

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

M.A.No. 346/2014, 347/2014 & 348/2014

and

Original Application No. 135/2014 (CZ)

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

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

**PRESENT : Applicant in : Dr. Subhash C.Pandey
Respondent 1, 3 & 4 : Shri Ayush Dev Bajpai, Advocate
Shri Santosh Mishra, Coordinator
Shri Ssubhashish Banerjee,
Dy. Director, T&CP
Respondent No. 6 : Shri M.K.Shrivastav, SE, WR Div.
Shri Ayush Dev Bajpai, Advocate
Shri Satyendra Singh, CMO
Respondent No. 7 : Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.
Shri Brijesh Sharma, OIC**

Date and Remarks	Orders of the Tribunal
Item No. 8 18th July, 2014	<p>The bailable warrants issued against Respondent No. 2, 4 and 6 have been executed. The Respondent No.2 and 6 are present in person.</p> <p style="text-align:center"><u>M.A.No. 348/2014</u></p> <p>The Respondent No. 4 has filed this M.A. for granting exemption from her personal appearance. For the reason stated in the application, her presence is exempted for the present. But it is made clear that if and when necessity arises, she must be present as and when directed. The M.A.No. 348/2014 stands disposed of accordingly.</p> <p style="text-align:center"><u>M.A.No. 346/2014</u></p> <p>This M.A. is filed for urgent hearing of the main petition. As the matter is heard, the M.A. is unnecessary and disposed of accordingly.</p> <p style="text-align:center"><u>M.A.No. 347/2014</u></p> <p>This is application is filed to take on record the documents filed. They are ordered to be taken on record. The M.A. accordingly stands disposed of.</p> <p style="text-align:center"><u>Original Application No. 135/2014</u></p> <p>The State has not submitted the report as directed by the Order dated 15.05.2014. The Learned Counsel appearing for the State sought</p>

three months further time to file the reply. We find the prayer unjustifiable. Let the report be filed within four weeks.

The Applicant submitted that inspite of the order directing status quo, the construction works are in progress and submitted that the order passed earlier is being violated. The Applicant sought permission to file an application to receive on record the video and photographs. Let the same be filed during the course of the day in the Registry with a copy to the Counsel for the Respondents and taken on record and Respondents may make the response before the next date of posting.

The Chief Municipal Officer, Kolar Municipality is present in Court. When he was shown the photographs filed by the Applicant, he stated that it was an old photograph and does not reflect the present stage. The Applicant insisted that the work is under progress now and also submitted that the residents of the locality are present in Court to assert the same. In view of the submissions made by the Applicant and the denial made by the Municipality, we find it necessary to direct Shri Brijesh Sharma, Assistant Engineer of MPPCB to inspect the disputed premises today itself and find out whether any construction activity is going on and submit a report before the Tribunal on 22.07.2014. The officer need not serve any notice to the parties. The Applicant and the officers of the Kolar Municipality and other Respondents are at liberty to be present at the time of the inspection. It is made clear that inspection shall be conducted today itself at 2:00 PM. The inspection shall be at the places that are mentioned in the application served by the Applicant on the Counsel appearing for the Respondent. The Assistant Engineer is also at liberty to inspect the nearby premises also, if he finds any construction is going on there.

List on **22.07.2014**.

.....,JM
(M.S.NAMBIAR)

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