

Item No.2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPALBENCH**

(By Video Conferencing)

Original ApplicationNo.330/2022

Ganesh Chand Sharma

Applicant

Versus

State of Uttarakhand & Ors.

Respondents

Date of hearing: 11.05.2022

Applicant: In person

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

**ORDER**

1. The applicant has filed present application under Section 18(1) read with Sections 14 & 15 of the National Green Tribunal Act, 2010 seeking *inter alia* the relief of issuance of directions to the respondents not to construct Taradi-Dhabra Shashikhal Motar Marg above the Naula of Village Malla Dhadhariya and to adopt alternate route to protect it from damage.

2. The applicant has claimed that Naula in question is the only natural water resource more than 100 years old which servers the inhabitants of village Malla Dhadhariya and Soli besides Students and Teachers of the School situated nearby. The above said Naula is in danger of being completely destroyed by construction of the above said

road by respondent no.2. As per the PWD Department in order to save the Naula at demarcation point 1/23 a two number HP Band under demarcation point 0/40 below the village Soli can be done without any hindrance to save the Naula from destruction.

3. Let notices be issued to respondents requiring them to file replies specifically responding to all material averments made in the application within two weeks.

4. In view of the grievances raised in the letter petition, the factual position also needs to be verified and remedial action is required to be taken on the basis thereof. We accordingly constitute Joint Committee of State PCB, Executive Engineer, PWD Department and District Magistrate, Almora and direct the same to verify the factual position, look into the grievances of the applicant and in particular consider the alternative suggested by the applicant in para 5.10 of the application for saving the Naula from destruction in consultation with some local expert in the field of Himalayan Geo-hydrology, if so required. State PCB will be the nodal agency for co-ordination and compliance. Report may be furnished on or before 26.05.2022 by e-mail 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. The applicant is directed to take requisite steps for service of notices on the respondents and file his affidavit regarding the same by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) within seven days.

List the matter for further consideration on 27.05.2022.

A copy of this order, along with a copy of the complaint, be forwarded to the State PCB, Executive Engineer, PWD Department and District Magistrate, Almora by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

May 11, 2022  
Original Application No. 330/2022  
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