

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

Original Application No. 135/2014 (CZ)

Dr. Subhash C. Pandey & 2 Ors. Vs. State of MP & 6 Ors.

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

PRESENT : Applicant: Dr. Subhash C.Pandey
Respondents 1, 3 & 4: Shri Sachin K. Verma, Advocate
Shri R.K.Sitoke, SE, T&CP
Respondent No. 7 : Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.
Respondent No. 6 : Shri Ayush Dev Bajpai, Advocate
BMC : Shri Neel Choudhary, Adv. for
Shri Vijay Choudhary, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 19 4th March, 2015	<p>Today, an affidavit has been submitted by the District Collector, Bhopal wherein it is indicated that Sangharsh Samiti of the residents liable to be affected, has raised certain issues before him and based upon the same, he apprised the Government and sought clarification. It has however been submitted that he is awaiting reply to the letter submitted by him to the Government.</p> <p>Having considered the affidavit, we are of the view that post judgement, any exercise taken up by the District Administration or by the Respondents for considering the representation of the so called affected persons cannot be a matter of discussion before the Tribunal. The directions contained in the judgement are based upon the plea submitted by the Respondents particularly the Town and Country Planning Department in writing by way of affidavit before this Tribunal. We are not at all satisfied with the approach of the Respondents in this behalf.</p> <p>Earlier, while hearing the matter, this Tribunal was apprised that six different teams consisting various officers, have been constituted and they are carrying out demarcation of the</p>

Kaliasote river and 33 meter No Construction Zone. We are surprised that the Tribunal was either mislead earlier or being mis-lead now by the respondents by filing the affidavit and specific stand taken by the respondents by referring certain new issues to the Government after delivering the judgment which is based on the affidavit of the State and the maps submitted indicating the Kaliosot River and the 33 meter No Construction Zone. We would therefore draw the attention of the Chief Secretary, Government of MP on the matter and direct that the Chief Secretary shall appear before the Tribunal on the next date of hearing and explain as to what steps the Government intends to take in this behalf for compliance of our order as the State has chosen not to file any appeal against our judgement.

Needless to add that the Tribunal shall also have no option except to proceed as per law for execution of its orders as enough opportunity has been granted for compliance.

List the matter on **27th March, 2015.**

.....JM
(DALIP SINGH)

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