

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

**Original Application No. 88/2015 (CZ)
Babulal Jajoo Vs. State of Rajasthan & Ors.**

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

PRESENT : Applicant: In person
Mr. M.S. Kachchwa, Adv
Ms. Zubia Sajid, Adv.
Raj. State & RSPCB: Shri Sandeep Singh, Adv.
Shri Dharmendra Dandwani,
Municipal Council, Bhilwara,

Date and Remarks	Order of the Tribunal
Order No. 25 11th September, 2017	<p>In our order dtd. 29.05.2017 a direction was given to the Respondent Company for carrying out plantation of trees 10000 in number. It is submitted that till date this work has not been completed and only about 300 trees have been planted. Learned Counsel for the State submitted that the Collector had identified certain areas where illegal mining had been done which was ordered to be backfilled with soil and over there these 300 trees have been planted.</p> <p>Learned Counsel for the Applicant and the Applicant who are present submitted that this land on which the plantation had been carried out may be allotted for setting up of industrial estate by RIICO, the catalyst agency of the State of Rajasthan and in that view of the matter these trees that have been planted are liable to be cut and therefore, the purpose of green belt would not be served.</p> <p>It was suggested by the Learned Counsel for the Applicant that the Collector may be directed in consultation with the Forest Department as well as with the Applicant to identify the areas where such plantation can be safely carried out and where the possibility of these trees being cut in future would not be there. In the event of such land being either allotted or which are capable of being allotted it was suggested that the river front of</p>

the River Kothari be taken up for tree plantation. We would direct that the copy of this order shall be given to the Collector by the Learned Counsel for the State and the Collector in consultation with the Forest Department and the Applicant would identify such area which would always remain as the green belt and not liable to be allotted for any such purposes where the trees are required to be cut.

We may also add that variety of the trees to be planted would be such which can easily survive as the area is saline with scanty rain fall and advice of the Forest Department officials be taken to identify appropriate varieties of trees to be planted in the area.

Another issue that has been dealt with by us earlier is with regard to the establishment of the STP. Learned Counsel for the State pointed out that area has been marked on the ground and the Respondent No. 2 Company can safely now proceed with the work of setting up of the STP.

Learned Counsel for the Respondent No. 2 submitted that though the area have been marked by Revenue Officer however formal possession of the land to the Respondent No. 2 has not been handed over. We direct that the Collector shall depute the Tehsildar for carrying out the aforesaid task and the land be handed over within next two weeks. It would be thereafter responsibility of the Respondent No. 2 to protect the area by way of fencing or wall and start their work immediately.

We have seen in the news paper today that in Kotra Sultanabad at Bhopal a Sewage System has been established where the treated water is of drinking water quality. We would direct that the representative of the Respondent No. 2 Company who are present in court today would visit the aforesaid site and discuss with the person who has set up plant and see whether similar system could be set up in the case the same is found appropriate.

The Learned Counsel for the Applicant and the Applicant raised the issue before us by showing the photographs of the area near the

overburden site of the Respondent No. 2 Company which they allege that the same has become sludge as a result of the run off from the overburden site and some cattle etc. which are entering in the area get struck and some of them even had died. It is submitted that an area of 400 beghas which was originally a *Charagah* (grazing land) for the cattle and out of which a small portion was earmarked for the establishment of *Gowshala* has been adversely affected because of run-off from overburden dump.

So far as this issue is concerned, we would direct that the Collector along with the officials of the Respondents Company to depute a team to inspect the area along with the Applicant and whatever steps are required to be taken for the improvement of the same including the proper maintenance of the overburden site and to prevent the storm water to come down from the dump. For this purpose the PCB authorities shall insist upon the compliance of the EC conditions with regard to overburden dump including construction of the garland drain. We direct here that the garland drain should be *pakka* not a *kachha* garland drain and all efforts should be made to ensure that the storm water does not overflow the garland drain, and, therefore, it should be of adequate capacity.

As far as the *Gowshala* is concerned we direct the District Collector and the Municipal Authority, Bhilwara to consider the same to be taken up for the purpose of management by the Municipal Authorities. Order to that effect be issued by the Collector to the Municipal Authorities and same be notified for that purpose. We have seen in the Media that the Central Government has come out with the scheme for proper maintenance of the *Gowshala* and making them self sufficient by utilising the *gobar* and other material for the purpose of *gobar* gas and / or compost for self sustaining of the *Gowshala* on that pattern and looking to the scheme of the Govt. of India the *Gowshala* should be properly administered and maintained. Stray cattle within the city should be taken to the *Gowshala* and city should be made free from such cattle. The stray

cattle are not only a problem for the traffic on the road but also at the same time are reason for the congestion on the roads and air pollution is also being caused by the same. Therefore the said measures should be taken up on priority, Administration and maintenance of *Gowshala* could be taken up under the CSR activity of the Respondent NO. 2 company. We may also add that the 400 *beghas* which have been identified and handed over to the Respondent NO. 2 and sufficient plantation can also be carried out in the same as well as in the *Gowshala* which can act as shady trees and fodder for the benefit of stray cattle. The parties are directed to submit proof of execution and compliance of the aforesaid order.

The Municipal Authority shall also take immediate steps as we have been informed that in Bhilwara the Municipal body had acquired and installed a decomposition plant and for preparation of compost. We have been informed that contractor who was engaged for running the same had left the work and thereafter for a long time the same is lying without being used. The Municipal Authority shall take up the issue immediately as under the MSW Rules, 2016 there is a specific provision for preparation of the compost out of the MSW and also marketing and utilisation of the said compost along with chemical fertilizers. We would direct that the Collector and the Municipal Commissioner looking into the said issue shall make every effort for operationalising the said plant at the earliest. The efforts that are made in that behalf shall be submitted before us on the next date of hearing.

Let the matter be listed on **16th October, 2017.**

.....JM
(DALIP SINGH)

.....EM
(Dr. S.S.GARBYAL)

