

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL**  
**CENTRAL ZONAL BENCH, BHOPAL**

Original Application No 63/2023 (CZB)

Priyanshu Gupta

.....

Applicant/Petitioner

Versus

State of M.P

.....

Non Applicant/ Respondent

**PRELIMINARY REPORT OF THE AMICUS CURIAE**

**Swati Mehta (Advocate)**

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## **I. Introduction**

1. The Original Application was registered by this Hon'ble Tribunal by taking *suo moto* cognizance based on a letter petition dated 12.04.2023 pertaining to several water bodies (**Baolis** or **Stepwells**) falling within the jurisdiction of the Indore Nagar Nigam.
2. The Hon'ble Tribunal has recorded in its Order dated 31.07.2023 that as per the media reports, there were initially 629 baolis within the jurisdiction of the Indore Nagar Nigam and that the same has been reduced to 616 hitherto.
3. The Hon'ble Tribunal further recorded in its Order dated 31.07.2023 that an incident took place on 13.03.2023 at Indore where, on a kacha covering over a baoli near a temple, some people gathered for worship but met an accident due to collapse of the covering. This resulted in death of a number of people. Subsequent to the occurrence of the incident on 13.03.2023, the authorities decided to fill up certain baolis by dumping malba therein, which will affect the level of ground water and will also affect the level of surface water.
4. This Hon'ble Tribunal *prima facie* observed that inaction in preventing the illegal & unauthorized construction over baolis and filling of water bodies by dumping malba is contrary to the environmental laws and will cause damage to the environment.
5. Hence vide Order dated 31.07.2023, this Hon'ble Tribunal perused the factual report submitted by the Joint Committee comprising of the Madhya Pradesh Pollution Control Board, Central Pollution Control Board, Central Ground Water Authority, District Magistrate (Indore) and a representative of the Department of Environment and Forest, Madhya Pradesh. The report submitted by the Joint Committee highlights that an incident did take place on 30.03.2023 as a result

whereof, slabs of all closed Baolis/Stepwells were opened and they were re-filled and thereafter, roads have been constructed over them.

6. That, this Hon'ble Tribunal took note of the fact that the report of the joint committee could not explain as to how the baolis were closed when they were serving as a water resource to the local inhabitants and also working as a source for recharging the ground water.
7. That therefore, this Hon'ble Tribunal in the *suo moto* proceedings in O.A. 63/2023 obliged me by appointing me as the Amicus Curiae.
8. In furtherance of the direction of this Hon'ble Tribunal I submit my preliminary report of the limited site inspections conducted as under:

## **II. Site Inspection**

On 21.08.2023, inspection of several baolis was conducted by me in presence of the following officials:

#	Name	Designation
1.	Mr. Anoop Goyal	Building Officer (Head Quarter) IMC
2.	Mr. Sunil Gupta	Executive Engineer, Water & Drainage Department
3.	Mr. Sewakram Patidar	Executive Engineer, Water & Drainage Department <b>(Officers of Municipal Corporation)</b>
4.	Shri S.N Divedi	Regional Officer, MPPCB
5.	Shri S.K. Jain	(SCI), MPPCB <b>(Officers of pollution control Board)</b>

The officials assisted me in reaching the sites to see the present position, maintenance, construction and other attributes of the baolis.

During the site inspection, the following places were visited by me to verify the current position of Baolis:

#	Site
1.	Snehlata Ganj
2.	Pipli Bazar
3.	Narsingh Bazar
4.	Sneh Nagar, Sapna Sangeeta Road
5.	Dhhakanwala Kuan
6.	Pardeshipura Lal Gali (Farsi wala Chowk)
7.	Kollimohalla, Mahadev Gauri Mandir, Gali No. 11
8.	Sanwer Road, Bhagat Singh Nagar (Near Bheru Baba Mandir)
9.	Govind Nagar Kharcha, Gali No. 3 (in front of Shiv Shakti Mandir)
10.	Ujjain Road, Bhorshala Chouraha
11.	Bhorshala Gaon, Shiv Mandir
12.	Gram Bardari, Shri Ram Mandir Darbar, Mandir Parisar
13.	Ganesh Dham (nearby United Mission School)
14.	Ganesh Dham Main Road 216

Brief details and a report of the site visits conducted at the abovementioned location is detailed as under:-

## 1. Snehlata Ganj

Type	: Well
Category	: Government
Type of Construction	: Stone Masonry
Depth	: 25 Meters (approx.)
Width	: 7 Meters (approx.)
Status	: Closed

### Observations:

After an incident on 13/03/2023, the well was closed. The well is situated on the main road (VIP road) which runs towards the Airport. Further, heavy traffic of buses is observed on the said road which also connects Indore to the neighboring city of Ujjain.

Looking into the safety of large number of public, the well was closed with arrangements to recharge using the collection chambers which contains Iron Grill and 5 pipes installed therein (10 feet each).

### Remarks:

Recharging arrangements are done. Photographs are attached hereunder:-





## 2. Pipli Bazar

Type	: Well
Category	: Private
Type of Construction	: Stone Masonry
Depth	: 12 Meters (approx.)
Width	: 2.5 Meters (approx.)
Status	: Open and being used for collection as water recharging structure.



**Observations:**

The parapet wall of the well after reconstruction is of 3 ft. height. The same will be covered from upper side by putting iron grill.

**Remarks:**

Recharging arrangements are done to keep water level maintained.

Photographs are attached here:-





### 3. Narsingh Bazar

Type : Well  
Category : Government  
Type of Construction : Stone Masonry  
Depth : 10 Meters (approx.)  
Width : 2 Meters (approx.)  
Status : Closed

#### **Observations:**

Narsingh bazaar well was situated at the acute turn of Jawahar Marg Road. The well was very unsafe for the moving traffic, hence it was closed about 20 years ago by filling it and road was constructed over the area.

#### **Remarks:**

Recharging arrangements are done. Photographs are attached herewith:-





#### **4. Sneh Nagar, Sapna Sangeeta Road**

The incident dated 30.03.2023 occurred at the baoli situation in Sneh Nagar near the old Beleshwar Mahadev Mandir. As on the date of the incident, the baoli was covered with iron grill & farsi (plag stones) were put on the grill. It was further covered with mortar & tiles. On the date of incident, a Hawan was being performed on the cover of the baoli and due due to the weak construction over the baoli, the same broke down.

As on the date of the incident, there were two temples in the garden near this baoli (one temple was new and one was old). In the same garden area, there is a big 20 ft. dia recharge area is constructed, in which water reaches from different parts of garden. Both the temples are removed from the garden are and baoli is closed. Which can be seen from photographs as blue shade. The garden is maintained by IMC.

As per information gathered from the public nearby, encroachment was done in the garden by constructing the Temple. Baoli was covered by slab in year 1984-1985.

**Remarks:**

Recharging arrangements are done properly in garden area to collect the rain water. Photographs are attached hereunder:-









## 5. Dhhakanwala Kuan

Type	: Well
Category	: Government
Type of Construction	: Brickwork
Depth	: 15 Meters (approx.)
Width	: 3 Meters (approx.)
Status	: Closed

### Observations:

This well was closed somewhere in the year 2008, when the 300-meter wide road was constructed. This well was filled previously with Granular material & stones at the time of road widening. Presently, complete road is constructed at this place and recharging pit is constructed near the previous wall to get the water recharging done.

### Remarks:

Recharging arrangements are done properly in garden area to collect the rain water. Photographs are attached hereunder:-





## 6. Pardeshipura Lal Gali (Farsi Wala Chowk)

Type : Well  
Category : Government  
Type of Construction : Brickwork  
Depth : 13 Meters (approx.)  
Width : 2 Meters (approx.)  
Status : Open

### Observations:

The parapet wall is constructed and it will be covered by iron grill to safe guard residents.

### Remarks:

Recharging arrangements are done. Photographs are attached hereunder:-







## 7. Kollimohalla, Mahadev Gauri Mandir (Gali No. 11)

Type : Well  
Category : Government  
Type of Construction : Brickwork  
Depth : 20 Meters (approx.)  
Width : 3 Meters (approx.)  
Status : Open

### Observations:

This well is situated in Kollimohalla. A 3 ft. parapet wall is constructed to cover boundaries & iron grill will be put to safeguard people. Earlier in the year 2009/2010 this well was closed by residents but presently, the IMC has opened it.

### Remarks:

Recharging arrangements are done. Photographs are attached hereunder:





#### **8. Sanwer Road, Bhagat Singh Nagar (Near Bheru Baba Mandir)**

Type : Well  
Category : Private  
Type of Construction : Brickwork (as per information by local people.)  
Depth : 18 Meters (approx.)  
Width : 3 Meters (approx.)  
Status : Closed

#### **Observations:**

This well was closed several years before by the residents by filling it with malba / boulders. Presently, Pipleshwar Mahadev Madir has been constructed over the area.

#### **Remarks:**

Recharging arrangements are done at the place. Photographs are attached hereunder:







### **9. Govind Nagar Kharcha Gali No. 3 (in front of Shiv Shakti Mandir)**

Type : Well  
Category : Private  
Type of Construction : Brickwork (as per information by local people.)  
Depth : 18 Meters (approx.)  
Width : 3 Meters (approx.)  
Status : Closed

#### **Observations:**

The well was situated on the land owned by one Mr. Nand Kishore Prajapati.  
It was stated that the well was present since his grandfather's time.

#### **Remarks:**

Recharging arrangements are done at the place. Photographs are attached hereunder:-





## 10.Ujjain Road Bhorshala Chourha

Type	: Baoli
Category	: Government
Type of Construction	: Not known
Depth	: 16 Meters (approx.)
Width	: 3 Meters diameter (approx.)
Status	: Closed

### Observations:

According to the villagers, this well was situated in the land of Mr. Mohan Singh Patel. This was closed around 20 years before by Mr. Mohan Singh Patel by putting in malba / boulders and a Shivling was placed over the baoli.

### Remarks:

Recharging arrangements are done at the place. Photographs are attached hereunder:-







## 11.Bhorshala Gaon Shiv Mandir

Type	: Well
Category	: Private
Type of Construction	: Brickwork (as per information by local people.)
Depth	: 16 Meters (approx.)
Width	: 2 Meters (approx.)
Status	: Closed

### Observations:

As per the information received from the residents, this well was filled up 9 to 10 years ago by the residents. Recharging arrangements are done by residents which keep water level of the bore well and tube well maintained.





## **12.Gram Bardari, Shri Ram Mandir Darbar Mandir Parisar**

Type	: Well
Category	: Private
Type of Construction	: Brickwork
Depth	: 16 Meters (approx.)
Width	: 5 Meters (approx.)
Status	: Closed

### **Observations:**

The well was situated on a private land and was filled by the residents to construct a Ram Mandir over the well.

### **Remarks:**



Recharging arrangements are seen at the premises. Photographs are attached hereunder:-



### 13. Ganesh Dham (Near United Mission School)

Type : Well  
Category : Private  
Type of Construction : Brickwork (as per information by local people.)  
Depth : 20 Meters (approx.)  
Width : 2 Meters (approx.)  
Status : Closed

#### Observations:

According to the owner of the land Mr. Nishant Yadav, this well was filled with malba/ boulders 13-14 ago because there was no water level in the well.

#### Remarks:

Recharging arrangements are done by the owner of the land. Photographs are attached hereunder:-







#### 14.Ganesh Dham Main Road 216

Type : Well (Hodi)  
Category : Private  
Type of Construction : Brickwork (as per information by local people.)  
Depth : 10 Meters (approx.)  
Width : 3 Meters diameter (approx.)  
Status : Closed

#### Observations:

The well (Hodi) was built in the back of a house and it was filled around 12 years ago as informed by the residents.

#### Remarks:

Water recharging arrangement are done. Photographs are attached hereunder:-







It is therefore prayed that this preliminary report may kindly be taken on record and necessary orders be kindly passed.

Place: *Indore*

Date: *27/08/23*

Submitted By,

**AMICUS CURIAE**  
**Swati Mehta (Advocate)**