

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

M.A. No. 18/2014 & M.A.No. 19/2014

in

Original Application No.12/2013

Pandit Hari Shankar Samadhiya 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 Sanjay Sharma, Advocate
Respondent No. 1,3,4,5 &8 : Shri Sachin K.Verma, Advocate
Shri Ayush Dev Bajpai, Advocate
Respondent No. 2 : Shri Suman Mandal, Advocate
On behalf of Shri Sandeep Singh, Adv.
Respondent No. 6: Shri Shivendu Joshi, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No.7: Shri Vijay Shahni, Advocate
Respondent No. 9 : Shri M.P. Agrawal, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 1 13th January, 2014	<p><u>M.A.No. 19/2014</u></p> <p>M.A.No. 19/2014 has been filed seeking exemption of the personal appearance of the District Collector, Gwalior on the ground that his presence is required at the District Head Quarters in view of the ongoing Vyapar Mela and as there are directions issued by the State Government after the unfortunate incident that occurred during Ratangarh Mela in Datia District, for the District Collector to be present at District Headquarters and the District Administration is made accountable towards any such incident that may occur. He has sought further 15 days time to furnish the compliance report.</p> <p>In the interest of justice and since the SDM who is a subordinate officer to the District Collector, is present to explain the above position, we are inclined to accept the M.A. that has been filed and exempt the presence of the Collector, Gwalior for today. However, he shall remain present on the next date of hearing and submit the action taken report on</p>

<p>O.A. No.12/2013</p> <p>13th January, 2014</p>	<p>the issues which have been highlighted in our earlier orders passed from time to time.</p> <p><u>M.A.No. 18/2014</u></p> <p>The Learned Counsel for the Cantonment Board has filed M.A.No. 18/2014 for placing on record certain additional facts and documents on record. Copy of the same has been furnished to the Learned Counsel for the applicant. The aforesaid application is allowed. The documents which have been filed are ordered to be taken on record.</p> <p>The M.A.No. 18/2014 and 19/2014, accordingly stand disposed of.</p> <p><u>Original Application No.12/2013</u></p> <p>The Learned Counsel for the Municipal Corporation, Gwalior has submitted a compliance and report indicated therein that though bids were called execution of for short-term and long-term plan works to be undertaken, but since the rates quoted were on the higher side, the Municipal Corporation has decided to call for fresh bids which are to be examined on 20.01.2014. The aforesaid documents annexed as A-1 filed alongwith the compliance report have also been annexed which are the proceedings by the Municipal Corporation and notice that has been issued for calling fresh tender by the Municipal Corporation, Gwalior.</p> <p>In view of the above, we are inclined to post the matter on 29.01.2014.</p> <p>We have in our earlier order of 27.09.2013, indicated that the persons whether they are encroachers or have raised constructions with or without permission in the river front as well as river bed of river Morar in Gwalior and who would be affected as a result of the drive to remove the constructions from the river bed and from area to the extent of 40 meters on either side from the centre of the river bed which is under process of demarcation, would be required to be relocated / rehabilitated and dealt</p>
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with in a humanitarian manner. We have been informed that though the Collector has taken steps for identifying 25 hectares of land for the relocation and rehabilitation purpose the matter is yet to be finalised. While we are informed that, *prima facie*, it is found that during the surveys conducted so far that such people are residing in an area of 23 hectares, approximately and therefore about 25 hectares of alternate site is considered to be sufficient for rehabilitation. We are however, of the opinion that since the matter is being dealt with at the level of District Administration, Municipal Corporation and Cantonment Board, it would be appropriate that the Town and Country Planning Department takes into account a systematic development of the new colony to be developed for relocation and rehabilitation of the ousted persons with proper facilities like roads, lighting, water supply, drainage with good ventilation, etc. and for that purpose if more area is necessary, the same may also be taken into consideration.

It was submitted by the Counsel for the State that one single piece of land may not be available for rehabilitation large no. of such persons. In such a situation, we are of the opinion that two separate portions of land may be considered for the aforesaid task. This decision must be taken by the District Administration to mitigate the hardships of the people and they may be informed during the hearing of the notices served on them that the District Administration intends to rehabilitate them on a suitable piece of land so that unnecessary delay on this account may be avoided and litigation as well as apprehensions in the minds of the ousted persons can be avoided. We had also indicated in our earlier order dated 09.01.2014 and directed the State Government to come up with an action plan for beautification of the river front area as has been done in the case of river Shipra and river Sabarmati which are considered to be role models which can be adopted at other places also including river front of

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the river Morar at Gwalior which would not only keep the river free from pollution preventing sewage etc. flowing into the river but also prevent the municipal solid waste to be dumped into the river and at the same time improve the entire environment in the city and create recreation facilities to the people. We expect the Counsel for the State to take up this issue at the highest level and come up with definite solutions before the Tribunal on the next date of hearing.

Stand over to **29.01.2014.**

.....JM
(DALIP SINGH)

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

