

Item No. 01

(Court No. 2)

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

(By Video Conferencing)

Original Application No. 177/2022

Abhist Kusum Gupta

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 08.04.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Sunil J. Mathews, Advocate

ORDER

1. This original application (hereinafter referred to as 'OA') has been filed under Sections 14,15 read with 18 of National Green Tribunal Act, 2010 raising a complaint about destruction and damage of wetlands/water bodies in District Gautam Buddha Nagar and a prayer has been made that the Authorities concerned be directed to take steps for rejuvenation, restoration and improvement of the existing water bodies in the District and to take further steps to remove encroachment on the water body in the said District.

2. The brief facts stated in the OA are that applicant is a resident of District Gautam Buddha Nagar and concerned with the conservation of environment. It is said that a large number of water bodies/wetland are existing in District Gautam Buddha Nagar and details of such wetlands

are mentioned in the form of a chart in para 4.15 of the OA. Applicant has also filed annexure A/7 containing list of such wetlands/water bodies which are or have been damaged or destructed in various way including encroachment etc. It is stated that applicant represented the matter to various Authorities to time but no action has been taken.

Time

3. It is also complained that destruction or encroachment or otherwise damage caused to the wetlands result in depletion of ground water causing scarcity of potable/drinking water to the residents and therefore, preservation of wetland is of utmost importance. Reliance is also placed on various Authorities of Hon'ble Supreme Court including judgment in *Balakrishnan M.K. Balakrishnan & Ors. v. Union of India & Ors.*¹

4. In our view it would be appropriate to have a factual report and action taken report from the Authorities concerned. Accordingly, we constitute a joint Committee comprising CPCB, State PCB, UP State Wetland Authority and District Magistrate, Gautam Buddha Nagar to submit a factual and action taken report in respect of wetlands/ water bodies, list whereof has been given in OA, as stated above. State PCB shall be the nodal authority for coordination and compliance. The report shall be submitted 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.

List for further consideration on 04.07.2022.

¹ (2017) 7 SCC 805

A copy of this order be forwarded to the CPCB, State PCB, UP State Wetland Authority and District Magistrate, Gautam Budh Nagar by e-mail compliance.

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

April 08, 2022
Original Application No. 177/2022
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