

Before The Hon'ble National Green Tribunal Principal Bench,
New Delhi

Compliance of order dated 10-07-2024 for OA No- 433/2022

Pateshwari Prasad Singh

Applicant

Versus

State of U.P.

Respondent

Honorable NGT issued an order dated 10-07-2024 (Annexure-1) in OA No- 433/2022. Apart from other, it has been ordered **to file response as to how and what manner the flood plain zone will be demarcated.** Flood plain zoning has been discussed by Hon'ble NGT in earlier orders, these are being summarized as follows for reference-

Order dated 05.09.2022: Hon'ble National Green Tribunal, formed a committee comprising of Chairman of Central Water Commission or his nominee not below the rank of Chief Engineer, representatives of Remote Sensing Organization, State of Uttar Pradesh, Ministry of Jal Shakti, Uttar Pradesh, State, and State PCB and District Magistrate, Balrampur to-

Undertake field visits and verify factual position to assessing ground reality as well as relevant revenue and administrative record and submit its report specifically addressing the issues as to whether, Suav is a drain (Nala) or River, demarcation of flood plain zone in case Suav is a river and extent/magnitude of encroachments on left and

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right banks of Suav in urban municipal limits of city Balrampur. The state PCB will be nodal agency for coordination and compliance.

Order dated 09.02.2023: Hon'ble NGT quoted committee's report dated 18.01.2023 (Annexure-2) in its order, part relevant to flood plain zoning are as follows-

4 (iii)- It was surprisingly gathered during the course of discussion that at many places where the channel of the river is not defined, the bed of the Suav is used for agriculture purpose and is also owned by farmers, who have such land in their own name as per land records. During monsoon season the water flows from these fields giving Suav a natural course. It was also informed that during Rabi season the Chande Tal also becomes agriculture field.

5(iv)- In the previous paras, it has been described about the flood issues in Balrampur city, which is primarily due to spilling of River Rapti and its backwater effect leading to congestion. The Suav river as such is not responsible for the floods. However, its importance lies in draining out the flood waters from the low-lying areas. It is brought out that the Suav river is ungauged i.e. there is no long-term

high frequency observed data of the river pertaining to discharge, water level and back waters data of river Rapti. Hence most of the data has to be generated using various empirical/Statistical methodologies based on which the flood plane zoning studies (**to be more precise no construction zone**) has to be carried out. A scientific study needs to be undertaken using the expertise of well-established institutions like one of the IIT. Based on the results of these studies it then may be possible to assess the extent of encroachment made within the municipal limits of Balrampur city and demarcate no construction zone. **The Committee accordingly recommends to nominate experts(s) in the Committee along the river Suav within the Municipal Limits of Balrampur town and beyond.**

In addition to the above, the Hon'ble NGT has ordered as follows at point number 2 of its order dated 09.02.2023-

As suggested in the Joint Committee Report, we nominate Director or his nominee, National Institute of Hydrology (NIH) Roorkee as an expert Member of the Joint Committee. Accordingly, we direct the joint Committee to undertake field visit and accomplish the task related to

demarcation of Flood Plain Zone (FPZ) of Suav river, extent/magnitude of the encroachment (identification of houses, religious structures, schools, land etc. in FPZ) on the left and right banks of Suav river in Urban Municipal Limits of Balrampur city and submit its report by 10.05.2023.

Order dated 19.05.2023: Committee including expert member from NIH, Roorkee has submitted its report dated 16.05.2023 (Annexure-3). Hon'ble NGT in its order dated 19.05.2023 has ordered as follows-

*6. We have gone through the reports of the Joint Committee and found that the same do not address the issues as directed by the Tribunal and have dealt the matter in an academic manner viz. **proposing application of HEC-RAS Model for flood plain zone Modeling which is impractical to operate due to lack of basic data and also its inapplicability to river flowing in the plain area.***

*7. In order to address the hydrological/ecological issues of River Suav, **we constitute a Committee comprising District Magistrate, Balrampur, Chief Engineer, Saryu-II, Gonda, EO Municipal Counsel, Balrampur(i) to demarcate flood plain Zone (FPZ) upto 50 meters***

distance from the edge of River Suav on both right and left side in the Urban Municipal Limits of Balrampur and upto 100 meters minimum or existing natural buffer zone of the river Suav outside the Municipal Limits of Balrampur by 31.07.2023 and (ii) to identify encroachments by construction of houses, religious structures, schools etc. in the 50 meter distance from the edge of river on both the left and right banks River Suav in Urban Municipal Limits of Balrampur city and submit its report by 30.09.2023.

In pursuance of the Hon'ble NGT order dated 19-05-2023, identification of flood plain zone was done by the committee (Annexure-4) and compliance report was submitted to the Hon'ble National Green Tribunal.

Order dated 18.10.2023: In pursuance of the Hon'ble NGT order dated 18-10-2023 for identification of flood plain zone, a request has been made to National Institute of Hydrology, Roorkee and to Survey of India, Lucknow.

Order dated 01-04-2024: Hon'ble NGT appreciated the efforts made in preparing of detailed report for rejuvenation/restoration of river Suav.

Order dated 01-04-2024: Hon'ble NGT ordered to file response as to how and what manner the flood plain will be demarcated.

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Compliance Response: As observed hydrological data of Suav river is not available and Hon'ble NGT did not agree to methodology proposed in report dated 16-05-2023 by committee formed by Hon'ble NGT, following methodology may be adopted-

- a- Levels of the area through LiDAR survey will be used to create DEM (digital elevation model). Survey of India agreed to provide this data in six months after receiving cost, as data has to be collected from aerial LiDAR survey.
- b- As observed long term hydrological data of Suav river is not available, inundation maps (observed in this area during highest flood of 2022 and other years) received in form of processed satellite images from Remote Sensing Application Centre (RSAC), UP will be used.
- c- Flood zoning will be done in consultation with officers of CWC, Lucknow, NIH, Roorkee, Survey of India, Lucknow, and RSAC, UP. Irrigation & Water Resources Department, UP will coordinate and provide data (procure if necessary) to concerning agencies.
- d- Considering required time to procure and process data for DEM of area, flood zoning of Suav river will be done in 8-10 month.


Principal Secretary,
Irrigation and Water Resources Department,
Government of Uttar Pradesh, Lucknow