

Item No.14

Court No. 1

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

Original Application No. 641/2023

Suman Chauhan

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 11.03.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Manoj Singh, Applicant in Person (Through VC)

Respondent(s): Mr. Bhanwar Pal Singh Jadon, Mr. Chetan Jadon & Mr. Hardik Saxena, Adv. for the State of UP
Ms. Jyoti Mendiratta, Adv. for Govt. of NCT of Delhi (Through VC)
Mr. Ajay Vikram Singh, Adv. for R - 2
Mr. Rahul Khurana, Adv. for R - 5
Mr. N.K. Kantawala, Mr. Satyender Chahar & Mr. Chetan Singh, Adv. for R - 8

ORDER

1. In this original application, applicants have taken the plea that their properties are located in villages Doshpur Mangrauli Khadar, Chak Mangrola, Assadullapur, Chaprauli Khadar, Nangli Nangla, Nagli Bahrapurand Kidawali in Noida, District Gautam Budh Nagar, Uttar Pradesh and that in the floods in Yamuna River on 12th-15th July, 2023, the polluted water of Yamuna River mixed with sewage, hazardous chemical effluents, stinking sludge etc., entered in the village of the applicants and the same was not a natural calamity but was a man-made disaster. In this background, applicants in the original application have prayed for a direction to the authorities to determine the damage caused to the applicants properties and pay the compensation for the same.

2. Report dated 05.01.2024 has been filed by District Magistrate, Gautam Budh Nagar taking the stand that it was a natural calamity and not a man-made disaster. In the reply filed, thereto, applicants in paragraph 4(b) have stated that photographs enclosed as annexure-2 are the photographs of the floods in the petitioners houses and properties. Annexure-2, prima-facie reflects the photographs of the farm houses.

3. It is also the plea of Counsel for the State that applicants have farm houses and they are not the villagers and these farm houses have been illegally constructed on the flood plain area of the river.

4. Counsel for the State is directed to file the details of the properties of all the 50 applicants allegedly situated in the flood plain zone. Meanwhile, applicants will also disclose the full particulars of their properties including the land area under their ownership, extent of construction raised thereon, nature of construction and sanction from the competent authority to raise construction, if any. Let the same be filed by Counsel for the State and by applicants at least one week before the next date of hearing.

5. Meanwhile, it will also be opened to all other respondents to file their response at least one week before the next date of hearing.

6. List on 21.05.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

March 11, 2024
Original Application No. 641/2023
JG.

Dr. A. Senthil Vel, EM