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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 546 OF 2025

IN THE MATTER OF:

Dr. AMIT KUMAR

APPLICANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

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Through

Date: 31.01.2026



Place: New Delhi

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**REPLY ON BEHALF OF IRRIGATION AND WATER RESOURCES
DEPARTMENT, GOVERNMENT OF UTTAR PRADESH ALONG WITH
AFFIDAVIT**

MOST RESPECTFULLY SHOWETH:

- 1.** That the present reply is being filed in compliance of the order dated 03.11.2025 passed by this Hon'ble Tribunal in the above-captioned Original Application, pursuant to which the factual and technical position regarding the water body referred to as "Katha River" has been examined in detail by the competent authorities and placed on record.

- 2.** That save and except what is specifically admitted hereinabove, the contents and averments made in the Original Application are false, misconceived, incorrect, denied and disputed by the answering Respondent. It is specifically denied that the answering Respondent has acted in any manner contrary to law or has contributed to any alleged environmental degradation as sought to be alleged by the Applicant. The allegations made in the Original Application are vague, unsubstantiated and based on incorrect assumptions of fact and law, and the Applicant has failed to place on record any cogent material to substantiate the same. The Original Application, being devoid of merit, is liable to be dismissed.
- 3.** That the District Magistrate, Saharanpur, vide Letter No. 692/O.A.S.-564/2025 dated 11.11.2025, in continuation of the order dated 03.11.2025, sought a detailed and comprehensive report with respect to the origin, length, width, flow path and village-wise particulars of the Katha Drain, and that in compliance thereof, the Chief Engineer (Water Resources), Irrigation & Water Resources Department, Government of Uttar Pradesh, Lucknow, vide Letter No. 91/Mu.A.(J.S.)/Anim-1/Ankh-3 dated 29.01.2026, duly furnished the requisite report to the concerned authorities

- 4.** That the said report was duly circulated and made available to the Regional Officer, Uttar Pradesh Pollution Control Board, Saharanpur, as well as to the District Magistrate, Saharanpur, through this Department's Letter No. 2649/Sinnikhas/NGT dated 26.11.2025, thereby ensuring inter-departmental coordination and transparency in compliance with the orders of this Hon'ble Tribunal.
- 5.** That upon a careful examination of the official divisional records, revenue records, and authoritative cartographic material, it is respectfully submitted that there is no river known as "Katha River" in Saharanpur District. The watercourse in question is recorded and classified as a "drain", namely "Katha Drain", in all official records maintained by the Irrigation Department.
- 6.** That the Survey of India Topographical Map No. 53G/5, obtained from the Survey of India, Dehradun, clearly depicts the said watercourse as "Katha Drain" and not as a river, thereby conclusively establishing its legal and geographical status. The said map constitutes an authoritative and conclusive public document for the purposes of identification and classification of water bodies.
- 7.** That the total length of the Katha Drain is 112.00 kilometers, out of which a stretch measuring 58.800 kilometers lies within District Saharanpur, extending from kilometer 53.200 up to kilometer

112.000, while the remaining 53.200 kilometers falls within District Shamli, where the said drain ultimately discharges into the River Yamuna near Village Haiderpur, Tehsil Kairana, District Shamli, as recorded in the official departmental records.

- 8.** That the Katha Drain originates from the upstream catchment area falling within Tehsil Nakud, District Saharanpur, including Village Toli, as per the Irrigation Department records, and thereafter traverses through multiple villages before exiting Saharanpur District at Village Bankapur and entering District Shamli. It is further submitted that, as per the particulars compiled at the sectional level, the origin of the said watercourse is also described as Village Naya Gaon, Tehsil Nakud, District Saharanpur, which forms part of the same upstream drainage system. The Katha Drain thereafter continues downstream and merges with the River Yamuna near Village Haiderpur, District Shamli.
- 9.** That the average bed width of the Katha Drain is approximately 13.00 metres, subject to local variations, and the peak discharge capacity of the said drain is 875 cusecs, as per the departmental hydrological data maintained by the Irrigation and Water Resources Department.

- 10.** That within District Shamli, the Katha Drain flows along and abuts several villages, namely Haiderpur, Ragda, Nangalrai, Mohammadpur Rai, Issopur Khurgan, Jandhedi, Bibipur, Patoi Khurd, Badkheri, Tarapur, Jamalpur, Jhinhana, Rangana, Baseda, Shahpur, Harsana, Shahjahanpur, Balheda, Chudhiyari, Basi, Gagori, Mundet, Nainangala, Teesamajra and Kolahedi, as reflected in the official records prepared and forwarded by the concerned sectional office for information and necessary action
- 11.** That village-wise details relating to the length and width of the Katha Drain have been duly compiled and are already available in tabular form, forming part of the record, and therefore are not being reproduced herein to avoid unnecessary repetition, though reliance thereon is expressly placed for all practical and legal purposes.
- 12.** That the village-wise details relating to the length and width of the Katha Drain are set out in the table given below, which reflects the factual position as per departmental records and site-wise assessment, are as follows:

Sr. No	Name of Villages	Total Length (km)	Bed Width (M)	Top Width (M)	Remark
1	Toli	58.800	3.00	4.65	Farmers are encroaching on the Katha drain and carrying out agricultural activities from Gram Toli to Gram Harpal
	Bandukheri		4.10	6.38	
	Jageta Gurjer				
	Sarrafpur				
	Chowkhdi		6.10	8.65	
	Sahajwa				
	Jajwa				
	Mohiddinpur		6.10	9.22	
	Tesarshala				
	Khera Afgan				
	Dhoralala				

Sr. No	Name of Villages	Total Length (km)	Bed Width (M)	Top Width (M)	Remark
	Harpal				
	Sherubans				
	Kapoori				
	Raniyala Dayalpur				
	Manakpur Gadi				
	Muradkheri/Mirzapur				
	Muradkheri		6.10	9.26	
	Bamiyala		9.10	12.26	
	Singhkhera				
	Jankhera				
	Nangal Gurjar				
	Shitalpur				
	Begumkheri				
	Dednor				
	Jukhedi				
	Ranikhedi				

Sr. No	Name of Villages	Total Length (km)	Bed Width (M)	Top Width (M)	Remark
	Jassawala		9.70	13.90	
	Gudchappar				
	Sanghtheda				
	Ramrakheri		10.30	14.56	
	Mehgi				
	Kalsi		11.00	14.96	
	Jhadwan				
	Radoor				
	Bankapur		11.60	14.60	

13. That the cleaning and desilting of the Katha Drain in Saharanpur District has been proposed and scheduled to be completed during the Financial Year 2026-27, subject to budgetary approvals and administrative sanctions, and the same shall be undertaken strictly in accordance with applicable environmental norms and guidelines.

14. That it is further submitted that the ownership of the land comprising the Katha Drain vests with the Revenue Department, and therefore, village-wise details regarding drain land, actual

width, and length are required to be obtained and authenticated from the Revenue Authorities to ensure precision, demarcation, and avoidance of any future encroachment or ambiguity.

- 15.** That the responsibility for prevention of pollution, interception, and treatment of untreated sewage and waste entering the Katha Drain lies primarily with the Uttar Pradesh Pollution Control Board and the District Panchayat Department, as per the statutory framework under the Water (Prevention and Control of Pollution) Act, 1974 and allied environmental laws.
- 16.** That this Department remains fully committed to extending all necessary technical assistance and coordination to the concerned authorities to ensure that the objectives of environmental protection, pollution abatement, and compliance with the directions of this Hon'ble Tribunal are achieved in letter and spirit.
- 17.** That the present reply is being filed bona fide, placing the correct factual, technical, and legal position before this Hon'ble Tribunal, and it is respectfully submitted that no mischaracterisation of the Katha Drain as a river subsists in official records, which aspect may kindly be taken on record while adjudicating the present matter.

Reply by Respondent No.9

**Irrigation and Water Resources Department, Government
of Uttar Pradesh**



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AFFIDAVIT

I, Rambabu, aged about 53 years S/o Mangi Lal is presently posted as Executive Engineer, Irrigation Construction Division Saharanpur U.P, do hereby solemnly affirm and declare as under: -

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of Irrigation Construction Division Saharanpur U.P
2. That the accompanying Reply has been drafted by our counsel upon my instructions.

