

Item No. 12

Court No. 2

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

Original Application No. 666/2023

Rakesh Bhardwaj and Ors

Applicant(s)

Versus

State of Haryana

Respondent(s)

Date of hearing: 03.09.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Rahul Khurana, Advocate for Respondents No. 1 to 4 with Mr. Rahul Boora, Naib Tehsildar.

ORDER

1. The Original Application (hereinafter referred to as '**O.A**') has been registered in exercise of *suo-moto* jurisdiction on a letter petition dated 25.07.2023 sent by Rakesh Bhardwaj complaining about encroachment and damage to a pond known as *Darbari mal talab* located at Ward No.1 near Hisar Bypass, Nagar Palika Meham, District Rohtak.
2. Complainant has said that due to inaction/neglect by Meham Nagar Palika, the pond has got filled with garbage; untreated waste water is being discharged in the pond; it has become habitat for poisonous snakes and other harmful creatures which enter the adjoining houses; during monsoon the water collected therein causes flooding in the adjoining houses numbering about 500 in Ward I; part of land of the pond has been encroached upon by land mafia; sludge/silt accumulated

in pond has caused death of several cows, dogs etc. and once even a child was entrapped in the same.

3. Tribunal considered the matter on 11.01.2024 and after being *prima facie* satisfied that a substantial question relating to environment has arisen out of implementation of enactments specified in Schedule I of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**'), found it appropriate to implead following as respondents:-

- (1) State of Haryana, through Chief Secretary, Government of Haryana
- (2) Commissioner, Municipal Corporation, Meham,
- (3) District Magistrate, Rohtak and
- (4) HSPCB, through its Member Secretary

4. Notices were issued to respondents requiring them to file their responses.

5. Pursuant thereto, Haryana State Pollution Control Board (hereinafter referred to as '**HSPCB**'), respondent 4, has filed its response dated 11.03.2024; Municipal Committee, Meham, respondent 2 has filed its reply dated 12.03.2024 and respondents 1 and 3 have filed their reply dated 12.03.2024.

6. Deputy Commissioner, Rohtak in its reply dated 12.03.2024 has stated that status of land in question is in doubt and to be checked and corrected if it is tempered wrongly. Since 1909, it has been a Gair Mumkin Johar by nature which now has been altered as Gair Mumkin. Besides, it has a size of Khasra No. 584/1 Rakba 12 Kanal 10 Marle & 584/3 Rakba 19 Marle total Rakba 13 kanal 9 marle, which indicates

that, it might have been marked for particular common purpose and uses.

7. Stand taken by Deputy Commissioner shows that in 1909, land in question was pond/Johad/talab but subsequently there is some change in the revenue entry. In what manner and how the change has been made in revenue record is a matter required to be investigated by Deputy Commissioner for which he had sought time vide reply dated 12.03.2024.

8. Now more than five months have passed since the said request was made but no further reply has been received from Deputy Commissioner Rohtak with regard to above enquiry and status of the land in question.

9. We accordingly direct Deputy Commissioner to submit a current status report with regard to land in question in the light of the enquiry, if any, made by it within two weeks and shall also appear before Tribunal through video conferencing on next date to assist the Tribunal to decide the issue in question without any further delay.

10. List on 25.09.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahamd, EM

September 03, 2024
Original Application No. 666/2023
AB