

Item No. 02 & 03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL**  
(Through Video Conferencing)

**Original Application No.07/2018(CZ)**

M.Y. Chaudhary

Applicant (s)

Versus

BMC & Ors.

Respondent(s)

**WITH**

**Original Application No.77/2020(CZ)**  
**(I.A.No.73/2021)**

Aarya Shrivastava

Applicant (s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: **16.02.2022**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant (s):

Mr. Dharamvir Sharma, Adv.

For Respondent(s):

Mr. Sachin K.Verma, Adv.

Ms. Gunjan Chowksey, Adv.

Ms. Parul Bhadoria, Adv.

Mr. Shirieesh Shrivastava, Adv.

**ORDER**

1. City of Bhopal is proud of being a city of lakes, but the facts are that more than 41 nallhas/passages/units are discharging untreated chemical sewage /polluted water into the pious lake, which is the largest source of water in the city of Bhopal. Encroachments, illegal constructions of residential and commercial establishments are another problems in addition to throwing of garbage and/or dumping them near

the open space of the lake. Repeated directions were issued by the Hon'ble Supreme Court and this Tribunal but inspite of them in flagrant violation of laws of the land, polluted water in the form of sewage, hospital and household effluents and also solid waste have continued to be discharged/thrown in the water body/lake. Violation of law is not only by private persons but also due to failure of statutory bodies including the local bodies and the regulatory authorities in taking adequate steps. There is a total lack of positive actions or accountability which weakens the rule of law, as large scale violations go unaddressed despite repeated and multiple judicial orders.

2. India is already suffering from one of worst water crises in history and millions of lives and livelihood are under threat.
3. As informed by the Learned Counsel for the Municipal Corporation more than 227 encroachments are there and some of them are in nature of permanent constructions, in addition to that there are temporary and semi permanent constructions. This Tribunal after taking cognizance of them directed the authorities to take remedial actions but during the course of hearing the authorities/Learned Counsels are shifting the responsibility from one authority to another authority, though all the organs of administration are expected to protect the State property as well as environment for the good of people. They are being paid to do their legal duties and to protect the interest of the State. Negligence of those to whom public duties have been entrusted can never be allowed to cause public mischief.
4. In the report submitted by the State Pollution Control Board, it is submitted that two nallas i.e Idgah Hills and SBI nallahs have been intercepted now and diverted to STP Maholi Damkheda with the help of sewer line laid under 'Amrit Project' for the treatment of waste water.

Construction and completion of some other STPs are under progress, but the narration of facts in the application that more than 41 hospital units are continuously discharging their chemical water/effluents have not been sufficiently explained by the Corporation. Respondent No. 5/Municipal Corporation vide action taken report submitted that letter have been addressed to the authorities for rehabilitation and re-development for providing houses to slum dwellers living at Bhadbhada i.e. Upper Lake and further that their agitation and representations are made by some organisations. This Tribunal is not concerned with internal official correspondence of the authorities but intended to achieve the target and outcomes as enshrined in the Constitution wherein responsibility under Article 243-W is vested in the Municipalities, and the obligation extends to public health, sanitation, conservancy and solid waste management. The onus to operate the existing common effluent treatment plants or management of solid and liquid wastes rests on Municipalities and/or local bodies. Given the aforesaid responsibility, the Municipality cannot be permitted to shy away from discharging the onerous duty.

5. In light of the above facts, we further direct the authorities concerned to do their duties sincerely, fairly and to protect the State land from further encroachments and to remove the encroachments in accordance with law and further direct not to allow discharge of untreated sewage/house hold/ chemical effluents into the water bodies, and not to discharge sewage and chemical effluents into the lake like *Bada Talab/Chhota Talab/Motia Talab* and many other water bodies situated in the heart of the City of Bhopal.
6. We further direct the authorities for effective coordination to take further remedial actions and action taken report with time bound action plan be submitted before the next date of listing i.e. 28.02.2022.

7. Copy of the order be forwarded to the Chief Secretary, State of Madhya Pradesh for information and taking necessary action.

List it on **28<sup>th</sup> February, 2022.**

**Sheo Kumar Singh, JM**

**Dr. Arun Kumar Verma, EM**

February 16<sup>th</sup>, 2022  
O.A. No. 07/2018(CZ) & O.A No. 77/2020(CZ)  
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