

Item No. 07 (Through VC)

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

Original Application No. 50/2015 (CZ)  
(I.A. No. 22/2019)

Sanjiv Tiwari

Applicant(s)

Versus

Digamber Jain & Ors.

Respondent(s)

Date of hearing: 09.04.2019

**CORAM:**

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

For Applicant(s):

Mr. Dharamvir Sharma, Advocate

For Respondent (s):

Mr. Sachin Kr. Verma, Advocate  
for State of M.P.

Mr. Rohit Sharma, Advocate for  
Mr. Siddharth Chauhan,  
Advocate for State of Chhatisgarh  
Ms. Nitika Delouri, Advocate for  
MPPCB

**ORDER**

Heard the Learned Counsels for the parties.

**I.A. No.22/2019**

This interlocutory application has been filed on behalf of respondent no.5-Municipal Corporation, Amarkantak with the prayer that the order dated 12.03.2019 be modified/recalled.

Apart from the fact that the application has been captioned as, for modification and to recall the order, the prayer made in it is with regard to recalling the direction issued by the Tribunal for construction of toilets 100 meters away from the temples/kunds and also for shifting the existing one upto that distance.

The very issue was thoroughly considered by us on 23.03.2019. It is pertinent to note here that respondent no.5-Municipal Corporation, Amarkantak was duly represented by its counsel on that day. Thereafter a detailed order was passed and the application filed by the applicant (I.A. No. 12/2019), with the prayer to shift the toilets from the present location, was disposed of with the directions to the Collector, Anuppur to ensure that the toilets are at a distance of at least 100 mtrs. away from the temples/kund. A copy of the order was sent to Collector Anuppur and Chief Municipal Council Officer, Nagar Parishad, Amarkantak, District Anuppur for information and proper compliance of the same.

Filing of the present interlocutory application (22/2019) is nothing but defiance of our earlier directions or to circumvent the order passed on 12.03.2019, through a different counsel representing the Municipal Corporation.

It is best known to the Municipal Corporation, Amarkantak alone as to why they have filed the instant application in this manner whereas they were already represented by their counsel at the time of earlier hearing and passing of the order on 12.03.2019. Such like applications are nothing but a pretext not to comply with the directions passed by the Tribunal and to unnecessarily delay the matter.

In such view of the matter, we dismiss this interlocutory application (22/2019). We direct the Collector, Anuppur to have our order dated 12.03.2019 be complied in letter and spirit before the next date of hearing. He may do so by issuing instructions to Chief Municipal Council Officer, Nagar Parishad, Amarkantak, District Anuppur. This responsibility is being given to the Collector for the simple reason that it seems, Nagar Parishad, Amarkantak is just trying to play a game of hide and seek. There was no reason whatsoever for Nagar Parishad, Amarkantak not to have complied our order dated 12.03.2019 by now.

In case compliance of our order dated 12.03.2019 is not made before the next date, then the Collector, Anuppur shall remain present before the Tribunal. Further the Nagar Parishad, Amarkantak shall be liable to pay cost, for which orders shall be passed on the next date of hearing, if required.

A copy of this order be sent to Collector, Anuppur through e-mail, forthwith.

List the matter on 16<sup>th</sup> May, 2019.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

April 09, 2019

jg