

**Miscellaneous Application No. 13/2014**

In

**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. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri V.K. Bharadwaj, Sr. Advocate  
With Shr Sanjay Sharma, Advocate  
Respondent No. 1,3,4,5 &8 : Shri Sachin K.Verma, Advocate  
Shri Ayush Dev Bajpai, Advocate  
Respondent No. 2 : Shri Suman Mandal, Advocate  
On behalf of Shri Sandeep Singh, Adv.  
Respondent No. 6: Shri Shivendu Joshi, Advocate for  
Shri Purushaindra Kaurav, Advocate  
Respondent No.7: Shri Vijay Shahni, Advocate  
Respondent No. 9 : Shri M.P. Agrawal, Advocate**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1</b>  <b>9<sup>th</sup> January, 2014</b>	<p><b><u>Miscellaneous Application No. 13/2014</u></b></p> <p>Misc. Application No. 13/2014 has been filed by the applicant praying that documents annexed there of which consist photographs as well as information pertaining to the improvement carried out in the Sabarmati and Shipra river front, be taken on record for the purpose of making similar improvement on the river Morar and also for ensuring that enough water in the reservoir of the Morar river to Ramova Dam . No objection has been raised for taking above documents on record. Misc. Application No. 13/2014 filed by the applicant is accordingly taken on record.</p> <p>Learned Counsel for the Respondent no. 9 Cantonment Board Morar (Gwalior) has also filed a report alongwith with certain photographs showing steps taken by the Cantonment Board. In the compliance report it has been stated that permission granted by the Board to 3 individuals for construction of structures has been cancelled and they have been asked to remove the construction as a consequence thereof. So far as unauthorised constructions are concerned notices have</p>

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been issued to the concerned persons for the removal of the same. It has also been stated that sufficient number of notice boards have been put by the Cantonment Board warning the citizens not to litter the surroundings and not to throw garbage into Morar river and dustbins have also been placed for the aforesaid purpose.

So far as the first part of the compliance report of the Cantonment Board is concerned relating to cancellation of three permissions granted by the Cantonment Board, it is directed to furnish the list of the aforesaid owners of the property and also pin pointing as to in what manner and by whom such permission was granted which is now sought to be revoked. They shall also submit a list of the persons who have raised unauthorised constructions and to whom notices have been issued by the Cantonment Board.

We find from some of the photographs that while notice boards have been placed at various places requesting the people not to through garbage, however at the same spot where the Boards are erected, lot of garbage can be seen and therefore the Cantonment Board shall make all out efforts to ensure that the garbage is collected regularly and disposed of in accordance with the Municipal Solid Waste Rules. The Learned Counsel appearing for the Respondent No. 9, Cantonment Board submits that inadvertently such photographs have been filed and they will be filing the photographs / records depicting improved position if opportunity is granted to them.

Shri Sachin K. Verma, Learned Counsel appearing for the State submits that so far as the directions issued to the State government and the District Collector, Gwalior are concerned, the District Collector, Gwalior was informed about the order passed by this Tribunal on the last date of hearing. However he has not received any response from the District Collector, Gwalior in this behalf.

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In view of the above we direct that the District Collector, Gwalior shall remain present personally before the Tribunal on 13.01.2014 to explain what steps the District Administration is taking and also plans proposed to be implemented in future for complying with the directions issued so far and also in respect of the implementation of the short term and long term measures which have been formulated. Accordingly the matter be listed in Court on 13.01.2014.

The Learned Counsel for the State Government is directed to get the response of the State Government with respect to the points which have been raised by the Learned Counsel for the applicant in Misc. Application No. 13/2014 with regard to the development and beautification of the river front area as in the case of Sabarmati and Shipra rivers.

Stand over to **13.01.2014.**

.....JM  
(DALIP SINGH)

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

