

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No. 1102 of 2019

Ratneshwar Prasad Singh

Appellant(s)

Versus

Banka Municipality & Ors.

Respondent(s)

ORDER

Admit.

This appeal arises from a judgment of the National Green Tribunal¹ dated 9 May 2016 in Original Application² No 233 of 2015. The appellant moved the Tribunal with the grievance that as a result of an open drain of Banka Municipality abutting his residential property, there was an overflow of sludge. The Tribunal dismissed the OA on the ground that it had no jurisdiction to entertain the claim.

Aggrieved by the order of the Tribunal, the appellant submitted that in terms of the provisions of Section 14(1) of the National Green Tribunal Act 2010, jurisdiction is conferred on the Tribunal to entertain all civil cases where a substantial question relating to environment, including enforcement of any legal right relating to environment, is involved and such a question arises out of the implementation of the enactments specified in Schedule I. Schedule I adverts to the Water (Prevention and Control of Pollution) Act 1974 and the Environment (Protection) Act 1986. During the pendency of the proceedings, earnest efforts were made by the Tribunal to

1 “Tribunal”

2 “OA”

resolve the grievance of the appellant amicably, but it appears that those efforts have not succeeded. In the circumstances, the present appeal has been filed.

During the course of the hearing, we had indicated to the learned counsel appearing on behalf of the first respondent that it would be appropriate if the grievance is attended to by the Chief Officer of the Municipality in order to ensure that a lasting solution is found to the recurring problem which is faced by the appellant.

Learned counsel appearing on behalf of the first respondent submitted that it was as a result of the non-cooperation of the appellant, that the proposals which were made before the Tribunal, as recorded in the order dated 28 September 2015, did not fructify.

Be that as it may, we are of the view that a citizen's grievance in regard to the overflow of sludge from the open drain should be attended to by the first respondent having regard to the issue of public health involved.

We accordingly issue the following directions:

- (i) The Chief Officer of the first respondent shall, together with a team of competent engineers, visit the residential site of the appellant within a period of two weeks from the date of receipt of a certified copy of this order;
- (ii) The Chief Officer of the first respondent shall prepare an appropriate plan of action so as to remedy the grievance of the appellant and to provide a lasting solution to the grievance in regard to overflow of sludge from the open drain;

- (iii) Necessary action shall be taken by the first respondent and the work shall be completed within a period of two months from the date of receipt of a certified copy of this order; and
- (iv) The appellant shall render all cooperation as required by the first respondent in order to implement the above directions.

The appeal is disposed of in the above terms. There shall be no order as to costs.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Aniruddha Bose]

**New Delhi;
July 15, 2019**

ITEM NO.36

COURT NO.10

SECTION XVII

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).1102/2019

RATNESHWAR PRASAD SINGH

Appellant(s)

VERSUS

BANKA MUNICIPALITY & ORS.

Respondent(s)

Date : 15-07-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Appellant(s) Mr. Rajesh Ranjan Singh, Adv.
 Ms. Preeti Chaudhary, Adv.
 Mr. Praveen Agrawal, AOR

For Respondent(s) Mr. Anup Sinha, Adv.
 Mr. Pramod Dayal, AOR
 Mr. Nikunj Dayal, Adv.
 Ms. Payal Dayal, Adv.
 Mr. Rakesh Kumar, Adv.
 Mr. Sanjay Jain, Adv.

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

The appeal is disposed of in terms of the signed
order. There shall be no order as to costs.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)