

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

Original Application No. 340/2013

Sudesh V/s Union of India & Ors.

CORAM: HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present:	Applicant / Appellant	: Appearance not given
	Respondent No. 1	: Mr. Vivek Chib and Mr. Asif Ahmed, Adv.
	Respondent No. 3 to 6	: Mr. Narender Hooda, Sr. Adv. with Mr. Vinit Malik, Adv. & D.P. Singh, Adv.
	Respondent No. 7	: Mr. Shish Pal

Date and Remarks	Orders of the Tribunal
Item No. 2 July 1, 2014	<p>This petition has been filed by the Applicant complaining of raising construction in the river bed of the river Dohan near Village Jat & Pali, District Narnaul in Haryana by the Central University of Haryana (Respondent No. 7) and thereby obstructed the flow of water in the river bed in Channel of the river.</p> <p>Vide order dated 31.12.2013, Notices were issued to the Respondents by the Tribunal. On 13.01.2014, parties put in appearance and the Tribunal directed Respondent Nos. 5 and 6 to verify whether there is any construction activity going on in the river bed of river Dohan passing through village Jat & Pali as alleged by the Applicant.</p> <p>On 21.03.2014, status report was filed by Respondent No. 5 and it was submitted that the Deputy Commissioner, Mahendergarh at Narnaul at Haryana had constituted a Committee consisting of the following members:</p> <ol style="list-style-type: none">1. The Sub Divisional Magistrate, Mahendergarh,2. Superintendent Engineer, Irrigation Department, Narnaul,3. Executive Engineer Irrigation, Mahendergarh,4. Deputy Superintendent of Police, Mahendergarh,5. Tehsildar, Mahendergarh. <p>It is seen that the said Committee has submitted a report on 18.03.2014, the relevant part of which has been extracted :</p>

“The Dohan river enters the Central University of Haryana, in village Pali in Khasra Number 40//2 (Northern side) to Khasra No. 40//12 (Southern side). There is no boundary wall in these Khasra Numbers, however, barbed wires with pillars have been installed there.

An earthen road has been constructed across the River bed in Khasra No. 81//1 and 81//2 in a length of 181.6 feet in the land of village Jant. 13 Numbers RCC pipes having 2.5 feet dia have been embedded below this earthen road.

A pacca wall has been constructed across the river bed (Water Course) in the village of Jant bearing Khasra Number 61//3 and 61//4 in a length of 220 feet.

The remaining portion of the River bed (Water Course) of Dohan river in Central University of Haryana at Village Jant & Pali is free from encroachment and illegal construction.

At present no construction work in the bed (Water Course) of River Dohan is in progress.”

On 09.05.2014, the learned Counsel appearing for the Applicant submitted that the boundary wall has still not been removed despite the orders of the Tribunal. However, The latest status report submitted after re-inspection on 27.03.2014 and produced by Deputy Commissioner along with compliance report show that *“Dohan river enters the Central University of Haryana, Mahendergarh in village Pali in Khasra No. 40//2 (Northern Side) to Khasra No. 40//12 (Southern Side). There is no boundary wall in these khasra numbers, however, barbed wire pillars have been installed there is still in existence as on dated 27.03.2014.”*

It was observed that however the report does not disclose whether the barbed wire pillars were constructed on the boundary of the property of the Central University. As such, the University (Respondent No. 7) was directed to make its stand clear on the same.

On the last date of hearing i.e. 30.05.2014, the compliance report dated 27.05.2014 was filed. According to which, it was revealed that the barbed wire pillars have been removed from the river bed by the Central University Administration (Respondent No. 7) and copy of the report was taken on record. The Applicant, however, sought time to submit whether the compliance as reported has been made or not. As such, the case was adjourned for today.

Today, learned Counsel appearing for the Applicant submit that it was not disputed that the construction as alleged in the Dohan river has been removed as mentioned in the report filed on 27.05.2014.

However, it is directed that the learned Counsel appearing for the Applicant, Counsel for the Respondent No. 7 as well as Counsel for Respondent No. 5 are not in a position to state whether the materials as a result of demolition are still lying within the river bed or have been removed.

As such, Counsel appearing for the Central University is directed to file a compliance report as to whether or not the materials have been removed from the river bed by the University which has raised construction of barbed wires by erecting the pillars.

By disposing of this petition, we direct that the materials, if any, be removed within 30 days from today and compliance report be submitted before this Tribunal with photographic evidence by 14.08.2014. Respondent No. 5 is also directed to confirm and file an affidavit that the construction material as a result of demolition from the river has been removed by the Respondent No. 7.

The Counsel appearing for the Central University submitted that in future also no such obstruction by raising any such construction or construction of wire fencing would be carried out

by the University in the river bed of the river Dohan. Learned Counsel appearing for the State of Haryana shall file in particular affidavit and also submit that they would ensure that within the river Dohan basin, they would not permit any encroachments or construction and in case there is any encroachment/construction, the same shall be removed by them.

The compliance report along with the affidavit by Respondent No. 5 and 7 be filed by 14th August, 2014.

The Petition accordingly stands disposed of.

The matter be listed for filing compliance report on 14th August, 2014

....., JM
(Dalip Singh)

....., EM
(Dr. G. K. Pandey)

....., EM
(Ranjan Chatterjee)

