

IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 920 OF 2022

IN THE MATTER OF:

Minakshi Arora.

.....Applicant

Versus

State of Uttarakhand & Ors.

... Respondents

**REPORT BY WAY OF AFFIDAVIT ON BEHALF OF DISTRICT
MAGISTRATE, DEHRADUN, IN COMPLIANCE OF DIRECTIONS
PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL VIDE
ITS ORDER DATED 30.05.2023**

**P A P E R - B O O K
I N D E X**

<u>Srl</u>	<u>Particulars</u>	<u>Pages</u>
1.	Report by way of Affidavit on behalf of District Magistrate, Dehradun, in compliance of directions passed by the Hon'ble National Green Tribunal vide its order dated 30.05.2023.	
2.	<u>ANNEXURE R-1</u> : A true copy of the order dated 30.05.2023	
3.	<u>ANNEXURE R-2</u> : Copy of the report, letter of presence alongwith photographs	

Filed by:

Rahul Verma

[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand
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Ⓢ
District Magistrate
Dehradun

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IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 920 OF 2022

IN THE MATTER OF:

Minakshi Arora.

.....Applicant

Versus

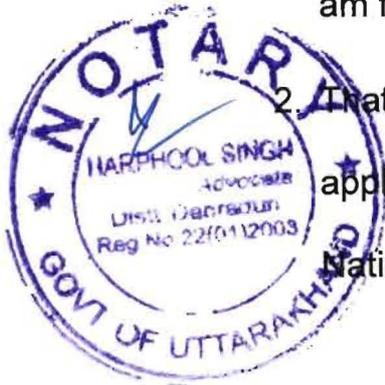
State of Uttarakhand & Ors.

... Respondents

**REPORT BY WAY OF AFFIDAVIT ON BEHALF OF DISTRICT
MAGISTRATE, DEHRADUN, IN COMPLIANCE OF
DIRECTIONS PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL VIDE ITS ORDER DATED 30.05.2023.**

I, Mrs. Sonika W/o Shri Dhanajay Upadhyay aged about 43 years, presently posted as District Magistrate, Dehradun, Uttarakhand, do hereby solemnly affirm on oath and state as under:

1. That in my abovementioned official capacity, I am acquainted with the facts and circumstances of the present matter, and I am fully competent to file present Report by way of Affidavit.
2. That the abovementioned original application was filed by the applicant under Section 14 & 15 read with Section 20 of the National Green Tribunal Act, 2010 complaining that




 District Magistrate
 Dehradun

Respondent No.10 - Mr. Virender Singh Arora, S/o Harcharan Arora, R/o 197/3, Landour Bazar, Mussoorie, Dehradun, Uttarakhand is raising construction at Khasra No. 171 at Village Dhanaula which lies at confluence of Song and Baldi Rivers, and construction is being raised in flood plains of the said rivers. It is also said that Baldi River is a tributary to Song river which is a major tributary to River Ganga and therefore, provisions of River Ganga Rejuvenation, Protection and Management) Authorities order, 2016 are applicable to the river in question and any construction in river flood plain is prohibited. This Tribunal in O.A No. 10/2015, Indian Council for Enviro-legal Action vs. National Ganga River Basin Authority & Ors. has directed for identification of flood plain zone on River Ganga and its tributaries.

3. That the matter was listed on 05.01.2023 before this Hon'ble Tribunal, after hearing this Hon'ble Tribunal was pleased to pass the following directions:

“


District Magistrate
Dehradun

.....

3. In our view, before taking any further action, it will be appropriate to obtain a factual and action taken report in the matter. We constitute a joint committee comprising State PCB and District Magistrate, Dehradun to visit the site, collect relevant information and submit factual and action taken, if any, report to this this Tribunal within two months by email at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. Nodal agency will be District Magistrate, Dehradun for coordination and compliance.

4. R-1, 3, 6, 8 & 9 are represented by Sh. Rahul Verma, Ld. AAG. He may also file response on behalf of the aforesaid respondents to this O.A. Issue notice to R-10 also.

5. We also direct that the committee shall furnish copy of report if it finds any contravention on the part of R-10 in going ahead with construction in question so as to enable R-10 to file objections, if any, to the said report within 10 days after receipt of report.

6. List for further consideration on 05.04.2023.

7. A copy of this order be forwarded to State PCB and District Magistrate, Dehradun by email for compliance."




District Magistrate
Dehradun

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4. That, thereafter, the matter was listed on 30.05.2023, after hearing, the Hon'ble Tribunal was pleased to pass the following directions:-

“.....

5. *The matter was considered on 05.01.2023 where Tribunal found it appropriate to constitute a joint committee comprising State PCB and District Magistrate, Dehradun to file a factual and action report.*

6. *Pursuant to said order, a letter of District Magistrate, Dehradun, addressed to Sh. Rahul Verma, Adv. has been placed on record which states that one Sh. Virendra Arora S/o Sh. Hari Charan Arora, resident of 197/3, Landour Bazar, Mussoorie has made encroachment at about 0.486 Ha land which is part of flood plain zone of the river and District Authorities have been assured by the said encroacher to remove the said encroachment.*

7. *Learned Counsel appearing for the State of Uttarakhand stated at the bar that the encroachment, if not removed by the person concerned on its own, shall be removed and demolished by the District Authorities within one month.*




 District Magistrate
 Dehradun

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8. As requested, list this matter on 12th July, 2023, by which time the District Magistrate, Dehradun shall file an action taken report to show compliance of the statement made at the bar today.

9. District Magistrate will also place on record a positive statement that besides the encroachment allegedly made by Sh. Virendra Singh, there is no other encroachment by anyone else in the area in question that is along the flood plain zone of the river Song and Baldi. It is also made clear that if there is any such other encroachment also, effective action shall be taken for removal thereof and in the next action taken report such facts shall be disclosed."

A copy of the abovementioned order dated 30.05.2023 is annexed hereto and marked as ANNEXURE R-1.



5 That in compliance of the abovementioned directions passed by this Hon'ble Tribunal passed vide order dated 30.05.2023, the necessary instructions were issued immediately on 30.05.2023, to ensure the compliance of the directions passed by this Hon'ble Tribunal and in view of the same, the Tehsildar, Sadar, Dehradun, Uttarakhand constituted a team to remove the abovementioned illegal constructions/ encroachment, and nominated the Revenue Inspector, Raipur and Executive


District Magistrate
Dehradun

Engineer, Irrigation Division, Dehradun, Uttarakhand for further action, and in continuation thereof, the action of removal of the illegal construction/ encroachment, was done on 01.06.2023, by the joint team of Revenue Department and Irrigation Department, in the abovementioned joint team Tehsildar, Sadar, Dehradun, Revenue Inspector, Raipur, Revenue Sub Inspector, Chamasari, Assistant Engineer, Irrigation Division, Dehradun, the husband of Village Pradhan Village Dhanaula (namely Saleem Ahmad) and representative of Shri Virendra Singh (namely Mr. Vishal) were present at the time of removal of illegal concrete construction/ encroachment.



6. That the abovementioned joint team has already removed the illegal concrete construction which was made by brick Stones/ raised by Mr. Virendra Singh upon Khasra No.171 along river side by using J.C.B. Machine, and presently there is no illegal construction/ encroachment at the site in question. Copy of report, letter of presence alongwith photographs are annexed hereto and marked as ANNEXURE R-2.


District Magistrate
Dehradun

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7. That the present Report by way of Affidavit in compliance of direction passed by this Hon'ble Tribunal is being filed kind perusal of this Hon'ble Tribunal.



[Signature]
DEPONENT

VERIFICATION

I, the deponent above named do hereby verify and say that the contents of my above report by way of affidavit are true and correct to my knowledge based on record, no part of it is false and nothing material has been concealed there from. The legal submissions are further true as per legal advice received and believed to be true and correct.

[Signature] Verified by me at Dehradun, Uttarakhand on this 3rd day of June, 2023.

[Signature]
&
NOTARY 3/7/23

ATTESTED
[Signature] 3/7/23
HARPHOOL SINGH
Advocate & Notary
Court Compound D.D.

[Signature]
DEPONENT

Filed through:

[Signature]
[RAHUL VERMA]

Additional Advocate General for State of Uttarakhand
/Respondents
137, Tower No.10, Supreme Enclave,
Mayur Vihar Phase-I,
Delhi-110091
Mobile No. 9717706032
Email-advrahulverma9999@gmail.com

[Signature]
District Magistrate
Dehradun

Item No. 05

Court No. 2

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

Original Application No. 920/2022
(I.A. No. 422/2023)

Minakshi Arora

Applicant

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 30.05.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Rahul Choudhary, Adv and Ms. Sruthi K. Adv.
Respondent: Rahul Verma, AAG, for State of Uttarkhand.
Mr. Mukesh Verma, Adv. for UKPCB.

ORDER

I.A. No. 422/2023

1. It is pointed that sole applicant Minakshi Arora has expired on 06.03.2023 hence her husband Kesar Singh has sought impleadment as applicant to pursue this matter.
2. Learned Counsel for the respondents have no objection to this application.
3. The application is allowed. Let necessary impleadment/correction of array of parties be done within three days.

Original Application No. 920/2022

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Mussoorie, Dehradun, Uttarakhand is raising construction at Khasra No. 171 at Village Dhanaula which lies at confluence of Song and Baldi Rivers and construction is being raised in flood plains of the said rivers. It is also said that Baldi River is a tributary to Song river which is a major tributary to River Ganga and therefore, provisions of River Ganga Rejuvenation, Protection and Management) Authorities order, 2016 are applicable to the river in question and any construction in river flood plain is prohibited. This Tribunal in O.A No. 10/2015, Indian Council for Enviro-legal Action v. 2 National Ganga River Basin Authority & Ors. has directed for identification of flood plain zone on River Ganga and its tributaries.

5. The matter was considered on 05.01.2023 where Tribunal found it appropriate to constitute a joint committee comprising State PCB and District Magistrate, Dehradun to file a factual and action report.

6. Pursuant to said order, a letter of District Magistrate, Dehradun, addressed to Sh. Rahul Verma, Adv. has been placed on record which states that one Sh. Virendra Arora S/o Sh. Hari Charan Arora, resident of 197/3, Landour Bazar, Mussoorie has made encroachment at about 0.486 Ha land which is part of flood plain zone of the river and District Authorities have been assured by the said encroacher to remove the said encroachment.

7. Learned Counsel appearing for the State of Uttarakhand stated at the bar that the encroachment, if not removed by the person concerned on its own, shall be removed and demolished by the District Authorities within one month

-10-

8. As requested, list this matter on 12th July, 2023, by which time the District Magistrate, Dehradun shall file an action taken report to show compliance of the statement made at the bar today.

9. District Magistrate will also place on record a positive statement that besides the encroachment allegedly made by Sh. Virendra Singh, there is no other encroachment by anyone else in the area in question that is along the flood plain zone of the river Song and Baldi. It is also made clear that if there is any such other encroachment also, effective action shall be taken for removal thereof and in the next action taken report such facts shall be disclosed.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 30, 2023
Original Application No. 920/2022
(I.A. No. 422/2023)
HB

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तहसीलदार
सदर देहरादून।

महोदय,

कार्यालय उपजिलाधिकारी सदर देहरादून के पत्रांक 1007/पी0ए0/2022-23 देहरादून 31 मई 2013 विषय: मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या 920/2022 में पारित आदेश दिनांक 06.01.2023 के अनुपालन के सम्बन्ध में है। वाद उक्त में मा0 राष्ट्रीय हरित अधिकरण में योजित मूल आवेदन संख्या 920/2022 मीनाक्षी अरोडा बनाम उत्तराखण्ड राज्य में पारित आदेश दिनांक 11.01.2023 के अनुपालन में सभी प्रस्तावित विभागों के नामित अधिकारियों द्वारा ग्राम धनौला में स्थित भूमि खसरा संख्या 171 नदी की भूमि पर विपक्षी वीरेन्द्र अरोडा द्वारा किये गये अतिक्रमण की संयुक्त जांच दिनांक 28.02.2023 को की गयी थी, जांच आख्या की मूल प्रति संलग्न है। उक्त जांच में वीरेन्द्र अरोडा द्वारा नदी की भूमि ख0सं 171क के आंशिक भाग पर निर्माण कार्य कर अवैध कब्जा किया जाना तस्वीक हुआ था। महोदय द्वार प्रेषित उक्त पत्र में अवैध अतिक्रमण/निर्माण को ध्वस्त किये जाने के आदेश पारित किये गये हैं।

उक्त आदेश के अनुपालन हेतु तहसीलदार महोदय सदर द्वारा अपने पत्र संख्या मेमौ/आर0सी0/2023 दिनांक 30.5.2023 के द्वारा उक्त अवैध निर्माण/अतिक्रमण को ध्वस्त किये जाने हेतु एक संयुक्त टीम का गठन किया गया, जिसमें राजस्व निरीक्षक रायपुर, अधीशासी अभियन्ता सिचाई खण्ड देहरादून को कार्यवाही हेतु नामित किया गया था अक्त पत्र पर संज्ञान लेते हुए दिनांक 01.06.2023 को राजस्व विभाग व सिचाई विभाग की एक संयुक्त टीम द्वारा स्थल पर पहुंचकर कार्यवाही की गयी। उक्त टीम में श्रीमान तहसीलदार महोदय सदर, राजस्व निरीक्षक रायपुर, राजस्व उपनिरीक्षक चामासारी, सहायक अभियन्ता सिचाई विभाग खण्ड देहरादून, ग्राम प्रधान धनौला के प्रधान पति सलीम अहमद, श्री वीरेन्द्र सिंह के प्रतिनिधि के रूप में श्री विशाल आदि उपस्थित हुए।

उक्त संयुक्त टीम द्वारा ग्राम धनौला में स्थित भूमि खसरा 171 नदी की भूमि पर नदी के किनारे विपक्षी वीरेन्द्र सिंह द्वारा किये गये पुक्ता निर्माण जो कि ईट एवं पत्थरों से मिलाकर किया गया था, जिसमें एक हिस्से पर लोहे की जाली भी विपक्षी द्वारा लगायी गयी थी। उक्त समस्त अवैध अतिक्रमण/निर्माण संयुक्त टीम द्वारा जे0सी0बी0 मशीन लगाकर ध्वस्त करा दिया गया है मौके पर अन्य कोई अवैध निर्माण अवशेष नहीं रह गया है। संयुक्त रिपोर्ट आवश्यक कार्यवाही हेतु महोदय की सेवामें सादर प्रेषित है।

विनोद कुमार भंडारी
रा. नि. चामासारी
01.06.2023
संजय शर्मा
रा. नि. रायपुर

सुरेश चन्द्र तिवारी
र. ई. सिचाई विभाग.
01/06/2023
HARPHOOL SINGH
Advocate & Notary
Court Compound D.D.

Sub Magistrate
Dehradun

P.A.

पवालख



03/06/23
तहसीलदार सदर
देहरादून

SDM

उपस्थिति पत्र

आज दिनांक 01-06-2023 को कार्यालय लखनऊ देहरादून के
 पत्र संख्या मेगा/ A.C./30-5-2023 जो कि कार्यालय उपकक्षाधिकारी
 देहरादून के पत्र संख्या 1007/क्रि. /2022-23 दिनांक 31/3/2023
 विषय भा राष्ट्रीय दूरित आधिकार्य के अंतर्गत एक रा.वे.पत्र संख्या
 920/2022 के फॉर्मल आदेश दिनांक 5-1-2023 के अंतर्गत
 विषय है जिसमें एक एनोका के छिन्दाई विभाग की अफि
 (नवी) पर भी विरोध किहू द्वारा किने गये अर्थात् विभाग
 का एक्वैल किने जाने की कार्यवाही हेतु आदेशित
 किया गया है उक्त के सम्बन्ध में छिन्दाई विभाग संयंत्रात्मक
 विभाग के अधिकारियों के समुह तत्काल के उक्त सर्वेच
 आनि क्रमगत का एक्वैल किने जाने की कार्यवाही सम्पादित
 की गयी आधिकारी / कर्मचारियों के हस्ताक्षर किम्वं च है

Diimi
 01-06-2023
 AE ID
 Dehradun

[Signature]
 01.06.2023
 R.I (R)

[Signature]
 01/06/2023
 REI - नमोसूरी

[Signature]
 R.A.B.

शक्ति प्रकाश
[Signature]

[Signature]
 01/06/23
 तहसील
 खर



[Signature]
 3/7/23
 Advokat & Anwalt
 Court Commission D.D.

-13-



LITRUE COPY 11

District Magistrate
Dehradun

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AS
District Magistrate
Dehradun

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TRUE COPY

District Magistrate
Dehradun

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1/ TRUE COPY
District Magistrate
Dehradun