

Original Application No.12/2013(CZ)

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 R.K. Upadhyaya, Advocate
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 Sandeep Singh, Advocate
Respondent No. 6: Shri Shivendu Joshi, Advocate
Respondent No.7: Shri Vijay Shahni, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 4 27th September, 2013	<p>The Learned Counsel for the Municipal Corporation, Gwalior has submitted an affidavit indicating the steps taken by them for containing the pollution in the area of the Morar River bed in the city of Gwalior. Previously, the Municipal Corporation, Gwalior had filed an affidavit indicating the short-term and long-term measures which it intends to take for the aforesaid purpose.</p> <p>On the previous date of hearing i.e. on 16.09.2013, it was submitted that so far as the short-term measures are concerned, Municipal Corporation, Gwalior had submitted the same to the State Government and was awaiting the response of the State Government. Shri Sachin K.Verma, Learned Counsel appearing for the respondent State Government of MP has apprised us that a meeting for making the presentation of the long-term proposal submitted by the Municipal Corporation, Gwalior is to take place on 28.09.2013 and the approved proposal will be sent to the Chief Secretary, GoMP.</p> <p>So far as the short-term measures are concerned, as enumerated vide order dated 06.08.2013 of the Tribunal, it is not disputed that the work has commenced in respect of the same. It has been submitted by the Counsel for the Municipal Corporation, Gwalior that short-term</p>

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tender has been issued for the work to be done with regard to the laying / repair of sewage lines and two months time has been indicated therein for compliance of the work. Copy of the same has been filed alongwith the affidavit today. As regards the cleaning and removal of garbage and solid waste is concerned, it is submitted on 06.08.2013 that thirty dustbins have been placed in various localities in the city of Gwalior but it is not disputed that additional dustbins will be required. It would be open for the applicant to suggest sites where according to him large quantity of garbage and solid waste is generated and to facilitate its removal, such dustbins are required to be placed. He may do so in writing to the Municipal Commissioner, Gwalior. The Municipal Commissioner, Gwalior, on receipt of such list, shall within a week from today direct a responsible officer subordinate to him or himself to proceed and inspect the suggested sites and look into the requirement on his own discretion and arrange for placing of such dustbins and removal of garbage from such sites. We may add that such solid waste and garbage which is generated are, in no case, shall be allowed to dumped into the river bed and the designated sites alone shall be used for the purpose, in accordance with the rules meant in this behalf.

In the short-term plans that are suggested, it has been indicated that persons who have encroached into the river bed by raising construction therein are sought to be evicted and such constructions removed.

For the aforesaid purpose, we would direct that the District Collector, Gwalior (respondent no. 8) shall hand over a survey map to the Municipal Corporation, Gwalior indicating the boundaries of the River Morar going through the area of the Municipal Corporation. Once such map is handed over by the Collector to the Municipal Corporation and the boundaries are demarcated on the ground locating the encroachments which are within the river bed as per the survey and

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revenue records, shall be liable to be removed in accordance with law.

The Collector shall also take steps for mitigating the hardship of such persons who are liable to be evicted on equitable grounds for their rehabilitation elsewhere in consultation with them and the representatives of the Municipal Corporation by identifying an alternate site for rehabilitation of such persons. The Collector, Gwalior shall look into the modalities, frame the guidelines and if necessary, also lay down a cut off date for giving benefit in this regard.

Shri Sachin K.Verma has sought two months time to apprise the Tribunal about the decision taken by the State Government after the presentation is made to it within two months from today. Since even for the short-term measures two months time was sought by the Municipal Corporation, the time sought for is allowed.

Let the matter be posted on **03.12.2013**.

.....JM
(DALIP SINGH)

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