

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 34/2013

Subhash C. Pandey Vs. Municipal Corporation Bhopal & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S. RAO, EXPERT MEMBER**

PRESENT : Applicant : Dr. Subhash C. Pandey
Respondent No. 1 : Shri Asad Ullah Khan, Advocate
Shri G.S. Saluja, City Engineer
Respondent No. 2, 3, 4, 5 & 6 : Shri Sachin K. Verma, Advocate
Shri Ayush Dev Bajpai, Advocate
Respondent No. 7 : Shri Shivendu Joshi, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 01 12 th September, 2013	<p>Dr. Sanjeev Sachdev, Senior Research Officer, EPCO, Bhopal is present.</p> <p>Shri Sunil Kumar Chaturvedi, Executive Engineer, PHE Department is present.</p> <p>Dr. R.N. Gharge, Dy. GM, MPSTDC, Bhopal is present.</p> <p>Replies have been submitted by respondent no.1,3,4,5,6 & 7. Same may be taken on record.</p> <p>We have heard the Learned Counsel for the parties including the officials of Municipal Corporation of Bhopal, EPCO and MP Tourism. There was consensus amongst all that it could not be disputed that the water body in question i.e., Shahpura Lake is highly polluted. The data provided by the MP Pollution Control Board also shows that the lake water contained is highly polluted. It is also submitted that other water bodies in Bhopal city as well as in other parts of the State of Madhya Pradesh also suffer from similar problems. It is pointed out that in the case of Mrs. Almitra H. Patel & Other Vs. Union of India, the Hon'ble Supreme Court of India in PIL No. 888 of 1996 and in the order passed in 1997 itself directed all the State Governments to take effective measures and make all efforts that the water, air and solid waste is properly managed.</p> <p>The Learned Counsel for the MP Pollution Control Board pointed out that the Pollution Control Board has been regularly writing to the Government and</p>



Municipal Corporation, Bhopal apprising them of the provisions contained in the Water (Prevention and Control of Pollution) Act, 1974 as well as of the directions issued by the Hon'ble Supreme Court in the case of Mrs. Almitra H. Patel & Other Vs. Union of India. Copies of such letters have been filed along with the reply. It is submitted that the MP Pollution Control Board even proceeded against some of the officers by way of prosecution after giving notice under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974.

While prosecution of those who may be guilty is provided under the Act however, the problem with regard to the pollution in the water bodies still persists.

During the course of hearing the City Engineer, Municipal Corporation, Bhopal suggested, after having gone through photographs of Shahpura Lake which have been filed by the applicant and with a view to decongest and remove the solid waste including plastic, polythene, rubber etc. by manual dredging of the lake can be carried out. He submitted that the Municipal Corporation, Bhopal would undertake such an exercise in the first instance while other measures, reference of which has been made in the respective replies are to be carried out on long term basis.

An action plan with respect to improving the quality of 10 water bodies of Bhopal city itself is under way and once the project is completed the condition of the water bodies in and around the city of Bhopal is expected to be healthy.

We asked the Learned Counsel Shri Sachin K. Verma appearing for the State of MP whether the State is willing to issue directions through the Urban Administration and Development Department to all Municipal bodies in the State where such water bodies or oxidation ponds are located for carrying out manual dredging as most of them have enough water due to good monsoon which would improve the quality of water in the said water bodies. Shri Verma submitted that he would pass on necessary instructions to the Secretary, Urban Administration & Development Department on the basis of the discussions held today before the Tribunal and who in turn would inform the Municipal Authorities in the State where such water bodies are located to carry out such an exercise in their respective areas including Bhopal and even in the Shahpura Lake.

We consider the aforesaid response as positive. Needless to add that other steps which are in the process as mentioned in the replies filed shall be expedited.



Item No. 01

Original
Application
No. 34/2013

Matter be listed on 26.09.2013 by which date the action taken and impact of the manual dredging on the water bodies shall be submitted by the respondents and placed before the Tribunal by way of photographs and affidavits.

Stand over to 26.09.2013.



Sd. _____, JM
(DALIP SINGH) SA

Sd. _____, EM
(P.S. RAO) SA