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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
WRITTEN ARGUMENTS BY APPLICANT

In

ORIGINAL APPLICATION NO. 511 OF 2023

IN THE MATTER OF

Priyank Bharati

APPLICANT IN PERSON

Versus

State of Uttar Pradesh through its Chief Secretary and ors.

RESPONDENTS

INDEX

S.No	Particulars	Page No.
1.	Written Arguments by Applicant	1-6
2.	Annexure 1	7



Priyank Bharati
Applicant in Person

Date : 17/3/2025

Place : Meerut

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WRITTEN ARGUEMENTS BY APPLICANT

1. Misrepresentation of Facts Before the Hon'ble Tribunal

The Naib Tehsildar, Hastinapur, Meerut, falsely stated before the Hon'ble Tribunal on 22nd November 2024 that no new construction is taking place on the Budhi Ganga floodplain in Hastinapur Pandwan. However, Annexure 1 provides undeniable proof of ongoing construction and reconstruction on Budhi Ganga land (as noted on page 26 of the Supplementary Affidavit dated 12th March 2025). These misleading reports raise serious concerns about the integrity of the responsible authorities. Presenting false statements before the Hon'ble Tribunal is a deliberate attempt to mislead the judicial process and undermines environmental protection and legal oversight.

2. Administrative Lapses and Technological Evidence of Encroachments:

It is evident that illegal constructions and encroachments in India primarily stem from administrative lapses. The failure of authorities to intervene at the initial stage allows these encroachments to expand into large-scale, multi-story structures over time. This is precisely the situation along the Budhi Ganga River, where Respondents 2 and 3 neglected to take timely preventive measures, resulting in the unauthorized constructions that now exist in reality on river bed/flood plain. At the tehsil level, the authorities appear to have disregarded the fact that we are living in an era of advanced science and technology, where both legal and illegal activities are continuously recorded and traceable. **The construction activities in question** can be accurately detected through satellite imagery (from December 1985 to January 2025)and other technological means, with precise timestamps. If the respondents attempt to misrepresent facts before the Hon'ble Court, such false statements can be easily refuted with concrete technological evidence. As the saying goes, '*Upar wala sab dekhta hai*' (*Undeniable Oversight from Above*); in this context, the term '*upar wala*' refers to satellite surveillance, which serves as indisputable evidence of ground realities. It is pertinent to ascertain which applicant is now relying on such evidence.

3. Discrepancies in Village Records Submitted by Joint Committee and Respondent 2 reports

A contradictory discrepancy exists in the records submitted by the Joint Committee. On **page 171**, the villages **Lukkahedi, Jalalpur Jora, Shivnagar, Chandpur, Makhanpur, and Shakarpur** are mentioned. However, these villages are missing from the subsequent reports filed by **Respondent No. 2 and Respondent No. 3** on **pages 184, 225-238, and 385-399**. This inconsistency raises serious concerns about the accuracy, completeness, and reliability of the data provided by the respondents before the Hon'ble Tribunal.

4. Inconsistent and Contradictory Reporting by Respondents

On 26th October 2023, Respondent No. 3, on page 181 of the submitted document, disclosed a total of 7 villages in which Budhi Ganga was mentioned. Subsequently, on 12th January 2024, Respondent No. 2 submitted a report identifying 59 villages (pg 225-pg 237). However, on

3rd August 2024, Respondent No. 2 again reported a revised count of only 25 villages (pg 385-399). The continuous variation in data across different submissions raises serious concerns regarding the accuracy, reliability, and authenticity of the reports filed by the respondents.

S.No	Date of Report submitted	Number of villages under Budhi Ganga	Page No
1.	26 th Oct 2023	7	181
2.	12 th January 2024	59	225-237
3.	3 August 2024	25	385-399

5. Failure of Respondents to Address Applicant's Objections

The objections (pg 189-206, pg 400-409, pg 449-486) and written submissions submitted by the applicant have not been addressed, as none of the respondents have provided any reply to these objections. This lack of response raises concerns regarding due process and the respondents' obligation to provide a justified explanation.

6. Persistent Failure to Submit Documentary Evidence, Recurrent Contradictions, and Lack of Legal Validity by Respondent no 2 and 3.

Respondent No. 2 and Respondent No. 3 have consistently failed to produce a single *Khatauni* since *Phasli Varsh* 1359, including CH 41 and CH 45, before the Hon'ble Tribunal. Despite the absence of such fundamental documentary evidence, the respondents have repeatedly submitted contradictory data at different stages, thereby casting serious doubt on the credibility and reliability of their assertions.

The **submission of data without substantiating evidence** constitutes a **material deficiency**, rendering such claims legally untenable. The repeated failure of Respondent No. 2 and Respondent No. 3 to furnish **legally admissible land records not only undermines the veracity of their submissions but also raises grave concerns regarding the integrity and accuracy of the data presented before this Hon'ble Tribunal.**

7. Apathy of Authorities Towards River Protection: Failure to Act on Complaint Letters

Despite multiple formal complaint letters submitted to Respondent No. 1 and Respondent No. 2, raising concerns about the issues affecting the river, no concrete action has been taken. Regardless of how many representations or complaints are filed, illegal constructions continue unchecked and are ultimately completed without intervention. The persistent inaction of the authorities constitutes a **clear dereliction of duty**, calling into question their commitment to the **protection and preservation of the river**. The failure to take preventive or remedial measures, despite repeated complaints, underscores a **lack of accountability, administrative inertia, and a blatant disregard for environmental and legal obligations**. Such inaction not only **breaches public trust** but also indicates a **tacit approval of unlawful activities**, thereby threatening the river's ecosystem and violating the principles of lawful governance.

8. No action taken on the proposals of RSAC-UP and NIH Roorkee for restoration of Budhi Ganga

Despite the submission of detailed proposals by **RSAC-UP** (Remote Sensing Applications Centre, Uttar Pradesh) on pages 442-448 and **NIH Roorkee** (National Institute of Hydrology) on pages 543-548, no action has been taken by **Respondent No. 2 and EE Drainage, Meerut** regarding the restoration of Budhi Ganga. These proposals, prepared by expert institutions, provide scientific and technical recommendations for revitalizing the river, mitigating ecological degradation, and ensuring sustainable water management. However, the complete inaction on these well-researched plans demonstrates a failure of duty by the responsible authorities. The neglect of such crucial expert advice not only hinders the restoration and conservation efforts of Budhi Ganga but also reflects a lack of administrative will, disregard for scientific recommendations, and failure to uphold environmental obligations. The continued inaction exacerbates the degradation of the river ecosystem, jeopardizing both ecological balance and public interest.

9. Non-Compliance with Hon'ble Supreme Court order

The Hon'ble Supreme Court, in *Hinchlal Tiwari vs. Kamla Devi & Ors.* (Appeal Civil No. 4787 of 2001), established a clear mandate for the protection and conservation of water bodies. However, despite this authoritative precedent, the directive continues to be ignored at the Tehsil level. The failure of the administration to enforce these legal obligations has led to unchecked encroachments, undermining both environmental protection and judicial authority.

10. Budhi Ganga Through the Ages: From Historical Maps to Modern-Day Encroachments

The historical maps, dating as far back as the **7th century (pg 512-532)** to **1940 (pg 18-21)**, clearly depict the original course and expanse of the Budhi Ganga River. However, after India's independence, widespread **encroachments and unlawful allotments** drastically altered the river's natural form.

11. Lack of Legal Validity in Allotments

According to Section 132 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, and Section 77(1) of the Uttar Pradesh Revenue Code, 2006, no Bhumidhar rights (pg 478) can be conferred upon the specified category of land or individuals as per the provisions of these statutes.

12. NMCG's Inaction: Responsibilities Unfulfilled

The National Mission for Clean Ganga (NMCG) has yet to take concrete action to address the environmental degradation, encroachments, and illegal activities affecting Budhi Ganga. Despite its mandate, the prolonged inaction undermines conservation efforts and threatens the river's ecological and cultural integrity. Immediate intervention is essential to uphold legal protections and restore the river.

PRAYER

In light of the above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

- 1. Correction of Discrepancies** – Direct Respondent No. 2 and No. 3 to reconcile and rectify contradictory village records and ensure transparency in submissions.

- 2. Clarification on Inconsistent Reporting** – Seek an explanation from the respondent 2 and 3 regarding the inconsistent village count across multiple reports and take appropriate action for misleading submissions.
- 3. Submission of Legal Land Records** – Instruct Respondents No. 2 and No. 3 to submit Khatauni records from *Phasli Varsh 1359*, including CH 41 and CH 45, to validate their claims.
- 4. Immediate Action Against Encroachments and stop *dakhil kharij* of Budhi Ganga land** – Order the authorities to take strict and prompt action against illegal constructions, prevent further encroachments on Budhi Ganga's land and floodplain, and immediately stop any *Dakhil Kharij* (land mutation) of Budhi Ganga's land.
- 5. Action on Proposal Submitted** – Direct Respondent No. 2 and EE Drainage, Meerut, to act on the proposals submitted by RSAC-UP and NIH Roorkee for the restoration of Budhi Ganga.
- 6. Accountability for False Statements** – Take appropriate action against the Naib Tehsildar and other officials for misrepresenting facts before this Hon'ble Tribunal.
- 7. NMCG's Active Intervention** – Direct the National Mission for Clean Ganga (NMCG) to take concrete steps for the conservation and restoration of Budhi Ganga.

The applicant prays for urgent intervention to uphold environmental justice, ensure compliance with legal mandates, and protect the ecological and historical integrity of Budhi Ganga. Submitted in the interest of justice and environmental conservation.

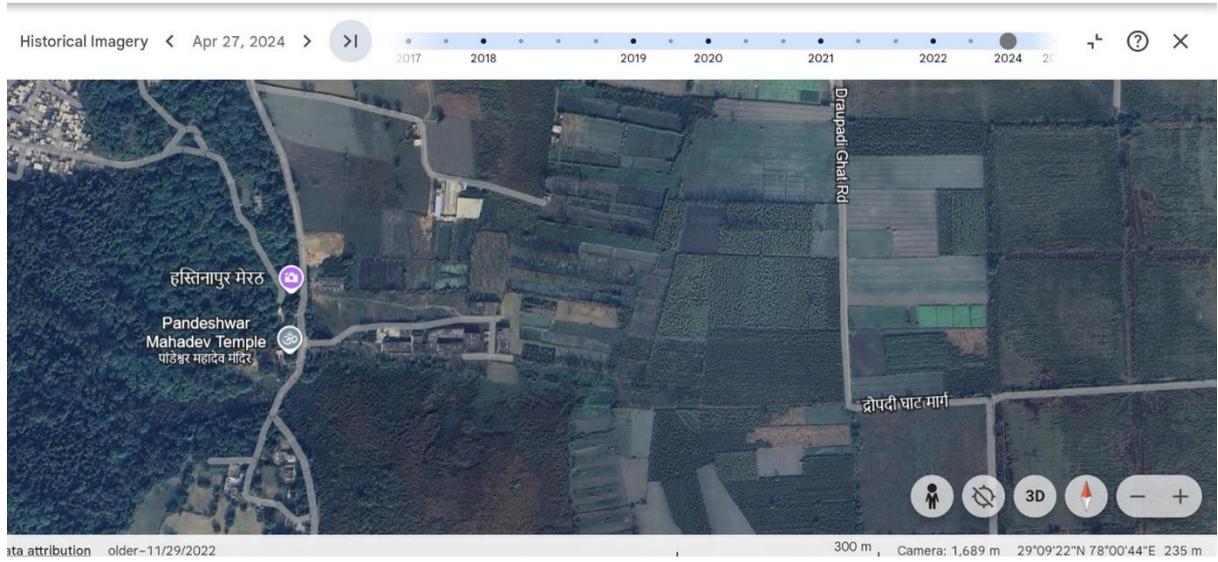


Priyank Bharati
Applicant in Person

Date : 17/03/2025

Place : Meerut

ANNEXURE 1



True Copy

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