

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 229/2013**

(M.A. No. 736/2013, M.A. No. 194/2014, M.A. No. 211/2017, M.A. No. 212/2017, M.A. No. 216/2017, M. A. No. 363/2017, M.A. No. 478/2017, M. A. No. 519/2017, M. A. No. 652/2017, M.A. No. 514/2018 & M.A. No. 874/2018)

**And**

**Original Application No. 280/2017**

(M.A No. 529/2017)

**And**

**Execution Application No. 19 of 2018**

**IN**

**Original Application No. 24 of 2016**

**In the matter of:-**

**Giriraj Parikrama Sanrakshan Sansthan & Ors.**

**Vs.**

**Department of Environment & Forests & Ors.**

**And**

**Dwarikadham-Radhika Dham Resident Welfare Trust**

**Vs.**

**Mathura-Vrindavan Development Authority & Ors.**

**And**

**Giriraj Parikrama Sanrakshan Sansthan**

**Vs.**

**State of Rajasthan & Ors.**

**CORAM : HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

**Present: Applicant /Appellant**

**Mr. M.C. Mehta, Ms. Katyani and Ms. Mehak Rastogi, Advs.**

**Mr. Ashish Pandey, Adv.**

**Ms. Anjani Kr. Mishra and Mr. Ujjwal Tewari, Ms. Anjul Divedi and Mr. Jitender Kumar Yadav, Advs. in M. A. No. 514/18**

**Respondent**

**Mr. Pradeep Misra and Mr. Daleep Kr. Dhayani, Advs., UPPCB**

**Mr. Vishwajit Singh Ms. Vijaya Singh, and Ms Akansha Singh, Advs.**

**State of Rajasthan**

**Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal, Mr. Adhiraj Singh and Mr. Vikramjeet Singh Advs.**

**Mr. Joydeep Mazumdar, Adv. for Intervenor in M.A. No. 855 of 2018**

**Mr. Vikas Malhotra, Adv. for Ministry of Environment, Forest and Climate Change R-1**

**Mr. Amit Tiwari, Adv. for State of UP**

**MoEF**

**Mr. Rajesh K. Singh and Mr. Rovins Verma, Advd.**

**Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv. for State of Haryana**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1 to 3 May 31, 2018</b>	<p>In respect of recommendation no. 8, the Learned Counsel for State of UP has submitted that for the purpose of compliance a review meeting was held under the Chairmanship of Chief Secretary of State of UP.</p> <p>Learned Counsel for State of UP is directed to file complete detail of the meeting, as to when it was held and</p>

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what were the recommendations/ conclusions to which they had arrived in the meeting and the minutes of the meeting.

It is also submitted that samples have been taken and the report is awaited. Learned Counsel should collect information as to how many samples have been taken and from which place and when would report of the samples be made available. As regard the installation of ETP, Learned Counsel submits that as and when the issue with regard to offering of the milk at the three temples and its disposal by carrying it upto the ETPs is planned out thereafter installation of ETP would take place immediately.

Learned Counsel for the State has submitted that on physical verification it has been noted that there are 32 kunds in Giriraj Parikarma. We want the Learned Counsel to give us the figure of total number of water bodies, as per the revenue records and their present status.

We are informed by the applicant that flow of water from Lalita Kund to Krishna Kund and Radha Kund have been blocked by a concrete wall. Learned Counsel for State of UP is directed to look into it and in case any wall or any obstruction is found the same should be removed immediately.

In response to direction no.9, Learned Counsel, on instruction from the officer concerned who is present in Court, submits that work has been done but the details have not been given in the compliance report. The same shall be furnished on the next date of hearing.

In respect of recommendation no.10, Learned

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Counsel has placed before us a map marking six parking places. As has been told by Learned Counsel for the State himself that the size of these parking places are small, for instance 0.25ha., 0.300 ha etc.

Therefore, we direct that parking place for light vehicles should be reconsidered so as to have sufficient space with scope for future vehicle increase and also on the full moon day or on some festival. They are also directed to do survey for having more bus stands on the three major roads, namely Deeg, Barsana and Radha Kund, other than Mathura Road. Further it is directed that parking place for heavy vehicles may be separate and at a far place on the aforesaid major roads.

In compliance of direction no. 11, it is stated that in a drive for identifying the encroachment on Forest Land, it was found that there are in all 211 cases. Another 75 encroachments are on the land which has been handed over by the Revenue Department to the Forest Department.

Out of 211 encroachments, 155 have been removed and the land has been taken over by the Forest Department. In respect of remaining 56 encroachments, an order under Section 61-B of the Indian Forest Act, 1927 for eviction has been passed for 31 cases. Another bunch of 17 cases is still pending before the Forest Department. The Forest Department should immediately remove encroachment, and take decision regarding 31 cases where eviction order has already been passed under Section 61-B. The other bunch of cases totaling to 17 are pending with the Forest Department. They should be

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decided immediately so that further steps of removing encroachment is taken. There should be no delay in expediting such proceedings.

The District Magistrate, Mathura is directed to personally look into and expedite 8 cases on encroachments of Forest Land, proceeding of which are pending in the Civil Courts. Appropriate directions/instructions be given by the District Magistrate to the persons concerned and the Government Counsels to have such proceedings concluded.

It has been submitted that there are 75 encroachments over the land which have been handed over to the Forest Department by the Revenue Department. Out of them, 66 encroachments have been removed. This has led to restoration of only 0.2995 hectares of land. Therefore, substantial part of the land which has been handed over to the Forest Department still remains under the encroachment. Remaining land should be made free from encroachment immediately.

List these matters on 13<sup>th</sup> June, 2018.

**M.A. No. 874 of 2018**

This Application has been filed by the Applicant with a prayer that Archeological Survey of India, Ministry of Culture, Government of India and Directorate of Archeology, Department of Culture, Government of UP be impleaded as party respondents.

On consideration of the Application as well as subject matter of the present Original Application, we consider it just and proper to allow the same and ordered that Archeological Survey of India, Ministry of Culture,

	<p><b>Item No. 1 to 3</b></p> <p><b>May 31, 2018</b></p>	<p>Government of India and Directorate of Archeology, Department of Culture, Government of UP be impleaded as party respondents.</p> <p>Issue Notice to Archeological Survey of India, Ministry of Culture, Government of India by Registered post/Acknowledgment due and Dasti as well.</p> <p>Notice made returnable within two weeks.</p> <p>The Learned Counsel for State of UP is directed to accept Notice on behalf of Directorate of Archeology, Government of UP.</p> <p>The Learned Counsel for the Applicant is directed to file amended cause title within three working days.</p> <p>M.A. No. 874 of 2018 stands disposed of accordingly.</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal) (31.05.2018)</p>
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