

Item No. 04

Count No. 1

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

Original Application No. 177/2022
(IA No 263/2022)

Abhist Kusum Gupta

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 19.03.2025

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

Applicant: Mr. Sunil J. Mathews & Ms. Yashika Singh, Advs. for Applicant (Through VC)

Respondent: Ms. Garima Prasadh, AAG with Ms. Priyanka Swami, Adv. for DM, Gautam Budh Nagar
Mr. Ravindra Kumar, Senior Advocate with Mr. Shivam Saxena, Advs. for R - 9 (Through VC)
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB
Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat & Ms. Gargi Chaturvedi, Advs. for DFO, Noida (Through VC)
Mr. Amar Gupta & Mr. Pranav Tanwar, Advs. for R - 10
Mr. Abdhesh Chaudhary & Mr. Swatej Jetta, Advs. for Noida Authority

ORDER

1. In this original application, the Tribunal is considering the issue of preservation, rejuvenation and maintenance of ponds, wetlands and other water bodies in District Gautam Buddha Nagar, Uttar Pradesh.
2. In pursuance to the previous direction, the report dated 17.03.2025 has been filed by the District Magistrate, Gautam Buddha Nagar disclosing the status of 1018 water bodies in three Tehsils of District Gautam Buddha Nagar. The report discloses the number of water bodies that are falling in each of the three Tehsil and the number of water bodies that have been encroached upon. The details so disclosed in the report are as under:

“TEHSIL SADAR

3. That in compliance with the NGT's directives, a thorough survey identified **245 ponds** within Tehsil Sadar. Of these, **48 ponds (approximately 20%)** are encroached upon through unauthorized activities, including illegal road construction, establishment of religious structures, community centers, private dwellings, and boundary walls. The administration has initiated a total of **353 legal actions under Section 67 of the U.P. Revenue Code, 2006** to reclaim encroached ponds. Eviction and demolition orders have been issued and executed systematically, especially targeting structures such as permanent houses, temples, and commercial establishments. Despite these rigorous measures, some encroachment cases remain sub judice in Revenue Courts and before the Hon'ble High Court of Allahabad.

4. That a detailed and comprehensive record of all ponds-including their unique Gata Numbers, total land area ('Rakwa'), precise geotagging coordinates, the nature and specifics of encroachments, and current status of legal proceedings and actions-has been meticulously prepared and is annexed herein as **Annexure-1**.

5. That the restoration initiatives undertaken include extensive desilting, fencing, groundwater recharge measures, and afforestation along pond boundaries. Public awareness campaigns have been intensified to educate the community about ecological and legal repercussions of encroachment. Quarterly monitoring inspections are being conducted by designated officers to ensure long-term compliance.

TEHSIL DADRI

6. That in Tehsil Dadri, a comprehensive administrative survey identified a total of **480 ponds**, of which **453 have been successfully restored, while 27 ponds remain encroached**. The encroachments include unauthorized residential constructions, illegal religious structures, unauthorized commercial establishments, boundary walls, and illegal roads. These encroachments have substantially impacted the ecological functions of the ponds, reducing their capacity for groundwater recharge, harming local biodiversity, and impeding natural flood mitigation.

7. That the legal proceedings have been robustly pursued under **Section 67 of the Uttar Pradesh Revenue Code, 2006 and Section 122B of the U.P. Zamindari Abolition and Land Reforms Act, 1950**. Eviction and demolition notices have been effectively executed in most cases. However, several long-standing encroachments exceeding **30 years** persist, particularly in villages like **Rithori, Kailashpur, Ghodi Beheda, Karanvas, and Pali**. These areas primarily exhibit extensive residential and religious structure encroachments and unauthorized public roads and railway expansions, necessitating phased enforcement strategies and detailed legal scrutiny.

8. That a Special Legal Cell has been established to expedite legal procedures and ensure swift action. Drone imaging and satellite monitoring technologies are actively utilized to prevent re-

encroachments. The detailed documentation of ponds, pending litigation, administrative measures, and current status is compiled in **Annexure-2**.

9. That the restoration measures have been accelerated through desilting, secure fencing, afforestation, and comprehensive groundwater recharge initiatives, funded jointly by Gram Panchayat, Development Authorities, and the Greater Noida Development Authority.

TEHSIL JEWAR

10. The Tehsil Jewar administration conducted a thorough survey, documenting a total of **293 ponds**, of which **264 have been successfully restored** while **29 ponds remain encroached**. These encroachments involve significant agricultural expansions, unauthorized residential areas, religious structures, and infrastructure developments. The impact of these encroachments includes significant disruptions in natural drainage, reduction of groundwater recharge capacity, and severe adverse effects on local biodiversity.

11. The legal proceedings have been initiated rigorously under **Section 67 of the Uttar Pradesh Revenue Code, 2006, and Section 122B of the U.P. Zamindari Abolition and Land Reforms Act, 1950**. Several eviction and demolition operations have successfully reclaimed substantial pond areas, though certain complex cases continue to remain under judicial consideration, delaying full execution.

12. That the villages notably affected include **Bhunnata, Maya, Aliyabad, Mangroli, Neemka Shahjahanpur, and Dhanauri**, where extensive agricultural activities, unauthorized religious constructions, and unauthorized residential structures significantly hinder restoration efforts.

13. That a dedicated task force comprising Revenue Officials, Police Authorities, and Yamuna Expressway Industrial Development Authority (YEIDA) has been formed to ensure rigorous enforcement. As of now, numerous eviction operations have successfully reclaimed **5.8 hectares** of encroached land. Drone surveys and satellite imaging are regularly employed to monitor restoration progress and prevent re-encroachment. The complete and detailed documentation of all ponds, including their geolocations, encroachment nature, legal statuses, and detailed administrative actions taken, is provided in **Annexure-3**.

14. That the significant restoration efforts involving systematic desilting, afforestation, fencing, and groundwater recharge measures have been initiated, backed by public education and environmental awareness campaigns to foster local compliance.”

3. The above report also mentions the steps being taken for the removal of encroachment and restoration of the water body. Along with

the report, the District Magistrate, Gautam Buddha Nagar has enclosed the tabulated information disclosing the Gata Number, area (Rakwa), longitude, latitude and encroachment on that water body. It is not clear from the report as to on what basis the area of the water body has been determined. The area is required to be ascertained based on the old revenue record. It has been suggested that the area of the water body should be ascertained based on the 1359 Fasli record.

4. Hence, the District Magistrate, Gautam Buddha Nagar is directed to ascertain the original area (Rakwa) of the water bodies on the basis of 1359 Fasli and then find out the encroachment. The next report will disclose details of original area of the water body on this basis and also the progress which has been made for clearing the encroachment from the water bodies. Let the same be filed atleast one week before the next date of hearing.

5. Learned Counsel appearing for Respondent No. 10 also seeks an opportunity to file a fresh updated report. The prayer is allowed.

6. Respondent No. 9, Greater Noida Industrial Development Authority has also filed the report dated 17.03.2025 disclosing the progress that has been made in respect of removal of encroachment from the ponds falling within its jurisdiction. Respondent No. 9 is directed to file a further progress report.

7. Learned Counsel appearing for Respondent - NOIDA Authority has also stated that progress report will be filed as directed.

8. Let these reports be filed by the authorities atleast one week before the next date of hearing.

9. List on 17.07.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

March 19, 2025
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