

Item No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 32/2023(CZ)

Faraz Azam

Applicant(s)

Versus

State of M.P. & Ors.

Respondent(s)

Date of Hearing: **02.05.2023**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Rohit Sharma Adv.

For Respondent(s):

ORDER

1. The grievance of the Applicant is that the Project proponent is constructing a residential complex by the name of lake courtyard height within 50 meters distance from the upper lake. Any construction in the buffer zone or the no construction zone of a water body damages the bio-diversity and ecosystem of an area. Construction and development within the no construction zone adversely effects the water quality and this, if not prevented, gives rise to issues such as sedimentation, urban storm water runoff, pollution of water systems and harm to the aquatic environment.
2. The contention of the Applicant is that the report submitted by the Mukhya Nagar Niweshak, Nagar Palika Nigam, Bhopal communicated vide order dated 26.10.2021 has sought a clarification with the FTL, and without clarifying it, the authorities permitted the construction activities by Respondent no.5 which is also in violation of Wetland (Conservation and Management) Rules, 2017.
3. A substantial issue of environment has been raised.
4. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within Six weeks through

E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

5. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
6. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-
 - i. One representative of Bhopal Municipal Corporation
 - ii. One representative of the State Wetland Authority (MPSWA) Environmental Planning and Coordination Organization (EPCO)
 - iii. One representative from Madhya Pradesh Pollution Control Board
7. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
8. Applicant is directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the Committee and respondent(s).
9. The report in the matter be filed by the Committee through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on 17th July, 2023

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM