

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

**M.A. NO. 489/2013, 491/2013, 565/2013, 609/2013
711/2013 TO 713/2013, 773/2013 TO 802, 804/2013 & 812/2013 TO
839/2013**

IN

Original Application No. 89 of 2013

Akash Vashishtha & Anr. Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

Present: Applicant: Mr. Amit Khemka Advocate with Mr. Rishi Sehgal Advocate and Mr Sanorka Bharali Advocate

**M.A. 489/2013
And 491/2013: Mr.Amit Seth, Advocate along with Mr. Mahavit Singh Sr. Advocate and Mr. Kailash Pandey Advocate**

Applicant in M.A. 773/2013

to 802 & 804/2013:

**Respondent No.1: Mr.Amit Seth and Mr.Lakshya, Advocates
Ms.NeelamRathore, Advocate along with
Mr.Vikramjeet, Advocate**

**Respondent No.2: Mr.Gaurav Bhatia, Add. A.G. U.P. and
Ms.SavitriPandey, Advocateand Mr. Piyush
Vashitha Advocate**

Respondent No.3 & 4: Mr.Raman Yadav, Advocate

Respondent No.5: Mr. D. RajeshwarRao, Advocate

**Respondent No.6: Mr.Manjeet Singh Advocate &Mr.Tarjeet Singh,
Advocate and Mr. Anil Advocate**

**Respondent No.7: Ms.Ruchi Mishra, and Mr.Ramneek Mishra,
Advocates and Mr. Sanjiv Kr. Advocate**

**Respondent No.8: Mr.Gaurav Bhatia, Add. A.G. U.P.,
Mr.PiyushVashistha Advocate and
Mr.PankajPandey, Adv.**

**Respondent No.9 & 12: Ms Reena Singh, Advocate and Mr.Arjun Singh,
Adv.**

Respondent No.10: Ms.Sushma Singh, Advocate

**Respondent No.11: Ms JyotiSaxena with Mr. M. P. Shorawale,
Advocates**

**Respondent No.14: Mr.SangramPatnaik Advocate with Mr
Swayam Sidh, Advocate and Mr. J. B. Kshir
sagar and Sh. B. K. Mishra for DDA**

Respondent No.15: Mr.BalenduShekhar, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 10 October 23, 2013	<p><u>M. A. No. 711 of 2013, 712 of 2013 and 713 of 2013</u></p> <p>These are the Applications for impleadment. There is no opposition to these Applications. Consequently we allow these Applications subject to just exception. The Applicant be impleaded as Respondent in the main petition. Thus Application Nos. 711 of 2013, 712 of 2013 and 713 of 2013 stand disposed of accordingly.</p>

M. A. No.773/2013 to 802, 804/2013 & 812/2013 TO 839/2013

All these Applications are allowed subject to just exception. The Applicants are ordered to be impleaded as party Respondents in the main petition.

Original Application No. 89 of 2013

The newly added Respondents, i.e., the Applicants whose Applications for impleadment have been allowed by the Tribunal vide order of the date, are hereby granted liberty to file replies to the Applications. Let Replies, if any, be filed within two weeks from today with advanced copies to the Learned Counsel appearing in this case who may file Rejoinder thereto, if any, within one week thereafter.

Learned Counsel appearing for the Government official/ Respondents pray for time to file replies/reports. Let replies/reports be filed within three weeks from today as prayed with advanced copies to the Learned Counsel appearing for the parties. Rejoinder thereto, if any, be filed by the Applicant within one week thereafter.

We direct all the concerned authorities, state Governments particularly, the State of UP and DDA to file an Affidavit of the Principal Secretary, Irrigation, UP and Vice-Chairman of DDA showing as to what is their policy in relation to Flood Plain Area like in Ghaziabad it is stated to be (125 area). Secondly, whether they have declared the Flood Plain Area in their respective States and cities if so the nomenclature given like Zone 0 etc. and its bifurcation. Further what activity, if any, is permissible in Flood Plain Area or River Front Area with reference to the law under which it had been duly notified by the concerned authority.

It is on behalf of all the authorities the conceded position before us is that there is no leave for construction in Flood Plain Area but exception has been carved out. Let power of carving out an exception be also placed on record of the Tribunal while filing the replies/reports.

The Learned Additional Advocate General appearing for the State of UP submits that they have already passed 32 orders wherein they have held that the construction was unauthorized and could not have been raised on the Flood Plain Areas. Let all those orders be placed on record of the Tribunal along with replies.

The matter be listed on 2nd December, 2013.

Interim order to continue till then in the meanwhile if order of the Tribunal is comply, the Senior officer need not be present but in the event of default the Principal Secretary, Irrigation, UP and Vice-Chairman, DDA shall be present in Court.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Dr. R.C. Trivedi)

.....,EM
(Mr. B.S. Sajwan)

