

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No.523/2022

Sayed Mehmood Ali Chisti

...Applicant

Versus

State of M.P.

...Respondent

Date of hearing: 02.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

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

ORDER

1. Mr. Sayed Mehmood Ali Chisti, a Senior Journalist, has sent the present letter petition, which is treated and registered as original application, complaining that hundreds of tonnes of garbage generated from Harda town, is being thrown out on the empty space between Muktidham and Kabristan located at Khandwa – Indore Bypass road. Dead bodies of animals including cows are also dumped, instead of cremating the same, at the above said dumping site. Old Basti named Khedi Mehmoodabad is also located near by the garbage dumping site. Every day garbage is being burnt causing serious health hazards to the local residents. Municipal Council, Harda is not taking requisite action.

2. This Tribunal is empowered to *suo moto* take cognizance of the cases involving questions relating to environment arising out of the implementation of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the allegations 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. In view of the allegations made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of the State PCB Executive Officer, Municipal Council, Harda, and Collector, Harda and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and other residents of the locality, verify the factual position and submit its report within one month 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. The State PCB will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall forward a copy of its report to

(i) Executive Officer, Municipal Council, Harda to enable Municipal Council, Harda to comply with the recommendations or file objections against the observations/recommendations in its report and file its response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and

(ii) the State PCB and Collector, Harda to enable them to take appropriate remedial action by giving notice to/hearing the Executive Officer, Municipal Council, Harda and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of

environmental pollution/degradation and protection and improvement of environment and submit their separate action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.

5. List for further consideration on 14.12.2022.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Executive Officer, Municipal Council, Harda, State PCB and Collector, Harda by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 02, 2022
AG