

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

(By Video Conferencing)

Original Application No. 270/2021
(I.A. No. 20/2022)

Babli

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 11.02.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Rahul Raj Malik, Adv

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB

ORDER

1. Grievance in this application is against damage to the pond (Johad) in Khasra No. 739/740, Village Pathauli, Tehsil Sardhana Distt. Meerut, U.P in area of more than 3400 Sq. mtr. The same is encroached upon by local residents. Reliance has been placed on judgement of Supreme Court in Hinch Lal Tiwari v. Kamala Devi, (2001) 6 SCC 496 to the effect that it is the responsibility of State to maintain such ponds and keep them free from any encroachment. Several complaints have been made to various authorities but no action has been taken.

2. Vide order dated 01.11.2021, the Tribunal sought a factual and action taken report from joint Committee comprising State PCB, District Magistrate, Meerut and SEIAA, U.P.

3. A report has been filed by the State PCB on 05.01.2022 after visit to the site, acknowledging that there are illegal encroachments and stating that action has been initiated under the provisions of Section 67 of Revenue Code, 2006. Learned counsel for the State PCB submits that about two months time will be taken for completing action which has been initiated.

4. Let further action be taken by the Administration in accordance with law to restore the pond by removing encroachment and complying with the directions of this Tribunal inter-alia vide order dated 18.11.2020 in OA No. 325/2015, *Lt. Col. Sarvadaman Singh Oberoi vs. Union of India & Ors.*

The application is disposed of.

I.A. No. 20/2022 also stands disposed of.

A copy of this order be forwarded to District magistrate, Meerut and State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 11, 2022
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