

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

**Written Arguments on Rejoinder Submitted by Applicant on date
13.04.2026**

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 others

-----Respondent(s)

With

ORIGINAL APPLICATION NO. 166 OF 2024

Priyank Bharati

-----Applicant In Person

Versus

State of Uttar Pradesh and others

-----Respondent(s)

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Sharati
15/04/26
Applicant in Person

Date : 15.04.2026

Place : Meerut

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**WRITTEN ARGUMENTS ON REJOINDER SUBMITTED BY APPLICANT ON
DATE 13.04.2026**

MOST RESPECTFULLY SHOWETH:

I, Priyank Bharati R/O Meerut, UP hereby solemnly affirm and declare as under:

1. Scientific Evidence: CORONA Satellite Imagery

- 1.1.** That the Applicant has, for the first time, relied upon CORONA Satellite imagery (U.S. reconnaissance mission, 1959–1972) to delineate the historical course of River Budhi Ganga in nearby areas of Hastinapur.

1.2. That the said imagery clearly establishes continuity between Stretch R1 and R2, contradicting the claim of a “gap” as alleged by Respondent No. 6 (Affidavit @ page 810).

1.3. That the said material, though part of an ongoing research study, is placed on record in the interest of justice as ANNEXURE 1 on page 11-14 on Rejoinder Affidavit submitted by Applicant on date 13 April 2026

2. Historical and Revenue Records Establishing Origin

2.2 That authenticated maps already placed on record in O.A. No. 511 of 2023 (pages 515, 517, 519, 523; Report dated 09.12.2024) clearly depict the origin and course of River Budhi Ganga.

2.3 Those additional maps, namely:

- Sijra Map (ANNEXURE 2. on page 18b)
- Skeleton Map of Northern Division of Doab (1833) – on page 15-16 (Annexure 2 in Rejoinder submitted on 13 April 2026)
- North-Western Provinces Map (1872) are annexed as ANNEXURE 2 on page 17-18.

2.4 That official revenue records of Village Firozpur Khadar, Tehsil Jansath, District Muzaffarnagar confirm the recorded existence of River Budhi Ganga (Judicial Record @ page 25, OA 166 of 2024).

2.5 That the District Magistrate, Muzaffarnagar has verified that the river occupies 2.4180 hectares, thereby establishing its present existence approximately 16–17 km upstream of the disputed demarcation area.

4. Suppression of Records by Respondents

4.1 That the Respondents have failed to place relevant revenue records before this Hon'ble Tribunal.

4.2 That the Applicant was compelled to obtain such records through the **Right to Information Act, 2005**, and subsequent

intervention of the Hon'ble **Uttar Pradesh Information Commission (UPIC), Lucknow.**

- 4.3 That in the present matter, the role of the Hon'ble Uttar Pradesh Information Commission (UPIC) has been highly commendable, as the requisite revenue records/maps were obtained by the Applicant pursuant to and with the assistance of the Hon'ble Commission.
- 4.4 That the Notices/Orders are annexed as **ANNEXURE 3**. On page 19-24 (in Rejoinder submitted on 13 April 2026)

5. Maps from Irrigation Department (RTI Disclosure)

- 5.1 That maps obtained from **Madhya Ganga Nahar, Nirman Khand-5, Bijnor** clearly show:
- Upstream flow of River Budhi Ganga into Deval/Ishaqwala
 - Multiple drains discharging into the river Budhi Ganga
- 5.2 That these maps are annexed as **ANNEXURE 4 page 25-32** (in Rejoinder submitted on 13 April 2026), establishing the actual hydrological network.
- 5.3 That the Madhya Ganga Nahar, Nirman Khand-5, Bijnor, being a constituent unit under the Irrigation Department, is governed by the same administrative and technical framework; therefore, it is inconceivable and legally untenable as to how discrepancies have arisen in the maps prepared by departments functioning under the same authority.

6. Contradictory Affidavits by State Authorities

- 6.1 That Respondents have filed **mutually contradictory affidavits**:
- In **O.A. No. 515 of 2023**, it is stated that reference to Village Chausana is incorrect.
 - In **O.A. No. 632 of 2022**, District Magistrate Bijnor states origin at **Shukratal**.
- 6.2 That these contradictions clearly indicate:

- Lack of scientific verification
- Concealment of material facts
- Misleading submissions before the Hon'ble Tribunal.

7. Legal Status of "Khola" Land

- 7.1 That historical revenue maps (Phasli Year 1359 / 1951) show "**Khola**" land adjoining the river.
- 7.2 That as per authoritative literature (*Natural Hazards: Local, National, Global*, Oxford University Press, 1974), "Khola" refers to **floodplain escarpment**.
- 7.3 That the Hon'ble **Allahabad High Court** in *Salek Chandra vs Gaon Sabha Meerut* has held that "Khola" land is:
- Public utility land
 - Protected under **Section 132 of U.P. Zamindari Abolition Act**
- 7.4 That relevant documents are annexed as **ANNEXURE 5 & 6** (in Rejoinder submitted on 13 April 2026),.

8. Disappearance of Riverbed

- 8.1 That comparative analysis of historical (1951) and present (2026) maps shows **absence of riverbed at Gajupura page 40-41** (in Rejoinder submitted on 13 April 2026), raising serious doubts on Respondents' claims.
- 8.2 That the present matter pertains not only to the protection and preservation of the floodplain area, but also extends to the safeguarding, identification, and conservation of the riverbed land.

9. Arbitrary Floodplain Demarcation

- 9.1 That Respondent No. 6 (OA 511/2023) has carried out floodplain delineation:
- Without verifying historical records
 - Without considering Applicant's submissions

- On incomplete and incorrect data
- 9.2 That geo-tagged photographs and **Sentinel-2 imagery** on ANNEXURE 7 (in Rejoinder submitted on 13 April 2026), show a **continuous water body**, ignored by Respondents.

10. Rebuttal of "Gap" Between R1 and R2

10.1 That Respondent No. 6 has alleged a gap between R1 and R2 (Affidavit @ page 810).

10.2 That this claim is rebutted by:

- CORONA imagery (ANNEXURE 1, in Rejoinder submitted on 13 April 2026)
- Published scientific study (Journal of Threatened Taxa, 2013) (ANNEXURE 8, in Rejoinder submitted on 13 April 2026),

10.3 That both clearly show **no discontinuity**.

11. Absence of Revenue Maps by Respondents

11.1 That no Respondent has placed complete revenue maps before this Hon'ble Tribunal.

11.2 That the burden of proof lies equally on the Respondents, which remains unfulfilled.

12. Illegal Encroachments

12.1 That ongoing encroachments and unauthorized constructions are taking place within the riverbed and floodplain.

12.2 That repeated representations by the Applicant have been ignored.

12.3 That evidence is annexed as **ANNEXURE 9 & 10** (in Rejoinder submitted on 13 April 2026).

PRAYER

In view of the above facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to:

- Take cognizance of the documentary and scientific evidence placed on record
- Reject the incorrect determination of origin by Respondents
- Direct reconsideration of floodplain demarcation based on complete records
- Pass any other order deemed fit in the interest of justice, equity, and environmental protection


AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

For all the reasons stated above the Hon'ble Tribunal may kindly be pleased to take cognizance of all these facts and to pass appropriate orders to meets the ends of Justice and equity.

AND FOR THIS ACT OF KINDNESS THE APPLICANT, AS IN DUTY BOUND, SHALL EVER PRAY.

Verification

Verified on this **15th day of April 2026** that the contents of the present Application are true and correct to my knowledge and belief and nothing material is concealed therefrom.


Priyank Bharati
Applicant in Person

Date: 15.04.2026
Place: Meerut