

Item No. 7

Court No. 1

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

(By Video Conferencing)

Original Application No. 229/2013

Giriraj Parikrama Sanrakshan Sansthan & Ors.

Applicant(s)

Versus

Department of Environment & Forests & Ors.

Respondent(s)

Date of hearing: 31.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Rahul Shukla, Advocate

Respondent(s): Mr. Amit Tiwari, Advocate for State of UP
Mr. Raj Kumar, Advocate for CPCB
Mr. I.K. Kapila, Advocate for UP Jal Nigam
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Mr. A.K. Prasad, Advocate

ORDER

1. The above application was filed before this Tribunal on 31.08.2013 for protection of environment in *Govardhan* and surrounding areas, particularly *Giriraj Parvat* (Hill) near Mathura-Vrindavan. According to the applicants, on account of spiritual and cultural significance of the area, 8-10 million pilgrims from different parts of the World visit the *Parikrama* (path for walking around a sacred place) of *Goverdhan* every month. They also visit temple of *Giriraj Ji*, *Radha Kund* and other holy places in the vicinity. However, on account of negligence of the authorities, there were challenges to the environment like illegal felling of trees, encroachments, unscientific dumping of solid waste and discharge

of untreated sewage. The area is 26 Km. West of Mathura, near the State Highway towards *Deeg* in Rajasthan. The *Parikrama Marg* (path) is about 21 Km. in the foothill where the Lord Krishna is believed to have saved people of *Braj* from the wrath of Lord *Indra*. There are various beliefs associated with different locations in the entire area. There is associated cultural and religious history. There are historical water bodies also, having religious and cultural significance. Large number of pilgrims visit on account of their religious sentiments. One of the concerns of the applicants is that forest cover in the town of *Goverdhan* should not be destroyed and reserved forest land may not be diverted for any other purpose. This concern has shown on account of proposal for non-forest use of 3.9 hectares reserved forest land in *Govardhan*, for widening of the road. The PWD, UP filed its response on 13.01.2014 justified the diversion of the forest land for expansion of the *Parikrama Marg* for facilities to the pilgrims. The Divisional Director, Social Forestry Mathura, also filed a response annexing approval granted by the Government of India on 08.10.2013 for widening of *Parikrama Marg*, subject to certain conditions. The MoEF&CC, Government of India, also filed its response on 27.01.2014 to the effect that in principle approval has been granted for diversion of the forest land, in accordance with law.

2. The Tribunal first appointed an Advocate as a Local Commissioner and later constituted a team *inter-alia* comprising representatives of CPCB, State PCB, PWD, UP to visit the area and study the environmental issues. The said team visited the area on 20.03.2015 and made the following recommendations:-

“Recommendations

1. A service road of 10 meter wide around *Parikrama Marg* behind existing houses and Ashrams and a Ring Road outside the said service roads may be constructed and all vehicular traffic

should be terminated on said service road and Parikrama Marg may be completely closed for any vehicular movement with exception to medical and fire series.

2. Entire Parikrama Marg may be declared as no-construction zone to avoid any further encroachment.

3. Interceptors should be constructed and Sewage generated in the area should be diverted to STP. Residents may be directed to take sewage connection. A punitive action may also be recommended against residents for violations/dischage of sewage on roads/water bodies.

4. The areas along the Parikrama Marg which have not been provided with sewerage system should be provided with sewer lines and suitable sewage treatment facility should also be provided.

5. Facilities for collection of MSW and its proper disposal should be made for disposal of MSW where collected MSW may be disposed off as per MSW (Management and Handling) Rules, 2000.

6. At some places, alongside the pucca road, natural path between the Kacchi Parikrama Marg and Giriraj ji have emerged on its own and are convenient to the pilgrims because shadow of trees saves the devotees from scorching sun on such natural paths. Therefore, at such places widening of Kacchi Parikrama Marg, which may result in cutting of trees. Is not necessary. In view of abandoning of further widening of Kacchi Parikrama Marg vide Office Order No. 485/12C-Agra Region/2015 dated 06-02-2015, the remaining forest areas diverted for non-forest use shall again be declared as Forest area.

7. The officials have informed the visiting team that widening of Kacchi Parikrama Marg at proposed places will not be done considering the inevitable damage to existing dense plantation in the area and thus no trees will be cut in future.

8. At few water bodies, simple waste water treatment system based on sand/gravel filtration had been provided by the non-government organization/ Ashram and that treated waste water is used of plantation. Such treatment system can be improved by providing design and construction by the professional Environmental Engineers/body and subsequently treated waste water can be used for the tree plantation in better way.

9. Condition of Roads should be improved.

10. Parking Facilities for the vehicles at suitable places atleast 200 mts away from Parikrama Marg are required to be provided.

11. A drive may be carried out for identification of Forest land in accordance with demarcation map and all encroachments may be removed in a time bound manner.

12. *A plantation drive may be carried out on forest land including Forest land situated at Madaur on Gata No. 1673 measuring 2.55 Hectare.*

13. *That 3.9 hectare of non-forest land may be notified as forest land in compliance of Letter No. 8B/UP/68/2013/FC/1180 dated 08.10.2013 in Goverdhan area and plantation drive may be carried out in a time bound manner.*

14. *Any future widening of Kacchi Parikrama Marg may be undertaken only on outer side of Parikrama Marg instead of inner side of Kacchi Parikrama Marg (The side of Giriraj Goverdhanji) Which not only leads to the diversion of forest land but also involves the cutting of trees.*

15. *Illegal construction activities/buildings erected next to Giriraj ji along the Parikrama Marg have blocked/obstructed the view to have darshan by the devotees. It is recommended that such illegal construction between Parikrama Marg and Giriraj ji be demolished, so that the pilgrims can have a clear and unobstructed darshan/view of the sacred Giriraj Govardhan.*

16. *The private land next to Giriraj ji along the Parikrama Marg shall be declared as no construction zone.*

17. *An independent organisation on the lines of other shrine Board in the country may be constituted for the proper management of this religious place, providing all the required facilities and maintain and upkeep the sanctity of holy places/kunds, cultural heritage, environment protection, sanitation, pollution control, eco-balance of the Green cover which includes Kund, Pokhar, Talab and Jhari and related aspects.”*

3. The above recommendations were considered vide order dated 04.08.2015 and were accepted. The District Magistrate, Mathura was required to take further steps and furnish status report to this Tribunal quarterly. The application was disposed of, except for considering the said quarterly reports.

4. Thereafter, on consideration of quarterly reports, further directions have been issued from time to time in the last five years dealing with the solid and liquid waste management including septage management, removing encroachments etc. It is not necessary to make reference to all the orders. Vide order dated 31.01.2020, the Tribunal dealt with the allegation that *Brij* Foundation was alleged to have caused damage to

conventional water sources and water bodies in and around *Giriraj Goverdhan Parikrama Marg* and directed that said allegations be investigated.

5. Report of compliance status was filed by the UPPCB in a printed form on 03.03.2020 with the reference to the each of the directions to which objections were filed on behalf of the applicant. The matter was last taken up on 4.3.2020 and then on 18.03.2020 when it was observed that the District Administration should complete the work of acquisition of land for service road and also take further steps for compliance of directions of the Tribunal in terms of order dated 04.08.2015.

6. In pursuance of the above, the Secretary, Urban Development, UP has filed an affidavit on 29.08.2020. It is stated that in compliance of order dated 04.03.2020, a meeting of all the concerned officers was held on 06.03.2020 to consider the progress of compliance of directions 3, 4 and 5 to deal with the problem of sewage and solid waste. The status was found to be as follows:-

S. No.	Direction of Hon'ble Tribunal	Compliance status / Action Take	Remark
1.	Direction No. 3- Interceptors should be constructed and sewage generated in the area should be diverted to STP. Residents may be directed to take sewage connection. A punitive action may also be recommended against residents for violations/dischage of sewage on roads/water bodies.	Complied. All 1820 houses along with other structures with in catchment area of existing sewage network, covering about 40% part of Govardhan Nagar Palika, have been connected to existing sewerage network through house connections through State fund amounting to about Rs. 4.17 crore.	A discharge of about 1.8 MLD through existing sewerage network is being treated in existing STP of 2.76 MLD capacity.
2.	Direction No. 4 – The areas along the	Tenders for execution of a sanctioned project of	As per report of UP Jal Nigam

	<p><i>Parikrama Marg, which have not been provided with sewerage system should be provided with sewer lines and suitable sewage treatment facility should also be provided.</i></p>	<p><i>Rs. 3.3 Crore for septage management from septic tanks of house holds in un-sewered area have already been called. Work is proposed to be completed in next 6 months, subject to kind permission from Hon'ble Tribunal.</i></p> <p><i>A DPR for sewerage scheme for unsewered area has also been prepared.</i></p> <p><i>As an interim measure, Nagar Palika has issued public notice prohibiting open dumping of septage from septic tanks (Annexure -3)</i></p>	<p><i>(Annexure – 2) The execution of sewerage network scheme in un sewered area pose serious challenge of laying sewer in narrow lanes (1.2-1 m wide) and the cost works out to be very high (Rs. 2.15 lakh/ house hold) as compared to septage management cost (Rs. 0.055 Lakh per house hold). UP Jal Nigam has reported that in Goverdhan and Radhakund town the area in which 37 narrow lanes of width 1 to 1.5 m and length 40 m – about 300 m exist. Report of a team of UP Jal Nigam (Annexure-2) which examined the solution to issue raised by UPPCB regarding viability of collection of sewage from houses in narrow lanes was also discussed including option for using extended suction hose pipe and it was finally decided in the meeting that matter may be referred to NEERI for specialized expert opinion to decide upon techno-economic viability of providing sewerage network and options for septage collection from houses in narrow lanes.</i></p>
3.	<p><u>Direction No. 5</u> – <i>Facilities for collection of MSW and its proper disposal should be made for disposal of MSW where collected MSW may be disposed</i></p>	<p><i>It is submitted that towns of Goverdhan and Radhakund are Nagar Panchayats headed by an Executive Officer. The entire work from door to door collection and</i></p>	

	<p><i>off as per MSW (Management and Handling) Rules, 2000.</i></p>	<p><i>disposal of municipal solid waste in accordance with rules has been entrusted to an organization namely Muskan Jyoti with which a written contract has also been executed by Nagar panchayats. It is submitted that door to door collection of municipal solid waste from both towns has commenced. A land bearing Khasra No. 212/13 and 211 admeasuring 1.566 hectare situated at revenue village Neem Goan, Tehsil Goverdhan, District Mathura has been identified and earmarked for management of waste. The dumping ground is proposed on this parcel of land. The e-tender for construction of proposed plant has been invited. The construction of boundary wall and approach road is in progress. The segregation of waste is also been carried out. In terms of the contract, pursuant to segregation, the bio-degradable waste is being converted into manure while the segregated non-bio-degradable waste shall be sent for recycling. The requisite fund to the tune of 1.82 cr. (approx.) has been released. The picture of ongoing construction work are attached herewith as</i></p> <p>Annexure-4.</p>	<p>”</p>
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7. Since only issue which survives is compliance of order dated 04.08.2015 and period of more than five years has already gone by, we are of the view that the pending issues in terms of directions of this Tribunal should be speedily addressed. Instead of the Tribunal dealing

with the several authorities, monitoring may be done jointly at the level of senior functionaries of the State who may meet atleast once in a month and take stock of compliance status and iron out difficulties if any. For this purpose, following Committee be constituted:-

1. Principal Secretary, Tourism (Nodal authority)
 2. Principal Secretary, Urban Development
 3. Engineer-in-Chief, PWD
 4. PCCF (HoFF), UP
 5. Member Secretary, State PCB
 6. District Magistrate, Mathura
 7. CEO, Mathura Vrindavan Development Authority
8. First such meeting of the Committee may be held on or before 30.09.2020 for which initiative may be immediately taken by the Nodal authority. The District Magistrate, Bharatpur, Rajasthan may coordinate with the District Magistrate, Mathura once in a month to sort out the relevant issues. Meetings may be held physically or by video conferencing. The Committee may involve any other experts or institutions for eco restoration of the area, including genuine religious or charitable institutions and members of the community, to the extent considered useful and necessary by the Committee.
9. The Monitoring Committee constituted by this Tribunal, headed by Justice SVS Rathore, to monitor compliance of environmental norms in UP, may also monitor compliance of orders of this Tribunal and furnish a report before the next date, 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, with a copy of report being furnished to the Chief Secretary, UP for compliance of observations of the Monitoring Committee and

response, if any, to be filed before this Tribunal on behalf of the State/joint Committee.

List again on 09.02.2021.

A copy of this order be forwarded to Justice SVS Rathore, former Judge of the Allahabad High Court at Lucknow, Principal Secretaries, Tourism and Urban Development, UP, Engineer-in-Chief, PWD, UP, PCCF (HoFF), UP, Member Secretary, State PCB, UP, District Magistrate, Mathura, CEO, Mathura Vrindavan Development Authority and District Magistrate, Bharatpur, by e-mail.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 31, 2020
Original Application No. 229/2013
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