

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
(CZ), BHOPAL (MP)

EXECUTION APPLICATION NO.**3**...../2024
IN
ORIGINAL APPLICATION No. 54/2023

APPLICANT: Ajay Singh Kachawah

/Versus//

RESPONDENTS: State of Rajasthan & Others

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Date: 11/03/2024

Place: Bhopal

Filed By :

Rohit Kumar Tuteja

(Anoop Agarwal & Rohit Kumar Tuteja Advocates)
230, Lawyers Chambers,
E-Block, Rajasthan High Court, Jaipur
Mobile No. 9462001295
adv.anoop10@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
(CZ), BHOPAL(MP)

EXECUTION APPLICATION NO.**3**.../2024

IN

ORIGINAL APPLICATION No. 54/2023

IN THE MATTER OF:

Ajay Singh Kachawah**Applicant**

VERSUS

State of Rajasthan & Others

.....**Respondents**

SYNOPSIS

That the applicant had filed an original application no. 54/2023 with respect to illegal action of the respondents as respondents have illegally established the municipal waste dumping site within the residential area of Jodhpur city. Further, the regulatory authority i.e. Rajasthan State Pollution Control Board has failed to take any action against such illegally activity being done by the private contractors with hand in gloves with the government officials.

The Hon'ble Tribunal by order dated 21.07.2023 disposed the said original application with the directions as follows: -

"5. In absence of any violation of any statutory rule in establishing dumping yard at the place in question, we do not find that any right is vested in the applicant to seek a direction for its shifting to another place. However, if what the applicant has stated is correct that some other land in village Geva has been allotted to Nagar Nigam Jodhpur as waste dumping yard, the matter may be



examined by Commissioner Nagar Nigam, Jodhpur in consultation with Rajasthan State Pollution Control Board and representatives of local residents where dumping yard in question is situated and take appropriate action so that no inconvenience or minimum inconvenience is caused to local residents.

6. The matter may be examined/considered by Commissioner Nagar Nigam, Jodhpur, as directed above, within a period of 2 months and appropriate action in accordance with law be taken accordingly."

However, even after passing of more than 08 months no action has been taken by the respondents against the illegal dumping yard.

Hence being seriously aggrieved by action of the respondents, petitioner is filling the present execution application.



List of Dates & Events:

- 12.12.2019: The Nagar Nigam Jodhpur requested the Commissioner, Jodhpur Development Authority for allotment of land for establishment of municipal waste dumping site. However, contrary to this the Nagar Nigam has illegally created a waste dumping site in residential area of Jodhpur city.
- 30.12.2019: The Jodhpur Development Authority allotted a land at village Geva at Khasra no. 680/1, 680/2 and 681/1 for establishment of waste dumping site. However, till date Nagar Nigam, Jodhpur has not shifted the waste dumping site from residential area.
- 17.07.2023: Applicant filed an original application no. 54/2023 with respect to illegal action of the respondents as respondents have illegally established the municipal waste dumping site within the residential area of Jodhpur city. Further, the regulatory authority i.e. Rajasthan State Pollution Control Board has failed to take any action against such illegally activity being done by the private contractors with hand in gloves with the government officials.
- 21.07.2023: The original application filed by the applicant was disposed by the Hon'ble Tribunal with the direction to the respondents to examine the matter and take appropriate action within a period of two months. However, even after passing of more than 08 months no action has been taken by the respondents.
- Hence being seriously aggrieved by action of the respondents, applicant is filling the present execution application.



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
(CZ), BHOPAL(MP)

EXECUTION APPLICATION NO. ...**3**.../2024

IN

ORIGINAL APPLICATION No. 54/2023

IN THE MATTER OF:

Ajay Singh Kachawah.....**Applicant**

VERSUS

State of Rajasthan & Others

.....**Respondents**

MEMO OF PARTIES

Ajay Singh Kachawah
S/o Shri Anand Singh Kachawah
R/o Pratap Nagar, Near Royalty Naka,
Sursagar Road, Jodhpur,
Rajasthan
Email: adv.anoop10@gmail.com
Mobile no. 94620 01295

.....**Applicant**

VERSUS

1. State of Rajasthan through
District Collector,
Jodhpur - 342035
Email-jodhpur.collector@gmail.com
2. The Commissioner,
Jodhpur Nagar Nigam (North)
Polytechnic College Campus,
Residency Road, Jodhpur
Email- nnjnorth@gmail.com
3. The Commissioner,
Jodhpur Nagar Nigam (South)
Polytechnic College Campus,
Residency Road, Jodhpur
Email- ceo_nnj@rediffmail.com



4. Rajasthan State Pollution Control Board through its
Regional Officer, SPL-2, Phase-I, Marudhar Industrial Area,
Basni, Jodhpur-342005
Email-rorpcb.jodhpur@gmail.com

5. M/s J. R. C (Jora Ram Chowdhary)
through its Director/ Proprietor
Saran Nagar - A, Banar Road,
Jodhpur-342027 (Rajasthan)

.....**Respondents**

Date: 11/03/2024

Place: Bhopal

Filed By:

Rohit Sr.

(Anoop Agarwal & Rohit Kumar Tuteja, Advocates)
230, Lawyers Chambers,
E-Block, Rajasthan High Court, Jaipur
Mobile No. 9462001295
adv.anoop10@gmail.com

ASR

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
(CZ), BHOPAL(MP)

EXECUTION APPLICATION NO.**3**./2024

IN

ORIGINAL APPLICATION No. 54/2023

BETWEEN:

Ajay Singh Kachawah
S/o Shri Anand Singh Kachawah
R/o Pratap Nagar, Near Royalty Naka,
Sursagar Road, Jodhpur, Rajasthan
Email: adv.anoop10@gmail.com
Mobile no. 94620 01295

.....**Applicant**

VERSUS

1. State of Rajasthan through
District Collector, Jodhpur - 342035
Email-jodhpur.collector@gmail.com
2. The Commissioner,
Jodhpur Nagar Nigam (North)
Polytechnic College Campus,
Residency Road, Jodhpur
Email- nnjnorth@gmail.com
3. The Commissioner,
Jodhpur Nagar Nigam (South)
Polytechnic College Campus,
Residency Road, Jodhpur
Email- ceo_nmj@rediffmail.com
4. Rajasthan State Pollution Control Board through its
Regional Officer, SPL-2, Phase-I, Marudhar Industrial Area,
Basni, Jodhpur-342005
Email-rorpcb.jodhpur@gmail.com
5. M/s J. R. C (Jora Ram Chowdhary)
through its Director/ Proprietor
Saran Nagar - A, Banar Road,
Jodhpur-342027 (Rajasthan)

.....**Respondents**



EXECUTION APPLICATION UNDER SECTION 25 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 SEEKING DIRECTIONS AGAINST THE RESPONDENTS FOR EXECUTION OF THE ORDER DATED 21.07.2023 PASSED IN ORIGINAL APPLICATION NO. 54/2023 TITLED AS AJAY SINGH KACHAWAH VS STATE OF RAJASTHAN & OTHERS.

It is most humbly submitted by the Applicant as under: -

1. That the Applicant is resident of the place mentioned in the memorandum of parties. Since, the Applicant seeking direction against the illegal action of the respondents as respondents have failed to execute the order dated 21.07.2023 passed by this Hon'ble Tribunal and permitted illegal operation of municipal solid waste (where hazardous waste is also dumped) dumping site within the residential area. The Applicant is entitled to invoke the jurisdiction of this Hon'ble Tribunal and this Hon'ble Tribunal has got the jurisdiction to entertain the present matter under section 25 of the National Green Tribunal Act, 2010 (hereinafter, the 'NGT Act').
2. That the workers of Nagar Nigam, individuals, shopkeepers are dumping their solid waste in the open area illegally created by the Nagar Nigam, Jodhpur and the contractors working for it. The solid waste includes medical waste, hazardous waste from small industrial units, household waste, waste from hotels, restaurants etc. The photographs related to illegal dumping of waste are annexed herewith and marked as **Annexure -A/1**.
3. That the illegal dumping site has seriously violated the right to life of nearby residents, as they are unable to breath properly. The threat to local residents is increasing day by day from number of commercial vehicles (which includes hoopers, trucks,



etc.) plying; scavenging animals have become aggressive as waste from meat shops and hotels is being dumped, poisonous smell round the clock at the dumping site.

4. That the applicant came to know that the Commissioner, Nagar Nigam, Jodhpur vide letter dated 12.12.2019 requested the Jodhpur Development Authority for allotment of land for establishing waste dumping site. In reference to the said letter, the Jodhpur Development Authority vide letter dated 30.12.2019 allotted a land for the said waste dumping site at Khasra no. 680/1, 680/2 and 681/1 in village Geva. However, since 2019, the officials of Nagar Nigam, Jodhpur and the contractor have not made any efforts to shift the waste dumping site from residential area.

It is pertinent to mention here that the officials of the Nagar Nigam are working hand in gloves with the private contractor and providing monetary benefits to the contractor, by allowing him to illegally operate the waste dumping site in the residential area. If the site is shifted from residential area to the outskirts of city, the cost of waste collection for the contractor will increase, therefore, just to provide monetary benefits to private contractors, the respondents have left the local residents to die.

5. That the Government of India is providing funds directly to the local bodies i.e. Nagar Nigam for clean India and for development of scientific disposal waste site. However, the officials of the Nagar Nigam are completely misusing their powers and have completely failed to perform their duties.



6. That the applicant left with no other remedy approached this Hon'ble Tribunal by way of original application no. 54/2023 titled as Ajay Singh Kachwah Vs State of Rajasthan & Others. The said original application was disposed by the Hon'ble Tribunal by order dated 21.07.2023 with the directions as follows:-

““5. In absence of any violation of any statutory rule in establishing dumping yard at the place in question, we do not find that any right is vested in the applicant to seek a direction for its shifting to another place. However, if what the applicant has stated is correct that some other land in village Geva has been allotted to Nagar Nigam Jodhpur as waste dumping yard, the matter may be examined by Commissioner Nagar Nigam, Jodhpur in consultation with Rajasthan State Pollution Control Board and representatives of local residents where dumping yard in question is situated and take appropriate action so that no inconvenience or minimum inconvenience is caused to local residents.

6. The matter may be examined/considered by Commissioner Nagar Nigam, Jodhpur, as directed above, within a period of 2 months and appropriate action in accordance with law be taken accordingly.”

The copy of the Hon'ble Tribunal order dated 21.07.2023 is annexed herewith and marked as **Annexure-A/2**.

7. That the applicant had also served a legal notice for execution notice of the directions passed by this Hon'ble Tribunal vide order dated 21.07.2023, however, no action has been taken by the respondents in this regard. Therefore, the applicant has approached this Hon'ble Tribunal for execution of the directions



dated 21.07.2023. The copy of the legal notice is annexed herewith and marked as **Annexure-A/3**.

Prayer

In view of the aforesaid facts and circumstances, it is therefore most respectfully and humbly prayed that this Hon'ble Tribunal may be pleased to accept and allow the present execution application and respondents be directed to implement the directions dated 21.07.2023 passed by the Hon'ble Tribunal in original application no. 54/2023.

Date: 11/03/2024

Place: Bhopal


Applicant

Through Counsel

(Anoop Agarwal & Rohit Kumar Tuteja Advocates)
230, Lawyers Chambers,
E-Block, Rajasthan High Court, Jaipur
Mobile No. 9462001295
adv.anoop10@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
(CZ), BHOPAL (MP)

ORIGINAL APPLICATION No...**3**./2023

In the Matter of:

APPLICANT: Ajay Singh Kachawah

/Versus//

RESPONDENTS: State of Rajasthan & Others

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Date: 11/03/2024

Place: Bhopal

Filed By :

Rohit 192

(Anoop Agarwal & Rohit Kumar Tuteja Advocates)

230, Lawyers Chambers,

E-Block, Rajasthan High Court, Jaipur

Mobile No. 9462001295

adv.anoop10@gmail.com

Images Showing Municipal Solid Waste







Annexure- A/2

Item No.01

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH, BHOPAL**

(By Virtual Mode)

Original Application No.54/2023(CZ)

Ajay Singh Kachawah

Applicant(s)

Versus

State of Rajasthan & Others

Respondent(s)

Date of hearing: 21.07.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Rohit Kumar Tuteja, Advocate

ORDER

1. This Original Application, under Section 14,15 and 18 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') has been preferred by Ajay Singh Kachawah alleging that Nagar Nigam Jodhpur has established a solid waste dumping yard in front of Pratap Nagar Royalty Naka on Sursagar Road causing huge pollution and foul smell in the locality creating health hazards to residents since the dumping yard is in a residential area and it is also not being managed and handled properly. Our attention is drawn to photographs showing that solid waste is scattered on road and huge quantity of solid waste outside the dumping yard has been collected. It is also said that Commissioner, Nagar Nigam, Jodhpur vide letter dated 12.12.2019 requested Jodhpur Development Authority to allow another site for waste dumping outside abadi area pursuant whereto Jodhpur Development Authority vide letter dated 30.12.2019 has allotted land at Khasra no. 680/1, 680/2 and 681/1 at village Geva at district Jodhpur but the said place is not being used as a dumping yard instead the dumping yard at Sursagar road in a most haphazard, illegal and irregular is being managed creating inconvenience

to residents in the locality due to foul smell and scattered solid waste on roads etc.

2. From record we find that dumping yard at the site is existing for last more than 10 years and in fact it is being used as a transfer station in as much as solid waste/ municipal waste collected from different localities temporarily dumped at the Sursagar road and there from it is transferred to another place for processing etc.

3. Learned counsel for applicant, though stated that dumping yard in question violates provisions of Solid Waste Management Rules, 2016, but despite repeated query could not show even a single provision of the aforesaid Rules which is being violated by the dumping yard in question.

4. Whenever a dumping yard is established at any place one or the person normally used to raise objections which we have seen in a large number of cases and it is a matter of experience of this Tribunal. However mere objection or protest will not justify a direction for its shifting unless it is shown that it is not being maintained in accordance with law.

5. In absence of any violation of any statutory rule in establishing dumping yard at the place in question, we do not find that any right is vested in the applicant to seek a direction for its shifting to another place. However, if what the applicant has stated is correct that some other land in village Geva has been allotted to Nagar Nigam Jodhpur as waste dumping yard, the matter may be examined by Commissioner Nagar Nigam, Jodhpur in consultation with Rajasthan State Pollution Control Board and representatives of local residents where dumping yard in question is situated and take appropriate action so that no inconvenience or minimum inconvenience is caused to local residents.

6. The matter may be examined/considered by Commissioner Nagar Nigam, Jodhpur, as directed above, within a period of 2 months and appropriate action in accordance with law be taken accordingly.

7. With above direction, the application is disposed of.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

July 21, 2023
Original Application No. 54/2023(CZ)
N

Rohit Kumar Tuteja Advocate

230, Lawyers Chambers, E-Block, Rajasthan High Court Jaipur,

Mobile 9462001295

[Email-adv.anoop10@gmail.com](mailto:adv.anoop10@gmail.com)

To,

1. The District Collector,
Jodhpur, Rajasthan
2. The Commissioner,
Jodhpur Nagar Nigam (South)
Jodhpur, Rajasthan.
3. The Commissioner,
Jodhpur Nagar Nigam (North)
Jodhpur, Rajasthan.
4. Regional Officer,
Regional Office,
Rajasthan State Pollution Control Board,
Jodhpur, Rajasthan

LEGAL NOTICE FOR EXECUTION OF HON'BLE NGT ORDER
DATED 21.07.2023 IN OA NO. 54/2023 AJAY SINGH KACHAWAH VS
STATE OF RAJASTHAN & OTHERS

Sir(s),

Under instructions from and on behalf of my client namely Mr. Ajay Singh Kachawah son of Shri Anand Singh Kachawah, R/o Pratap Nagar, Near Royalty Naka, Sursagar Road, Jodhpur, Rajasthan, hereby serve upon all of you this notice legal notice as under:-

1. That my client had filed an original application before the Hon'ble National Green Tribunal bearing original application no. 54/2023 titled as Ajay Singh Kachawah vs State of Rajasthan & others. The original application was disposed by the Hon'ble Tribunal with the following observation: -

“5. In absence of any violation of any statutory rule in establishing dumping yard at the place in question, we do not find that any right is vested in the applicant to seek a direction for its shifting to another place. However, if what the applicant has stated is correct that some other land in village Geva has been allotted to Nagar Nigam Jodhpur as waste dumping yard, the matter may be examined by Commissioner Nagar Nigam, Jodhpur in consultation with Rajasthan State Pollution Control Board and representatives of local residents where dumping yard in question is situated and take appropriate action so that no inconvenience or minimum inconvenience is caused to local residents.

6. The matter may be examined/considered by Commissioner Nagar Nigam, Jodhpur, as directed above, within a period of 2 months and appropriate action in accordance with law be taken accordingly.”

2. That in compliance of the directions passed by the Hon’ble Tribunal, the matter should have been examined by the concerned authorities within two months and appropriate action should have also been initiated for redressal of the grievances raised in the original application. However, till date action has not been taken by the concerned authorities for shifting of the waste dumping yard from the residential area.
3. That the concerned authorities have failed to execute the directions passed by the Hon’ble Tribunal by its order dated 21.07.2023, in its letter and spirit.
4. That the Nagar Nigam, Jodhpur vide letter dated 12.12.2019 has requested the Commissioner, Jodhpur Development Authority for allotment of land for developing waste dumping site. The Jodhpur Development Authority vide letter dated 30.12.2019 allotted a land at

village Geva at Khasra no. 680/1, 680/2 and 681/1 for establishing the waste dumping site. Even after allotment of land, the dumping yard has not been shifted from the residential area just to benefit few individuals/contractors, which clearly shows that the concerned government officials have intentionally disrespected the directions of the Hon'ble Tribunal.

It is, therefore, advised through this legal notice to remove the waste dumping site from residential area, within 7 days of this notice, failing which my client will be forced to file an execution application before the Hon'ble National Green Tribunal in this regard, at your costs and risk.



(Rohit Tuteja)

Advocate

A copy of this notice has been retained in my office for necessary legal action against you if you fail to comply with.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
(CZ), BHOPAL (MP)

EXECUTION APPLICATION NO.**3**.../2024

IN

ORIGINAL APPLICATION No. 54/2023

In the Matter of:

AJAY SINGH KACHAWAH APPLICANT

//Versus//

STATE OF RAJASTHAN & OTHERS

.....RESPONDENTS

Affidavit

I, Ajay Singh Kachawah S/o Shri Anand Singh Kachawah aged about Years, R/o Pratap Nagar, Near Royalty Naka, Sursagar Road, Jodhpur, Rajasthan, do hereby take oath and state as under:-

1. That I am Applicant and well conversant with the facts of the case and thus competent to depose this affidavit.
2. That the accompanying application has been drafted and prepared by my counsel under my instructions and the same are based on the records and has been read over by me and I have understood the same.
3. That the contents of Execution Application and Annexures filed with the accompanying application are true and correct copies of their respective.



ATTESTED
NOTARY
JAIPUR (RAJ) INDIA
VERIFICATION - 11 MAR 2024

DEPONENT

I, the above named deponent, do hereby solemnly affirm that the contents of Para No.1 to 3 of the above affidavit are true to my personal knowledge. Nothing has been concealed in it. No part of it is false. So help me God.

ATTESTED
NOTARY
JAIPUR (RAJ) INDIA

DEPONENT

11 MAR 2024

VAKALATNAMA

In the Hon'ble National Green Tribunal, Central Zonal Bench, Bhopal

Original Application No. 3.../2024

Ajay Singh Kachawah

Versus

State of Rajasthan & Others

KNOW ALL MEN By these presents that I/we the undersigned **Ajay Singh Kachawah S/o Shri Anand Singh Kachawah R/o Pratap Nagar, Near Royalty Naka, Sursagar Road, Jodhpur, Rajasthan** in the above case do hereby make, constitute and appoint **Shri Anoop Agarwal & Shri Rohit Kumar Tuteja Advocates** my/our true and lawful attorneys, for me/us in my/our draw, make, present, withdraw, amend, represent and verify plaints or written statements and to make, to present applications or petitions to the Court, to present withdraw and receive documents and any money from the Court or from the opposite party either in execution of the decree or otherwise, and on receipt of payment thereof to sign and deliver for me/us proper receipts and discharge for the same, to compromise or to refer the case to arbitration, to seek execution of the decree or any orders in the case, to draw, make present, withdraw, amend and represent any memorandum of appeal or cross objections in any appeal arising or to seek reviews or revision of any judgment, decree or order in the case, to appear, conduct and plead in all such appeals/revision and reviews, and to do all other lawful acts and things as effectually as I/we could do the same whether being personally present or otherwise, My/our said counsel is/are also hereby authorized and empowered to instruct, engage or appoint any other counsel or counsels to appear, plead and act with or for him/them is his/their absence or otherwise as my/our said counsel may think proper to do so, all acts of such counsel or counsels shall be equally and similarly binding on me as if done be my/our said counsel and as if done by me/us personally.

I/We hereby agree that if any part of the said counsel's fee remains unpaid before the first hearing of the case, or if any hearing of the case be fixed on tour or at any other place except the user Court premises, then my/our said counsel will not be bound to appear before the Court. The counsel's fee now settled and agreed to counsel to fresh fees. I/We also agree that I/We will be present on each date fixed in Court either in person or through an authorized Person, and if the case be dismissed in default or if it be proceeded ex-party under any circumstances whatsoever the said counsel shall not be held responsible for the same and all whatsoever my/our said counsel do in connection with the said case, I/We do hereby agree to ratify and confirm. Any costs awarded in the case at any time in my/our favour shall from part of the counsel's claim and shall be payable to him/them in addition to hi/their fees in the case.

IN WITNESS WHEREOF I/we have hereto set my/our hand (s) at.....
this..... day of..... and delivered to the said counsel (s)


Applicant

Anoop Agarwal & Rohit Kumar Tuteja Advocates
230, Lawyers Chambers,
E-Block, Rajasthan High Court, Jaipur
Mobile No. 9462001295
adv.anoop10@gmail.com