

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

Original Application No. 214/2024

News item titled "**Map and Save Water Bodies**" appearing in Civil Society Magazine May 2023 issue

Date of hearing: 11.03.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Amit Shukla & Mr. Deva Shukla, Advs. for UPPCB

ORDER

1. This original application is registered *suo motu* on the basis of the news item titled "**Map and Save Water Bodies**" published in Civil Society Magazine May 2023 issue.

2. The news report reflects the issue of encroachment and pollution being faced by lakes and water bodies of Terai region in Uttar Pradesh. The report mentions that there is a large water body by the name of 'Baghel Taal' stretched in almost 42 kms but numerous farms have encroached upon its edges and colonization in the surrounding of the wetland area has taken place. The importance of this water body is reflected by mentioning that it offers numerous ecosystem services serving as a habitat for migratory birds and several aquatic animals and provides fresh water for human use. But on account of encroachment from all sides, the water body is adversely affected. As per the report, water is drained and intensive farming is happening around the periphery threatening the critical natural resources. The report further mentions that not only the Baghel Taal but other water bodies in the area concerned are also suffering the same fate

and land developers and real estate agencies are converting ponds and lakes into housing projects and commercial complexes.

3. The news item raises substantial issue relating to compliance of environmental norms.

4. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

5. Hence, we implead the following as respondents in this OA:

- i. Uttar Pradesh Pollution Control Board (UPPCB) through its Member Secretary.
- ii. Uttar Pradesh State Wetland Authority through its Member Secretary.
- iii. District Magistrate, Bahraich.

6. Let notice be issued to the above respondents for filing their response at least one week before the next date of hearing.

7. Mr. Amit Shukla, Advocate accepts notice on behalf of UPPCB.

8. Having regard to the gravity of the issue reflected in the news report, we also constitute a Joint Committee comprising of Regional Officer, Ministry of Environment, Forest and Climate Change (MoEF&CC), Lucknow, Member Secretary, UP State Wetland Authority and District Magistrate, Bahraich. The District Magistrate, Bahraich will act as the coordinating agency. The Committee will visit the site, ascertain factual status and the original area of the lake as per the revenue record and the extent of encroachment on the lake area. The Committee will also get the

water samples collected from the lake and get the sample analysis report to ascertain the nature of water quality of that lake and also suggest remedial measures and submit the action taken report before the Tribunal at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

9. List on 14.05.2024.

10. A copy of this order be forwarded to RO, MoEF&CC, Lucknow, Member Secretary, UP State Wetland Authority and District Magistrate, Bahraich by e-mail for compliance.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

March 11, 2024
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DV