

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

Original Application No. 515/2023
(IA No 557/2024, IA No 556/2024,
IA No 458/2024, IA No 372/2024)

Ganga Pollution Applicant

Versus

State of UP & Ors. Respondent(s)

WITH

Original Application No. 516/2023

M/s Sundrop Colonizers Pvt. Ltd. Applicant

Versus

State of U.P. & Ors. Respondent(s)

WITH

Original Application No. 517 /2023

Gokul Chandra Sharma &Ors. Applicant(s)

Versus

State of U.P. & Ors. Respondent(s)

WITH

Original Application No. 518 /2023
(I.A. No. 06/2024)

Sri Math (Jagatguru Ramanand
Acharya Peeth) & Anr. Applicant(s)

Versus

State of UP & Anr. Respondent(s)

WITH

Original Application No. 519 /2023

Smt. Meena Mishra Applicant

Versus

State of U.P. Respondent

WITH

Original Application No. 520 /2023

Smt. Vimla Devi		Applicant
	Versus	
State of U.P.		Respondent
	WITH	
	Original Application No. 521 /2023	
Sarvamangla Adhyatma Yog Vidya Peeth		Applicant
	Versus	
Union of India & Ors.		Respondent(s)
	WITH	
	Original Application No. 522 /2023	
Shri Shri Guruji Tapasthali		Applicant
	Versus	
State of U.P. & Ors.		Respondent(s)
	WITH	
	Original Application No. 523 /2023	
Vinod Kumar Pandey		Applicant
	Versus	
State of U.P. & Ors.		Respondent(s)
	WITH	
	Original Application No. 524 /2023	
Ram Rekha Jaiswal		Applicant
	Versus	
State of U.P. & Ors.		Respondent(s)
	WITH	
	Original Application No. 525 /2023	
Pt. Ram Chandra Sharma		Applicant
	Versus	
State of U.P. & Ors.		Respondent(s)
	WITH	
	Original Application No. 526 /2023 (IA No. 288/2024)	
Ganga Sewa Abhiyan & Ors.		Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

WITH

Original Application No. 527 /2023
(IA No. 296/2024 & IA No. 297/2024)

Kautilya Society & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 11.02.2025

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

Applicant: Mr. Amit Upadhyay, Mr. Akash Singh, Mr. Rishikesh Kumar & Mr. Vaibhav Shukla, Advs. for Applicant in OA 515/2023

Respondents: Mr. Sanjay Upadhyay, Senior Advocate with Mr. Sumeer Sodhi & Mr. Raman Yadav, Advs. for R - 26 in OA 515/2023
Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat, Ms. Gargi Chaturvedi & Ms. Anjali Sharma, Advs. for the State of UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Vibhav Misha, Adv. for Prayagraj Development Authority (Through VC)
Mr. Vikrant Pachnanda, Adv. for MoEF & CC (Through VC)
Mr. Gigi. C. George, Adv. for NMCG & Harish Chandra Institute
Mr. Amit Tiwari & Mr. Chetanya Puri, Advs. for Varanasi Development Authority in OA 527/2023
Mr. Atif Suhrawardy, Adv. for CPCB in OA 515 & 526/2023
Mr. Kunal Singh, Adv. for R - 11 (Through VC)
Mr. Ajay Kumar Singh, Mr. Rohit A. Sthalekar, Mr. Ashish Choudhury & Mr. Abhishek Arora, Advs. for R - 6 to 8 in OA 527/2023
Mr. Rajneesh Sharma, Mr. Akbar Siddique, Mr. Parv. K. Garg, Mr. Mohd. Osama & Mr. Mohammad Farman Ashraf, Advs in I.A No. 296-297/2024

ORDER

1. In these original applications at this stage, the Tribunal is considering the issue of defining the flood plain zone of river Ganga and its tributaries in the State of UP and the action taken by the authorities for protecting the flood plain zone.

2. Earlier, the Principal Secretary, Irrigation Department, State of UP had made a submission before the Tribunal that authorities would approach the Survey of India to obtain the map of the relevant stretch

with 1-meter contour interval and explore the possibility of demarcation of flood plain.

3. The affidavit dated 08.02.2025 has been filed on behalf of the Chief Engineer, Irrigation and Water Resources Department vaguely stating that the data has been collected from the Survey of India, but no map or other details received from Survey of India with 1-meter contour interval for demarcation of the flood plain zone of river Ganga in State of UP has been placed on record.

4. Learned Counsel for the State of UP has placed reliance upon the report of the National Institute of Hydrology titled “Flood Plain Zone (FPZ) delineation of Ganga River from Unnao to Balia”. Counsel for the State of UP has sought adjournment to place on record the map with 1-meter contour interval and other details received from Survey of India for demarcation of flood plain zone with 100 years highest flood return level in terms of Clause 3(l) of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016. Prayer is allowed. Let the same be filed within four weeks.

5. The reply of Respondents in IA Nos. 556/2024, 557/2024, 458/2024 in OA No. 515/2023 and IA Nos. 296/2024 and 297/2024 in OA No. 527/2023 is awaited. Let the same be filed by the respondents within four weeks.

IA No. 372/2024

6. This IA has been filed by the respondent no. 26, Omaxe Pancham Realcon Pvt. Ltd. seeking permission to continue with the construction of the project.

7. Short submission of counsel for the applicant is that the project/construction is situated 800 meters away from the river and it is not covered by the interim order passed by the High Court. A further submission has been made that the area of the project has been reduced and the applicant be allowed to proceed with the construction at its own cost.

8. The stand of the State is that a fresh report in this regard be called from the State Authorities and that against the order of the High Court dated 22.04.2011, the Special Leave Petition was preferred by the State but was withdrawn.

9. Having heard learned counsel for the parties and perusal of records, it is noticed that the Division Bench of the Allahabad High Court in Public Interest Litigation (PIL) No. 4003/2006, by order dated 22.04.2011 had directed that no construction shall be undertaken by the Allahabad Development Authority or by any private builder within 500 meters of the highest flood level of river Ganges in city of Allahabad as well as part of river Yamuna adjoining the river Ganges, i.e., Sangam. The Allahabad Development Authority and district administration were directed by the Division Bench of the High Court to ensure that no construction is made in that area.

10. Hence, it is clear that if any construction is made by the project proponent in violation of the order of the High Court dated 22.04.2011, it is liable to be demolished. Even otherwise no construction in violation of the River Ganga (Rejuvenation, Protection and Management) Authorities order, 2016 cannot be allowed to be permitted.

11. Since, in this IA an issue has been raised by the applicant that the construction, in question, is beyond the prohibited limit, we deem it

proper to hear the counsel for the parties on the issue of appointment of an independent agency to ascertain the distance of the project/construction in question from the relevant point.

12. List on 23.04.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 11, 2025
Original Application No. 515/2023
(IA No 557/2024, IA No 556/2024,
IA No 458/2024, IA No 372/2024)
and connected matters
dv