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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

INTERLOCUTORY APPLICATION NO. 372/2024
IN
ORIGINAL APPLICATION NO. 515/2023

IN THE MATTER OF:
GANGA POLLUTION

...APPLICANT

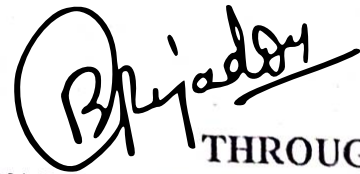
VERSUS

STATE OF UTTAR PRADESH & ORS.

...RESPONDENT

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THROUGH
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DATE: 08.11.2024

PLACE: NOIDA



08.11.24

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REPLY ON BEHALF OF THE IRRIGATION AND WATER
RESOURCES DEPARTMENT, STATE OF UTTAR PRADESH IN I.A. NO.
372 OF 2024 IN O.A. 515 OF 2023

1. That the present matter has been transferred to the Hon'ble Tribunal from the High Court of Allahabad in pursuance to the order dated 21.07.2023 passed in Writ Petition (PIL) No. 4003/2006, Re Ganga Pollution v. State of U.P. & Ors.
2. That this Hon'ble Tribunal vide its Order dated 19.09.2024 directed as under:

"...9. I.A. No. 372/2024 notices were issued on 16.08.2024 and it has been pointed out that the Reply on behalf of NMCG and State is still awaited. Let the same be filed within a period of four weeks. Rejoinder, if any be filed within one week thereafter..."



3. That in pursuance of the above directions, the reply to the I.A. No. 372/2024 is as follows:

PRELIMINARY SUBMISSIONS:

4. That the core issue in the main matter is related to defining/demarcation of the Flood Plain Zone of River Ganga especially in reference to the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016.
5. It is submitted that vide Order dated 28.03.2011 the High Court of Allahabad has directed that no construction shall be done within 500 meters of the Highest Flood Level of the river Ganges as well as part of the river Yamuna adjoining river Ganges, in the city of Allahabad. The Order dated 28.03.2011 is in the records of the Hon'ble Tribunal as Compilation of all the relevant orders of the High Court at page no. 967 to 969. The relevant paragraph of the Order dated 28.03.2011 passed by the High Court of Allahabad is given as under:


"...Learned Special Counsel Sri U.N. Sharma has submitted that looking to the acute problem of untreated water of the sewerage of Allahabad being directly thrown in the river Ganges, and existing STPs treating only 93 MLD although sewage water in the District Allahabad is generated 232 MLD, hence, the State shall review the entire issue of sewage farm. Sri Atul Kumar Gupta, learned Chief Secretary assured the Court that the State shall review entire issue at its level with regard to the use of the land which was earlier acquired for the purpose of sewage farm by Gazette dated 11.9.1915. Learned Amicus Curiae has submitted that on the other side of the river Ganges near Sangam and adjoining river Yamuna there are proposals for constructions



of housing colony which is being undertaken by the Allahabad Development Authority. After considering the entire aspects and taking into consideration that no effective management of treatment of discharge of the sewage from Allahabad have been taken or brought on record, we are of the view that permitting any construction on the river Bank at Allahabad near Sangam shall further pollute river water and cause difficulty in taking over the land for establishment of sewage treatment plant and other measures for treating the untreated water. We direct that there shall be no construction within 500 meter from the mid stream of the Ganges and adjoining places across Sangam on the other side of the city by the Allahabad Development Authority or any private builder. The other relevant details may be brought before the court on the next date..."

It is submitted that the High Court in its above- mentioned Order has observed that in view of the lack of effective waste management regarding the treatment of sewage discharge from Allahabad, permitting any construction on the river bank at Allahabad near Sangam will further pollute the river water. Furthermore, such construction at the river bank will cause difficulties in acquisition of land necessary for establishment of sewage treatment plant and implementation of other measures for treating the untreated water

6. That furthermore, the Judicature of High Court of Allahabad on 22.04.2011 passed a further order in which the Hon'ble High Court further stayed the construction within 500 meters of the HFL (Highest Flood Level) of river Ganges in the city of Allahabad as well as part of river Yamuna adjoining the river Ganges (Sangam). The Order dated



22.04.2011 is in records of the Hon'ble Tribunal as the Supplementary Volume- I compilation of all the relevant orders of the High Court of at page no. 1187 to 1205 (relevant page no. 1204). The relevant paragraph of the Order dated 22.04.2011 passed by the High Court of Allahabad is given as under:

"...We thus direct that no construction shall be undertaken by the Allahabad Development authority or by any private builders within 500 meters of highest flood level of river Ganges in city of Allahabad as well as part of river Yamuna adjoining the river Ganges (Sangam). The Allahabad Development Authority and the district administration shall ensure that no construction be made in the aforesaid area. We however, give liberty to any aggrieved person to make appropriate application in this petition with regard to above restrictions, if he feels so aggrieved..."

7. That the State of Uttar Pradesh has taken the steps in regards to the issues raised in the present O.A. as submitted in the form of the Action Taken Report dated 13.09.2024 filed in the Hon'ble Tribunal dated 17.09.2024.
8. That in the Action Taken Report dated 13.09.2024 filed in the Hon'ble Tribunal dated 17.09.2024, the State has submitted that the demarcation of the flood plain zone was conducted by taking into consideration 100-year flood spread using the Hybrid Methodology. The Hybrid Methodology was implemented by the State with an awareness of the inherent limitations of the satellite analysis and modelling, given that the satellite image may not capture the full extent of flood events, and that the model results are contingent to the quality of the Digital Elevation Model (DEM). That the Action Taken Report/ Status Report was prepared and filed in compliance of the directions given by the Hon'ble Tribunal.



9. That as per the directions provided by the Hon'ble Tribunal vide its Order dated 19.09.2024, the task of identification and demarcation of the Flood Plain Zone (FPZ) of Ganga River Segment B, Phase- II is being conducted by the Irrigation and Water Resources Department, State of U.P.
10. The Irrigation and Water Resources Department, U.P., is executing the demarcation of the Flood Plain Zone (FPZ), with the Flood Management Information System Centre (FMISC) overseeing the delineation and coordinate determination. Appropriate and essential measure are being employed by the departments to ensure effective implementation. Furthermore, a Memorandum of Agreement executed between FMISC and the National Institute of Hydrology (NIH), Roorkee, on 22.12.2023. Currently, the marking of the FPZ of the Ganga River, with a recurrence period of 1 in 100 years, is in progress.

PARA-WISE REPLY:

11. That the Respondent respectfully submits that the reply to the paragraphs 1 to 30 of the Interlocutory Application is not required as it is not concerned with department of Irrigation U.P.
12. That with regard to paragraph 31, it is noted that the paragraph is addressed to the NMCG. However, regarding the demarcation of the Flood Plain Zone, the work is currently underway and in advance progress.



13. That the Respondent respectfully submits that paragraphs 32 to 39 of the Interlocutory Application pertain to matters of fact and are partially related to the Prayagraj Development Authority (PDA).
14. That the Respondent, the Irrigation and Water Resources Department, State of U.P., respectfully submits that the matters addressed in the present Application have been sufficiently responded to, in accordance with the jurisdiction and responsibilities of this Department.
15. That the Respondent humbly prays that this Hon'ble Tribunal may kindly take note of the Respondent's submissions, and further, be pleased to pass any other order(s) deemed fit and proper in the interest of justice.




THROUGH
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 STANDING COUNSEL FOR
 THE STATE OF UTTAR PRADESH
 EMAIL- bhanwar09jadon@gmail.com

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...RESPONDENT

AFFIDAVIT

I, Mahesh Kumar, S/o Sh. Ram Bhazad, aged about 51 years presently posted as J.C.D., Varanasi, do hereby solemnly affirm and state as under:

1. That I, in the abovementioned capacity, am fully and well conversant with the facts and circumstances of the case and competent to swear the present Affidavit.
2. That I have gone through the contents of the accompanying reply to the I.A. and the contents of the same are true and correct as per my knowledge based on record and legal knowledge obtained.




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DEPONENT

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VERIFICATION

Verified at Varanasi on this 08 day of November,
2024, that the contents of the above affidavit 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.


08.11.24
DEPONENT



...benefit of Govt. of India witnessed
...शपथकर्ता ने शपथ ग्रहण किया
Dated by Deponent before me
...द्वारा अधिवक्ता
Counselled by Advocata.....

...
Notary Govt. of India