

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 823 of 2016 & M.A. No. 824 of 2016
In
Original Application No. 277 of 2013**

Dr. Irfan Ahmad & Ors. Vs. Mr. Nawang Rigzin Jora & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Amicus: Mr. Narender Pal Singh, Mr. Mithilesh Kumar, Advs.
Respondent Nos.1 to4: Mr. G.M. Kawoosa, Ms. Antima Bazaz, Adv. Mr. Hirdesh K. Singh Commissioner/ Secy Housing UD Mr. Bashir A. Khan, Commissioner SMC Mr. B. V. Niren, Adv. for MoUD

Date and Remarks	Orders of the Tribunal
Item No. 07 August 19, 2016 A	<p style="text-align: center;"><u>M.A. No. 823 of 2016</u></p> <p>This is an Application on behalf of the State of Jammu & Kashmir praying that the bailable warrants issued against Municipal Commissioner of Srinagar and Secretary, Housing and Urban Development, State of Jammu & Kashmir be cancelled.</p> <p>Detailed reasons have been given by the Applicant for their non-appearance on the last date of hearing. In any case bailable warrants are issued only for production of the said Offices. Both the Officers are present and they undertake to be present on the next date of hearing that is 22nd August, 2016.</p> <p>In view of the assurance given by the Learned counsel appearing for the Applicant we direct the bailable warrants issued against these two Officers will not be executed.</p> <p>Both these officers will be present on 22nd August, 2016.</p>

Accordingly, M.A. No. 823 of 2016 stands disposed of without any order as to costs.

M.A. No. 824 of 2016

Notice.

Learned counsel appearing for the non-Applicants accept Notice. Let the copy of the Misc. Application be furnished to all the Learned counsel appearing for the parties including Amicus Curiae. Reply thereto be filed before the next date of hearing.

Learned counsel appearing for the State of Jammu & Kashmir submits that keeping in view the peculiar facts and circumstances prevailing in the Srinagar in these days, it is not possible to dump municipal solid waste at any other place infact there is no identified site as of now and the waste cannot be permitted to lie on the roads and colonies of Srinagar.

Learned Amicus Curiae has shown some of the photographs to us regarding violation of the orders of the Tribunal from 11th to 13th August, 2016, revealing that and the waste was being dumped at the site in question. We direct both these Officers to show cause why appropriate action be not taken against them and the persons who are responsible for dumping the waste at the site. However, in view of the peculiar facts and circumstances explained at the Bar we permit the waste to be dumped at the existing site till the next date of hearing but we make it clear that in the meanwhile alternative sites should be located by the Authorities and Tribunal should be informed on the next date of hearing .

List this matter on 22nd August, 2016.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(Bikram Singh Sajwan)

