

	<p>Item No. 40</p> <p>August 09, 2016</p>	<p>of the pillar from the edge of the river, distance of the boundary wall of the project from the pillar and distance of the constructed project from the boundary wall of the project. This chart has substantial variations with the Affidavits and the Joint Inspection Report already filed by the various agencies of the State. For instance in the case of Manglam Estate the distance shown of the constructed project from the pillar is 105 meters while as per the earlier Affidavit and joint inspection report the distance of the project from the river was 24 meters. Similarly there are serious variations in the distances. Under the orders of the Tribunal the flood plain of Yamuna at Agra was directed to be demarcated. The line of flood plain is stated to have been demarcated by fixation of pillars, according to the State and its Agencies. However, according to the Applicant even the pillars are not there and the flood plain level has been changed with raising the height of flood plain by dumping of mud and sand. Both these cases cannot be decided completely and effectively unless the exact measurement are brought before the Tribunal. We express our dis-satisfaction to the manner in which these charts have been prepared and even the joint inspection report has been submitted before the Tribunal. The Authorities are expected to act fairly and judicially while complying with the directions of the Tribunal.</p> <p>Unfortunately, these discrepancies and contradictions between various documents leaves the Tribunal with no option but to have the clarification of the facts, existing at the ground, by appointment of a Local Commissioner. It is necessary for the Court to have correct position of flood plains and the distances of the</p>
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	<p>Item No. 40</p> <p>August 09, 2016</p>	<p>various projects, which according to the Applicant have been built right in the flood plain and even in the river itself. We do not propose to comment on the merits or otherwise of these submissions but would direct a Local Commissioner to be appointed for bringing the correct facts and alteration noticed on the site in question, as of today, before the Tribunal. It is an exceptional case where the Project Proponents have high stakes and the agencies of the Government have not acted fairly. Consequently, we direct that the Learned Registrar General – Mr. Mukesh Kumar Gupta to be appointed as Local Commissioner. The learned Local Commissioner would carry out the inspection and submit a complete and comprehensive report to the Tribunal, more particularly on the following.</p> <ol style="list-style-type: none">1. Whether the pillars fixed for demarcation of flood plain are in existence or not?2. Whether the pillars so fixed show apparent sign of being fixed on an artificially raised flood plain level by earth filling than the one existing on the flood plain with reference to 2010?3. What is the distance of the various points of the projects from the flood plain boundary as demarcated by the fixed pillars, to its boundary wall and the constructed project or any part thereof. It shall also measure as to what is the distance between the edge of the river, to the point where the pillar has been fixed. This shall be done in case of Manglam Estate, Manglam Estate Extension, Pushpanjali Heights, P.G. College (Jagadamba), Tanishq Rajshree Estate and Pushpanjali Seasons?
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