

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

(By Video Conferencing)

Original Application No. 695/2019

(With Report dated 31.10.2019)

Hardesh Kirar

Applicant(s)

Versus

State of Madhya Pradesh

Respondent(s)

Date of hearing: 18.05.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**ORDER**

1. Vide order dated 16.09.2019, a factual and action taken report was sought from the Bhopal Municipal Corporation and the State Pollution Control Board (SPCB) with reference to the allegation of violation of environmental norms by Raj Homes Colony by raising constructions on encroached government land and discharging untreated sewage at Village Kauluva, Bhopal.
2. Accordingly, report dated 31.10.2019 has been filed by the State PCB on behalf of the joint Committee as follows:

“

1. *A nala (public drain) is passing from 2 sides of complainant Shri Hradesh Kirar house / premise which has no boundary wall towards nala.*
2. *A boundary wall was constructed by M/s Raj Home Pvt. Ltd. around periphery of their land. The said nala was passing from outside of this boundary wall.*

3. **Before this monsoon season of year 2019 complainant filled the nala stretch at back side of his house up to boundary wall of M/s Raj Home Pvt. Ltd. and laid down a 2 feet diameter hum pipe line for conveying sewage of nala. But this pipe line is in adequate, so in monsoon season that area was submerged. So as an immediate. measure an alternative earthen drain was dug out parallel to existing nala on other side of boundary wall by District Administration and Bhopal Municipal Corporation. Now sewage of this nala is flowing through this new earthen path. Now complainant encroach the land of old nala path by filling it intermittently and said that he is the occupier of this encroached nala land.**

Site sketch and photographs showing field status are enclosed as Annexure I & 2.

**Recommendation : -**

As per site condition **this is a clear case of nala encroachment made by complainant.** Now complainant wants that channelization of newly dug out nala (parallel to old nala path) should be done by M/s Raj Homes Pvt. Ltd.”

3. The above report shows encroachment by the complainant himself and diversion of the drain for which remedial action may need to be taken.
4. Accordingly, let a joint Committee comprising representatives of the Bhopal Municipal Corporation, State PCB and the District Magistrate take further remedial action and furnish a compliance report before the next by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
5. Since it is stated that the Municipal Corporation is not cooperating, let the Commissioner, Municipal Corporation take appropriate action against the person responsible for not complying with the directions of this Tribunal. Needless to say, order of this Tribunal

is an executable and binding decree and violation thereof is also a criminal offence, if the Municipal Corporation does not cooperate, the Commissioner, Municipal Corporation may be held personally accountable.

A copy of this order be sent to the Commissioner, Bhopal Municipal Corporation, State PCB and the District Magistrate by email for compliance.

List for further consideration on 11.08.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

May 18, 2020  
O.A. No. 695/2019  
AK

