

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

**Application No. 11 of 2012**

**Residents of Village Kadamdih Through Umang Choudhary  
Vs.  
State of Jharkhand & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER  
HON'BLE DR. R. C. TRIVEDI, EXPERT MEMBER

**Present:** **Applicant:** appearance not given  
**Respondent No. 1 to 3 & 5 to 8:** Mohd. Waquar, Advocate for Tapesh K. Singh, (Standing Counsel)  
Ms. Karishma Sirghanam, Advocate and Mr. Anurag Singh

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 10 May 28, 2013</b>	<p style="text-align: center;"><b>M.A. No. 449 of 2013</b></p> <p>It is an application for placing additional documents. No objection by any party, consequently the application was allowed subject to just exception. Documents are permitted to be taken on record.</p> <p style="text-align: center;">This Application stands disposed of.</p> <p style="text-align: center;"><b>M.A. No. 345 of 2013</b></p> <p>In view of the other order passed in the main petition, this application does not survive for consideration and is accordingly disposed off.</p> <p>We heard Learned counsel appearing for parties. All the Learned counsel appearing for different parties <i>ad idem</i> that the dolochar lying at Plot No. 65, 67 and 71, Khata No. 63, Mauza-Kadamdih, Saraikeel-Kharsawan be removed by the Respondent No. 4 who had already submitted his undertaking in this regard.</p> <p>We may notice here that nobody appears on behalf of the land owners i.e. Respondent No. 9 to 12 despite service.</p> <p>Even at the last hearing, nobody was appearing and none appears today. Thus, we order to proceed ex-parte against them. There cannot be a dispute that dolochar cannot be permitted to lie in an open area and it can cause serious health and pollution problem.</p> <p>Since all the parties are <i>ad idem</i>, it is not necessary to discuss any merits of the present case. In the facts and</p>

circumstances and the common stand taken by the Learned counsel appearing for parties, we direct the Respondent No. 4 to remove the dolochar from the above property within four weeks from today and submit compliance to the Registrar of the Tribunal. Let the Report be filed within four weeks from today.

Dolochar shall be removed under the supervision of the authorities concerned.

The Petition is finally disposed of by leaving the parties to bear their own cost.

The Applicant is at liberty to make Application to the Pollution Control Board for cleaning of the water tank located at Plot No. 67, which shall be dealt by the Board in accordance with law.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D. K. Agrawal)

.....,EM  
(Dr. G.K. Pandey)

.....,EM  
(Dr. R.C. Trivedi)

