

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

Original Application No. 402 of 2024

**IN THE MATTER OF:**

Ghirrau Lal Mishr and Ors.

...Applicant(s)

Vs.

State of Uttar Pradesh and Ors.

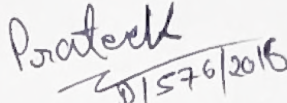
...Respondent(s)

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New Delhi

Dated: 18-09-2024

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**AFFIDAVIT IN REPLY ON BEHALF OF THE RESPONDENT  
NO.7 AMIT SINGH, S/O DILIP KUMAR**

**MOST RESPECTFULLY SUBMITS:**

I, Amit Singh, S/o Shri Dilip Kumar, aged 45 years, having registered address at House No. 461, Awas Colony, Bargao, Gonda, Uttar Pradesh - 271001, do hereby solemnly affirm and declare as under:

1. I am the owner of the land in Gata No. 3/1 and 3/3 and is duly authorised to swear the present affidavit. I am conversant with the facts and circumstances of the case and I am competent to file the present affidavit.
2. I have read the contents of the letter dated 03.10.2023 on the basis which the Ld. National Green Tribunal ("NGT") had suo moto registered a case being O.A. No. 402 of 2024 under Section 14 and 15 of the NGT Act, 2010 ("Act"). I have also read the contents of the joint committee report dated 28.08.2024 filed by the Joint committee constituted by the Ld. NGT. At the outset, I deny each and every



avertment and contention raised in the letter and the committee save as otherwise which are matter of facts and are accepted herein below.

3. It is submitted that the primary contention of the Applicants in the present case is that the Respondent No. 7, along with Respondent No. 8 to 10 have purchased land in Gata Nos. 3, 45 and 46 at high prices, initially claiming it would be used for agricultural purposes. However, they subsequently started levelling and plotting the said land, which partly consists of the river flood plain. The Applicants contend that levelling of land and establishing a colony near the floodplain will result in river pollution, adversely affecting the residents of the villages situated along the riverbank.
4. It is submitted that the letter of the applicant is based on incorrect facts and is wholly misconceived as far as answering Respondent is concerned. The answering Respondent has left 50 m of land from the boundary of the river at full flow from their Gata No. 3, and any soil used for levelling has been removed from the said 50 m to allow smooth flow of water in the river.
5. It is submitted that floodplains are the lands adjacent to both sides of a river, that are submerged under water when a river swells. The shape and size of a floodplain depend upon the side slopes of the river. If they are steep flood plain area is less, if they are flat, the flood plain can span across kilometres. According to the Hydrological Terminology of the National Institute of Hydrology, Roorkee, a floodplain is defined as "*the land adjacent to a river channel that is submerged only during floods*".



6. It is submitted that in order to prevent or restrict development on floodplains to reduce the impact of floods and loss of life and property, Central water Commission prepared floodplain zoning guidelines and the model Bill for flood plain zoning was circulated by the Government of India in 1975. Four states followed this up by passing flood plain zoning acts: Manipur in 1978, Rajasthan in 1990, Jammu and Kashmir in 2005 and Uttarakhand in 2012. These acts provide for the establishment of a “Flood Zoning Authority” who is authorised to conduct surveys to determine the nature of extent of floodplains, prohibit or restrict the use of land in the floodplains, and impose penalties for non-compliance. It is submitted that there is no floodplain zoning law in the state of Uttar Pradesh.
7. It is submitted that Ld. NGT in its judgment, *Manoj Mishra v. Union of India*, reported in 2015 SCC OnLine NGT 840, states that floodplain zoning has been accepted as an important non-structural strategy for flood management. The basic concept of floodplain zoning is to regulate land use of floodplains to restrict damage caused due to floods. The floodplain zoning, therefore, aims at determination of locations so that flood damages are reduced to minimum. Further, the judgment dealing with Yamuna river floodplains explains the concept of flood recurrence intervals in order to determine acceptable land uses in the floodplain, for instance:
- 100-Year Flood: This represents a flood event that has a 1% chance of occurring in any given year. Infrastructure like defence installations, public utilities, and commercial centres should be constructed above this flood level.



- 50-Year and 25-Year Floods: Public institutions, offices, and residential areas should be above the 25-year flood level (4% chance in any given year). In more vulnerable areas, buildings should be constructed on stilts to mitigate flood risk.

The extract of the relevant para reads as follows:

*“80. Floodplain zoning has been accepted as an important non-structural strategy for flood management. The basic concept of floodplain zoning is to regulate land use of floodplains to restrict damage caused due to floods. The floodplain zoning, therefore, aims at determination of locations so that flood damages are reduced to minimum. A very restrictive activity can be allowed in that area. It is not only to protect the areas from damage resulting from floods and failure of water protective measures, but is also useful in reducing the damage caused due to drainage congestion, particularly in urban areas. The Commission claims to have prepared a model bill relating to floodplain zoning. This model bill provides for different categories based of priorities in floodplain.*

*Following are the recommended priorities:*

1. *“Defense installations, industries, public utilities like hospitals, electricity, installations, water supply, telephone exchanges, aerodromes, railway stations, commercial centres, etc buildings should be located in such a fashion that they are above the levels corresponding to a 100 years frequency or the maximum observed flood levels. Similarly, they should also be above the levels corresponding to a 50 years rainfall and the likely submersion due to drainage congestion.*



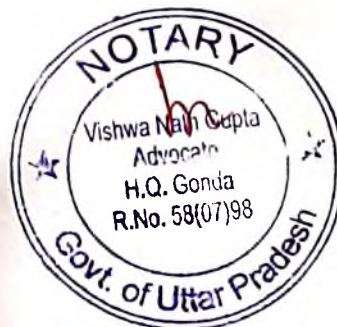
2. *Public institutions, government offices, universities, public libraries and residential areas. Buildings should be above a level corresponding to a 25 year flood or a 10 year rainfall with stipulation that all buildings in vulnerable zones should be constructed on columns or stills as indicated above.*

3. *Parks and playgrounds. Infrastructure such as playgrounds and parks can be located in areas vulnerable to frequent floods. Since every city needs some open areas and gardens, by restricting building activity in vulnerable areas, it will be possible to develop parks and play grounds, which would provide a proper environment for the growth of the city.”*

8. Further, the **Guidelines 2008** also provides for the categorisation and Prioritisation of Structures in Flood Plains Zoning which group different types of buildings and utility services under three priorities from the point of view of the damage likely to occur and the flood plain zone in which they are to be located. The relevant extract of these priorities are as follows:

“ **Priority 1:** *Defence installations, industries, public utilities like hospitals, electricity installations, water supply, telephone exchanges, aerodromes, railway stations, commercial centres, etc. -Buildings should be located in such a fashion that they are above the levels corresponding to a 100- year frequency or the maximum observed flood levels. Similarly they should also be above the levels corresponding to a 50-year rainfall and the likely submersion due to drainage congestion.*

**Priority 2:** *Public institutions, government offices, universities, public libraries and residential areas. -Buildings should be above a level*



*corresponding to a 25-year flood or a 10-year rainfall with stipulation that all buildings in vulnerable zones should be constructed on columns or stilts as indicated above.*

*Priority 3: Parks and playgrounds. -Infrastructure such as playgrounds and parks can be located in areas vulnerable to frequent floods. Since every city needs some open areas and gardens, by restricting building activity in a vulnerable area, it will be possible to develop parks and playgrounds, which would provide a proper environment for the growth of the city."*

9. Before responding to the letter dated 03.10.2023 and the contents of the report dated 28.08.2024 filed by the Joint committee constituted by the Ld. NGT. The answering Respondent wants to take this Ld. Tribunal through the facts of the case which are as follows:

- i. On 25.05.2022, Tehsildar of Karnailganj submitted a report to the Sub-divisional Magistrate, Division: Devipatan, Tehsil: Karnailganj District: Goda.(hereinafter referred to as "SDM") , stating that the natural flow of the river Tedhi was affected by the illegal filling of soil on the land Gata No. 3/7.650 hectare located in the village Dullarpur Thardar, adjacent to the Tedhi river bridge on the Gonda- Dehras road.
- ii. On the basis of this investigation report, a case under section 133 of the Code of Criminal Procedure, 1973("CrPC") was registered against the Respondent No.10, and a notice was issued to him on 26.05.2022.



- iii. On 21.06.2022, the Respondent No.10 raised objections to the notice dated 26.05.2022 and submitted its response. It was stated that the Respondent No.10 is the owner of 1.937 hectares of land from Gata No. 03/7.650 hectares, based on a valid sale deed and an agreement to sell that had been duly executed. The Respondent No.10 also highlighted that this agreement was referenced in the investigation report dated 26.05.2022. Additionally, the Respondent No.10 submitted an application requesting a field investigation of the said land..
- iv. Accordingly, the SDM constituted a 4- member investigation team vide court letter number 618 on 28.06.2022.
- v. On 29.06.2022, former Pradhan Ramnevaz resident Shahpur filed an application to be made party to the case.
- vi. On 25.08.2022, the investigation team submitted its joint investigation report. The report stated that during the field investigation, it was found that, in addition to Gata No. 3/7.650 hectares, Gata No. 1 (0.247 hectares) and Gata No. 2 (3.031 hectares) are located adjacent to the Tedhi River. It was noted that the Tedhi River flows at a width of 50 meters alongside Gata No. 3/7.650 hectares when river brings maximum discharge during rainy season. During the field investigation, the river's flow was observed to be 22 meters wide. However, it was observed that during the rainy season, when the water level rises, the river covers some portion of Gata No. 3/7.650 hectares. As a result, the landowners of

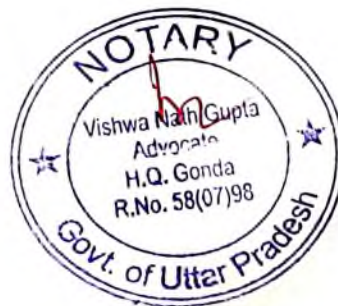


Gata No. 3/7.650 hectares i.e. the present Respondent have set aside an additional 50 meters of land from the river's boundary, making a total of 100 meters to ensure the smooth flow of the river. The report further mentioned that approximately 20 individuals from nearby villages had submitted affidavits confirming that the river's water level remains around 20 meters during normal conditions and expands to approximately 100 meters during the rainy season. In conclusion, the report confirmed that the river's water flow would continue uninterrupted, and the flow of water in the river will not be impacted in any way.

A Copy of the investigation report dated 25.08.2022 along with the translated copy is annexed herewith and marked as **Annexure I.**

- vii. Accordingly, on 08.09.2022, after a detailed hearing and observing the investigation report, the Ld. SDM observed that since the land owner of Gata No.3 i.e. Respondent No.10 had left additional 50 m of land width from his Gata for the flow of the river. Hence, the Natural flow of the river will not be affected. Accordingly, the Ld. SDM ordered to end the proceeding of the Suit and withdrew the notice against the Respondent No.10 under Section 133 of CRPC.

A copy of the order of SDM dated 08.09.2022 along with its translated copy is annexed herewith and marked as **Annexure II.**



- viii. A meeting of the District Environment Committee for Gonda District was held on 08.09.2023, where discussions focused on ensuring the protection of the catchment areas of the rivers Saryu, Ghaghra, Tedhi, Bisuhi, and Manwar. It was emphasized that, in line with the detailed guidelines issued by the Hon'ble Supreme Court, Hon'ble High Courts, and the Hon'ble National Green Tribunal regarding the conservation of rivers and natural water bodies, no agricultural, industrial, or manufacturing activities would be permitted in the flow areas of these rivers. Additionally, it was discussed that the submergence areas on both sides of the rivers flowing through the district should be clearly demarcated, and boundary pillars should be installed at a distance of 50 meters from the riverbanks. This was intended to inform local residents that no construction, industrial, or commercial activities will be allowed within the marked area.
- ix. In view of the meeting of the District Environment Committee held on 08.09.2023, the District Magistrate of Gonda, vide Order No. 3221/OSD dated 10.09.2023, directed that the submergence areas of the Saryu, Ghagra, Tedhi, Bisuhi, and Manwar rivers be jointly determined by a team from the Revenue and Irrigation Departments, based on surveys and official records. It was further instructed that, in conjunction with the survey, the Irrigation Department's relevant block will undertake the task of erecting boundary pillars. The committee was specifically tasked with



demarcating the submergence areas on both sides of the rivers and installing pillars 50 meters from the riverbanks. To oversee the implementation of these actions, a monitoring committee was established under the chairmanship of the Chief Revenue Officer, Gonda, consisting of the following members:

1. All Sub-District Magistrates
2. Settlement Officer, Consolidation
3. Executive Engineer, Saryu Canal Section-1, District Gonda.

A Copy of the order dated 10.09.2023 along with the translation is annexed herewith and marked as **Annexure III**.

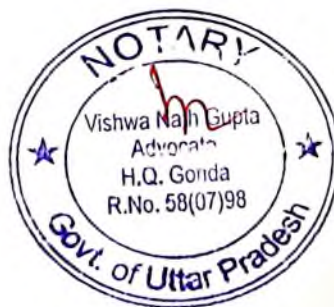
- x. In view of the order dated 10.09.2023, Chief Revenue officer vide letter dated 13.09.2023 informed all the committee members regarding the scheduling of the meeting to discuss the action plan related to respective departments on 15.09.2023 at 5.00 pm.

A copy of the letter along with its translated copy is annexed herewith and marked as **Annexure IV**.

- xi. Chief Revenue officer vide letter dated 29.09.2023 informed all the committee members that the meeting dated 15.09.2023 had to be postponed due to unavoidable reasons and further informed that the said meeting is scheduled on 03.10.2023.

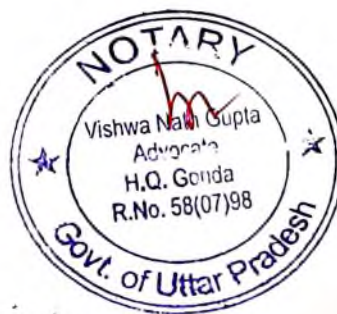


- xii. A letter dated 03.10.2023 was sent by the all the Applicants to the Ld. National Green Tribunal wherein it was mentioned that few property dealers along with the answering Respondent bought the land besides Tedhi river at high prices from the land owners/ farmers by executing sale deed and agreement for sale. It was further highlighted that the although initial purpose for using the land as stated was agriculture, however, subsequently the land was levelled and plotting was done on the land. On this basis, the NGT under section 14 and 15 of the NGT Act, 2010 registered a case being Original Application No. 402 of 2024 by exercising its suo-moto jurisdiction.
- xiii. The Ld. NGT vide order dated 02.07.2024 issued notice to all the Respondents along with the answering Respondent. It further constituted a joint committee comprising of DM, Gonda, UPPCB and executive Engineer, Irrigation, Gonda. The committee was to investigate the site and submit a factual report within one month to the Tribunal. District Magistrate, Gonda was made the nodal agency for coordination and compliance.
- xiv. Accordingly, on the direction of Ld. NGT a joint committee comprising District Magistrate, Gonda, UPPCB and Executive Engineer, Irrigation, Gonda was formed. District



Magistrate Gonda was made the nodal agency for coordination and compliance.

- xv. Accordingly, the joint committee formed by NGT submitted its report on 28.08.2024 before the NGT. At the outset, this committee in its report submitted that the properties in Gata No. 3/1 and 3/3 were registered in the name of the answering Respondent. Further, through their report the committee further informed that the bridge built on the river Tedhi, Kataghat (latitude longitude 27.1060984, 81.9429918 respectively) was located at Km 94.420 and the High Flood level (“HFL”) of the Railway Bridge No. 359 is 104.45 meters relative to the base year 1938. The Accordingly, to find H.F.L., at Km 113.250 of the same river, Village-Dullapur Khalsa Post-Pathwalia. After interpolating the HFL of bridge at 94.420 on Kataghat through D.G.P.S survey by (Create Engineering Services Lucknow) in relation to the slope of the river (13.750 cm per km from km 80.00 to 100.00 and 7.250 cm per km from km100.00 to 120.00), as a result, HFL at the mentioned site was found to be 102.720 meters and the average GL of the plotting site on the right bank of the river was found to be 101.340 m. The committee report further mentioned that during field inspection it was found that plotting was found to have been done by levelling the soil and laying bricks in part of Gata No. 3/1 and 46 and 3/3m. High tension wires and electric poles have been



installed on a part of the said Gatas. Further, most importantly, the villagers informed the committee during the field inspection on 07.08.2024, that the last flooding incident in the river Tedhi happened in the year 1961 when there were no embankments on Saryu and Ghagra river. After which, such a situation did not arise.

A copy of the Joint committee report dated 28.08.2024 along with its translation is annexed herewith and marked as **Annexure V.**

**REPLY TO THE LETTER DATED 03.10.2023 AND JOINT COMMITTEE REPORT DATED 28.08.2024**

- 10.It is submitted that the letter dated 03.10.2023 is wholly misconceived and liable to be dismissed *in limine*. It is clear from the facts mentioned above that the Ld. SDM during the proceedings against the Respondent No.10 under Section 133 of CrPC have dealt with the same issues as contended by the Applicants in the present OA, which can be taken as a lead case in the present matter, as it is relevant to Respondent No.7 to 10, who owns land in Gata No.3.
- 11.It is submitted that answering Respondent along with Respondent No.10 have already left an additional area of 50 m for the smooth flow of river Tedhi from his Gata No.3. It is further submitted that any soil used for levelling has been removed from the said 50 m to allow smooth flow of water in the river. This has also been observed by Ld. SDM in its order dated 08.09.2022, and after this observation only, the



Ld. SDM ordered to end the proceeding of the Suit and withdrew the notice against the Respondent No.10 under Section 133 of CrPC.

12.The answering Respondent has voluntarily left an extra land of 50 meters from his land in addition to the original width of the river channel, Gata No. 3, specifically to facilitate the smooth flow of the Tedhi River. This additional space is intended to prevent any obstruction to the river's natural course. Any soil that was used for levelling purposes has been completely removed from the designated 50-meter area. This action was taken to ensure that there is no hindrance to the free flow of water in the river.

13.It is submitted that the Ld. SDM observed the current conditions of the land in its order dated 08.09.2022. The SDM explicitly noted that the extra 50 meters left for the river flow is adequate for ensuring the smooth movement of water. Based on these observations, the Ld. SDM decided to terminate the legal proceedings and revoked the notice issued against the Respondent No. 10 under Section 133 of CrPC. This decision was made after confirming that the Respondents (Respondent Nos. 7 to 10) actions were in line with the necessary requirements for preventing obstruction to the river.

14.It is submitted that the Ld. Tribunal in *Manoj Mishra v. Union of India* 2015 SCC OnLine NGT 840 provided clear guidelines on the concept of flood recurrence intervals, which play a pivotal role in



determining permissible land uses within floodplains. This principle of flood recurrence intervals is essential when assessing whether certain activities, such as land development or construction, are prohibited in a floodplain.

15. The Joint committee report dated 28.08.2024 confirms that the last recorded major flooding incident in the river Tedhi occurred in 1961, more than six decades ago. Crucially, the report also states that at the time of this flood, there were no embankments in place on the Saryu and Ghagra rivers, which would have contributed to the flooding. However, since the construction of the embankments, no similar flooding incidents have occurred.
16. It is submitted that the Joint Committee report is deficient since it fails to demarcate any flood plain zone . In absence of any specific flood plain zones it is difficult for any categorisation of the construction activities to be prohibited in the flood plain areas.
17. It is further submitted that any contention that likely rests on a generalized flood risk that has not materialized in over 60 years lacks any basis, and are speculative and unsupported by any historical data. Given the absence of any comparable flood events since 1961, any claim that the answering Respondent's activities will exacerbate flood risks is unfounded.
18. The contention of the Applicants that the land levelling and plotting activities by the answering Respondent are illegal or pose



environmental hazards are misconceived and lack any basis. The Id. Tribunal in *Manoj Mishra v. Union of India*, has specifically clarified that the 100-Year Flood, 50-Year Flood or 25-Year Flood are the benchmark for identifying flood risks, and land uses should be planned based on this standard. The same categorisation has been done in the National Disaster Management Authority Guidelines on the Management of Floods 2008. By relying on the case law and guidelines, it is evident that the actions of the answering Respondent are not unlawful, as the activities were conducted well above the historical flood levels.

19. The occurrence of a 100-Year Flood signifies a rare event, with such a flood having 1% chance of occurring in an year. This concept serves as the guiding principle for land-use planning in floodplains which has been clarified in the Guidelines 2008 and *Manoj Mishra v. Union of India*.
20. The Applicants claim that the answering Respondent's land development activities, such as levelling and plotting for the establishment of a colony, pose an environmental hazard is misconceived. The concept of the 100-Year Flood, combined with the long interval since the last flood, suggests that there is no imminent risk of a repeat flood event. Therefore, the development of infrastructure, such as housing colonies, is not only permissible but also in accordance with the established floodplain management principles.



21. It is submitted that the answering Respondent's land-use activities, including levelling and plotting, do not involve placing critical infrastructure in a hazardous area but are instead focused on developing residential areas that pose no direct threat to public safety or environmental stability.
22. The Applicants contention that the answering Respondent's activities are prohibited fails to recognize that the land in Gata No. 3 has been used appropriately in light of the 100-Year Flood benchmark. Since no critical infrastructure is being placed at risk, the actions of the answering Respondent are fully in line with both legal and environmental standards.
23. The joint committee report dated 28.08.2024 confirms that there have been no recent flood events in the river Tedhi, and the answering Respondent's activities, including field levelling and land plotting, comply with the 100-Year Flood guidelines. The report supports that the flood risk is minimal, and there is no evidence that the Respondent's actions have obstructed natural water flow or pose any environmental threat, contrary to the Applicants speculative claims.
24. It is further submitted that it may be argued that future flood risks remain a concern and that the answering Respondent's activities could exacerbate this risk. However, such arguments are purely speculative. There is no historical or factual basis to support the claim that the answering Respondent's land levelling and plotting activities will cause or worsen future floods. In contrast, the joint committee's report and historical data confirm that no significant flooding has occurred in the Tedhi River for over six decades. The land-use



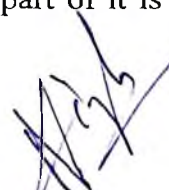
activities undertaken by the answering Respondent are therefore reasonable, lawful, and aligned with both legal precedents and factual evidence. The Applicants claims are afterthoughts and need to be rejected.

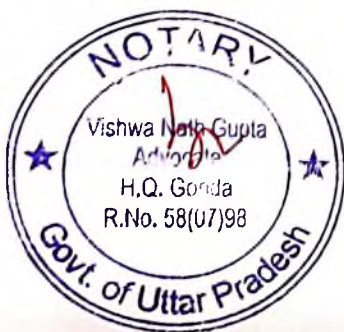
25. It is submitted that the prayers made by the Applicant are liable to be rejected as the application filed by the applicant is devoid of merits as far as answering Respondent is concerned. Detailed submissions in this regard have already been made above and are not repeated for the sake of brevity. It is further submitted that the answering Respondent reserves its right to make further submission if the need arises. In light of the above facts, the suo-moto application registered by the Ld. Tribunal based on the Applicants letter dated 03.10.2023 is liable to be dismissed.

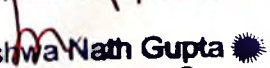
  
DEPONENT

### VERIFICATION

I, deponent, above-named do hereby declare that the facts in paras 1 to 25 are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed there from.

  
DEPONENT



Solemnly Affirmed  
&  
Declared before me  
on.....17.09.2024  
  
Vishwa Nath Gupta  
Notary Collectrate Gonda


## Annexure-I

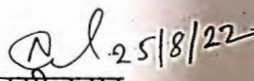
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उप जिलाधिकारी,  
करनैलगंज, गोण्डा।  
महोदय,

कृपया कार्यालय पत्र संख्या:692/रीडर (जॉच टीम)/2022 दिनांक :जून 23,2022 का संदर्भ ग्रहण करने का कष्ट करें। जिसके द्वारा गाटा संख्या:3/7.650हे0 स्थित ग्राम दुल्लापुर तरहर परगना ग्वारिच तहसील करनैलगंज जनपद गोण्डा के सम्बन्ध में दिये गये निर्देश के क्रम में संयुक्त रूप से जाकर जॉच की गयी। जॉच में पाया गया कि गाटा संख्या:3/7.650हे0 के बगल में नदी खाते की भूमि गाटा संख्या: 1/0.247हे0 व गाटा संख्या: 2/3.031हे0 स्थित है, जिसकी गाटा संख्या:3/7.650हे0 के बगल में चौड़ाई-50 मीटर है, जिसमें टेढी नदी बहती है, वर्तमान टेढी नदी-22मीटर चौड़ाई में बह रही है। गाटा संख्या: 3/7.650हे0 में वर्तमान में टेढी नदी नहीं बह रही, बरसात के दिनों में नदी में पानी बढ़ने पर नदी का पानी गाटा संख्या:3/7.650हे0 के कुछ अंश पर आ जाता है। भूमि गाटा संख्या:3/7.650 हे0 के खातेदारों द्वारा नदी की भूमि की सीमा से 50मीटर भूमि अपने गाटा संख्या:3/7.650हे0 में नदी के बहाव हेतु छोड़ दी गयी। उक्त छोड़े गये 50मीटर भाग से मिट्टी हटा ली गयी है। नदी की चौड़ाई 50मीटर के साथ 50मीटर खातेदारों द्वारा छोड़ा गया है। अगल-बगल गाँव के करीब 20 लोग इस बात का शपथ-पत्र दिया गया है कि सामान्य दिनों में 20मीटर एवं बरसात में लगभग 100मीटर रहता है। इस प्रकार नदी की सीमा से-50 मीटर भूमि खातेदारों द्वारा अपने गाटा संख्या:3/7.650हे0 भूमि से छोड़ देने के उपरान्त नदी का जल प्रवाह सुचारू रूप से होता रहेगा, किसी भी प्रकार से नदी का जल प्रवाह प्रभावित नहीं होगा।

अतः स्पार्टमेमो एवं नजरी नक्शा सहित आख्या सेवा में सादर प्रेषित है।

  
चक्रबन्दी लेखपाल प्र०रा०नि०चौदपुर प्रभारी निरीक्षक  
को०देहात

  
तहसीलदार  
करनैलगंज

  
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Sub-District Magistrate,

Colonelganj, Gonda.

Sir,

Please take the reference of office letter No.: 692/Reader (Investigation Team)/2022 dated: June 23, 2022. By which, in the sequence of instructions given regarding Gata No. 3/7.650 hectare situated in village Dullapur Tarhar Pargana Gwarich Tehsil Colonelganj District Gonda, a joint investigation was conducted. In the investigation, it was found that next to Gata No. 3/7.650 hectare, river account land Gata No. 1/0.247 hectare and Gata No. 2/3.031 hectare are situated, whose width next to Gata No.: 3/7.650 hectare is 50 meters, in which the Tedhi River flows, the present Tedhi river is flowing in a width of 22 meters. At present the Tedhi River is not flowing in Gata No. 3/7.650 hectare. During rainy season when the water level in the river rises the river water comes up to some part of Gata No. 3/7.650 hectare. The landholders of Gata No. 3/7.650 hectare left 50 meters of land from the boundary of the river in their Gata No. 3/7.650 hectare for the flow of the river. The soil has been removed from the said left 50 meter portion. Along with the width of the river being 50 meters, 50 meters has been left by the

landholders. Around 20 people from the nearby villages have given affidavit that the water level remains 20 meters on normal days and around 100 meters during rainy season. In this way, after the landholders give up 50 meters of land from the river boundary from their Gata No. 3/7.650 hectare land, the river's water flow will continue smoothly, the river's water flow will not be affected in any way.

Therefore, the report along with the spot memo and sight map is respectfully sent to the service.

Sd/-	Sd/-	Sd/-	Sd/-
Consolidation	P.R.N.	In-charge Inspector	25.08.2022
Lekhpal	Chandpur	Kotawali Dehat	Tehsildar
			Colonelganj



[TRUE TRANSLATED TYPED COPY]

द्वारा उपरि लिखित आदेश दिनांक 09.09.2022 पारित हुए न्यायालय  
उपजिला मजिस्ट्रेट करनैलगंज (गोण्डा) वाकरवाट सं० T/2022/0300505088  
अर्ज पर वाद 133 Cr.Pc. द्वारा ग्राम दुल्लापुर तरहर गाटा को देहरा गाटा  
तरहरी करनैलगंज जनपद गोण्डा सुपुर्णमा गा. सं० 09.09.2022  
खरवा, बनाम राजेश सिंह अर्ज



आदेश पत्रक

न्यायालय : उपजिलाधिकारी  
गण्डत : देवीपाटन, जनपद : गोण्डा, तहसील : करनैलगंज  
वाद संख्या :- 5088/2022  
कंप्यूटरीकृत वाद संख्या :- T202208300505088  
सरकार बनाम राजेश सिंह अर्ज  
अंतर्गत धारा:- 133, अधिनियम :- दण्ड प्रक्रिया संहिता



प्रस्तुत वाद की कार्यवाही तहसीलदार करनैलगंज की जांच आख्या दिनांकित:25.05.2022 पर प्रारम्भ हुई, जिसमें गोण्डा-डेहरारा मार्ग पर टेढ़ी नदी पुल से संलग्न भूमि गाटा संख्या:3/7.650हे० स्थित ग्राम दुल्लापुर तरहर पर अवैधानिक रूप से मिट्टी पतान कर नदी के प्राकृतिक प्रवाह प्रभावित करने का उल्लेख किया गया है। तहसीलदार करनैलगंज की जांच आख्या के आधार पर वाद दर्ज रजिस्टर कर अंतर्गत धारा-133 दण्ड प्रक्रिया संहिता की नोटिस दिनांक:26.05.2022 को जारी की गयी। नोटिस प्राप्त करने के उपरान्त प्रतिवादी राजेश सिंह द्वारा दिनांक:21.06.2022 को आपत्ति पत्र प्रस्तुत किया गया, जिसमें मुख्यरूप से कहा गया है कि गाटा संख्या:03/7.650हे० गेरो रकबा 1.937हे० स्थित ग्राम दुल्लापुर तरहर जरिये बैनामा व एग्रीमेन्ट के आधार पर मालिक व अधिकारवान है, इसी आधार पर मिट्टी पटाई का कार्य किया गया है, मिट्टी पटाई कार्य से टेढ़ी नदी का जल प्रवाह प्रभावित नहीं होता है, राजरव अधिकारी/कर्मचारी द्वारा अपनी जांच आख्या दिनांक:25.05.2022 में भी एग्रीमेन्ट का उल्लेख किया गया है। आपत्ति स्वीकार कर आदेश दिनांक:26.05.2022 निरस्त किया जाना न्यायसंगत है। दिनांक:21.06.2022 को प्रतिवादी राजेश सिंह द्वारा स्थलीय जांच कराये जाने हेतु प्रार्थना पत्र प्रस्तुत किया, जिस पर न्यायालय पत्र संख्या:618/रीडर(जांच टीम)/2022 दिनांक:जून 28,2022 04 सदस्यीय टीम गठित कर जांच आख्या तलब की गयी। दिनांक:29.06.2022 को पूर्व प्रधान रामनेवरा निवासी शाहपुर द्वारा पक्ष मुकदमा बनाये जाने हेतु प्रार्थना-पत्र प्रस्तुत किया गया। दिनांक:30.06.2022 को प्रतिवादी राजेश सिंह द्वारा वाद में प्रत्येक कार्यदिवस की तिथि नियत कर सुनवाई करमे की गॉंग की गयी, जिसके आधार पर वाद में प्रत्येक कार्य दिवस की तिथियाँ नियत कर वाद की सुनवाई प्रारम्भ की गयी। पत्र दिनांक:28.06.2022 द्वारा गठित टीम द्वारा दिनांक:25.08.2022 को अपनी संयुक्त जांच आख्या प्रस्तुत की गयी। उक्त जांच आख्या में उल्लिखित किया गया है कि गाटा संख्या: 3/7.650हे० की स्थलीय जांच की गयी, जांच में पाया गया कि गाटा संख्या:3/7.650हे० के बगल में नदी के खाते की भूमि गाटा संख्या:1/0.247हे० व गाटा संख्या:2/3.031हे० स्थित है। गाटा संख्या:3/7.650हे० के बगल में 50मीटर चौड़ाई में टेढ़ी नदी बहती है, वर्तमान में टेढ़ी नदी 22मीटर चौड़ाई में बहती है। गाटा संख्या:3/7.650हे० में टेढ़ी नदी वर्तमान में नहीं बह रही है, बरसात के दिनों में नदी में पानी बढ़ने पर नदी का पानी गाटा संख्या:3/7.650हे० के कुछ अंश पर आ जाता है, भूमि गाटा संख्या:3/7.650हे० के खातेदारों द्वारा नदी की भूमि की सीमा से 50मीटर भूमि अपने गाटे से नदी के बहाव हेतु छोड़ दी गयी है, उक्त छोड़े गये 50मीटर भाग से मिट्टी हटा ली गयी है, नदी की चौड़ाई 50 मीटर के साथ 50मीटर खातेदारों द्वारा छोड़ा गया है, अगल-बगल गाँव के करीब 20लोगों द्वारा इस बात का शपथ-पत्र दिया गया कि सामान्य दिनों में 20मीटर एंव बरसात में लगभग 100मीटर रहता है। इस प्रकार नदी की सीमा से 50मीटर भूमि खातेदारों द्वारा अपने गाटा संख्या:3/7.650हे० भूमि छोड़ देने के उपरान्त नदी का जल प्रवाह सुचारु रूप से होता रहेगा, किसी भी प्रकार से नदी का जल प्रवाह प्रभावित नहीं होगा। दिनांक:08.09.2022 को उभयपक्षों के विद्वान अधिवक्तागण की

पृष्ठ संख्या :

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## आदेश पत्रक

न्यायालय : उपजिलाधिकारी  
मण्डल : देवीपाटन, जनपद : गोंडा, तहसील : करनैलगंज  
वाद संख्या :- 5088/2022  
कंप्यूटरीकृत वाद संख्या :- T202208300505088  
सरकार बनाम राजेश सिंह आदि  
अंतर्गत धारा:- 133, अधिनियम :- दण्ड प्रक्रिया संहिता



बहस सुनी गयी, पूर्व प्रधान शाहपुर की तरफ से दिनेश कुमार एडवोकेट जूनियर त्रिलोकीनाथ तिवारी एडवोकेट द्वारा एक सप्ताह का समय देने की मांग की गयी, इनका प्रार्थना पत्र औचित्यहीन है, क्योंकि पूर्व प्रधान ग्राम शाहपुर विकास खण्ड करनैलगंज के निवासी है, तथा इनके द्वारा सक्षम स्तर से पक्षकार सरकारी बनाने की अथवा पैरवी करने की अनुमति नहीं प्राप्त की गयी है। उक्त वाद से उनका कोई सम्बन्ध नहीं है, केवल मामले को लम्बित रखने के उद्देश्य से प्रार्थना पत्र दिया गया है, जो निरस्त किये जाने योग्य है।

मैंने उभयपक्षों के विद्वान अधिवक्तागण के तर्कों को सुना तथा पत्रावली पर उपलब्ध साक्ष्य एवं संयुक्त टीम की जाँच आख्या दिनांकित: 25.08.2022 का विधिवत परिशीलन किया, जिससे स्पष्ट है कि विवादित स्थल पर नदी की भूमि गाटा संख्या: 1 व 2 की चौड़ाई-50 मीटर है, गाटा संख्या: 3 के खातेदार द्वारा अपने गाटे से 50 मीटर चौड़ाई की भूमि नदी के बहाव हेतु छोड़ दी गयी है। इस प्रकार नदी का प्राकृतिक जल प्रवाह प्रभावित नहीं होगा। ऐसी स्थिति में प्रश्नगत वाद संचालित रखने का कोई औचित्य नहीं प्रतीत होता है। ऐसी स्थिति में नोटिस अन्तर्गत धारा-133 दण्ड प्रक्रिया संहिता वापस लेकर वाद की कार्यवाही समाप्त किया जाना न्यायोचित प्रतीत होता है। तदनुसार आदेश पारित किया जाता है।

## आदेश

अतः दण्ड प्रक्रिया संहिता की धारा-133 के तहत निर्गत नोटिस दिनांकित: 26.05.2022 वापस ली जाती है तथा वाद की कार्यवाही समाप्त की जाती है। यदि कोई रथगन आदेश पारित हो तो उसे वापस लिया जाता है, आपत्तिकर्तागण को भविष्य के लिए सचेत किया जाता है कि पुनः नदी के प्राकृतिक प्रवाह को प्रभावित नहीं करेंगे। आदेश की प्रति प्रभासी निरीक्षक कोतवाली देहात गोण्डा व अन्य सम्बन्धित को अनुपालन हेतु भेजी जाय। वाद आवश्यक कार्यवाही पत्रावली दाखिल दफ्तर की जाय।  
दिनांक: 08.09.2022

उप जिला गजिस्ट्रेट,  
करनैलगंज, गोण्डा

01/09/2022



पृष्ठ संख्या :

*Photocopy Order dated 08.9.2022 Unreadable, Sub-District Magistrate Karaneganj (Gonda) Regarding Case No. T202208300505088 Under Section 133 Crpc in Village Dulkapur Tarah, Police Station- Ko Dehar, Gonda, Tehsil - Karaneganj, District Gonda Case Date 8.9.2022*

State Vs Rajesh Singh etc.

Order Sheet

Court: Sub-District Magistrate

Division: Devipatan, District: Goda, Tehsil: Karaneganj

Case No.: 5088/2022

Computerized Case No.:- 1202208300505088

State Vs. Rajesh Singh etc.

Under Section:- 133, Act:- Code of Criminal Procedure

The proceedings of Present Case started on the basis of the investigation report of the Tehsildar Karnailganj dated 25.05.2022, in which it has been mentioned that the natural flow of the river was affected by illegally filling soil on the land Plot No.: 3/7.650 hectare located in village Dullapur Tharhar, adjacent to the Tedhi river bridge on Gonda-Dehras road. On the

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basis of the investigation report of the Tehsildar Karnailganj, a case was registered and a notice under Section 133 of the Code of Criminal Procedure was issued on 26.05.2022. After receiving the notice, the defendant Rajesh Singh submitted an objection letter on 21.06.2022, in which it is mainly stated that out of Gata number: 03 / 7.650 hectares, the area of 1.937 hectares located in village Dullapur Tarhar is the owner and right holder on the basis of sale deed and agreement, on this basis the soil leveling work has been done, the water flow of the Tedhi river is not affected by the soil leveling work, the agreement has also been mentioned by the revenue officer / employee in his investigation report dated 25.05.2022. It is justified to accept the objection and cancel the order dated 26.05.2022. On 21.06.2022, the defendant Rajesh Singh submitted an application for conducting a field investigation, on which the court letter number: 618 / Reader (Investigation Team) / 2022 dated June 28, 2022 constituted a 04-member team and summoned the investigation report. On 29.06.2022, an application was submitted by former Pradhan Ramnevaz resident Shahpur to make a party to the case. On 30.06.2022, the defendant Rajesh Singh later demanded to hear the case by fixing the date of every working day, on the basis of which later the hearing of the case was started by fixing the dates of every working day. The team constituted by letter dated

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28.06.2022 submitted its joint investigation report on 25.08.2022. It is mentioned in the above job report that a field investigation was conducted for Gata No. 3/7.650 Hectare and it was found that beside Gata No. 3/7.6500, river land Gata No. 1/0.247 Hectare and Gata No. 2/3.031 Hectare is situated. Tedhi River flows in a width of 50 meters beside Gata No. 3/7.650 Hectare. Presently, Tedhi River flows in a width of 22 meters. Presently the Tedhi River is not flowing in Gata No.: 3/7.650 Hectare. During rainy season, when the water level in the river rises, the river water covers some part of Gata No.: 3/7.550 Hectare. The landholders of Gata No.: 3/7.6500 have left 50 meters of land from the boundary of the river from their Gata for the flow of the river. Soil has been removed from the said left 50 meter portion. Along with the width of the river being 50 meters, 50 meters has been left by the landholders. About 20 people from the nearby villages gave an affidavit stating that the water level remains 20 meters on normal days and about 100 meters during the rainy season. In this way, after the landowners leave their land of Gata No. 3/7.650 hectares 50 meters from the river boundary, the flow of water in the river will continue smoothly, the flow of water in the river will not be affected in any way. On 08.09.2022, the arguments of the learned advocates of both the parties were heard, on behalf of former Pradhan Shahpur, Dinesh Kumar /'

Advocate Junior Trilokinath Tiwari Advocate demanded one week's time, his application is baseless, because the former Pradhan is a resident of village Shahpur development block Karnailganj, and he has not obtained permission from the competent level to become a government party or to plead. He has no connection with the said case, the application has been given only for the purpose of keeping the matter pending, which deserves to be dismissed. I have heard the arguments of the learned advocates of both the parties and duly examined the evidence available on the file and the joint team's investigation report dated 25.08.2022, from which it is clear that the width of the river land at the disputed site is 50 meters of Gata No. 1 and 2, the account holder of Gata No. 3 has left 50 meters of land width from his Gata for the flow of the river. Thus the natural water flow of the river will not be affected. In such a situation, there seems to be no justification to keep the case in question running. In such a situation, it seems justified to end the proceedings of the suit by withdrawing the notice under Section 133 of the Code of Criminal Procedure. Accordingly, the order is passed.

#### ORDER

Therefore, the notice issued under Section 133 of the Code of Criminal Procedure dated 26.05.2022 is withdrawn and the proceedings of the suit are ended. If

**TRUE COPY**

any stay order is passed, it is withdrawn, the objectors are warned for the future that they will not affect the natural flow of the river again. A copy of the order should be sent to the Inspector in charge Kotwali Dehat Gonda and other concerned for compliance. After necessary action, case file should be sent to office.

Date: 08.09.2022

Sd/-  
Sub-District Magistrate,  
Karnailganj, Gonda

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[TRUE TRANSLATED TYPED COPY]

2013

## आदेश

दिनांक 8-9-2023 को जिला पर्यावरण समिति की बैठक में जम्मा दिनों की प्रतिष्ठित प्राकृतिक जलस्रोतों/वाटर बोडीज के संरक्षण पर धारा 4 के प्रावधानों के अन्तर्गत, प्राकृतिक जलस्रोतों/वाटर बोडीज का प्रदूषण रोकना तथा इनकी अतिक्रमणमुक्त रखने के सम्बन्ध में आवश्यक प्रस्ताव सुनिश्चित किए जाने के सम्बन्ध में महानगरपालिका द्वारा किया गया। नदियों एवं प्राकृतिक जलस्रोतों के संरक्षण के सम्बन्ध में जिला पर्यावरण न्यायालय, जिला न्यायालय तथा जिला राष्ट्रीय हस्त प्रधिकरण से समन्वय-समय पर विस्तृत दिशा-निर्देश निर्गत किए गये हैं। नदियों के प्रवाह क्षेत्र में कृषिक औद्योगिक अथवा निनिर्माण आदि सम्बन्धी किसी भी प्रकार की गतिविधियों की अनुमति नहीं दी जा सकती है।

अतः समिति की बैठक में हुए विचार-विमर्श के क्रम में, एतद्वारा आदेशित किया जाता है कि जनपद में प्रचलित हो रही उपरोक्त नदियों के दोनों किनारों का दूध क्षेत्र निम्नलिखित करीब 50मी० की दूरी पर पिलसं स्थापित करा दिया जाए, ताकि स्थानीय लोगों को यह जानकारी रहे कि किंचित क्षेत्र की सीमा में किसी प्रकार के निर्माण अथवा औद्योगिक/व्यावसायिक गतिविधियों की अनुमति नहीं होगी।

नदियों के दूध क्षेत्र का निर्धारण राजस्व एवं सिंचाई विभाग विभाग की टीम द्वारा समुचित रूप से सर्वे व अभिलेखों के अधार पर किया जाएगा। सर्वे के समय ही सिंचाई विभाग के सम्बन्धित प्रखण्डों द्वारा पिलसं स्थापना का कार्य सम्पादित होगा। इस कार्यवाही को अनुभव्य हेतु जनपद स्तर पर निम्नलिखित अधिकारियों की समिति गठित की जाती है -

- |                              |   |            |
|------------------------------|---|------------|
| 1. मुख्य राजस्व अधिकारी      | - | अध्यक्ष    |
| 2. समस्त उप जिलाधिकारी       | - | सदस्य      |
| 3. बन्दोबस्त अधिकारी चकबन्दी | - | सदस्य      |
| 4. अधिसारी अभियन्ता,         | - | सदस्य सचिव |
| सरयू नहर खण्ड-4/नोडल प्रखण्ड |   |            |
| जनपद गोण्डा।                 |   |            |

उपरोक्त समिति द्वारा इस कार्य में सहयोग हेतु आवश्यकतानुसार अपने अधीनस्थ कर्मियों को सम्बद्ध करते हुए निर्दिष्ट कार्यवाही समयबद्ध रूप से सम्पन्न कराई जाएगी।

(नेहा शर्मा)  
जिलाधिकारी,  
गोण्डा।

कार्यालय जिलाधिकारी, गोण्डा।

संख्या 3211/ओपरत0डी०

प्रतिनिधि :- निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित। दिनांक 10 सितम्बर 2023

1. मुख्य राजस्व अधिकारी, गोण्डा।
2. प्रभागीय दनाधिकारी, गोण्डा वनप्रभाग, गोण्डा।
3. समस्त उप जिलाधिकारी, जनपद गोण्डा
4. बन्दोबस्त अधिकारी चकबन्दी, गोण्डा।
5. अधिसारी अभियन्ता, सरयू नहर खण्ड-4/नोडल प्रखण्ड सिंचाई विभाग, गोण्डा।

जिलाधिकारी,  
गोण्डा।

ORDER

In the meeting of the District Environment Committee held on 08.09.2023, apart from other points, discussion was held on the conservation of natural water sources / water bodies, as well as in-depth consideration was given to ensure necessary arrangements for conserving the catchment area of Saryu, Ghaghra, Tedhi, Bisuhi and Manwar rivers in the district and keeping it encroachment free. Detailed guidelines have been issued from time to time by the Hon'ble Supreme Court, Hon'ble High Courts and Hon'ble National Green Authority regarding the conservation of rivers and natural water sources. No activities related to agriculture, industrial or manufacturing etc. can be allowed in the flow area of rivers.

Therefore, in the order of discussions held in the committee meeting, it is hereby ordered that the submergence area on both sides of the above rivers flowing in the district should be marked and pillars should be installed at a distance of 50 meters, so that the local people know that no construction or industrial/commercial activities will be allowed within the limits of the marked area.

**TRUE COPY**

The submergence area of the rivers will be determined jointly by the Revenue and Irrigation Department team on the basis of survey and records. Along with the survey, the work of erecting pillars will be done by the concerned blocks of the Irrigation Department. For monitoring this action, a committee of the following officers is formed at the district level:-

1.	Chief Revenue Officer	-	Chairman
2.	All Sub-District Magistrates	-	Member
3.	Settlement Consolidation Officer	-	Member
4.	Executive Engineer	-	Revenue secretary
	Saryu Canal Section-4/Nodal Block, District Gonda		

The above committee will get the specified action completed in a time bound manner by involving its subordinate staff as per the need for cooperation in this work.

Sd/-  
(Neha Sharma)  
District Magistrate,  
Gonda.

**TRUE COPY**

Office of District Magistrate, Goida.

No: 3221/O.S.D.  
2020

Dated 10<sup>th</sup> September

Copy:- Sent to the following for information and  
necessary action.

1. Chief Revenue Officer Gonda.
2. Divisional Forest Officer, Goshtha Panprabhaag,  
Gonda.
3. All Sub-District Magistrates, District Gonda.
4. Settlement Officer Consolidation, Goida.
5. Executive Engineer, Saryu Canal Section-4/Nodal  
Block Irrigation Department, Gonda.

Sd/-  
District Magistrate  
Gonda.

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[TRUE TRANSLATED TYPED COPY]

## Annexure-IV

पृ.सं. २२०२

कार्यालय मुख्य राजस्व अधिकारी, गोण्डा।

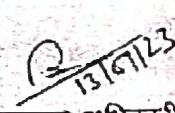
संख्या ११११/शेडर / 2023 दिनांक 13 सितंबर 2023

1- रागरत उप जिलाधिकारी।  
 2- बन्दोवरत अधिकारी चकवन्दी।  
 3- अधिशारी अगियन्ता, शरयू नहर खण्ड-4/  
 जनपद - गोण्डा।

कृपया जिलाधिकारी, महोदया के आदेश संख्या 3221/ओएस0डी0 दिनांक 10 सितंबर, 2023 का अवलोकन करें, जो आपको पृष्ठांकित है, के द्वारा अधोहरताक्षरी को समिति का अध्यक्ष तथा आप सभी को सदस्य नामित किया गया है। उक्त आदेश के द्वारा निर्देश दिया गया है कि शरयू, घाघरा, टेढ़ी, बिसुही एवं मन्वर नदियों के दोनों बाइल का डूब क्षेत्र चिह्नित करते हुए एकरी 50मी0 की दूरी पर पिलर स्थापित करने की अपेक्षा की गयी है।

अतः उक्त कार्य को सम्पादित करने हेतु अपने-अपने विभाग से सम्बन्धित कार्ययोजना के सम्बन्ध में अधोहरताक्षरी के चैम्बर में दिनांक 15.09.2023 (शुक्रवार) को सायं 05.00 बजे एक बैठक आहूत की गयी है। इस बैठक में आप सभी समय से प्रतिभाग करने का कष्ट करें।

संलग्नक:- यथोपरि।

  
 मुख्य राजस्व अधिकारी,  
 गोण्डा।

2235

16-9-23

9-23

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Office of Chief Revenue Officer, Gonda.

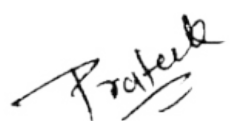
Sr. 877/ Reader / 2023 Date: 13<sup>th</sup> September, 2023

1. All, Sub-District Magistrate.
2. Settlement Officer Consolidation.
3. Executive Engineer, Saryu Canal Section-1,  
District - Gonda

Please refer to the Order No. 3221/OSD dated 10<sup>th</sup> September 2023 of the District Magistrate, Madam, which is endorsed to you, by which the undersigned has been nominated as the Chairman of the Committee and all of you as members. By the said order, it has been instructed that marking the submergence area on both sides of the Saryu, Ghaghra, Tenti, Bisuhi and Manwar rivers, pillars have been expected to be installed at a distance of 50 mtr. from them.

Therefore, to execute the said work, a meeting has been called in the chamber of the undersigned on 15.09.2023 (Friday) at 05:00 pm regarding the action plan related to your respective department. All of you please take the trouble to participate in this meeting at the time.

Encl:- As above.



Sd/- 13.09.2023  
Chief Revenue Officer,  
Gonda

[TRUE TRANSLATED TYPED COPY]

मा0 एन0जी0टी0, नई दिल्ली में योजित O.A.No.402/2024 घिराऊ, लाल मिश्र एण्ड अदर्स बनाम स्टेट ऑफ उत्तर प्रदेश, में पारित आदेश दिनांक 02.07.2024 के अनुपालन में दाखिल किये जाने हेतु आख्या ।

उपरोक्त विषयक के सम्बन्ध में अवगत कराना है कि टेढ़ी नदी जनपद-बहराइच व गोण्डा होते हुए जनपद बस्ती के विकासखण्ड-विक्रमजोत के ग्रामसभा लोलपुर के पास घाघरा नदी में मिल जाती है। इसका उदगम स्थल जनपद-बहराइच में स्थित चित्तौरा झील से होता है। जिसका आंक्षांश, देशान्तर क्रमशः 27.538831, 81.641290 है। इसकी कुल अनुमानित लम्बाई 230.00 किमी० है। जनपद-बहराइच में इसकी अनुमानित लम्बाई 38.00 किमी० है एवं जनपद-गोण्डा में अनुमानित लम्बाई 192.00 किमी० है।

मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित O.A.No.402/2024 घिराऊ, लाल मिश्र एण्ड अदर्स बनाम स्टेट ऑफ उत्तर प्रदेश व अन्य में क्रमांक संख्या-vi में अंकित प्रापर्टी डीलरों का नाम व पता निम्नानुसार दर्शाया गया:-

1. विजय प्रताप सिंह पुत्र स्व० वीरेन्द्र बहादुर सिंह, निवासी-गोण्डा।
2. अमित कुमार सिंह पुत्र श्री दिलीप कुमार सिंह, निवासी 461 आवास विकास कालोनी, बड़ागाँव गोण्डा।
3. अनुरुद्ध प्रताप सिंह पुत्र श्री रघुकुल प्रताप सिंह साकिन बभनजोत जनपद-गोण्डा।
4. कृष्ण प्रताप सिंह पुत्र राम दवन सिंह बनघुसरा नगवा-गोण्डा।
5. राजेश सिंह पुत्र फतेह बहादुर सिंह, न्यू इन्दिरा नगर कालोनी राठौर भवन-गोण्डा।

सम्बन्धित लेखपाल/राजस्व निरीक्षक द्वारा मौके पर गाटा संख्या- 3/1 व 3/3 का स्थलीय निरीक्षण कर दिनांक 07.08.2024 को आख्या उपलब्ध करायी गयी है। जिसके अनुसार मा0 न्यायालय द्वारा अपेक्षित विवरण निम्नवत है:-

क्रमांक	नाम व पता विपक्षीगण	भूमिधरी की स्थिति
1	2	3
1	अमित कुमार सिंह पुत्र दिलीप कुमार सिंह नि० 461 आवास विकास कालोनी बड़ागाँव-गोण्डा	गाटा संख्या 3/1 व 3/3 मि० नाम दर्ज होना पाया गया।
2	कृष्ण प्रताप सिंह पुत्र राम दवन सिंह निवासी बनघुसरा	गाटा संख्या 3/1 व 3/3 मि० नाम दर्ज होना पाया गया।
3	विजय प्रताप सिंह पुत्र स्व० विरेन्द्र बहादुर नि० गोण्डा	गाटा संख्या 3/1 व 3/3 मि० में नाम नहीं दर्ज होना पाया गया।
4	अनुरुद्ध प्रताप सिंह पुत्र श्री रघुकुल प्रताप सिंह नि० बभनजोत गोण्डा	गाटा संख्या 3/1 व 3/3 मि० में नाम नहीं दर्ज होना पाया गया।
5	राजेश सिंह पुत्र फतेह बहादुर सिंह	गाटा संख्या 3/1 व 3/3 मि० में नाम नहीं दर्ज होना पाया गया।

मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित O.A.No.402/2024 घिराऊ, लाल मिश्र एण्ड अदर्स बनाम स्टेट ऑफ उत्तर प्रदेश व अन्य प्रश्नगत स्थल कटहाघाट (आक्षांश देशान्तर क्रमशः- 27.1060984, 81.9429918) पर बने पुल किमी० 94.420 पर स्थित है। H.F.L. ज्ञात करने के लिए इसी नदी के किमी० 113.250 ग्राम-दुल्लापुर खालसा पोस्ट-पथवलिया रेलवे पुल संख्या 359 पर आधार वर्ष 1938 के सापेक्ष H.F.L.-104.45 मीटर है। नदी के स्लोप (किमी० 80.00 से 100.00 तक 13.750 सेमी० प्रति किमी० एवं किमी० 100.00 से 120.00 तक 7.250 सेमी० प्रति किमी०) के सापेक्ष (Create Engineering Services Lucknow) के द्वारा D.G.P.S सर्वेक्षण के माध्यम से कटहाघाट

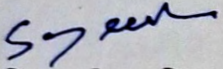
-42-

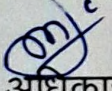
पर बने पुल किमी 94.420 पर लेवल स्थानान्तरित किया गया है। जिसके परिणामस्वरूप उल्लिखित स्थल पर H.F.L 102.720 मीटर पाया गया एवं नदी के दांये तट पर हो रही प्लाटिंग के स्थल का average G.L 101.340 पाया गया। शिकायती स्थल नदी के लो-लैण्ड एरिया के अन्तर्गत आता है। वर्तमान में उक्त स्थल पर जल भराव की स्थिति नहीं है।


- दिनांक 27.07.2024 को प्रकरण का क्षेत्रीय प्रदूषण नियंत्रण अधिकारी, अपर जिलाधिकारी, तहसीलदार, कानूनगो, लेखपाल के साथ संयुक्त निरीक्षण किया गया। स्थलीय निरीक्षण में गाटा संख्या 3/1 व 46 तथा 3/3मि0 के अंश भाग में मिट्टी की पटाई कर तथा ईट लगाकर प्लाटिंग किया जाना पाया गया, उक्त गाटों के अंश भाग पर हाईटेंशन तार एवं विद्युत पोल लगे हैं।
- दिनांक 07.08.2024 को स्थलीय निरीक्षण के दौरान उपस्थित ग्रामवासी द्वारा इस तथ्य से अवगत कराया गया कि वर्ष 1961 के आसपास जब सरयू घाघरा पर तटबन्ध नहीं था, तब बाढ़ का पानी टेढ़ी नदी में आया था। इसके पश्चात् ऐसी स्थिति उत्पन्न नहीं हुई। नदी अपनी वास्तविक धारा में बहती रहती है। राजस्व से प्राप्त उद्धरण खसरा के अनुसार गाटा संख्या-3 में उल्लिखित आकृति भूमि का ब्यौरा के कालम संख्या-18 में भूमि की श्रेणी में पानी उल्लिखित है जबकि दौरान चकबन्दी वर्ष 2019 में तैयार जोत चकबन्दी आकार पत्र 2 (क) (चकबन्दी खसरा) के स्तम्भ 24 के अनुसार मौके पर खेती होने के कारण गाटा संख्या-3/1 रकबा 1.201 व 3/3 रकबा 4.754 का विनिमय अनुपाल (कीमत) निर्धारित किया गया है, जो नदी से लगा हुआ है नजरी नक्शा एवं उद्धरण खसरा की छायाप्रति संलग्न है।

अतः मा0 एन0जी0टी0 नई दिल्ली में उपरोक्त अनुपालन आख्या दाखिल किये जाने हेतु प्रस्तुत है।

संलग्नक:-यथोपरि।

  
अधिसासी अभियन्ता,  
सरयू ड्रेनेज खण्ड-प्रथम,  
गोण्डा/सदस्य

  
क्षेत्रीय अधिकारी उ0प्र0 प्रदूषण  
नियंत्रण बोर्ड अयोध्या/सदस्य

  
अपर जिलाधिकारी,  
गोण्डा/अध्यक्ष

  
जिलाधिकारी  
गोण्डा (नोडल)

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Report to be filed in compliance of the order dated 02.07.2024 passed in O.A. No. 402/2024 Ghirau, Lal Mishra and Others Vs. State of Uttar Pradesh, filed before Hon'ble NGT, New Delhi.

It is to be informed in relation to the above subject that the Tedhi river flows through Bahraich and Gonda districts and merges with the Ghaghra river near village Lolpur in Vikramjot block of Basti district. Its origin is from Chittaura lake located in Bahraich district. Its latitude and longitude are 27.538831, 81.641290 respectively. Its total estimated length is 230.00 km. Its estimated length in Bahraich district is 38.00 km and estimated length in Gonda district is 192.00 km.

In O.A. No. 402/2024 Ghirau, Lal Mishra and Others vs State of Uttar Pradesh and others filed in Hon'ble National Green Tribunal, New Delhi, the name and address of the property dealers mentioned in serial No.-vi is shown as follows:-

1. Vijay Pratap Singh son of late Virendra Bahadur Singh, resident- Gonda.
2. Amit Kumar Singh son of Shri Dilip Kumar Singh, resident 461 Awas Vikas Colony, Baragaon Gonda.

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3. Anurudh Pratap Singh son of Shri Raghukul Pratap Singh resident Babhanjot District-Gonda.
4. Krishna Pratap Singh son of Ram Dawan Singh Banghusra Nagwa-Gonda.
5. Rajesh Singh son of Fateh Bahadur Singh, New Indira Nagar Colony Rathore Bhawan-Gonda.

The concerned Lekhpal / Revenue Inspector has inspected the Gata number- 3/1 and 3/3 on the spot and provided the report on 07.08.2024. According to which the details required by the Hon'ble Court are as follows:-

Sr. No.	Name and Address of Opposite party	Status of Landholder
1	2	3
1	Amit Kumar Singh S/o Dilip Kumar Singh R/o 461 Awas Vikas Colony Badgaon-Gonda	Name was found to be registered in Gata No. 3/1 and 3/3.
2	Krishna Pratap Singh S/o Ram Dawan Singh R/o Banaghusra	Name was found to be registered in Gata No. 3/1 and 3/3.

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3	Vijay Pratap Singh S/o Late Virendra Bahadur R/o Gonda	Name was not found to be registered in Gata No. 3/1 and 3/3.
4	Anurud Pratap Singh S/o Shri Raghukul Pratap Singh R/o Babhanjot Gonda	Name was not found to be registered in Gata No. 3/1 and 3/3.
5	Rajesh Singh S/o Fateh Bahadur Singh	Name was not found registered in plot No. 3/1 and 3/3.

O.A.No.402/2024 Ghirau, Lal Mishra and Others vs State of Uttar Pradesh and others filed before Hon'ble National Green Tribunal, New Delhi. The bridge built on the place in question, Kataghat (latitude longitude 27.1060984, 81.9429918 respectively) is located at Km 94.420. To find H.F.L., at Km 113.250 of the same river, Village-Dullapur Khalsa Post-Pathwalia Railway Bridge No. 359, H.F.L. is 104.45 meters relative to the base year 1938. The level has been transferred to the bridge at Km 94.420 on Kataghat through D.G.P.S survey by (Create Engineering Services Lucknow) in relation to the slope of the river (13.750 cm per km from km 80.00 to 100.00 and 7.250 cm per km from km

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100.00 to 120.00). As a result of which H.FL at the mentioned site was found to be 102.720 meters and the average GL of the plotting site on the right bank of the river was found to be 101.340. The complained site falls under the low-land area of the river. At present, there is no water logging at the said site.

- On 27.07.2024, a joint inspection of the case was done with the Regional Pollution Control Officer, Additional District Magistrate, Tehsildar, Kanungo, Lekhpal. During the field inspection, plotting was found to have been done by levelling the soil and laying bricks in part of Gata No. 3/1 and 46 and 3/3m. High tension wires and electric poles have been installed on a part of the said Gatas.
- During the field inspection on 07.08.2024, the villagers present informed that around the year 1961, when there was no embankment on Saryu Ghaghra, flood water had come into the crooked river. After this, such a situation did not arise. The river keeps flowing in its original course. As per the extract khasra received from the revenue, in column number 18 of the details of the figure land mentioned in Gata No. 3, water is mentioned in the category of land, whereas as per column 24 of the holding consolidation shape sheet 2 (a)

(Consolidation Khasra) prepared during consolidation in the year 2019, due to cultivation on the spot, the exchange compliance (price) of Gata No. 3/1 area 1.201 and 3/3 area 4.754 has been determined, which is adjacent to the river. The photocopy of the sight map and extract of khasra is enclosed.

Therefore, the above compliance report is presented for filing in Hon'ble NGT New Delhi.

Encl: - As above.

Sd/- Executive Engineer, Saryu Drainage Section-I, Gonda / Member	Sd/- Regional Officer UP Pollution Control Board Ayodhya / Member	Sd/- Additional District Magistrate, Gonda / Chairman
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Sd/-  
District Magistrate  
Gonda (Nodal)



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office@viadroit.com

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To: [pccf-up@nic.in](mailto:pccf-up@nic.in)

Proof of Service

Cc: [eincididuplu-up@nic.in](mailto:eincididuplu-up@nic.in)

[ms@uppcb.in](mailto:ms@uppcb.in)

[dmgon@nic.in](mailto:dmgon@nic.in)

[Ankit Pandey](#) [ankitpandey@viadroit.com](mailto:ankitpandey@viadroit.com)

Wednesday 18 September, 10:52 AM



NGT REPLY ON BEHALF OF RESPONDEN...  
PDF - 3.8 MB

Dear Sir/ Madam,

Please find attached the corrected copy of the affidavit in reply in the subject matter.

Kindly ignore our earlier email.

Regards,

Thanks & Regards,

Prateek Khandelwal,

Partner, M/s Viadroit

Off: Flat No. 1503,

Supreme Tower, Sector 99,

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