

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

**Original Application No. 03/2015 (CZ)
Paryavaran Avam Manav Sanrakshan Samiti Vs.
State of Madhya Pradesh & 8 Ors.**

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

**PRESENT : Applicant: None
MoEF: Shri Om S.Shrivastav, Advocate
Respondent No. 6: Shri Anshuman Singh, Advocate
MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 1 9th April, 2015	<p>Learned Counsel for Respondent No. 6 has submitted a return on behalf of Municipal Corporation, Jabalpur. The same is ordered to be taken on record. Learned Counsel for the Respondent No. 6 seeks liberty to file further reply, if necessity so arises.</p> <p>On perusal of the return submitted by Respondent No. 6, we find that document R-6/1 has been filed which is a judgement of the Hon'ble High Court, Principal Seat of Jabalpur in Writ Petition No. 7229/2013 in the matter of Pratish Kumar Verma V/s State of Madhya Pradesh & Ors. From the aforesaid judgement, it apparent that the issues which have been raised in the present application were already raised before the Hon'ble High Court. The Hon'ble High Court in</p>

Para 12 of the said judgement has issued as many as six directions with clear cut mandate that these be complied with within three months from the date of said judgement pronounced on 13.12.2013.

We also find that document Annexure R-6/6 has also been filed which are the Minutes of the Meeting conducted by the Additional Collector, Jabalpur on 26.03.2015 in terms of the directions issued by the Hon'ble High Court in the judgement dated 13.12.2013.

It has been brought to our notice that after the cut-off date given by the Hon'ble High Court i.e. 01.10.2008, 81 premises were identified which *prima facie* were constructed after 01.10.2008. However on later scrutiny, it is submitted that 15 were constructed prior to 01.10.2008. On being questioned by the Tribunal, Learned Counsel for the Respondent No. 6 was not able to submit whether such buildings which were constructed prior to 01.10.2008 were constructed with due permissions or not. Learned Counsel for the Respondent No. 6 is directed to file affidavit with regard to these 15 premises on the aforesaid aspects. It is further pointed out that 63 premises have been identified which were constructed after 01.10.2008 within 100 meters of 'No Construction Zone' as provided under the Development Plan of Jabalpur. As per the aforesaid reply,

the list identifying about 330 premises and other premises has been prepared and the Municipal Bodies are in the process of issuing notice to the owners of such premises for taking action against them. We are *prima facie* of the view that as per the directions contained in the judgement of the Hon'ble High Court dated 13.12.2012, this task should have been completed within the stipulated time of three months, as directed by the Hon'ble High Court, subject to any extension that may have been prayed for. Besides, from the perusal of the judgement also, we find that the reply that was submitted before the Hon'ble High Court, it was specifically stated as recorded in Para 7 of the judgement quoted from the reply that the demarcation of various construction near Narmada River have been carried out and *Panchnamas* have also prepared both with respect to No Construction Zone and the 300 meter Zone. This reply which was submitted before the Hon'ble High Court is of July, 2013. If that be the position, the Respondents need to explain why so much precious time has been wasted in drafting fresh lists and why action could not be initiated against defaulters as per the list prepared in July, 2013. An important issue which needs to be considered is that constructions made prior to cut-off date of 01.10.2008, which had been exempted from the this direction issued by the Hon'ble High Court would

still be covered by the direction No. 5, wherein the Hon'ble High Court has directed that "all measures for prevention of water pollution in the river Narmada by merging sewage and drainage water shall continue by the Respondents, however this shall be subject to any further directions issued by the National Green Tribunal, if any".

In view of the above, the Respondents need to explain what specific measures have been taken for prevention of water pollution in the river Narmada pertaining to the exempted categories of constructions made prior to 01.10.2008 by the local authorities. The Regional Officer, MPPCB at Jabalpur shall also submit their affidavit indicating whether any such measures have been taken by the local authorities or not.

Learned Counsel for the State prays for some time to submit response and reply to the aforesaid application. Time prayed for is allowed. However, we are of the view that with a view to expedite the compliance of directions of the Hon'ble High Court and more particularly with reference to prevention of pollution through the drainage and sewage in the Narmada River, the Commissioner Municipal Corporation, Jabalpur as well as District Collector shall remain personally present on the next date to indicate what specific steps have been taken in this behalf by filing an affidavit. The Respondents shall file the

replies/ affidavits before the next date of hearing with advance copies to the Learned Counsel for the Applicant.

List the matter on **12th May, 2015**.

.....JM
(DALIP SINGH)

.....EM
(RANJAN CHATTERJEE)

