

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI**

Original Application No. 26/2018 (CZ)

(M.A. No. 124/2018)

Pritam Joshi

Applicant

Versus

State of Rajasthan & Ors.

Respondents

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Dated 27/03/2020

Place Bhopal

SHOEB H KHAN

COUNSEL FOR STATE OF RAJASTHAN

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 26/2018 (CZ)
(M.A. No. 124/2018)

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Applicant

Versus

State of Rajasthan & Ors.

Respondents

FACTUAL ACTION TAKING REPORT IN COMPLIANCE OF
THE ORDERS DATED 06.02.2020 & 13.07.2020 PASSED

BY THIS HON'BLE NATIONAL GREEN TRIBUNAL

That I am SURESH KUMAR OLA (CMC, Jodhpur) Respondent no. _____ in the instant Original Application and fully conversant with the facts of the case and as such competent to swear on this affidavit.

2. It is most respectfully submitted that, in compliance of the orders dated 06.02.2020 and 13.7.2020 passed by this Hon'ble Tribunal, this action taking report is being filed with respect to Soorsagar Lake Water Body in the Jodhpur City with respect to its mapping survey and boundary determination. Further, the geographical area around Soorsagar Lake has been notified as protected under Section 4 of the Rajasthan Lake (Protection and Development) Authority Act, 2015.



 07/09/2020
NOTARY, JODHPUR

3. It is most respectfully submitted before this Hon'ble Tribunal that in exercise of the powers conferred under Section 4 of the Rajasthan Lake (Protection and Development) Authority Act, 2015 (Act No.5 of 2015), the State Government on the recommendation of the Rajasthan Lake Development Authority No.F-8(Lake)(26)(DLB)/2018/429 dated 10.08.2020 has declared and specified the lake area along with the boundaries of the Soorsagar Lake and geographical area around it as protected area which is situated in Village Bagan of, District Jodhpur. That the Notification of the Government of Rajasthan Local Self Government Department dated 10.8.2020 is annexed herewith and marked as **ANNEXURE C-1**. That the boundaries of the lake and protected area has been described in this notification No.F8(Lake)(26) Rules (DLB)/2018/ 429 dated 10.08.2020.



4. That the map of the lake boundary and the protected area as shown in the said notification and is also available in the office of the Rajasthan Lake Development Authority.

5. That, it is respectfully submitted that the khasra wise details of the area falling within the boundary of the lake and those protected area of village Bagan, District Jodhpur has also been prescribed in details in this notification which are nos. 853, 854/1, 854, 856, 857, 858, 855, 855/1, 861, 862, 860, 863, 859, 866 & 867 which is about 52.03 hectares in total, out of which area included in lake in hectare is 10.21, area declared as protected in hectares is 2.82 and the remaining area in hectares is 39, total area included in lake plus protected area is 13.03 hectares.

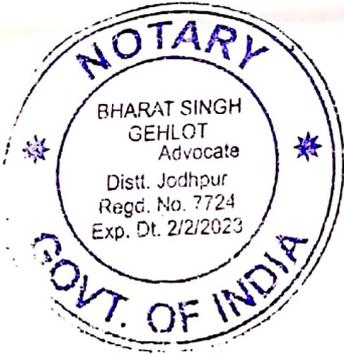

NOTARY JODHPUR



6. That it is further most respectfully submitted that while exercising powers under Section 4 of the Rajasthan Lake (Protection and Development) Authority Act, 2015 (Act No.5 of 2015) the Government of Rajasthan has also laid out the activities which are prohibited in the geographical boundaries of the Soorsagar Lake and activities which can be carried out in the geographical boundaries of the Soorsagar Lake. Copy of the notification no.F-8(Lake)/(26)/DLB/2018/451 dated 10.8.2020 is annexed herewith and marked as **Annexure C/2.**

7. It is further most respectfully submitted that, this Hon'ble Court vide its order dated 13.07.2019 had directed for compliance of the order dated 06.02.2020 in which costs of Rs 10,000(Ten Thousand) was imposed on the Collector Jodhpur which has been deposited on 06.08.2020. Copy of receiving of the amount of Rs.10,000/- (Rupees Ten Thousand Only) with the NGT Bar Association, Bhopal is annexed herewith and marked as **ANNEXURE C-3.**

8. That, before parting with the submissions, it is most respectfully submitted that the State Government and its authorities are forever committed towards protection of the said Soorsagar Lake Water Body against any encroachment and illegality and which will be ensured in letter and spirit. It is therefore most respectfully prayed that this action taking report may kindly be taken on record.




NOTARY, JODHPUR



PRAYER

It is therefore most respectfully prayed before this Hon'ble Tribunal, that this Report may kindly be taken on record in compliance of the order dated 06.02.2020 & 13.07.2020 in the interest of justice.


DEPONENT

VERIFICATION

I, the above named deponent, do hereby verify that the contents of the above made affidavit are true and correct and no material part has been concealed or suppressed.

Signed and verified on this ---7--- day of September 2020 at --- *Jodhpur* ---
----- (District) Rajasthan


DEPONENT



11/8/20
IDENTIFIED BY
(24/11/23/9/CC/1)

ENTERED IN NOTARY REGISTER AT SERIAL
No. *0716* of *2020*.
(BHARAT SINGH GEHLOT)
NOTARY, JODHPUR

ATTESTED
30/07/2020
NOTARY, JODHPUR

6

Annexure C-1

**GOVERNMENT OF RAJASTHAN
LOCAL SELF GOVERNMENT DEPARTMENT**

No. F-8(Lake)(26)Rules/DLB/2018/ 429

Jaipur, Dated 10/08/2020

Notification

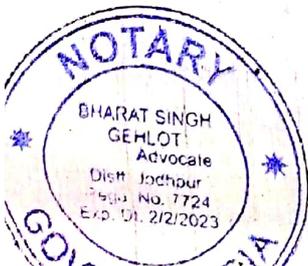
In exercise of the powers conferred by section 4 of the Rajasthan Lakes (Protection and Development) Authority Act, 2015 (Act No.5 of 2015), the State Government on the recommendation of the Rajasthan Lakes Development Authority, hereby declares and specifies lake area along with the boundaries of Soorsagar Lake and geographical area around it as a protected area situated in villages Bagan of Tehsil Jodhpur, District Jodhpur as shown in map and details of khasara numbers given below :-

Boundaries of Lake' & Protected area

	<u>Lake Boundary</u>	<u>Protected Area</u>
(a) Northern Side	Surrounded by Part of khasra No. 859, 860 and 861 of village Bagan as shown in the map given below.	Surrounded by Forest Department and khasra No. 859 as shown in the map given below.
(b) Southern Side	Surrounded by Part of khasra No. 861, 867, 863, 854/1 and 853 of Village Bagan and out side of khasra No. 868, 871, 872, 831, 832, 852 and 851 of village Bagan as shown in the map given below.	To chandpole road and kharbhujia bawari, khasra No. 851, 865, 871, and 872 as shown in the map given below.
(c) Eastern Side	Surrounded by khasra No. 862, 867 and 868 of village Bagan, Raavti road.	To Raavti road, Balasamand Road, khasra No. 862, 867 and 868 as shown in the map given below.
(d) Western Side	Surrounded by khasra No. 859, 855 and 858 of village Bagan as shown in the map given below.	khasra No. 859, Aabadi and Dadhichgarh as shown in the map given below.

The Map of the lake boundary and the protected area is shown in the map given below and is also available in the office of the Rajasthan Lakes Development Authority for perusal.

The Khasra wise details of the area falling within the boundary of the lake and those of the protected area of village Bagan, Tehsil Jodhpur , District Jodhpur, are as under:-



Bhawani Singh Detha
Secretary, LSG Deptt.

BS

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15. Collector and Chairman District level Lakes (Protection and Development) Committee Jodhpur.
16. Commissioner Nagar Nigam and Member Secretary, District level Lakes (Protection and Development) Committee Jodhpur.
17. Superintendent, Central Govt. Press for publication in the next extra ordinary Gazette and sending 20 copies to this Department.
18. Programmer to upload a copy of Depearment website.
19. CMAR to upload a copy of Depearment website.
20. Guard file.

(Sanjay Mathur)
Senior joint Legal Remembrance

Bhawani Singh Detha
Secretary, LSG Deptt.

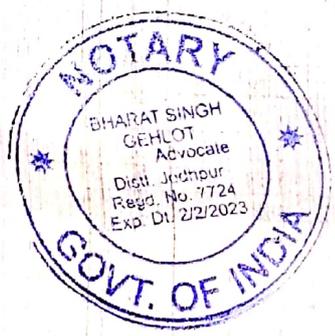


PHOTO COPY ATTESTED
10/07/2020

Details of khasara Nos. of Village Bagan, Tehsil Jodhpur District Jodhpur

S.no.	Khasara No.	Total area of Khasara (in Hact.)	Area included in Lake (in Hact.)	Area declared as protected (in Hact.)	Remaining area (in Hact.)
1	853	1.00	0.67	0.18	0.15
2	854/1	0.65	0.22	0.34	0.09
3	854	0.86	0.86	0.00	0.00
4	856	0.01	0.01	0.00	0.00
5	857	2.62	2.57	0.00	0.05
6	858	0.16	0.03	0.04	0.09
7	855	0.84	0.84	0.00	0.00
8	855/1	0.02	0.02	0.00	0.00
9	861	0.98	0.26	0.07	0.65
10	862	1.95	1.33	0.43	0.19
11	860	3.82	2.14	0.28	1.40
12	863	0.83	0.83	0.00	0.00
13	859	36.91	0.26	1.48	35.17
14	866	0.07	0.07	0.00	0.00
15	867	1.31	0.1	0.00	1.21
	Total in Hect.	52.03	10.21	2.82	39.00
	Total Area (Included in Lake + Protected Area)		13.03		

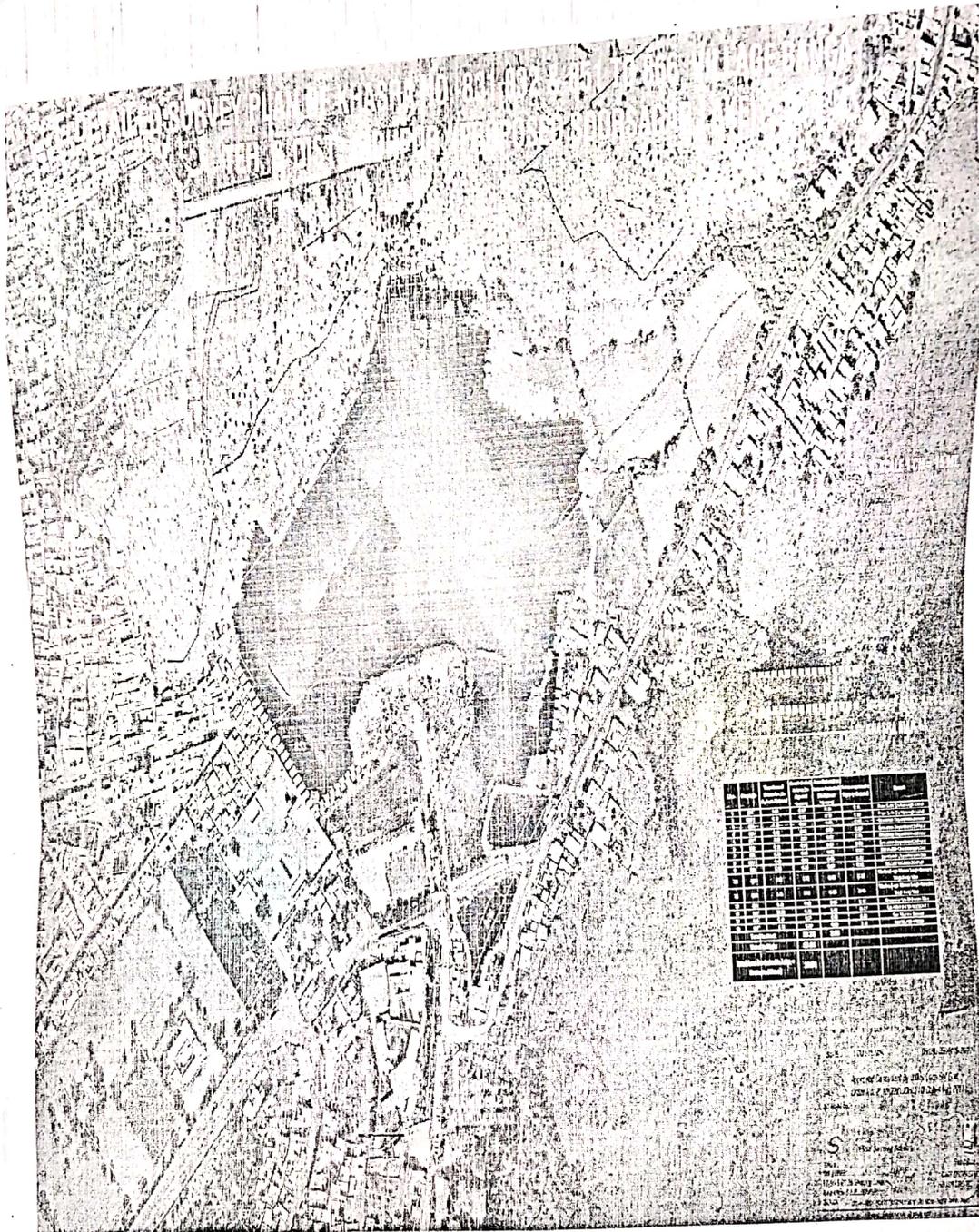
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Bhawani Singh Detha
Secretary, LSG Deptt.

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 07/09/2020
 NOTARY, JODHPUR

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Bhawani Singh Detha
Secretary, LSG Deptt.

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PHOTO COPY ATTESTED
14/07/2020

(10)

Any person aggrieved by the Notification may file his objections or suggestions before the State Government in the office of the Special Secretary and Director Local Bodies, G-3, Rajmahal Residency Area, Civil Line phatak, Jaipur within two months from the date of publication of this notification. This notification is final until modified or withdrawn by the State Government.

By Order of the Governor,

(Bhawani Singh Detha)
Secretary, Government of Rajasthan
Secretary, LSG Deptt.

No.F.8 (Lake) (26) DLB/2018/ 430 - 450

Jaipur, Date 10/08/2020

1. P.S. to Pr. Secretary to Hon'ble Chief Minister, Rajasthan.
2. P.S. to Hon'ble Minister for Local self Government Department, Rajasthan.
3. P.S. to Additional Chief Secretary, Finance Department, Rajasthan, Jaipur.
4. P.S. to Pr. Secretary, Environment and Forest Department, Rajasthan, Jaipur.
5. P.S. to Pr. Secretary, Revenue Department, Rajasthan, Jaipur.
6. P.S. to Pr. Secretary, U.D.H. Department, Rajasthan, Jaipur.
7. P.S. to Secretary, Local self Government Department and Chairman Rajasthan Lakes Development Authority.
8. P.S. to Secretary, Water Resources Department, Rajasthan, Jaipur.
9. P.S. to Special Secretary & Director, Panchayatiraj Department, Rajasthan..
- 10.P.S. to Pr. Chief Conservator of Forest, Rajasthan, Jaipur.
- 11.P.S. to Member Secretary, Rajasthan Pollution Control Board, Rajasthan Jaipur.
- 12.Director Local Bodies & Member Secretary, Rajasthan Lakes Development Authority Rajasthan jaipur.
- 13.Director, Tourism Department, Rajasthan, Jaipur.
- 14.Director, Fisheries, Rajasthan, Jaipur.

8/8

Bhawani Singh Detha
Secretary, LSG Deptt.

(11)

Annexure C-2

GOVERNMENT OF RAJASTHAN
LOCAL SELF GOVERNMENT DEPARTMENT

No. F-8(Lake)(26)DLP/2018/ 451

Jaipur, Dated 10/08/2020

Notification

In exercise of the powers conferred by section 5 of the Rajasthan Lakes (Protection and Development) Authority Act, 2015 (Act No. 5 of 2015), the State Government hereby specifies that for protection and development of the Soorsagar Lake situated in village Bagan, Tehsil Jodhpur, District Jodhpur.

- (a) Following activities shall be prohibited in the geographical boundaries of the Soorsagar Lake and in its protected area:-
- (i) Removal, excavation, grading or degrading of soil, sand, gravel, minerals, organic matter or material of any kind except for lake preservation/conservation;
 - (ii) Dumping, discharging or filling with any material except for the preservation/conservation of the lake;
 - (iii) Draining, flooding or disturbing of the water level or water table;
 - (iv) Driving of pilings;
 - (v) Placing of obstruction affecting inflows, overflows, storage, navigation, safety and security etc;
 - (vi) Destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, planting that would alter the character of a regulated wetland;
 - (vii) Activities that result in a significant or adverse change in water temperature, a significant or adverse change of physical or chemical characteristics of wetland water sources including quantity or the introduction of pollutants; and
 - (viii) Discharge of drainage.
- (b) Following activities may be carried out in the geographical boundaries of the Soorsagar Lake and its protected area after obtaining permission from the Rajasthan Lakes Development Authority :-
- (i) Boating for tourists;
 - (ii) Adventure water Sports;
 - (iii) Other water games;



Bhawani Singh Detha
Secretary, LSG Deptt.

(2)

- (iv) Bird sanctuary;
- (v) Activities related to conservation or preservation of soil, water, vegetation, fish, shellfish and other wild life that does not entail changing the structure or functions and character of the existing wetland adversely;
- (vi) Outdoor recreational activities including fishing, bird watching, hiking, boating, horse riding, swimming, canoeing, and bicycling etc;
- (vii) Maintenance of drainage ditches to original specifications;
- (viii) Carrying out studies, survey, investigation, research, etc;
- (ix) Educational, scientific research and use of nature trails;
- (x) Installation of navigation aids and boundary markers;
- (xi) Activities for minimal soil disturbance for site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored etc;
- (xii) Ecotourism sans creating of concrete jungle around the lake;
- (xiii) Activities related to maintenance, safety & protection of lake and associated structure; and
- (xiv) The construction, re-construction, demolition, expansion or alteration of any structure including driving of piles considered expedient for the protection, safety and improvement of the lake and its associated structures;

This notification is final until modified or withdrawn by the State Government.

By Order of the Governor,

(Bhawani Singh Detha)
Secretary, LSG Deptt.
Secretary, LSG Deptt.

No.F.8 (Lake) (26) DLB/2018/ 452 - 472

Jaipur, Date 10/08/2020

1. P.S. to Pr. Secretary to Hon'ble Chief Minister, Rajasthan.
2. P.S. to Hon'ble Minister for Local self Government Department, Rajasthan.
3. P.S. to Additional Chief Secretary, Finance Department, Rajasthan, Jaipur.
4. P.S. to Pr. Secretary, Environment and Forest Department, Rajasthan, Jaipur.


Bhawani Singh Detha
Secretary, LSG Deptt.

5. P.S. to Pr. Secretary, Revenue Department, Rajasthan, Jaipur.
6. P.S. to Pr. Secretary, U.D.H. Department, Rajasthan, Jaipur.
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9. P.S. to Special Secretary & Director, Panchayatiraj Department, Rajasthan..
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- 13.Director, Tourism Department, Rajasthan, Jaipur.
- 14.Director, Fisheries, Rajasthan, Jaipur.
- 15.Collector and Chairman District level Lakes (Protection and Development) Committee Jodhpur.
- 16.Commissioner Nagar Nigam and Member Secretary, District level Lakes (Protection and Development).Committee Jodhpur.
17. Superintendent, Central Govt. Press for publication in the next extra ordinary Gazette and sending 20 copies to this Department.
- 18.Programmer to upload a copy of Depearment website.
- 19.CMAR to upload a copy of Depearment website.
- 20.Guard file.


(Sanjay Mathur)

Senior joint Legal Remembrance


Bhawani Singh Detha
Secretary, LSG Deptt.

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GOVERNMENT OF RAJASTHAN
LOCAL SELF GOVERNMENT DEPARTMENT

No. F-8(Lake)(26)Rules/DLB/2018/ 4-23

Jaipur, Dated 10/08/2020

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Boundaries of Lake' & Protected area

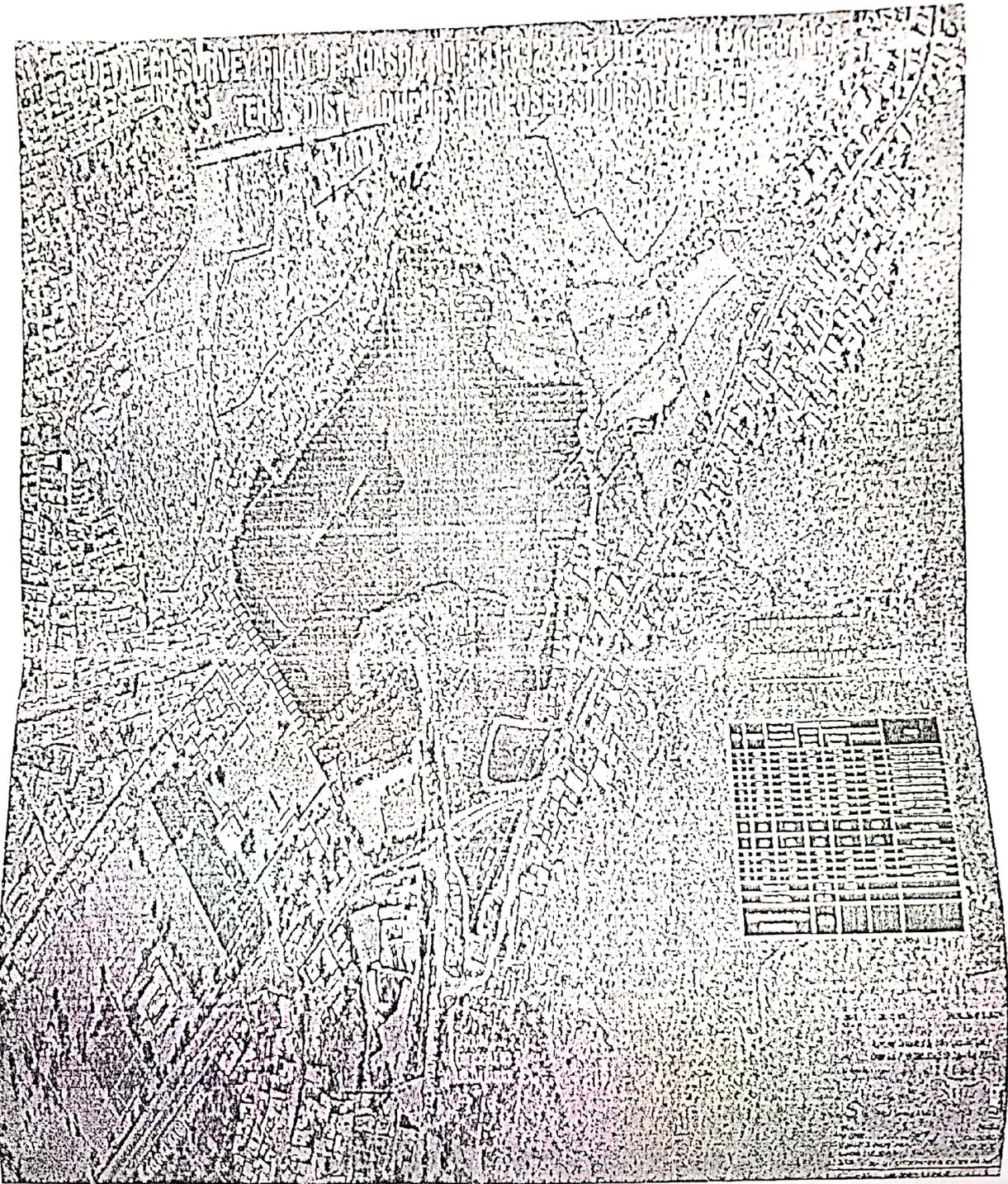
	Lake Boundary	Protected Area
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h
Bhawani Singh Detha
Secretary, LSG Deptt.

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h
Bhawani Singh Deha
Secretary, L&S Deptt.

16

Details of khasara Nos. of Village Bagan, Tehsil Jodhpur District Jodhpur

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	Total Area (Included in Lake + Protected Area)		13.03		


Bhawani Singh Detha
Secretary, LSG Deptt.

(17)

Any person aggrieved by the Notification may file his objections or suggestions before the State Government in the office of the Special Secretary and Director Local Bodies, G-3, Rajmahal Residency Area, Civil Line phatak, Jaipur within two months from the date of publication of this notification. This notification is final until modified or withdrawn by the State Government.

By Order of the Governor,

(Bhawani Singh Detha)
Secretary, Bhawani Singh Detha
Secretary, LSG Deptt.

No.F.S (Lake) (26) DLB/2018/ 430 - 450

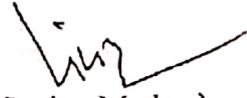
Jaipur, Date 10/08/2020

1. P.S. to Pr. Secretary to Hon'ble Chief Minister, Rajasthan.
2. P.S. to Hon'ble Minister for Local self Government Department, Rajasthan.
3. P.S. to Additional Chief Secretary, Finance Department, Rajasthan, Jaipur.
4. P.S. to Pr. Secretary, Environment and Forest Department, Rajasthan, Jaipur.
5. P.S. to Pr. Secretary, Revenue Department, Rajasthan, Jaipur.
6. P.S. to Pr. Secretary, U.D.H. Department, Rajasthan, Jaipur.
7. P.S. to Secretary, Local self Government Department and Chairman Rajasthan Lakes Development Authority.
8. P.S. to Secretary, Water Resources Department, Rajasthan, Jaipur.
9. P.S. to Special Secretary & Director, Panchayatiraj Department, Rajasthan..
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12. Director Local Bodies & Member Secretary, Rajasthan Lakes Development Authority Rajasthan jaipur.
13. Director, Tourism Department, Rajasthan, Jaipur.
14. Director, Fisheries, Rajasthan, Jaipur.


Bhawani Singh Detha
Secretary, LSG Deptt.

(18)

15. Collector and Chairman District level Lakes (Protection and Development) Committee Jodhpur.
16. Commissioner Nagar Nigam and Member Secretary, District level Lakes (Protection and Development) Committee Jodhpur.
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(Sanjay Mathur)

Senior joint Legal Remembrance



Bhawani Singh Detha
Secretary, LSG Deptt.

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Annexure C-3

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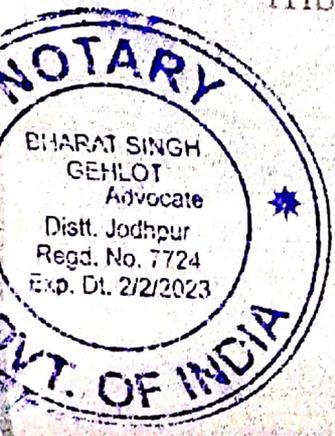
NATIONAL GREEN TRIBUNAL BAR ASSOCIATION BHOPAL
 Office At: Chamber No.608, UCI Lawyers Chamber, Arera
 Hills, Bhopal (M.P.) +919425412492 Fax No: 0755 : 925614
 Email Id:ngtstandingcounsel@gmail.co n

Date:-06/08/2020

To,
 The District Collector
 Jodhpur

RECEIPT

Received, with thanks an amount of Rs. 10,000/- (In Words,
 Rupees Ten Thousand Only) as cost which was imposed on
 06/02/2020 in O.A. No. 26/2018 (Pritam Joshi Versus State of
 Rajasthan & Ors.) pending before the Hon'ble National Green
 Tribunal, Central Zonal Bench Bhopal (M.P.)



[Handwritten signature]

[Handwritten signature]

(SACHIN K.VERMA)
 PRESIDENT
 NGT BAR ASSOCIATION
 BHOPAL (M.P.)