

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

Original Application No. 22/2013 (CZ)

CORAM:

**Hon'ble Mr. Justice Dalip Singh
(Judicial Member)**

**Hon'ble Mr. P.S. Rao
(Expert Member)**

BETWEEN:

B.L.Mishra,
Retd. SDM,
227, Sagar Road,
Chhattarpur.

..... Applicant

Versus

1. Collector, Chhattarpur
2. Chief Municipal Officer, Nagar Palika, Chhattarpur
3. Commissioner, Land Records, Gwalior
4. Director, Directorate of Town & Country Planning, Madhya Pradesh

..... Respondents

1. Shri Avinash Shukla, Nazar Bagh, Chhattarpur
2. Smt. Rajkumar Jain, Parivari Mohalla, Chhattarpur
3. Smt. Kavita Khare, Behind Purana Rozgar Karyalay, Chhattarpur
4. Shri Sanjay Khare, Behind Purana Rozgar Karyalay, Chhattarpur
5. Shri Arun Kumar Patkar, Behind City Kotwali, Chhattarpur
6. Shri Lalji Patkar, Behind City Kotwali, Chhattarpur
7. Shri Ved Prakash, Behind Zila Sahkari Press, Chhattarpur
8. Shri Rahul Gupta, Behind Purana Rozgar Karyalay, Chhattarpur
9. Shri Ravi Gupta, Buniyadi Shiksha Marg, Chhattarpur
10. Late Shri Mandeep Singh C/o Shri Kuldeep Singh, Behind Hanuman Toriya, Chhattarpur

..... Interveners

Counsel for Applicant :

Mr. Amit Tiwari, Advocate

Counsel for Respondent No. 1,3&4 :

Mr. Sachin K. Verma, Advocate

Counsel for Respondent No. 2:

Mr. Yogesh Bhatnagar, Advocate

Delivered in Open Court by
Hon'ble Mr. Justice Dalip Singh, Judicial Member

1. This Application was filed by the Applicant alleging that in the Kishore Sagar Lake, Chhattarpur, MP lot of constructions both, residential and commercial by way of encroachment have been made within the lake and the District Administration and local authorities are allowing constructions to come up and thereby the lake is getting polluted and the water body itself has shrunk inside as a result of the above.
2. Notices were ordered to be issued vide order dated 02.05.2013 taking note of the fact that as a result of the encroachment not only the lake is shrinking in size but also as a result of the construction of residential and commercial buildings, pollution was being caused to the water body. In response to the notice, the respondent submitted the reply. So also applications were moved by some persons against whom there was the allegation of having raised constructions within the lake boundary itself. Vide order dated 30.09.2013, the names of 10 applicants who submitted applications for being allowed to intervene as their shops which have been constructed by the Municipal Council, Chhattarpur on the embankment of the Kishore Sagar Lake, were also alleged to be falling within the boundary of the lake and the lake area, were allowed to intervene in the matter. The respondents were directed to submit maps from the Revenue Records indicating the area and boundary of the lake because without first determining the lake area it would not be possible to determine the extent of encroachment and as a result of such encroachment the pollution being caused within the lake area. After several dates having been given to the Respondent No. 4, the Director, Directorate

of Town and Country Planning submitted their reply on 21.07.2014. Along with the reply, the official map showing the extent of the lake as well as the No Construction Zone demarcated earlier in the year 1978 which was to be 9 mtrs. from the boundary i.e. Full Tank Level (FTL) of the lake and later on increased to 10 mtrs. in the year 2008, have both been indicated.

3. In view of the aforesaid response given by the authorities and more particularly the Directorate of Town and Country Planning and also on the basis of the maps submitted before us, it becomes clear that the area of the lake runs along the Kishore Sagar Marg and it has been shown in black prominent line on the said map. The dotted line which is closer to the boundary depicts 9 mtrs. No Construction Zone identified in the year 1978 and above it, the second dotted line depicting the 10 mtrs No Construction Zone, identified in the year 2008, is drawn.
4. Since the identification of the area with the FTL of the lake and the No Construction Zone has been done, we direct that any construction falling within the 9 mtrs. zone and constructed after 1978 shall be ordered to be removed / demolished and cost incurred may be recovered from the encroachers after issuing notices by the concerned authorities/District Collector. Likewise, any construction within the 10 mtrs. zone after 2008 shall also be liable to be removed and the District Collector shall identify such constructions or get the same identified from the competent officers with the direction to remove the same. As far as the 10 interveners who have moved applications as they are the shop owners, it is submitted by the Counsel for the State Shri Sachin K.Verma that their shops fall outside the 9 mtrs. No Construction Zone. In view of the above, we do not find it necessary to issue any direction. As such no action is required to be taken

against the shop owners to whom shops were allotted by the Municipal Council, Chhattarpur.

5. Since, the application was filed on the basis of the report submitted by the SDM, Chhattarpur on 14.06.2011, we hold that in view of the submission made by the Learned Counsel for the state that after notification of the lake area by the Directorate of Town and Country Planning, as given out in the map annexed alongwith the reply of Respondent No. 4, the matter stands concluded and action is required to be taken only on the basis of the area of lake identified and notified by such notification.
6. So far as the problem with regard to the pollution in the aforesaid waterbody is concerned, the municipal authorities in consultation with the Regional Office of the MP Pollution Control Board shall ensure that no untreated sewage from the surrounding areas is allowed to flow into the Kishore Sagar Lake in Chhattarpur. The Collector shall be the overall incharge and responsible for ensuring that suitable measures are adopted by the municipal authorities to check the aforesaid pollution in the lake and whatever measures are required to be taken, shall be taken and completed within a period of six months, if not already taken. If any machinery/equipment which has already been installed but not functional, shall be made operational and functional so that no polluted water or sewage is allowed to accumulate and let into the lake. At the same time, the municipal authorities shall also ensure that no municipal solid waste or domestic waste is allowed to enter or thrown into the lake so as to affect the quality of the water in the lake and no pollution is caused as a result thereof. The State Pollution Control Board shall ensure the regular monitoring of the quality of water and issue instructions to the local authorities for taking remedial steps wherever required.

7. The District Administration and local authorities particularly municipality shall take steps to carry out afforestation around the lake, particularly in the No Construction Zone and also install permanent boundary pillars around the lake so that no further encroachment is made into the lake area and the lake area is protected for all times. The plantation with regard to creation of green belt between the FTL and 10 mtr. No Construction Zone shall be carried out with species suitable to the site and the same shall be completed before the end of the monsoon season, 2014 with all measures to protect and ensure survival of trees so planted. Plantation shall be carried out in consultation with the local Forest officials.
8. With the above directions, the Original Application No. 22/2013 stands disposed of. The pending Misc. Application Nos. 171/2014, 172/2014, 173/2014 and 174/2014 also accordingly stand disposed of.

(Mr. Justice Dalip Singh)
Judicial Member

(Mr. P.S.Rao)
Expert Member

Bhopal:
August 7th, 2014

NGT