

Item No. 01

Court No. 1

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

Original Application No. 854/2022

Sudhir Joshi

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 10.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Mukesh Verma, Advocate for UKPCB

ORDER

1. Grievance in this application is against unscientific dumping of waste in river Jakhan which is a tributary to river Ganga during construction of 12 Kms road from Itharna to Kukhai in Districts Tehri Garhwal and Dehradun thereby forming a temporary lake near Shambhuwala village.

2. Vide order dated 11.01.2023, the Tribunal sought a factual report from a joint Committee comprising of Uttarakhand Pollution Control Board (UKPCB), Divisional Forest Officer (DFO), Dehradun and District Magistrate, Dehradun (Uttarakhand).

3. Accordingly, report dated 18.03.2023 has been filed acknowledging the violations and also formation of lake due to dumping of waste. It is further stated that 27 trees were damaged by muck dumping for which

compensation of Rs. 50,000/- has been recovered. It has been further reported that four unauthorized dumping zones have been set up which has also resulted in further damage to the trees in the area. It has also been pointed out that though as per conditions for permission for diversion of forest land for construction of road from Itharna to Kukhai falling in Dehradun and Tehri Garhwal District vide letter dated 22.04.2019 of the MoEF&CC cutting of trees could not be more than those permitted and muck dumping plan was to be properly executed and no muck dumping was allowed beyond the specified muck dumping sites, the said conditions have been violated.

4. We have considered the matter. In the light of violations noted above, remedial action needs to be taken. Compliance of conditions for diversion of forest land and other environmental norms needs to be ensured. Unauthorized muck dumping sites be immediately closed and in future no such unauthorized dumping sites be permitted. Plantation be undertaken on the said sites.

The application is disposed of.

A copy of this order be forwarded to DFO, Dehradun and District Magistrate, Dehradun by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 10, 2023
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