

Item No.01

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

(By Virtual Mode)

Original Application No.55/2023(CZ)

Harsh Warwandkar

Applicant(s)

Versus

MP Pollution Control Board & Anr.

Respondent(s)

Date of hearing: 24.07.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Abhimanyu Shrivastava Advocate

ORDER

1. This Original Application, under Section 14 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') has been filed by Mr. Harsh Warwandkar, alleging that in the capital city of Bhopal, there is a large infrastructure of road network and at different places, several speed breakers have been constructed which do not conform to the standard prescribed; the construction is illegal, haphazard and causes more pollution in air instead of acting as a protection device against speeding vehicles.

2. We find that the application is absolutely vague in as much as neither details of any such speed breaker/speedbumps have been given which has made illegally nor it is pointed out as to which speed breaker or speedbump is not constructed as per the prescribed standards nor it is shown as to which speed breaker is illegally constructed and just by making vague assertion that speed breakers have been constructed illegally, this petition has been filed.

3. Whenever, jurisdiction of this Tribunal is invoked under Sections 14 and 15, a specific requirement is that a substantial question relating to environment should arise due to implementation of Scheduled enactments under NGT Act, 2010.

4. In the present case, even though it is alleged that there is addition to air pollution but in what manner and to what extent there is an addition to air pollution, nothing has been said and no material has been brought on record to justify this statement. It appears that the statements have been made only on presumptions/assumptions.

5. We also find from record that similar issue was raised before Chhattisgarh High Court in *Writ Petition (PIL) No. 94/2018, D.D. Ahuja vs. State of Chhattisgarh* which was disposed of vide judgment dated 20.03.2020 by a Division Bench of Chhattisgarh High Court, and operative part of the judgment reads as under.

“20. In the above facts and circumstances, the writ petition stands disposed off, directing the respondents concerned to ensure that no unauthorized speed breakers are constructed or setup and if at all any such instance is noted, it shall be removed forthwith and appropriate action shall be taken against the persons/bodies responsible. Construction of the speed breakers shall only be effected at appropriate places, strictly in conformity with the guidelines issued by the IRC and after getting permission of the District Committees (Zila Sadak Suraksha Samiti) concerned. If construction or existence of any unauthorized speed breakers is noticed by anybody, it will be open for such person to bring it to the notice of the District Committee as aforesaid, who shall verify the position and take further steps to cause it to be removed immediately. It shall be for the respondents to monitor the facts and figures, so that no grievance comes up from any corner in this regard.”

6. It is open to applicant to bring directions of Chhattisgarh High Court, if similar irregularity in respect of any particular or more than one speed breakers have been committed in the city of Bhopal, to notice of the concerned authorities who shall be at liberty to take appropriate action in accordance with law.

7. With this observation, the application is disposed off.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

July 24, 2023
Original Application No. 55/2023(CZ)
M