

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

Execution Application No. 38/2022
in
Original Application No. 165/2021
(I.A. No. 41/2023, I.A. No. 112/2023 & I.A. No. 425/2023)

Girja Shankar Rai &Ors. Applicant(s)

Versus

State of Uttar Pradesh &Ors. Respondent(s)

Narendra Kushwaha : Applicant

Date of hearing: 03.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL
MEMBERHON'BLE MR. ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Shubham Upadhyay, Adv. for Applicant

Respondent: Mr. Bhanwar Pal Singh Jadon, Mr. Chetan Jadon & Mr. Hardik Saxena,
Advs. for the State of UP
Mr. R.R. Kumar, Adv. for JDA (Through VC)

ORDER

1. The issue involved in the original application 165/2021 was in respect of protection of Laxmi Tal at Jhansi from pollution and unauthorized encroachments and preventing entry of untreated sewage and sullage. The original application was disposed of by the Tribunal on 14.09.2022 by issuing certain directions.
2. This execution application has been filed seeking compliance of the order of the Tribunal dated 14.09.2022 passed in OA.
3. Tribunal in the previous proceedings had taken note of the factum of construction of wall surrounding the lake and accordingly issued following directions:-

“7. The report also contains photograph of Laxmi Tal taken at the time of spot inspection which reveals that an elevated boundary wall to support the steel fencing surrounding Laxmi Tal has been constructed. The same is likely to effect the inflow of water from the catchment area into the Tal and may have adverse effect on the survival of the Tal. Therefore, the Commissioner, Municipal Corporation, Jhansi is directed to submit the report in respect of the construction of the elevated boundary wall and path way surrounding the buffer zone Laxmi Tal and its likely adverse effect on the Tal or expected benefits therefrom.”

4. Though, report on behalf of Municipal Corporation, Jhansi has been filed but said report does not disclose the information which was directed to be furnished by the Tribunal in the above order. Report does not mention adverse effect of construction of elevated wall or expected benefits therefrom. In the report, it has been mentioned that five members committee had inspected the site and for exit of rain water, it has suggested making holes in the wall.

5. Learned Counsel appearing for the State during the course of argument has submitted that 44 holes of 3 inches diameter have been made in the elevated wall for exit of the rain water. This does not satisfy the directions of the Tribunal. Water should have free charging and in case of over flood unhindered discharge.

6. Along with the report water sample analysis report in respect of discharge of water in the lake has been filed but there is no sample report in respect of existing water quality in the lake. Tribunal in this regard had already issued direction in para 6 of the order dated 10.10.2023 but the same has not been complied with till now.

7. Hence, Vice Chairman, Jhansi Municipal Corporation is directed to file further report in terms of the direction already issued and quoted above. Along with the report, water quality analysis report reflecting the quality of water in Laxmi Tal as well as treated effluents of 26 mld STP be also filed.

8. Let the report on above terms be filed at least one week before the next date of hearing.

9. List on 01.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 03, 2024

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JG.