

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

M.A. No. 168/2013 & M.A. No. 169/2013

in

Original Application No. 18/2013
Neel Choudhary Vs. State of M.P. & Ors

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

PRESENT : Applicant : Shri Vivek Choudhary, Adv.
Respondent No. 1, 3 & 5 : Shri Sachin K.Verma Adv.
with Shri Ayush Dev Bajpai, Adv.
Respondent No. 2 : Shri Asadullah Khan, Adv.
Respondent No. 4 : Shri Vishal Vijayvargiya, Adv.
for Shri Purushaindra Kaurav, Adv.
Respondent No. 6, 82, 83, 89, 90: Shri R.R.Singh Sengar, AE
Shri Ajay Gupta, Adv.
with Shri Nishant Goel, Adv.
Respondent No. 7, 8, 17, 18, 32, 64 &79 : Shri Shantanu Saxena, Adv.
Ms. Sheetal Saraswat
Respondent No. 9, 11 to 13, 15 & 16, Shri Deepesh Joshi, Adv.
23, & 31 :
Respondent No.10, 26,28,41,45,54,55, : Shri O.S. Shrivastava, Adv.
72,73,75,78,103,105,107
Respondent No. 14 & 48 : Shri Sudhir Shrivastav, Adv.
Respondent No. 24 & 65 : Shri Pushpendra Tiwari,Adv.
Respondent No. 29 : Shri Rajesh Arya, Adv.
Respondent No. 69 & 105 : Shri S.K.Dubey & Shri B.B.Dubey
Respondent No. 74 & 104 : Shri Rafique Khan, Adv.
Respondent No. 95 : Shri B.K.Chaturvedi, Adv.

Date and Remarks	Order of the Tribunal
Item No. 1 17 th December, 2013	<p><u>M.A.No. 168/2013 & M.A.No. 169/2013</u></p> <p>M.A.No. 168/2013 has been filed on behalf of respondent no. 1, 3 and 5 by the Learned Counsel Shri Sachin K.Verma with the prayer to take additional documents on record. Copy of the same has been furnished to the Learned Counsel for the applicant.</p> <p>We have heard the Learned Counsel for the parties. We find from the documents that a meeting in pursuance of the earlier directions of the Tribunal, was convened and draft conditions for granting licence to the marriage gardens have been prepared. The</p>

**O.A.No.
18/2013
17th December,
2013**

Learned Counsel Shri Sachin K.Verma appearing for respondent no. 1, 3 and 5 submits that the aforesaid draft conditions have been sent to the Government for being notified.

Shri Neel Choudhary, Learned Counsel on the other hand, has filed M.A.No. 169/2013 wherein he has raised certain objections to the draft conditions of the licence and prays that his objections may be taken into account. He has also submitted that his proposal, as incorporated in Annexure A-3, are not taken into consideration by the respondents while drafting the conditions of the licence and that the respondents may be directed to consider the same afresh.

We have heard the Learned Counsel for the parties on both these Misc. Applications. So far as the draft conditions for granting the licence are concerned, no doubt we have made certain suggestions to the respondents in our earlier hearings for being incorporated in the conditions of the licence for running the marriage gardens so as to not to cause any pollution, more particularly with reference to the lakes of Bhopal. It was also brought to our notice that the Hon'ble High Court of MP, Bench at Indore has also issued certain directions to the State Government for incorporating conditions under which marriage gardens may be allowed to run and frame regulations for the same.

Shri Sachin K.Verma submits that the Government is seized of the matter, both with respect to the conditions of the licence drafted after conducting the meeting as directed by this Tribunal and as per the directions of the Hon'ble High Court of MP, Bench at Indore and Government would direct the Law Department to incorporate the same with a view to give them statutory force in

**O.A.No.
18/2013
17th December,
2013**

accordance with the relevant laws. He submits that some time may be allowed for the aforesaid purpose.

In view of above, the above two M.As filed by respondent no. 1, 3 and 5 as well as the application, are allowed. The documents are ordered to be taken on record. The respondents may have a relook at some of the suggestions made by the applicant in Annexure A-3 and in case they are found to be of some use, then the Government is free to incorporate the same in the draft conditions of licence, if not already incorporated.

Shri Deepesh Joshi, Learned Counsel appearing for respondents no. 9, 11 to 13, 15 & 16, 23 & 31, who are owners of some of the marriage gardens, has also submitted certain proposals both for licensees to be incorporated in the terms and conditions of the licence as well as on issues relating to sewage disposal, sound pollution, transport arrangement, etc. Shri Deepesh Joshi submits that with a view to make these enforceable, some statutory force should be attached to the same by incorporating these conditions either as bye-laws, regulations or rules under the relevant law in this behalf already existing so that the same can be enforced and in case of violation, action in accordance with law may be taken against the violators of law.

Shri Sachin K.Verma appearing for the respondents, states that though, these issues have been taken care of in the proposal already drafted for incorporating in the conditions of licence, the Government is not averse to have a relook at the proposals as suggested by the applicant as well as owners of some of the marriage gardens and they would also take into consideration the

**O.A.No.
18/2013
17th December,
2013**

submission that the terms and conditions of the licence be made statutorily enforceable under the relevant law.

In view of the above, the aforesaid two MAs stand disposed of. For the aforesaid purpose six weeks' time is allowed.

List on **21st February, 2014.**

