

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).1904/2020

MIRZA ABID BEG

Appellant(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(IA No. 29875/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 29873/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 37268/2021 - EXEMPTION FROM FILING O.T. AND IA No. 29874/2020 - EXEMPTION FROM FILING O.T., IA NO.80427/2024 - FOR ADDITIONAL DOCUMENTS, IA NO.80428/2024 - EXEMPTION FROM FILING O.T. AND IA NO.149762/2024 - FOR ADDITIONAL DOCUMENTS)

Date : 16-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Appellant(s) Mr. Ashutosh Dubey, AOR
Mr. Abhishek Chauhan, Adv.
Ms. Rajshri A. Dubey, Adv.
Mr. H.B. Dubey, Adv.
Mr. Amit P. Shahi, Adv.
Mr. Amit Kumar, Adv.
Mr. Gaurav Yadav, Adv.

For Respondent(s) Dr. Vijendra Singh, AOR
Mr. Aarohi Bhalla, Adv.
Mr. Abhinav Rathi, Adv.
Ms. Divyakshi Singh, Adv.
Ms. Apurva Singh, Adv.

Mr. Vinay Garg, AOR
Ms. Neetu Rawat, Adv.
Mr. Upendra Mishra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The issue raised by the appellant before the National Green Tribunal (for short, "the NGT") was of immense importance. Only by way of an illustration, the learned counsel appearing for the

VERDICTUM.IN

appellant pointed out certain instances of ponds/lakes/water bodies being filled in by garbage and other material. The learned counsel appearing for the appellant also pointed out that after filling in the ponds/lakes/water bodies, illegal constructions have been made. The NGT called for a report. A copy of the report was not furnished to the appellant who was the applicant before the NGT. The impugned order, which is very short, indicates that at least in the case of one pond, such allegation was found to be correct and, therefore, the NGT has recorded that a portion of the garbage dumped in the pond has been removed. In our view, NGT ought to have kept the application pending.

2. We direct the Secretary of the Ministry of Environment of the State of Uttar Pradesh to constitute a Committee of senior officials including the officials of the Revenue Department, Environment Department and the State Pollution Control Board. The said Committee shall be constituted within a period of three weeks from today. To begin with, the Committee will deal with the grievances made by the appellant about the ponds/lakes/water bodies in Tehsil Nagina, District Bijnor, Uttar Pradesh. The State Government shall ensure that the inspection of the entire revenue record relating to the properties which are mentioned in paragraph 4 of the application made by the appellant is provided to the Committee. After examining the old revenue records, the Committee will ascertain whether there were any entries regarding existence of the ponds/lakes/water bodies. The Committee constituted by the Secretary of the Ministry of Environment shall make a visit to the properties on which ponds/lakes/water bodies were in existence. In addition, the Committee will visit the lands described in paragraph 4 of the application filed before the NGT. The Committee will make in-depth study on the allegation of disappearance of ponds/lakes/water bodies in Tehsil Nagina. The Committee will suggest measures for the restoration thereof. Subsequently, the scope of the work of the Committee can be expanded to cover many districts.

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3. We must record here with a great deal of emphasis that it is the paramount duty of the State not only to protect the ponds/lakes/water bodies in the State but also to ensure that ponds/lakes/water bodies, which have been illegally filled in, are restored. It is the Constitutional duty of the State to do so. The Committee appointed by the Secretary, Ministry of Environment, will make a note of this obligation on the part of the State.

4. Copies of the reports of the Committee shall be submitted to this Court through the State of Uttar Pradesh. The first report shall be submitted by the Committee to this Court on or before 15th November, 2024.

5. An advance notice shall be given by the Committee to the appellant of the time and date fixed for inspection to enable the appellant to remain present at the concerned site. We make it clear that we are granting permission only to the appellant to remain present at the time of inspection and the appellant will ensure that no other person accompanies him at the time of inspection.

6. For consideration of the report, list the Appeal on 22nd November, 2024 under the caption of 'Directions'.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)