

Item No. 03

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

Original Application No. 23/2021 (CZ)

Swami Narhariyanand Sarovar
Jirnodhar Samiti

Applicant (s)

Versus

State of M.P. & Ors.

Respondent(s)

Date of hearing: **31.08.2021**

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

For Applicant(s):

Mr. Dharamveer Sharma, Adv.

For Respondent(s):

None.

ORDER

1. Issue raised in this original application is the encroachment of Talab, Natural Water Body/Pond popularly known as Swami Narhariyanand Sarovar, which is situated in village Saikheda, Tehsil and district Narsinghpur, (M.P.).
2. The Nazri Aksh (current map) of Swami Narhariyanand Sarovar/ Talab indicate that, Khasra/survey no. 456 measuring area 0.526 hectare, Khasra/survey no. 457 measuring area 0.291 hectare and Khasra/survey no. 458/1 measuring area 5.953, total area admeasuring 6,7770 hectare (which is equivalent to 16.72 Acres), is a natural body/bund, of this Sarovar, which is in its natural state.
3. The matter was taken up on 28.05.2021 and this Tribunal constituted a committee in a following manner :-

“9. We deem it just and proper to call a report on the matter in issue in present application, from a Joint Committee consisting of:-

- i. District Collector, Narsinghpur, Bhopal
- ii. Municipal Corporation, Narsinghpur
- iii. Central Pollution Control Board or its representative
- iv. Madhya Pradesh Pollution Control Board or its representative

10. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.

11. The report in the matter be filed by the Committee by email at ngtczbbhomp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”

4. In compliance thereof, the Joint Committee consisting District Collector, Narsinghpur, Bhopal, Representative of Madhya Pradesh Pollution Control Board, Representative of Central Pollution Control Board and Representative of Municipal Corporation has submitted factual and action taken report which is as follows :-

“FIELD OBSERVATIONS:-

Swami Narhariyanand Sarovar is a natural water body at khasra/survey no.456 measuring area 0.526 hectare, khasra/survey no.457 measuring area 0.291 hectare and khasra/survey no.458/1 measuring area 5.953 hectare, total area admeasuring 6.7770 hectare (which is equivalent to 16.72 Acres).

The water body is surrounded by dense residential area. There is residential encroachment on the West and North part of the Swami Narhariyanand Sarovar and the domestic waste water generated from these houses is directly discharged into the Swami Narhariyanand Sarovar. Other than the direct discharge from the above houses; 02 small drains also meet in Sarovar, carrying domestic waste water from the nearby residential-cum-commercial area. The map of Swami Narhariyanand Sarovar is enclosed. Swami Narhariyanand Sarovar is a holy place for the people. There is Samadhi of Swami Narhariyanand in the middle of the pond. Being having religious importance people walk round the pond (Parikrama) for holy purpose. The path of Parikrama has also been obstructed by encroachments.

There are 73 encroachments identified which has been ordered to be removed by the Tahsildar Saikheda. The Nagar Parishad Saikheda has also given notice to remove the encroachment. The latest status & list of encroachments is enclosed.

Water Sampling

The committee after surveying the site and drains meeting the Sarovar; carried out water sampling from 02 respective locations to assess the water quality of the Sarovar:

1. Mid of the Sarovar near Samadhi (GPS location: 22.9607874, 78.5767628)
2. Near Tehsil Office before meeting Sarovar (GPS location: 22.9589697,78.5785498).

The water analysis w.r.to pH, DO, BOD & Total Coliform report is as tabulated below:

Sl. No.	Parameters	Unit	Mid of the Sarovar near Samadhi	Near Tehsil Office before meeting Sarovar
1	pH	-	7.86	7.92
2	Dissolved Oxygen	mg/l	7.8	5.2
3	BOD (3 days, 27°C)	mg/l	3.2	4.8
4	Total Coliform	MPN/ 100ml	540	1100

The analysis results show impact of domestic waste water being discharged into Swami Narhariyanand Sarovar from the nearby houses mostly of which are constructed as an encroachment at the bank of Swami Narhariyanand Sarovar. There is plenty of water in the Swami Narhariyanand Sarovar to dilute the domestic effluent but at the bank near Tehsil Office the quality of water is more polluted than middle of the pond. Detail analysis report is enclosed.

Earlier Action Taken by Authorities

- i. The total encroachment is 73, which has been ordered to be removed by the Tehsildar Saikheda, the Nagar Parishad Saikheda has also given notice to remove the encroachment. In the appeal there is no relief to the extortionists.
- ii. The nature of the encroachment of the encroachers is basically residential, which has been built for the last 30-40 years, it also has a multi-storey building, removing the encroachment can also create a law and order situation.
- iii. M. P. Pollution Control Board Bhopal has imposed a penalty of Rs. 44.0 Lakhs on Nagar Parishad, Saikheda for non-compliance of MSW Rules 2016 and direct discharge into water bodies in compliance of directions given by Hon'ble NGT O.A No. 606/2018 dated 25.02.2020 & 02.07.2020. Copy of the notice given to Nagar Parishad Saikheda in this regard is enclosed.
- iv. Work for lying sewer line is under construction stage at Saikheda along with installation of Sewage Treatment Plant (STP) of 2.6 MLD capacities for the treatment of domestic waste water. Details of progress of STP is enclosed.
Photographs along with coordinate recorded during inspection is enclosed.

Recommendations:-

1. *The local authority should expedite the work of STP construction and drain connectivity to ensure that no untreated effluent meet water bodies.*
2. *District authority shall resolve the cases of identified encroachments per the law.*
3. *To stop direct discharge of domestic waste water in Sarovar, local authority may arrange to shift the domestic outlet drain of households towards road side (proposed sewer line) to avoid further deterioration of the pond water.*
4. *The local authority may provide in-situ bio-remediation to treat the effluent drains till the STP work is ongoing.*
5. *A moving fountain may be installed in Sarovar to improve the dissolved oxygen.”*

5. Learned counsel appearing for the State Pollution Control Board has submitted that the authorities are taking legal action against unlawful encroachment of water bodies and 2.6 MLD capacity Sewage Treatment Plant is under construction and likely to be completed very soon and State Pollution Control Board shall ensure that there should not be any discharge of untreated water into the water bodies.

6. Learned Counsel appearing for the applicant Shri Dharamveer Sharma has submitted that strong action should be initiated against the person who had made illegal encroachment on the public land or the water bodies. We accept the report of the joint committee and direct the authorities concerned that the recommendations made by the Joint Committee must be strictly observed. We further direct as follows –

1. Respondents/authorities are directed that the sewage Treatment Plant (2.6 MLD capacity) which is under construction must be completed within a stipulated time.
2. Respondents are directed to ensure that no untreated water/ sewage water/solid waste, be discharged into the waterbodies and in case it is found that waste water / garbage are being discharge into the waterbodies, the necessary legal action as well as calculation and realization of environmental

compensation in accordance with the parameter laid down by the Principal Bench of this Tribunal must be realized, according to law.

3. The illegal encroachment on the waterbodies as narrated in para 1 & 2 of the action taken and recommended at Para 2 in the clause of the recommendation must be acted upon and Collector, Narsingpur is directed to ensure the removal of the unlawful encroachment from the public land/waterbodies in accordance with the law within a time frame, say within six months.
 4. The State Pollution Control Board, M.P. is directed to proceed with in accordance of law to comply point number 3 of report with regard ***earlier Action Taken by the Authorities*** and realization of environmental compensation.
7. With these observations, the **Original Application No. 23 of 2021** is finally **disposed of**.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

August 31st 2021
O.A. No. 23/2021(CZ)
PN