

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL

M.A.No. 643/2014

in

Original Application No. 135/2014 (CZ)

Dr. Subhash C. Pandey & 2 Ors. Vs. State of MP & 6 Ors.

and

Original Application No. 48/2014 (CZ)

**Pradeep Kumar Pandey & 5 Ors. Vs. Mandakini Housing Society through it's
President & 4 Ors.**

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

PRESENT : Applicant: Dr. Subhash C. Pandey
Respondent 1, 3 & 4 : Shri Sachin K. Verma, Advocate
Sh. Shubhashish Banerjee, DD.T&CP
Shri Ayush Dev Bajpai, Advocate
Respondent No. 7 : Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 13&14 24th November, 2014	<u>M.A. No. 643/2014</u> The State has filed M.A. No. 643/2014 seeking extension of time for giving details of the steps taken so far on the ground that action has already been initiated by the State. It has been mentioned that on 08.09.2014 a meeting was held by the Commissioner, Town and Country Planning with the Officers of the concerned departments and resolved a special team has to be constituted. Subsequently on 19.09.2014 another meeting was held by the Joint Director, Town & Country Planning Department wherein it was decided that on both the banks of the Kaliasote river demarcation shall be carried out on

the boundary of the river and the 33 mtrs boundary therefrom. On 21.10.2014 a meeting was again held by the Joint Director wherein it was held that demarcation of the river boundary shall be done by the total State machinery and police protection shall be provided to the survey team. On 05.11.2014 another meeting was held by the Joint Director wherein it was stated that marking of the banks of the river and the 33 mtrs. zone has been initiated on 22.11.2014. Another meeting was held by the Collector, Dist. Bhopal wherein it was discussed and conveyed that work of demarcation of the banks of the river and the 33 mtrs. zone is under progress. Based upon the above, further time has been sought and effort has been made for explaining the delay.

Having considered the matter we are of the view that the question of extension of time shall be considered by the Tribunal only after an affidavit is filed by the Respondent stating clearly that no construction is being allowed to be carried out in the disputed area of the river as well as 33 mtrs. zone throughout the length of river Kaliasote. Once the aforesaid affidavit is filed, the prayer for extension of time if any shall be considered as on the pretext of the work being delayed as a result of the various reasons submitted herein, no person can be allowed to carry on with construction activity in the disputed area and later claim the equity on account of

earlier permission granted even in the no construction zone or the river bed itself.

Shri Sachin K. Verma, Learned Counsel prays for 3 days time to submit the affidavit. The time prayed for submitting the affidavit is accordingly allowed.

Accordingly, M.A. No. 643/2014 stands disposed of.

The compliance report submitted by the MPPCB is ordered to be taken on record. The same shall be taken into consideration after 3 days. Copy of the same has been furnished to the Applicant as well as Learned Counsel for the State.

Matter be listed on **27th November, 2014.**

.....,JM
(DALIP SINGH)

.....EM
(P.S.RAO)

