

Item No.3 & 4

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

**Original Application No.07/2022(CZ)
(I.A.No.99/2023)**

Dr. Subhash C Pandey Applicant(s)

Vs.

State of Madhya Pradesh & Ors Respondent(s)

WITH

**Original Application No.12/2022(CZ)
(I.A.No.47/2022)(I.A.No.100/2023)
(I.A.No.101/2023) (I.A.No.102/2023)
(I.A.No.103/2023) (I.A.No.06/2024)**

Dr. Subhash C Pandey Applicant(s)

Vs.

State of Madhya Pradesh & Ors Respondent(s)

Date of Hearing: **15.02.2024**

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

For Applicant (s): Dr. Subhash C Pandey
Mr. Harshwardhan Tiwari, Adv. for

For Respondent(s):
Mr.Gaurav Sisodiya, Adv.
Mr. Yadvendra Yadav, Adv.
Mr. Prashant M. Harne, Adv. with
Mr. Mehul Bhardwaj, Adv.
Mr. Deepesh Joshi, Adv.
Mr. Om Shankar Shrivastav, Adv. with
Mr. Shantano Saxena, Adv.
Ms. Parul Bhadoria, Adv.
Mr. Sachin K.Verma, Adv.
Ms. Parul Bhadoria, Adv.
Mr. Vikramaditya Singh, Adv.

ORDER

1. The main issue raised in this application are un authorized illegal construction and encroachment on the reservoir known as Kaliasot

reservoir in District Bhopal. There are further allegation of discharge of untreated water into the water bodies. The respondents were directed to take remedial actions and High Level Committee under the Chief Secretary of Madhya Pradesh was constituted to periodically monitor and submit the report. The Chief Secretary hold the inter departmental meeting on 08.01.2024 and examined the action taken by the different departments, and reported as follows :

- i. An interdepartmental meeting was held under the Chairpersonship of Chief Secretary to review the progress of compliance by Government of MP in the NGT case OA 07/2022 (CZ) & 12/2022 (CZ) 'Dr. Subhash C Pandey Vs. State of Madhya Pradesh &Ors.' pursuant to NGT order dated 20.10.2023 in the matter. List of attendees is as per Annexure-I.
- ii. Principal Secretary Environment briefed the Chief Secretary about the developments in the case so far. During the last hearing in the matter on 20.10.2023, the applicant had raised queries on some of the discrepancies in the Action Taken Report submitted by Govt. of MP on 14.09.2023 vis-a-vis the previous report dated 30.10.2022. A detailed presentation (Annexure II) was made regarding the discrepancies and the responses by the concerned departments.
- iii. On the issue of encroachments, Collector Bhopal briefed that out of the total 96 encroachments/ illegal structures identified at Kaliasot, 84 encroachments were on government land and 12 illegal structures were found on private land. Notices have been issued by BMC in private land cases whereas the Tehsildar has registered cases for encroachment on government land under MP Land Revenue Code. It was pointed out that due to human error 11 illegal structures were misreported as 12. Out of the 11 illegal structures, 3 have been demolished, 1 was self removed and rest 7 have obtained stay order from High Court. Similarly, 33 encroachments / illegal constructions were found at Kerwa on government land, out of which notices to 18 have been issued by Tehsildar and notices to 15 were given by concerning panchayat as per the provisions of law. It was informed that notices were not issued to persons who have not constructed structures of permanent nature in the buffer area. Hence the objections that have been raised by the applicant in this regard are not well-founded.

Chief Secretary instructed that the encroachments be removed as per the law within a time-frame as directed by Hon'ble NGT.

- iv. Principal Secretary Urban Development and Housing briefed that as per the provisions of the Bhopal Development Plan 2005, 150-hectare land is to be reserved for the purpose of Botanical Garden / Regional Park in addition to 33 meter green belt from the edge of the reservoir. The overall provision of Botanical Garden/Regional Park land use is provided around the Kaliyasot and Kerwa reservoir in the land use map of Bhopal Development Plan 2005.
- v. On sewage treatment, it was briefed that out of the total 1.25 MLD of untreated sewerage flowing into the Kaliyasot reservoir, 0.60 MLD untreated sewerage has already been connected with the existing sewerage network in October 2023. For remaining 0.65 MLD untreated sewerage, second call of Tender for 2 STPs (tender value of 3 cr) was opened on 20.12.2023 and Letter of Acceptance has been issued to the LI bidder on 02.01.2024. The work is expected to be completed within 3 months from the date of issue of work order. CEO Zila Panchayat Bhopal informed that in Mandora village, construction of 02 DEWATS is under tender process while in Mendori village, construction of 10 leach pits and 01 DEWATS is under progress. In Kushalpura village 02 soak pits/end point structures for sewage discharge has been constructed. Chief Secretary directed that the timeline be strictly adhered to.
- vi. Officers from forest department presented that around Kerwa reservoir, an area of 6 ha. has been identified for plantation activity. Similarly, around Kaliyasot reservoir an area of 6.3 ha. has been identified for plantation activity.
- vii. Principal Secretary Water Resource Department briefed that based on the more scientific & detailed recent survey conducted, the submerged area of the Kaliasot Dam is 529.68 ha. and Kerwa Dam is 462.15 ha. It was also submitted that pursuant to NGT directions, a decision for installation of more number of pillars/ munaras at Kaliasote and Kerwa reservoirs has been taken by the department and accordingly the work of installation of 679 and 1080 pillars at Kaliasot & Kerwa reservoirs respectively has been completed and report also been submitted to Hon'ble NGT.
- viii. Member Secretary MPPCB presented that water quality of reservoirs now is conducted on more regular frequency. Now monthly water quality monitoring of Kalisot and Kerwa Reservoir is being performed on 5 sampling stations since November 2023. Parameters like pesticide, insecticides, MPN and SAR are also monitored. Establishment of treatment systems in Mandora, Mandori and Kushalpura villages is expected to improve the water quality.

- ix. The Chief Secretary took stock of the actions taken by all the departments and instructed that speedy action as per the orders of NGT be undertaken by the concerned departments.
2. Learned Counsel for the Bhopal Municipal Corporation Shri Sachin K. Verma has submitted the compliance report with the fact that one encroachment has been removed and work orders with regard to establishment of treatment plant have been issued. Copy of the reply/compliance report submitted by the Bhopal Municipal Corporation be provided to the Applicant in person on available e-mail, who may in turn file the responses.
3. Learned Counsel for the Respondent no. 17/ Mr. Yadvendra Yadav has submitted that the Applicant of I.A Respondent No. 15 to 15 (E) have sold the land and thus further action should be taken against the person doing commercial business at the spot. State Pollution Control Board is directed to verify and report.
4. Rest of the respondent have argued that the representation is pending before the High Level Committee for consideration. The High Level Committee is expected to decide the application according to the rules and pass an appropriate order. The very purpose of this application is identification, demarcation and protection of wetland and removal of encroachments. Respondents are directed to ensure the above works to be completed within a timeframe. Learned Counsel for the State has sought a further three weeks time to submit the report. Further Action Taken report be filed before the next date of listing.

List it on **19th March, 2024.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

15th February, 2024
O.A No. 7/2022 & 12/2022 (CZ)
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