

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

M.A. No. 640/2015

In

Original Application No. 177/2013

Sushil Raghav Vs. State of UP & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant / Appellant	: Mr. R. Venkataraman, Adv.
Respondent No. 1,2 & 3	: Mr. Raman Yadav, Adv. Ms. Reena Singh, AAG Mr. Dalsher Singh, Adv.
Respondent No. 4	: Mr. Lalit Kumar, Mr. A.S. Kulshrestha, Adv.
Respondent No. 5	: Dr. Indra Pratap Singh
Respondent No. 6	: Ms. Reena Singh and Ms. Bhakti Pasrija Sethi, Adv.
Respondent No. 7 & 8	: Ms. Sakshi Mehley, adv.

Date and Remarks	Orders of the Tribunal
Item No. 8 July 29, 2015	<p>Heard. Perused.</p> <p>Disobedience of the order dated 03.12.2014 by the authorities has prompted the applicant to move this application. According to the applicant, the following directions were passed while disposing of the Application No. 177 of 2013:</p> <ol style="list-style-type: none">1. The respondents shall take immediate action for the purpose of removal of all encroachments over the ponds and other water bodies especially as mentioned in the letter of the Chief Secretary of Government of Uttar Pradesh dated 15.05.2013, which are as follows: “ (i). All kinds of encroachments must be removed from ponds, pokhars, grazing grounds and graveyards situated within the limits of all Municipal Corporations, Municipalities and Nagar Panchayats local bodies of the State. (ii). Extensive publicity should be ensured at your level through all print and electronic media for removal of illegal possessions/encroachments upon the aforementioned places. (iii). Immediate inquiry must be conducted on the complaints received regarding encroachments and if found, strict action be taken for removal of such encroachments. (iv). Videography of these places should be undertaken, before and after anti-encroachments drives. (v). Municipal Commissioners of Corporations, Executive Officers of the Municipalities and Nagar Panchayats and the senior-most officers of the

Development Authorities, Police Department, Revenue Department and other concerned Departments will be personally responsible for any of encroachment under their respective jurisdictions.

(vi). In this connection, please note that complete details/particulars of the place freed from illegal encroachments shall be sent on prescribed format (enclosed herewith) to the Director Local Bodies, U.P., Lucknow through the concerned District Magistrates before 5th day of every month. It is the duty of the district-wise information and then send the same to the government before 5th of every month positively.”

2. Such action shall be implemented expeditiously by the government and other agencies of the government in accordance with law in any event preferably within a period of six months from today with liberty to the government to approach this Tribunal for extension of the period with appropriate reasons.
3. The Chief Secretary of State of Uttar Pradesh, through responsible officer shall file status report before the Registry of this Tribunal once in 30 days starting from 1st January, 2015 about the action taken in this regard.
4. It is always open to the applicant to make a mention before this Tribunal in case he finds any difficulty or deficiency on the part of the governmental authorities in enforcing the orders of the Tribunal.

Learned Counsel appearing on behalf of the applicant submits that the Chief Secretary of State of Uttar Pradesh was/ is under obligation to file the status report every 30 days commencing from 01.01.2015 before the registry of the Tribunal about the action taken pursuant to letter dated 15.05.2013 issued for the removal of encroachments over the ponds and other water bodies mentioned therein. He further submits that no such status report was filled and neglect continues till this date. It is for this reason, he submits that the Chief Secretary of State of Uttar Pradesh needs to be proceeded against in accordance with law. Learned Counsel appearing for the State of Uttar Pradesh tenders unconditional apology on behalf of the Chief Secretary of State of Uttar Pradesh and submits that the status report would be filled and the

compliance of the directions shall be scrupulously done. Learned Counsel appearing on behalf of the applicant, however, submits that there may not be acceptance of unconditional apology without the Chief Secretary been directed to pay heavy compensation.

Before we pass any directions, we would like to consider the worth of the unconditional apology in context with the directions which were passed the breach committed and the attending circumstances. The Chief Secretary of the State of Uttar Pradesh may file their reply and a written unconditional apology. Replies shall be placed before us with the explanation as to why there was no compliance of the directions passed by this Tribunal.

List this matter on 6th August, 2015.

.....,JM
(U.D. Salvi)

.....,EM
(Ranjan Chatterjee)