

**Jammu and Kashmir
Pollution Control Committee**

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0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180 006
Silk Factory Road
Rajbagh, Srinagar, 190 008

**The Consultant Judicial,
Hon'ble National Green Tribunal,
Principal Bench,
New Delhi.**

No: JKPCC/NGT/OA 1344/ 2342-43

Date:- 27-03-2025.

Sub:- Compliance report on behalf of J&K Pollution Control Committee, in pursuant to Order of Hon'ble National Green Tribunal vide order dated 06.12.2024 passed in O.A No. 1344 of 2024 titled "Raja Muzaffar Bhat V/s UT of Jammu & Kashmir".

Sir,

In compliance to the directions of Hon'ble National Green Tribunal, New Delhi vide order dated 06.12.2024 passed in O.A No. 1344 of 2024 titled "Raja Muzaffar Bhat V/s UT of Jammu & Kashmir, the compliance report of the J&K Pollution Control Committee is submitted herewith.

It is therefore, requested that the report may kindly be taken on record and placed before the Hon'ble NGT for consideration.

Yours faithfully,

Encl:- As Above


(Ghansham Singh) JKAS
Member Secretary 27-3-25
J&K PCC

Copy to the:-

- 1) Sh. g. M Kawoosa, Additional Standing Counsel for UT of Jammu and Kashmir, New Delhi for information and necessary action.

Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi

Original Application No. 1344 of 2024

IN THE MATTER OF

"Raja Muzaffar Bhat V/s UT of Jammu &
Kashmir."

Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 06.12.2024 passed in O.A No. 1344 of 2024 titled "Raja Muzaffar Bhat V/s UT of Jammu & Kashmir".

Background:

That the Hon'ble National Green Tribunal vide Notice dated 06-12-2024 in OA No. 1344 of 2024 directed as follows:-

"Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010."

"Notices along with copies of the application and documents attached therewith be issued to the respondents requiring them to file their responses/ replies to the allegations made in the application at least one week before the next date of hearing."

"The applicant is directed to serve notices on the respondents by email as well as registered/speed post and to file affidavit of service within 15 days and also file tracking reports regarding notices sent by registered/speed post at least one week before the next date of hearing."

Status Report:

In compliance to the aforesaid directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi vide dated 06-12-2024 in OA No. 1344 of 2024 titled "Raja Muzaffar Bhat V/s UT of Jammu & Kashmir", the report of the J&K Pollution Control Committee is submitted as under:

1. A Joint Committee was constituted vide No. JKPC/Sc./OA 1344-2024/1649-51; dated 03.01.2025 (copy enclosed as Annexure-I) comprising of the Regional Director, J&KPC Kashmir, Incharge water Lab J&KPC Kashmir & AEE, Divisional Officer, Srinagar. The Committee was directed to visit the area and furnish a comprehensive report on the following terms and references:
 - i) To ascertain the extent of diversion of Badyari stream for setting up playground.
 - ii) To ascertain the extent of felling of trees (600 willow trees, 300 poplar trees, 100 acacia and rubina trees and 10 walnut trees).
 - iii) Action taken by irrigation & Flood Control Department, if any.
 - iv) Remedial action taken by Block Development Officer Lalpora, if any.

2. The Joint committee constituted by the J&K PCC after conducting site inspection submitted a detailed report through email dated 05-03-2025 (copy enclosed as Annexure-II), which is briefly summarised as under:
 - a) It was observed that excavation work has been carried out for diversion of the stream, but the channel formed by way of excavation has not been utilized and was found to be dry.
 - b) The Water in the stream was found to be flowing in its original natural course, so original path of the stream is not diverted as present.
 - c) However, trees stumps of approximately 300 trees of varying diameter and species, mostly willow and poplar were observed



which indicate that trees have been cut down for setting of playground in the area by the Respondent No. 6.

- d) Respondent no. 6 had applied for NOC to the Irrigation and Flood Control Department which was declined by the said Department vide communicated 23-02-2024.
- e) The Assistant Executive Engineer, Irrigation and Flood Control Department Tail Race Sub-Division Kunzar asked respondent no. 6 to stop the unauthorized activities to restore the stream to its original position, however, subsequently, the same was stopped due to the protest from the local residents.
- f) The artificially excavated channel was found dry and diversion of Nallah had not taken place.
- g) During the inspection no remedial action was witnessed and all proposed work for setting up playground has been put on hold.

Prayer:

In the premises, it is therefore respectfully prayed that the report may kindly be taken on record before the Hon'ble National Green Tribunal for consideration.


(Ghansham Singh) 27-3-25
Member Secretary
J&K PCC

**Jammu and Kashmir
Pollution Control
Committee**
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Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180006
Silk Factory Road
Rajbagh, Srinagar, 190 008

Subject:- Monitoring of status of Badyari stream in Village Sonium, Lalpora, Baramulla.
Ref:- Hon'ble NGT order dated 06-12-2024

ORDER

Whereas the Hon'ble NGT vide its order dated 06-12-2024 in OA 1344 "Raja Muzaffar Bhat V/s Union Territory of Jammu & Kashmir & Ors." has made following observations: -

The applicant has submitted that in February, 2024, the Block Development Officer, Lalpora -Respondent No. 6 with permission from the Sarpanch, Gram Sabha Sonium started diversion of Badyari stream for setting up playground by levelling the converted land as plain land by filling soil in violation of the National Water Policy, 2012 and felling of Trees in violation of Jammu and Kashmir Preservation of Specified Trees Act, 1969. More than 1000 trees including 600 willow trees, 300 polar trees, approximately 100 acacia and Rubina trees and 10 walnut trees were illegally felled by Respondent No. 6 for setting up the playground. Respondent No.6 applied for no Objection Certificate (NOC) which was declined by the Irrigation and Flood control Department vide letter dated 23.02.2024. The Unauthorized act of causing disruption to the stream posed a significant flood threat to the adjacent land. The Assistant Executive Engineer, Irrigation Department directed Respondent No. 6 to stop immediately all unauthorized activities and restore the stream to its original position. Respondent No.6 ignored the directions but subsequently stopped the activities due to protest from the local residents. The applicant submitted representation dated 14-10-2024 to the concerned authorities but no action has been taken on the same.

Therefore, a Committee of following Officers of J&K PCC is hereby constituted to visit the area and furnish a comprehensive report on the following terms and references.

1. Sh. Abhijeet Joshi, Regional Director, J&KPCC Kashmir.
2. Sh. Shabir Ahmad, I/c Water Lab, J&K PCC Kashmir.
3. Sh. Faiz Ahmad, AEE, DO Srinagar.

mailed
B

Terms of Reference :-

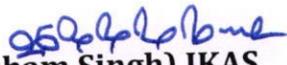
- i) To ascertain the extent of diversion of Badyari stream for setting up playground.
- ii) To ascertain the extent of felling of trees (600 willow trees, 300 poplar trees, 100 acacia and rubina trees and 10 walnut trees).
- iii) Action taken by Irrigation and Flood Control Department, if any.
- iv) Remedial action taken by Block Development Officer Lalpora, if any.

The committee after spot visit shall furnish a comprehensive report within a period of 20 days.

Encl:- Hon'ble NGT order dated 06-12-2024.

No. JKPCC/SC/OA 1344/2024 /1649-51

Dated 3-1-2025


(Ghansham Singh) JKAS
Member Secretary 3.1.25

Copy for information & necessary action to the:-

1. Sh. Abhijeet Joshi, Regional Director, J&KPCC Kashmir.
2. Sh. Shabir Ahmad, I/c. Water Lab, J&K PCC Kashmir.
3. Sh. Faiz Ahmad, AEE, DO Srinagar.



Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

Sheikh-ul-Alam Campus, Rajbagh, near Government Silk Factory, Srinagar-190008
www.jkspcb.in Email: regionaldirectorkmr@gmail.com, Tel/fax 0194-2311842



Report of Committee constituted in compliance to Hon'ble NGT Order Dated 06/12/2024 in OA 1344/2024 regarding Restoration of Badyari Stream in Village Sonium, Lalpora, Baramulla

Background

Hon'ble NGT vide its order dated 06/12/2024 in OA no.1344/2024“ Raja Muzaffar Bhat vs Union territory of Jammu & Kashmir & Ors” has made following observations:-

The applicant has submitted that in February, 2024, the Block Development Officer, Lalpora – Respondent No. 6 with permission from the Sarpanch, Gram Sabha Sonium started diversion of Badyari stream for setting up playground by levelling the converted land as plain land by filling soil in violation of the National Water Policy, 2012 and felling of Trees in violation of Jammu and Kashmir Preservation of Specified Trees Act, 1969. More than 1000 trees including 600 willow trees, 300 poplar trees, approximately 100 Acacia and Rubina trees and 10 walnut trees were illegally felled by Respondent No. 6 for setting up the playground. Respondent No. 6 applied for No Objection Certificate (NOC) which was declined by the Irrigation and Flood Control Department vide letter dated 23.02.2024. The Unauthorized act of causing disruption to the stream posed a significant flood threat to the adjacent land. The Assistant Executive Engineer, Irrigation Department directed Respondent No. 6 to stop immediately all unauthorized activities and restore the stream to its original position. Respondent

Handwritten initials and signature in the left margin.

No. 6 ignored the directions but subsequently stopped the activities due to protest from the local residents. The applicant submitted representation dated 14.10.2024 to the concerned authorities but no action has been taken on the same

In compliance of Hon'ble NGT directions a committee was constituted by Member Secretary vide order No. JPCC/SC/OA1344/2024/1649-51 Dated: 03/01/2025 to ascertain following facts:-

- i) The extent of Diversion of Badyari stream for setting up playground.
- ii) The extent of felling of trees (600 willow trees,300 popular trees,100 acacia and rubina trees and 10 Walnut trees)
- iii) Action taken by irrigation and flood control department if any.
- iv) Remedial action taken by Block Development Officer Lalpora if any.

Complying to the directions the committee of JKPCC carried out inspection of the area on 11/01/2025. The observations made during the course of inspection are as under:-

- With regard to diversion of Badyari stream for setting up playground it was observed during the inspection that excavation work has been carried out for diversion of Nallah, but the channel formed by way of excavation has not been utilized and therefore this artificial channel was dry and the water from the stream was found flowing in its original natural course and not from the channel formed due to excavation (Photograph enclosed),so original stream is not diverted at present and is flowing in its natural course.

Amo



Unutilized Channel created by way of excavation work for diverging Nallah



Badyari stream flowing in its natural course

1/4
Amlo
(Signature)

- During the inspection it was observed that tress stumps of Approximately 300 trees of varying diameter and species mostly willow and popular had been cut down for setting up playground in the area .



Stem of plants cut down

- With regard to Action taken by irrigation and flood control department it is to reveal that the Assistant executive engineer Tail Race Sub Division Kunzar has denied the NOC keeping in view the violation of State Management Act.2010 and have directed the concerned BDO to halt all such activities and restore the original position of nallha (letter no TRK/1110/12 Dated 23/02/2024). Pertinently there is already mention of this in the case file. the artificially excavated channel was found dry and diversion of Nallha had not taken place .No further action in the regard by irrigation and flood control department was witnessed on the spot.S
- During the inspection no remedial action was witnessed and all proposed work for setting up playground has been put on hold.

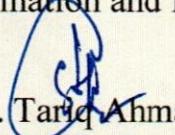


Present scenario of the area

Submitted for favour of information and further necessary action.



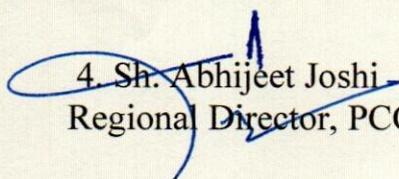
1. Shabir Ahmad
(I/C Water Lab Srinagar)



2. Tariq Ahmad
(D.O PCC Baramulla)



3. Faiz Ahmad,
(D.O PCC, Srinagar)


4. Sh. Abhijeet Joshi
Regional Director, PCC-Kashmir