

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No.12/2013

**Pandit Hari Shankar Samadhiya Vs. Union of India &Ors**

**CORAM :** HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER

**PRESENT :** Applicant :

Respondent No. 1,3,4,5 &8 :

Shri Sachin K.Verma, Advocate

Shri Ayush Dev Bajpai, Advocate

Respondent No. 2 :

Shri Suman Mandal, Advocate

On behalf of Shri Sandeep Singh, Adv.

Respondent No. 6:

Shri Shivendu Joshi, Advocate for

Shri Purushaindra Kaurav, Advocate

Respondent No.7:

Shri Vijay Shahni, Advocate

Shri P. Narhari, IAS

Collector / DM , Gwalior

Date and Remarks	Orders of the Tribunal
Item No. 11  29 <sup>th</sup> January, 2014	<p>The District Collector, Gwalior is present in person along with Shri Sachin K. Verma, Learned Counsel for the State Government. A compliance report on behalf of the Collector, Gwalior (Respondent No.8) has been filed. The same is ordered to be taken on record. It has been brought to our notice that Gwalior city is bounded by two river courses i.e. Swarnarekha as well as Morar river. The District Collector has brought to our notice that during his tenure development of the Swarnarekha through a project prepared by the District Administration was taken up and substantial work has been carried out for development of the Swarnarekha in the area on both sides of the river. He has further submitted that a detailed project has also been prepared for the development of the Morar river front and has been sent to the Municipal Corporation. The District Collector, Gwalior explained that as per record it was found that many years ago the Morar river changed its course and the original river course was completely filled where residential colonies have come up with dense population and as a result of the change of it's course the river flows covering the land of certain private individuals</p>

**O.A. No.12/2013**

**29<sup>th</sup> January,  
2014**

measuring approximately 24 hectares. Unauthorised constructions have also come up. Constructions are not permissible as per revenue laws even though private individuals continue to enjoy their rights over the land. The District Collector, Gwalior has further pointed out that apart from this 24 hectares of private land about 20 hectares of Govt. land falling in the river course, has been encroached upon by the people and constructions have been raised. It is pointed out that in both these cases steps for identification of unauthorised constructions and their removal are in progress by the Municipal Corporation and the District Administration would be prepared to provide all assistance to the Municipal Corporation as and when it is asked for.

As was submitted on the last occasion by the Learned Counsel for the Municipal Corporation, Gwalior that the Municipal Corporation has identified about 23 hectares of alternate site over which it plans to undertake the task of rehabilitation of persons affected as a result of removal of the encroachments falling in the course of the river basin based upon the survey record available.

We would like to impress upon the District Collector, Gwalior who is the Administrative head of the District where the city of Gwalior is located, to coordinate this task to be undertaken by various agencies such as the Municipal Corporation, the Gwalior Development Authority and the District Administration including the Town Planning Department and the Public Works Department so also for the task of identifying the unauthorised constructions and encroachments in both the areas on the Government land as well as on the private holdings as construction on the private holdings as per the revenue laws, applicable in the State of Madhya Pradesh, do not permit raising of any permanent constructions in

**O.A. No.12/2013**

**29<sup>th</sup> January,  
2014**

the course of the river streams and Nalags. Simultaneously necessary follow up action to be taken as the Municipal Corporation has already identified land for re-settlement. Therefore, action plan for preparing the layout plan, laying the approach roads, providing amenities of drinking water, electricity and sewerage shall be prepared and implemented so that hardship of the ousted people can be mitigated as far as possible. The plan so be drawn and the proposed facilities to be provided shall be intimated in advance through publication for the benefit of such persons to be affected. The process of connecting sewerage lines to the newly constructed STP be expedited and the tender process which has been initiated and which is reported to be at the final stage before the Mayor for final approval, be expedited .A plan to take up of these issues simultaneously needs to be brought into force.

We have also been informed by the District Collector, Gwalior that to augment the flow of water in the river course of the river Morar from the Ramua reservoir excess water from Harsi high level canal system is sought to be utilised and work on the same is already in progress and 1/3 of the work has been completed. Looking to the aforesaid proposed plan for increasing the flow of water into the Morar river it is all the more necessary that people who have encroached upon and raised constructions in the river course need to be removed and rehabilitated at the earliest so that as and when the water flow from the reservoir is channelized in to the river course people may not get adversely affected and the entire objective of maintaining water level in the river Morar from Ramua reservoir upto Jadua can be achieved.

We have recorded the above facts as were brought to our notice by the District Collector and we only need to emphasise that the District

**O.A. No.12/2013**

**29<sup>th</sup> January,  
2014**

Administration headed by the District Collector shall coordinate with all the concerned authorities so that the project for revival and development of the Morar river may be implemented expeditiously by keeping the river free from obstructions as well as not allowing solid waste to be dumped in to the river as also not permitting the untreated domestic and other sewerage to be channelized into the river for which the aforesaid task of connecting all sewerage lines to the STP be accomplished at the earliest with the stipulation that the water so treated and recycled may be made use for the purpose of watering the urban plantations and gardens that are already raised and that may be developed in the city of Gwalior.

The Learned Counsel for the Municipal Corportaion submits that steps have been initiated for the preparation DPR for the aforesaid project by the Municipal Corporation. We would accordingly direct the Municipal Authorities to ensure that the DPR is made ready by 15.02.2014 failing which the Municipal Corporation shall be liable for depositing a fine of Rs. 5000/- per day. On the receipt of the aforesaid project report the Municipal Corporation shall approach the District Collector, Gwalior who in turn shall immediately call for a meeting with all the concerned departments /officers and shall initiate follow up action within one month on ensuring that steps for implementation are brought into force.

Matter be listed on **15.04.2014**.

.....JM  
**(DALIP SINGH)**

.....EM  
**(P.S.RAO)**