

Item No. 01

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

Original Application No. 78/2024(CZ)

Jagdish Prasad Devgan

Applicant(s)

Vs.

State of Chhattisgarh & Ors.

Respondent(s)

Date of Hearing: 10.04.2024

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

For Applicant(s): None.

For Respondent(s): None.

ORDER

1. This letter petition has been filed by one Jagdish Prasad Devgan, son of Shri N.K. Devgan a social worker of Post-Baloda via, Tehsil - Baloda, District - Janjgir, Champa, Chhattisgarh with the allegation that land which is known and recorded as a pond, a water body (Khasra No. 3451, 3452, 3453 Babu Pond no. 3754, Noni Pond No. 3753, Ramsagar Pond Mine 3485, Andhari Talab Khan 3487) situated at village Baloda, Nagar, Panchayat Baloda, Tehsil - Baloda, District Janjgir, Champa are subject of various encroachment illegally and unauthorized and there are various constructions without any authority in violation of Environmental Rules.
2. It is further submitted that near bus stand the Khasra no. 2591, which is approximately 3.46 acre in the Baloda Nagar, the untreated sewage water is being discharged in the water body without any management plan and provision for treatment of the sewage.

3. The Government Tendu Dbari Talab situated in Khasra no. 3782, 3783, 3784, Government Talab No. 1515, area 1.65 acre and other water bodies in the State of Chhattisgarh are subject to encroachment by various persons and no public authorities are taking care to comply the orders passed by Hon'ble the Supreme Court of India.
4. According to the provisions of Article 21 read with article 48 (A) of the directive principles of State Policy, Right to Life includes right to have fresh air and healthy environment. Nobody has the right to create pollution endangering the life of others on the grounds of commercial activities. This universe and living beings are creation of almighty called Bhagwan which means and includes "Chiti, Jal, Pawak, Gagan, Sameera, Panch Rachit Yah Adham Sareera". These five words signify five elements of life :-

Bha = Bhumi

Ga = Gagan

Wa = Vau

Aa = Agni

Na = Neer

5. When natural cycle of all five is disturbed due to mixing of poisonous or harmful material, it is nature of pollution. We are living in the age of technology where people use latest machines and other technological products to get our work done. We move from one place to another using modern transport system based on bikes, cars, buses, jeeps and trucks. We use air conditioners in our homes, offices and vehicles to maintain their temperature to desired level. Pollution is a situation when something is added to the natural environment which is not naturally there; natural environment is comprised of air, land and water. So any contamination in any of the element of environment will be regarded as pollution; however, nature of contamination is quite different in each component and may take many forms, land pollution, air pollution and water pollution.

6. Water pollution is a relatively new phenomenon, and one can safely utter that it is solely the result of industrial waste and sewage waste which is thrown into the rivers/ponds and oceans. However, there is significant contribution of our poor sewerage system to it. It has stuffed up marine life. Admittedly, it doesn't affect us in the short run but it does affect in the long run. We have seen societies suffering from water diseases because they have consumed filthy water. It cannot be disputed that no development is possible without some adverse effect on the ecology and environment, and the projects of public utility cannot be abandoned and it is necessary to adjust the interest of the people as well as the necessity to maintain the environment. A balance has to be struck between the two interests. Where the commercial venture or enterprise would bring in results which are far more useful for the people, difficulty of a small number of people has to be bypassed. The comparative hardships have to be balanced and the convenience and benefit to a larger section of the people has to get primacy over comparatively lesser hardship. This indicates that while applying the concept of "sustainable development" one has to keep in mind the "principle of proportionality" based on the concept of balance. It is an exercise in which we have to balance the priorities of development on one hand and environmental protection on the other hand.
7. Grievance of the applicant is that due to increase in population, enormous, unregulated and unplanned construction have been done on both sides of River/ponds, which is continuous and increasing rapidly. Illegal construction was done on huge scale on banks of river/ponds. In some places illegal colonies were developed by the local land mafia encroaching the bank of river causing enormous pollution and disturbing the natural streams of the river/pond.
8. Section 3 of this The Environment (Protection) Act, 1986 Confers power on the Central Government to take all such measures as it deems

necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution. 'Environment' includes water, air and land and the inter- relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property. (Vide section 2(a) of the Environment (Protection) Act, 1986).

9. Section 2 of Water (Prevention and Control of Pollution) Act, 1974 defines the word :-

(j) "stream" which includes -

- i. River/pond;
- ii. Water course (whether flowing or for the time being dry);
- iii. Inland water (whether natural or artificial)
- iv. sub-terranean waters;
- v. sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;

(e) "Pollution " means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms but the state Government as well as State pollution control board and state Forest department have not taken any action to check Pollution, while they are statutory obliged to do so.

10. It is argued by the learned counsel for the applicant that Hon'ble Supreme Court of India in the case "Friends Colony Development

Committee vs. State of Orissa and Other [(2004) 8 SSC 7331] observed as follows :-

“(In all developed and developing countries there is emphasis on planned development of cities which sought to, be achieved by zoning, planning and regulating building construction activity. Such planning, though highly complex is a matter based on scientific research, study and experience leading to rationalization of laws by way of legislative enactments and rules and regulations framed there under. Zoning and planning do result in hardship to individual property owners as their freedom to use their property in the way they like, is subjected to regulation and control. The private owners are to some extent prevented from making the most profitable use of their property. But for this reason alone the controlling regulations cannot be termed as arbitrary or unreasonable. The private interest stands subordinated to the public good. It can be stated in a way that power to plan development of city and to regulate the building activity therein flows from the police power of the State. The exercise of such governmental power is justified on account of it being reasonably necessary for the public health, safety morals or general welfare and ecological considerations; though unnecessary or unreasonable intermeddling with the private ownership of the property may not be justified.)”

11. It is further submitted that illegal constructions/encroachments upon riverbeds/banks, hills in the form causing harm to the environment of the river polluting natural water and danger for water bodies, defacing the beauty of the River and damage to the environment of the River/pond, hills and the heritage sites of is irreversible and permanent. For that constructions of concrete buildings, cutting of trees near river/pond sites and blowing up of the hills for vested interests will be a great loss to nature and environment. It is further argued that the water is the most

essential requirement to sustain the human life and, therefore, there is need to preserve and protect it. The sources from which water is available is well known. Each source carries along with special characteristics and bio-diversity which sustains the source. The courts are under obligation to see the protection and preservation of these water resources and Prevention of its contamination.

“Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to “public health, sanitation conservancy and solid waste management”, we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility.”

12. In Original Application No. 417/2022 in the matter of Niranjana Bagchi vs. State of Uttarakhand & Ors. vide order dated 25.07.2023, this Tribunal observed as follows: -

“10. The lack of protection of river floodplains from damaging impacts like encroachment and diversion for ‘developmental projects’ is a tragedy that affects both the river as well as

those who encroach it adversely. The river suffers as it is unable to occupy and transport flood waters downstream during high rainfall events (monsoon in particular). It is unable to recharge aquifers, wet the lands along its banks or provide life-sustaining conditions to plant and animal habitats along the river margins and banks. Damage to floodplains harms the riverine ecosystem, lessens groundwater recharge capacity and poses threats of flash floods. "People too suffer an immense loss of life and property, including loss of public infrastructure like bridges, roads, schools etc., during high floods."

11. The Hon'ble Supreme Court, vide judgment dated 30.07.2009 in D.D.A. vs. Rajendra Singh, 2009 (8) SCC 582, referred to the definition of floodplain in the dictionary as follows: -

" xxx..... xxx.....xxx

xxx..... xxx.....xxx

24. Though there is no statutory definition for "riverbed" and "floodplain" from the statute, the dictionary meaning of the same is as under:

"Riverbed" has been defined as the area over which the river flows. In the Thames Conservators Case [1897] 2 QB 335 at 337 it was held that the word riverbed denotes that portion of the river which in the ordinary or regular course of nature is covered by the waters of the river.

The "bed of the river" was defined as the area covered by the river and is the space sub-adjacent to the river over which it flows between the banks. It is the space between the banks occupied by the river at its fullest flow.

12. Floodplain zoning has been accepted as an important nonstructural strategy for flood management. The basic concept of floodplain zoning is to regulate land use of floodplains to restrict damage caused due to floods. The floodplain zoning, therefore, aims at determination of locations so that flood damages are reduced to minimum. A very restrictive activity can be allowed in that area. It is not only to

protect the areas from damage resulting from floods and failure of water protective measures, but is also useful in reducing the damage caused due to drainage congestion, particularly in urban areas. The Commission claims to have prepared a model bill relating to floodplain zoning. This model bill provides for different categories based of priorities in floodplain. The floodplain must be demarcated, kept free from any permanent developments and wherever it is possible, it should be restored to its original position.

13. Thus, it is necessary to call upon the authorities to demarcate the floodplain for the flood of once in 25 years and to prohibit any kind of development activity in the area in question. Furthermore, the Committee should consider restoration of the area and wherever necessary, even demolish the properties, which are likely to be dangerously exposed to the flood and are even affecting the ecology and bio-diversity and flow of the river.

14. Being an integral part of the river, floodplain of the river requires protection. Floodplains play significant role in maintaining the bio-diversity and aquatic life of the river. It's significance cannot be overlooked, in terms of environment and ecology. There are numerous dimensions involved while identifying the floodplains. It is required to categorize it into different zones, namely, No Development Zone, Regulated Zone and a Free Zone for development. The principle of Sustainable Development itself justifies the classification of floodplains into such zones for protecting the river. This Tribunal in the case of Manoj Misra (supra) had the occasion to deal with the concept of floodplain, its zoning and management.

15. In its reply filed by the Municipal Corporation, it has been submitted that demarcation of the flood plain zone of the river and tapping discharge of untreated sewage in the river falls within the ambit of Irrigation Department, Dehradun and Payjal Nigam, Uttarakhand. These departments are directed to take action for demarcating the land and to identify and to protect. It has further been submitted that vide notification dated 26.07.20218, the special provision for Urban Bodies and Authorities Act, 2018 under Section 4 (2) and 4 (3) have been

amended and directions have been issued to maintain status quo and no punitive action can be taken against the encroachers established alongside the river Rispana till the year 2024.

16. The state notification conflicts with the notification issued by the Ministry of Water Resources, River Development and Ganga Rejuvenation notification dated 07.10.2016 under which section 42 provides as follows:-

“42. Giving of prior approval in certain matters:

(a) engineered diversion and storage of water in River Ganga without affecting the flow of water downstream of the River Ganga;

(b) construction of bridges and associated roads and embankments over the River Ganga or at its River Bank or its flood plain area;

(c) construction of Ghats or extension of any existing Ghat;

(d) construction of jetties;

(e) construction of permanent hydraulic structures for storage or diversion or control of waters or channelisation of River Ganga or its tributaries;

(f) deforestation of hill slopes and notified forest and other eco-sensitive areas;

(g) any other activity which contravenes the principles laid out in paragraph 4 which the National Mission for Clean Ganga may specify.”

13. The matter of protection of water bodies and removal of encroachment was taken up by this Tribunal in O.A. No. 325/2015 and vide order dated 18.11.2020, this Tribunal observed as follows:-

“6. The matter was then considered on 25.02.2020 in the light of the report of the CPCB. The report mentioned that CPCB had issued the necessary guidelines on the subject such as identification and geo-tagging of ponds and lakes, maintaining water quality as per norms and removing encroachments. It was further stated that the States had failed to give proper response

and the requisite information. The Tribunal, on consideration, directed as follows:

“

3. In pursuance of the above, the learned counsel for the CPCB has handed over a status report during the course of hearing to the effect that indicative guidelines for restoration of water bodies have been uploaded on the website of the CPCB on 18.06.2019 but most the States have not submitted their action plans. Out of 435 locations monitored, 357 locations were not complying with the primary water quality criteria for bathing. CPCB constituted an expert committee vide order dated 28.08.2019 under the Chairmanship of MS, CPCB comprising, representatives of MoEF&CC, MoJS, MoHUA, IIT Delhi, officials of CPCB and DHWQM-I as member convener. First meeting of the expert Committee was held on 16.09.2019. The Tribunal has suggested following actions:

S. No.	Activity proposed	Organization Responsible
1	Identification and GeoTagging of Ponds or Lakes in the Country	NRSA, State Space Application Centre and Concerned State Departments
2	Assessment of Water Quality of Ponds or lakes.	Through Laboratories approved under E(P) Act, 1986 by the Concerned State Department /ULBs/ State Environment Dept./SPCB/PCC.
3	Prioritization of Ponds or Lakes for restoration in consultation with the respective SPCB.	State Environment Dept./SPCB /PCC.
4	Preparation and submission of action plans for restoration of prioritized Ponds or Lakes to CPCB for random scrutiny of proposed action plans.	State Environment Dept./SPCB /PCC.
5	Execution of approved action plans.	State Environment Dept./SPCB /PCC under the overall supervision of Principal Secretary, Environment Department.

The CPCB conducted a workshop on the subject on 30.01.2020.

4. Learned counsel for the CPCB states that further progress in the matter is being monitored and a status report will be filed before the next date. It is stated that only 14 States/UTs have furnished information which is not complete while 22 States/UTs have not furnished any information.

5. Having regard to the significance of the issue and unsatisfactory response of the States as shown above, we direct that the information may be furnished by all the States/UTs by March 31, 2020 positively to the CPCB failing which the States will be liable to pay compensation at the rate of Rs. 1 lakh per month till information is furnished. Payment of compensation will be the responsibility of the Chief Secretaries of the respective States/UTs. Since we are informed that plans for restoration furnished by some of the States run even upto ten years, we direct that the action plans should provide for commencement of the work by 01.04.2020 and conclusion by 31.03.2021. The CPCB will be at liberty to issue appropriate directions to all the States/UTs by for compliance. The Ministry of Jal Shakti is also at liberty to take further remedial action in the matter.”

14. Accordingly, a consolidated report has been filed by the CPCB on 29.10.2020 in two parts. Part A deals with the aspect of plans for restoration of water bodies and status of their execution while part B deals with the status of compliance of direction relating to water harvesting. The CPCB report points out the need for making a proper and centralized inventory of water bodies, and assessment of their water quality; the absence of a single nodal agency to oversee the management of restoration of polluted water bodies, and water harvesting; and recommends that the relevant Central Ministries, especially MoJS, play an increased and major role in implementation and oversight.
15. We find that the steps taken so far can hardly be held to be adequate. As already noted protection of water bodies serves great public purpose and is essential for protection of the environment. It helps not only aesthetics

but also water availability, aquatic life, micro climate, recharge of ground water and maintaining e-flow of the rivers. Under the Public Trust Doctrine, the State has to act as trustee of the water bodies to protect them for the public use and enjoyment for current and future generations. We may note the observations of the Hon'ble Supreme Court on the subject which are as follows: -

i. "State of T.N. v. Hind Stone, (1981) 2 SCC 205, at page 212:

*"6. Rivers, Forests, Minerals and such other resources constitute a nation's natural wealth. These resources are not to be frittered away and exhausted by any one generation. **Every generation owes a duty to all succeeding generations to develop and conserve the natural resources of the nation in the best possible way. It is in the interest of mankind. It is in the interest of the nation.**"*

ii. Hinch Lal Tiwari v. Kamala Devi, (2001) 6 SCC 496, at page 500:

"13. It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution."

iii. T.N. Godavarman Thirumulpad v. Union of India, (2002) 10 SCC 606, at page 628:

"....."

*33. ... As was observed by this Court in M.C. Mehta v. Kamal Nath our legal system based on English common law includes the public trust doctrine as part of its jurisprudence. **The State is the trustee of all natural resources which are by nature meant for public use***

and enjoyment. *The public at large is the beneficiary of the seashore, running waters, air, forests and ecologically fragile lands. **The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.***

iv. **Intellectuals Forum v. State of A.P., (2006) 3 SCC 549, at page 574:**

“75. In M.C. Mehta v. Kamal Nath & Ors. (1997) 1 SCC 388, Kuldeep Singh, J., writing for the majority held:

“34. Our legal system ... includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. ... The State as a trustee is under a legal duty to protect the natural resources.”

76. The Supreme Court of California, in National Audubon Society v. Superior Court of Alpine Country also known as Mono Lake case summed up the substance of the doctrine. The Court said:

“Thus, the public trust is more than an affirmation of State power to use public property for public purposes. It is an affirmation of the duty of the State to protect the people’s common heritage of streams, lakes, marshlands and tidelands, surrendering the right only in those rare cases when the abandonment of the right is consistent with the purposes of the trust.”

This is an articulation of the doctrine from the angle of the affirmative duties of the State with regard to public trust. Formulated from a negatory angle, the doctrine does not exactly prohibit the alienation of the property held as a public trust. However, when the State holds a resource that is freely available for the use of the public, it provides for a high degree of judicial scrutiny on any action of the Government, no matter how consistent with the existing legislations, that attempts to restrict such free

use. To properly scrutinise such actions of the Government, the courts must make a distinction between the Government's general obligation to act for the public benefit, and the special, more demanding obligation which it may have as a trustee of certain public resources [Joseph L. Sax "The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention", Michigan Law Review, Vol. 68, No. 3 (Jan. 1970) pp. 471-566]. According to Prof. Sax, whose article on this subject is considered to be an authority, three types of restrictions on governmental authority are often thought to be imposed by the public trust doctrine [ibid]:

- 1. the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public;**
- 2. the property may not be sold, even for fair cash equivalent;**
- 3. the property must be maintained for particular types of use (i) either traditional uses, or (ii) some uses particular to that form of resources."**

v. **Jitendra Singh v. Ministry of Environment & Ors., 2019 SCC Online 1510 pr 20**

"....."

20. Waterbodies, specifically, are an important source of fishery and much needed potable water. Many areas of this country perennially face a water crisis and access to drinking water is woefully inadequate for most Indians. Allowing such invaluable community resources to be taken over by a few is hence grossly illegal."

16. In NGT order dated 27.08.2020 in OA 351/2019, *Raja Muzaffar Bhat vs. State of Jammu and Kashmir & Ors.*, it was observed:

"... .."

8. One of the serious challenges is solid and liquid waste management, apart from encroachments. There are

binding directions of the Hon'ble Supreme Court in Almitra H. Patel Vs. Union of India & Ors. and Paryavaran Suraksha vs. Union of India on the subject of scientific management of solid waste and sewage/effluents in accordance with the statutory provisions of the Water (Prevention and Control of Pollution) Act, 1974, ('Water Act') Air (Prevention and Control of Pollution) Act, 1981, ('Air Act) and waste management rules framed under the Environment (Protection) Act, 1986 ('EP Act'). There is large scale non-compliance of the said statutory provisions which has led this Tribunal to consider the issue of river pollution in OA No. 673/2018, News item published in "The Hindu" authored by Shri Jacob Koshy Titled "More river stretches are now critically polluted: CPCB" in view of acknowledged data of 351 polluted river stretches in the country. Apart from the said issue, large scale failure has been found in the matter of solid waste management as repeatedly recorded in O.A. No. 606/2018. The Chief Secretaries of all the States/UTs were required to remain present in person before this Tribunal for interaction and further planning. In O.A. No. 325/2015, Lt. Col. Sarvadaman Singh Oberoi v. UOI & Ors., the Tribunal has considered the issue of restoration of water bodies. In Original Application No. 593/2017, Paryavaran Suraksha Samiti & Anr. v. UOI & Ors., the issue of untreated sewage or effluent being discharged in water bodies have been taken up for consideration. There are several other matters dealing with the such issues, including coastal pollution, pollution of industrial clusters etc.

9. There is discussion in the media about inadequacy of monitoring of action for restoration of lakes, wetlands and ponds which is certainly necessary for strengthening the rule of law and protection of public health and environment. Several directions have been issued by the Hon'ble Supreme Court in M.K. Balakrishnan and Ors. v. UOI & Ors."

18. We also note that the Ministry of Urban Development, Government of India, Central Public Health and Environmental Engineering Organization (CPHEEO) has issued an advisory on **“Conservation and Restoration of Water Bodies in Urban Areas”** in August, 2013 which need to be followed. The matter was also considered by the Standing Committee on Water Resources (2015-16), Sixteenth Lok Sabha. Its Tenth Report has been published by the Ministry of Water Resources, River Development and Ganga Rejuvenation under the heading **“Repair, Renovation and Restoration of Water Bodies- Encroachment on Water Bodies and Steps Required to Remove the Encroachment and Restore the Water Bodies”** in August, 2016. Further, the **“Guidelines for the Scheme on Repair, Renovation and Restoration (RRR) of Water Bodies under PMKSY (HKKP)”** have been published by the Ministry of Water Resources, River Development and Ganga Rejuvenation, Govt. of India in June, 2017. The said report also provides useful material to be looked into by the enforcement agencies.

19. As regards, report of the CPCB on the subject of rain water harvesting, it appears that CPCB has not appreciated the direction of this Tribunal on the subject. While rain water harvesting may be required in all buildings and other places in urban areas, in the present context, the Tribunal has directed setting up of such facilities in sub water sheds along ponds for utilization of surplus rain water for restoration of the ponds which have become dry and for augmenting other ponds.

20. There is, thus, need for continuous planning and monitoring at National, State and District levels. Suggestions and observations of CPCB and the Oversight Committee need to be acted upon.

21. As suggested by the CPCB, a single agency needs to be set up in every State/UTs within one month. This work may either be assigned to the Wetland Authority of the State or the River Rejuvenation Committee or to any other designated authority such as the Secretary, Irrigation and Public Health/Water Resources. It is made clear that if the State Wetland Authority

is to be assigned the task of protection of all water bodies, this task will be in addition to the normal functioning of the State Wetland Authority under the Wetland (Conservation and Management) Rules, 2017. Such nodal agency must call a preliminary meeting on the subject with all the District Magistrates on or before 31.01.2021 to take stock of the situation and to plan further steps. Thereafter, a regular meeting may be held for periodic monitoring at the District level as well as the State level with the identified targets of proper and scientific identification and protection of all water bodies, assigning unique identification number, removing encroachments, preventing dumping of waste, maintaining water quality and restoration by taking other appropriate steps, involving the Panchayats and the community, utilizing the financial resources available from different sources. Steps taken need to be documented and compiled and reported to a central authority, preferably the CPCB. This Tribunal has already constituted a CMC to be headed by the Secretary, MoJS with the assistance of CPCB and other authorities to monitor remedial action for 351 polluted river stretches. Restoration of water bodies is also a connected issue which can be monitored by the same Committee atleast thrice a year at the national level.

22. Accordingly, we dispose of this application with following directions:

- (i) All States/UTs may forthwith designate a nodal agency for restoration of water bodies, wherever no such agency has so far been so designated.*
- (ii) Under oversight of the Chief Secretaries of the States/UTs, the designated nodal agency may
 - a) Hold its meeting not later than 31.1.2021 to take stock of the situation and plan further steps, including directions to District authorities for further course of action upto Panchayat levels and to evolve further monitoring mechanism as well as Grievance Redressal Mechanism (GRM).**

b) Submit periodical reports to the CPCB/Secretary Jal Shakti, Government of India. First such report may be furnished by 28.02.2021.

(iii) The CMC for monitoring remediation of 351 polluted river stretches, headed by the Secretary, MoJS may monitor the steps for restoration of water bodies by all the States periodically, atleast thrice in a year. First such monitoring may take place by 31.3.2021.

(iv) The CMC may give its action reports to this Tribunal in OA 673/2018 and first such report may be furnished preferably by 30.4.2021 by e-mail.

17. The things as narrated in the applications are serious violation of Water (Prevention and Control of Pollution) Act, 1974.

18. A substantial issue of environment has been made.

19. Thus, it is desirable that following persons should be arrayed as a respondent :-

- i. State of Chhattisgarh through Chief Secretary, Chhattisgarh.
- ii. District Magistrate, Janjgir, Champa, Chhattisgarh.
- iii. Principal Secretary, Urban Development, Chhattisgarh.
- iv. Principal Secretary, Rural Development Chhattisgarh.
- v. Member Secretary, CECEB.
- vi. Principal Secretary, Water Resource Department, Chhattisgarh.
- vii. Municipal Corporation, Janjgir, Champa, Chhattisgarh.
- viii. SDM, Baloda, Janjgir, Champa, Chhattisgarh.
- ix. Tehsildar, Baloda, Janjgir, Champa, Chhattisgarh.
- x. Mr. Santosh Soni, Baloda, Janjgir, Champa, Chhattisgarh.

20. Registry is directed to issue notice to all these respondents within a week on available email. 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.

21. 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 the Principal Secretary, Urban Development, Chhattisgarh.
 - ii. One representative of the Principal Secretary Rural Development, Chhattisgarh.
 - iii. One representative of the Member Secretary, CECB.
 - iv. One representative of the Principal Secretary, Water Resource Department, Chhattisgarh.
22. The Members of the committee are directed to compile the total number of ponds and water bodies within the State of Chhattisgarh and call the status report from all the District Magistrates with regard to the ponds and areas recorded in the revenue records, present situation, encroachments and further action taken by the District Magistrates to remove the encroachments.
23. In view of the guidelines as narrated above, all the District Magistrates are expected to comply the orders and to report.
24. The district-wise combined report be submitted within six weeks 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. Member Secretary, CECB shall be the nodal agency for coordination and logistic support.

List it on **23rd July, 2024.**

Sheo Kumar Singh, JM

Dr. Satyagopal Korlapati, EM

10th April, 2024
O.A No. 78/2024(CZ)
PN