

Item No. 4

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

Original Application No. 75/2023(WZ)

Hasanali Nurabhai Nodoliya

.....Applicant

Versus

Collector & District Magistrate (Banaskantha) & Ors.

....Respondent(s)

Date of hearing: 15.05.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant in-person

ORDER

1. This application has been filed with the allegations that Respondent No. 4/Badargadh Gram Panchayat, which is current legal occupier and care-taker of a land at Survey No. 498 of Badargadh Village, which is recorded as a Gauchar/Grazing Land (proof thereof is annexed as Annexure A-1), has permitted gutter connection and even itself constructed a gutter line for discharging the swage filth, untreated waste water and liquid filth into the said Gauchar Land, which is causing huge environmental impairment, which has also caused health issues to the local residents.

2. Applicant has drawn our attention to the Resolution of the Gram Panchayat dated 08.06.2021, which is annexed as Annexure A-3, wherein our attention is drawn to Resolution No. 3 i.e. "Deepening of a small lake in the Colonial-Land [Village-Land]". It is alleged by the Applicant that pursuant to the passing of this Resolution on 08.06.2021, the Gram

Panchayat/Respondent No. 4 undertook to deepening the small part of land situated on Colonial Land/Village Land, which is actually the Gat No. 498, recorded as a Gauchar Land. In fact, the small pond is situated in Gauchar/Grazing Land and it is not a Colonial Land/Village Land. He has alleged that the pollution started happening since March 2023 by installing the inlets and discharge of sewage waste there. He has also annexed photographs of the said area, which is annexed at page nos. 52 to 59 of the paper book.

3. On the basis of above, we find that *prima facie* case impacting adversely on environment is made out, therefore, we deem it proper to admit this application. We accordingly admit the same.

4. Registry is directed to issue Notice to the Respondents, returnable within 04(four) weeks.

5. Applicant is directed to provide copy of the application and relevant documents to the Respondents within a week.

6. Respondents are directed to submit their reply within 04(four) weeks providing copies of the same to the other parties in advance.

7. Applicant is also directed to take necessary steps for service upon the Respondents by both ways and also through available e-mail.

8. We also deem it appropriate to constitute a Joint Committee comprising one member each of:-

- (i) The District Collector, Banaskantha;
- (ii) The District Development Officer, Banaskantha; and
- (iii) The State Pollution Control Board (SPCB).

9. The State Pollution Control Board (SPCB) shall be the nodal agency for coordination and logistic support.

10. The Committee is directed to visit the spot and conduct the inspection in presence of the Applicant after giving prior notice and submit a report on factual aspects and action taken report within a period of one month.

11. The report in the matter be filed by the Committee by e-mail at ngt-pune@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

12. Applicant is directed to supply the required documents and copy of the application to the Members of the Committee within three days from today.

13. A copy of this order be communicated to the above-mentioned Committee forth-with for compliance.

Put up this matter on 21.08.2023

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 15, 2023
Original Application No. 75/2023(WZ)
P.Kr