a total of 101 pillars (47 upstream of Poiya Ghat and 54 downstream of Poiya Ghat) including marking at some places has been established on right bank of river Yamuna (**Annexure-3**). The same information has already been submitted to Hon'ble NGT vide Registrar General's report dated 15.10.2016. However, the river on its right bank is also flanked by number of drains meeting the river and the flood line should have rotating around these drains. This aspect could not be properly captured through these 101 pillars/marking and therefore, the inundation as captured by satellite imageries corresponding to 2010 flood was used to mark the flood line based on report dated 17.02.2017 submitted before Hon'ble NGT, wherein 620 points were provided to densely plot the flood line. The inundation line captures all the ground features and the pillar position thus reflects flood line with reasonable accuracy along the right the right bank of river Yamuna. Irrigation Department has submitted that 620 pillars have been established on ground based on the above said report dated 17.02.2017. The list of these 620 pillars has been provided in **Annexure-3**.

*During field visit it was seen that area along flood plain has changed considerably due to construction activity and some of the drains have been filled up due to human activity. The flood plain area at many of places has been significantly filled up. The location of any point on earth can be identified by specifying its x and y coordinates (Northing and Easting or latitude and longitude). While the elevation of this point, z, can be specified by measuring its elevation above any reference level. This elevation is dynamic and continuous to change due to large number of reasons including human intervention, natural processes like erosion and deposition. However, the location as specified by latitude and longitude remains fixed for all times to come and can be always traced by appropriate survey methods.*

*Accordingly, the pillars have been identified using the inundation as occurred during 2010 flood and their location has been well documented and submitted to Hon'ble NGT, vide report dated 17.02.2017. These pillars have accordingly been retraced and marked on the map for marking the flood line irrespective of the fact that actual ground conditions have changed significantly at many places. This flood line corresponding at these pillars*

*was therefore adopted as flood line for demarcation of extent of floodplain.”*

In view of the report received from the Joint Inspection Team which was constituted of the aforesaid various authorities including the Agra Development Authority, we are of the considered opinion that as the question of demarcation of flood plain has been done, the question which now remains is with regard to implementation/execution of the aforesaid report given by experts. Thus, the exercise of clearing the flood plain of river Yamuna at Agra be done by the Agra Development Authority, after giving opportunity of hearing to all concern, by ensuring that all encroachments are cleared. The said exercise should be done by Agra Development Authority, in accordance to law by 31.03.2020. Thereafter a report be sent to the Tribunal.

It is made clear that Agra Development Authority shall immediately take up the matter and commence the exercise for implementation of the report given by the NMCG and other authorities without any further delay, in no case later than 15.09.2019.

A copy of this order be sent to the Principal Secretary to the Hon'ble Chief Minister, UP, Special Secretary, Housing and Urban Development and Vice-Chairman of Agra Development Authority, through email, forthwith.

Accordingly, Original Application No. 145 of 2015 is disposed of, with no order as to cost.

**M.A. Nos. 1259/2016, 1166/2017, 1170/2017 & 586/2018**

These miscellaneous applications do not survive for consideration as the main application itself stands disposed of.

Accordingly, M.A. Nos. 1259/2016, 1166/2017, 1170/2017 & 586/2018 stand disposed of.

Justice Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

September 04, 2019  
JG



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

.....

**ORIGINAL APPLICATION NO. 200 OF 2014  
(C.WRIT PETITION No. 3727/1985)  
(M.A. No. 594/2017 & 598/2017)**

**IN THE MATTER OF:**

M.C. Mehta

.....Applicant

Versus

Union of India

.....Respondents

AND

**ORIGINAL APPLICATION NO. 501 OF 2014  
(M.A. No. 404 of 2015)**

Anil Kumar Singhal

.....Applicant

Versus

Union of India & Ors.

.....Respondents

AND

**ORIGINAL APPLICATION NO. 146 OF 2015**

Society for Protection of Environment &  
Biodiversity & Anr.

.....Applicant

Versus

Union of India & Ors.

.....Respondents

AND

**APPEAL NO. 63 OF 2015**

Confederation of Delhi Industries & CEPT Societies  
(An Organisation of CETP Societies)

.....Applicant

Versus

D.P.C.C. & Ors.

.....Respondents

  
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" .....

permission from CGWA. The CGWA should also regulate extraction of groundwater for agriculture and other purposes as per State policy. The permission shall be granted subject to such terms and conditions as may be necessary for the purpose of preventing and controlling the pollution on the one hand and ensuring maintenance of depletion in the groundwater projects as well as ensuring measures for recharging of the groundwater levels.

4. We direct the CGWA to carry out the study and notify the areas in Segment-B of Phase-1 which are Overexploited, Critical, Semi-critical and Safe zone. There shall be complete prohibition on extraction of groundwater in the critical areas. Further, in relation to other two areas, the CGWA shall also publicize the fundamental conditions subject to which the extraction of groundwater would be permitted and the extent thereof and if necessary would require people to fix the flow meters who are using the borewell or tube-well for extraction of the groundwater.

#### **DEMARCATON OF FLOOD PLAINS AND CONNECTED DIRECTONS**

182.3 We pass the following directions for compliance:

- i) We direct and constitute a Special Committee

consisting of representatives from MoWR, Senior Officer from Department of Irrigation, State of Uttar Pradesh, Revenue Department of Uttar Pradesh and Central Water Commission which shall identify and demarcate the floodplains of river Ganga in Segment B of Phase-I on one in twenty five years cycle.

ii) Till the said identification and demarcation of floodplain is completed, we direct that 100 meters from the edge of the river would be designated as no development/construction zone in Segment B of Phase-I i.e. Haridwar to Unnao, Kanpur.

iii) The Special Committee would also identify no development/construction zone, regulatory zone and the activities that can be/cannot be carried on in the regulatory zone of the floodplain.

iv) There shall be a complete prohibition on disposing of MSW, E-waste or bio-medical waste on the floodplain or in river Ganga or its tributaries falling in Segment B of Phase-I.

v) As directed in our order dated 11<sup>th</sup> April, 2017, for each default, the defaulter would be liable to pay Environmental Compensation of Rs. 50,000/- per default for such dumping and/or throwing the

all stakeholders will work in tandem and extend full cooperation to each other to implement this judgement. They shall make a concerted effort to achieve the object of this national project of cleaning and rejuvenation of river Ganga and its tributaries. There is no scope for waiting any further. Stakeholders have to take both effective and remedial measures to restore the pristine nature of the holy river Ganga and its tributaries, now, atleast.

186. Ergo we dispose of the above applications and appeal to the limited extent with the directions and orders as aforesaid, while leaving the respective parties to bear their own costs.

**Swatanter Kumar**  
**Chairperson**

**Jawad Rahim**  
**Judicial Member**

**Raghuvendra S. Rathore**  
**Judicial Member**

**Bikram Singh Sajwan**  
**Expert Member**

**Ajay A Deshpande**  
**Expert Member**

**Nagin Nanda**  
**Expert Member**

New Delhi  
13<sup>th</sup> July, 2017



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**RIVER FRONT FARM OWNERS ASSOCIATION, NOIDA**  
**Green Beauty Farms, Near Old Club, Sector 135, Noida – 201304**  
**(M) – 9999396394**

**sumit.mehta2627@gmail.com; riverfrontassociation1@gmail.com**

Dated : 05.12.2022

To,

1. The Chief Minister,  
Lok Bhawan, Lucknow,  
Uttar Pradesh  
cmup@nic.in
2. State of Uttar Pradesh,  
Through chief secretary,  
101, 'B' Block, Lok Bhawan,  
U.P. Secretariat, Lucknow – 226001  
csup@nic.in
3. New Okhla Industrial Development Authority,  
Administrative Complex Sector 6,  
Noida - 201301, District Gautam Budh Nagar,  
Uttar Pradesh, India  
noida@noidaauthorityonline.com  
chairman@noidaauthorityonline.com

**INDEX**

<b>S. No.</b>	<b>Particulars</b>	<b>Page No.</b>
1	<p>Subject: - Representation / Opposition by River Front Farm Owners Association, Noida on the Noida Master Plan - 2031 (Draft), whereby the area between River Yamuna and Bandh Road is proposed to be developed as River front area for recreational activities; and reject / modify the Noida Master Plan - 2031 (if already approved) appropriately &amp; consequent proceedings thereupon, in accordance with the relevant provisions of law.</p> <p>In Re: Representation for seeking regularisation of structures / developments carried out by owners in the land falling in the area between Yamuna River and Bandh Road i.e the entire belt from Sector 135 to 150; and for considering and formulating a positive action plan to regulate the farm houses / land in a rationale manner with a</p>	<b>1- 11</b>

  
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	balanced approach, etc.	
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NOIDA

DATED : 05.12.2022

Sumit Mehta S/o Sh. Harish Mehta  
r/o Green Beauty Farms,  
Near Old Club, Sector 135,  
Noida – 201304  
(M) – 9999396394  
sumit.mehta2627@gmail.com;  
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RIVER FRONT FARM  
OWNERS ASSOCIATION  
NOIDA

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Noida - 201301, District. Gautam Budh Nagar,  
Uttar Pradesh, India  
noida@noidaauthorityonline.com  
chairman@noidaauthorityonline.com

**Subject: - Representation / Opposition by River Front Farm Owners Association, Noida on the Noida Master Plan - 2031 (Draft), whereby area between the River Yamuna and Bandh Road is proposed to be developed as River front area for recreational activities; and reject / modify the Noida Master Plan - 2031 (if already approved) appropriately & consequent proceedings thereupon, in accordance with the relevant provisions of law.**

**In Re: Representation for seeking regularisation of structures / developments carried out by owners in the land falling in the area between Yamuna River and Bandh Road i.e the entire belt from Sector 135 to 150; and for considering and formulating a positive action plan to regulate the farm houses / land in a rationale manner with a balanced approach, etc.**

Sir,

1. The present representation is being submitted by 'River Front Farm Owners Association', espousing the cause of lakhs of residents and owners of farm lands / farm houses, falling in between the Yamuna River Bank and the constructed Bandh Road, (which is a huge area running into many hectares), and the entire land belongs to the respective owners thereof by way of registered title documents in their favour.
2. The distance between the River Bank and constructed Bandh Road, on an average is 5-6 Km. The area is very fertile and have a green coverage and is not an obstruction to the river stream, nor it is a flood plain area. The flood has never come in this region inspite of heavy rainfall and even during the time when river Yamuna flow above danger mark.
3. This entire belt, which starts from Sector 135 till Sector 150, is mainly cultivated or used as farm land activities by the respective farmers / owners of the respective piece of lands. This agricultural / farm land belongs to farmer and is not an unauthorised land. The farm owners have purchased the land from the individual farmers respectively by the way of registered documents. The land / area is neither a government property nor an acquired one.

4. The government is charging the revenue on the circle rate of Rs 2.30 crore per hectare of land for farm land purposes and Rs. 1.30 crore for agricultural land purposes (which the farm owners have paid, and mutation thereupon has taken place or is in process). All registries of the land were done were on a minimum area of 1008 sq. yards as per the land norms.
5. Many dog shelters, cow sheds, poultry farming, fishery and relating activities are being carried out here. Most of the farms are used for farming, horticulture, plantation, poultry, animal husbandry, dairy farms, etc. which comes under agriculture/ farming. No concrete/ pucca construction, cement/ brick has been used. All these planning and farm activities and the development are being carried out for more than 2-3 decades, regarding which the authorities have full knowledge as they themselves were generating revenue and also that there was a tacit consent, as no objection whatsoever was ever raised. There also exist government Gaushala, temples and crematorium etc in the area.
6. The aforesaid area / land was never a part of the development in the Master Plan for Noida - 2021. However, now that the land is shown as proposed for River Front Development in the Noida Master Plan - 2031 (Draft).

7. Any such proposal by the government would be highly prejudicial to the rights of owners of the said area. It is thus earnestly urged before the authority & the government to consider the following submissions :-

- i. At the very outset it may be pointed out that the farm owners themselves are law abiding and respectable citizens and include various high dignitaries like Judges/ Former Judges, Former CEOs of NOIDA Authority itself, Lawyers, Senior Advocates, IAS officials, IPS officials, Serving/ Retired Police Officials, Journalists, Other Bureaucrats amongst other Middle Class Salaried and Professionals etc. These individuals are/ were themselves law enforcers, and they would always be abiding law. Thus, there is no occasion for any state aggression against them at any point of time. They are contributing after their retirement to the social causes including farming activities etc for the upliftment of villagers generating employment for them and are taking initiative to educate their children. It is their hard-earned money and any destruction by the state would completely ruin them. It is a misconception of the state that the area is encroached and under any land mafia. Each of the farm owner is holding the registered document in their favour and they are very much

available at their respective properties. The process be made smooth and participative and rationale in nature. These farmhouses are not in stray but are large in number. Thus, any action/ decision of the authority / government would impact masses and would result in the damage of multiple crores of rupees (which the authority itself claims in various print media reports).

- ii. There was demolition drive in the past, on the pretext that the area is in 'Flood plain zone', or that there is some breach of NGT guidelines etc. Regarding this, various batch of Writ Petitions were preferred in Allahabad High court; and those issues are now sub-judice.
- iii. Dehors these developments, the present representation is made independently on a larger issue that the area be regularised and for considering and formulating a positive action plan to regulate the farm houses / land in a rationale manner with a balanced approach.
- iv. The farm owners have purchased the land from the individual farmers respectively, by way of registered documents. The

land/ area is neither a government property, nor an acquired one. The government is charging revenue on the circle rate of Rs. 2.30 crore per hectare of land for farm land purposes and circle rate of Rs. 1.30 crore for agricultural land, which the farm owners have paid, and mutation thereupon has taken place or is in process. All registries of the land were done were on a minimum area of 1008 sq. yards as per the land norms.

- v. As per the survey carried out by the Authority, it has come out that there are more than 2500 – 3000 farms in the area. These farms have not come in a day.
  
- vi. The density of the population in the area is on the lower side and there is no harm being made to the ecology. These farms with temporary constructions have come as a savior to old age people and infant children, more particularly in corona time, when due to fresh air and good greenery being maintained, there is no causality occurring in the area. The farm owners are generating ecology friendly solar electricity thereby conserving ecology. These farms have also turned out to be eco friendly to birds and other Avians and there is their

constant inflow due to the greenery and organic earthly components.

- vii. None of the farm owners have raised any permanent constructions or more than permissible on the agricultural land. Every endeavor is made by each of them to develop and maintain greenery in the area and to keep ecological balance. All these farms are much away from the river bed. None of the drain is being poured in the river. Rather the owners are recycling the drainage or have created individual separate tanks / treatment plants, which is later used as a manure. The farm owners have been carrying on 'tree plantation drives', and successfully maintaining the entire area fertile, clean and recharging the ground water level periodically.
  
- viii. There is lot of peaceful and serene atmosphere in the area and a lot of public/ charitable services are provided therein like Free educational services to the villagers, free medical aid, free legal aid services, family counseling, rotary charitable activities and general upliftment of the villagers. The activities are pertaining to the development of the villagers/ community and for a noble cause. Each of the farm owner is nurturing a

family of his care taker and supporting their children in education. Many dog shelters, cow sheds, poultry farming and relating activities are being carried out. Most of the farms are used for farming, horticulture, plantation, poultry, animal husbandry, dairy farms, etc. which comes under agriculture/ farming.

- ix. All these planning and farm activities and the development are being carried out for more than 2-3 decades, regarding which the authorities have full knowledge as they themselves were generating revenue and also that there was a tacit consent, as no objection whatsoever was ever raised, in the entry of the material for the temporary sheds etc. in the area, although there had always been police pickets at different entry points and the survey/ patrolling also being carried out by different authorities, and is also required under revenue/ land laws.
- x. Farm owners have not carried out any permanent construction. Only temporary and removable structures are used on <10% of the land area. The majority of the area is maintained lush green and lakhs of rupees have been spent by the owners individually towards the plantation of a huge number of trees,

landscaping, organic farming making the entire area completely green and free from any pollution, full of grass with fruit bearing trees, crops, vegetables and other vegetation, which topography is dominant in each farm land, making it nature friendly not only for old, sick, young & families but also for the tourists. Temperature here is atleast 3 – 4 degrees less than from the main city. The action of Authority of reckless demolition would cause a huge pile of debris/ garbage/ waste material thereby causing irreversible pollution/ ecological imbalance and uprooting of plants, trees, flora and fauna of the area.

- xi. In view of huge number of farms already in existence, their demolition and displacement is not a viable solution, rather scheme for its regulation is required to be made by the authorities after carrying out intensive survey of the area, on payment/ levying of any regularisation charges, as may be fixed by the government; and such farms be permitted in consonance and in aid of recreational activities/ tourism, as a government – public partnership, with an appropriate modifications in the draft master plan of 2031.

In the given detailed background, you are requested

- i. To take on record, and deal with the present Representation / Opposition by River Front Farm Owners Association, Noida on the Noida Master Plan - 2031 (Draft), whereby the area between the River Yamuna and Bandh Road is proposed to be developed as River front area for recreational activities; and reject / modify the Noida Master Plan - 2031 (if already approved) appropriately & consequent proceedings thereupon, in accordance with the relevant provisions of law; and / or
- ii. To take on record, and deal with the present Representation for seeking regularisation of structures / developments carried out by owners in the land falling in the area between Yamuna River and Bandh Road i.e the entire belt from Sector 135 to 150; and for considering and formulating a positive action plan to regulate the farm houses / land in a rationale manner with a balanced approach; and / or
- iii. To make the residents/ farm owners participative in the process and to give them personal hearing and reasonable opportunity before taking a final view and action in the matter, so as to evolve a picture which may be rationale and beneficial to both state and its subjects; and / or

- iv. To carry out a joint survey of the entire area in consultation / participation with the farm owners with a view to demarcate, map the entire area and identify the khasra numbers and villages; and the area falling under active flood plain area/ High Flood Level; and / or
- v. To consider the development of another Band Road along - side the stream of River Yamuna or any other viable solution as may be deemed fit.

Thanking you,

Yours Sincerely,

NOIDA  
DATED : 05.12.2022

Sumit Mehta S/o Sh. Harish Mehta  
r/o Green Beauty Farms,  
Near Old Club, Sector 135,  
Noida – 201304  
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sumit.mehta2627@gmail.com;  
riverfrontassociation1@gmail.com  
RIVER FRONT FARM  
OWNERS ASSOCIATION  
NOIDA



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**Acknowledgement**

Received one letter from Ms./Mr./Sh./Smt./ Sumit  
 Regarding- Sub- Representation /Opposition by River front farm Owners  
 Association Master Plan- 2031 (Draft) Noida(CEO)  
 On Date 06-December -2022  
 No-47-06-12-2022 New Okhla Industrial Development Authority

Deposition of Rep /Oppsn By RIVER FRONT FARM  
 OWNER ASSOCIATION AT NOIDA ON  
 06/12/2021

**Acknowledgement**

Received one letter from Ms./Mr./Sh./Smt./ Sumit  
 Regarding- Sub- Representation /Opposition by River front farm Owners  
 Association Master Plan- 2031 (Draft) Noida(Chairman)  
 On Date 06-December -2022  
 No-48-06-12-2022 New Okhla Industrial Development Authority

  
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A TRUE COPY OF REPRESENTATION DATED 15.03.2023

**RIVER FRONT FARM OWNERS ASSOCIATION, NOIDA**

Green Beauty Farms, Near Old Club, Sector 135, Noida-201304  
(Mobile - 9999396394) (Email : [sumit.mehta2627@gmail.com](mailto:sumit.mehta2627@gmail.com);  
[riverfrontassociation1@gmail.com](mailto:riverfrontassociation1@gmail.com))

**Dated : 15th March, 2023**

To,

The Chief Secretary of Uttar Pradesh,  
The Member of Legislative Assembly (Dadri),  
The Member of parliament (Gautam Budh Nagar),  
The Chief Minister of Uttar Pradesh,  
The Infrastructure & Industrial Development Minister of Uttar Pradesh,  
The Prime Minister of India,  
The Honourable President of India,  
The Honourable Chief Justice of India,

**Subject:** Application cum representation for provision of basic amenities / facilities under Article 21 of the constitution of India to approximately 3,000 farm owners, their families & agriculture / domestic staff living in different villages viz "Chak Mangrola", "Nagla Nagli", "Dostpur Mangroli" etc, near Sector 135 in Noida, Uttar Pradesh and for regularising the area.

Dear Sirs,

We wish to state that we are farm & farm-house owners living in various villages, viz, "Chak Mangrola", "Nagla Nagli", "Dostpur Mangroli" etc, near Sector 135, Noida. The total count of farms in this area, is approximately 3,000. The total population including farm owners, their families & agricultural / domestic help is approximately 20,000-25,000. We have been residing here for a long time; however, we have been deprived of basic amenities like water, electricity, roads, sewerage, police security, health facilities, street lights, internet broadband, etc. Please note that Government of Uttar Pradesh has to provide us amenities / facilities under article 21 of the constitution.

We have contacted the responsible offices under state Government of Uttar Pradesh viz Noida Authority, DM-Gautam Budh Nagar etc. many times for the provision of basic amenities, but no help was forthcoming; not a single penny has been spent on this by these offices. The response(s) that we received was



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that our 'area falls in the floodplains of Yamuna River'. We would like to emphasise that **this is a misconception**. There hasn't been a single flood in this area anytime experienced by oldest living people here. Moreover, there are prevailing laws / notifications which prove / justify that our farms do not fall in flood plains.

Your officers have also stated that our farm houses are illegal as these are located in an area notified under the NOIDA Master Plan. In this context it is highlighted that Noida master Plans haven't been approved by NCR Planning Board and are implemented by Noida Authority in violation of NCRPB Act-1985.

We request you to kindly go through our para-wise detailed justification for the above:

1. **Our farm houses don't fall in floodplains:**

a. **Uttar Pradesh Govt has not notified any policy for river flood zone demarcation and permitted activities in different zones:** Vide a model draft policy Bill (1975) for flood zoning of rivers, Govt of India (GOI) had advised all states to make their own policy / law to regulate the identification & demarcation of Flood Plain zoning and permitted activities in different zones. Vide a written reply in Rajya Sabha on 14<sup>th</sup> March 2022, the Hon'ble Minister of State for Jal Shakti, Shri Bishweswar Tudu, had stated, "we would really appreciate if demarcation, delineation and notification of river flood plains in Delhi NCR is initiated ASAP as first case for flood plain demarcation in urban area". Ministry of Jal Shakti, GOI had advised all States, including Uttar Pradesh, to make such a policy. National Mission for Clean Ganga (NMCG) has also, time to time, advised all states in the basin of Ganga & its tributaries to complete this action, in adherence to the River Ganga (Rejuvenation, Protection and Management) Authorities Notification, dtd. 7<sup>th</sup> October, 2016 (Link [https://nmcg.nic.in/writereaddata/fileupload/47\\_AuthorityNotification.pdf](https://nmcg.nic.in/writereaddata/fileupload/47_AuthorityNotification.pdf) ). Uttar Pradesh Govt has not notified any policy for river flood zone demarcation and permitted activities in different zones which is evident in point number 1 of an RTI reply by NOIDA Authority. RTI Reply enclosed as Annexure-1.

In view of the absence of any policy for flood zoning, it would be grossly unfair to treat our farm houses as being located in flood plains.

b. **The area of our farms has not been surveyed by Government for active flood zoning according to the notification of National Mission for clean Ganga (NMCG-2016):** Refer the Ministry of Water Resources, River Development and Ganga Rejuvenation Notification dated 7<sup>th</sup> October 2016 quoted above (Link [https://nmcg.nic.in/writereaddata/fileupload/47\\_AuthorityNotification.pdf](https://nmcg.nic.in/writereaddata/fileupload/47_AuthorityNotification.pdf) ). This notification applies to river Ganga & all its tributaries including Yamuna and suppresses / supersedes all earlier notifications / laws in this regard. Clause 6.3 of this notification reads : *“No person 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 area of River Ganga or its tributaries: Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for Clean Ganga acting through the State Ganga Committee and the District Ganga Committee: Provided further that in case any such construction has been completed, before the commencement of this Order, in the River Bank of River Ganga or its tributaries or active flood plain area of River Ganga or its tributaries, the National Mission for Clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.*

Thus, it is abundantly clear in the above notification that: (i) Apart from in the river or on it's banks, construction is not allowed specifically in the **Active Flood Plain** of the river. (ii) In case of any construction completed, before the commencement of the above notification, **the NMCG shall review such constructions** so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in River Ganga or its tributaries, and if that be so, it shall cause for removing them.

Additionally, in an RTI reply by the NMCG, it has been clarified that the identification of active flood plains (where construction is prohibited), has to be identified and demarcated by the respective State Govts based on one in 25 years cycle of High Flood Level (HFL). Till such time the said identification is not done, **100 meters from the edge of the river will be designated as 'no development / construction zone'**. Furthermore, in the same RTI, the **State NMCG had confirmed that the exercise of**

**identification and demarcation of the Active Flood Plain had not yet been carried out.** The RTI reply is enclosed as Annexure-2.

It is also relevant to mention a direction passed by the NGT in para 182.3 (ii) of its 13.07.2017 judgment in the matter of *M.C. Mehta Vs. Union Of India OA No. 200 of 2014*, that where no identification and demarcation of floodplains has been done, a **distance of 100 meters from the edge of the river would be designated as no development / construction zone.**

It is also relevant that Guidelines issued by Ministry of Environment, Forest and Climate Change, GOI, dated 14.02.2022 for siting of industries in close proximity to a river expressly prohibit such siting within 500 meters distance from the flood plains. A conjoint reading of the NGT order dated 13.12.2016 and the guidelines dated 14.02.2022 would reveal that **even with respect to the setting up of industries, the same is permissible if it is at a distance of at least 600 meters from the riverbed.**

In view of the above definitions of active flood plains / No development zone Our farm houses don't fall in the limits of active flood zone / No development zone; as our farm houses are situated at a minimum distance of 500m from the river edge, extending up to a couple of kms; thus, in view of the above they **definitely do not fall in active flood plains.**

## **2. Our Farm Houses don't fall in the area notified by Noida Authority under Noida Master Plan 2021 & 2031 as it has not been approved by NCR Planning Board**

a. It has also been stated by your officers that our farm houses are illegal as these are located in an area notified under the Master Plan 2031 of Noida. We want to bring to your notice that Comptroller & Auditor General (CAG) has declared that Noida Master Plan 2021 & 2031 were illegally implemented by Noida Authority without getting approval from NCR Planning Board. The audit by CAG was done for a period 2005-2018. Please read the audit report at link [https://cag.gov.in/uploads/download\\_audit\\_report/2021/7.%20Chapter-2%20Planning-061bc91243c6db5.35700217.pdf](https://cag.gov.in/uploads/download_audit_report/2021/7.%20Chapter-2%20Planning-061bc91243c6db5.35700217.pdf)

b. Furthermore, in a judgement dated 21<sup>st</sup> October, 2011, in WRIT - C No - 37443 of 2011, Petitioners : Gajraj And Others, Respondent : State Of UP And Others, **Allahabad High court quashed the Greater Noida Master**

**Plan 2021 on the grounds that it was not approved by NCR Planning Board.** Link to the judgement: <https://indiankanoon.org/doc/195081303/> )

c. The Hon'ble Supreme Court in its judgment 6 (31 March 1994) observed that the overriding effect of the NCR Planning Board Act 1985 by virtue of Section 27 and total prohibition of any activity of development in violation of the finally published Regional Plan (RP) by NCRPB provided in Section 29 of the Act **is sufficient to indicate that any claim inconsistent with the finally published RP in the area cannot be sustained on any ground.**

d. The Hon'ble Allahabad High Court in its judgement 7 of 01 October 1996 stated that one stipulation is inescapable that unless the NCRPB gives the green signal nothing can go ahead. The obvious implication of this is that at every stage in reference to the plans, aforesaid, each constituent State, as part of the NCR Plan, has to keep close consultation with the federal agency which is the Board (NCRPB).

e. The Hon'ble Allahabad High Court, in its judgement 1998, elaborated that land uses cannot be changed except with the tacit permission and close scrutiny of the NCRPB. Whatever development is permissible must be strictly monitored under the NCR Plan Act, 1985 by the authorities named and constituted under it.

In view of the above, it will be grossly unfair to treat our farm houses as illegal since Noida Authority has implemented the Master Plans without approval of NCRPB. We request Noida Authority to amend the master plans and incorporate the area of our farm houses in an amicable manner and get it duly approved.

### **3. Our Farmhouses are built on our own land with legal rights:**

a. We have obtained full legal rights of farm house lands vide registered sale deeds with the Sub Registrar of Gautum Budh Nagar. Whereas the circle rate for **undeveloped agricultural** land in the area had been fixed by the Registrar at the far lower rate of **Rs 1,23,42,000/-** per hectare, the registration charges for our farmlands were at the circle rate of **Rs 2,30,00,000/- per hectare for 'developed fenced farmland with gate and road access'**.

b. By virtue of this registration, we are full and undisputed owners in possession of the property described as “developed and fenced farmland with road access”.

c. It is submitted that the structures raised by us are in due compliance of the applicable regulations for such use of the land and the farm owners have been using the land in accordance with the prescribed land use after paying the appropriate registration charges.

**4. Our farm houses are temporary constructions with abundant of area kept open for farming :**

a. The nature of the land belonging to our farm houses is developed fenced farmland with gate and road access and a temporary construction with an abundance of land kept open for farming. It is further relevant to mention that the construction raised by us are temporary in nature.

**5. Noida Authority and other Govt agencies have also raised permanent construction in the same area :**

a. Noida Authority has constructed permanent structures for a Gaushala and Cremation place in the same location. In addition, there are many temples made of brick and concrete. It is learnt that the ‘Beri Wala Temple’ has been in existence for over 100 years. Whilst all such structures are in contravention of the extant rule position, in that they are ‘Permanent’ in nature, we the farm owners have no grouse against them as they serve the Society in a positive way.

b. Central / State Govts have carried out permanent developments near the Yamuna river. Akshardham, Common Wealth Village and many other buildings have come up in similar ‘Flood Plain’ areas. Recently, a large tract of land was reclaimed by the Indian Air Force in the same area and ‘Permanent’ structures of brick and cement have been built on it.

**6. Farm owners are involved in legitimate activities with zero carbon foot print and maintaining the eco system of the river Yamuna :**

a. We are modern, educated and progressive farmers committed to the development and promotion of sustainable environment friendly practices and committed to adopting environmentally friendly practices that help preserve and sustain the bio-diversity of the surrounding ecology. Farm owners have been engaged in farming and living practices that minimize the carbon and water foot-print of human habitation and cultivation. We have been launching regular tree plantation drives and promoting water harvesting and waste recycling and green waste disposal methods in the premises and the vicinity of this area. The practices being undertaken by us are vital to sustain the eco-system in ways that are essential to preserve the rich bio-diversity of the green area.

b. Whereas urban sewer disposal is being done by Noida Authority in the river Yamuna, our farm houses have established our own sewage treatment plants & create no pollution to the environment and river. We are involved in launching the Yamuna rejuvenation and cleaning works in this area.

c. Farm owners are using solar energy for their needs. It is estimated that approx. 5,000 kw of electricity is generated from solar in this area. Approx. 10 million plants and trees have been planted by farm owners within their land and in common areas, which provide a healthy 'green lung' to the urban area of Noida. The farmhouse owners are committed to leave zero carbon foot print. The area is maintained lush green, tree plantation drives are carried out annually, dairy & fish farming is encouraged, residents produce their own compost, thereby reducing waste, we organise door-to-door kitchen and other waste collection centrally. Due to the eco-friendly environment being maintained, the place has become home to a large number of birds. The farm houses are well away from the river and no drains from our farms end up into it. We have created individual septic tanks and the contents are later used as a manure. There is no misuse or any illegal activity, and the area is peaceful and serene.

**7. Farm houses are generating employment for poor people :**

a. We provide employment to a huge number of poor; their children are looked after and some residents even impart free education, medical and legal aid to them. Domestic and agriculture help has given employment to many poor people. As a matter of fact, these farm houses have come as a saviour to old age people and infants, more particularly during the Corona pandemic, when due to fresh air and bountiful greenery being maintained, **there was no causality at all in the area.**

b. With all these activities, these villages have indeed become exemplary and should be considered as '**Ideal / Model**' villages. To be emulated by others. Unfortunately, however, instead of appreciation of the participative role of the residents in the ecology conservation goal of the government, unlawful force is being used against us, and we are being shown in a poor light. It is pertinent to mention here that there is no electricity connection provided by PVVNL in these farm houses and thus there is no scope for any misuse or any commercial activity. On the other hand, the farm owners are generating electricity the environment-friendly solar way.

.....

**Summary of Application/Complaint:** To summarise, the following are the major issues which need due deliberation and addressal by the Authorities :

- a. Authorities are not providing us basic amenities/ facilities under article 21 of Constitution.
- b. Our farm houses don't fall in flood plains : Refer Para 1 above.
- c. Our Farm Houses don't fall in the area notified by Noida Authority under Noida Master Plan 2021 & 2031 : Refer Para 2 above.
- d. Our Farmhouses are built on our own land with legal rights : Refer Para 3 above.

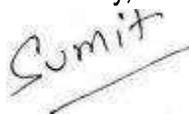
**Prayer** In view of the above we reiterate that our farmhouses are not illegal construction and do not violate the extant Rules / Laws of NMCG and other relevant Authorities on such construction. We request all the relevant authorities to provide us the basic amenities of Water, Electricity, Sewerage, etc, as we are law abiding citizens of India who are contributing generously to maintaining the environment through environment friendly practices and upholding a huge

Social responsibility by providing employment to a huge number of poor, and imparting free education, medical and legal aid.

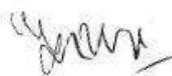
We also request Noida Authority to amend the Master Plan of Noida as requested and provide facilities by implementing various taxes as required by law.

We further request Authorities to provide us a hearing to discuss on our grievance & on regularization of our area in an amicable manner.

Sincerely,



Sumit Mehta  
(Mo: 9999396394)



Manoj Singh  
(Mo: 8076083151)

For

**River Front Farm Owners Association, Noida**

**Copy marked to (for information & necessary action)**

1. District Magistrate, District Gautam Budh Nagar, Uttar Pradesh
2. The Chief Executive Officer, New Okhla Industrial Development Authority, Noida, Uttar Pradesh
3. The Chief Engineer. Noida zone, Paschimanchal Vidyut Vitran Nigam Limited
4. The Commissioner of police, District Gautam Budh Nagar, Uttar Pradesh
5. The Engineer in Chief & Head of Department, Irrigation and Water Resources Department, Government of Uttar Pradesh

**Enclosed:** Annexure-1 & 2



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**165**  
**Chief Justice's Court**

66

**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.)**

  
TRUE COPY

**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. - 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. - 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. - 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. - 10021 of 2023

**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.)

  
TRUE COPY

171



A TRUE COPY OF LEGAL NOTICE DATED 15.04.2023

Annexure 12

rajesh aggarwal &lt;deekshalawfirm2017@gmail.com&gt;

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**Notice / Letter dated 15.04.2023 to District Ganga Committe, Noida Authority and other Authorities**

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rajesh aggarwal &lt;deekshalawfirm2017@gmail.com&gt;

Sat, Apr 15, 2023 at 4:26 PM

To: admn.nmcg@nic.in, akashvashishtha.lawyer@gmail.com, ceo@noidaauthorityonline.com, noida@noidaauthorityonline.com, chairman@noidaauthorityonline.com, dmgbn@nic.in, cp-pol.gb@up.gov.in, csup@nic.in, cmup@nic.in, shafaque.alam@timesgroup.com, editorial@hindustantimes.com, "Dr. B. K. Dash" <drbkdash@gmail.com>, rajesh aggarwal <deekshalawfirm2017@gmail.com>

PFA Notice / Letter dated 15.04.2023 to District Ganga Committe, Noida Authority and other Authorities

SUBJECT: FARMHOUSES ON THE PLAINS OF YAMUNA NEAR SECTOR 135, NOID

IN RE: NEWS ITEM PUBLISHED IN TIMES OF INDIA DATED 23.03.2023 REGARDING REMOVAL OF ILLEGAL STRUCTURES AND NEWS ITEM PUBLISHED IN THE HINDUSTAN TIMES DATED 14.04.2023

--  
THANKS AND REGARDS!

RAJESH AGGARWAL  
ADVOCATE ON RECORD  
SUPREME COURT OF INDIA,  
T1/1501, SUPREME TOWERS,  
SECTOR 99, NOIDA - 201303  
9810179438



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**Letter to District Ganga Committee and others \_compressed.pdf**

6193K

  
TRUE COPY

**RAJESH AGGARWAL  
ADVOCATE ON RECORD  
SUPREME COURT OF INDIA  
T1/1501, SUPREME TOWERS,  
SECTOR 99, NOIDA,  
UTTAR PRADESH – 201303  
(M) – 9810179438  
EMAIL : deekshalawfirm2017@gmail.com**

---

Dated : 15.04.2023

To,

1. District Ganga Committee  
Through its Chairman  
Manish Kumar Verma  
admn.nmcg@nic.in
2. Sh. Akash Vashishtha  
Member, District Ganga Committee  
akashvashishtha.lawyer@gmail.com  
(M) - 097170 06866
3. CEO, Noida Development Authority  
ceo@noidaauthorityonline.com  
(noida@noidaauthorityonline.com  
chairman@noidaauthorityonline.com
4. The District Magistrate,  
dmgbn@nic.in
5. The Commissioner of Police  
cp-pol.gb@up.gov.in
6. The State of UP  
csup@nic.in  
cmup@nic.in
7. Times of India  
shafaque.alam@timesgroup.com



8. The Hindustan Times  
editorial@hindustantimes.com

SUBJECT: FARMHOUSES ON THE PLAINS OF YAMUNA NEAR  
SECTOR 135, NOIDA

IN RE: NEWS ITEM PUBLISHED IN TIMES OF INDIA DATED  
23.03.2023 REGARDING REMOVAL OF ILLEGAL  
STRUCTURES  
AND NEWS ITEM PUBLISHED IN THE HINDUSTAN TIMES  
DATED 14.04.2023

### INDEX

S.NO.	DESCRIPTION	PAGE NO.
1	NOTICE / LETTER DATED 15.04.2023 BY RAJESH AGGARWAL, ADVOCATE ON RECORD, SUPREME COURT OF INDIA	1 - 12
2	Annexure 1 News report dated 23.03.2023	13
3	Annexure 2 News report dated 14.04.2023	14
4	Annexure 3 RTI reply dated 16.01.2023 from NMCG	15 - 21
5	Annexure 4 RTI reply dated 03.01.2023	22 - 23
6	Annexure 5 Letter dated 07.02.2023	24 - 27
7	Annexure 6 Representation dated 05.12.2022	28 - 42
8	Annexure 7 Representation dated 15.03.2023	43 - 56

9	Annexure 8 Letter dated 14.12.2022	57 - 61
10	Annexure 9 Relevant orders of the High court	62 - 77

Dated : 15.04.2023



RAJESH AGGARWAL  
ADVOCATE ON RECORD  
SUPREME COURT OF INDIA

**RAJESH AGGARWAL  
ADVOCATE ON RECORD  
SUPREME COURT OF INDIA  
T1/1501, SUPREME TOWERS,  
SECTOR 99, NOIDA,  
UTTAR PRADESH – 201303  
(M) – 9810179438**

**EMAIL : deekshalawfirm2017@gmail.com**

Dated : 15.04.2023

To,

1. District Ganga Committee  
Through its Chairman  
Manish Kumar Verma  
admn.nmcg@nic.in
2. Sh. Akash Vashishtha  
Member, District Ganga Committee  
akashvashishtha.lawyer@gmail.com  
(M) - 097170 06866
3. CEO, Noida Development Authority  
ceo@noidaauthorityonline.com  
(noida@noidaauthorityonline.com  
chairman@noidaauthorityonline.com
4. The District Magistrate,  
dmgbn@nic.in
5. The Commissioner of Police  
cp-pol.gb@up.gov.in
6. The State of UP  
csup@nic.in  
cmup@nic.in
7. Times of India  
shafaque.alam@timesgroup.com



8. The Hindustan Times  
editorial@hindustantimes.com

**SUBJECT: FARMHOUSES ON THE PLAINS OF YAMUNA NEAR  
SECTOR 135, NOIDA**

**IN RE: NEWS ITEM PUBLISHED IN TIMES OF INDIA DATED  
23.03.2023 REGARDING REMOVAL OF ILLEGAL  
STRUCTURES  
AND NEWS ITEM PUBLISHED IN THE HINDUSTAN  
TIMES DATED 14.04.2023**

Sir,

In response to the afore-mentioned news reports dated 23.03.2023 (**Annexure 1**) and dated 14.04.2023 (**Annexure 2**) revealing some decisions being taken by District Ganga Committee & Noida Authority etc, regarding demolition of farm houses, with an endeavor to clean Yamuna and enhance Green cover, we have to state, as follows, particularly regarding the status of farm houses constructed near Sector 135, Noida :

1. It is a false claim of Noida Authority that the land is owned by it or is encroached. The entire belt, which starts from sector 135 till sector 150, is mainly cultivated or used for farm land activities by the respective farmers / owners of the respective piece of lands. This agricultural / farm land belongs to farmer and is not an unauthorized



land. The farm owners have purchased the land from the individual farmers respectively by way of registered documents. The land / area is neither a government property nor an acquired one or the river land. It is thus urged before you to make appropriate verification of records.

2. The government is charging the revenue on the circle rate of Rs 2.30 crore per hectare of land for farm land purposes and Rs 1.30 crore for agricultural land purposes (which the farm owners have paid, and mutation thereupon has taken place or is in process). All registries of the land were done on a minimum area of 1008 sq yards as per the land norms.
3. Many dog shelters, cow sheds, poultry farming, fishery and related activities are being carried out here. Most of the farms are used for farming, horticulture, plantation, poultry, animal husbandry, dairy farms etc which comes under agriculture / farming. No concrete / pucca construction, cement / brick has been used. Only temporary and removable structures are used on <10% of the land area. All these planning and farm activities and the development are being carried out for more than 2-3 decades regarding which the authorities have full knowledge as they themselves were generating revenue. There also exist government Gaushala, temples and crematorium etc in the area.



Every endeavor is made by the farm owners to develop and maintain greenery in the area and to keep ecological balance. None of the drain is being poured in the river. Rather the owners are recycling the drainage or have created individual separate tanks / treatment plants, which is later used as a manure. The farm owners have been carrying on 'tree plantation drives', and successfully maintaining the entire area fertile, clean and recharging the ground water level periodically.

4. These farm houses are 4 – 5 kms away from the river; and are no threat to the river ecology. The distance between the River Bank and constructed Bandh Road, on an average is 5 – 6 km. The area is very fertile and have a green coverage and is not an obstruction to the river stream, nor it is a flood plain area. The flood has never come in this region inspite of heavy rainfall and even during the time when river Yamuna flow above danger mark.
5. There was demolition drive in the past, on the pretext that the area is in 'Flood plain zone', or that there is some breach of NGT guidelines etc. It is a legal position that all NGT orders have now finally merged in "*River Ganga Rejuvenation, Protection and Management Authorities Order dated 07.10.2016*". Relevant Clause 6.3 of the notification reads as



*“...No person 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 area of River Ganga or its tributaries.*

*Provided that in exceptional circumstances like natural calamities or religious events at traditional locations, temporary structures can be raised after prior permission of the National Mission for clean Ganga acting through the State Ganga Committee and District Ganga Committee*

*Provided further that in case any such construction has been completed, before the commencement of this Order, in the river Bank of River Ganga or its tributaries or active flood plain area or river Ganga or its tributaries, the National Mission for clean Ganga shall review such constructions so as to examine as to whether such constructions are causing interruption in the continuous flow of water or pollution in river Ganga or its tributaries, and if that be so, it shall cause for removing them..”.*



6. We are in receipt of RTI reply dated 16.01.2023 from NMCG – National Mission for Clean Ganga (Copy enclosed as **Annexure 3**), whereby it is informed that

*“...till the state government makes any identification and demarcation of the flood plain area of River Ganga or its Tributaries, 100 meters from the edge of the river would be designated as ‘No development / construction Zone’”*

Further that *“...there is no information of any survey / review by NMCG carried out for identification of flood plain of River Yamuna and / or temporary or permanent structures falling within the active flood plain area”*

7. There is no survey carried out for the identification of “active flood plain area” or “flood plain area”. None of the farm houses are in the river bed or falling in ‘No development / construction zone’ or within 100 meters from the edge of the river.

8. We are in receipt of a further RTI reply dated 03.01.2023 (**Annexure 4**) from National Capital Region Planning Board, thereby informing that



*“...Master Plan 2021 is only in force as on date and that there are some comments and suggestions on the Noida Master Plan 2031 (draft) made by NCRPB.”*

9. In this regard a letter dated 07.02.2023 (**Annexure 5**) is thus written to Noida Authority by Dr. B.K. Dash & Company, Advocate, Supreme court of India, seeking identification of “Flood plain area”.
  
10. There are representations including the representation dated 05.12.2022 (**Annexure 6**) and dated 15.03.2023 (**Annexure 7**) made by ‘River Front Farm Owners Association, Noida’ pending before the State Government and other authorities for seeking regularization of structures / developments carried out by the owners in the land falling in the area between Yamuna River and Bandh Road i.e. the entire belt from sector 135 to 150; and for considering and formulating some positive action plan to regulate the farm houses / land in a rationale manner with a balanced approach; and to carry out a joint survey of the entire area in consultation / participation with the farm owners with a view to demarcate, map the entire area and identify the khasra numbers and villages; and earmark the area falling under “Active flood plain area / Flood plain area etc; and to consider the



development of another Band road along-side the stream of river Yamuna or any other viable solution as may be deemed fit.”

11. There is a letter dated 14.12.2022 (**Annexure 8**) written by Dr. B.K. Dash & Company, Advocate, Supreme court of India, informing that various high dignitaries including Ex CEO's of Noida Authority themselves have acquired / owned Farm houses in the area (in the name of their Family members / relatives). It was also informed in the said letter that matters of farm house demolitions are pending before the Hon'ble Allahabad High court, after the rejection of the objections of farm owners by the Noida Authority, in the various writ petitions including
- i. Writ petition © No. 17895/2022 (“Abhiram Singh and 20 others versus State of UP and 2 others”),
  - ii. Writ Petition © no. 17568/2022 (“Suchit Malhotra and 8 others versus State of UP and 2 others”),
  - iii. Writ Petition © no. 23221/2022 (“Rajesh Aggarwal and 10 others versus Noida Authority and another”)
  - iv. Writ Petition © no. 18017/2022 (“Data Ram and 6 others versus State of UP and 4 others”)



- v. Writ Petition © no. 17909/2022 (“Anand and 4 others versus State of UP and Another”)
- vi. Writ Petition © no. 17903/2022 (“Kali Charan @ Kali Charan Chauhan and 5 others versus State of UP and Another”)
- vii. Writ Petition © no. 17892/2022 (“Krishna Pal Singh versus State of UP and Another”)
- viii. Writ Petition © no. 17742/2022 (“Rajesh Jamnani & Another versus Noida Authority and 2 others”)
- ix. Writ Petition © no. 17711/2022 (“Kuldeep Sharma & Another versus State of UP and 2 Another”)
- x. Writ Petition © no. 17877/2022 (“Vijay Kher & Another versus State of UP and 2 others”)
- xi. Writ Petition © no. 17876/2022 (“Vipin Sharma versus State of UP and 2 others”)
- xii. Writ Petition © no. 17875/2022 (“Shradha Sinha versus State of UP and 2 others”)
- xiii. Writ Petition © no. 17710/2022 (“Akash Yadav and 4 others versus State of UP and Another”)
- xiv. Writ Petition © no. 17831/2022 (“Jaspreet Kaur and 6 others versus State of UP and 2 Others”)
- xv. Now that recently another Writ Petition © no. 10021/2023 (“Ratan Mitra vs NOIDA and 2 others”) is filed wherein Hon’ble Chief



Justice of Allahabad High court has issued notice for 01.05.2023.

All these batch of matters are under consideration and their status is “pending status”, and the whole issue is sub judice before the Hon’ble Allahabad High court. Noida Authority has been directed to file its counter affidavit and rejoinder thereafter is to be filed by the farm owners. The said counter affidavit is yet to be filed by the Authority. (Relevant orders of the High court are enclosed as **Annexure 9**.)

12. There is no verification of records made by you, nor any legal opinion was sought on the subject. A mindless step was taken without caring if your action is in accordance with law or not.
13. The arbitrariness is writ large on the face of it since, pick and choose policy is being adopted. Instead of starting any action from “Active flood area or river bed side”, all your actions were made in the area which is 4-5 kms away from the river.
14. The area is not “Flood plain area”, as it was never notified so, at any point of time. You have not taken care or examined various court orders passed on the subject from time to time, which are in favour of the farm owners; and which observed that the land in question is not



notified for any planned activity in the approved master plan of 2021; and further that certain developments are permissible in the area, which do not require any approval or consent from your authority.

15. Thus, the actions by the District Ganga Committee and Noida Authority are based on fallacious assumptions, without any empirical data or any concrete study. District Ganga Committee must hear us on the subject involved, and any decision taken against our back is a total misuse and abuse of powers vested in the statutory authority, violating the principle of natural justice and fair play.
  
16. You are thus requested to provide us personal hearing, in the light of submissions made herein above on the subject involved, and not to take law in your own hands; and await the verdict of Allahabad High court; and not to rush for sweeping demolitions by the use of force (much less the police force), as all of us are law abiding citizens, and would remove the structures ourselves, if declared illegal by the Hon'ble court. The Police is requested not to become party to the illegal actions of the authorities, and shall swing into action only when so directed / permitted by the Hon'ble court.

Thanking you,



Dated : 15.04.2023

Yours sincerely,

  
RAJESH AGGARWAL  
ADVOCATE ON RECORD  
SUPREME COURT OF INDIA

1. Annexure 1 - News report dated 23.03.2023
2. Annexure 2 - News report dated 14.04.2023
3. Annexure 3 - RTI reply dated 16.01.2023 from NMCG
4. Annexure 4 - RTI reply dated 03.01.2023
5. Annexure 5 - Letter dated 07.02.2023
6. Annexure 6 - Representation dated 05.12.2022
7. Annexure 7 - Representation dated 15.03.2023
8. Annexure 8 - Letter dated 14.12.2022
9. Annexure 9 - Relevant orders of the High court



TRUE COPY

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH : NEW DELHI**

MAHESH KUMAR

...PETITIONER

VERSUS

STATE OF UTTAR PRADESH & OTHERS

...RESPONDENTS

IN RE: MANOJ SINGH – APPLICANT / INTERVENOR

KNOW ALL to whom these present shall come that I, MANOJ SINGH, S/o Sh. Matwar Singh at First Floor, 3 PC Chambers, Village Mamura, Noida – 201301, do hereby appoint RAJESH AGGARWAL ADVOCATE ON RECORD, SUPREME COURT OF INDIA, T1/1501, SUPREME TOWERS, SECTOR 99, NOIDA – 201303, (M) – 9810179438; D/431/1988; DEEKSHALAWFIRM2017@GMAIL.COM (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us.

To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To deposit, draw and receive money, cheque, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me on this 4<sup>th</sup> day of May 2023.

*[Signature]*  
Advocate

*[Signature]*  
Client



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

Response / reply

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**

MANOJ SINGH

...APPLICANT / INTERVENOR

PROOF OF SERVICE

S.NO.	PARTICULARS	RECEIVING
1.	Sh. Satyabeer Singh, Adv for petitioner	satyaveersinghadv1992@gmail.com
2.	The District Magistrate, Gautam Buddha Nagar	dmgbn@nic.in
3.	The Commissioner of Police, Gautam Buddha Nagar	cp-pol.gb@up.gov.in
4.	State PCB, Uttar Pradesh	ceoadmin@uppcb.in
5.	Executive Engineer,	engineerinchiefidup@gmail.com

	Irrigation Department, Gautam Buddha Nagar.	
6.	CEO, Noida Authority, Gautam Buddh Nagar	ceo@noidaauthorityonline.com
7.	NGT	judicial-ngt@gov.in

**All parties served through email. Delivery report attached.**

MANOJ SINGH  
APPLICANT / INTERVENOR

Through

  
M/S DEEKSHA LAW FIRM  
RAJESH AGGARWAL  
ADVOCATE ON RECORD,  
MRIDUL AGGARWAL  
DEEKSHA AGGARWAL  
ADVOCATES  
SUPREME COURT OF INDIA  
T1/ 1501, SUPREME TOWERS,  
SECTOR 99, NOIDA 201303  
(M) 9810179438  
EMAIL: deekshalawfirm2017@gmail.com

New Delhi  
Dated: 10.07.2023



rajesh aggarwal &lt;deekshalawfirm2017@gmail.com&gt;

91

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**Reply / Response by Manoj Singh in OA No. 275 of 2023 "Mahesh Kumar versus State of Uttar Pradesh & others**

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**rajesh aggarwal** <deekshalawfirm2017@gmail.com>

Mon, Jul 10, 2023 at 8:20 PM

To: judicial-ngt@gov.in, satyaveersinghadv1992@gmail.com, dmgbn@nic.in, cp-pol.gb@up.gov.in, ceoadmin@uppcb.in, engineerinchiefidup@gmail.com, ceo@noidaauthorityonline.com, manoj@synergyinfracon.com, rajesh aggarwal <deekshalawfirm2017@gmail.com>

Pls Find attached a Reply / Response by Manoj Singh in OA No. 275 of 2023 "Mahesh Kumar versus State of Uttar Pradesh & others

Next date of hearing is 27.07.2023 before the national green Tribunal, Principal Bench, New delhi

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THANKS AND REGARDS!

RAJESH AGGARWAL  
ADVOCATE ON RECORD  
SUPREME COURT OF INDIA,  
T1/1501, SUPREME TOWERS,  
SECTOR 99, NOIDA - 201303  
9810179438

**Reply in OA 275 of 2023 before NGT Principal Bench.pdf**

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