

Item No. 03

(Court No.1)

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

(By Video Conferencing)

Original Application No. 216/2021
(I.A. No. 160/2021)

Ved Prakash Aggarwal

Applicant

Versus

District Magistrate Ghaziabad & Ors.

Respondent(s)

Date of hearing: 01.09.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. Grievance in this application is that no action is being taken against encroachment of Tikri Rajvaha Bhola Jhal (drain) joining Dasna drain in District Ghaziabad. M/s Landcraft Developers Pvt. Ltd has developed a housing township and M/s Columbia Asia Hospital has set up a hospital by way of encroachment. There is also encroachment by Ghaziabad Development Authority.

2. The applicant earlier filed OA No. 10/2020, *Ved Prakash Aggarwal v. Executive Engineer, Meerut Division, Gang Nahar, Meerut. & Ors.* raising the same issue. The Tribunal, vide order dated 22.01.2020, sought a report from the Executive Engineer, Meerut Division (Gang Nahar), Meerut and the District Magistrate, Ghaziabad. Vide order dated 18.11.2020, after considering the action taken report and the objections of the applicant, the Tribunal permitted the applicant to move the

District Magistrate, Ghaziabad for further remedial action. The operative part of the said order is reproduced:

“2. Vide order dated 22.01.2020, the Tribunal sought an action taken report from the Executive Engineer, Meerut Division (Gang Nahar), Meerut and the District Magistrate, Ghaziabad. Accordingly, the District Magistrate, Ghaziabad has filed an action taken report on 17.09.2020, annexing an inspection report as follows:

“....”

“1. The temporary hoarding imposed by M/s Land Craft Developers Pvt. Ltd. in the land of the irrigation Department on Tikri distributary has been removed. There is no illegal occupation of the land of the irrigation department. Photo is attached.

2. A temporary tin was placed on the Tikri distributary by ATS Grand realtors Pvt. Ltd. It has been removed from the spot. There is no occupation of the land of the irrigation department. Photo is attached.

3. The temporary wooden kiosk that was placed in front of the M/s. Columbia Asia Hospital on the land of the irrigation department on Tikri distributary has been removed from the spot. There is no encroachment on the concerned irrigation department land (Tikri Distributary). Photo is attached.”

3. However, the applicant has filed objections on 13.11.2020 to the effect that the Ghaziabad Development Authority (GDA) is still encroaching the drain in question as shown by the photographs annexed to the said objections.

4. In view of above, we permit the applicant to put forward the said objections to the District Magistrate, Ghaziabad who may look into the same and take further remedial action within one month.”

3. In the present application, it is stated that the applicant approached the District Magistrate, Ghaziabad with the grievance that there was encroachment of public land which was a drain but the District Magistrate has not considered the same. The drain which has been encroached has significant ecological functions to perform and encroachment would be detrimental to the environment. The applicant has annexed photographs in support of his grievance.

4. Accordingly, we find it appropriate to require the District Magistrate, Ghaziabad to file response in the matter within one month from today 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.

A copy of this order be forwarded to the District Magistrate, Ghaziabad by e-mail for compliance.

List for further consideration on 11.11.2021.

In view of above order, IA No. 160/2021 stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

September 01, 2021
Original Application No. 216/2021
I.A. No. 160/2021
DV