

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 340/2013**

**Sudesh V/s Union of India & Ors.**

**CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER  
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant / Appellant : Mr. Rajesh Gaur, Adv.  
Respondent No. 1 : Mr. Vivek Chib and Mr. Asif Ahmed, Adv.  
Respondent No. 2 : Mr. M. Dutta, Adv.  
Respondent No. 3 : Mr. Narender Hooda, Sr. Adv. & Mr. Vineet Malik,  
Adv.  
Respondent Nos. 4,5,6&8 : C. Y. Dhinoja, Adv. for Mr. D.P. Singh, AAG**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No. 2</b> <b>March 21, 2014</b></p> <p>DV</p>	<p>Pursuant to our earlier order, respondent no. 5 has filed status report. The Deputy Commissioner, Mr. Atul Kumar, I.A.S., Mahendergarh at Narnaul has stated in the affidavit that pursuant to the order of the Tribunal a Committee consisting of the following members was constituted:</p> <ol style="list-style-type: none"><li>1. The Sub Divisional Magistrate, Mahendergarh,</li><li>2. Superintendent Engineer, Irrigation Department, Narnaul,</li><li>3. Executive Engineer Irrigation, Mahendergarh,</li><li>4. Deputy Superintendent of Police, Mahendergarh,</li><li>5. Tehsildar, Mahendergarh.</li></ol> <p>It is seen that the said Committee has submitted a report on 18.03.2014, the relevant part of which has been extracted :</p> <p><i>“The Dohan river enters the Central University of Haryana, in village Pali in Khasra Number 40//2 (Northern side) to Khasra No. 40//12 (Southern side). There is no boundary wall in these Khasra Numbers, however, barbed wires with pillars have been installed there.</i></p> <p><i>An earthen road has been constructed across the River bed in Khasra No. 81//1 and 81//2 in a length of 181.6 feet in the land</i></p>

*of village Jant. 13 Numbers RCC pipes having 2.5 feet dia have been embedded below this earthen road.*

*A pacca wall has been constructed across the river bed (Water Course) in the village of Jant bearing Khasra Number 61//3 and 61//4 in a length of 220 feet.*

*The remaining portion of the River bed (Water Course) of Dohan river in Central University of Haryana at Village Jant & Pali is free from encroachment and illegal construction.*

*At present no construction work in the bed (Water Course) of River Dohan is in progress.”*

It is also stated in the status report that for the purpose of putting up such boundary wall by the respondent no. 7, namely the Central University of Haryana, no permission has been obtained from any authorities from the State of Haryana.

Learned Counsel appearing for respondent no. 7 would fairly submit that the walls put up on the river are only for the protection of students and according to him there is no history of the river having been flooded since 1970 and therefore, there is no possibility of obstruction of any flowing water. He also fairly undertakes that if a direction is given, the university will simply implement the content of the report dated 18.03.2014 extracted above. Accordingly, we direct the central university, namely, Respondent No. 7 to remove all the walls put up on the river or on the river bed within a one (1) week from today.

The applicant shall be entitled to verify the said act done by the Respondent No. 7 who shall be assisted by the personnel from police department for doing so, if necessary. The report shall be filed by the Respondent No. 5 on the next date of hearing about the compliance of this order.

Considering the report of the Respondent No. 5 that certain pacca road has been laid on the river bed and it is stated by the learned Counsel appearing for the Respondent No. 7 that not only the university but also public is using it for reaching another village. Even though, the same is disputed by the learned Counsel appearing for the applicant, we are of the view that at present steps will not be taken for the removal of the road except after hearing Public Works Department of Haryana and other people concerned.

Accordingly, we are of the view that the Public Works Department of Haryana is a proper and necessary party for deciding this aspect of the issue. Therefore, we implead the Secretary, Public Works Department, Building & Road Wing, Government of Haryana as Respondent No. 9.

The registry shall take necessary steps for making amendments in this regard.

Ld. C.Y. Dhinoja has entered appearance on behalf of respondent no. 8. Learned counsel appearing for respondent no. 8 undertakes to take notice on behalf of the Public Works Department of Haryana (respondent no. 9) and file status report regarding road portion by the next date of hearing.

Stand over to 2<sup>nd</sup> April, 2014.

....., JM  
(Dr. P. Jyothimani)

....., JM  
(M.S. Nambiar)

....., EM  
(Dr. G.K. Pandey)

....., EM  
(Prof. (Dr.) P.C. Mishra)

....., EM  
(Ranjan Chatterjee)

