BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Original Application No. 349 of 2016 (M. A. No. 657 of 2016)

Prof. Radhey Mohan Misra Vs. State of Uttar Pradesh & Ors.

CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER HON'BLE PROF. A. R. YOUSUF, EXPERT MEMBER

Present: Applicant: Mr. Vivek Singh and Mr. Abhishek Gupta,

Advs.

Respondent No.2 : Mr. Sanjay Kumar Visen, Adv.
Respondent No.4 : Ms. Alpana Pandey, Adv.
: Mr. Maheen Pradhan, Adv
: Mr. Abhishek Yadav, Adv

Respondent no.6 :Mr. Pradeep Mishra & Mr. Daleep Dhyani, Advs Mr. Om Prakash, Adv. for Ministry of Railway

Date an Remarks	d Orders of the Tribunal
Item No. 06	Heard. Perused.
August 09, 2016	This application seeks declaration and
AK	id <mark>entification of Ramgar</mark> h Taal as a wet land in
	accordance with the provisions of Wet Land
3	(Conservation and Management) Rules, 2010 and for
1 3	other consequential reliefs, particularly the reliefs
11/2	sought as per prayer clauses b, h & i.
1/8	Process of identification of wet land is
100	spelled out at Rule 6 of the Wet Land (Conservation and
	Management) Rules, 2010. It is the obligation of the
	State to identify the wet land/s and the State was
	expected to discharge its obligation within one year from
	the promulgation of Wet Land (Conservation and
	Management) Rules, 2010. Yet nothing has been done.
	This application, therefore, can be disposed of if a
	process of identification and classification of the wet
	land of Ramgarh Taal as described in the application is
	initiated.
	Learned counsel appearing on behalf of the

applicant is ready and willing to make a proper representation giving the particulars of the wetland proposed viz broad geographic-delineation of the wetland Zone of influence of the wetland along with the map, size of the wetland and such other material necessary for identifying and classifying the Ramgarh Taal as a wet land particularly with reference to the criteria specified in the said rules. Such representation shall be made by the applicant within 3 weeks.

The respondent no.1, State of U.P shall consider such representation applying the criteria as stipulated in the Wet Land (Conservation and Management) Rules, 2010 and take decision, either identifying or classifying the Ramgarh Taal as a wet land or otherwise in accordance with the law within three months thereafter. In case the respondent no.1, State of U.P comes to the conclusion to reject such representation, partly or wholly, it shall give the reasons therefor. Such decision taken by the respondent no.1, State of U.P shall be communicated to the applicant promptly. In the event the respondent no. 1, State of U.P takes a decision to identify and classify Ramgarh Taal or any of its area to be wet land, it shall forward 'Brief Document' of such wet land to Wet Lands Authority under the Wet Land (Conservation and Management) Rules, 2010 and the decision taken by the Authority thereafter shall be communicated to the applicant. Till the decision is taken by the State of U.P, it shall not permit any project to come up on the submerged area or catchment area of Ramgarh Taal lake under its consideration and shall ensure that activities like washing of clothes, animals and dumping of waste material in the lake is stopped. If no representation is made by the applicant within the given time, the orders injucting the State of U.P shall stand vacated. O.A 349/2016 stands No. disposed of accordingly. M.A. No. 657/2016 therefore does not survive and stands disposed of. JM (U.D. Salvi),EM (Prof. A. R. Yousuf)