

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

M.A. No. 43/2022

IN

Original Application No. 41/2020

Pushpendra Kumar

Applicant

Versus

Nagarpanchayat, Kadaura & Ors

Respondent(s)

Date of hearing: 05.08.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ranjan Kumar Rai, Advocate

ORDER

1. Though this application has been filed under Section 26/28 of the National Green Tribunal Act, 2010, on oral prayer, the application is treated to be under Section 25 of the Act for execution of order dated 13.01.2021 in O.A No. 41/2020. By the said order, the Tribunal dealt with the issue of restoration of main pond (Sadar Bazar) of Kadaura Town, District Jalaun, U.P.

2. Considering the rival contentions about the factual position emerging out of report of the Committee constituted by this Tribunal, the Tribunal directed remedial action by the District Magistrate, Jalaun after looking into the factual aspects so as to maintain the pond as per norms, removing illegal encroachments, to be overseen by Oversight Committee

constituted by this Tribunal headed by Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow.

3. The applicant thereafter filed M.A No. 50/2021 with a grievance that adequate remedial action was not being taken which was dealt with vide order dated 04.08.2021. Thereby, the Tribunal again directed the District Magistrate to take further action in the light of the observations of the Oversight Committee mentioned therein.

4. According to the present application, encroachments are still continuing and situation has further deteriorated.

5. In view of above, the District Magistrate, Jalaun and Executive Officer, Nagar Panchayat, Kadaura may take further remedial action and appear in person on the next date by video conferencing with their action taken reports.

List for further consideration on 11.10.2022.

A copy of this order be forwarded to the District Magistrate, Jalaun and Executive Officer, Nagar Panchayat, Kadaura by email for compliance. The applicants may provide all relevant papers to the said officers and file an affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

August 05, 2022
M.A. No. 43/2022
IN Original Application No. 41/2020
AB