

Item No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. 74/2022 (CZ)

Mr. Rashid Noor Khan

Applicant(s)

Versus

BMC & Ors

Respondent(s)

Date of Hearing: **21.03.2023**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Harshwardhan Tiwari, Adv

For Respondent(s):

Ms. Harshita Tejwani, Adv

Mr. Sachin K.Verma, Adv

ORDER

1. Bhopal is known as city of lakes. Bhoj Wetland of Bhopal is of international importance and notified as Ramsar Site under Convention on Wetlands for the conservation and wise use of wetlands, through local and national actions and international cooperation to achieve sustainable development. The Lake is now under great threat and there are continuous constructions (as alleged) falling within the Full Tank Level (FTL), cutting of trees, deep holes dug for construction of permanent pillars violating the environmental rules and provisions of Ramsar Convention. It is reported that under the garb of tourism, Bhopal Municipal Corporation is permitting construction of permanent and semi-permanent nature, which is strictly prohibited under Wetland (Conservation and Management) Rules, 2017.
2. The matter was raised before this Tribunal and necessary directions were issued to the respondents to file the reply but the reply submitted by the respondents are of no use and are not intended to protect the

Bhoj Wetland. The Tourism policy paper has been filed before this Tribunal which lacks authentications and is having no relevance to be kept on record.

3. The reported provisions are intended to apply for Narmada Valley through a committee of more than 06 departments under the Chairmanship of Chief Secretary, which has not made any recommendation applicable in this case. Repeated letters issued by the Executive Director/Member Secretary, State Wetland Authority were neither taken into consideration nor replied to the Wetland Authorities. The reports and letters communicated to the Collector and the Municipal Corporation reveal that there are complaints of violation of environmental rules and also violation of notification issued by the State Government with regard Wetland Rules, 2017, but unfortunately no action has been taken or even initiated.
4. Since activities which have been enumerated in this application are against the provisions of Wetland Rules, 2017 and are without any permission from the competent authority and also against the order dated 16.03.2022 issued by the Environment Department, Government of Madhya Pradesh, thus, we have no option but to direct that no construction be permitted within the area in violation of environmental rules and against the provisions contained in the Government order no. 32/233/2022/32-3 dated 16.03.2022.
5. During the course of hearing this Tribunal constituted a Committee to give factual and action taken report and following violations have been reported:
 - (i) *There are approx. 22 nos. of column footings observed. Some of them are raised up to and above ground level and rest are not started.*

(ii) *Committee has also observed cutting remains of the plants/trees at the project site. As per the information provided by District Administration, the cutting remains of the plants/trees include approx 03 nos. of trees and 20 nos. of wild shrubs.*

(iii) *The topography of the area remains same as the slope and gradient of the site has not been changed. The activities carried out in the area are found at its primary level.*

6. The report reveals that there are approximately 22 nos. of column, there are cutting of plants and trees and there are activities carried out in the area without any authority of the State / Competent Authority, which may change the slope and gradient of the site at later stage.

7. The activities are reported to be done by the Tourism Department/Corporation of Madhya Pradesh, accordingly, we direct the Tourism Department and Madhya Pradesh to submit the reply and the authority for actions being taken.

8. A copy of the order be sent to the Secretary, Environment for taking necessary actions and to ensure that no prohibited activity should be done in the area in violation of the Wetland (Conservation and Management) Rules, 2017.

Put up the report and reply on 26th April, 2023.

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM