

Item Nos.15 & 16

Court No. 1

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

Original Application No. 275/2023
(I.A. No.869/2023)

Mahesh Kumar

Applicant

Versus

State of Uttar Pradesh through Chief Secretary

Respondent(s)

With

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

Alok Kumar

Applicant

Versus

Union of India Ministry of Environment Forest
& Climate Change

Respondent(s)

Date of hearing: 12.03.2024

**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. Anand Mishra, Mr. Prashant Kanha & Ms. Nisha Rai, Advs. for
Applicant in OA 569/2023

Respondent(s): Ms. Garima Prashad, AAG, Ms. Priyanka Swami & Ms. Simran Sehgal,
Advs. for the State of UP
Mr. Atul Kumar, ADM, Gautam Budh Nagar
Mr. B.K. Singh, EE, Mr. Raj Kumar, EE & Ms. Vartika Tripathi, AE,
Department of Irrigation, State of UP
Mr. Vishal Singh & Mr. O.S. Bisht Mishra, Scientists
Mr. N.P. Singh & Mr. Kuldeep Singh, Asst. Engineers
Mr. Ravindra Kumar, Senior Advocate (Through VC), Mr. Binay Das, Mr.
Vipin Kumar Saxena & Mr. Shivam Saksena, Advs. for Greater Noida
Mr. Sumit Arora & Mr. Anshuman, Advs. for MoEF & CC in OA 569/2023
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Nishi Kant Singh, Adv. for Noida Authority

Mr. Yagyawalkya Singh & Ms. Divya Swamy, Advs. for Ghaziabad
Development Authority
Mr. Rajesh Aggarwal, Adv. for Intervenor

ORDER

1. The main issue in the original application is in respect to unauthorized construction in the flood plain zones of Yamuna and Hindon river in the villages namely, Lakhnawli, Greater Noida and Gautam Budh Nagar in Uttar Pradesh. By the order dated 29.01.2024 we had directed the State Government of Uttar Pradesh to expedite the process of demarcation of flood plain and to ensure completion of demarcation within one month. Accordingly, a period of one month was allowed.

2. Today, AAG appearing on behalf of Government of Uttar Pradesh has sought further of six months time based on the time schedule given by National Institute of Hydrology, Roorkee which has been engaged by Government of Uttar Pradesh. For the said study National Institute of Hydrology has quoted Rs. 42 Lakhs + GST with the study duration of Six months.

3. During the course of hearing, justification for the time period was tried to be put forth by the Council and officials from the Government of Uttar Pradesh. It was mentioned that one meter contour interval is being taken for depicting the various flooding scenarios and that based on 1 meter contour interval along with maximum flood level and other relevant parameters the flood plain zone will be demarcated. The officials of the State Government and the counsel are unable to justify the criteria of 1 meter contour. They were advised to provide justification or material to show the relevance of 1 meter which they were unable to provide. Hence, we are unable to understand the justification from one meter criteria.

4. In our earlier order dated 29.01.2024, we had made it clear that the "flood plain" as defined "River Ganga (Rejuvenation, Protection and Management) Authorities Order 2016" shall be followed. As per the said notification, flood plains of river Ganga and Tributaries are defined as the area which "comes under water on either side due to floods responding to its greatest flow or with a flood of frequency once in 100 years".

5. Along with the joint report filled by Irrigation Department of Uttar Pradesh, a correspondence dated 05.02.2024 with Survey of India (SoI) has been annexed. As per the said communication, SoI has informed that topographical map of 25,000 and 50,000 is available with SoI for public use with 10 meter and 20 meter contour interval. SoI has also mentioned that one meter contour interval topographical map would require special survey.

6. The issue before us is to prevent encroachment on the flood plain, stop unauthorized constructions, prevent illegal mining, stop discharge of effluents and ensure that the integrity of River Yamuna is maintained with its free flow. Keeping in view the above objectives and the definition provided in the Ganga Rejuvenation Notification dated 07.10.2016 for the flood plain zone and keeping in view the reflected constraints for this matter at this stage, we are of the opinion that 1: 25000 scale map with 10 meter and 20 meter contour can be sufficient. If any specific construction and development, is to be taken up then, micro scale contour interval of 1 meter or 0.5 meter can be considered at a later stage by concerned departments.

7. Since as per the report of the Irrigation Department, Government of Uttar Pradesh has consulted SoI and has obtained their opinion, we are of the view that, SoI which is a national reputed surveying agency, be

engaged for demarcation of the floods plain zone of Yamuna and Hindon as per Ganga Rejuvenation Notification dated 07.10.2016.

8. Accordingly, we direct the Government of Uttar Pradesh to consider to engage Sol and complete the flood plain demarcation for Yamuna and Hindon falling within the State within a period of one month.

9. List this matter on 29.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 12, 2024
Original Application No. 275/2023
(I.A. No.869/2023)
HB