

Item No. 14

Court No. 1

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

(BY HYBRID MODE)

Original Application No. 285/2023

Meghraj Singh

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 20.07.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Meghraj Singh, Applicant in Person

Respondent: Mr. Arvind Kumar, Adv. for UPPCB

ORDER

1. The issues raised in this application is encroachment of more than 900 ponds by influential persons in Akbarpur block, Bhognipur Tehsil, Rasoolabad Tehsil, Sikandara and Derapur Block in District Kanpur Dehat, Uttar Pradesh. The contention of the applicant is that more than 1095 ponds have disappeared.

2. The matter was taken up by this Tribunal on 19.04.2023 and a Committee was constituted to submit a factual and action taken report. In compliance thereof, a report has been filed with the facts that:-

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- *The committee has carried out identification of the pond in Tehsil Rasoolabad, Akbarpur, Derapur, Sikandra, Maitha, Bhognipur.*
- *Identification is done in terms of Gata Number and acquired area of the pond.*

- *Latitude and longitude of ponds are marked and recorded for the ponds.*
 - *Unique Identification Code is given to the ponds.*
 - *Mapping of ponds on district map is still in process.*
 - *Qualitative monitoring of ponds is in process in terms of DO (Dissolved Oxygen) & pH.*
3. *Till date, a total of 6612 ponds have been identified in the district-Kanpur Dehat, in which a total of 6516 Unique ID and the latitude and longitude of 6516 ponds have been taken. List is attached herewith and marked as Annexure no-1.*
 4. *This is to be taken into kind consideration that marking of all the ponds are not completed due to heavy rainfall in the area due to which access to the location become quite tough due to girth and mud which may lead to slips & trips of the officials. For which about 04-month time is required to complete and at present the said work is obstructed.*
 5. *Qualitative monitoring work of few ponds in terms of DO & pH has been started. List is attached here with and marked as Annexure no-2.*
 6. *Effective physical (pH, DO), Chemical monitoring (BOD, COD, TDS, Hardness, Alkalinity etc) & Biological monitoring (faecal Coliform, N:P ratio etc) with actual data will be made possible by post monsoon season. Presently all the ponds are captivated with rain water due to which factual qualitative data of ponds cannot be estimated by which efficient remedial plan can be procured for restoration of pond. This qualitative monitoring can only be carried out post monsoon for which 4-month time is required to complete sampling from all the ponds and to carry out analysis in the lab.”*

3. The report also mentions about remedial action plan for restoration of ponds in terms of maintaining water quality and restoring fisheries. However, as per statement provided under para 15 of the report, time taken for restoration is three years which is not desirable. The works for restoration is required to be taken simultaneously *inter-alia* including interception and diversion of sewage entering into ponds, preventing disposal of garbage and recharging of ponds and restoring fisheries.

4. During the course of hearing, the applicant, appearing in person has submitted that the number of ponds in District Kanpur Dehat have been

reduced. The applicant is directed to provide the records to Member of the joint Committee so that they can verify from the records and identify and demarcate the ponds in the area and to protect it.

5. Learned Counsel appearing for the respondent sought a short time to complete the identification and demarcation of the ponds after post monsoon and to submit a report. The respondents are further directed to submit a report of water quality and encroachment details. Temporary structures encroachments must be removed immediately and the removal of encroachment in permanent nature must be initiated in accordance with law and the respondents are directed to ensure compliances within a time frame. Further action taken report be filed before the next date of listing.

6. List the matter on 06.11.2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 20, 2023
Original Application No. 285/2023
SN