

**JOINT COMMITTEE INSPECTION REPORT**

In the Matter of

Original Application No. OA 32/2023

Faraz Azam

Vs.

State of M.P. & Others.

w.r.to

Hon'ble National Green Tribunal Central Bench  
Bhopal order dated 02 May, 2023

## ACTION TAKEN REPORT

**Ref: Action taken report in compliance to the order of Hon'ble NGT order dated 02/05/2023 in the matter of OA 32/2023 (CZ) Faraz Azam Vs. State of M.P. & Others.**

Hon'ble NGT issued following instructions on dated 02/05/2023 in the matter of OA 32/2023 (CZ) Faraz Azam Vs. State of M.P. & Others. :-

*“We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of :-*

- (i) One representative of Bhopal Municipal Corporation*
- (ii) One representative of the State Wetland Authority (MPSWA) Environmental Planning and Coordination Organization (EPCO)*
- (iii) One representative from Madhya Pradesh Pollution Control Board*

As per the petitioner, a residential building called Lake Courtyard Height is constructing within the 50 meter distance from the FTL of upper lake, which is a violation of Wetlands rules 2017.

In compliance to the order, Joint Committee consisting of the following officials of the concerned department is constituted:-

- (i) Shri Brajesh Sharma, Regional Officer, Regional Office, MPPCB Bhopal.
- (ii) Shri Santosh Gupta, Superintendent Engineer, Nagar Nigam Bhopal
- (iii) Dr. Dinesh Damde, Assistant Scientific Officer, MP State Wetland Authority, EPCO, Bhopal.

Shri Akhilesh Sharma, Assistant Engineer (C), Regional Office, MPPCB, Bhopal was present during the inspection. The petitioners' representative Shri Abdul Raziq was present at the time of inspection.

Joint committee on dated 08/07/2023 conducted a site visit of the Lake Courtyard Height project (as per petition), opposite Upper Lake, Village- Kohefiza, Tehsil Huzur, District Bhopal. The Geographical location, photographs and visual observations were recorded. The observations are as follows:-

1. GPS locations of the Lake Courtyard Height, , opposite Upper Lake, Village- Kohefiza, Tehsil Huzur, District Bhopal are recorded using a mobile- based

GPS application. The photographs taken during the inspection are enclosed as **Annexure- 1**.

2. The area of Lake Courtyard Height is located on the North East side of the Upper Lake. The Shirin sewage treatment plant is on north side of Lake Courtyard Height plot.
3. VIP road is passing in between the upper lake and Lake Courtyard Height plot.
4. During inspection it is observed that construction of superstructure of the first floor was in progress. The RCC construction work was found in progress.
5. The front portion of the Lake Courtyard Height is facing towards Upper Lake. The project area is surrounded by residential buildings.
6. The slope of the land is towards upper lake from Lake Courtyard Height plot area.
7. A road coming from VIP road of approx 10 feet width is passing adjacent from north side to the Lake Courtyard Height plot.
8. Project proponent or management person of Lake Courtyard Height project was not present at the time of inspection. Only contractor labor were present at the site
9. As per the Town and Country department permission enclosed with the petition the land area of the plot of Lake Courtyard Height is approx 0.431 Hectare.
10. As per the plot size measurement using google map is approx 66 m X 66 m. and approx 30 % area is open area and approx 70 % area is covered under construction of building.
11. Approx 15 meter open space is available on the front side of the Lake Courtyard Height building within the plot area.

#### **Measurement of Distance:**

12. The geo-referencing data of FTL of upper lake are received from Nagar Nigam Office, Bhopal, vide letter dated 10/07/2023, accordingly the data are plotted on the Google earth application to locate the FTL line near the Lake Courtyard Height building structure.
13. Using the Google earth application, the distances are measured from plotted nearest FTL line of upper lake to the front face of the Lake Courtyard Height building structure with inbuilt online measuring tool of Google earth

application. The copy of google imagery is enclosed as **Annexure-2**.The distances measured are shown as under:

No	FTL no as marked on google earth	Approx. Distance between front face of the Lake Courtyard Height building and nearest FTL in meters
1	1850	46.80
2	1856	56.80
3	1857	54.60
4	1859	60.00

14. It is to be noted that the distance measurement using Google Earth application are not accurate as the google earth application is showing some shadow of Lake Courtyard Height building structure on the ground in the google imagery dated 05/09/2023, so actual front face line of building is not properly visible.
15. The measured distance using google earth application needs to be verified for accurate measurement of the distance from upper lake nearest FTL to the Lake Courtyard Height building structure by the field survey and demarcation of area by state govt. agency (Revenue Department) using latest devices (ETS etc).

**Action Taken by MPPCB:-**

1. MPPCB issued a notice on dated 10/07/2023 to owner of Lake Courtyard Height project under water (Prevention and Control of Pollution) Act 1974 & Air (Prevention and Control of Pollution) Act 1981. Copy is enclosed as **Annexure- 3**.

**Recommendations:-**

1. The distance measurement between the nearest upper Lake FTL to the Lake Courtyard Height building structure, the field survey and demarcation of the area is suggested through state govt. agency (Revenue Department) using latest devices (ETS etc) for verification of above measured distances using google earth application and also for accurate distance measurement.

2. Any part of the Lake Courtyard Height building structure falling under the buffer zone of 50 meters of Upper Lake FTL shall be removed in compliance of Wetland Rule 2017, so that no construction should be allowed within the buffer zone.
3. The project proponent of Lake Courtyard Height shall obtain consent under water (Prevention and Control of Pollution) Act 1974 & Air (Prevention and Control of Pollution) Act 1981.
4. Appropriate sewage treatment and disposal arrangement should be made in the project.
5. Proper Solid Waste Management shall be adopted.
6. No loose material shall be kept in the area, to avoid silt flow towards upper lake.



Santosh Gupta  
Superintendent Engineer  
Nagar Nigam, Bhopal



Brajesh Sharma  
Regional Officer  
RO, MPPCB, Bhopal



Dr. Dinesh Damde  
Assistant Scientific Officer  
MP State Wetland  
Authority, EPCO, Bhopal

## Annexure- 1

### Photographs during joint inspection of Lake Courtyard Height



**Joint committee members in the premises of Lake Courtyard Height**



**Joint committee members in the premises of Lake Courtyard Height  
Upper lake is visible on back side**



**View of Building from Shirin River side and 10 feet side road side**



**Front view within premises of Lake Courtyard Height building**



**Discussion with Applicant's Representative Mr. Abdul Raziq in front of Lake Courtyard Height premises**



**Discussion with Applicant's Representative Mr. Abdul Raziq in front of Lake Courtyard Height premises**



Google Earth Application Map Showing FTL Points of Upper lake & Distance from Lake Courtyard Height Building

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क्रमांक 1353/क्षेका/प्रनिबो/2023  
प्रति,

भोपाल, दिनांक 10/07/2023

श्री मो0 आफाक पुत्र मो0 इस्लाम,  
मोहम्मद शिराज पुत्र श्री मोहम्मद जावेद,  
निवासी 02, नजाराविला, व्ही.आई.पी. रोड,  
जिला-भोपाल, (म0प्र0)

विषय:- जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1974 के अन्तर्गत कारण बताओं नोटिस ।  
संदर्भ:- कार्यालय संयुक्त संचालक, नगर तथा ग्राम निवेश, जिला भोपाल-सीहोर-रायसेन, म0प्र0 का प्र  
क्रमांक /बीपीएलएलपी-6499/एल.पी.106/29(3)/नग्रानि/जिका/2020 भोपाल, दिनांक

1. यह कि, म.प्र. प्रदूषण नियंत्रण बोर्ड का गठन जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1974 की धारा 4 के तहत हुआ है ।
  2. यह कि, जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1974 के प्रावधानों के अनुसार प्रत्येक बिल्डिंग निर्माण जो 2000 वर्गफिट से अधिक बिल्टअप एरिया की है, को सम्मति प्राप्त करना अनिवार्य है तथा 20,000 वर्गफिट से अधिक बिल्टअप एरिया की होने पर वन एवं जल, वायु परिवर्तन मंत्रालय से पर्यावरणीय स्वीकृति प्राप्त करना अनिवार्य होता है ।
  3. यह कि, आपके द्वारा ग्राम कोह ए फिजा खसरा क्रमांक 74/2/2, 75/2 रकबा 0.431 हेक्टर पर बहुइकाई आवासीय परियोजना, जिला-भोपाल में लेक कोर्ट यार्ड हाईट के नाम से विकसित की जा रही है ।
  4. यह कि, दिनांक 08.07.2023 को ग्राम कोह ए फिजा खसरा क्रमांक 74/2/2, 75/2 रकबा 0.431 हेक्टर पर बहुइकाई आवासीय परियोजना, लेक कोर्ट यार्ड हाईट जिला-भोपाल का स्थल निरीक्षण करने पर पाया गया कि आपके द्वारा बिना बोर्ड की सम्मति प्राप्त किए बिना निर्माण कार्य किया गया है । जो जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1974 एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 के प्रावधानों का उल्लंघन है ।
- उपरोक्त बिन्दुओं से स्पष्ट है कि, आपके द्वारा जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1974 एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 के प्रावधानों का उल्लंघन किया जा रहा है । अतः कारण स्पष्ट करें कि क्यों न आपके विरुद्ध वैधानिक कार्यवाही की जावे । आप इस संबंध में अपना उत्तर 15 दिवस के भीतर इस कार्यालय में प्रस्तुत करें, अन्यथा बोर्ड जल एवं वायु अधिनियमों के तहत वैधानिक कार्यवाही हेतु बाध्य होगा ।

(बुजेश शर्मा)

क्षेत्रीय अधिकारी

पू0 क्रमांक 1354 /क्षेका/प्रनिबो/2023

भोपाल, दिनांक 10/07/2023

सदस्य सचिव, म0प्र0 प्रदूषण नियंत्रण बोर्ड, भोपाल की ओर सूचनार्थ प्रेषित ।

(बुजेश शर्मा)

क्षेत्रीय अधिकारी

म.प्र. प्रदूषण नियंत्रण बोर्ड,  
भोपाल