

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No.513/2022

Rajeev Chopra

...Applicant

Versus

State of Uttarakhand

...Respondent

Date of hearing: 30.08.2022

**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. The grievance in the present letter petition sent by Mr Rajeev Chopra resident of village Pali, Post Office Bhogpur, District Dehradun, which is treated and registered as original application, is regarding illegal encroachment on storm water drain of Khaldar and cutting of seven big trees for construction of community centre at villages Majhola-Rakhwal, Block Doiwala, Tehsil Rishikesh, District Dehradun.

2. This Tribunal is also 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 Ministry of Jal Shakti, State of Uttarakhand, State PCB, DFO and District Magistrate, Dehradun 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 representative of the concerned project proponent, 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) the Project Proponent to enable it/him to comply with the recommendations in the report of the Joint Committee or file objections against the observations/recommendations in the report of the Joint Committee and file its/his 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) State PCB, DFO and District Magistrate, Dehradun to enable them to take appropriate remedial action by giving notice to/hearing the project proponent 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 action taken report within one month from the date of receipt of a copy of the report of the Joint Committee.

The report be submitted 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.

5. List for further consideration on 22.12.2022.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the of Ministry of Jal Shakti, State of Uttarakhand, State PCB, DFO and District Magistrate, Dehradun by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 30, 2022
AG