

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

**Original Application No. 05/2014**

**Dr. Subhash C. Pandey Vs. Union of India & Ors.**

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

**PRESENT : Applicant : Shri Subhash C. Pandey  
Respondent No. 4: Ms. Parul Bhadoria, Adv. for  
Shri Purushendra Kaurav, Adv.  
Respondent No.6 & 9: Shri Sachin K Verma, Adv.  
Respondent No. 3: Shri Ravikant Patidar, Adv. for  
Shri Sandeep Singh, Adv.  
Respondent No. 1: Shri Rajendra Babbar, Adv.  
Respondent No. 7: Shri Rajendra Giri, Adv.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1 28<sup>th</sup> May, 2014</b>	<p style="text-align: center;"><b><u>M.A. No. 278/2014</u></b></p> <p>The Applicant has moved this miscellaneous application with the prayer that since the territorial jurisdiction of Mandideep lies in District Raisen, the District Collector, Raisen, may be ordered to be impleaded as party to the present Application. Copy of this application has been furnished to the learned counsel for the Respondents. They have no objection if the present application is allowed.</p> <p>The prayer made in this application is allowed. The District Collector, Raisen is ordered to be impleaded as Respondent No. 10 to the present application.</p> <p>Registry to make necessary amendments in this regard. The amended memo of parties shall be filed within one week.</p> <p>The miscellaneous application stands disposed of.</p> <p style="text-align: center;"><b><u>M.A. No. 279/2014</u></b></p> <p>The Respondent Nos. 6 &amp; 9 have filed this miscellaneous application with the prayer to take on record the document filed along with the application which is the allotment order dated 23<sup>rd</sup> May, 2014 issued allotting land for the landfill site to the Mandideep Municipality.</p>

Copy of this application has been furnished to the learned counsel for the Applicant. The prayer made in the application is not opposed by the non-applicants.

The present application is, accordingly, allowed and the documents annexed therewith are taken on record.

This application is allowed and accordingly stands disposed of.

**Original Application No. 05/2014**

O.A. No 05/2014 was filed by the Applicant relating to environmental concern and pollution in the river Betwa and around the Mandideep town in District Raisen. During the course of hearing on 24<sup>th</sup> April, 2014 the issues involved in the present original application were bifurcated into two parts.

One part is related to the pollution being caused as a result of non-compliance and non-observance of the provisions of Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974 by the industrial units located in the industrial zone of Mandideep town. The second part was with regard to the non-compliance of the Municipal Solid Waste Rules, 2000 by the Municipality in respect of the residential area in Mandideep township.

On 24<sup>th</sup> April, 2014, the hearing with regard to these two matters was ordered to be split up. Accordingly, the issues with regard to the pollution in the industrial zone was ordered to be heard on 21<sup>st</sup> May, 2014 and the issue with regard to the Municipal Solid Waste and pollution in the township was ordered to be heard on 28<sup>th</sup> May, 2014.

We would, accordingly, direct that this application bearing No. 5/2014 shall be confined to the issue of pollution in the industrial zone as a result of the non-observance of the provisions of the Air Act and Water Act in particular and other pollution related issues in the

industrial area of Mandideep.

The Registry is directed to register this application separately by giving a new/sub number so far as the municipal solid waste aspect and pollution in the Mandideep township is concerned.

In the light of our order dated 24<sup>th</sup> April, 2014 the matter today is listed with regard to the issues of municipal solid waste and sewage disposal in the township of Mandideep.

One of the issues which was brought to our notice during the course of hearing on 24<sup>th</sup> April, 2014 was to the effect that there was no proper and designated landfill sites established for disposal of municipal solid waste in Mandideep township. There was also the issue that allotment of some land had been made to the Municipality of Mandideep but the possession of the same could not be taken over by the Municipality as they were not in a position to pay the charges towards the cost of the land allotted. This matter was ordered to be re-examined by this Tribunal and directions were issued to the State Government.

Today along with M.A. No. 279/2014 a document which is the order of the District Collector, Raisen District dated 23<sup>rd</sup> May, 2014 has been filed thereby it has been brought to our notice that the allotment of 4.386 hectares of land from Khasra No. 225 has been identified and allotted to the Municipal Board, Mandideep for preparation and development of the landfill site. Accordingly, the first part with regard to the allotment of the landfill site by the Government is concerned, that stands achieved.

The Chief Executive Officer (CEO) of the Mandideep Municipality, who is present in person, submits that in pursuance of the above, they would be taking possession of the said land and the

Municipality shall be applying to the State Pollution Control Board Authorities for inspection of the same and granting EC for development of same as a landfill site in accordance with the MSW Rules, 2000. The CEO of the Municipality further submits that within a week they would be in a position to submit the necessary application in the prescribed format appended to the MSW Rules, 2000 to the State Pollution Control Board.

The State Pollution Control Board is directed that as soon as the application is submitted, the same shall be dealt with in accordance with the law and decision taken thereof without undue delay.

It has been submitted that a Consultant has been appointed by the Municipality, Mandideep for preparation of DPR for the sewage treatment plant as also the necessary development of the sewage disposal system as at present there are only open drains in the city of Mandideep. A provisional estimate for the same in anticipation of the DPR to be prepared by the Consultant shall be submitted to the Urban Administration Department and the Urban Administration Department shall make necessary provisions for grant of funds towards preparation of the MSW site as well as the STP plant by the Municipality and they need not wait for the final report to be prepared and submitted to them. Alterations, if any, based upon the actual project report submitted by the Consultant, can be made as and when it is submitted.

Shri Sachin Verma, learned Standing Counsel for the State submits that the concern of the Tribunal shall be conveyed by him to the Government and in accordance with the same necessary steps shall be taken in anticipation.

The aforesaid takes care so far as the concern with regard to the municipal solid waste disposal and sewage treatment to be done in the

Mandideep township by the Municipality is concerned.

In our order dated 24<sup>th</sup> April, 2014 the concern with regard to the non-preparation of the Master-Plan had also been raised. Shri Sachin Verma, learned counsel for the State submits that it is not as there is no Master-Plan in force and the Master-Plan is in force since the 2005 and all development and real estate work is being carried out in accordance with the land use as provided under the Master-Plan, 2005.

It has however been brought to our notice that next to the industrial area and adjoining to it, residential colonies are being developed in Mandideep by private developers namely Indus Colonizer, Madhya Pradesh Housing Board and Bhopal Development Authority.

Shri Sachin Verma is directed to produce before the Tribunal a detailed map of the Master-Plan indicating the land use therein as we find it difficult to comprehend how right next to the industrial area the residential areas have been permitted/provided in the said Master-Plan without proper buffer zone, green-belt and also without taking into consideration the impact on the health of such residents of residential areas next to the industrial area which we have also noted as highly polluted both in terms of air pollution and water pollution and as many as 76 industrial units were found to be non-compliant of environmental laws and polluting the area.

Let the matter be listed on **9<sup>th</sup> July, 2014** after registering the separate application so far as the aspects of MSW, STP and Master-Plan is concerned.

.....JM  
(DALIP SINGH)

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