

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

Original Application No. 162/2014 (CZ)

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 : Dr. Subhash C.Pandey
Respondent No. 1 : Shri Rajendra Babbar, Adv.
Respondent No. 4 & 5: Ms. Parul Bhadoria Adv. for
Shri Purushaindra Kaurav, Adv.
with Shri P.S. Bundela, OIC
State of MP: Shri Sachin K Verma, Adv.
Shri R.K. Siteke, Town Planning, Bhopal
Respondent No.7 : Shri Rajendra Giri, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 4 3rd March, 2015	<p>So far as the issues with regard to setting up of Sewage Treatment Plant and the Municipal Solid Waste disposal site at Mandideep are concerned, we have taken note of the same on the basis of the statement made by the Learned Counsel appearing for the Municipal Council, Mandideep while hearing <i>Original Application No. 05/2014 (Dr. Subash C. Pandey Vs. Union of India & 8 Ors.)</i> wherein it has been submitted that necessary financial sanction has been granted by the State government for the setting up of the same. We would accordingly not pass any orders with regard to the same in this petition.</p> <p>However, the issue with regard to the future development and land use without finalisation of master plan is a matter of grave concern on the basis of the material that was shown before us particularly the maps indicating the industrial belt as well as the location of residential areas which are quite close to the industrial area. We find that the industrial belt has become an island surrounded by the residential areas at Mandideep. It appears that while initially the industrial area was developed by the Audyogik</p>

Vikas Nigam on one side of the National Highway dealing with the residential area on the opposite side subsequently in the absence of definite land use plan even beyond the industrial area and any circle residential colonies have sprung up. We are informed that such colonies are also consist housing colony developed by MP Housing Board.

On previous date we have taken note of the fact that after 2005 the master plan for Mandideep and adjacent areas in Raisen District has not been prepared and only a draft master plan is in existence.

Shri Sachin K. Verma, Learned Counsel appearing for the State submitted that on the basis of the draft master plan the present land use permissions are being granted. Be that as it may, we feel that the draft plan requires to be finalised in accordance with the procedure established by law and such draft master plan must take into account the present and futuristic environmental needs of the society also. Learned Counsel for the State submitted that before finalisation of the draft master plan notice inviting objections on the same inviting suggestions are required to be issued. We find that as early as in July, 2014 the Learned Counsel has informed us regarding the preparation of the draft master plan for the area in question and we find that it is yet to be finalised. We would accordingly grant 3 months time to the State for taking necessary steps in this behalf failing which this Tribunal shall not hesitate in passing the orders with regard to freezing of construction activities and permissions in the area in question without the master plan being finalized taking into account all necessary issues including the pollution and environmental issues particularly of maintaining the

green belt and open spaces for public amenities in the area which become the lungs in the of densely populated areas.

We have been informed by the Learned Counsel that keeping in view of the issues raised and recorded in our order dtd. 04.08.2014 the concerned authorities of the State as well as the local bodies have now started putting conditions with regard to the establishment of Sewage Treatment Plant and Municipal Solid Waste disposal in the permissions granted to the Real Estate developers those found to be defaulters. We would like the State to submit an affidavit in this behalf showing the manner in which the provisions of the Municipal Solid Waste Rules, 2000 as well as the notifications are being incorporated in the various permissions granted to defaulters of Real Estate. We would also impress as we were impressing earlier during the course of earlier hearings that the concerned authorities must take into account more holistic and futuristic view while granting such permissions and imposing such conditions on the environmental and pollution aspects. Looking to the fact that the population is increasing and the rate of such manifold increase of population as a result of various factors, the present norms may fall much below the requirement and for dealing with the problem in future.

Let the matter be listed on **27th May, 2015**. On the said date an affidavit of the concerned officer dealing with the aforesaid issue in the Urban Development and Environment Department shall be filed with regard to the steps taken for complying the above directions.

.....,JM
(DALIP SINGH)

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

