

Original Application No. 34/2013 (CZ)

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 to 6 : Shri Sachin K. Verma, Advocate
Shri Ayush Dev Bajpai, Advocate
Shri R.N. Ghagre, Dy. GM, MPSTDC, Bhopal
Respondent No. 7 : Shri Shivendu Joshi, Advocate

Date and Remarks	Orders of the Tribunal
<p>Item No. 01 26th September, 2013</p> <p>Original Application</p>	<p>Compliance report has been filed on behalf of the respondent no. 1 Municipal Corporation, Bhopal indicating that in pursuance of the directions issued on the previous date i.e. 12.09.2013 steps have been taken by the Municipal Corporation, Bhopal for cleaning of the lake manually.</p> <p>The petitioner who is present in person does not dispute the fact that the efforts to clean the Shahpura lake are being taken. However, he has submitted by means of photographs that such material which was extracted from the lake is heaped on the bank of the Lake and requires to be removed.</p> <p>The Learned Counsel appearing for the Municipal Corporation, Bhopal assisted by the officers who are present, submitted that the cleaning process is going on and requires a period of 2 weeks to remove the solid waste from the lake and also remove the waste material which is lying on the banks having been extracted from the lake.</p> <p>During the course of the hearing it was given out that there is a sewage treatment plant on the Panchsheel Nagar Nala which flows into the Shahpura Lake which was installed and maintained by the Public Health Engineering Department (PHE). However, it is being given out that the major problem of untreated sewage coming into the lake is from other sources beyond the point of this particular sewage treatment plant which requires to be tackled.</p> <p>In view of the above, since the quality of the water of the lake in question is</p>

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still far from the permissible levels we direct the respondents more particularly the Municipal Corporation, Bhopal (Respondent no.1), Public Health Engineering Department (Respondent no. 4), Environment Planning and Coordination Organization, Bhopal (Respondent no. 5), Town and Country Planning, Bhopal (Respondent no. 2) and Housing and Environment Department,(Respondent no. 3) to jointly submit an action plan before this Tribunal about the present status and steps required to be taken to ensure that the water in the lake becomes free from pollution and no untreated sewage / waste water is permitted to be let into the Lake. The time bound action plan together with the estimated cost to be submitted within 4 weeks.

In the meanwhile, the operation which is being conducted by the Municipal Corporation for removing of the solid waste from the Shahpura Lake shall continue. The State Pollution Control Board Authorities shall carry out periodical checks regarding the quality of the water. The Learned Counsel for the Municipal Corporation assured the Tribunal that all the steps will be taken for removal of the solid waste heaped on the bank after extraction from the lake within next 2 days. He also undertakes whatever material is being extracted from the lake all efforts will be made to transport the same to the disposal site on a regular basis within 24 hours of extraction from the lake.

The Learned Counsel for the Municipal Corporation undertakes that more number of dust bins will kept in the area around the lake which is frequently visited by the local people and inhabitants around the lake in evening hours where several hawkers have started selling their products and eating places have also come up which are adding to the waste being generated. It was submitted that the Municipal Corporation would make efforts to remove whatsoever waste that is generated during the day in the late hours on the same day so that anything that is left behind after the people have departed from the banks of lake does not pollute the lake. It is also suggested by the applicant that since residential colonies, group housing projects and multi story apartments as well as boarding and lodging facilities / hotels have come up around the lake they should be persuaded to install sewage water treatment plants since they consume water in bulk which often discharge without treating. The Learned Counsel appearing for the Municipal

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Corporation, Bhopal submits that they would consider the aforesaid suggestion and come up with a plan after conducting the meeting with all the concerned respondents and submit a plan for the checking untreated sewage / waste water flowing into the Shahpura Lake.

M.A. No. 47/2013

In view of the fact that the matter has been confined to checking the pollution levels and involves substantial question of environment and more particularly of the Shahpura Lake, the Learned Counsel for the Municipal Corporation submits that he does not press for the M.A. No. 47/2013 which has been filed raising preliminary objections to the maintainability of this application. Accordingly, the M.A. No. 47/2013 is dismissed as not pressed.

Matter be listed on 28.10.2013.

.....JM
(DALIP SINGH)

.....EM
(P.S. RAO)

