

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL
BENCH, BHOPAL**

**Original Application No. 66/2015 (CZ)
Rizwan Pathan & Ors. Vs. District Collector, Sehore & 3 Ors.**

with

**Original Application No. 337/2014 (CZ)
Vinod Kumar Kori Vs. State of M.P. & Ors
and**

M.A. No. 121/2017

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

**PRESENT : Applicant : None
Respondent : Ms. Parul Bhadoria, Adv.
Mun.Coun. Sehore / State : Shri Sachin K.Verma, Adv.
BMC: Shri Vivek Choudhary, Adv. for
Shri V.K Choudhary, Adv.
Shri M.P. Singh, A.C.
Shri Keshav Pathak,
Dr. S.K. Shrivastava,**

Date and Remarks	Order of the Tribunal
Order No. 37 20th September, 2017	After our order of 04.09.2017 the matter has been taken up today. Two compliances one by the BMC as well as second by the State Government have been filed. In the affidavit filed on behalf of the State by Shri Nilesh Dubey Urban Governance Officer cum OIC of the State Government under the Department of Urban Development and Housing it has been stated that the Government looking to the urgency and seriousness of the matter decided that the direction issued by the Tribunal need to be complied with and as such the execution / operation of the proposal no. 5 dated 03.08.2017 passed by the Municipal Corporation Bhopal has been rescinded. Under its order dated 19.09.2017 issued in exercise in the powers under the M.P. Municipal Corporation Act 1956 directing that the Tribunal directions

be complied with.

Copy of the order issued by the State Government dated 19.09.2017 under Section 257 and enabling provisions of section 418 and 421 have been appended. Similarly, a compliance and affidavit of Shri Keshav Pathak Assistant Engineer BMC has also been filed wherein the fact regarding the issuance of the order by the Government in exercise of the power under Section 421 rescinding the resolution of the BMC and directing for complying with the orders of the Tribunal have been stated. In the affidavit / compliance in para No. 3 and 4 it has been stated as follows :

“3. Consequently, the Corporation in the light of the government direction will proceed to comply with the order of the Hon’ble Tribunal for reconsideration.

4. The corporation in the present matter has taken due care and due action and is duty-bound to perform its obligations and has also done the same within the four corners of law.”

In view of the above we direct as follows :-

During the hearing it has been stated that the Government had initially set apart land measuring 44 acres for the new MSW Management and Disposal site at Aadampur village, the same has been mutated in the name of the BMC. Now, since the abattoir (slaughter house) which is to be set up is also to be set up on the same land which would require land to be separately earmarked and bifurcated orders for the same shall be issued within a period of ten days and all formalities completed. It is stated that this is on account of the fact that the ensuing *Navratris* and the festival season some time may be required to do the same. It has also been stated during the course of hearing that the BMC has further requested the Government for an additional 10 acres of land apart from the one which the government intends to set out of the 44 acres available. For this the request has

already been made by BMC to the Government.

We direct that the aforesaid bifurcation of the land for the abattoir and the additional land required for the same (10 acres) necessary steps of bifurcation and mutation of the land for the abattoir by the BMC as well as the allotment of the additional 10 acres of land to be carried out on or before 04.10.2017. The P.S. UADD in the government, the Collector and Commissioner BMC shall ensure the same.

It has further been stated before us that the agency which is to carry out the work of the establishment of the abattoir has already been identified and selected. The said agency is from Agra with the name and style of Haji Mohmmad Ashiq Agro. It is stated that once the land is bifurcated and mutated and the possession of the additional land is made available by the government and the District Collector lay out plans and development of the area for proceeding with the construction with the grant of the work order will be carried out by the aforesaid M/s Haji Mohmmad Ashiq Agro.

We direct that so soon as the land is made available and the mutation carried out as directed above, the BMC shall ask the concessionaire to whom the work is being awarded to start with the work of developing the green belt with at least three rows of tall trees which may act as wind breaker all along the perimeter and on the area which is along the MSW Management and disposal site at least 5 rows of such trees shall be planted. The trees to be planted should be of at least 5 feet in height. All throughout the process of construction and operation it would be the responsibility of the concessionaire to ensure the protection and survival of these trees; this is based upon the precautionary principle.

We further direct that the government in the Urban Development Department of the BMC and / or any other local

authority within whose jurisdiction the area of Adampur where the site of MSW management and disposal as well as abattoir is situated shall ensure that no residential accommodation or inhabitation including commercial or institutional is allowed to come up within 300 meters of the outer periphery of this identified land. This shall be kept available on the precautionary approach and also for any future requirement. To ensure the above securing the area with fencing / compound wall as the case may be, plantation be carried out so that there is no trespassing into the area of this buffer in addition to the plantation to be carried out on the land of the abattoir.

For reporting the progress made, let this matter be listed on **5th October, 2017.**

.....JM
(DALIP SINGH)

.....EM
(Dr. S.S. GARBYAL)



