

**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.

and

Original Application No. 48/2014 (CZ)

**Pradeep Kumar Pandey & 5 Ors. Vs. Mandakini Housing Society through it's
President & 4 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 1, 3 & 4 : Shri Sachin K. Verma, Advocate
Sh. Shubhashish Banerjee, DD,T&CP
Shri Ayush Dev Bajpai, Advocate
Respondent No. 7 : Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 3&4 27th November, 2014	Pursuant to the direction contained in our order dated 24.11.2014 directing the State to file affidavit before consideration of the prayer made in M.A.No. 643/2014 for extension of time to state on oath that the State is taking all necessary steps to ensure that no constructions are being allowed to be carried out in the disputed area i.e. in the river bed and the 33 meter 'No Construction Zone' from the river banks of the river Kaliasote, today, an affidavit of Shri Shubhashish Banerjee, Dy. Director, Town and Country Planning Department, Government of Madhya Pradesh has been filed. As per the aforesaid affidavit, it has been stated that " <i>No construction will be</i>

allowed to be carried out in the disputed area of the river i.e. 33 meters from the river bed.” It has also been submitted that “necessary directions to ensure the stay of all construction activities are issued to the concerning authorities including District Collectors, Bhopal and Raisen; Municipal Commissioner, BMC; CMO, Municipal Corporation Bhopal and Mandideep. Copy of the letter sent to the above authorities dated 26.11.2014 have also been annexed.”

Learned Counsel appearing for the State submitted that in the light of the above, the State may be allowed six months time to fully comply with the directions contained in the judgement including the one with regard to demarcation and removal of unauthorised constructions and encroachment.

As prayed by the State, in the initial stage, we grant three months time as sufficient time has already elapsed since 20.08.2014 i.e., the date of judgement; for the State to have complied with the directions. In case the aforesaid task is not carried out within the extended period of 3 months from today and, if any request for further extension of time is made, the said request shall be supported by the action taken during the now extended period of 3 months on a daily basis by the State authorities in this behalf.

On the last date of hearing, a report dated 24.11.2014 by the MPPCB had been submitted after carrying out inspection of the area

along the Kaliasote river, housing complexes and buildings that have come up in the area. In the aforesaid report, a list of developers and various colonies have been given. As per the aforesaid list, out of 27 colonies/projects/institutions, 16 sites were found which were discharging untreated waste into the Kaliasote river. The MPPCB authorities shall immediately issue notices and take action in accordance with law against such violators. In our judgment dated 20.08.2014, directions to this effect i.e. on implementation of various conditions by the developers including disposal of sewage, had been issued. However, no compliance report has been submitted on behalf of the Kolar Municipality or by the State Government. Since, none has appeared on behalf of the Kolar Municipality, issue notice to the Commissioner, BMC, since it is reported that the jurisdiction of the Kolar Municipality has been recently transferred to the BMC, as well as to the Secretary, Urban Development Department to show cause and explain as to what action has been initiated in this behalf. They shall remain personally present before the Tribunal on the next date failing which action under Section 26 and 28 of the National Green Tribunal Act, 2010 shall be initiated against the officer concerned.

It was also suggested that since the Water Resource Department is responsible for maintaining the flow of water in the river as a the dam has been constructed, the Water Resource

Department, State of MP may be asked as to what steps the Department would like to initiate to ensure that a reasonable quantity of water from the dam is allowed to flow into the river for maintaining the proper quality of water in the river as at present the water found in the river is only by way of untreated sewage being discharged.

Shri Sachin K.Verma is directed to file response on behalf of the Water Resource Department before the next date.

List on **8th December, 2014.**

.....JM
(DALIP SINGH)

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

