

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

Original Application No. 102/2023

Neeraj Chhachhar & Anr.

Applicant(s)

Versus

State of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 22.08.2024

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

Applicant: None

Respondent: Mr. Dhiraj Singh, District Magistrate, Haridwar (Through VC)  
Mr. Neeraj, Mr. Rudra Paliwal, Mr. Sanjay Pal & Mr. Ankush Kapoor,  
Adv. for the State of Uttarakhand (Through VC)  
Mr. Akash Bhadana, Adv. for Project Proponents  
Mr. Ankur Khandelwal & Ms. Sanya Panjwani, Adv. for R - 10  
Mr. Gigi. C. George & Mr. Ishwer Singh, Adv. for NMCG  
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Adv. for UKPCB (Through  
VC)

**ORDER**

1. Tribunal is considering the grievance of construction of the residential apartments at Beliram Ashram, Kankhal, Haridwar and the consequential pollution in river Ganga.

2. District Magistrate, Haridwar has file the report by way of affidavit dates 17.08.2024 stating that demarcation of flood plain taking into account 25, 50 and 100 years flood frequency lines has been done and it has been marked in Shajra Map.

3. Counsel for the State does not dispute that the said exercise was done in terms of the provisions of Uttarakhand Flood Plain Zoning Act, 2012 and it was not done in accordance with the provisions of River Ganga (Rejuvenation, Protection and Management) Authorities Order,

2016. He has not disputed that Ganga Rejuvenation Order 2016 will prevail upon the State enactment of 2012.

4. During the course of hearing, Counsel or the District Magistrate, Haridwar present virtually could not disclose as to what methodology was adopted for demarking the flood plain zone taking into account the highest flood level of 100 years even as per the State enactment and the contour interval which was taken into account for that purpose.

5. Affidavit of the District Magistrate or the report of the Haridwar Roorkee Development Authority do not disclose as to what action has been taken till now for demarcation of flood plain in terms of the Rejuvenation Order of 2016. At this stage, it is worth noting that the District Magistrate is head of the District Committee under the Order of 2016 and he is required to ensure compliance of provisions of the said order.

6. Hence, we require the District Magistrate, Haridwar to file a fresh report by way of affidavit disclosing the action taken in terms of 2016 Order and also answering the observations made above. In the report, District Magistrate, Haridwar will also disclose the action which has been taken for removal of the encroachment from the flood plain area. Let the same be filed within four weeks.

7. List on 04.12.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 22, 2024  
Original Application No. 102/2023  
JG.