

Item No.2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No.363/2022
(I.A. No. 115/2022)

Vikrant Tongad & Anr.

Applicants

Versus

State of Uttar Pradesh & Ors.

Respondents

Date of hearing: 24.05.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Akash Vashishtha, Advocate

ORDER

1. The applicants have filed the present application under Section 18(1) read with sections 14 and 15 of the National Green Tribunal Act, 2010 seeking the following reliefs:

“i. Direct the Respondents to remove concretization of the roadsides and roadberms in Noida and Greater Noida done in excess of the limits prescribed by the Government Order, dated: 23.03.2018, and restore the areas under concretization to their original positions;

(ii) Direct the Respondents to plant grasses and other vegetation, including shrubs and herbs, on the roadsides and roadberms in Noida and Greater Noida, after deconcretizing them;

(iii) Direct the Respondents to remove concretization around trees, so as to ensure a minimum breathing space of 1 metres around trees, as held by the Order, dated: 23.04.2013, in O.A. No. 82/2013, Aditya N. Prasad Vs Union of India & Ors;

(iv) Penalise the Respondents for violating the Government Order, dated: 23.03.2018, issued by the State of Uttar Pradesh, the Orders of this Hon'ble Tribunal and the Guidelines of the Ministry of Urban Development;

(v) Direct the Respondent No., Ministry of Environment, Forests and Climate Change to issue directions under Section 3 and 5 of the Environment (Protection) Act, 1986 thereby, prohibiting any kind of concretization of the roadsides, open spaces and soft landscapes in Noida and Greater Noida, with interlocking tiles or

otherwise, and to keep them soft, natural and unconcretized, so as to allow natural ground water recharge and prevent surface run-off, water-logging and urban flooding;

(vi) Direct the Respondent No., Ministry of Environment, Forests and Climate Change to issue directions under Section 3 and 5 of the Environment (Protection) Act, 1986 to deconcretise the roadsides, roadberms, open spaces and soft landscapes in Noida and Greater Noida, in a time-bound manner and enforce the Guidelines, dated: 21.07.2000, 03.09.2013 and 23.09.2013 of the Ministry of Urban Development;

(vii) Pass any other or such further Order(s) or direction(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case. ”

2. The applicants have pleaded that reckless, excessive and indiscriminate concretization of road-sides and road-berms is being carried out by the Noida Authority in Sectors 28, 37, 47 50, 55 and 62 of Noida and by Greater Noida Authority in Sectors Omega 1, Alpha and P3 of Greater Noida in flagrant violation of the Orders of this Tribunal i.e., order dated 06.07.2016 in O.A. No. 165/2013 titled as Akash Vashishtha Vs. Union of India & Ors, order dated 10.11.2016 in O.A. No. 21/2014 titled as Vardhaman Kaushik Vs Union of India & Ors. and Order dated 03.12.2020, in O.A. No. 283/2020 titled as R.S. Virk Vs. Central Pollution Control Board and the Government Orders dated April 2001 and 23.03.2018 issued by the State of Uttar Pradesh concurred by the Ministry of Environment, Forests and Climate Change in Execution Application No. 34/2017 and Guidelines dated 21.07.2000, 03.09.2013 and 23.09.2013 of the Ministry of Urban Development, Government of India. Soil/surface/ground concretization, inter alia, causes, obstruction and prevention of ground water recharge, increased surface run-off by 85-90 percent, urban flooding, waterlogging, elimination of biodiversity, Heat Islands, multiplication of heat generated in the atmosphere, compaction of soil, loss of top soil and organic matter therein, prevention of Carbon sequestration, prevention in the curb on air pollution, prevention of the rise in tree/green covers and choking of trees/saplings to death. The applicant no.1 made complaint/representation dated

26.04.2022 and applicant no.2 made complaints/representations dated 01.08.2021, 05.08.2021 and 30.03.2022 to the concerned authorities but no action has been taken on the same

3. We have heard learned Counsel for the applicant and gone through the relevant record.

4. The averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010 and illegality of proposed action of respondents no. 3 and 4.

5. Let notices be issued to the respondents requiring them to file replies specifically responding to all material averments made in the application within two months.

6. List the matter for further consideration on 26.08.2022.

7. The applicants are directed to take requisite steps for service of notices on the respondents and file their affidavit regarding the same by email at judicial-ngt@gov.in within seven days.

8. In the meanwhile, respondents no. 3 and 4 are directed not to carry out any further act of concretization of the road-sides and road-berms in Noida and Greater Noida in excess of the limits prescribed vide Government order dated 23.03.2018 issued by the State of Uttar Pradesh concurred by the Ministry of Environment, Forests and Climate Change in Execution Application No. 34/2017 and guidelines dated 21.07.2000, 03.09.2013 and 23.09.2013 issued by the Ministry of Urban Development, Government of India and order dated 06.07.2016 passed by this Tribunal in O.A No. 165/2013 *titled as Akash Vashishtha Vs. Union of India and Ors.*

9. A copy of the order along with the application be sent to Chief Executive Officers of respondents no. 3 and 4 by email for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 24, 2022
Original Application No. 363/2022
AG