

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

Original Application No. 641/2023

Suman Chauhan & Ors.

Applicant(s)

Versus

Government of Uttar Pradesh& Ors.

Respondent(s)

Date of hearing: 21.05.2024

**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. Abhay, Mr. Amitab & Mr. Sumit, Applicants in Person

Respondent: Mr. Ravindra Kumar, Senior Advocate with Mr. Shivam Saxena, Adv. for R - 6
Mr. Bhanwar Pal Singh Jadon, Mr. Souresh Nagar & Mr. Shivam Singh, Adv. for the State of UP
Ms. Jyoti Mendiratta, Adv. for Govt. of NCT of Delhi (Through VC)
Mr. Ajay Vikram Singh, Adv. for R - 2
Mr. Rahul Khurana, Adv. for R - 5
Mr. N.K. Kantawala & Mr. Satyender Chahar, Adv. for R - 8

ORDER

1. This original application, plea of the applicants is that their properties are situated in different villages in NOIDA, District Gautam Budh Nagar, Uttar Pradesh and that during the floods in Yamuna river between 12th -15th July, 2023, polluted water of river Yamuna mixed with sewage, hazardous chemical effluents, stinking sludge etc entered in the village and in their houses causing loss to them. According to the applicants, it was not a natural calamity but it was a man-made disaster. Therefore, in the original application, applicants have claimed the damages for loss of properties, agricultural and horticultural products etc.

2. On 11.03.2024, Tribunal had noted the plea of Counsel for the State that applicants are not the villagers but they are the farmhouse owners which have been illegally constructed on the flood plain area of river Yamuna. Hence, Tribunal on 11.03.2024 had directed the Counsel for the State to file the details of the properties of all the 50 applicants and had also permitted the applicants to disclose the full particulars of their properties including the land area under their ownership, extent of construction raised thereon, nature of construction and sanction from the competent authority to raise such construction.

3. Reply on behalf of District Magistrate, Gautam Budh Nagar dated 18.05.2024 has been filed giving the full particulars of the applicants and details of the properties in a chart form which reveals that these properties are mainly farmhouses. Photographs are also enclosed along with the report to show that nature of construction is permanent.

4. Applicants have also filed response in terms of the order of the Tribunal wherein it is not disputed that the applicants are owners of the farm lands, though, a plea has been taken that the nature of their construction is not permanent but nothing has been enclosed along with the response to substantiate the same.

5. Since the plea of the respondents is that construction is exiting on the flood plain area, therefore, to ascertain the correct position about the nature of construction, we form a joint committee comprising of the following:-

- (i) Representative of Member Secretary, CPCB;
- (ii) Representative of Chief Engineer, CPWD;
- (iii) Representative of CEO, NOIDA;
- (iv) District Magistrate, Gautam Budh Nagar

District Magistrate, Gautam Budh Nagar will act as nodal agency for compliance and coordination.

6. The committee will visit the site and 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 has been taken to raise such construction and submit the report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

7. A copy of this order be forwarded to the members of the Committee by email for compliance.

8. It has been pointed out that issue of demarcation of flood plain zone in the area concerned is under consideration before the Tribunal in OA No. 275/2023. Hence, we direct this original application is to be listed along with OA No.275/2023 on 07.08.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 21, 2024
Original Application No. 641/2023
JG.