

Item Nos. 12&13

Court No. 1

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

Original Application No. 275/2023

Mahesh Kumar

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

WITH

Original Application No.569/2023
(I.A. No. 719/2023)

Alok Kumar

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 02.11.2023

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

Applicant: Mr. Satyabeer Singh, Adv. for Applicant in OA 275/2023 (Through VC)
Mr. Prashant Kanha & Mr. Anand Mishra, Advs. for Applicant in OA
569/2023

Respondent: Mr. Ravindra Kumar, Senior Advocate with Mr. Binay Kumar, Adv. for
Greater NOIDA
Ms. Priyanka Swami, Adv. for the State of UP
Mr. Abdhesh Chaudhary & Mr. Nishi Kant Singh, Advs. for NOIDA
Authority
Ms. Amrita Sarkar & Ms. Deepa Sharma, Advs. for CPCB (Through VC)
Mr. Rajesh Aggarwal, Adv.

ORDER

1. The issue involved in the Original Application is in respect of unauthorized constructions over the flood plain zone of Yamuna and Hindon river in Village Lakhnawali, Greater Noida, Gautam Budh Nagar Uttar Pradesh.

2. The Tribunal after considering the respective position placed on record by order dated 27.07.2023 had directed as under:-

“11. The District Magistrate, Greater Noida/ Gautam Budha Nagar is directed to ensure the identification and demarcation of flood plain zone of River Yamuna and Hindan which shall be done by referring Notification dated 07th October, 2016 on “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016” and Office Memorandum dated 14th February, 2022 on “Guidelines for siting industries which are in close proximity with the river” and submit a report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

3. In terms of the said direction, the concerned District Magistrate was required to carry out the exercise and submit the report before the Tribunal.

4. The report dated 31.10.2023 by the District Magistrate, Gautam Budh Nagar has been filed but after perusal of the said report and the enclosure, we find that the exercise for demarcation of flood plain zone of rivers Yamuna and Hindon in reference to the Notification dated 07.10.2016 has not been carried out. The report simply states that the area between the bund and the river is flood plain zone which is identified and demarcated. No such demarcation report in terms of the order of 2016 is on record.

5. Hence, District Magistrate, Gautam Budh Nagar and District Magistrate, Ghaziabad are required to place on record the demarcation report relating to the demarcation of the flood plain zone of river Yamuna and Hindon flowing within the limits of their district in reference to the Notification dated 07.10.2016.

6. Learned Counsel appearing for State of Uttar Pradesh has submitted that aforesaid exercise of demarcation of the flood plain zone in the concerned Districts will be positively completed within a period of two months. Hence, accepting such statement, we grant time to District

Magistrate, Gautam Budh Nagar and District Magistrate, Ghaziabad to complete the exercise in terms of the directions of the Tribunal issued earlier within a period of two months and file the report on or before 10.01.2024 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF, failing which the defaulting District Magistrate will appear personally before the Tribunal through virtual mode on the next date of hearing.

7. It will be open to the Counsel for the concerned parties to file their response in the meanwhile.

8. Let Notice be also issued to all the unrepresented respondents. Applicant is directed to serve them.

9. List this matter on 16.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

November 02, 2023
Original Application No. 275/2023 &
Original Application No. 569/2023
(I.A. No. 719/2023)
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