

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

Original Application No. 133/2025

Centre for Holistic Development (CHD)

Applicant

Versus

Govt. of Uttarakhand & Ors.

Respondent(s)

Date of hearing: 06.11.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Kamlesh Kr. Mishra & Ms. Renu, Advs.

Respondent: Mr. Kaushal Gautam, AAG for DM, Tehri Garhwal

ORDER

1. In this Original Application (OA), the Applicant had raised the grievance against the encroachment on nallahs located at Muni Ki Reti, Rishikesh adjacent to Shivanand Ashram. The Applicant had pleaded that there are two seasonal ravine (nalla) originating from the hills carrying storm water mainly during the monsoon season to river Ganga. The allegation of the Applicant was that certain shopkeepers in collusion with local authority had encroached upon the nalla by raising construction thereon causing serious environmental damage.

2. The Tribunal by order dated 03.04.2025 had constituted a joint Committee by directing as under:-

“xxx

xxx

xxx

6. *Considering the seriousness of allegation made in the OA, we deem it proper to form a joint committee comprising of representative of Member Secretary, Central Pollution Control Board (CPCB), Uttarakhand State Pollution Control Board (UKSPCB), RO, MoEF&CC,*

Dehradun and District Magistrate, New Tehri, Garhwal, Uttarakhand. District Magistrate, New Tehri, Garhwal, Uttarakhand will act as a nodal agency. The joint committee will visit the site and ascertain the extent of encroachment, construction on nalla in question, identify the encroachers and suggest the remedial measures. The joint committee will submit the report before the Tribunal within 10 weeks.”

3. In compliance of the aforesaid direction the joint Committee had done the joint inspection on 30.05.2025 and had found the two drains located on the left side of Shivanand Ashram and in respect of the encroachments found on the first drain the action was already complete and in respect of 7 encroachments which are found on the second drain the action was initiated. The disclosure so made by the joint Committee in its report is as under:-

“xxx xxx xxx

3. It is further submitted that a joint inspection was conducted on 13.05.2025 by the members/representatives nominated by the committee comprising of Additional Director, Central Pollution Control Board, Delhi, Assistant Inspector General of Forest, Ministry of Environment and Climate Change, Dehradun, Sub District Magistrate, Narendra Nagar, Tehri Garhwal and Regional Officer, Uttarakhand Pollution Control Board, Dehradun. Swami Shivanand from Shivanand Ashram and Swami Avdheshanand, who is the General Secretary of the Trust, were present as representatives of the Centre of Holistic Development (CHD) during the inspection. The letter bearing No.-676/S.P.A./S.D.M./Dated 10.06.2025 has been annexed here with as ANNEXURE-R/3.

4. In the joint inspection by the joint committee, it was found that there are two rain drains located on the left side of Shivanand Ashram in the referenced site Mauja, Muni ki Reti, which are marked as drains in the Mauja Muni ki Reti Revenue Map of 1931. On the left side of the first drain, a shop has been built by Shri Bhagwan Singh, son of Jeet Singh, resident of the village Kui. Patti Dhanandsyun, Tehsil Narendra Nagar, Tehri Garhwal. Shri Bhagwan Singh Negi had extended a part of his shop over the drain, which has been removed by Shri Bhagwan Singh Negi himself. The letter bearing No.-676/S.P.A./S.D.M. / dated 10.06.2025 and the photos of the shop built over the drain by Shri Bhagwan Singh has been annexed here with as ANNEXURE-R/4 (COLLY).

A total of 07 persons have built a residential house on the second drain situated on the left side of Shivanand Ashram

S.no	Name of the person/father's name	Addresses	Covered area
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1	<i>Shri Chandrashekhar son of Shri Ramkumar</i>	<i>Shivanand Nagar, Muni ki reti</i>	<i>16 Sq. mtrs</i>
2	<i>Shri pavan Kumar son of Shri Ramkumar</i>	<i>Shivanand Nagar, Muni ki reti</i>	<i>18 Sq. mtrs</i>
3	<i>Shri Arjun son of Shri Ramkumar</i>	<i>Shivanand Nagar, Muni ki reti</i>	<i>48 Sq. mtrs</i>
4	<i>Shri Jitendra son of Shri Magan Singh</i>	<i>Shivanand Nagar, Muni ki reti</i>	<i>44 Sq. mtrs</i>
5	<i>Shri Naveen Kumar son of Shri Chandrashekhar</i>	<i>Shivanand Nagar, Muni ki reti</i>	<i>35 Sq. mtrs</i>
6	<i>Shri Vijayram son of kanuram</i>	<i>Shivanand Nagar, Muni ki reti</i>	<i>30 Sq. mtrs</i>
7	<i>Shri Manoj son of Shri Beenu Paswan</i>	<i>Shivanand Nagar, Muni ki reti</i>	<i>30 Sq. mtrs</i>

upon the land owned by the Uttarakhand government, and due to the construction of a building on the drain, the drainage of rainwater is also getting affected.

6. The above-mentioned 07 persons have been challaned under Section 4 (1) of the UP Public Land Act, 1972. Case Nos. 27/2024-25,28/2024-25,29/2024-25,30/2024-25,31/2024-25,32/2024-25,33/2024-25 have been filed in the court of prescribed authority, Narender Nagar under Section 4(1) Public Land and Eviction Act, 1972. At present, objections are pending for action against a total of 07 illegal encroachers. The date for objections is fixed as 13.08.2025. The bearing No.-1324/Reader Paper (Miscellaneous)/Narender Nagar/ Date-30.07.2025 containing the details of the cases pending before the prescribed authority, Narender Nagar, has been annexed herewith as ANNEXURE-R/5.”

4. Learned counsel appearing for the Respondent No. 2-District Magistrate, New Tehri Garhwal submits that the action will also be taken against the 7 identified encroachers on the second drain by following the principles of Natural Justice.

5. Learned counsel appearing for the Applicant referring to the photographs on page 63 has submitted that the Municipal Corporation has constructed a garbage collection centre in front of the nallah which itself is

on the nallah and has become cause of encroachment. The Respondent No. 2 is directed to inspect it and ascertain if the said garbage collection centre is on the nallah or is obstructing the flow of the nallah and if the allegation is found to be correct will take appropriate remedial action.

6. Let the action as indicated above be completed by the Respondent No. 2 by following due process of law including compliance of principles of Natural Justice as expeditiously as possible preferably within a period of three months and the action taken report be submitted thereafter immediately before the Registrar General of the Tribunal via email at judicial-ngt@gov.in, preferably in the form of a searchable PDF/OCR-supported PDF and not in the form of an Image PDF. If deemed necessary, the matter will be listed for consideration before the bench again.

7. The OA is accordingly disposed of.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

November 06, 2025
Original Application No. 133/2025
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