

Item No. 1

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

Original Application No. 13/2023(CZ)

Bhagwat Singh Dewda Applicant(s)
State of Rajasthan & Ors Versus Respondent(s)

Date of Hearing: **13.02.2023**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s): Mr. Saurabh Rajpal, Adv

For Respondent(s): None

ORDER

1. The issues raised in this application is violation of environmental rules by way of construction or development or water destroying natural flora and fauna in the village Raya, Kailaspuri of District Udaipur and Village Ghati ka math of District Rajasmand, Rajasthan on the following grounds:

(i) Construction of hotel/resort without obtaining requisite Environmental Clearance as per the EIA Notification, 2006.

(ii) Construction of hotel/resort prior to obtaining Consent to Establish.

(iii) Obstructing natural flow of nallah by dumping debris and developing approach road to hotel/resort being developed by the Respondent No.11-13.

(iv) Increasing height of Bundh (Anicut) without requisite permission and against the law settled in 'Abdul Rehman Vs State of Rajasthan' and in violation of Notification dated 04.06.2007 issued by the Department of Irrigation, Govt. of Rajasthan and Notification dated 30.11.2011 issued by the Grameen Vikas, Govt of Rajasthan. AND consequent less supply and recharge of Gandhara Sagar Lake located

downstream the river/nallah. Illegal construction of Pucca Bridge with Rodi, cement etc, in other words, Reinforced Cement Concrete Bridge has been constructed over the nallah without requisite permission from SEIAA, HSPCB and Building Plan sanctioning authority.

(v) Illegal mining of Earth Clay by excavating the same from Nallah Bed without permit as per Rule 74 of Rajasthan Mining Mineral Concession Rules, and Environment Clearance as per Deepak Kumar Judgment passed by Hon'ble Supreme Court of India

(vi) Uprooting trees and green area on public land to utilize the same of hotel/resort being developed by Respondent NO.1113

(vii) Concretization and construction over catchment area of Nallah/river.

2. A substantial issue has been raised.
3. 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.
4. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
5. Applicant is directed to supply the copy of the application and relevant documents to the 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 respondent(s).

List it on **31st March, 2023.**

Sheo Kumar Singh, JM

Dr. A. Senthil Vel, EM

13th February, 2023
O.A No. 13/2023 (CZ)
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