

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

Original Application No. 417/2022
(IA NO 139/2025)

Niranjan Bagchi

Applicant

Versus

State of Uttarakhand & Ors.

Respondents

Date of hearing: 17.03.2025

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None for the applicant.

Respondents: Ms. Ruchira Gupta, DAG, Ms. Anjali Rajput and Ms. Pooja Tripathi, Advocates for Respondent No. 1, 2, 5 and 7.
Mr. Kaushal Gautam, Advocate for Respondent No. 3.
Mrs. Payal Bhatia Mohanty Proxy Counsel for Dr. Aman Rab Advocate for Respondent No. 4 (through VC).
Mr. Rahul Verma, Advocate for respondent no. 6.
Mr. Vinay Garg and Ms. Neetu Rawat, Advocates for Respondent no. 8.
Mr. Gi Gi C George, Advocate for respondent no. 9 and 10.

ORDER

1. In compliance with order dated 10.02.2025 passed by the Hon'ble Supreme Court in *Civil Appeal No. 1440 of 2025* titled as *State of Uttarakhand & Ors. Vs. Niranjan Bagchi & Ors.*, IA No. 139/2025 has been filed by Respondent No. 1- State of Uttarakhand through the Municipal Commissioner, Dehradun with the following prayers:-

“a. Modify/partially recall the directions issued by this Hon'ble Tribunal in paras 21 to 23 of the order dated 16.12.2024;

b. Permit the State Government to place the list of slums/encroachments/disputed structures on riverbed and active flood plain zone of river Rispana which have been found to have been in existence prior to the cut off date of 11.03.2016 for review before the National Mission for Clean Ganga (NMCG) and issuance of necessary directions thereof;

c. Pending the hearing of this Application, stay operation of the order dated 16.12.2024 after the expiry of period of three weeks protection granted by the Hon'ble Supreme Court vide order dated 10.02.2025 passed in Civil Appeal No. 1440/2025; and

d. Pass such further and necessary orders as this Hon'ble Tribunal may deem fit and necessary in the interest of justice.”

2. In para no. 7 of the abovesaid application, the applicant has submitted that out of 89 illegal encroachments 20 illegal encroachments are supported by valid proof of construction/residency prior to the cut-off date of 11.03.2016 and remaining 69 encroachments were removed. In para no. 8 of the abovesaid application the applicant has mentioned that out of 413 encroachments in villages Kathbangla, Veer Gabbar Singh Basti, Tarla Nangal, Chidowali, Kandoli, Dhakpatti and Happy Enclave on the banks of the Rispana River, 350 were found to have existed/have been completed prior to 11.03.2016 and remaining 66 constructions have been removed. However, copies of reports regarding 89 illegal encroachments submitted to the Commissioner Municipal Corporation, Dehradun and 413 encroachments submitted to the Vice-Chairman, Mussoorie Dehradun Development Authority have not been enclosed with the application.

3. Respondent no. 1 is directed to file affidavit alongwith copies of the above said reports alongwith supported documents which are essential for elucidation of factual aspects in order to determine the question of applicability of the second proviso to sub-clause 3 of clause 6 of the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016. Respondent no. 1 is also directed to file copies of all relevant documents enclosed with the report to show the details as to when, by

whom, on how much area and what kind of constructions were raised and what is the material in support of completion of the construction thereof before the cut-off date. In its affidavit respondent no. 1 shall also specifically mention as to whether in view of the Uttarakhand Flood Plain Zoning Act, 2012 raising of any construction is permissible on the bank of river/rivulet and whether the construction in question are permissible in view of the provisions of the above said Act.

4. Affidavit alongwith copies of the relevant document may be filed by Respondent no. 1- State of the Uttarakhand at least one week before the date of hearing fixed.

5. Vide order dated 13.02.2025, NMCG, GMA, SGC and DGC were impleaded as respondents no. 8 to 11 and were directed to file their replies/ responses at least two days before the date of hearing fixed.

6. It has been pointed out that in order dated 13.02.2025 the above said Authorities were ordered to be impleaded as Respondents no. 8 to 11 but Mussoorie Dehradun Development Authority had already been impleaded as Respondent no. 8 and therefore the above said Authorities ought to have been numbered as Respondents no. 9 to 12. The Registry has already numbered the above mentioned authorities as Respondents no. 9 to 12. Order dated 13.02.2025 is modified to the extent of impleading of above said authorities as Respondents no. 9 to 12.

7. Replies/responses have not been filed by Respondents no. 9 to 12. Respondents no. 9 to 12 are directed to file reply to IA No. 139/2025 filed by respondent no.1 and also to file their responses/replies with reference to the environmental questions involved in the case. In their replies/ responses, Respondents no. 9 to 12 shall specifically mention as to what

action was taken against the Officers/Departments/Authorities for non-compliance of the directions issued by Respondents no. 9 to 12.

8. List on 06.05.2025 for further consideration.

9. In the meanwhile, order dated 16.12.2024 passed by this Tribunal shall remain in abeyance and the question of modification/ recalling of the same will be considered on the date of hearing fixed.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 17th, 2025
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AB