

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

**Original Application No. 58/2015
(M.A. Nos. 186/2015, 400/2015 & 452/2015)**

Ramesh Chand Vs. U.O.I. & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant /Appellant : Ms. Remya, Adv.
Respondent No. 1 : Mr. Vikas Malhotra, Mr. MP Sahay, Advs.
Respondent No. 2 to 6 : Mr. Suryaharayana Singh, Sr. AAG.
Respondent No 7to10 : Mr. Aaditya Kr. Ms. Liza Baruah, Advs.**

Date and Remarks	Orders of the Tribunal																																																																					
Item No. 08 January 12, 2016	<p align="center">Heard. Perused Record.</p> <p>We have heard the parties at some length on the point of limitation after the material facts in Report of the Inspection Committee filed on 28-07-2015, in pursuance to the order dated 16-06-2015, passed in the present case at page nos. 628 and 629 were placed before us as under:</p> <table border="1" data-bbox="380 1241 1422 2424"> <thead> <tr> <th data-bbox="380 1241 542 1419">Khasra No.</th> <th data-bbox="542 1241 716 1419">Kind of Structure visible on Google imageries</th> <th colspan="4" data-bbox="716 1241 1289 1319">Date of Google earth imageries*</th> <th data-bbox="1289 1241 1422 1419">Structures existing as per Field verification done by the Committee</th> </tr> <tr> <td></td> <td></td> <td data-bbox="716 1419 857 1462">5/12/2002</td> <td data-bbox="857 1419 997 1462">29/5/2011</td> <td data-bbox="997 1419 1149 1462">29/3/2012</td> <td data-bbox="1149 1419 1289 1462">20/5/2013</td> <td data-bbox="1289 1419 1422 1462">13/7/2015</td> </tr> </thead> <tbody> <tr> <td data-bbox="380 1462 542 1618">6/1</td> <td data-bbox="542 1462 716 1618">Parking and road</td> <td data-bbox="716 1462 857 1618">Does not exist</td> <td data-bbox="857 1462 997 1618">Does not exist</td> <td data-bbox="997 1462 1149 1618">Not prominently visible</td> <td data-bbox="1149 1462 1289 1618">visible</td> <td data-bbox="1289 1462 1422 1618">Existing</td> </tr> <tr> <td data-bbox="380 1618 542 1822">8</td> <td data-bbox="542 1618 716 1822">Road</td> <td data-bbox="716 1618 857 1822">Does not exist</td> <td data-bbox="857 1618 997 1822">Trace is visible</td> <td data-bbox="997 1618 1149 1822">Path is visible</td> <td data-bbox="1149 1618 1289 1822">Path is visible</td> <td data-bbox="1289 1618 1422 1822">CC paver block road is existing</td> </tr> <tr> <td data-bbox="380 1822 542 2128">614/46</td> <td data-bbox="542 1822 716 1967">House building</td> <td data-bbox="716 1822 857 1967">Exiting</td> <td data-bbox="857 1822 997 1967">Exiting</td> <td data-bbox="997 1822 1149 1967">Exiting</td> <td data-bbox="1149 1822 1289 1967">Exiting</td> <td data-bbox="1289 1822 1422 1967">Exiting</td> </tr> <tr> <td></td> <td data-bbox="542 1967 716 2021">Temple</td> <td data-bbox="716 1967 857 2021">Exiting</td> <td data-bbox="857 1967 997 2021">Exiting</td> <td data-bbox="997 1967 1149 2021">Exiting</td> <td data-bbox="1149 1967 1289 2021">Exiting</td> <td data-bbox="1289 1967 1422 2021">Exiting</td> </tr> <tr> <td></td> <td data-bbox="542 2021 716 2128">Swimming pool</td> <td data-bbox="716 2021 857 2128">Does not exist</td> <td data-bbox="857 2021 997 2128">Exiting</td> <td data-bbox="997 2021 1149 2128">Exiting</td> <td data-bbox="1149 2021 1289 2128">Exiting</td> <td data-bbox="1289 2021 1422 2128">Exiting</td> </tr> <tr> <td data-bbox="380 2128 542 2333">1273/723/9</td> <td data-bbox="542 2128 716 2333">Road/Passage</td> <td data-bbox="716 2128 857 2333">Does not exist</td> <td data-bbox="857 2128 997 2333">Trace is visible</td> <td data-bbox="997 2128 1149 2333">Path is visible</td> <td data-bbox="1149 2128 1289 2333">Path is visible</td> <td data-bbox="1289 2128 1422 2333">CC paver block road is existing</td> </tr> <tr> <td data-bbox="380 2333 542 2424">1</td> <td data-bbox="542 2333 716 2424">none</td> <td data-bbox="716 2333 857 2424">none</td> <td data-bbox="857 2333 997 2424">none</td> <td data-bbox="997 2333 1149 2424">none</td> <td data-bbox="1149 2333 1289 2424">none</td> <td data-bbox="1289 2333 1422 2424">none</td> </tr> </tbody> </table>							Khasra No.	Kind of Structure visible on Google imageries	Date of Google earth imageries*				Structures existing as per Field verification done by the Committee			5/12/2002	29/5/2011	29/3/2012	20/5/2013	13/7/2015	6/1	Parking and road	Does not exist	Does not exist	Not prominently visible	visible	Existing	8	Road	Does not exist	Trace is visible	Path is visible	Path is visible	CC paver block road is existing	614/46	House building	Exiting	Exiting	Exiting	Exiting	Exiting		Temple	Exiting	Exiting	Exiting	Exiting	Exiting		Swimming pool	Does not exist	Exiting	Exiting	Exiting	Exiting	1273/723/9	Road/Passage	Does not exist	Trace is visible	Path is visible	Path is visible	CC paver block road is existing	1	none	none	none	none	none	none
Khasra No.	Kind of Structure visible on Google imageries	Date of Google earth imageries*				Structures existing as per Field verification done by the Committee																																																																
		5/12/2002	29/5/2011	29/3/2012	20/5/2013	13/7/2015																																																																
6/1	Parking and road	Does not exist	Does not exist	Not prominently visible	visible	Existing																																																																
8	Road	Does not exist	Trace is visible	Path is visible	Path is visible	CC paver block road is existing																																																																
614/46	House building	Exiting	Exiting	Exiting	Exiting	Exiting																																																																
	Temple	Exiting	Exiting	Exiting	Exiting	Exiting																																																																
	Swimming pool	Does not exist	Exiting	Exiting	Exiting	Exiting																																																																
1273/723/9	Road/Passage	Does not exist	Trace is visible	Path is visible	Path is visible	CC paver block road is existing																																																																
1	none	none	none	none	none	none																																																																

It is obvious that structures, parking place and road were constructed sometime in 2012 and 2013 in river bed. Learned Counsel appearing on behalf of the Respondent Nos. 8 to 11 (M/s Salani Resorts and 3 others) makes a statement on instructions that these structures standing at Khasra No. 6/1 (Gair Mumkin River) and Khasra No. 8(Gair Mumkin Burg) of Village Sainwala, Tehsil Nahan, District Sirmour shall be removed and area restored within two months from today. The Respondent Nos. 8 to 11 further undertake that they shall abide by the demarcation of flood plain of River Salani and remove all such structures standing on the Flood Plain of River Salani as demarcated finally. According to him the structures standing at Khasra Nos. 6/1 and 8 are not standing on flood plain, yet the same shall be removed as stated herein above in order to restore such area of river bed within the given time frame. The Respondent Nos. 8 to 11 undertakes that he shall not carry out any construction at Khasra Nos. 6/1 and 8 of Village Sainwala after its restoration till demarcation of food plain is completed.

In view of these submissions made on behalf of the Respondent Nos. 8 to 11, the applicant seeks liberty to withdraw the present application. Liberty is granted. The Original Application NO. 58 of 2015 thus stands disposed of with no order as to costs.

M. A. No. 186 of 2015, M. A. No. 400 of 2015 & M. A. NO. 452 of 2015 do not survive for consideration as the main application itself stands disposed of.

.....,JM
(U.D. Salvi)

.....,EM
(Ranjan Chatterjee)