

Item No. 1

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

Original Application No. 08/2021 (CZ)

Krishna Gopal Bairagi Applicant(s)

Versus

State of Madhya Pradesh & Ors. Respondent(s)

Date of Hearing: 27.04.2022

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

For Applicant(s): Mr. Rohit Sharma, Adv

For Respondent(s): Ms. Harshita Tejwani, Adv.
Ms. Parul Bhadoria, Adv.

ORDER

1. The issue raised in this application is the construction of Colony called Vijasan Dhaam situated in the city of Sehore without any permission from the competent authority and it is alleged that the entire debris/waste water is being drained directly into river Seevan, which is situated adjacent to the colony in question towards southern side, and in violation of the current master plan of 2031 for the city of Sehore mandates minimum of 30 meters of forest/park/recreation/plantation from the boundary of main river Seevan (Khasra No. 484) and a minimum 15 meters plantation from the tributaries of river Seevan (Khasra Nos. 474 and 482). The colony in question is being constructed within the 30 meter buffer zone. Neither any channelization of sewage nor any STP has been constructed by either the municipal council sehore or the project proponents due to which there is direct discharge of waste water into the river.
2. The matter was taken up on 13th April, 2021 and a Joint Committee consisting of District Collector, Sehore, Madhya Pradesh, Representative

of Madhya Pradesh Pollution Control Board and representative of Chief Municipal Officer, Nagar Palika Parisar, Sehore was constituted with direction to submit Factual and Action Taken Report.

3. In compliance thereof, the Joint Committee had submitted first report on 26.06.2021 as follows:

- (i) As per record, the colony as mentioned is illegal and there are three pacca houses constructed within 30 meters buffer zone of river.
- (ii) The sewage has not been connected to any sewage disposal facilities.

4. An objection was filed by the Applicant to the effect that inspite of the observations of the Joint Committee that the colony is illegal and there is no sewage treatment facility, no action has been taken by the municipal council or the State Pollution Control Board for removal of encroachment or realization of environmental compensation in accordance with law.

5. The State Pollution Control Board has reported that the construction of residential colony near the catchment of the river shall impact the water quality and inspite of the report, no further action has been taken by the administration.

6. In view of the objections raised by the Applicant, the Joint Committee consisting Collector (Sehore), Director or representative of Director Town and Country Planning (Sehore), Representative of Central Pollution Control Board and Representative of State Pollution Control Board was constituted with the direction to submit the Action Taken Report and the report and observations of the Committee are as follows:

- 1. The Tehsildar of the Sehore district has constituted a four member committee vide office order dated 01.02.2022 for survey, measure and demarcation of the area. The demarcation report is awaited.*
- 2. As per officials of T&CP, the colonizer of Vijasan Dham Colony, Sehore has not obtained any permission from Town and Country Planning department. The current master plan of 2016 for the city of Sehore mandates minimum of 30 meters of forest/ park/ recreation/ plantation from the boundary of main river Seevan and a minimum 15 meters plantation from the tributaries of river*

Seewan (Annexure – 2). The violation of master plan could be validated after the demarcation report.

- 3. As per Executive Engineer, Municipal Corporation, Sehore, the colonizer has not obtained any permission from Municipal Corporation, Sehore before development of colony.*
- 4. The treatment of sewage of the colony is being done through septic tank and soak pit. During inspection no sewage discharge into river Seewan was observed.*
- 5. Several brick kilns were found established on the bank of river Seewan.*

Recommendations:

- 1. The colonizer must obtain all the necessary permissions from the concerned departments.*
 - 2. Suitable action must be taken by the state/local authority for illegal development after demarcation of site.*
 - 3. Plantation should be carried out in the buffer zone of river Seewan to stop further encroachment activity by concerned department.*
 - 4. Sewage line of Vijasan Dham shall be connected to sewer network connecting to Juniyawadi STP, Sehore developed under AMRUT project.*
7. The objection was filed that the disposal of sewage and direct discharge of untreated water into the river Seewan have not been taken into account by the authorities and that observations made in Point No. 1, 2, 3, 4 and 5 as pointed by the Joint Committee has not been taken care of by the authorities and no action has been initiated either by the municipal council or the State Pollution Control Board. Operation of brick kilns along side of the river has devastating environmental harms on the river, its ecology, vegetation, flow of the river and its sustainability at large. In spite of the direction of the authorities, the area has not been demarcated till date and violations are still continued.
8. In view of the above, it reveals that the municipal council and the State Pollution Control Board has failed to exercise their legal duties, sincerely, honestly and fairly and provided every opportunity of encroachment of the land and to discharge the untreated water into the river.
9. In view of the above, we direct the State Pollution Control Board and the municipal council, Sehore to take further remedial actions according to

law within a time frame and submit further Action Taken Report within thirty (30) days.

List it on 08th July, 2022.

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM

27th April, 2022
O.A. No. 08/2021(CZ)
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