

Item No. 05

Court No. 1

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

Original Application No. 329/2024
(I.A. No. 128/2024)

Rajendra Tyagi

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 02.04.2024

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

Applicant: Mr. Akash Vashishtha, Adv.

ORDER

1. In this original application, Applicant has raised a grievance that unauthorized and illegal construction of houses, shops and other commercial establishments on large scale is in progress in Greater Noida and Noida in violation of environmental norm. Since many of these illegal constructions are being done with top soil, the act is causing large scale illegal mining of top soil in and around the villages, resulting in deep, catastrophic pits which is giving rise to a vicious cycle. It is the allegation of the Applicant that these constructions are being done without obtaining mandatory Consent to Establish and Operate under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 from the Uttar Pradesh Pollution Control Board (UPPCB). It is also alleged that these illegal constructions/colonies are being developed without having any sewerage network in place and without having Consent to Establish and Operate under the Air (Prevention and Control of Pollution) Act, 1981 and without NOC to draw water from tubewells. In the OA, Applicant had

given the details of places where such constructions are in progress as under:

- “xxxxxx.....xxx
3. *That several dozen private unscrupulous, fly-by-night builders, property dealers and land mafia are illegally plotting, developing unauthorized and illegal colonies/townships/villas/shops and constructing apartments/flats on a massive scale in several villages of Greater Noida, including, but not limited to Sadullapur, Accheja, Dhoom Manikpur, Jaan Samana, Roja Jalalpur, Roja Yakubpur, Khairpur Gurjar, Vaidpura, Saini, Sunpura, KheriBhanauta, Milak Lacchi, Patwadi, Bisrakh, Khera Dharampura, Chhapraula, Dujana, Chitehera, Khera-Dharampura, Chipyana, Jalpura, Kulesra, Roja Yakubpur, Shahberi, Itehera, Haibatpur, Habeebpur, Satyana, Khera Chauganpur, Girdharpur, Deri Skanar, Deri Maccha, Badalpur, Bambawad, Mahawad, Surajpur, Dewla, Roopvaas, Shyorajpur, Makoda, Tilapta, Ropvaas, Bodaki, Bil-Akbarpur, Ghorī Bacchera, Deri Maccha, Khodna Kurd, Aamka, Lakhnaavli, Birondi, Bironda, Dhadha, Daabra, Ajayabpur and Dadri villages of Greater Noida. The lands on which such illegal and unauthorized constructions are being carried out are highly fertile arable farmlands, on which agriculture/farming has been traditionally practiced by the locals. More than 20000 ha of land is usurped by private builders/colonizers/real estate agents/property dealers for carrying out illegal and unauthorized constructions, in Greater Noida alone.*

(Geo-tagged photographs showing the expanse and extent of illegal and unauthorized constructions carried out in villages of Greater Noida and Noida are annexed herewith and marked as ANNEXURE A-1)

4. *That M/s Ghaziabad Developers & Builders, Bhagwati Developers as well as other Project Proponents are constructing/developing Dwarka City Colony (on the erstwhile Plot of Samtel Colour Picture Tubes, in Chhapraula village, along GT. Road, in Greater Noida, Gautam Buddh Nagar), Samtel Enclave (on the erstwhile Plot of Samtel Colour Picture Tubes, in Chhapraula village, along GT. Road, in Greater Noida, Gautam Buddh Nagar) and Sahara Enclave/City (on G.T. Road).*
5. *That illegal and unauthorized constructions are also being carried out in villages under Noida, including, but not limited to Sorkha, Sarfabad, Garhi Chowkhandi, Parthla Khanjarpur, Behlolpur, Salarpur, Sultanpuir, Raipur, Gejha, Naya Gaon, Shahdara, Iahabaas, Bhangel, Momnathalpur, Tilwara, Kondli and Badauli. More than 15000 ha of land is usurped by private builders/colonizers/real estate agents/property dealers for carrying out illegal and unauthorized constructions, in Noida.”*

2. Learned Counsel appearing for the Applicant, during the course of argument, has referred to Annexure A-3, the response given by UPPCB disclosing that no information as per office record is available in respect of these developers/developments. He has also referred to the photographs which are enclosed as Annexure A-1 (page 36 onward) and has submitted that these are all illegal constructions without requisite permission under the environmental laws.

3. The OA raises substantial issue relating to compliance of the environmental norms.

4. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.

5. List on 08.07.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

April 02, 2024
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