

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

Original Application No. 641/2023

Suman Chauhan & Ors.

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 17.10.2023

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

Applicant(s): Mr. Manoj Singh, Mr. Abhay Gupta, Mr. Amitab Dev & Mr. Sumit Kumar,
Applicants in Person

ORDER

1. The grievance raised in this Original Application by the applicants, the residents of village Dostpur Mangrauli and other adjacent villages Noida, District Gautam Budh Nagar, is that the respondent authorities have failed to take preventive measures for controlling the entry of flood water of Yamuna in their properties. It is alleged that during the flood in Yamuna on 12th-15th July, 2023, the polluted water of Yamuna mixed with sewage, hazardous chemical effluents, stinking sludge, silts and polybags had entered the village and residential houses of the applicant and has caused damage to their properties and goods. It is also the allegation that the respondent authorities have failed to remove the sludge, dry silt etc. after flood water had receded which resulted into dust pollution and has created health hazards. The properties of the applicant are stated to be located in village Doshpur Mangrauli Khadar, Chak Mangrola, Assadullapur, Chaprauli Khadar, Nangli Nangla, Nagli Bahrapur and Kidawali in Noida, District Gautam Budh Nagar.

2. It is also the allegation of the applicant that entry of flood water of Yamuna in the above villages was not a natural calamity but was a man-made disaster which was the result of the shrinkage of the river channel due to deposit of silt etc., faulty flood control regulation and not raising the bund between the villages and river Yamuna. In this backgrounds, the applicants have prayed for compensation on the principle of 'No Fault Liability' and have placed reliance on the order dated 19.08.2016 passed in O.A. No. 03/2014 wherein in somewhat similar circumstances, compensation was awarded for the damage caused during the floods in Srinagar, Uttarakhand.

3. The original application reveals that a substantial issue relating to environment is involved, hence, we deem it proper to issue notice to the respondents. Applicants are directed to serve the respondents and file affidavit of service on the next date of hearing.

4. Praying for the immediate relief, applicant has submitted that after receding the flood water, there is sludge lying on the spot and dust is causing pollution and health hazards. Respondent no. 9, District Magistrate, Gautam Budh Nagar is directed to consider the above grievance of the applicant without any delay and take appropriate remedial measures.

5. List this matter on 09.01.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 17, 2023
Original Application No. 641/2023
SN