

Item No. 03

Court No. 1

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

Original Application No. 177/2022
(I.A. No. 263/2022)

Abhist Kusum Gupta

Applicant

Versus

State of UP & Ors.

Respondent(s)

Date of hearing: 26.11.2024

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

Applicant: Mr. Sunil J. Mathews, Adv. for Applicant (Through VC)

Respondents: Ms. Garima Prasadh, AAG with Ms. Priyanka Swami, Advs. for the State of Uttar Pradesh
Mr. Ravindra Kumar, Senior Advocate with Mr. Shivam Saxena, Advs. for R - 9 (Through VC)
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat & Ms. Gargi Chaturvedi, Advs. for DFO, Gautam Budh Nagar
Mr. Amar Gupta & Mr. Mohit Sharma, Advs. for R - 10
Mr. Abdhesh Chaudhary & Mr. Nishi Kant Singh, Advs. for Noida Authority

ORDER

1. In this original application, issue of preservation, rejuvenation and maintenance of ponds, wetlands and other water bodies in District Gautam Budh Nagar, Uttar Pradesh is involved.
2. District Magistrate, Gautam Budh Nagar has filed status report dated 23.11.2024 disclosing that there are three tehsils namely Sadar, Dadri and Jewar in District Gautam Budh Nagar.
3. Learned Additional Advocate General (AAG), UP has stated that there is no other tehsil in District Gautam Budh Nagar.

4. As per the disclosure made in the report there are 1,018 ponds in District Gautam Budh Nagar spread over the three tehsils, detils of which are as under:-

“

TEHSIL	NUMBER OF PONDS
<i>Sadar</i>	245
<i>Dadari</i>	480
<i>Jewar</i>	293
Total	1018

”

5. Tehsil-wise information relating to number of encroachment which have been removed and the area which has been regained is disclosed as under:-

“ Tehsil Sadar:

5. *In Tehsil Sadar; the administration has successfully removed encroachment from six ponds, resulting in the reclamation of 1.1335 hectares of land. Lega proceedings under Section 67 have been instrumental in this process. A tot of 353 cases were initiated under this section, and diligent legal work led the resolution of all these cases. Eviction orders were executed in eight instances, leading to the recovery of 0.1630 hectares. The data pertaining Tehsil Sadar is summarized in the following table:*

Details	Tehsil Sadar
<i>Ponds Freed from Encroachment (Number)</i>	6
<i>Area Freed from Encroachment (Hectares)</i>	1.1335
<i>Cases Resolved under Section 67</i>	353

(Number)	
Eviction Executed (Number of Cases)	8
Area Recovered through Eviction (Hectares)	0.1630

6. *The successful removal of encroachments in Tehsil Sadar reflects administration's commitment to restoring these vital water bodies. The cases resolved under Section 67 demonstrate the efficacy of legal mechanism addressing such issues.*

Tehsil Dadri:

7. *In Tehsil Dadri, which has the highest number of ponds, significant prog has been achieved. Encroachments have been removed from 21 ponds, leading to the reclamation of 7.8534 hectares. Legal action under Section 67 resulted in the resolution of 254 cases. Eviction orders were successfully executed in all 254 cases, resulting in the recovery of 3.8450 hectares. The details are presented below:*

Details	Tehsil Dadri
Ponds Freed from Encroachment (Number)	21
Area Freed from Encroachment (Hectares)	7.8534
Cases Resolved under Section 67 (Number)	254
Eviction Executed (Number of Cases)	254
Area Recovered through Eviction (Hectares)	3.8450

8. *The comprehensive efforts in Tehsil Dadri showcase the administration's dedication to enforcing legal provisions and restoring encroached lands. The complete execution of eviction orders in all resolved cases is particularly noteworthy.*

Tehsil Jewar:

9. *In Tehsil Jewar, the administration has removed encroachments from four ponds, resulting in the recovery of 0.0719 hectares. A total of 168 cases under Section 67 were resolved. While no eviction orders were required to be executed in this tehsil, the resolution of legal cases facilitated the restoration of the ponds. The data is as follows:*

Details	Tehsil Jewar
<i>Ponds Freed from Encroachment (Number)</i>	4
<i>Area Freed from Encroachment (Hectares)</i>	0.0719
<i>Cases Resolved under Section 67 (Number)</i>	168
<i>Eviction Executed (Number of Cases)</i>	-
<i>Area Recovered through Eviction (Hectares)</i>	-

The prompt resolution of cases in Tehsil Jewar indicates effective legal proceedings and cooperation from involved parties.

6. Consolidated provision relating to the eviction of encroachers from ponds in three tehsils of District Gautam Budh Nagar and the area recovered is disclosed as under:-

“ 10. A consolidated summary of the actions taken across all tehsils is presented below:

Tehsil	Ponds Freed (No.)	Area Freed (Hectares)	Cases Resolved (Sec.67)	Eviction Executed (No. of Cases)	Area Recovered through Eviction (Hectares)
<i>Sadar</i>	6	1.1335	353	8	0.1630
<i>Dadri</i>	21	7.8534	254	254	3.8450
<i>Jewar</i>	4	0.0719	168	-	-
<i>Total</i>	31	9.0588	775	262	4.0080

From the table above, it is evident that a total 31 ponds have been freed from encroachments across the district, with a combined area of

9.0599 hectares reclaimed. The administration has resolved 775 cases under Section 67, and eviction orders have been executed in 262 cases, resulting in the recovery of 4.0080 hectares.”

7. Details of encroachments which are still existing and the area encroached upon on 1018 water bodies is disclosed in the report as follows:-

“ Tehsil Sadar

12. In Tehsil Sadar, 48 ponds remain encroached upon, covering an area of 16.3697 hectares. These ponds continue to be a focus of the administration's efforts. While no cases are currently pending under Section 67 in this tehsil, the administration is exploring alternative legal and administrative measures to address these encroachments.

Tehsil Dadri:

13. In Tehsil Dadri, 39 ponds are still under encroachment, with a total area of 9.2530 hectares affected. There are 29 cases pending adjudication under Section 67. The administration is actively pursuing these cases, with efforts to expedite legal proceedings and ensure timely resolution.

Tehsil Jewar:

14. In Tehsil Jewar, 29 ponds remain encroached upon, covering an area of 2.8163 hectares. Although there are no pending cases under Section 67 in this tehsil, the administration is taking necessary steps to address the encroachments through legal and administrative channels.”

8. The report also states the measures that have been taken to clear the encroachment.

9. In order to ascertain current status and further details of the encroachments that have been removed and existing condition of the wetlands in the district, we direct the District Magistrate, Gautam Budh Nagar to file a fresh report disclosing the names and details along with geo-coordinate of each of 1018 wetlands existing in three tehsils of District Gautam Budh Nagar, encroachments which were existing on

those wetlands, encroachments which have been removed from the wetlands, area which has been regained, area of the wetland as per the revenue record, area which remains to be regained after removing the encroachment. While preparing the said chart, District Magistrate Gautam Budh Nagar will also take into account the wetlands that are disclosed in the wetland Atlas, which are not included in the list of 1018 and which are found to be non-existent. The report will also disclose the extent of the area of the wetland, which is filled with water sources of any waste discharges and the water quality. District Magistrate, Gautam Budh Nagar will also collect the information relating to the meetings of the District Wetland Authority held at regular intervals, reports, if any, prepared in those meetings and uploaded on the website.

10. Let the fresh report by District Magistrate, Gautam Budh Nagar keeping in view the observations made above be filed within a period of eight weeks.

11. List on 19.03.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

November 26, 2024
Original Application No. 177/2022
(I.A. No. 263/2022)
JG..