

Item No.4

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Execution Application No.08/2023(CZ)
in
O.A.No.336/2014(CZ)
(I.A.No.91/2023) (I.A.No.95/2023) (I.A.No.111/2023)

Mamta Devi

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing : 05.10.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE Dr. AFROZ AHMAD EXPERT MEMBER**

For Applicant(s):

Mr. Kanish Devesh Sharma, Adv.

For Respondent(s):

Mr. Prashant M. Harne, Adv.

Mr. Mehul Bhardwaj, Adv.

Ms.Parul Bhadoria, Adv.

ORDER

I.A.No.95/2023

1. I.A. No. 95/2023 has been filed for urgent hearing. Accordingly, the matter is being heard.

I.A.No.111/2023

2. I.A. No. 111/2023 has been filed for taking additional documents on record. The additional documents be kept on record with providing copy to the opposite parties.

I.A. No. 91/2023

3. I.A. 91/2023 has been filed for interim relief. Learned Counsel for the Applicant has argued that on the name of beautification the width of the river is encroached/reduced and there are constructions by the Municipal Corporation to use the area of the river for marketing and for commercial purpose. He has further relied on order dated 21.01.2016 passed in O.A. 336/2014(CZ) where it was observed that the Chairman of

the Municipal Board submit a plan for covering the nallah and development into the commercial premises. It was observed that aforesaid plan cannot be approved as no efforts for obstructing or covering a natural drainage system can be permitted and the free flow of water in such natural drainage pattern cannot be allowed to be obstructed in any manner. It was further observed that Municipal Board will not to proceed with the aforesaid project. The contention of the Learned Counsel for the applicant is violating the above directions and on the name of construction of bridge the area/width of the river is curtailed by making construction for commercial purposes. Learned Counsel for the State has submitted that only bridge is being constructed and pillar has to be installed in the width of the river. Learned Counsel for the Applicant has no objection with regard to pillar but free flow of the water should not be obstructed and width of the river be not curtailed and should not be utilised for commercial purposes.

4. Learned Counsel for the State has submitted that the respondents are bound by the order dated 21.01.2016 noted in the para 6 of the application and with these observations the Original Application may be disposed of. With concurrence of the Learned Counsel for the parties, we **dispose of** this Original Application along with all I.As with the direction to Respondent to strictly comply the directions issued by this Tribunal in Original Application quoted above.

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

5th October, 2023
E.A No.08/2023(CZ)
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