

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 602/2022

Utkarsh Singh Chauhan

...Applicant

Versus

State of Uttar Pradesh & others

...Respondents

Date of hearing: 22.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Application is registered based on a Letter Petition received by email.

ORDER

1. Mr. Utkarsh Singh Chauhan, Advocate has sent to this Tribunal by email copy of letter petition addressed to Hon'ble Chief Minister, Uttar Pradesh regarding conservation and development of lake named '**Chande Baba Talab**' situated in village Garhi-Chunoti, Lucknow. In view of questions relating to environment the letter petition has been treated and registered as original application.

2. The applicant has submitted that '**Chande Baba Talab**', which is spread over 100 acres, is biggest lake of Lucknow City and is a holy place of religious significance. During winter, the lake attracts thousands of migratory birds but the number thereof is getting increasingly reduced due to encroachments in the area of the lake and reduction in its water level. Water source of this lake is one storm water drain named Nagwa Nala. Fresh water of said drain, which joins River Sai, is wasted. There is need to join the storm water drain to

the Chande Baba Lake in order to improve its water level. The applicant has also emphasized the urgency for executing the works of desilting the lake and increasing its retention capacity, making provision for overflow, removing encroachments, constructing boundary wall/fence to protect the lake from encroachments, dense afforestation on all its four sides and beautifying and facilitating the same to attract the tourists and the migratory birds.

3. This Tribunal is empowered to ***suo moto*** take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in Schedule I of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897**. This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

4. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of **representative of State Wetland Authority, Commissioner, Municipal Corporation, Lucknow, State PCB, DFO and District Magistrate, Lucknow** and direct the same to meet **within two weeks**, undertake visits to the sites, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report **within one month** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

5. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:-

(i) The concerned Project Proponents to enable them to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations contained in the same and file their response before this Tribunal as desired, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF; and

(ii) the concerned Authorities including State Wetland Authority, Commissioner, Municipal Corporation, Lucknow, State PCB, DFO and District Magistrate, Lucknow to enable them to take appropriate remedial action, in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment, by giving notice to/hearing the concerned project proponents and following due process of law and they shall submit their action taken reports separately, **within one month from the date of receipt of a copy of the report of the Joint Committee**, by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. List for further consideration on 18.01.2023.

7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the State Wetland

Authority, Commissioner, Municipal Corporation, Lucknow, State PCB, DFO and District Magistrate, Lucknow by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 22, 2022
AG