

FACTUAL REPORT

in compliance to the

Hon'ble NGT order dated 11/07/2023

in the matter of

OA 37/2023 (CZ)

of

**Mrs. Krishna Singh Vs. Bhopal Municipal Corporation
& Others.**

Date of Inspection

17/08/2023 and 18/08/2023

FACTUAL REPORT

Ref: Factual report in compliance to the Hon'ble NGT order dated 11/07/2023 in the matter of OA 37/2023 (CZ) Mrs. Krishna Singh Vs. Bhopal Municipal Corporation & Others.

Hon'ble NGT vide order dated 11/07/2023 issued following instructions in the matter of OA 37/2023 (CZ) Mrs. Krishna Singh Vs. Bhopal Municipal Corporation & Others. :-

“2. In our view, a substantial question relating to environment due to implementation of Schedule enactments under NGT Act, 2010 has arisen but before taking any further action in the matter, we find it appropriate to obtain a factual report in respect of the allegations made by applicant, for which purpose, we constitute a joint Committee comprising Madhya Pradesh PCB and Collector, Bhopal who shall visit the site, collect relevant information and submit a factual report...”

In reference to the above order, a Joint Committee of the following officials of the concerned departments is constituted and following officers are included in the committee:-

- (i) Shri Brajesh Sharma, Regional Officer, Regional Office, MPPCB Bhopal, Representing MPPCB
- (ii) Shri L. K. Khare, SDM, M.P. Nagar, Bhopal, Representing Collector, Bhopal

Shri Jainendra Chandel, Chemist and Shri Akhilesh Sharma, Assistant Engineer (C), Regional Office, MPPCB, Bhopal were present during the inspection. Officials conducted the visit of the site namely Nirmal Palace Colony developed by M/s. Equator Construction at Khasra No 146/1/1, Awadhपुरi, Bhopal on dated 17/08/2023 and dated 18/08/2023. During the site visit the residents of the Nirmal Palace colony were present along with the representative of petitioner Shri Suneel Singh and the Advocate of petitioner Shri Rakesh Singh. During inspection, a Panchnama is prepared mentioning the issues observed and duly signed by the residents of the Nirmal Palace colony, Awadhपुरi and the officials of joint committee. The

Panchnama is enclosed as **Annexure-I**. The Geographical location, photographs and visual observations were recorded during inspection. The observations are as follows:-

1. GPS locations of the Nirmal Palace colony, Awadhपुरi, Bhopal are recorded using a mobile- based GPS application. The photographs taken during the inspection and location of the constructed building marked on the google map. The Google map image and photographs are enclosed as **Annexure- II**.
2. The Nirmal Palace Colony is a residential colony located in Awadhपुरi, Bhopal on left side of 8.0 meter master plan road and just adjacent to this road.
3. The advocate of petitioner has provided a Town and country planning approved map dated 29/05/2000 of the Nirmal Palace Colony, Awadhपुरi to the committee during visit. The copy is enclosed as **Annexure - III** The details of the colony are as under as per the given map:

(A) Area Details:-

No	Details of Area	Size in Sq Meters	Remark
1	Total area of colony	31738.83	-
2	Open Area	2983.00	Four areas are marked as open and two areas are marked as Park in the map
3	Plotable area Commercial	7626.00	-
4	Plotable area Residential	7678.00	-
5	Plotable area for informal sector	2655.00	-
6	Road Area	2741.63	-

(B) Details of Khasra:-

No.	Khasra No	Area in Acres
1	145/2/2/1	1.48
2	145/2/1	1.11
3	146/1/1	1.85
4	153/2	1.20
5	153/1	1.20

6	147/4, 148/2	1.0
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4. Almost all the plots of the colony are found constructed and occupied by residents.
5. The water supply in the colony is provided by Bhopal Municipal Corporation and narmada water is being supplied.
6. Sewer network is laid down in the colony and internal roads are found made of cement concrete. RCC storm water drains are provided along the internal raods of the colony. Housekeeping is found good in the colony.
7. Two main open areas are shown by the residents of the colony to the committee during the visit. One open area is located just in front of petitioner's house i.e. house no 90 "B" and another open area is located at the end of the east part of the colony.
8. One RCC structure is found under construction in one open area of the Nirmal Palace colony, Awadhपुरi, Bhopal infront of petitioner's house i.e. house no 90 "B". This open area is surrounded by the houses of residents and RCC road is constructed all around the open area.
9. The under construction RCC structure is for the establishment of Sanjivini clinic meant for community health check up.
10. Some well growth plants are available on the periphery of this ground and some quantity of the building construction material is found stock in this area.
11. The under construction RCC structure is located in the South west coordinate of the open land.
12. The under construction RCC structure is located just in front of the petitioners house i.e. house no 90 "B" and internal RCC road is passing in between the petitioner house and the under construction RCC structure.
13. The details of the under construction RCC structure and their corresponding size measured during inspection are as follows:
 - a. Plinth area - 59.71 ft length, 27.56 ft width (Area – 1645.60 sq ft)
 - b. Plinth level is 2.88 ft from ground
 - c. On 1645.60 sq ft area roof is casted with RCC with 2 ft cantilever projection all around the roof.
 - d. Presently the scaffoldings are installed for roof support.

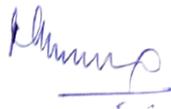
14. The one sewer line passing approx 2 feet away from the under construction RCC structure is found damaged at two places and continues flow of sewage from these leakage is not observed. Intermittently sewage comes out above the ground level in small quantity but no sewage impounding observed.
15. An another open area of Nirmal Palace colony, Awadhपुरi, Bhopal is located at the end of the east part of the colony. The area is visited along with residents and petitioner representative.
16. This open are is covered with precast cement boundary wall by some unidentified person. No construction is observed in this area.

Action Taken by MPPCB:-

MPPCB issued a notice on dated 18/08/2023 to Commissioner, Nagar Nigam, Bhopal to stop the construction of RCC structure in the open area of the Nirmal Palace colony, Awadhपुरi, Bhopal and repair the damaged sewer line. Copy is enclosed as **Annexure- IV**.

Recommendations:

1. The damaged sewer line near the petitioners' house at two places should be repaired by Bhopal Municipal Corporation.
2. The open area in front of the petitioners' house should be cleaned and removed from building material stocked on it.
3. Plantation may be carried out in the open area.
4. The unauthorized construction in the open area of Nirmal Palace colony, Awadhपुरi, Bhopal should be removed.



L. K. Khare
SDM
M.P. Nagar, Bhopal



Brajesh Sharma
Regional Officer
Regional Office, MPPCB

स्थान - निर्मल पॅलेस अन्धपुरी
 पंचनामा दिनांक - 18/8/23. समय 6:05 PM

एम उपप्रियत पंचगण एवं अधिकारीगण यह प्रमाणित करते हैं कि आज दिनांक - 18/08/23 समय - रांय - 6:05 PM पर श्री धृषेय शर्मा, शैलीय अधिकारी, शैलीय कार्यालय, अ.प. ज. नि. बोर्ड, भोपाल, श्री अ.क. के. खेर, अनुविभागीय अधिकारी एन.पी. नगर भोपाल, श्री जैनेन्द्र चन्देल, सहायक, शैलीय कार्यालय, अ.प. प्रदूषण नियंत्रण बोर्ड, भोपाल, श्री अश्विनेश शर्मा, सहायक भेली (सि.) शैलीय कार्यालय, अ.प. ज. नि. बोर्ड, भोपाल श्री अक्षेश सिंह अधिकारता एवं काजौनी रहवारी, श्री राजपाल सिंह काजौनी रहवारी, श्री चन्द्रकाश काजौनी रहवारी, श्रीमती अमृता सिंह एवं श्रीमती अंकिता सिंह काजौनी रहवारी (निर्मल पॅलेस) निरीक्षण दौरान उपस्थित रहे। श्री अश्विनेश अधिकारता काजौनी रहवारी श्री इस दौरान उपस्थित रहे। उपस्थित पंचगणों दौरान अथक विवेक किताब। निरीक्षण के दौरान निर्मल पॅलेस काजौनी के अंदर शैल में निरीक्षण मास्टर ग्रुप इंस्पेक्टर पाया गया। निरीक्षण के दौरान 53714 की, पाईप - 27.56 मि, तथा फाउंडेशन (पिलर अरु) - 2.88 कीट पायी गयी, इंस्पेक्टर की छत निरीक्षण पाई अर्ध फिक्स कोरिंग काजी हुई पायी गयी, छत के चारों तरफ लगे अक-शूट के छतों पाये गये। निरीक्षण के दौरान की परिया निशा में लगे अक व कीट डरी पर काजौनी की अथक माईल ही पाई की दो पहाड शिखर पाई गई तथा अथक का अथक अथक अथक। उक्त अथक शैल तथा अनाधिकृत फिरी अथक अथक 146/1/1 निर्मल पॅलेस अन्धपुरी भोपाल अथक पर स्थित है।

(Signature)
 18/8/2023
 (L. K. Khare)

(Signature)
 (B. Sharma, R.P.S.)

(Signature)
 Anitavimh

(Signature)
 Bales

(Signature)
 Berkata

(Signature)
 Hewey

Google Earth Map of Nirmal Palace Colony



Inspection Photographs of Nirmal Palace Colony in presence of residents



Under construction RCC structure



Residents of Nirmal Palace Colony



Building Material Stocked on open area



Open Area covered with precast RCC wall



No Construction in side open area located on the west end of the colony

क्षेत्रीय कार्यालय
मध्य प्रदेश प्रदूषण नियंत्रण बोर्ड
पर्यावरण परिसर,ई-5,अरेरा कॉलोनी,भोपाल
Telephone:- 0755-2466392 Email:-romppcb_bpl@rediffmail.com

कमांक 171/1 /क्षेका/प्रनिबो/2023
प्रति,

भोपाल, दिनांक 18/08/2023

आयुक्त,
नगर निगम,
भोपाल (म0प्र0)

विषय :- निर्मल पैलेस, अवधपुरी, भोपाल के खुले क्षेत्र में अनाधिकृत निर्माण कार्य को रोकने एवं क्षतिग्रस्त सीवेज लाईन को सुधार करने के संबंध में नोटिस।

संदर्भ :- माननीय राष्ट्रीय हरित अधिकरण, प्रिंसिपल बेंच प्रकरण ओ.ए. कमांक 37/2023 (श्री कृष्णा सिंह विरुद्ध नगर निगम व अन्य) के संबंध में।

- (1) उपरोक्त विषयांतर्गत लेख है कि, माननीय एनजीटी, प्रिंसिपल बेंच में प्रचलित ओ.ए. कमांक 37/2023 (श्री कृष्णा सिंह विरुद्ध नगर निगम व अन्य) में प्रस्तुत अभ्यावेदन अनुसार निर्मल पैलेस कॉलोनी के 02 खुले क्षेत्र जो कि खसरा नं0 146/1/1 में स्थित है, जिनमें प्रत्येक का क्षेत्रफल 9000 वर्गफिट है। इनमें अनाधिकृत रूप से निर्माण कार्य कराया जा रहा है तथा 01 खुले क्षेत्र में 30x50 वर्गफिट में निर्माण कार्य चालू है। प्रस्तुत पिटीशन अनुसार इस पर संजीवनी हॉस्पिटल का निर्माण प्रस्तावित है। स्थल का निरीक्षण दिनांक 17.08.2023 को माननीय एनजीटी द्वारा गठित दल द्वारा किया गया, जिसमें उक्त एक खुले क्षेत्र को सीमेंट की दीवार से घेरा हुआ पाया गया तथा दूसरे खुले क्षेत्र में निर्माण कार्य होना पाया गया।
- (2) कॉलोनी के मध्य क्षेत्र में सीवेज पाईप लाईन नव-निर्माणाधीन बिल्डिंग के समीप क्षतिग्रस्त पाईप गई जिसमें से सीवेज को बाहर पाया गया।
- (3) उक्त कॉलोनी का निर्माण मे0 इन्वेटर कंसट्रक्शन द्वारा किया गया है एवं बिल्डर द्वारा कॉलोनी पूर्ण विकसित किए बिना छोड़ दी गई है।

कृपया उपरोक्त के संबंध में निम्नानुसार जानकारी से अवगत करावें :-

1. निर्माण कार्य हेतु नगर निगम द्वारा प्रदत्त अनुमति की जानकारी।
2. किस प्रकार से खुले क्षेत्र का उपयोग कर बिल्डिंग निर्माण हेतु किया जा रहा है।

उपरोक्त के संबंध में निम्नानुसार कार्यवाही सुनिश्चित करावें :-

1. खुले क्षेत्र में अनाधिकृत निर्माणाधीन बिल्डिंग कार्य को तत्काल रोका जावें।
2. क्षतिग्रस्त सीवेज लाईन को तत्काल सुधारा जावें।

उपरोक्त कार्यवाही से इस कार्यालय को 15 दिवस के भीतर अवगत करावें, अन्यथा बोर्ड वैधानिक कार्यवाही हेतु बाध्य होगा।

(बृजेश शर्मा)
क्षेत्रीय अधिकारी

पू0कमांक /क्षेका/प्रनिबो/2023
प्रतिलिपि :-

भोपाल, दिनांक / /2023

1. सदस्य सचिव, म0प्र0 प्रदूषण नियंत्रण बोर्ड, भोपाल की ओर सूचनार्थ प्रेषित।
2. डायरेक्टर (पर्यावरण), विधि, म0प्र0 प्रदूषण नियंत्रण बोर्ड, भोपाल की ओर सूचनार्थ प्रेषित।

(बृजेश शर्मा)
क्षेत्रीय अधिकारी