

Item No.06

Court No.02

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

Original Application No.595/2022
(I.A. No. 4/2024, I.A. No.7/2024)

Sarita Singh

Applicant(s)

Versus

State of U.P.

Respondent(s)

Date of hearing: 16.07.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for applicant
Ms. Deep Shikha Bharati and Mr. Vaibhav Tripathi,
Advocates for applicant in I.A. No. 07 of 2024.

Respondent: Mr. Bhanwar Pal Singh Jadon, Mr. Aditya Kumar and Ms.
Apoorva Singh, Advocates for respondents no. 1, 2 and 4
with Mr. Deepak Meena, DM Meerut.
Mr. Pradeep Misra, Advocate for respondent no. 3 (through
VC).
Mr. Ravindra Kumar Senior, Advocate (Amicus Curiae) with
Mr. Shivam Saxena and Mr. Vipin Kumar Saxena,
Advocates.

ORDER

1. Pursuant to order dated 09.07.2024, Shri Deepak Meena, District Magistrate, Meerut is present in person.

2. He has also submitted a Report dated 08.07.2024, it is evident and also admitted by District Magistrate that on last the date when the matter was taken up by this Tribunal on 09.07.2024, as a matter of fact, no reference was made to State Government proposing any rehabilitation

of the encroachers and that Report submitted by Sub Divisional Magistrate was clearly incorrect. It is also stated that a show cause notice has been issued to Sub Divisional Magistrate enquiring as to why he made false/wrong statement before this Tribunal.

3. Further, from record, we find that issue involve encroachment and damage of environment in respect to land of lake and wildlife sanctuary in area of Nangla Gusai Block Parikshitgarh, Tehsil Mawana, District Meerut. From the Report submitted by District Magistrate, it is evident that still encroachment on the area occupied by land in revenue record, is continuing. It is also not disputed before us that in respect to encroached land comprising lake, there is no scheme of State Government for rehabilitation and encroachment on lake area is per se illegal. With regard to other encroachment, it is submitted that rehabilitation proposal has been sent to State Government on 10.07.2024.

4. For the purpose of present case, we find that first of all, the area of lake which has been illegally encroached, should be cleared by taking appropriate steps by concerned authorities.

5. District Magistrate stated that appropriate action shall be taken within four weeks. Let him file an updated Status Report, after taking appropriate action for restoration of lake area as per revenue record within five weeks.

6. Ms. Deep Shikha Bharati, Advocate has put on appearance on behalf of persons who have encroached upon land and stated that issue of rehabilitation of such persons may be considered.

7. We find from record that for protection of rights of such persons, on 15.01.2024, this Tribunal has already passed order that no eviction of the persons who have encroached shall be passed without giving opportunity of hearing and without following prescribed procedure and without compliance the Rehabilitation Policy of State of UP.

8. Therefore, wherever such policy is available that has to be looked into and this protection has already been given by this Tribunal vide order dated 15.01.2024 but in respect of the area of lake, since there is no such Policy, obviously this protection cannot be provided/allowed.

9. List this matter for further consideration on 04.09.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

July 16, 2024
Original Application No.595/2024
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