

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 9569-9570 OF 2018

THE STATE OF UTTARAKHAND & ORS.

.. Appellant(s)

Versus

RAM SHANKAR & ORS.

.. Respondent(s)

O R D E R

The Respondents filed an application before the National Green Tribunal, Principal Bench, New Delhi ('the Tribunal') for a direction to shift the solid waste dumping site away from the riverbed of river Ganges. The Tribunal issued directions on 18.12.2015 that an area of 100 metres from the middle of the river may be treated as "Eco sensitive and prohibited zone". There was a further direction that no site in the riverbed or at least within 500 metres from the flood plain of the river shall be used for collection, disposal and management of the solid waste. The Respondents sought for implementation of the said directions. The Respondents have complained that the municipal solid waste has not been removed from this site which was within the prohibited distance. An inspection was conducted pursuant to a direction issued by the

Tribunal and a report was filed in which it was suggested that the site requires to be shifted at the earliest as it is situated at the bank of a seasonal river, which is in violation of the Solid Waste Management Rules, 2016 (hereinafter referred to as '2016 Rules'). A proposal was made by the State that a site is available and suitable for shifting the municipal solid waste but it is in a reserve forest. The suggestion made by the State was not accepted by the Tribunal as the shifting involved felling of 500 trees. Being of the opinion that the State should explore the possibility of shifting the municipal solid waste to an alternate site, an inspection committee was constituted which was to be headed by a nominee of the Ministry of Environment, Forests and Climate Change, Government of India which would visit the area in question and submit a report to the Tribunal regarding the availability of an alternate site.

Aggrieved by the direction issued by the Tribunal, the State of Uttarakhand has filed the above appeals.

In the meanwhile, an inspection was conducted by the Committee constituted by the Tribunal and in the Report submitted by the said committee, it was recommended that an extent of 16 hectares of land in Lalpani Block I, Rishikesh as the only option for setting up the Solid Waste Management

site.

Mr. Tushar Mehta, learned Solicitor General submits that the shifting of the Solid Waste Management site suggested by the inspection team involves felling of only forty trees. The learned counsel for the Respondents does not have any objection for shifting of the Solid Waste site. He in fact, submitted that it has to be done at the earliest. Moreover, he also insists that the solid waste dumps have also to be removed from the present site. We direct the State to comply with the 2016 Rules for removal of the old dumps.

The State of Uttarakhand is permitted to shift the solid waste site from the present site to the proposed site at Lalpani Block I, Rishikesh expeditiously. The State is directed to compensate the uprooting of trees at the proposed site by planting trees as per the norms of compulsory afforestation.

Steps shall also be taken by the State to comply with the 2016 Rules for closure and removal of the said waste dumps at the present site to ensure that the existing solid waste dumps do not contaminate the flowing river.

The appeals are disposed of accordingly.

Pending application(s), if any, also stand disposed of.

.....J.
(L. NAGESWARA RAO)

.....J.
(HEMANT GUPTA)

New Delhi,
Dated: November 29, 2019

ITEM NO.49

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 9569-9570/2018

THE STATE OF UTTARAKHAND & ORS.

Appellant(s)

VERSUS

RAM SHANKAR & ORS.

Respondent(s)

(IA No. 135059/2018 - STAY APPLICATION)

Date : 29-11-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s)

Mr. Tushar Mehta, SG
Mr. Abhishek Atrey, AOR
Ms. Vidyottma, Adv.

For Respondent(s)

Mr. Avneesh Arputham, AOR
Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.
G. Chitrakala, Adv.
Mr. Ashish Chaubey, Adv.
Mr. Om Prakash Kr. Srivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeals are disposed of in terms of the Signed
Order.

Pending application(s), if any, also stand disposed
of.

(GEETA AHUJA)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER

(The Signed Order is placed on the file)