

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

Original Application No. 229/2013
(M.A No. 736/2013, M.A No. 194/2014, M.A No. 211/2017,
M.A No. 216/2017, M.A No. 363/2017, M.A No. 478/2017,
M.A. No. 519/2017, M.A. No. 652/2017, M.A. No. 514/2018,
M.A. No. 1183/2018, M.A. No. 1360/2018, M.A. No.
1400/2018, M.A. No. 1737/2018, M.A. No. 1742/2018, I.A.
No. 144/2019, I.A. No. 145/2019 & I.A. No. 157/2019) (PH)

With

Original Application No. 280/2017
(M.A. No. 529/2017)

With

Execution Application No. 19/2018
IN
O. A. No. 24/2016

Giriraj Parikrama Sanrakshan
Sansthan & Ors.

Applicant(s)

Versus

Department of Environment &
Forests & Ors.

Respondent(s)

With

Dwarikadham-Radhika Dham
Resident Welfare Trust

Applicant(s)

Versus

Mathura-Vrindavan Development
Authority & Ors.

Respondent(s)

With

Giriraj Parikrama Sanrakshan Sansthan

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: 27.06.2019

CORAM:

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s) Mr. Rahul Shukla, Adv
Mr. Bhuvan Ravendran
Mr. Sarthak Chaturvedi.
Mr. Rajesh Kr. Lawania, Adv
Mr. Krishnan Kumar Sharma, Adv
Mr. Ravesh Kr. Lawania, Adv

For Respondent(s) Mr. Pradeep Misra & Mr. Daleep Dhyani,
Advocate for UPPCB
Mr. Amit Tiwari, and Mr. Rohit
Pratap Singh, Advocates Mr. R S
Mishra, DM, Mr. Shalabh Mathur,
SSP for State of UP
Mr. Smarithi Malhotra, Adv for Mr.
Ajay Jain, Advocate for GNCTD
Mr. D K Sharma, Mr. B B Sharma,
Mr. Ankur Sharma & Mr. K. Sharma
for Giriraj Sewak Samithi
Mr. Raj Kumar, Adv for CPCB
Mr. Vishwajit Singh, Adv and Ms.
Akansha Singh, Adv for MVDA
Mr. Shashank Saxena for Mr.
Ardhndumauli Prasad, Adv for
CGWA & ASI

ORDER

1. Heard the learned counsel for the parties.
2. Learned counsel for State of Uttar Pradesh submits that the survey in respect of service road has been completed and a report in this regard would be submitted in the first week of July, 2019 positively. He has, in fact, submitted that the target for submitting the report is 30.06.2019. Thereafter, further required steps shall be taken and the work of service road shall commence at the earliest. In this regard,

we would direct the State of Uttar Pradesh to see that after filing of the report, other steps such as acquiring of land, etc. should be done immediately without any further delay. Needless to say that the requirement of service road is essential so as to regulate the traffic of the villages which are situated around the Giriraj Parvat so as to make free the Parikrama Marg from any congestion or obstacle to the pilgrims.

3. The learned counsel for the State further submits that the entire ring road, which is of four lane has been completed, except a patch of 2.9 Kms between Deeg and Barsana. As has been directed by the Tribunal on 29.05.2019, this remaining patch of the ring road needs to be completed at the earliest because as of now, though the other part of the ring road is functional, but in this patch of 2.9 Kms the vehicular traffic has to come to the edge of the town which further creates congestion in the local traffic. It has been submitted by the learned counsel for the State that the proposal in respect of the remaining ring road is pending in the office of the Chief Minister of Uttar Pradesh and assures us that the needful would be done/cleared on priority. This patch of ring road is also essential keeping in view the scope of traffic for future. We direct the concerned authority of State of Uttar Pradesh to clear the project immediately and the work of construction of road be commenced at the earliest.

4. It has also been submitted by the learned counsel for the State that in so far as reinforcement of police personnel is concerned, 60 more have been permanently deployed in Govardhan town for keeping watch over no vehicle zone, regulation of the normal traffic, etc. However, on special occasions like Purnima, Amavasya, Ekadashi and Moondiya Poornima, etc., more force would be deployed for control of traffic.
5. We are informed that complete regulation of traffic at the entry point for local residents have been made through passes and the same is in operation without any difficulty. There are said to be six functional parking spaces as on date. The total capacity of those parking is about 1400 vehicles. Learned counsel further informs that another parking space near the bus stand is under construction and the same would be made functional soon.
6. For the sewage connection of the houses at Govardhan town which are 2600 in number, a report has been prepared. According to the learned counsel for the State as this would be covering a long distance, proportionately increased funds would be required. It has also been submitted before us that in place of laying down of pipelines of sewage, an alternative system of septic management and transportation of sewage to the treatment plant, through tankers, has been suggested and approved. We are rather surprised to note that the State

Government has on its own are thinking of doing away with the system for laying down the pipeline for sewage and have thought of going to the alternative of septic management. Looking to the present position of Govardhan town and the condition of the *abadi* area, it would not be feasible to have septic tanks for every house and regular transportation of sewage in the town would further create obstacle in its functioning. Such an alternative suggestion would not be a permanent solution for Govardhan town. It will only be through network of sewage pipeline. Even if an additional amount is being spent for laying of sewage pipelines, it will give permanent solution to the issue. Therefore, we are of the considered opinion that survey in respect of laying down sewage pipeline in Govardhan town be done and accordingly the State of Uttar Pradesh is directed to proceed with. We are also informed that laying down of pipeline would incur big expenditure because of total distance which it would cover. As a matter of fact looking to pattern of the residences in Govardhan town, pipeline connections can be made at a shorter distance by combining a couple of houses at one point where chamber may be made and thereafter sewage would jointly pass to the main pipeline. The survey in respect of laying down of pipeline needs to be done after proper inspection of the site and planning as to in what manner the pipeline can be laid down for every house with minimum cost.

7. Therefore, we direct the respondent, State of Uttar Pradesh to revisit the proposal of laying down the sewage line in Govardhan town and the same be connected with STP. As stated earlier, disposal of sewage by laying down of pipeline up to the treatment plant is the only proper, permanent and hygienic way.
8. It would be relevant to mention here that in these very proceedings, on 01.02.2019, Mr. A.K Avasthi, Additional Chief Secretary, Uttar Pradesh had appeared before the Tribunal. After thorough discussion on various issues involved in the matter for compliance of the recommendations made by the Committee which would substantially affect various environmental issues, the Additional Chief Secretary, Uttar Pradesh had submitted that the process in respect of a legislation to constitute a Shrine Board for three Temples of Govardhan namely; Jatipura, Dhanghati and Mansi Ganga have already been started. Further, he had stated that a draft has been prepared and processed through Inter-Department consultation and has been placed before the Cabinet. However, he has submitted that certain information with regard to assets of the temple are required to be collected. In this regard, information was being sought from the temple or from the receivers wherever they have been appointed, in respect of some of the Temples. Such information, according to the Additional Chief Secretary, Uttar Pradesh would be collected positively within a period of one week. Thereafter,

the matter would be immediately placed before the Cabinet for its approval and then to the Secretariat for legislation. We had then directed the Additional Chief Secretary, Uttar Pradesh to complete the aforesaid information and approval from the Cabinet with a period of 15 days. We had expected that soon thereafter a bill would be prepared and placed before the Legislative Assembly. The Additional Chief Secretary, Uttar Pradesh had very categorically submitted before us that so far other issues relating to financial sanctions are concerned and which are pending before the State Government, would be cleared by 15.03.2019. In so far as completion of ring road is concerned, we were informed by the Additional Chief Secretary, Uttar Pradesh on the instructions of the officers of the PWD, that the same shall be completed by 31.10.2019 and on failure to do so, the officer concerned shall be made accountable and appropriate order will be passed against him.

9. With regard to sewage connections, we were informed on 01.02.2019, that connections of minimum 2691 houses will be completed by 31.03.2019. The DPRs in that regard were said to have been prepared and the sanction would be granted by the Government by 15.03.2019. But to our surprise and dismay the steps in respect of bringing the legislation for constitution of Shrine Board has not been done so far. On earlier date of hearing we had referred to the subsequent development as to how the Manager of the

Temple was involved in embezzlement of the amount which had been offered and on bringing to the notice of concerned Judicial Magistrate, appropriate orders were passed whereby criminal proceedings were initiated. Thereafter, the accused was taken into custody. This is only one of the instances which shows as to how management of the Temples is being done for self interest. Constitution of a Shrine Board would solve many problems which would include proper supervision and management of the temple which will include hygienic conditions and prevent pollution of the environment, cleaning of the area, etc. Furthermore, a proper supervision of the temple under a legislation would provide funds by which development work of the temple as well as of the area would be done. Therefore, keeping in view the present condition of the temples in Govardhan town wherein there has been gross encroachment on forest land, large scale of illegal construction on Giriraj Parvat itself and unsystematic drainage system, the milk, which is being offered to the deity is left in open places, needs to be connected through proper drainage system which will not only improve cleanliness but hygiene conditions for lakhs and lakhs of people who visit the place every day. The mismanagement of garbage and municipal solid waste is also adding to the pollution to the environment and all this would be channelized and regulated through proper administration if constitution of a Shrine Board is done. We had expected that after the statement was

made by Additional Chief Secretary, Uttar Pradesh before the Tribunal on 01.02.2019, steps with regard to constitution of a Shrine Board would be expedited and completed at the earliest but the same has not been completed so far.

10. We therefore, direct Mr. A.K Avasthi, Additional Chief Secretary, Uttar Pradesh to file a personal affidavit on or before the next date of hearing giving the details with respect to steps taken so far for constitution of a Shrine Board and give reasons and difficulties which prevented the State Government from not constituting a Shrine Board till now. It would be relevant to mention here that so far as the issue of embezzlement by the Manager and the criminal proceedings initiated by the Judicial Magistrate is concerned, it is a totally a different issue and is not at all connected with the present case and the consequence of the same will result in conviction and awarding of punishment. Even if the State Government has constituted a Committee as informed by the learned counsel for the State, because of the embezzlement committed by the Manager, the conclusion of the same would be relevant for the purpose of criminal proceedings which shall be ensued against the persons who are involved in committing embezzlement. Therefore, the process of constitution of a Shrine Board ought to have been proceeded with and completed by now.

11. A copy of this order be sent to Sh. A.K Awasthi, Additional Chief Secretary, Uttar Pradesh through e-mail forthwith.

List this matter on 15.07.2019.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

June 27, 2019

Original Application No. 229/2013 and connected matters
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