

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

**Original Application No.33/2021 (CZ)**

Rishikesh Vihar Welfare Society & Ors.

Applicant (s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: **16.12.2021**

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

For Applicant(s) : None

For Respondent(s) : Mr. Sachin K.Verma, Adv.  
Ms. Gunjan Chowksey, Adv.  
Ms. Parul Bhadoriya, Adv.

**ORDER**

1. The issue raised in this original application is unauthorized, illegal construction of open sewage line for discharging untreated water/sludge in the Government/private land and construction of building/residential accommodation without getting any approval or permission from the competent authority in violation of environmental norms by Respondent No. 4 Gayatri Vihar, Phase-I & others in Zone 13, Ward – 53 & 55 within the limits of Bhopal Municipal Corporation known as Gayatri Vihar (Coloniser Kamdhenu Grih Nirman). It is further alleged that the respondents are illegally and unauthorisedly encroaching the public land, road and damaging the 60 ft. wide master plan coordination road against which the information was sent to the competent authority and the construction was restrained but after some days the violators of law, respondent again through the means of JCB machine started to encroach the public/private land and started the

construction of sewage line and discharge of untreated water / sludge water into the public land.

2. The matter was taken up by this Tribunal on 08.06.2021 and the joint committee was constituted with directions to submit the factual and action taken report. The Joint Committee has submitted the report, as follows :-

- “1. The residents of Rishikesh Vihar Welfare Society (Petitioner) Shri Sanjay Shrivastava, House no. 15, Shri Pawan Singh, House no. 46 and Shri Santosh Choudhaery, House no. 37 were present at the time of visit.*
- 2. GPS location of the site is recorded using a mobile-based GPS application. The location of Gayatri Vihar, Phase 1, Rishikesh Vihar colony and places visited by the committee are marked on the Google Map and photographs taken during the inspection.*
- 3 The Gayatri Vihar, Phase 1 colony and Rishikesh Vihar colony are two distinct colonies in the area and the distance between these two colonies are approx 200 meters.*
- 4. During visit, Rishikesh Vihar Welfare Society representative informed that the Gayatri Vihar, Phase 1 residents were intended to lay down an open sewage line from the land located in front of their Rishikesh Vihar Colony. They have shown the area to the committee. The area shown by the Rishikesh Vihar Welfare Society representative (Petitioner) is approx 70 meters away from Rishikesh Vihar colony and approx 300 meters away from the Gayatri Vihar, Phase 1 colony septic tank.*
- 5. Committee inspected the area during the visit and found that a RCC road is passing through this area and connecting it to Bagmugaliya - Katara road. Committee has not found laying of open sewer line in the area and no excavation for laying of sewer line is observed. Also, no flow of treated or untreated sewage observed during the visit in that area. JCB machine was also not seen in the locality.*
- 6. Committee visited the Gayatri Vihar, Phase 1 colony and observed that a septic tank / soak pit is provided at the middle of the colony inside a park. The park is surrounded by a road and then by residential plots. No drain is found passing across the road from*

*the septic tank. The size of the septic tank is approx. 20 feet x 15 feet and depth of 8 feet. No overflow of sewage from septic tank is observed and no drain is observed connecting to any open drain from the septic tank.*

7. *The resident of the Gayatri Vihar, Phase 1 colony informed the committee that there are around 70-74 houses in the colony. The colony was established in Year 2002 as plotted development project with area of around 6.00 acre. Presently the colony maintenance is being carried out by the resident welfare society.*
8. *Committee visited the area around the Gayatri Vihar, phase I colony and found that it is a covered colony and no drain of sewage found outside the premises.*
9. *Committee also visited the Rishikesh Vihar Colony and the covered colony has provided one septic tank for around 40 houses.*
10. *In view of above points the committee has not found unauthorized, illegal construction of open sewage line for discharging untreated water/sludge in the Government/private land in the area.”*

3. On 09.09.2021, the matter was adjourned on the application of the applicant on the ground for filing objection, but no objection has been filed by the applicant.

4. We have gone through the report submitted by the Joint Committee and found that there was no unauthorized, illegal construction of open sewage line for discharge of untreated water/ sludge in private public land and there is no violation of Environmental Rules. Accordingly no action is required at present in this case and O.A. No. 33/2021 (CZ) is **disposed of**.

**Sheo Kumar Singh, JM**

**Arun Kumar Verma, EM**

16<sup>th</sup> December, 2021  
OA No. 33/2021 (CZ)  
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