

Item Nos. 07 & 08

Court No. 2

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

Original Application No. 275/2023  
(IA No. 869/2023)

Mahesh Kumar

Applicant

Versus

State of Uttar Pradesh through Chief Secretary

Respondent

**WITH**

Original Application No. 569/2023  
(IA No. 719/2023)

Alok Kumar

Applicant

Versus

Union of India Ministry of Environment  
Forest & Climate Change

Respondent

Date of hearing: 16.01.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Satyabeer Singh, Adv. for Applicant in OA 275/2023 (Through VC)

Respondent: Mr. Ravindra Kumar, Senior Advocate with Mr. Vipin Kumar Saxena,  
Adv. for Greater Noida  
Mr. Sumit Arora, Adv. for MoEF & CC  
Ms. Priyanka Swami, Adv. for the State of UP  
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)  
Mr. Abdhesh Chaudhary, Mr. Nishi Kant Singh & Ms. Geetanjali Setia,  
Adv. for Noida Authority  
Mr. Yagyawalkya Singh, Ms. Divya Swamy & Mr. Shubham Mishra, Adv.  
for Ghaziabad Development Authority  
Mr. Kamal Kumar Pandey, Adv. for Applicant in I.A No. 869/2023  
Mr. Rajesh Aggarwal, Adv. (Through VC)

**ORDER**

1. The issue involved in Original Application is in respect of unauthorized constructions over the flood plain zone of Yamuna and Hindon river in Village Lakhnawali, Greater Noida, Gautam Budh Nagar Uttar Pradesh.

2. Tribunal after considering the respective position placed on record by order dated 27.07.2023 had directed as under:-

*“11. The District Magistrate, Greater Noida/ Gautam Budha Nagar is directed to ensure the identification and demarcation of flood plain zone of River Yamuna and Hindan which shall be done by referring Notification dated 07th October, 2016 on “River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016” and Office Memorandum dated 14th February, 2022 on “Guidelines for siting industries which are in close proximity with the river” and submit a report within two months 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.”*

3. In terms of the said direction, concerned District Magistrate was required to carry out the exercise and submit report before Tribunal.

4. The report dated 31.10.2023 by District Magistrate, Gautam Budh Nagar has been filed but after perusal of the said report and the enclosure, Tribunal found that exercise for demarcation of flood plain zone of rivers Yamuna and Hindon in reference to the Notification dated 07.10.2016 has not been carried out. The report simply states that area between bund and river is flood plain zone which is identified and demarcated. No such demarcation report in terms of the order of 2016 was on record.

5. Hence, District Magistrate, Gautam Budh Nagar and District Magistrate, Ghaziabad were required to place on record the demarcation report relating to demarcation of the flood plain zone of river Yamuna and Hindon flowing within the limits of their district in reference to Notification dated 07.10.2016.

6. The matter was taken up on 02.11.2023 when Counsel for State of UP submitted that exercise of demarcation of flood plain zone for concerned districts will be positively completed within a period of two months and accepting such statement, this Tribunal granted two months' time to

District Magistrates, Gautam Budh Nagar and Ghaziabad to complete the exercise and submit report.

7. A status report vide letter dated 09.01.2024 has been filed by District Magistrate, Gautam Budh Nagar stating that National Institute of Hydrology, Roorkee was contacted and to determine submergence area of Hindon River and Yamuna River and they have informed that for carrying out a study for Yamuna River in Gautam Budh Nagar, six months' time will be required and for study in Hindon River, it will require nine months' time.

8. We find that for the purpose of demarcation of flood plain zone under River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, responsibility lie at District level with District Magistrate who is In-charge of District Ganga Committee and relying on earlier statement given by learned Counsel for State of UP where it was shown that demarcation will be completed within two months', the time was granted. But today, a totally unjust request has been made. No report has been filed by District Magistrate, Ghaziabad.

9. In these circumstances, we direct District Magistrates of Gautam Budh Nagar and Ghaziabad, both, to appear in person before Tribunal on the next date of hearing.

10. List on 29.01.2024.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 16, 2024  
Original Application No. 275/2023  
(IA No. 869/2023) with  
Original Application No. 569/2023  
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DV