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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

Written Statement

In

ORIGINAL APPLICATION NO. 511 OF 2023

IN THE MATTER OF

Priyank Bharati

APPLICANT IN PERSON

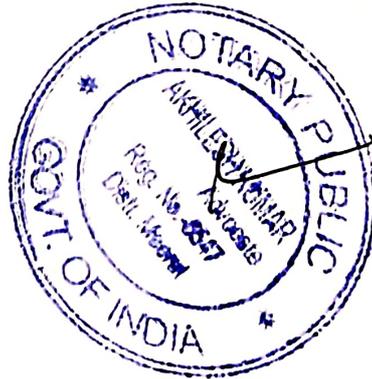
Versus

State of Uttar Pradesh through its Chief Secretary and ors.

RESPONDENTS

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Priyank Bharati

Priyank Bharati
Applicant in Person



Written Submission

Respected Hon'ble Lordship,

I respectfully submit this urgent representation before Your Lordship with a deep sense of concern and reverence for the sacred **Budhi Ganga River** (a tributary of River Ganga) — a historically and ecologically significant tributary of the Ganga — which is on the brink of total obliteration due to unchecked **encroachments and administrative inaction.**

It is no mere coincidence that today's date of hearing (dated 14th July 2025) falls on the auspicious first Monday of the holy month of **Sawan**, a time when millions of devotees across the country undertake the **Kanwar Yatra**, carrying the sacred waters of the Ganga to offer at *Shivlings* in Shiv Temples across India. The sanctity of the Ganga multiplies manifold during this time, making today particularly symbolic for this matter which seeks the **revival of Budhi Ganga.**

Since the filing of this petition, rather than any step being taken for the revival and protection of Budhi Ganga, there has been an alarming surge in **unauthorised constructions in the floodplain areas or on river bed in Hastinapur.** The administration and authorities have chosen silence and inaction for reasons best known to them. Tragically, Budhi Ganga's land in **Hastinapur has been consumed by the greed of encroachers,** abetted by **poor governance and misplaced development priorities.** The riverbed and adjoining floodplains — crucial ecological zones — are now almost fully occupied by unauthorised structures.

This Hon'ble Tribunal, in ***Vinod Kumar vs. State of U.P. (O.A. No. 397/2023)***, has already eloquently and rightfully observed:

*2. According to the provisions of **Article 21** read with **article 48 (A)** of the directive principles of State Polioy, Right to Life includes right to have fresh air and healthy environment. Nobody has the right to create*

*pollution endangering the life of others on the grounds of commercial activities. **This universe and living beings are creation of almighty called Bhagwan** which means and includes " Chiti, Jal, Pawak, Gagan, Sameera, Panch Rachit Yah Adham Sareera". These five words signify five elements of life:-*

Bha = Bhumi Ga = Gagan Wa = Vau Aa = Agni Na = Neer

16. We find that the steps taken so far can hardly be held to be adequate. As already noted, protection of water bodies serves great public purpose and is essential for protection of the environment. It helps not only aesthetics but also water availability, aquatic life, micro climate, recharge of ground water and maintaining e-flow of the rivers. Under the Public Trust Doctrine, the State has to act as trustee of the water bodies to protect them for the public use and enjoyment for current and future generations.

We may note the observations of the Hon'ble Supreme Court on the subject which are as follows:

i. State of T.N. v. Hind Stone, (1981) 2 SCC 205, at page 212:

"6. Rivers, Forests, Minerals and such other resources constitute a nation's natural wealth. These resources are not to be frittered away and exhausted by any one generation. Every generation owes a duty to

all succeeding generations to develop and conserve the natural resources of the nation in the best possible way. It is in the interest of mankind. It is in the interest of the nation.

This profound interpretation shows the constitutional, spiritual, and ecological foundations of environmental protection.

Despite these guiding principles and the directions of this Hon'ble Tribunal, the following alarming facts prevail:

1. **Since August 2023 till date (July 2025)**, the **Floodplain Zoning and Notification for Budhi Ganga** has not been finalized — a gross delay that reflects the lack of administrative will.
2. No **Ground Truth Report** has been submitted by the authorities to date.
3. **Unauthorized construction** continues unabated, and no effective action has been taken to demolish or halt these violations.
4. Even the **Joint Committee** constituted for field verification has failed to submit a **truthful and accurate report**, further delaying the course of justice.

The “**Government Gazette of the United Provinces**”, published on **22nd June 1940, Part VIII, No. 115/I-37, Revenue Department** some of the extracts are:-

Page 1687 :

The earliest legends connect Hastinapur, a small village near the Ganges in the Mawanq Tahsil, with the great city of that name mentioned in the Mahabharata as the home of the Pandavas and Kauravas. Other places for which a similar antiquity is claimed are Parichhatgarh,

Puth , and Garhmuktesar, also in tahsils Mawana and Hapur .

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*The most important is the Ganges on the eastern border, whose Khadir is a tract with many wandering depressions and water - courses generally connecting with the main stream , **the chief of these being the Bhur Ganga** which is an old bed of the Ganges . **In the north the Khadir is about 6 miles in width**, but gradually diminishes till south of Garhmuktesar it is not more than about three quarters of a mile wide . **The Khadir is bordered by the old high river bank** , and this is an area of wild uncultivated ravines , to the west of which again lies a band of sandy soil with occasional lines of bhur extending slantingly across the level upland plain for a considerable distance from the ravines .*

When the Original Application was filed before the Hon'ble Tribunal, it was based on the facts available at that time. However, new facts have now emerged, revealing that the Budhi Ganga River did not originate from Deval, but in fact originates from Firozpur Khadar (District Muzaffarnagar), flows through various regions including Hastinapur, and eventually merges into the River Ganga near Garhmukteswar.

The Budhi Ganga existed not only on the ground but was also recorded in official documents. However, over time, the river began to disappear from the physical landscape and was subsequently removed from official records as well especially in Hastinapur, Gajupura. **If the river had continued to be recognized officially, there would have been no need for the Respondents to present misleading or false claims.** The reason for such misrepresentation lies in the fact that there has been large-scale **encroachment on the river land** as in Revenue Records. Respondent No. 1

has so far failed to take any effective or concrete action in this regard. And newly added respondents not giving reply till date (As of the date of this submission, I have not received any service of notice or reply from the newly added concerned Respondent(s)).

A serious and pressing question arises:

"What were the reasons behind the systematic disappearance of the Budhi Ganga in various regions including Hastinapur and Gajpura and other areas?"

Despite the river's evident presence in ancient maps (pg 512-532) it has been declared extinct in official narratives, **indicating deliberate manipulation or suppression of facts.**

On one hand, on **8th July 2025**, the **Government of Uttar Pradesh** is conveying a message through a facebook (Refer Annexure 1):

"Just as there are arteries in our body, rivers are the lifelines of Mother Earth. When Mother Earth is safe, we are safe. Therefore, the revival of rivers is essential."

On the other hand, the condition of the Budhi Ganga in the same state tells a very different story.

This inaction, delay, and misrepresentation reflect a clear dereliction of duty and perhaps a deeper policy failure or mala fide intent. **The very survival of Budhi Ganga is now at stake.**

I humbly urge this Hon'ble Tribunal to:

- It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to **appoint a Commission** comprising independent and qualified experts to conduct a ground-truth survey, **verify the existence and original course of the Budhi Ganga River, assess the extent of**

encroachments, and submit a detailed report before this Hon'ble Tribunal within a stipulated time,frame;

- Order a **complete freeze on any construction activity** on the floodplains of Budhi Ganga in Hastinapur or other areas;
- Issue strict directions to prepare and notify the **Floodplain Map and River Zone Regulation** within a fixed timeframe;
- Pass any other orders deemed fit in the interest of environmental justice and riverine restoration.

If urgent steps are not taken, Budhi Ganga — a river sacred to both history and ecology — will become a tragic casualty of administrative apathy and policy failure.

WITH UTMOST HUMILITY AND DEVOTION, I REQUEST THIS HON'BLE TRIBUNAL TO ACT DECISIVELY TO PROTECT AND RESTORE THIS ANCIENT RIVER BEFORE IT IS LOST FOREVER.

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 APPLICANTS, AS IN DUTY BOUND, SHALL EVER PRAY.

Verification

Verified on this 11 day of July 2025 that the contents of the present Application are true and correct to my knowledge and belief and nothing material is concealed therefrom.

Priyank Bharati

Priyank Bharati

Applicant in Person

Date: 11/7/24

Place: Meerut



ATTESTED
AKHILESH KUMAR
NOTARY MEERUT

11/7/25

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RESPONDENTS



Affidavit

I, Priyank Bharati, S/o, Shri. Brahampal Singh Singh aged about 36 years, R/o, 148/4 Jagriti Vihar, District Meerut, Uttar Pradesh do hereby solemnly affirm and declare as under:

1. That I am the Applicant/Applicant In Person in above mentioned application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That, the statements made in paragraphs ~~to~~ of this affidavit is true to my knowledge

(Signature)
Applicant In Person

VERIFICATION

Verified on this 11 day of July 2025 that the contents of the present Application are true and correct to my knowledge and belief and nothing material is concealed therefrom.

(Signature)
Applicant In Person
/Deponent



ATTESTED
11/7/25
AKHILESH KUMAR
NOTARY MEERUT

Annexure 1

Chief Minister Office Uttar Pradesh ...

8 July at 12:04 · 🌐

जैसे हमारे शरीर में धमनियां हैं, वैसे धरती माँ के लिए नदियां हैं।

जब धरती माँ सुरक्षित रहेंगी तो हम सुरक्षित रहेंगे। इसके दृष्टिगत नदियों का पुनरुद्धार आवश्यक है: #UPCM
MYogiAdityanath

#EkPedMaaKeNaam | #एक_पेड़_माँ_के_नाम

True copy
Shruti