

Item No. 09

Court No. 1

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

Original Application No. 201/2024

Amit Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 27.08.2024

**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: Mr. Amit Kumar, Applicant in Person (Through VC)

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)  
Mr. Gigi. C. George & Mr. Ishwer Singh, Advs. for NMCG

**ORDER**

1. In this original application, Applicant has raised the issue of pollution and degradation of Khokhari River which is stated to be the tributary of River Yamuna. Specific allegation is in respect of its pollution in Districts Shamli and Saharanpur of Uttar Pradesh.

2. The Tribunal, by order dated 01.03.2024 while issuing notice to the respondents, had directed as under:

*“4. Respondent no. 2 i.e. Department of Water Resources, River Development and Ganga Rejuvenation, District Magistrates of Shamli and Saharanpur who is also chairing District Ganga Committee and Uttar Pradesh Pollution Control Board are directed to ascertain the truthfulness of the allegation, collect water sample from the river from different points, get it analyzed and also find out the cause of pollution in the river and remedial action and submit report before the Tribunal atleast one week before the next date of hearing.”*

3. The Uttar Pradesh Pollution Control Board (UPPCB) had filed its report dated 29.04.2024 which was duly considered on 10.05.2024 and the pathetic condition of the river was noted along with the recommendation of UPPCB.

4. The Tribunal on 10.05.2024 after taking note of the report of UPPCB had observed as under:

*“7. Photographs enclosed with the report clearly depict the site specific water logging in the river near Laknohti, discharge from nearby rural locality in the river near Laknohti, solid waste dumping near Laknohti, encroachment of agricultural land on river near Sakerpur, Saharanpur, encroachment of residential houses on the river Chausana and Shamli, encroachment of agricultural land on dried-up portion of the river near Kemalpur, Shamli as also dry river-bed with macrophytic vegetation near Kertu, Shamli.*

*8. Report clearly states that river used to flow perennially around 15 years ago to meet the basic rural domestic and agricultural freshwater needs but on inspection it was found that water body is now without water discharge. This river is tributary of river Yamuna which ultimately meets river Ganga. The restoration of river and its flow is required to be done. Hence, we direct Respondent No.6- District Magistrate, Shamli and Respondent No.7- District Magistrate, Saharanpur to prepare a time-bound action plan for restoration of the river and submit it before the Tribunal at least one week before the next date of hearing.”*

5. The UPPCB alongwith its communication dated 21.08.2024 has placed on record the restoration plan prepared by Irrigation Department, Drainage Khand, Shamli, Muzaffarnagar and Saharanpur. There is no material on record to show that the said plan has been approved by the competent authority or the requisite funds for the execution of the plan have been sanctioned. Though the report reflects that the plan was forwarded to the concerned District Magistrate, Shamli and District Magistrate Saharanpur but their action on the plan is not on record. The District Magistrate, Shamli and District Magistrate Saharanpur – Respondents No. 6 and 7 have also not filed their response till now.

6. Hence, we direct the Respondents No. 6 and 7 - District Magistrate, Shamli and District Magistrate, Saharanpur to remain virtually present on the next date of hearing.

7. The Applicant has also sought permission to implead the National Mission for Clean Ganga (NMCG) through its Member Secretary. The prayer is allowed. Let the amended memo of parties be prepared.

8. Mr. Gigi. C. George, Advocate accepts notice on behalf of the newly added respondent, NMCG and seeks four weeks' time to obtain instructions and file the response by way of affidavit.

9. List on 06.12.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 27, 2024  
Original Application No. 201/2024  
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