

Item No. 09

Court No. 2

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

Original Application No. 431/2023

Chandra Prakash

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 01.08.2023

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

Applicant(s): Mr. Chandra Prakash, Applicant in person

Application is registered based on a letter petition received by Post.

ORDER

1. The Applicant-Chandra Prakash, General Secretary of South City Jan Kalyan Samiti, Lucknow with its office at E-71 South City Colony, Rae Bareli Road, Lucknow has sent present letter petition, which has been treated and registered as Original Application, complaining that Municipal Corporation, Lucknow has created garbage dumping yard spread over approximately 2300 sq. mts. area close to Power House, A-Block, South City Colony located at Rae Bareli Road, Lucknow which is surrounded by other residential colonies. Tons of garbage and filth including dead and decaying animals are collected from the colonies and dumped in the garbage dumping yard in South City Colony. There is huge heap of garbage due to there being no proper disposal of the same and garbage dumping yard has become a black spot creating serious health hazards to the residents of the locality, adversely affecting hygiene, endangering security and safety of the residents and creating traffic congestion. While expressing the apprehension that the conditions

prevailing will soon spread vector borne diseases due to germs being continuously harboured at the dumping yard, the applicant has made prayer for shifting of the garbage dump to Shivari Garbage Crushing Plant of Municipal Corporation, Lucknow or elsewhere.

2. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

3. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of Uttar Pradesh Pollution Control Board (UPPCB), District Magistrate (DM), Lucknow and Commissioner, Municipal Corporation, Lucknow and direct the same to meet within one week, undertake visits to the site, look into the grievances of the applicant, verify the factual position and take appropriate remedial action by following due course of law. The Committee may also refer to order of this Tribunal dated 27.07.2023 in O.A. No.654/2022 (*Priyadarshini Colony D, residence Welfare Society*) particularly regarding operation and maintenance of transfer stations and emphasizing on immediate transportation of waste to the processing site rather than secondary storage. The UPPCB will be the nodal agency for coordination and compliance.

4. Factual and Action taken Report may be submitted within two weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. List for further consideration on 28.08.2023.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the UPPCB, DM, Lucknow and the Commissioner, Municipal Corporation, Lucknow by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 01, 2023
Original Application No. 431/2023
AG