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Judicial-ngt@gov.in

From,
District Magistrate,
Nainital

To,
Consultant (Judicial)
Hon'ble National Green Tribunal,
Principal Bench, New Delhi

Letter No. 927/30-G.C./2019

Dated: 24 October, 2019

Subject: Regarding compliance report of Hon'ble National Green Tribunal order dated 12.04.2019 passed in OA-No.-333/2019 (I.A.No.208/2019) Friends & Anr. Versus Union of India & Ors .

Sir,

Kindly refer to your mail Dated 22 Oct, 2019 Regarding sending compliance report of Hon'ble National Green Tribunal, order dated 12.04.2019 passed in OA-No.-333/2019 (I.A.No.208/2019) Friends & Anr. Versus Union of India & Ors.

In compliance of the Hon'ble National Green Tribunal, order dated 12.04.2019 passed in OA-No.-333/2019 (I.A.No.208/2019) Friends & Anr. Versus Union of India & Ors. Has already been sent by the letter no. 198/30-G.C./2019 Dated 21.10.2019 to Dr. S.D. Singh (I.F.S) A.P.C.C.F./Nodal Officer (Environmental Cases) Govt. of Uttarakhand and the copy of above letter Dated 21.10.2019 has also an dosed to Rahul Verma, Advocate (L.L.M) Additional Advocate General, State of Uttarakhand for Supreme Court of India.

In compliance of your above mail Dated 22.10.2019, a copy of the said letter is being sent along with the enclosers of the letter for kind perusal of the Hon'ble National Green Tribunal.

Enclosers: as above.

Regards,

(S.S. Jangpangi)

Additional District Magistrate,
Nainital (Uttarakhand)



CONFIDENTIAL
31/10/19
CONFIDENTIAL

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कार्यालय जिला स्तरीय विकास प्राधिकरण, नैनीताल।

आयुक्त सभागार, तल्लीताल, नैनीताल (उत्तराखण्ड), फोन: 05942-232800, फैक्स-236042

Website: www.ddantl.org.in

E-mail I.D.- secretaryldanainital@rediffmail.com

पत्रांक: 1573 /नैजिविप्रा/2019-20

दिनांक: 26/9/2019

सेवा में,

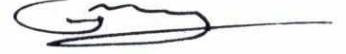
जिलाधिकारी,
नैनीताल।

विषय: मा0 नेशनल ग्रीन ट्रीब्यूनल, प्रिन्सीपल बैच, नई दिल्ली द्वारा ऑरिजनल अप्लीकेशन नं0-333/2019 (आई0ए0 नं0-209/2019) (फ्रेन्ड्स एवं अन्य बनाम् यूनियन ऑफ इण्डिया एवं अन्य) में पारित आदेश के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक योजित वाद में मा0 नेशनल ग्रीन ट्रीब्यूनल द्वारा पारित आदेश के क्रम में महोदय द्वारा दिये गये निर्देशों के क्रम में प्रश्नगत प्रकरण में प्राधिकरण अधिवक्ता बिन्दुवार आख्या प्राप्त की गयी है जिसके संलग्न कर अवलोकनार्थ प्रेषित किया जा रहा है।
संलग्नक-उपरोक्तानुसार।

भवदीय



सचिव,

जिला स्तरीय विकास प्राधिकरण,
नैनीताल

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Report in compliance of the orders passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No. 333/ 2019 (I.A. No. 209/ 2019) (Friends & another Vs. Union of India and others).

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1. That the captioned matter was listed before the Hon'ble Bench on 12.4.2019 and the Hon'ble Bench has been pleased to pass the order that factual and action taken report from the Joint Committee comprising representatives of Uttarakhand State Pollution Control Board, District Magistrate Nainital and the Secretary, Urban Development may be furnished within a period of two months and the District Magistrate, Nainital was made Nodal Agency for the compliance of the orders.
 2. That it is most respectfully submitted that after the order was received in the office of the District Magistrate Nainital on 26.4.2019.
 3. That the district administration was busy in making necessary arrangement with regard to the counting of votes of the Parliamentary Constituency and there were several rounds of meetings and further training session with regard to the counting of votes and hence immediate action for compliance of the orders passed by the Hon'ble Bench could not be taken.
 4. That post completion of the counting of votes, the District Magistrate Nainital was transferred and the new officer has joined on 29.4.2019 and since the necessary report required the collective information from the different departments and further required the perusal of the different set of litigations preferred / pending in this regard before the Hon'ble High Court and in the Hon'ble Apex Court and hence a considerable period of time was utilized in preparing the report and hence the report
- S. W.

could not be submitted within time prescribed by the Hon'ble Bench.

5. That the delay in submitting the report is absolutely bonafide and there is no deliberate inaction and omission on the part of the Committee to submit the report and any inconvenience caused to the Hon'ble Bench is regretted.

S. W. K.

Submitted before the Hon'ble Bench.

1. That the Hon'ble Bench while passing the order dated 12.4.2019 has been pleased to take note of the submissions of the applicant in which it has been alleged that the illegal construction in catchment areas of Naini Lake in Nainital are made in violation of the order passed by the Hon'ble Apex Court in Dr. Ajay Singh Rawat Vs. Union of India and others in the year 1995 (3) SCC 266 and as per the submissions made by the applicant before the Hon'ble Bench, such illegal construction has resulted into the landslides and reduced the capacity of the Lake and increased the soil erosion. Further it has been averred before the Hon'ble Bench that the constructions are beyond the carrying capacity of the Nainital Town and as a result of such constructions the water level of the Lake has gone down and the recharge of the ground water was also affected.

2. That in this regard to the issues highlighted before the Hon'ble Bench, firstly it is submitted that there are at least three litigations preferred recently before the Hon'ble High Court and such issues were taken into consideration by the Hon'ble High Court of Uttarakhand, Nainital.

(I) The Writ Petition (PIL) No. 31/ 2012 (Professor Ajay Rawat Vs. Union of India and others).

a) That the aforesaid Writ Petition (PIL) was preferred initially in the year 2012, primarily on the issue for the preservation of the Sukhatal Lake claiming it to be recharge Lake for the Nainital Lake and for the declaration of Nainital as eco-sensitive zone.

b) That while hearing took place in the said PIL, the Hon't High Court has taken all the issues with regard to

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encroachment over the Nalas leading to the Nainital Lake, initially and thereafter to public path, and Sukhatal region also. The Hon'ble High Court has also taken into consideration that proposed steps to be taken by the State Government regarding the preservation of the Sukhatal Lake.

- c) That the issue connected with the encroachment over Nalas, public land, and Sukhatal region was extensively taken into the consideration by the Hon'ble High Court and during the pendency of the said PIL, the encroachment over Nalas were removed, further the encroachment over public path and the part of the Sukhatal area were also removed / demolished. Further the specific Committees were made with regard to the identification of the encroachment in the Sukhatal catchment area and the said Committee was headed by Sri Rajeev Sah, Joint Director ATI. The said Committee constituted vide order dated 20.8.2014 by Commissioner Kumaon Division, had submitted the report on 23.8.2014 in which after making extensive survey, had identified, 44 illegal constructions.
- d) That not only this, initially in the year 1998 the then State of Uttar Pradesh has directed the Geological Survey of India, Northern Region, Lucknow to carry out the geological survey of the area within Nainital Municipality and post survey the aforesaid report was submitted in the year 1998.
- e) That the aforesaid geological survey considering the stability of the area and these area which are prone to soil erosion were identified and the entire area was classified into 4 G.S.I. Zones. The G.S.I. Zone No. 1 and 2 were shown where the probability of the landslides were more than 80% and 50% respectively. While in the Zone - 3 & 4 the probability of the landslides were shown 20% to 50% and less than 20% respectively.

S. N. K. file  

- f) That considering such reports, vide order dated 21.4.2001 the State of Uttarakhand has issued necessary Government Orders and made necessary amendments in the building bye-laws and permitted the construction of houses only in Zone - 3 & 4. The specific prohibition was made for Zone -1 & 2 and further with regard to the Zone -3 & 4 the specific directions were issued that only after receiving the report from Joint Town Planner, Town and Country Planning Department, Haldwani, the single unit residential construction in Zone - 3 & 4 be permitted and since then no construction was permitted in Zone 1 & 2.
- g) That this particular issue of construction in Zone - 1 & 2 and the catchment of Sukhatal area was taken into consideration by the Hon'ble High Court and during the pendency of the said PIL the State of Uttarakhand vide order dated 18.7.2015 has been pleased to pass the order that the persons residing in Zone -1 & 2 be identified and they should be shifted to other place and the task was assigned to identify such constructions which are liable to be rehabilitated. A Committee was constituted under the Chairmanship of Managing Director of Kumaon Mandal Vikas Nigam Ltd. Simultaneously in order to find the alternative safe place for rehabilitation, another Committee was constituted under the Chairmanship of the District Magistrate Nainital.
- h) That both the Committees have simultaneously carried out the exercise and the Committee headed by the Managing Director, Kumaon Mandal Vikas Nigam Ltd. had identified 361 such constructions while the other Committee constituted under the Chairmanship of the District Magistrate Nainital on 27.4.2016 has transferred the 5.10 hectares land in Village - Beluwakhan, Khurpatal by-pass free of cost to Housing and

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Urban Planning Development Authority Dehradun for the purpose of rehabilitation. Simultaneously the Uttarakhand Housing and Urban Planning Development Authority Dehradun was directed to submit the proposal and to act as a Nodal agency and the said development authority has undertaken the process to prepare the DPR by U.P. Rajkiya Nirman Nigam and further to make necessary arrangement for electrification, providing water, soil testing and the construction of approach road.

- i) That it is also relevant to mention herein that there is piece of land admeasuring 1080.00 sq. mtr. which is of forest department and the process to transfer such land is also pending consideration.
- j) That the District Magistrate Nainital has already submitted the scheme for rehabilitation and the same has already been approved by the State Government. The scheme is to be implemented by the Uttarakhand Housing and Urban Planning Development Authority Dehradun.
- k) That as far as the illegal construction which were not demolished then and there, the appropriate provisions under the Special Area Development Act were undertaken and the details of cases registered by the Nainital District Development Authority are as follows:-

S. No.	Case registered	Compound	Drop	Demolition	Total decided Case	Seal	Balance case
1-	4162	445	785	2296	3526	124	636

- l) That the aforesaid Public Interest Litigation was finally decided by the Hon'ble High Court on 27.8.2019 in which the issue-wise directions have been issued to the District Magistrate Nainital and other concerned agencies/ departments and

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Bhimtal, Nainital, Khurpatal, Sattal, Nauckuchiyatal Lakes, without getting assessed the bearing capacity of the areas from a specialized institution like National Environment Engineering Research Institute, Nagpur (NEERI). This exercise shall be undertaken within a period of two months and be completed within six months from today. The bearing capacity shall be assessed taking into consideration the topography and geography of the area, existing population, infrastructure available including natural resources like availability of portable water, capacity and sustainability. The further constructions shall be take place only as per the recommendations made by the NEERI, Nagpur."

(c) That in compliance of the direction/ order dated 07.11.2016, the erstwhile Nainital Lake Region Special Area Development Authority has taken initiative and coordinated with the NEERI and the said specialized Institution has submitted the report post carrying out the requisite survey before the Hon'ble High Court in sealed cover.

(d) That it is also submitted herein that the aforesaid matter was again taken on 06.3.2017 by the Hon'ble Court and on 06.3.2017 the Hon'ble High Court has been pleased to pass the order that no construction of building be permitted till the report is received from NEERI.

(e) That with regard to the aforesaid order dated 06.3.2017, the NEERI has submitted the report that too in a sealed cover to the Hon'ble High Court.

(f) That it is also submitted herein that the present Nainital District Level Development Authority earlier known as (Nainital Lake Region Special Area) sought the copy of the report of the

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NEERI from the Hon'ble High Court, however, the copy of the report was refused on the ground that no orders were passed by the Hon'ble High Court to open/ consider the report.

(g) That before further steps could be taken, the Hon'ble High Court on 08.3.2017 has taken note of the fact that against the order dated 06.11.2017 the SLP (Civil) No. 414609 / 2017 was preferred before the Hon'ble Apex Court and vide order dated 22.01.2018 the order dated 07.11.2016 was stayed. The aforesaid SLP is pending consideration before the Hon'ble Apex Court.

(h) That under the terms of the order passed by the Hon'ble High Court, the carrying capacity by a expert agency NEERI has already been conducted and further a report with regard to the receding level of the water of Naini Lake was also submitted before the Hon'ble High Court, however, since the same has not seen the light of the day no further steps could be taken in this regard.

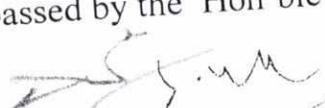
(III) Writ Petition (PIL) No. 49/ 2009 (Kamal Nayan Tripathi Vs. State of Uttarakhand and others).

(a) That in the aforesaid writ petition (PIL) the issue with regard to the cleanliness and non contamination of the Lake water is taken into consideration and primarily the Hon'ble High Court has taken note that no sewerage flow in the Lake. The issue of pure drinking water for the residents of town was the main point in issue in the writ petition PIL.

(b) That the aforesaid PIL is pending consideration before the Hon'ble High Court in which the detailed affidavits have already been filed in which the details of the sewerage system has been submitted and no sewerage goes to the Naini Lake. The Hon'ble High Court in the aforesaid writ

petition (PIL) has also taken into consideration the issue of delinking of storm water with sewerage and further the Nagar Palika Nainital has categorically informed the Hon'ble High Court that all steps with regard to the cleaning of Lake are taken and maintained on day to day basis, inasmuch as, floating garbage in the Lake area and the Nalas are to be cleaned by the Nagar Palika Parishad.

- (c) That the irrigation department as well as the other stake holders have also informed the Hon'ble High Court with regard to the erection of the steel screens in the Nalas to prevent the flow of garbage and another the conventional method of creating pits in the Nalas are made so that the silt is settled in the Nalas and may not reach in the Lake.
- (d) That the Hon'ble High Court has been pleased to take the assistance of Learned Advocate General in the aforesaid PIL and the learned Advocate General is also monitoring the entire issue. The aforesaid PIL was heard lastly on 29.3.2019 and thereafter was listed several times in the month of May and June 2019 but due to paucity of time could not be taken up and the matter is pending consideration before the Hon'ble High Court.
- (e) That a perusal of the aforesaid order clearly implies that the substantially all the issues which are sought to be raised in the captioned original application have been dealt with by the Hon'ble Court and appropriate directions have been issued therein and the office of the District Magistrate Nainital as well as all the other concerned agencies/ agencies are taking appropriate steps for compliance of the order passed by the Hon'ble High Court.

प्रेषक,

अधिकासी अभियन्ता
सिंचाई खण्ड नैनीताल

सेवा में,

जिलाधिकारी, नैनीताल

पत्रांक :- 1554 /सिखनै/नैनी झील/ दिनांक: 15

विषय :- मूल आवेदन संख्या 333/2019 (L.A no. 208/2019) Friends and Ang. Vs. Pollution of India and Ors. में पारित मा० न्यायालय के आदेश दिनांक 12.04.2019 का अनुपालन सुनिश्चित किये जाने के सम्बन्ध में।

सन्दर्भ:- आपका पत्रांक 1543/30-जी०सी०/2019-20/दिनांक 16.05.2019

महोदय,

उपरोक्त विषयक सन्दर्भित पत्र का अवलोकन करने का कष्ट करें, तदकम में तथ्यों से निम्नवत् अवगत कराना है:-

- विषयांकित आदेश माननीय राष्ट्रीय हरित परिषद नई दिल्ली द्वारा नैनीताल शहर की धारण क्षमता से अधिक निर्माण कार्य, अनधिकृत निर्माण कार्य इत्यादि के दुष्परिणामों के सम्बन्ध में दिनांक 12.04.2019 को आदेश निर्गत किये गये हैं, जो कि सिंचाई विभाग से सम्बन्धित नहीं है।
- नैनी झील में वर्षा के साथ नालों के माध्यम से आने वाले मलवे इत्यादि की साफ-सफाई नियमित रूप से सिंचाई विभाग द्वारा की जाती है, जिससे नैनी झील के प्रदूषण को नियंत्रित किया जा सके। सफाई कराये गये नालों के कुछ फोटोग्राफ्स संलग्न हैं।
- Conservation remedial and management measures for Naini lake के सन्दर्भ में सिंचाई विभाग द्वारा निम्न योजनाएं प्रस्तावित की गयी हैं:-

क्रम सं०	योजना का नाम	अनुमानित लागत (रु० लाख में)
1	सूखाताल झील का जीर्णोद्धार	763.92
2	नैनीताल झील का पुर्नजीविकरण एवं निर्माण कार्य मद के अन्तर्गत नैनीताल शहर में बने नालों के जीर्णोद्धार का कार्य।	205.57
3	नैनीताल झील का पुर्नजीविकरण एवं निर्माण कार्य मद के अन्तर्गत नैनीताल झील में आने वाले नालों के, मुहानो एवं उनके समीप क्षतिग्रस्त दिवारों का पुर्ननिर्माण कार्य।	126.42
4	नैनीताल झील का पुर्नजीविकरण एवं निर्माण कार्य मद के अन्तर्गत नैनीताल शहर में बने नालों के जीर्णोद्धार का कार्य।	497.46
5	नैनीताल झील का पुर्नजीविकरण एवं निर्माण कार्य मद के अन्तर्गत display of water quality and level monitoring system लगाने के कार्य की योजना।	100.00
6	नैनीताल झील का पुर्नजीविकरण एवं निर्माण कार्य मद के अन्तर्गत नैनी झील के नए गेटो का निर्माण एवं पुराने गेटो का मरम्मत कार्य की योजना।	78.05
7	नैनीताल झील का पुर्नजीविकरण एवं निर्माण कार्य मद के अन्तर्गत preparation of ecological and fishery profiles of Kumaun lake	12.40

- Conservation remedial and management measures for Naini lake हेतु अन्य कार्यो यथा water conservation measure, water quality of lake, STP, construction of parking, road, culvert, road side drains, regulation of construction, catchment area treatment, rain water harvesting, solid waste management etc. विषयक कार्य सम्बन्धित विभागो यथा जल निगम, जल संस्थान, लोक निर्माण विभाग, वन विभाग, नगर पालिका परिषद इत्यादि द्वारा किया जाना है।
- Conservation remedial and management measures for Naini lake हेतु विभिन्न विभागों के मध्य कार्य बटवारा आयुक्त कुमार्ज/अध्यक्ष हिल साईड सेपटी कमेटी, नैनीताल द्वारा किया गया है, जिसकी प्रति संलग्न है।

संलग्नक:- उपरोक्तानुसार।

अधिकासी अभियन्ता
सिंचाई खण्ड नैनीताल

पत्रांक :- /सिखनै/ नैनी झील/ तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- मुख्य अभियन्ता स्तर- II, सिंचाई विभाग उत्तराखण्ड, हल्द्वानी।
- अधीक्षण अभियन्ता, सिंचाई कार्य मण्डल, हल्द्वानी।
- सहायक अभियन्ता पंचम, सिंचाई खण्ड, नैनीताल।

अधिकासी अभियन्ता
सिंचाई खण्ड नैनीताल

2545
21/06/19

Adm:14c

जिलाधिकारी
नैनीताल

17 JUN 2019

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नगर पालिका परिषद, नैनीताल

पत्रांक 762/XV-2(a)

दिनांक-21.6.19



जिलाधिकारी महोदय
नैनीताल।

विषय:- माननीय न्यायालय, राष्ट्रीय हरित प्राधिकरण, नई दिल्ली में योजित मूल आवेदन सं०-333/2019 (I.A No 208/2019), Friends and Anr. Vs Union of India and ors. में पारित आदेश दिनांक 12/04/2019 के अनुपालन क्रम में दिनांक 04 मई 2019 को दोपहर 1.00 बजे आपके कैंप कार्यालय हल्द्वानी में आहुत बैठक में दिये गये निर्देशों के क्रम में पालिका द्वारा की गयी कार्यवाही का विवरण निम्नवत है:-

- CC 1. नैनीझील के सफाई के संबंध में- बिन्दु सं० 5 के क्रम में अवगत कराना है कि नगरपालिका परिषद नैनीताल द्वारा नैनीझील की नियमित सफाई हेतु 07 नियमित पर्यावरण मित्र रखे गये हैं। जिनके द्वारा अवकाश दिवस को छोड़कर प्रतिदिन नैनीझील की सफाई की जा रही है तथा झील में आने वाले पालीथिन व कूड़ा इत्यादि की सफाई की जा रही है। साथ ही यह भी अवगत कराना है कि पालिका द्वारा समय-समय पर चैरिटेबल संस्थाओं के सहयोग से संयुक्त रूप से अभियान चलाकर नैनीझील को स्वच्छ किये जाने हेतु कार्यक्रम आयोजित किये जाते हैं। (फोटो संलग्न)
2. नगर की सफाई व्यवस्था के संबंध में:- नगर पालिका परिषद नैनीताल द्वारा निकाय के समस्त वार्डों अंतर्गत सफाई व्यवस्था प्रतिदिन दो शिफ्टों में करायी जाती है तथा समस्त वार्डों के अंतर्गत कूड़ा निस्तारण हेतु रखे गये समस्त कूड़ादानों का नियमित समय पर छोटे वाहनों के माध्यम से तिरपाल से बड़े वाहनों में ढक्कर किया जाता है तथा बड़े बंद वाहनों व तिरपाल से ढक्कर हल्द्वानी के गोलापार स्थित ट्रंचिंग ग्राउंड पर किया जाता है। (फोटो संलग्नक)
3. नैनीताल मालरोड में बड़े नालों/मल्लीताल बाजार में छोटी नालियों की सफाई के सम्बन्ध में:- बिन्दु सं०-5 के क्रम में अवगत कराना है कि नगर पालिका परिषद नैनीताल द्वारा सड़क के किनारे के छोटे समस्त नालों/नालियों के सफाई का कार्य भी किया गया है तथा मल्लीताल बाजार क्षेत्र में स्थित छोटी नालियों की सफाई का कार्य भी पालिका द्वारा कराया गया है। जिससे बरसात के दौरान बरसाती जल संरक्षण के रूप में झील में प्रवेश होता है। (फोटो संलग्नक)

अतः महोदय द्वारा चाही गयी सूचना/प्रगति आख्या अवलोकनार्थ सेवा में सादर प्रेषित की जा रही है। कृपया प्राप्ति स्वीकार करने का कष्ट करें।

अधिसासी अधिकारी
नगर पालिका परिषद
नैनीताल

प्रतिलिपि-निम्नलिखित को सूचनार्थ सादर सेवा में प्रेषित।

1. अपर जिलाधिकारी प्रशासन नैनीताल।

अधिसासी अधिकारी
नगर पालिका परिषद
नैनीताल

नगर पालिका परिषद एवं अधिसासी अधिकारी नगर