

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**  
**CENTRAL ZONAL BENCH AT BHOPAL, M.P.**

Original Application No. 154/2023 (CZ) and I.A. No. **99-2024**

**IN THE MATTER BETWEEN**

**NAVENDU MISHRA -**

**APPLICANT**

**//VERSUS//**

**MUNCIPAL COORPORATION OF SEONI (M.P.) & Others - NON**

**RESPONDENTS**

**APPLICATION FOR TAKING ACTION UNDER SECTION 28(1) OF THE**  
**NGT ACT, 2010**

**MOST RESPECTFULLY SHOWETH:**

Noncompliance of orders Issued by the National Green Tribunal on 8th January & 30th January 2024, O.A. No. 154/2023 (CZ) and IA 120/2023 by respondents.

1. That, in accordance with the orders of the National Green Tribunal in the ongoing case related to Dalsagar Pond, O.A. No. 154/2023, P.S. 120/2023, construction work has been halted since January. However, the Tribunal has also ordered the cleaning of grass and silt in Dalsagar. In the compliance report submitted by the municipality on 30.01.2024, it was mentioned that measures would be taken to ensure the cleaning of grass and de-silting.
2. That, from the aforementioned date until 7th May 2024, the Municipal Council Seoni did not undertake any activities related to the removal of grass or silt from Dalsagar. Subsequently, the applicant informed the Municipal Council Seoni and the district administration about these matters through a letter dated 7th May 2024. It was also pointed out that presenting behaviour contrary to their own submission in the honourable court constitutes contempt of court, and the applicant requested that the Municipal Council Seoni

promptly ensure the removal of encroachments around Dalsagar and carry out the work of grass cleaning and de-silting. (Annexure – I)

3. That, after the above letter, the municipality began the work of cutting grass, but the de-silting work was not started. Consequently, grass has regrown, which will lead to further silt accumulation in the future and will also disrupt the aquatic life. Additionally, no action has been taken to remove encroachments, and no permanent measures have been implemented to prevent the accumulation of solid waste and garbage in the shops around Dalsagar before I submitted in front of court in the month of march hearing. (Annexure – II)
4. That, in the order dated 8th January 2024, issued in the case Navendu Mishra vs. Municipal Council Seoni & Others, O.A. No. 154/2023, the honourable court had prohibited any construction work on the wetlands of Dalsagar. Despite this order, on 25th June 2024, the Municipal Council Seoni laid gravel in the wetland area of Dalsagar to create a pathway to the island and carried out levelling. (Annexure – III)
5. That, on the next day, 26th June 2024, a heavy crane was used in the morning to lift the statue of King Dalpat Shah placed on the island of Dalsagar and install it on a stand made for it. The statue was lifted from the base of the island and placed on a stand approximately 40 feet high, using iron railings, bamboo structures, etc., and fixed with cement and mortar. (Annexure – IV)
6. That, on 26th June 2024, the applicant informed the council representatives, officers, and employees present on Dalsagar Island about the order and requested to suspend the work. However, they informed me about the technicalities of the court order and stated that the work was being done under the orders of Mr. Santosh Tiwari, MLA of Seoni, and Mr. Ram Kumar Karveti, Chief Municipal Officer. They advised me to speak with them. Subsequently, I went to the Municipal Council office, where I was informed that the Chief Municipal Officer was on a visit to Jabalpur and the Engineer was not present.

7. That, in light of the entire sequence of events, it appears that the Municipal Council has been unable to comply with the court's orders and has been disregarding them.
8. That, on 28th June 2024, the applicant informed the Municipal Council and the district administration through a letter that before the next hearing, an application for contempt of court would be presented to the honourable court against the Municipal Council and the Collector Seoni. (Annexure – V)
9. That, based on the above statements, the Municipal Council Seoni and the District Administration Seoni have consistently acted in violation of the Hon'ble Court's orders and the representations made before the court. In light of these facts, it is respectfully requested that the Hon'ble Court take strict punitive action against the Municipal Council Seoni and the District Administration Seoni for contempt of court. Additionally, it is prayed that the statue be restored to its original position and the status quo as of 8th January 2024 be reestablished.
10. That, as per the order passed by the Hon'ble Court on 09.07.2024, the respondent no 1 knowingly neglected the restoration process as directed. Furthermore, despite submitting my letter to Respondent Nos. 1 and 2, no action was taken until the court-constituted committee arrived for inspection on 09.08.2024.
11. That, as per the committee's report, Respondent No. 1 also initiated new construction on the wetland of Dalsagar Lake in violation of the Hon'ble Court's stay order dated 08.01.2024.
12. That, according to the committee's observations, there is sufficient proof of tree cutting on the island located in the middle of the wetland, which is part of Dalsagar Lake. After the installation of the statue, Respondent No. 1 cut down two fully grown peepal trees solely because they obstructed the front view of the statue. This is also a violation of the Hon'ble Court's order dated 08.01.2024.

13. That, this Hon'ble Tribunal has jurisdiction under Section 28(1) of the National Green Tribunal Act, 2010, to take action for the enforcement of its orders and impose penalties as deemed appropriate.

14. In light of the above facts, the Applicant prays that this Hon'ble Tribunal be pleased to:

1. That Take action under Section 28(1) of the NGT Act, 2010, for non-compliance with the Tribunal's order dated 08/01/2024 & 09.07.2024.
2. Impose an appropriate penalty and/or initiate suitable action against the Respondents.
3. Direct the Respondent to immediately comply with the order of this Hon'ble Tribunal.
4. Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

**PRAYER**

It is therefore prayed that this Hon'ble Tribunal may kindly be pleased to that in light of the above facts, strict punitive action be taken against and impose penalty to the respondent no 1 and 2, Engineer of Municipal council Seoni for knowingly noncompliance of the honourable court's orders and acting contrary to the statements presented before the court. Additionally, it is requested that the statue be restored to its original position and the status quo as of 8th January 2024 and 09.07.2024 be reestablished.

Place : Bhopal  
Date : 09.09.2024



NAVENDU MISHRA  
COUNSEL FOR THE APPLICANT  
GIRJA KUND, SUBHASH WARD  
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+919407054284  
[navendum12@gmail.com](mailto:navendum12@gmail.com)

प्रति,

मुख्य नगर पालिका अधिकारी  
नगर पालिका परिषद, सिवनी  
मध्यप्रदेश

विषय : राष्ट्रीय हरित प्राधिकरण प्रकरण क्रमांक O.A.154/2023 IA 120/2023 में प्रस्तुत आदेशों के अनुरूप दलसागर तालाब की सफाई सुनिश्चित किए जाने बाबत

महोदय,

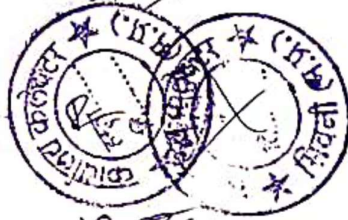
निवेदन है कि दलसागर तालाब से संबंधित प्रकरण O.A.154/2023 IA 120/2023 में राष्ट्रीय हरित प्राधिकरण के आदेशों के अनुसार निर्माण कार्य जनवरी माह से बंद है। परंतु प्राधिकरण में प्रस्तुत प्रकरण में दलसागर में लगी घास एवं सिल्ट को साफ किये जाने हेतु भी आदेशित किया गया है। राष्ट्रीय हरित प्राधिकरण के आदेश दिनांक 30.01.2024 में नगर पालिका द्वारा प्रस्तुत पालन प्रतिवेदन में कहा गया था कि पालिका extensive drive for desilting and removal of grass and other plastic material or garbage चलायेगी।

परंतु उक्त दिनांक से आज दिनांक तक आपके कार्यालय के द्वारा ऐसा कोई कार्य जो कि दलसागर से घास हटाये जाने अथवा सिल्ट हटाये जाने से संबंधित हो नहीं किया गया है। आने वाले दिनों में बारिश काभी तेजी से होगी और तालाब में पानी बढ़ जायेगा जिससे यह कार्य किया जाना संभव नहीं होगा। दलसागर तालाब के आगामी समय के सफाई अभियान और जल जीवन के स्वास्थ्य को ध्यान में रखते हुये इस कार्य का तीव्र गति से कराया जाना आवश्यक है।

साथ ही आपके द्वारा माननीय प्राधिकरण में अपने ही द्वारा दायर उत्तर के प्रतिकूल व्यवहार प्रस्तुत किया जाना माननीय प्राधिकरण की आवमानना की श्रेणी में आता है। अतः आपसे निवेदन है कि आप इस विषय पर शीघ्र अतिशीघ्र दलसागर के आसपास का अतिक्रमण हटाकर घास सफाई एवं डीसिल्टिंग का कार्य किया जाना सुनिश्चित करें। ऐसा न किये जाने पर मुझे पुनः माननीय प्राधिकरण की शरण में जाना होगा जिसकी पूर्ण जिम्मेदारी नगरपालिका प्रशासन की होगी।

धन्यवाद

सिवनी  
दिनांक 07/05/2024



आवेदक  
अधिवक्ता नवेन्दु मिश्रा  
9407054284

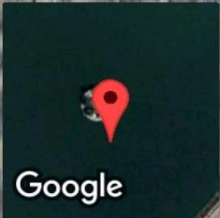
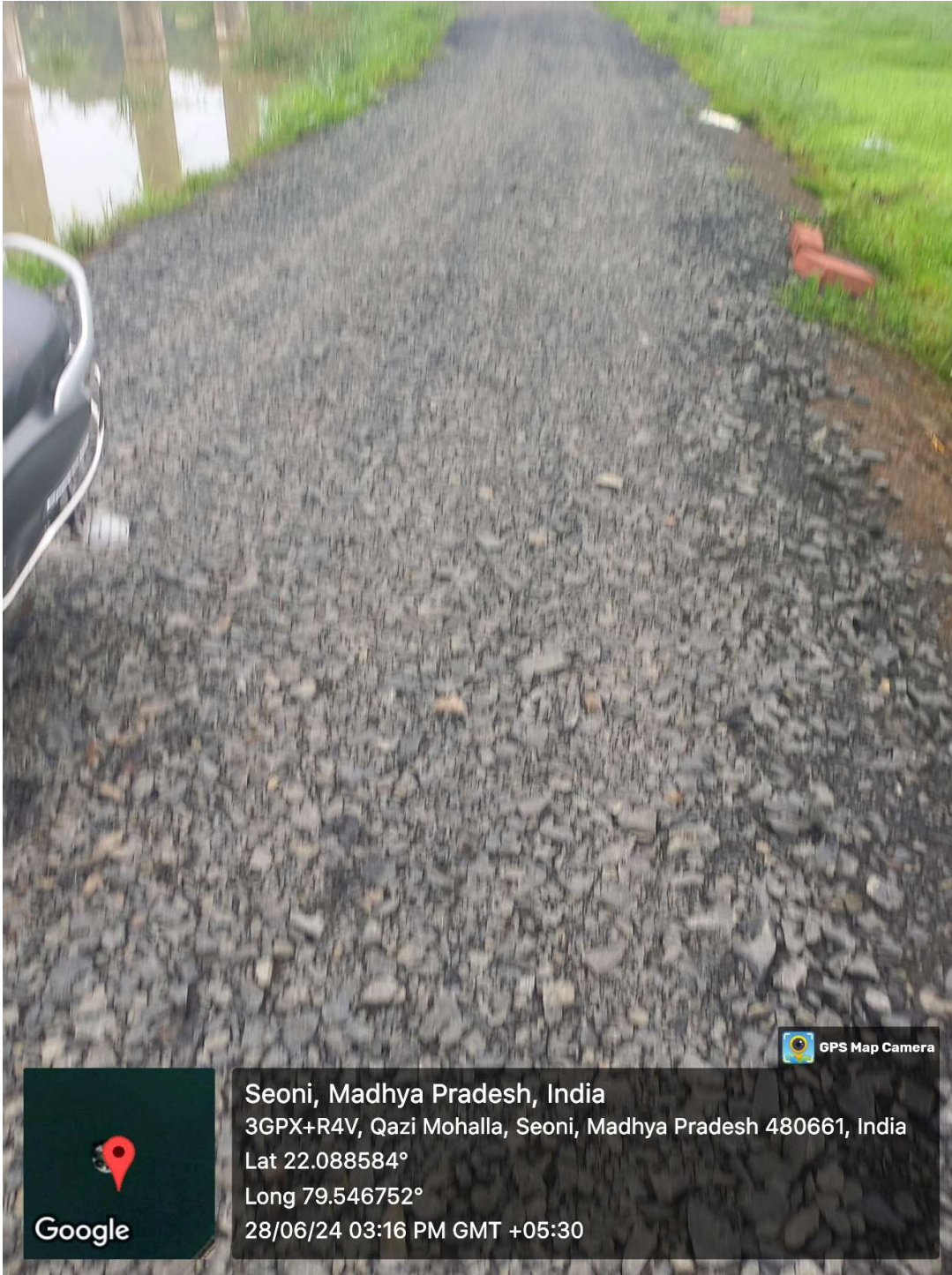
प्रतिलिपि :

1. माननीय हरित प्राधिकरण, भोपाल
2. कलेक्टर सिवनी
3. म.प्र. प्रदूषण नियंत्रण बोर्ड, जबलपुर

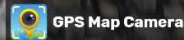
कार्यालय नगर पालिका परिषद  
सिवनी (म.प्र.)

आ/जा.क्रं.  
दिनांक 16/05/2024





Seoni, Madhya Pradesh, India  
3GPX+R4V, Qazi Mohalla, Seoni, Madhya Pradesh 480661, India  
Lat 22.088584°  
Long 79.546752°  
28/06/24 03:16 PM GMT +05:30



















प्रति,

मुख्य नगरपालिका अधिकारी  
नगर पालिका परिषद सिवनी

विषय : राष्ट्रीय हरित प्राधिकरण द्वारा जारी आदेश दिनांक 08th January, 2024 O.A. No. 154/2023 (CZ) के उल्लघन के संबंध में।

महोदय,

राष्ट्रीय हरित प्राधिकरण द्वारा नवेन्दु मिश्रा विरुद्ध नगरपालिका परिषद सिवनी वगैरह मामले में जारी आदेश दिनांक 08th January, 2024 O.A. No.154/2023 (CZ) की कण्डिका नंबर 7 में नगर पालिका को दलसागर की आर्द्र भूमि पर किसी भी प्रकार के निर्माण कार्य किए जाने पर रोक लगाई थी। परंतु उक्त आदेश को जानते हुए भी नगरपालिका परिषद सिवनी द्वारा दिनांक 25/06/2024 को दलसागर की आर्द्र भूमि में टापू तक जाने हेतु छोटी गिट्टी डलवाई गई और उसके समतलीकरण का कार्य कराया गया।

जिसके अगले दिन दिनांक 26/06/2024 को सुबह से दलसागर तालाब के टापू पर रखी राजा दलपत शाह की मूर्ति को उसके लिए निर्मित स्टैण्ड पर चढाने हेतु भारी केन का इस्तेमाल किया गया। इसके साथ ही मूर्ति को टापू के तल से उठाकर लगभग 40 फीट उंचे स्टैण्ड में स्थापित किया गया जिसके लिए लोहे की रैलिंग, बांस के स्ट्रक्चर आदि का इस्तेमाल किया गया और स्टैण्ड में सीमेंट और गारे की मदद से मूर्ति को फिक्स किया गया।

इस संबंध में मेरे द्वारा दिनांक 26/06/2024 को परिषद के जनप्रतिनिधि एवं अधिकारियों एवं दलसागर टापू पर उपस्थित कर्मचारियों को आदेश के संबंध में सूचना दिया जाकर कार्य स्थगित करने का अनुरोध किया गया परंतु उनके द्वारा कोर्ट के आदेश की तकनीकी बारिकियां मुझे बताई गईं और कहा गया कि यह विधायक सिवनी, श्री संतोष तिवारी इंजीनियर साहब और श्री राम कुमार कर्वेती मुख्य नगरपालिका अधिकारी के आदेश पर ही हो रहा है आप उनसे बात करें। तत्पश्चात मेरे द्वारा नगरपालिका परिषद कार्यालय जाया गया जहां मुझे बताया गया कि मुख्य नगरपालिका अधिकारी जबलपुर प्रवास पर हैं एवं इंजीनियर साहब अभी उपस्थित नहीं हैं।

इस पूरे घटनाक्रम के आलोक में यह प्रतीत होता है कि नगरपालिका परिषद कोर्ट के आदेश का अनुपालन करने में असमर्थ रही है साथ ही उसकी अट्टेनना कर रही है। अतः यह पत्र नगरपालिका परिषद एवं जिला प्रशासन को यह सूचित करने हेतु दिया जा रहा है कि अगली सुनवाई के पूर्व मेरे द्वारा नगरपालिका परिषद पर कोर्ट की आवमानना का आवेदन दायर किया जायेगा जिसकी पूरी जवाबदारी नगरपालिका परिषद सिवनी की होगी।

सिवनी 28/06/2024

प्रतिलिपित :

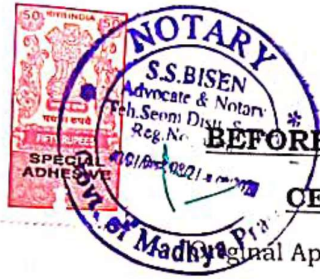
1. राष्ट्रीय हरित प्राधिकरण, भोपाल
2. कलेक्टर सिवनी
3. मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड, जबलपुर कार्यालय



जबलपुर नगरपालिका परिषद  
सिवनी (म.प्र.)

भा.जा.क. 28/06/2024

हस्ताक्षर  
अधिवक्ता नवेन्दु मिश्रा



NOTARIAL STAMP Rs. 50/-  
03 JUL 2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**

**CENTRAL ZONAL BENCH AT BHOPAL, M.P.**

Original Application No. 154/2023 (CZ) and I.A. No. 120/2023

**IN THE MATTER BETWEEN**

**NAVENDU MISHRA -**

**APPLICANT**

**//VERSUS//**

**MUNICIPAL COORPORATION OF SEONI (M.P.) & Others - NON  
APPLICATNTS**

**AFFIDAVIT**

I, Navendu Mishra, S/o Late Badri Prasad Mishra, Aged- 41 years approx., R/o. Girja Kund Subhash Ward, Seoni (M.P.), Madhya Pradesh-480661 states on solemn affirmation as under:

That being one of the Applicants in the aforesaid original application, I am well conversant with the facts and record of the case and therefore I am competent to swear this affidavit.

That I have read and understood the contents of the accompanying Interlocutory Application, which has been drafted as per my instructions and state that the contents thereof are true as per verification.

*[Signature]*  
**DEPONENT**

**VERIFICATION**

I, the abovenamed deponent do hereby verify and declare that the contents of paras No.1 & 2 of my above affidavit are true to my knowledge. No part of it is false and nothing material has been concealed therefrom.

Verified at Seoni (M.P.) on this 03rd, day of July 2024.



*[Signature]*  
**DEPONENT**