

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2620/2020

FATEHLAL(DEAD) THROUGH LRS

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

(IA No. 42830/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 42829/2020 - STAY APPLICATION)

Date : 08-08-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s)

Mr. Rishabh Sancheti, Adv.

Ms. Padma Priya, Adv.

Mr. Anchit Bhandari, Adv.

Mr. Suyash Jain, Adv.

Mr. Chirag Kalani, Adv.

Mr. K. Paari Vendhan, AOR

For Respondent(s)

Dr. Manish Singhvi, Sr. Adv.

Mr. Sandeep Kumar Jha, AOR

Mr. Arpit Prakash, Adv.

Ms. Shubamgi Agarwal, Adv.

Mr. Nikhil Singhvi, Adv.

Ms. Supriya Juneja, AOR

Mr. Mohit Seth, Adv.

Mr. Bilal Ikram, Adv.

Mr. S. K. Verma, AOR

Mr. Mahesh Kasana, Adv.

Ms. Aparna Rohtagi Jain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

After having heard the parties, we find that the
National Green Tribunal has not even considered the

prayers (a) and (d) of the application filed by the appellant. One of the allegations in the application was that area of the water tank (42½ bighas and 3 biswas) has been reduced due to encroachments. In fact, the respondent No.6 in his counter affidavit has accepted that area of the tank is 42.5 bighas and 3 biswas. The contention of the respondent No.6 is that the area of the water tank remains the same.

Another issue is whether there are encroachments on the catchment area of the water tank.

We direct the Chairperson of the Rajasthan Pollution Control Board to constitute a Committee of senior officers and experts in the field. The Committee so constituted shall make a site visit after notice to all the parties to the appeal for ascertaining whether area of the tank continues to be 42.5 bighas and 3 biswas and whether there are any encroachments. They shall also examine whether there are encroachments on the catchment area of the lake in question.

We are making it explicitly clear that the members of the Committee constituted by the Chairperson of the Rajasthan Pollution Control Board will act as the officers of this Court.

Needless to add that for the purposes of measurements, the district administration will render all possible help to the team constituted by the Chairperson of the Pollution Control Board by providing services of surveyors.

The Registry shall forward a copy of this order to the Chairperson of the Rajasthan Pollution Control Board.

A report along with the relevant sketches drawn and photographs shall be placed on record within a period of eight weeks from today.

The Pollution Control Board will supply copies of the report to the learned counsel representing all the parties.

List on 31st October, 2023, on the top of the Board.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER