

BEFORE THE NATIONAL GREEN TRIBUNAL

NORTHERN ZONE BENCH, DELHI

ORIGINAL APPLICATION NO. 1088 OF 2024

IN THE MATTER OF:

NATURAL SOCIAL SERVICE

.....APPLICANT

VERSUS

STATE OF UTTAR PRADESH AND ORS

.....RESPONDENTS

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Place:

Date:



THROUGH

Anuj Srivastava/ Rakshith Srivastava/ Ashutosh Tiwari

Advocates

Srivastava Law offices

Ground Floor, 301/18, Krishna Mansion

Civil Lines, Gurugram - 122001

Haryana.

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1. STATE OF UTTAR PRADESH
2. DISTRICT MAGISTRATE
3. UTTAR PRADESH POLLUTION CONTROL BOARD
4. DIRECTOR GENERAL, DIRECTORATE OF TOURISM

....RESPONDENTS

MEMO OF PARTIES

NATURAL SOCIAL SERVICE

having its registered office at P.O

DHAURAHARA, TEHSIL SADAR, DIST. VARANASI,

UTTAR PRADESH - 221101

.....APPLICANT

VERSUS

1. STATE OF UTTAR PRADESH
Through - Principle Secretary
Department of Tourism, Lucknow,
Uttar Pradesh - 226010
2. DISTRICT MAGISTRATE
District- Varanasi, Uttar Pradesh- 221102
3. UTTAR PRADESH POLLUTION CONTROL BOARD,
Lucknow, Uttar Pradesh - 226010
4. DIRECTOR GENERAL, DIRECTORATE OF TOURISM
having its Registered Office at UTTAR PRADESH, Rajkiya Puroshtam Das Tandon
Parvatan Bhawan, C-13, Vipin Khand, Gomti Nagar Lucknow,
Uttar Pradesh - 226010

.....RESPONDENTS

Place:

Date:



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BRIEF FACTS OF THE CASE

1. That, the Applicant is a registered society duly registered under the Societies Registration Act, 1860 since 2005. The Applicant Society is dedicated to working towards the protection of the natural environment and contributes towards environment conservation.
2. In the year 2013, the Directorate of Tourism proposed the construction of the Garwaghat in the Varanasi District of Uttar Pradesh. Upon such proposal, various representations and petitions were filed before the Hon'ble Allahabad High Court (hereinafter referred to as 'Hon'ble High Court') seeking a stay on the construction. The Hon'ble High Court, upon such representations, decided the case laid down guidelines for construction around the River Ganga River and passed an order restraining the construction of the Ghat.
3. That, as per the law laid down by the Hon'ble High Court in PIL No. 31229 of 2005, any form of construction that is done within the impermissible limit of 200 metres of the Ganga River is a clear violation of Environmental Laws. That, thereby, the then-proposed construction was stayed by the Tourism Department, Uttar Pradesh.
4. However, in 2023, the head office of the Tourism Department of Varanasi submitted another proposal for the construction of a 233-meter Garwaghat for approval. According to reports, a budget of Rs. 7.35 Crore was passed for the proposed construction and beautification of the Garwaghat.
5. The plot owners of the area where the construction began were in apprehension that the construction was being done on their place without their consent,

hence they moved various representations before different departments and filed a petition before the Hon'ble High Court seeking a stay on such construction. That, against one such representation that was made to the Department of Tourism, Uttar Pradesh, a reply was sent to the Plot Owners which was forwarded by them to the Applicant. In the reply, the Department of Tourism, Uttar Pradesh, stated that the aforesaid construction of the ghat was not taking place on their plot rather it was taking place on Account no. 1209 mi. which is adjacent to their plot.

6. That, on the careful perusal of the reply, the Applicant was shocked to discover that the Khatuni details of the plot over which the aforesaid construction was being taken place were allotted/named as Ganga River. Upon further careful examination of the Khatuni record and location of the plot, the Applicant found out that the proposed construction and beautification of the ghat was being taken place exactly over the Ganga river and within the impermissible area of 200 meters within the highest flood point of the bank of the Ganga River.
7. That, the applicant realises that the aforesaid construction thereby is in teeth of of the rules that have been laid down by the Hon'ble court and the government orders, in accordance to which no construction is to be taken place within 200 meters from the highest flood point of both the banks of Ganga river, filed the present petition.
8. That the Central Government, State Government and Hon'ble Courts of India has time and again observed the degrading condition of Ganga River and has also taken in note the fact that the construction activities have been affecting the Ganga River. Based on such observation the aforesaid authorities have time and again framed rules and guidelines to restrict the constructions activities in and around Ganga River.
9. That, the River Ganga is important not only for its cultural and spiritual significance but also because it hosts more than 40% of the country's population. Therefore, to clean and maintain it, the Government launched an integrated Ganga conservation mission called ' Namami Gange' to arrest the pollution of Ganga river and revive the river'. That, the National Mission for clean Ganga aims at reducing the pollution of the river Ganga along with the conservation and rejuvenation of the river banks.
10. That the Original Application No. 1088/2024 was last listed on 27th of August, 2024 in which the applicant requested the Hon'ble Tribunal to Grant time to

place on record relevant material showing that the construction is being done in violation of the norms that has been laid down by the Government in the National Mission for Clean Ganga notification 2016.

11. That pursuant to that order, the Applicant has filed an RTI Application bearing Registration No. MOWRC/R/E/24/00418, dated 08.10.2024, through a legal representative. The details of the same have been enclosed below through a supplementary Affidavit.

Place:

Date:



THROUGH

Anuj Srivastava/ Rakshith Srivastava/ Ashutosh Tiwari

Advocates

Srivastava Law offices

Ground Floor, 301/18, Krishna Mansion

Civil Lines, Gurugram - 122001

Haryana.

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having its Registered office at UTTAR PRADESH, Rajkiya Puroshtam Das Tandon

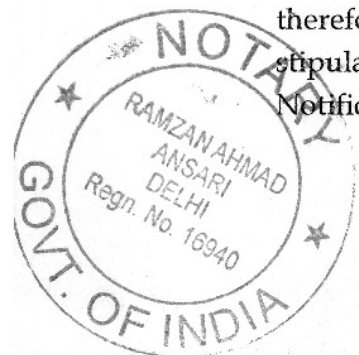
Parvatan Bhawan, C-13, Vipin Khand, Gomti Nagar Lucknow,

Uttar Pradesh - 226010

.....RESPONDENTS

SUPPLEMENTARY AFFIDAVIT FOR BRINGING ON RECORDS CERTAIN
DOCUMENTS

1. That, the Applicant had filed an Original Application under Section 14 of the National Green Tribunal Act, 2010 for Violations caused by the Respondents by carrying out Construction within the Impermissible Area of 200 Mtrs. From the Highest Flood Level of both the Beds of Ganga river.
2. That, the Original Application was filed against the ongoing construction on the Garwaghat that is illegal and against the settled law and also against the Government order.
3. That, as the construction of Garwa Ghat involves activities on the riverbanks therefore the project needed prior approval and sanction from NMCG, as stipulated by the regulations governing such constructions as per the NMCG Notification 2016.



4. That, the Applicant had the apprehension that no permission of the NMCG had been sought before the construction of the Garwa Ghat, hence the Applicant sought liberty to file supplementary before the Hon'ble Court, after which the Hon'ble Court in its last order had given sufficient time to the Applicant to file a Supplementary Affidavit.
5. That, to seek information regarding the above permission, the applicant filed an RTI Application bearing Registration No. MOWRC/R/E/24/00418, dated 08.10.2024, through a legal representative.
6. That, the information sought by the applicant on the RTI application was "whether the construction of Garwa Ghat was approved by NMCG as per the NMCG Notification, 2016".
7. That, According to the reply to the RTI application, "*No Application for prior approval for construction of Garwa Ghat has been received by NMCG.*" Hence, it supports the applicant's contention that the construction of Garwa Ghat is illegal and not in accordance with the law laid by the Government. A copy of the reply to the RTI is marked and enclosed with this Affidavit as **Enclosure – A.**

Dinesh

DEPONENT

I Identify the Deponent who has Signed/Put T.I. Before me

VERIFICATION

20 JAN 2025
Verified at Delhi on this day ___ of January, 2025 and contents of the above additional affidavit are true and correct in nature.

Dinesh

DEPONENT



CERTIFIED THAT THE DEPONENT has solemnly affirmed before me that the contents of the above which have been read & explained to him/her are true and correct to his/her knowledge.

[Signature]
NOTARY DELHI, INDIA

20 JAN 2025

BEFORE THE NATIONAL GREEN TRIBUNAL
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Parvatan Bhawan, C-13, Vipin Khand, Gomti Nagar Luckhnow,

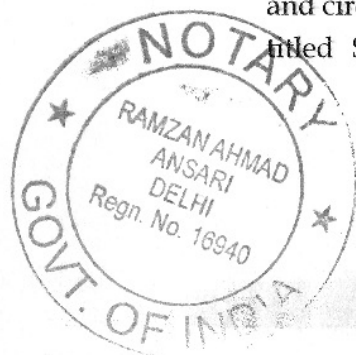
Uttar Pradesh - 226010

.....RESPONDENTS

AFFIDAVIT

I, MR. DINESH CHANDRA YADAV S/o. SHARDA YADAV, AGE ABOUT 46 YEARS, AUTHORISED REPRESENTATIVE OF NATURAL SOCIAL SERVICE having its registered office at P.O GAURAHARA, TEHSIL SADAR, DIST. VARANASI, U.P - 221104, DO SOLEMNLY AFFIRM AS UNDER:

1. That the deponent is competent enough to sign and verify the plaint of this enclosed suit. The deponent is very well acquainted to the facts, transactions and circumstances of this case. So accordingly the deponent has filed the above titled Supplementary Affidavit before this Hon'ble Tribunal today. The



2. That the above titled Supplementary Affidavit has been drafted by my counsel on my instructions and the same has been read over and explained to me in my language and I have understood the same and have signed the same as a token to its correctness.

[Signature]
DEPONENT

I Identify the Deponent who has Signed/Put T.I. Before me

VERIFICATION

20 JAN 2025

Verified at Delhi on this day ____ of January, 2025 and contents of the accompanying Supplementary Affidavit to the Original Application are true and correct in nature.

[Signature]
DEPONENT



CERTIFIED THAT THE DEPONENT has solemnly affirmed before me that the contents of the above which have been read & explained to him/her are true and correct to his/her knowledge.

[Signature]
NOTARY DELHI. INDIA

20 JAN 2025

F. No. SMD-14011/95/2024-KPMG-NMCG

भारत सरकार
जल शक्ति मंत्रालय
जल संसाधन, नदी विकास एवं गंगा संरक्षण विभाग
राष्ट्रीय स्वच्छ गंगा मिशन

मेजर ध्यान चंद नेशनल स्टेडियम,
निकट इंडिया गेट, नई दिल्ली - 110001,
दिनांक : 08 अक्टूबर, 2024

सेवा में,

Shri Ankit Mishra,
Srivastava Law Offices, Ground Floor,
301/18, Krishna Mansion, Civil Lines,
Gurugram, Haryana -120001

विषय:- सूचना का अधिकार अधिनियम, 2005 के तहत मांगी गई सूचना के संबंध में।

महोदय,

Please refer to your RTI Application Registration No.MOWRC/R/E/24/00418 dated 10.09.2024, received from Ministry of Jal Shakti, Department of Water Resources, River Development & Ganga Rejuvenation, seeking information under the RTI Act, 2005.

2 . Insofar as Office of National Mission for Clean Ganga (NMCG) is concerned, the information, as received from concerned Unit in NMCG, is given in Annexure (Attached).

3. यदि आप ऊपर दी गई जानकारी से संतुष्ट नहीं हैं तो आप अपनी अपील इस पत्र के जारी होने की तारीख से तीस दिनों के अंदर श्री बिनोद कुमार, प्रथम अपील प्राधिकारी, राष्ट्रीय स्वच्छ गंगा मिशन (एनएमसीजी), प्रथम तल, मेजर ध्यान चंद नेशनल स्टेडियम, इंडिया गेट, नई दिल्ली- 110001 के समक्ष प्रस्तुत कर सकते हैं।

भवदीय

संलग्नक: उपरोक्तानुसार।

Signed by Kundan Lal
Date: 08-10-2024 12:01:18

(कुन्दन लाल)
अवर सचिव एवं सीपीआईओ (एनएमसीजी)

Annexure

RTI Application Registration No. MOWRC/R/E/24/00418 Dated 10.09.2024 of Shri Ankit Mishra, Srivastava Law Offices, Ground Floor, 301/18, Krishna Mansion, Civil Lines, Gurugram, Haryana -120001

जानकारी इस प्रकार है:-

Insofar as Office of National Mission for Clean Ganga (NMCG) is concerned, the information, as received from concerned Unit in NMCG, is as under:

S.No	Information sought	Reply
	<p>I am writing to seek information regarding the construction of Garhwa Ghat on the banks of the Ganga River, which was announced by the Directorate Tourism, Uttar Pradesh, in August 2023.</p> <p>Given that the construction of Garhwa Ghat involves activities on the riverbanks, I want to know whether project has received prior approval and sanction from NMCG, as stipulated by the regulations governing such constructions as per the NMCG notification 2016.</p> <p>Therefore I request following information:</p>	
1.	Confirmation on whether the construction of Garhwa Ghat was approved by NMCG as per NMCG notification;	No application for prior-approval for construction of Garhwa Ghat is received by NMCG.
2.	copies of documents, approvals, sanctions related to this project.	Not Applicable as per the point 1
