

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

Original Application No.12/2013

Pandit Hari Shankar Samadhiya Vs. Union of India &Ors

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

PRESENT : Applicant: None
Respondent No. 1,3,4,5 & 8 : Shri Sachin K.Verma, Advocate
**Respondent No. 6 : Ms Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate**
Respondent No.7: Shri Vijay Shahni, Advocate
**CPCB : Shri Rohit Sharma, Advocate for
Shri Sandeep Singh, Advocate**
**Interveners : Shri Om S.Shrivastav, Advocate and
Shri Dharamveer Sharma, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 3 1st April, 2015	<p>Learned Counsel for the Gwalior Municipal Corporation (GMC) has submitted compliance report wherein it has been brought to our notice that some of the affected persons to whom notices were issued pursuant to the directions of this Tribunal for removing the unauthorised constructions from the bed of the river Morar as also 'No Construction Zone' along the banks of the river approached the Hon'ble High Court of MP at Gwalior in Writ Petition No. 8004/2014 wherein after hearing the petition in that case, the Hon'ble High Court vide its order dated 20.12.2014 has decided in favour of the applicants permitting them to approach the Appeal Committee under the Madhya Pradesh Municipal Corporation Act, 1956 within 30 days of the said order against the issue of notice dated 19.09.2014 and considerable number of</p>

persons to whom notices were issued, have filed the appeals in pursuance of the same. It has also been brought to our notice that the Appeal Committee in terms of the Appeals been filed has stayed the further action by way of demolition, etc. Learned Counsel for the Gwalior Municipal Corporation submitted that after the interim order was issued by the Appeal Committee on 07.01.2015, elections to the Gwalior Municipal Corporation have been held and the new Appeal Committee has been constituted. It was submitted that the next date of hearing has so far not been fixed and the GMC will approach the Appeal Committee for fixing the date of hearing.

In view of the above, it was submitted that the matter may be adjourned to await the decision with regard to the persons who have preferred the appeals.

So far as the aforesaid submissions is concerned in the matter of the persons who have approached the Appeal Committee, the Counsel for the Gwalior Municipal Corporation is directed to submit a list of such persons who have preferred the appeal by the next date.

So far as the remaining persons out of 149 to whom notices were issued, it was submitted that 40 persons had given their consent for rehabilitation by way of relief for alternate site. Learned Counsel for the GMC shall submit the detailed plan with time frame within which such persons who have given their

	<p>consent will be shifted to the alternate site as provided and also action which the GMC intends to take with regard to the same. The GMC shall submit the list of 40 persons to the District Administration and the District Collector through his subordinates shall ensure the allotment of these persons and such persons in terms of the allotment order issued to them by the District Administration shall within 30 days of the receipt of the allotment letters, shift to such alternate accommodation being provided to them. In case they fail to do so, they will not be given any further time for remaining in possession of their respective property. It will be the responsibility of the GMC to inform the affected persons who have given their consent with regard to the above order and also the allotment made to them. The GMC through its Chairman and Chief Municipal Officer shall approach the Collector for the needful within 10 days of this order. As regards other persons who have not given consent nor filed Appeal, the GMC needs to proceed in the matter against such persons in pursuance of the directions of this Tribunal. The progress report with regard along with the names of such persons who have neither filed appeals before the Appeal Committee nor given their consent for rehabilitation shall be submitted before the Tribunal. The Gwalior Municipal Corporation and the District Administration shall submit on the Revenue Trace sheet the location of such persons against whom action is being initiated.</p>
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List the matter on 13th May, 2015.

.....,JM
(DALIP SINGH)

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(RANJAN CHATTERJEE)

