

**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. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**PRESENT : Applicant : None**  
**Respondent No. 4 & 5: Ms. Parul Bhadoria Adv. for  
Shri Purushaindra Kaurav, Adv.**  
**Respondent/State of MP: Shri Sachin K Verma, Adv.**  
**Respondent No.7 : Shri Rajendra Giri, Adv.**

| <b>Date and<br/>Remarks</b>                            | <b>Orders of the Tribunal</b>   |
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| <b>Item No. 6</b><br><b>29<sup>th</sup> July, 2015</b> | <p>On 27<sup>th</sup> July, 2015 when the matter came up for hearing it was brought to our notice that with regard to setting up MSW land fill site in the Municipal area at Mandideep, the District Collector, Raisen and made allotment of 11 acres of land from Khasra No. 225 village Pipalia Iorka, Tehsil Gohergang District Raisen. However the said order of the Collector came to be challenged before the Additional Divisional Commissioner by way of appeal. IT has been brought to our notice that the Additional Divisional Commissioner has been delegated the additional powers to hear the appeals on behalf of the Divisional Commissioner before whom the provision for filling appeal has been provided under the MP Land Revenue Code, 1959.</p> <p>Today, Learned Counsel for the Municipal Board Mandideep as well as Learned Counsel appearing for the State have submitted for our perusal the order issued by the Collector in exercise of the powers conferred under Section 237 of the MPLRC, 1959 whereby the area of the Khasra No. 225 that was earmarked for <i>marghat</i> had in fact been ordered to be reduced on the ground that the same was required for the land fill site for the municipality. It is submitted that the entire record has been placed for the</p> |

consideration of the Appellate Authority but the Appellate Authority, the Additional Divisional Commissioner, has been sent on training and is not likely to return before 15.09.2015. It was submitted that an urgent application has also been filed before the Divisional Commissioner with the request to hear the matter as it is only the delegated powers of the Divisional Commissioner which are being exercised by the Additional Divisional Commissioner before whom the appeal was submitted by the villagers and passed order pertains of stay.

In the facts and circumstances since the matter pertains to the compliance of the MSW Rules, 2000 framed under the provisions of the Environment (Protection) Act, 1986 and it is a statutory requirement for providing the land fill sites in accordance with the statutory duties of local authorities under the Municipal Solid Waste Rules, 2000 and the duty of the State to provide the necessary infrastructure including the land and that it is for that purpose that the land has been allotted by the District Collector, Raisen to the Municipality for public purpose, we are accordingly expecting the Divisional Commissioner to hear the matter on merits and take a decision in accordance with law. The Municipal Corporation as well as the State and the District Collector who are already before the Appellate Authority may move the Divisional Commissioner for early hearing of the matter along with a copy of our order.

Let the matter be listed on **14<sup>th</sup> September, 2015.**

.....JM  
(DALIP SINGH)

.....EM  
(BIKRAM SINGH SAJWAN)