

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 16/2014

IN THE MATTER OF

Shri Hazi Arif & Ors Vs. State of U.P. & Ors

CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. G.K.PANDEY, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Adv. For Applicant : Mr. R. Venkataraman, Adv. for Applicant

Adv. For Respondent : None.

Date and Remarks	Orders of the Tribunal
<p>Item No. 1 February 5, 2014</p>	<p>Learned counsel appearing for the Applicant has filed an amended prayer to the Application which is allowed to be taken on record. The prayer portion of the application shall stand amended as shown in the amended prayer filed by the Applicant.</p> <p>The Applicant has also filed an amended memo of parties. Registry to make necessary amendments.</p> <p>We have heard learned counsel appearing for the Applicant. This application is filed for a direction against the Respondents to remove all the encroachments and restore the Green Belt at Zone No.5 Vaishali and the water drainage 127 MLD from Sahibabad Drain No. 1 to its natural original position.</p> <p>In the main prayer the Applicant has sought for stay of construction activities including cutting of trees, encroachments and other occupations on the green belt at Zone – 5 Vaishali.</p> <p>Learned counsel appearing for the Applicant has stated that not only the industrial effluents are being discharged unauthorizedly into the drains but also the private owners are putting up covers on the drains so as to prevent the testing of the same by the authorities concerned. He would also submit that the Green Belt areas which are notified are being destroyed not only by the private individuals but also by the Governmental authorities like G.D.A.(Ghaziabad Development Authority) as well as the Housing Board and these authorities are attempting to cut the trees without any legal permission</p>

and without any proper scheme and the purpose for which it is being done and therefore he insisted that an order of stay must be granted in the interest of environmental protection.

We appreciate that so far as it relates to the encroachments made on the drainage and also the discharge of drainage water by the industries without treatment of their effluents is hazardous to the hygienic life.

Accordingly, we are satisfied that the Applicant has made out a prima-facie case in this regard. Therefore, there shall be an order of injunction against anyone from discharging the industrial waste without treatment into the Sahibabad Drain No. 1 until further orders. We make it clear that there shall be no construction put up by anyone to prevent the free flow of drainage without proper approval from the competent authorities and no unauthorized covering henceforth shall be put up by the private individual on the drainage without proper approval of the authorities competent including unauthorised cutting of trees in the green belt (Harit Patti) in Zone-5, Vaishali is also prohibited till further orders.

Respondent Nos. 2, 3, 4 & 5 are directed to scrupulously implement this interim order passed by this Tribunal.

Issue notice to the Respondents by Dasti process and Registered A/D, returnable on 24th February, 2014.

....., JM
(Dr. P. Jyothimani)

....., JM
(M.S. Nambiar)

....., JM
(Dr. G.K. Pandey)

....., EM
(Prof. A.R. Yousuf)

....., EM
(Ranjan Chatterjee)



