

**ACTION TAKEN REPORT
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH AT BHOPAL**

IN THE MATTER OF OA NO. 43/2020 (CZ)

APPLICANT - JAYA THAKUR

VERSES

RESPONDENT - STATE OF M.P. AND ORS. ORDER DATED 23.07.2020

1. That the Hon'ble Tribunal in OA no. 43/2020 (CZ) by Jaya Thakur V/s State of Madhya Pradesh and Others in the matter of illegal construction by way of encroachment around Sagar lake and Pollution of lake in city Sagar of MP has issued following order –

We deem it just and proper to call a report on the matter in issue in present application, from a joint committee consisting of :-

1. District Magistrate, District Sagar
2. Municipal Commissioner, Sagar
3. Madhya Pradesh Pollution Control Board

The Committee is directed to visit the place and submit the action taken report with in six weeks. The state PCB will be the nodle agency for the coordination.

2. In compliance to above the district Collector Sagar has issued letter to committee member vide letter no. 595 dated 11.09.2020 for investigation of the issues raised in application and submit report to the committee of following members :- **(Annexture -01)**

1. Sub divisional officer, (SDM) Sagar
2. Commissioner, Nagar Nigam Sagar
3. Regional Officer, M.P.Pollution Control Board, Sagar

3. The committee discussed the issues in a meeting on 01.10.2020 and visited the area all around the Sagar Talab (Sagar lake) and observed following. Report enclosed as **(Annexture -02)**

- (i) Sagar Talab which is also known as Lakha Banajara lake is located in the main city area of Sagar city having an area of about 160 heactars . The main Sagar city is established all around the Sagar lake. The lake is devided in 02 parts. The northen

part is main lake which is surrounded by road on 03 sides and on western side dense residential area is established close to lake boundary.

- (ii) The eastern and northern boundary of lake is surrounded by road, so no possibilities of any encroachment on these sides. On Southern and Western side of Talab, the residential area, Temples, institutional establishment and agriculture fields are established. Due to no clear boundary of talab, possibilities of encroachment are observed. It is also observed that the construction close to lake are very old and people of nearby places informed that it is very old about 20-25 years old. Detailed measurement and micro level survey is necessary to assess the actual area of encroachment.
- (iii) Residential and commercial activities are established all around the lake area. Domestic effluent from these areas is discharging to lake through 04 Nala and 9 numbers of small drains from nearby buildings and other establishments.
- (iv) The representative from municipal corporation Sagar informed that under programme of Smart city Sagar a project is developed for pollution control, restoration and area development of Sagar lake by Sagar Smart city Limited, Sagar.
- (v) Municipal solid waste generated from residential and commercial area around the Sagar lake is collected by Municipal Corporation Sagar and waste is sent for treatment/disposal at municipal solid waste disposal site. Disposal of municipal solid waste was not observed at lake site.
- (vi) Biomedical waste generated from Hospital and health care facilities of Sagar city is regularly collected by an agency M/s Devis surgico (Common bio medical treatment facility) and sent the waste for final treatment and disposal. Disposal of biomedical waste in lake was not observed.
- (vii) No industry established near the lake side.

4. SDM Sagar has constituted a team by order no. 1800 date 05.10.2020 to survey the area of lake to assess any encroachment of Sagar lake. (Annexure -03) Necessary action will be taken after finalization of encroachment assessment report.

5. A project under Smart city Sagar programe is developed for environmental conservation, restroration and area development of Sagar lake by Sagar Smart city Limited. The Cost of project is Rs. 92.26 crores and duration 18 months from date of agreement 04.06.2020 for Lakha Banjara Lake Rejuvenation and Lake front Development is Sagar city. The project enclued conservation of the lake, measures to maintain the water balance of the lake, mitigating environmental impacts and restoring lake's ecosystems. Brief Summery of the project report is attached as **(Annexture -04)**

Date – 28.10.2020



Regional Officer
M.P.Pollution Control Board



Commissioner
Nagar Nigam Sagar



Sub divisional officer
(SDM) Sagar

Annexture-

1. Collector Sagar Letter No. 595 dated. 11.09.2020
2. Site inspection report
3. SDM Sagar Letter no. 1800 dated 05.10.2020
4. Brief Summary of Lake Project
5. Photograph during inspection.

कार्यालय कलेक्टर सागर जिला-सागर (म0प्र0)

क्रमांक 595/
प्रति,

/वरि.लि.-1/2020

सागर, दिनांक 11/9/2020

1. अनुविभागीय अधि. (राजस्व)
सागर।
2. आयुक्त, नगर पालिक निगम,
सागर।
3. क्षेत्रीय अधिकारी, म.प्र.प्रदूषण नियंत्रण बोर्ड,
सागर।

विषय :- माननीय राष्ट्रीय हरित अधिकरण भोपाल बेंच में प्रचलित प्र.क. 43/2020 (जया ठाकुर विरुद्ध मध्यप्रदेश शासन व अन्य) में पारित आदेश दिनांक 23.07.2020 के अनुपालन बावत्।

सन्दर्भ:- मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड भोपाल का पत्र क्र. 599/विधि/NGT(CZ)/प्रनिबो भोपाल दि. 29 जुलाई, 2020

उपरोक्त विषयान्तर्गत लेख है कि माननीय एनजीटी (National Green Tribunal) में दायर याचिका क्र. 43/2020 (CZ) द्वारा जया ठाकुर विरुद्ध म.प्र.शासन व अन्य) में आदेश दि. 23.07.2020 के अनुसार सागर तालाब (झील) में अवैध अतिक्रमण कर रिहायशी एवं व्यवसायिक भवनों का निर्माण किया गया है, जिससे तालाब का आकार छोटा हो गया है एवं प्रदूषित हो रहा है।

अतः माननीय एनजीटी के आदेश एवं याचिकाकर्ता के आवेदन में शिकायत के अनुसार संयुक्त रूप से जाँच कर प्रतिवेदन 10 दिवस के अन्दर प्रस्तुत करें।

- संलग्न:-
1. मान. एनजीटी का आदेश।
 2. याचिकाकर्ता का आवेदन।

कलेक्टर
जिला-सागर

11/9/20



- स्थल निरीक्षण प्रतिवेदन -

मननीय एनजीटी प्रकरण क्रमांक 43/2020 (जया ठाकुर विरुद्ध म.प्र.शासन एवं अन्य) के परिप्रेक्ष्य में कलेक्टर सागर के पत्र क्र. 575 दि. 11.09.2020 के आदेशानुसार एसडीएम सागर, तहसीलदार सागर, क्षेत्रीय अधिकारी, म.प्र.प्रदूषण नियंत्रण बोर्ड सागर, मुख्य रसायनज्ञ, म.प्र.प्रदूषण नियंत्रण बोर्ड सागर तथा नगर निगम सागर के अधिकारियों के संयुक्त दल द्वारा दि. 01.10.2020 को सागर शहरी क्षेत्र में स्थित सागर तालाब (बंजारा लेक) का निरीक्षण तालाब के चारो ओर हो रहे अतिक्रमण एवं तालाब के प्रदूषण के परिप्रेक्ष्य में किया गया। निरीक्षण में निम्न बिंदु मुख्य रूप से पाये गये -

1. सागर तालाब जिसे सागर बंजारा झील के नाम से भी जाना जाता है, सागर नगरीय क्षेत्र में स्थित है। सागर तालाब के चारो ओर सागर का शहरी क्षेत्र विकसित हुआ है, जिसमें परकोटा बस्ती, चकराघाट, बरियाघाट, पुलिस ट्रेनिंग अकादमी, मुख्य रूप से हैं। सागर तालाब दो भाग में विभाजित है। उत्तरी भाग में मुख्य तालाब है जिसके तीन ओर सड़क है एवं पश्चिम में घाट बने है एवं सघन रिहायशी क्षेत्र तालाब से लगा हुआ है।
2. तालाब के पूर्वी एवं उत्तरी वाउण्ड्री पर घाट एवं सड़क होने से अतिक्रमण की स्थिति नहीं है। पश्चिमी एवं दक्षिणी भाग में तालाब से लगे हुए रिहायशी मकान, मंदिर, अन्य संस्थाएँ एवं कृषि भूमि भी है, जहाँ अतिक्रमण होने की संभावना है। तालाब से लगे हुए क्षेत्र में जो निर्माण हैं वो पुराने हैं एवं 25-30 वर्ष पहले के हैं। इसमें अतिक्रमण के संबंध में विस्तृत जाँच आवश्यक है।
3. तालाब के चारों ओर विकसित रिहायशी एवं व्यवसायिक क्षेत्र से घरेलू, दूषित जल 04 मुख्य नाला एवं कई छोटी नालियों द्वारा तालाब में पहुँचता है, जिससे तालाब के प्रदूषण की संभावना रहती है।
4. नगर निगम सागर के अधिकारियों द्वारा जानकारी दी गई कि स्मार्ट सिटी सागर कार्यक्रम के अन्तर्गत सागर स्मार्ट सिटी लिमिटेड संस्था द्वारा तालाब के प्रदूषण को रोकने के लिए एवं तालाब के जीर्णोद्धार एवं सौन्दर्यीकरण के लिए प्रोजेक्ट बनाया गया है, जिसमें कार्य प्रारंभ कर दिया गया है।
5. तालाब के आसपास के रिहायशी एवं व्यवसायिक क्षेत्र से उत्पन्न म्यूनिसिपल सॉलिड वेस्ट का नियमित रूप से संग्रहण किया जाता है एवं म्यूनिसिपल सॉलिड वेस्ट उपचार संयंत्र को भेजा जाता है। म्यूनिसिपल सॉलिड वेस्ट का डिस्पोजल तालाब में होना नहीं पाया गया।
6. सागर शहर के चिकित्सालय एवं हेल्थ क्लीनिक से बायो मेडीकल वेस्ट का नियमित संग्रहण संबंधित संस्था में, डेविस सर्जिको द्वारा किया जाता है। तालाब में बायो मेडीकल वेस्ट का डिस्पोजल नहीं पाया गया।
7. तालाब में कई स्थानों पर काई (Algal growth) पाई गई।
8. तालाब के आसपास कोई उद्योग स्थापित नहीं है जिसका दूषित जल तालाब में जाता हो।


Regional Officer
MPPCB Saagar.


Chief Chemist
MPPCB Saagar.


Tahsilदार
Saagar


Nayan Agam
Saagar.
A.E.
H.C. Nayan Agam

Annex-3

कार्यालय अनुविभागीय अधिकारी, (रा.) अनुभाग सागर जिला सागर

क्र./ 1000 /स्टेनो/अ.वि.अ./2020

सागर, दिनांक 05/10/20

3289
19/10/20
सागर

आदेश

कार्यालय कलेक्टर सागर जिला सागर के पत्र क्रमांक/595/वरि.लि. 1/2020 दिनांक 11/09/2020 के माध्यम से माननीय राष्ट्रीय हरित अधिकरण भोपाल बेंच में प्रचलित 43/2020 (जया ठाकुर विरुद्ध मध्यप्रदेश शासन व अन्य) में पारित आदेश दिनांक 23/07/2020 अनुपालन में सागर तालाब (झील) में अवैध अतिक्रमण कर रिहायशी एवं व्यवसायिक भवन निर्माण जिसके तालाब का आकार छोटा हो गया एवं प्रदूषित होने के संबंध में संयुक्त रूप से प्रतिवेदन चाहा गया है।

उपरोक्त पत्र के परिपालन में नगर निगम सीमांतर्गत सागर तालाब (लाखा बं झील) सीमांकन हेतु निम्नानुसार दल गठित किया जाता है :-

क्र.	दल प्रभारी का नाम, पदनाम एवं मो.नं.	दल सहायक का नाम, पदनाम एवं मो.नं.
1	डॉ. नरेन्द्र बाबू यादव, तहसीलदार सागर 8959402485	वैज्ञानिक म.प्र. प्रदूषण मण्डल बोर्ड सागर अतिक्रमण प्रभारी नगर निगम सागर श्री देवदीप सिंह, राजस्व निरीक्षक सागर 9754268500 श्री राजेश प्रधान, राजस्व निरीक्षक सुरखी 9424765750 श्री संदीप दुबे, पटवारी 9993811789 श्री नीलेश मिश्रा, पटवारी 9893867085 श्री नरेन्द्र यादव, पटवारी 9039471998 श्री रूपेश श्रीवास्तव, पटवारी 9425442411

उपरोक्त दल सात दिवस में सीमांकन कर मय फील्डबुक नक्शा, आयुक्त नगर पालिका सागर एवं क्षेत्रीय अधिकारी म.प्र. प्रदूषण नियंत्रण मण्डल सागर को उपलब्ध कराकर एक से इस कार्यालय अवगत करायेगें।

(संतोष चंदेल)

अनुविभागीय अधिकारी (रा.)
अनुभाग सागर (जिला)-सागर,
सागर, दिनांक 05/10/20

पृ0क्रमांक क/ 1000 /स्टेनो/अ0वि0अ0/2020

प्रतिलिपि:-

- 1-कलेक्टर महोदय जिला सागर की ओर सूचनार्थ प्रेषित।
- 2-आयुक्त, नगर पालिका निगम सागर की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
- 3-क्षेत्रीय अधिकारी, म.प्र. प्रदूषण नियंत्रण मण्डल सागर की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
- 4-तहसीलदार सागर की सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
- 5-संबंधित श्रीको पालनार्थ।

cc
79/10/20

अनुविभागीय अधिकारी (रा.)
अनुभाग सागर (जिला)-सागर,
सागर (म. प्र.)

Project Name: Lakha Banjara Lake Rejuvenation and Lake Front Development in Sagar City

Tendered Cost: Rs.106.05 Cr. Which allotted to Ashwath Infratech Pvt. Ltd (below 13%)
Rs.92.26 Crores.

Selected Agency: M/s Ashwath Infratech Pvt.Ltd New Delhi.

Project Status: LOA has been issued to the selected agency on 17-Jan-2020.

Project Agreement Date : 04/06/2020

Completion Time: 18 months.

Objectives:

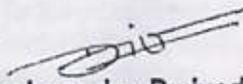
The objectives of the proposed project are to: Arrest siltation problems to a possible extent by precautionary and physical measures both upstream and downstream limited within the ABD area; Improve the condition and quality of water by preventive treatment methods to inlets to the lake; Harvest precious rainwater and augment shortfall in water supply needs of Sagar city; Moderate flood risk by interconnecting water appurtenances, reviving existing drainage linkages, and establishing new secured decision based drainage network; Utilize wastewater by treatment process during the dry weather and maintain lake water balance as well as cater to the potable needs of the surrounding population; Improve the scope of replenishment of ground water and aquifers within the influence zone of the lake by natural percolation and recharge methods; Improve health and sanitary conditions of population living next to the lake by implementing effective and sustainable SWM, waste water and sanitary systems; Enhance the bio-diversity in and around the lake by restoring the existing eco-system, enhancing it with compliant usage and promoting green development; and Develop ecology based green economy through eco-tourism activities and day to day retail demand within the lake precinct.

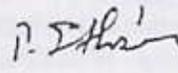
Abstract Project Features:

There are about 18 components of which 1st to 8th components are directly linked to, the conservation of the lake, measures to maintain the water balance of the lake, mitigating environmental impacts and restoring lake's ecosystems. 9th to 18th components are Lake front development features. Brief features of each components along with their estimated cost breakups are as follows:

1. Dewatering, De-silting, Bottom Sealing, and Soil Mediation for Improving Water Quality & Holding Capacity of the Lake
 - Complete dewatering of water the Lakha Banjara lake and flushing of the same in Mōgha Outflow
 - Partial mechanical desilting of the sediment deposit in the upper lake bed and transportation and stacking of the same to the designated municipal landfill site under 15 Kms.
 - Bottom sealing of the lakebed of upper lake with nitrate bentonite soil mix
 - Soil and water bio-remediation by using bio accelerator agent of the upper lake bed

Amc
pmc


Pushendra Dwivedi
Assistant Engineer
Sagar Smart City Limited
Sagar (M.P.)


Pooranlal Ahirwar
Executive Engineer
Sagar Smart City Ltd.

2. Desilting, Construction of Silt Trap & Lining Improvement of Kanera Deo Feeder Canal & Desilting of Mogha Overflow
 - Mechanical desilting and profile improvement of Kanera Deo Feeder Canal (2.1 Kms)
 - Mechanical desilting and profile improvement of the Mogha Outflow (3.00 Kms)
 - Lining and bottom strengthening of the Kanera Deo Feeder Canal (2.1 Kms)
 - Construction of storm water silt trap at the outlet mouth of the Kanera Deo Feeder Canal to the lower lake

3. Erosion Protection, Embankment Strengthening & Construction and Slope Stabilization of the Lakeshore
 - Profile improvements and widening of existing embankments at lakeshore of upper lake at appropriate locations
 - Restoration of the historical protection walls along the lake edge
 - Slope stabilization of existing embankments at lakeshore of upper lake at existing locations
 - Construction of protection/ breast walls at appropriate locations

4. Improvement & Re-construction of Waste Weir, Automatic Hydraulic Sluice Gates, Aqueducts, Causeways & Culverts
 - Demolition of the existing Mogha Weir and reconstruction of the same with profile improvements
 - Provisions for trickle flow in the reconstructed Mogha Weir
 - Redevelopment of the Mogha Weir outfall area
 - Construction of walkway bridge over the Mogha Weir
 - Construction of waste netting area at the Mogha Weir
 - Construction and installation of automatic hydraulic sluice gate at Mogha Weir
 - Construction of outflow causeway the outlet mouth of the Kanera Deo Feeder Canal to the lower lake
 - Repair of existing aqueduct between upper and lower lake (at Sanjay Drive)
 - Channelization of all major and minor existing drains/nallahs at 31 locations
 - Construction of waste & silt traps at major drains/nallahs at 5 locations
 - Reconstruction of 5 culverts at major drains/nallahs

5. Development of Peripheral Sewage, Storm Water Trap and Decentralized Modular Water Treatment Plant at the Lake-edge
 - Construction of gravity based storm water chamber/duct along the existing roads abutting the lake edge with intermittent manholes, bell mouth inlets, etc.
 - Construction and laying of storm water silt trap chambers at all minor storm water inlets
 - Construction of waste water and sewage traps of all inlets and connecting them by laying of gravity based underground wastewater/sewage pipes to the decentralized treatment

P. D.
PML

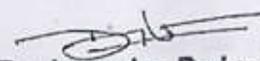
P. D.
Pushpendra Dwivedi
Assistant Engineer
Sagar Smart City Limited

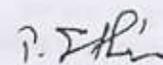
P. Ahirwar
Pooranlal Ahirwar
Executive Engineer
Sagar Smart City Ltd.

- areas including provisions for intermittent manholes, adequate pumps, etc.
- Construction of Modular STP yards with decentralized STPs and holding tanks at 5 locations along the lake edge
 - Storm water Trap for total 41 Inlet Drains (34 Minor & 7 Major Inlets).
6. Controlled Desilting, Wetland Bio-Restoration and Bio-manipulation of the Lower Lake
- Controlled arresting of eutrophication or de-weeding by mechanical means at the lower wetland lake
 - Controlled mechanical desilting/dredging of the designated locations at the lower lake
 - Clearance, shore protection and afforestation of edges of the lower lake
 - Wetland bio-restoration by means of mixed seed plantation at the lower lake
 - Fish seeding in the wetland area of the lower lake
7. Development of Ghats at Lakha Banjara Lake
- Widening of the existing ghats (except historical ghats) at 10 locations
 - Redevelopment of the existing ghats at 10 locations
 - Provision of ritual tanks at existing ghats at 5 locations
 - Provisions for boating jetties at 4 locations
 - Development of walkway along Sagar fort wall
8. Procurement of Smart Water Quality & Asset Monitoring Systems
- SITC of automatic discharge observation at Mogha Weir
 - SITC of automatic Telemetry Rainfall station with GSM/GPRS communication system
 - SITC of automatic water level Radar sensor with GSM/GPRS telemetry communication system
 - SITC of automatic weather station with telemetry GSM/GPRS communication system
 - SITC of automated Gate Sensor with GSM/GPRS telemetry communication system
 - SITC of Spectrometer probe based Real Time Water Quality Monitoring System
9. Smart Fencing, Boundary Wall Development and Perimeter Security & Surveillance around Lakha Banjara Lake Edge
- Construction and development of entry and exit points to the ghats and parks along the lake edge
 - Demolition of existing boundary wall/ chain-link fencing along the lake and reconstruction/construction of smart fencing, railing around the lake.

SITC of motion sensors, surveillance cameras, automatic head counter, turnstile, etc. along the boundary wall of the lake.

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10. Landscaping and Pedestrian Pathway/Promenade/NMT Corridor development at the Lake Edge
- Development of flagstone paved contiguous pedestrian pathway/cycling track along the lake
 - Installation of street furniture along the lake edge such as benches, waste bins, promenade lights, bollards, signage, modular vending kiosks, street sculpture/art, etc.
 - Comprehensive landscaping of the lake edge including redevelopment of the existing parks including development of green strips, indigenous plantations (tree, shrubs, ground covers), rainwater swale, development of pause points/decks, etc.
11. Provision of Services at the Ghats and Ferry Jetties
- Redevelopment of 2 existing boating jetties and development of 2 new pontoon boating jetties
 - Development of ticketing kiosks, e bio-toilets and weather shelters at 4 jetty location
 - Procurement and installation of changing kiosks/cabins, e bio-toilets at ghats
 - Procurement of safety/rescue equipment and 4 FRP passenger launch boats (30 pax capacity each)
12. Redevelopment and Provision of Public Amenities & Facilities at Lake Edge
- Construction/reconstruction of e bio-public toilets at appropriate locations
 - Construction/reconstruction of drinking water kiosks at appropriate locations
 - Construction of on-street/off-street vehicular parking facilities at appropriate locations
 - Construction of overhead footbridges/skywalks at appropriate locations
 - Construction of retail kiosks
13. Development of Inland Food Street/Vending Zone at Sanjay Drive
- Construction of a food vending zone at a designated site at Sanjay Drive including parking stalls for food trucks, vending kiosks, vending carts, etc. for at least 50 vendors
 - Landscaping of the food vending zone with paving, trees/shrubs/hedge/ground cover plantation including signage, seating benches, etc.
14. Development of Iconic Statue & Water Fountain Show
- Development of iconic statue of Lakha Banjara in water with an access bridge
 - Illumination of the iconic statue
 - Development of submersible synchronized water ballet show with 50 sync nozzles and 2 aerating jet nozzles
 - Development of audience seating facility
 - Operation and management of the facility on PPP basis

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15. Development of Pisciculture Tanks, Angling Deck, Board Walk and Bio-Diversity Conservatory at the wetland area
- Development and upgradation of the existing pisciculture tanks with fish breeding and incubation centre
 - Development of wetland boardwalk at designated place in the wetland
 - Development of angling decks at appropriate locations
 - Installation of flora and fauna signage and observation towers within the wetland area
 - Development of bio-diversity conservatory both indoor and outdoor for butterflies, insects, fishes, macrophytes, thallophytes, etc.
16. Promotion & Development of Water Sport Activities at Lakha Banjara Lake on PPP Mode
- Development of water sport activities and adventures like power boating, kayaking, water zorbing, canoeing, water skiing, heritage shikara boat ride, water scooting, etc.
 - Provision of designated land along the lake for development of equipment storage and training centre
 - Operation, promotion and management of the facility on PPP basis
17. Development of Floating Restaurant at Lakha Banjara Lake on PPP Mode
- Development of a Flotel/ Floating Restaurant at a designated location within the lake edge for 100 pax capacity
 - Development of designated jetty for the same
 - Operation, promotion and management of the facility on PPP basis
18. Operation, Maintenance and Environmental Management for 5 Years
- Regular Management, Operation & Maintenance of the above mentioned assets/facilities for 5 years (excluding PPP projects)
 - Periodical Environmental Monitoring Management and Mitigation
 - Payment of all utility bills generated out of the assets/facilities for 5 years (excluding PPP projects)
 - Promotion, outreach and event management for 5 years at facility locations (excluding PPP projects).

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