

Item No. 12

Court No. 1

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

Original Application No. 641/2023
(IA No. 273/2024)

Suman Chauhan & Ors.

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 09.05.2025

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

Applicant: Mr. Manoj Singh, Applicant No. 2 in person

Respondent: Mr. Ravindra Kumar, Senior Advocate with Mr. Shivam Saxena, Advs.
for R - 6 (Through VC)
Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat, Ms.
Anjali Sharma & Ms. Gargi Chaturvedi, Advs. for the State of UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for IFCD, Govt. of
NCT of Delhi (Through VC)
Mr. Ajay Vikram Singh, Adv. for DJB
Mr. Rahul Khurana, Advocate of R-5
Mr. Satyender Chahar, Adv. for R - 8

ORDER

1. Tribunal by order dated 21.05.2024 had constituted a joint committee and had directed the joint committee to visit the site, ascertain the nature and extent of construction (permanent, temporary and area with full details of construction) of each of the applicants, if due permission from the competent authority was taken to raise such construction and submit the report.
2. Report of the joint committee has been filed as annexure A-4 along reply affidavit of the District Magistrate, Gautam Budh Nagar dated 01.03.2025.

3. Said report reveals that some of the constructions are without permission, some are permanent in nature and in that report nature of constructions have been disclosed and many of the constructions are without permission.

4. Applicant submits that on the same issue concerning raising unauthorized construction on the flood plain of river Yamuna, writ petitions at the instance of the applicants are pending before the High Court of Allahabad.

5. I.A. No.273/2024 has been filed by the applicant disclosing the details of the pending writ petitions as under:-

“3. The applicants want to submit that various issues including the issue of legality of the construction by the applicants & other land owners on their lands in the area is subjudice in the Hon'ble High Court at Allahabad in the bunch of connected petitions WRIC/13936/2023, WRIC/14752/2023, WRIC/18162/2024, WRIC/18194/2024, WRIC/18196/2024, WRIC/18241/2023, WRIC/18464/203, WRIC/18496/2023, WRIC/18544/2023, WRIC/18584/2023, WRIC/20367/2023, WRIC/20487/2023, WRIC/20489/2023, WRIC/20490/2023, WRIC/22864/2023, WRIC/23221/2022, WRIC/23727/2023, WRIC/25541/2023, WRIC/35523/2023, WRIC/40220/2023, WRIC/40383/2023, WRIC/43423/2023, WRIC/44474/2023, WRIC/5511/2024, WRIC/7371/2024, WRIC/8983/2023 with WRIC/28957/2023-Ratna Mitra VS New Okhla Industrial development Authority and others The issue is being considered on the grounds:

a. Whether these constructions are temporary?

b. Whether these constructions come under the control of the concerned development Authority?

c. Whether these constructions need prior approval from the concerned development authority?

d. Whether the issue of legality of these constructions has been settled by Allahabad High Court in the past in the favor of land owners and there operates Res Judicata?

e. Whether these constructions were carried out after approval from Irrigation department and Jila Panchayat?

f. Whether these constructions were not found illegal by the state in the past?”

6. Though, inspite of the opportunity, reply to this application has not been filed by the State and concerned respondents.

7. Response of the petitioner no.2 to the report of the joint committee has been filed on 07.05.2025 along with the said reply public notice of demolition has been enclosed as annexure-6 and a copy of the counter affidavit filed by the NOIDA, Gautam Budh Nagar in miscellaneous Civil Writ Petition No. 10021/2023 has been placed on record.

8. Applicant present in person submits that this is the main petition and other petitions mentioned in paragraph 3 of the application for withdrawal have been connected with this petition. Referring to the counter affidavit on page no. 74 he has submitted that same issue is involved in these petitions. He submits that issue of raising unauthorized construction on the flood plain of river Yamuna is involved in these writ petitions which is pending consideration before High Court of Allahabad.

9. Learned Counsel appearing for the respondents/ State authorities seek four weeks' time to verify this fact.

10. Lis on 03.09.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

May 09, 2025
Original Application No. 641/2023
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JG..