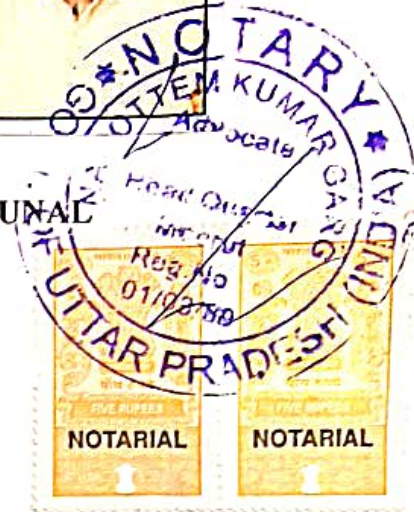


BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION No. 43 of 2025****IN THE MATTER OF:****DUSHYANT ROHTA****.....APPLICANT****VERSUS****STATE OF UTTAR PRADESH & OTHERS****.....RESPONDENT(S)****INDEX**

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THROUGH COUNSEL**BHANWAR PAL SINGH JADON****STANDING COUNSEL FOR STATE OF U.P.****EMAIL- bhanwar09jadon@gmail.com****Ph: 9639286572****DATE: 15.09.2025****PLACE: NOIDA**



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 43 of 2025

IN THE MATTER OF:

DUSHYANT ROHTA

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & OTHERS

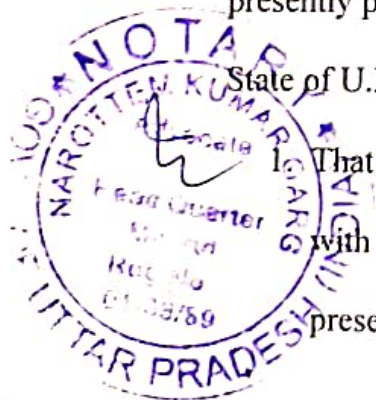
.....RESPONDENT(S)

RESPONSE ON BEHALF OF RESPONDENT NO. 1 IN COMPLIANCE OF THE ORDER DT. 29.01.2025 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

I, Gyan Prakash Srivastava, aged about 55 years S/o Naval Kishore Srivastava presently posted as Chief Engineer, Irrigation and Water Resources Department,

State of U.P do hereby solemnly affirm and state on oath as under:

I, That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and is competent and authorized to swear the present response.



2.

2. That I state that the contents of the response have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.

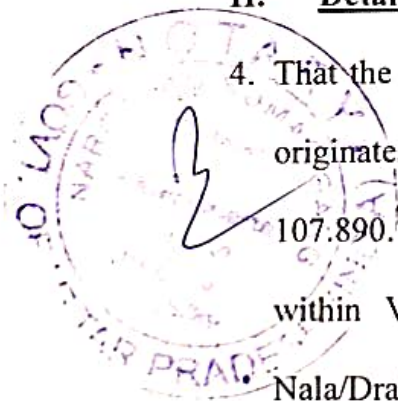
I. Background of the Matter

3. That in the present matter, the applicant has alleged encroachment on the land of the water body and that Krishna World Colony at Meerut is being unauthorizably constructed on a public water drain at gata no. 346 area measuring 0.1260 hectares, Village-Murlipur Gulab, Tehsil and District Meerut, Uttar Pradesh and irrigation canal gata no. 47, 48 and 49, Village-Shobhapur, Tehsil and District Meerut, Uttar Pradesh. That the plea of the applicant is that public water drain and irrigation canal have been encroached upon while developing the residential colony.

II. Details of Rajwaha Chap Salawa and Pathanpura Drain:

4. That the Rajwaha Chap Salawa (Left Salawa) is an irrigation canal that originates from the left bank of the Upper Ganga Canal at chainage Km. 107.890. The total length of this canal is 33.386 km. At a certain location within Village Murlipur Gulab, a drain known as the Pathanpura Nala/Drain flows parallel to the Rajwaha Chap Salawa, the total length of which is approximately 4.200 km.





5. That approximately at Km 26.855 of Rajwaha Chap Salawa (falling in Village Shobhapur) and Km. 3.130 of the Pathanpura Drain (falling in Village Murlipur Gulab), the private developer has undertaken the development of a colony known as "Krishna world Colony".

III. Encroachment Status:

6. That as per the Shajra Sheet, *Gata No. 346* in Village Murlipur Gulab, Tehsil and District Meerut, through which the Pathanpura Drain flows, has a total area of 0.1280 hectares. That the Pathanpura Drain is flowing through this land. There is no encroachment on the entire area of *Gata No. 346*, but at Km 3.130 of the Pathanpura Drain, a culvert (pulia) has been constructed by the said private colonizer in the year 2024 to facilitate entry / exit into the colony.

7. That similarly, at *Gata No. 889* in Village Shobhapur, Tehsil and District Meerut having total area of 0.1770 hectares; through which the Rajwaha Chap Salawa flows. That there is no encroachment on the area of *Gata No. 889* however, at Km. 26.855 of the Rajwaha Chap Salawa, a culvert (pulia) has been constructed by the said private colonizer in the year 2024 to facilitate entry / exit into the colony.



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8. Further, *Gata No. 47* (having total area of 0.6580 ha) and *Gata No. 49* (having total area of 0.6450 ha) form part of the banks of Rajwaha Chap Salawa and *Gata No. 48* (having total area of 0.5820 ha) form part of canal channel of Rajwaha Chap Salawa and are under the administrative jurisdiction of the Irrigation Department, it is submitted that no encroachment has taken place on these specific parcels of land.

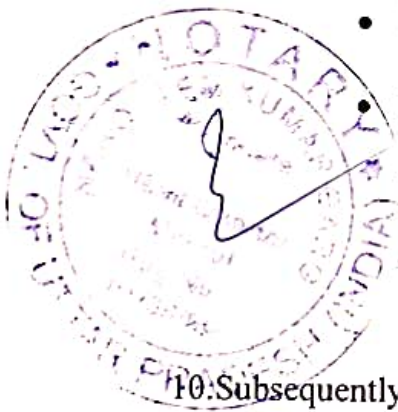
IV. Action Initiated Against the Encroacher with respect to the Pathanpura Drain:

9. That upon detection of the construction of the culvert (puliya) at Km. 3.13 of the Pathanpura Drain, the following steps were undertaken against the encroacher :

- Notice dated 10.06.2024 issued by the Zileदार, Mator, Meerut Division, Ganga Canal;
- Reminder notice dated 19.06.2024 by the same office;
- Notice dated 04.07.2024 issued by the Assistant Engineer-IV, Meerut Division, Ganga Canal, calling upon the said encroacher to remove the unauthorised structure.

10. Subsequently, on 22.02.2024, the Zileदार, Meerut Division, Ganga Canal, Meerut, submitted an application to the concerned police station for lodging an FIR against the said encroacher.

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V. Action Initiated Against the Encroacher with respect to the Rajwaha Chap Salawa:

11. That similarly, to remove the culvert (pulia) constructed at Km. 26.855 of the Rajwaha Chap Salawa, a joint application was submitted by the Seenchpal, Seench Parvekshak (Irrigation Supervisor) and Ziledar, Meerut Division, Ganga Canal, Meerut to the Station Officer, Police Station Kankarkheda on 20.08.2024, requesting the registration of an FIR against the said encroacher.

12. Thereafter, the Deputy Revenue Officer-I, Meerut Division, Ganga Canal, Meerut vide letter dt. 24.08.2024 also sent a request to the Station Officer, Police Station Kankarkheda seeking registration of FIR against the said encroacher.

13. Subsequently, the Assistant Engineer-IV, Meerut Division, Ganga Canal, Meerut has written a letter dt. 29.08.2024 to the Circle Officer, Daurala, District Meerut requesting the registration of the FIR.

14. Thereafter, the Executive Engineer, Meerut Division, Ganga Canal, Meerut has written a letter dt. 04.09.2024 to the Senior Superintendent of Police, Meerut, requesting registration of an FIR against the said encroacher.




VI. Visit on 02.09.2024 (For Demolition):

15. That on 02.09.2024, the concerned officers of the Irrigation Department reached the said site with a hydra breaker machine and commenced the process to demolish both the culverts (pulis). However, as soon as the work began, the concerned several local people gathered and began strongly resisting the demolition drive. That due to the absence of police force, the departmental team had to suspend the demolition activity.

VII. Constitution of Committee for Removal of Encroachments:

16. That it is relevant to mention that as per the Government Order dt. 20.04.2017, a committee was constituted by the Office of the District Magistrate, Meerut vide letter dated 12.07.2024 for removing encroachments on the properties belonging to the Irrigation Department. That as soon as administrative support and police force are received, the action to demolish the encroachment will be completed.

VIII. Request for Administrative and Police Support:

17. That in pursuance thereof, the Executive Engineer, Meerut Division, Ganga Canal, Meerut, has written a letter dt. 05.02.2025 to the District Magistrate and the Senior Superintendent of Police, requesting them to appoint an administrative officer as a representative for the removal of the encroachments in the present matter.



2.

IX. Timely Disposal of IGRS Complaints:

18. That it is most respectfully submitted that regarding the IGRS complaint No. 40013824022154 mentioned in the petition by the petitioner, the matter was resolved timely by the Irrigation Department vide letter dated 14.08.2024. And also That the IGRS complaint No. 60000240160004 mentioned in the petition by the petitioner, the matter was resolved timely by the Irrigation Department vide letter dated 05.09.2024. That the representations were submitted by the petitioner on 08.07.2024 and 09.07.2024, were also disposed of by the Irrigation department in a timely manner.

19. That it is further pertinent to state that the District Magistrate, Meerut vide letter dt.05.05.2025 has designated the Sub-Divisional Magistrate, Tehsil Sadar, Meerut as Magistrate-in-charge and directed to provide adequate police force to the Department.

X. Further Demolition Actions Undertaken

20. That pursuant thereto, the Office of the Executive Engineer, Meerut Division, Ganga Canal, Meerut, vide dated 20.05.2025 has instructed the Assistant Engineer-IV, Meerut Division, Ganga Canal, Meerut, to remove the illegal culverts (Pulia) constructed by the colonizer with the assistance of administration and police force.

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21. That accordingly, the Assistant Engineer-IV, Meerut Division, Ganga Canal, Meerut, contacted the Sub-Divisional Magistrate, Meerut, and requested to fix a date for demolition of the illegal culverts (Pulia). However, due to the commencement of Kanwar Yatra during the months of June and July (Shravan month), considering the law-and-order situation, action could not be taken at that time.

22. That subsequently, for removal of the said encroachments, the Sub-Divisional Magistrate, Meerut, fixed 28.08.2025 as the date for demolition. However, due to non-availability of police force, demolition could not be carried out on 28.08.2025 as well. Thereafter, upon further discussions with the Sub-Divisional Magistrate, Meerut, the date of 04.09.2025 was fixed for the demolition.

XI. Actions taken on 04.09.2024

23. That on the scheduled date i.e. 04.09.2025, the officials of the Irrigation Department, along with the, Tehsildar, Naib Tehsildar, Tehsil Sadar, District Meerut, and Circle Officer (Police), Daurala, District Meerut, led by the Station House Officer, Police Station Kankerkhara, along with police force, reached the site for demolition of the illegal culverts (Pulia).

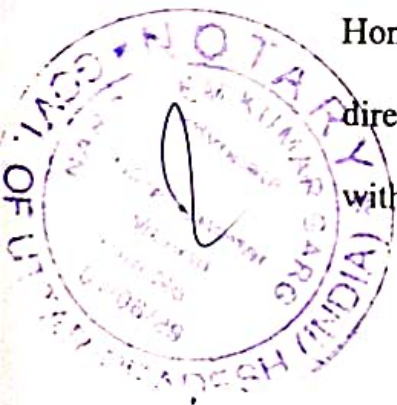


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24. That the abovementioned officials commenced the demolition of the illegal culverts constructed at km. 26.855 of Rajwaha Chapsalava and km. 3.130 of Nala Pathanpura through breaker/JCB machine. That at that time, the colonizer, along with local people, strongly opposed the demolition drive by disturbing law & order situation and produced certain legal documents pertaining to the culverts (Pulia) / the said site before the Tehsildar and the departmental team.

25. Therefore, after examination of the legal documents submitted by the colonizer before the administrative authorities and upon due deliberation with the Sub-Divisional Magistrate, Tehsil Sadar, Meerut, it has been proposed that the demolition of the illegal culverts (Pulia) shall be carried out shortly with administrative support.

26. That the deponent is duty bound to fulfil the obligation which are assigned under the law and directions passed by this Hon'ble Tribunal. The Deponent is fully committed to ensure strict adherence to the orders of this Hon'ble Tribunal and undertakes to faithfully comply with any further directions or instructions that may be issued by this Hon'ble Tribunal, without demur or delay.



2.

27.Hence, the present response is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.

[Signature]
DEPONENT

VERIFICATION

Verified at Meerut on this 13 day of September, 2025, that the contents of the above affidavit from paragraphs 1 to 27 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



[Signature]
DEPONENT

Certified that Sayantika Khatun is a resident of Shri Vardha Machhi Enclave, Meerut Identified by Asst. Sub. Insp. Mr. ... Swore the contents of the affidavit on oath before NAROTTEM KUMAR GARG Advocate Meerkat, Reg. No. 01/09/89. Dependent Attested

[Signature]
आस कहम्मद रौफी
एडवोकेट
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[Signature]
NOTARY
13/9/2025