

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

Original Application No. 04/2015 (CZ)
Kishore Samrite Vs. Union of India & 6 Ors.
and
M.A.No. 449/2015

CORUM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

PRESENT : Applicant: None
Respondent No. 1: Shri Dharamvir Sharma, Adv.
for Shri Om S.Shrivastav, Adv.
State of MP : Shri Sachin K. Verma, Adv.
MPPCB : Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.
Respondent No. 7: Shri Ravikant Patidar, Adv.
Respondent Rishab Dev.: Shri Ajay Gupta, Adv.
Intervener 1 to 8: Shri Vivek Choudhary, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 2 11th August, 2015	<p>Shri Vivek Choudhary, Learned Counsel appearing for the intervener has submitted M.A.No. 449/2015 for taking on record the revenue records pertaining to Khasra No. 319, the Devi Talab in Balaghat. The said revenue records pertain to year 1914-15 from the <i>misal bandobast</i>. Copy of the M.A. has been furnished to the Learned Counsel for the parties.</p> <p>Having heard the Learned Counsel for the parties and perused our earlier orders wherein we find that this Tribunal directed the parties to produce the records in respect of the ownership or otherwise of the Devi Talab, as such the M.A. is allowed. The documents filed along with the same is ordered to be taken on record.</p> <p>Shri Ajay Gupta, Learned Counsel appearing for the Respondent M/s Rishabh Developers & Builders prays for some time to submit the reply.</p>

In the facts and circumstances of the case, the larger issue that arises herein is with regard to conservation of lakes in the city. It has been brought to our notice that initially Lake Conservation Authority had been established by the State of MP but subsequently the same has been merged with Environmental Planning & Coordination Organisation (EPCO).

We would accordingly, therefore direct the EPCO to be impleaded as party to the Original Application. Let notice be issued to the ECPO.

Shri Sachin K.Verma, Learned Counsel appearing for the State submits that he has instructions to appear on behalf of EPCO. He will file the reply on behalf of the EPCO in this matter.

The issue apart from the one which has been raised in the application and which is also relevant and requires to be taken into account, is what steps the State and EPCO, which is the incharge for conservation of lakes are taking in the State for conservation of the lake and protection of its area as also to ensure that the catchment areas are not encroached upon and no obstruction are allowed to come up for the free flow of water into the lakes and water bodies. He will submit what are their recent studies if any carried out so far as regard to the silting and reduction, if any, of the volume of the water retained in the water bodies. If any research is carried out or recommendations have been made, the same may be submitted before this Tribunal.

Apart from the above, various inlets of sewage from the inhabited area which has sprung up all around the water bodies in various towns, the problem of weeds particularly water hyacinth needs to be addressed. We would also like from the State as well as

EPCO to submit before us whether the State would consider establishment of a centralised agency under the State authorities for providing necessary infrastructure and assistance to the local bodies firstly in respect of prevention of discharging of sewage into the lakes which is a major source of pollution as also for providing necessary infrastructure and equipment for cleaning the lakes to improve the water quality and reduce pollution in these lakes. Since such equipment requires considerable amount of expenditure and it may not be possible for each of the municipalities and local bodies to incur such expenditure, whether the State is considering or any recommendation has been made to the State for creating a centralised agency for procurement of such equipment to be leased out or given for cleaning of water bodies in the State on a periodical basis on rotation or otherwise to local authorities.

In the meanwhile, we would direct the local bodies as well as the District Collector, Balaghat to ensure that based upon the revenue records, the boundary pillars on Devi Talab in Balaghat be placed as also on the FTL points of the same and ensure that no further construction is allowed to take place either in the water body Devi Talab or between the boundary of the lake & FTL.

Shri Ajay Gupta, Learned Counsel appearing for M/s Rishabh Developers & Builders submitted that in view of the earlier judgement passed by the Hon'ble High Court and decree in 2nd appeal 120/1974, the work with regard to demarcation on account of Khasra No. 319 could not be carried out.

We have considered the aforesaid submission and in our view, unless demarcation of Khasra No. 319 is carried out, it will unnecessarily give rise to issues where property located even beyond

Khasra No. 319 may be adversely affected. In that view of the matter, there must be a certainty in the area in which our order of maintaining the *status quo* shall remain operative. In view of the above, we are not inclined to accept the contention of Shri Ajay Gupta, Learned Counsel that no demarcation be carried out.

List the matter on **30th September, 2015.**

.....JM
(DALIP SINGH)

.....EM
(BIKRAM SINGH SAJWAN)

