

Joint Inspection Report of the Committee

Submitted in Reference to

Hon'ble National Green Tribunal (NGT), Central Bench,

Bhopal order dated 13-03-2023 in the Matter of

Original Application No. 20/2023 (CZ)

Ashok Malik

Versus

State of Rajasthan & Others

Member of the Committee

1. Sh Sushil Kumar, Commissioner, Ajmer Municipal Corporation, Ajmer.
2. Smt. Devika Tomar, ADM (II), Nominee of District Collector, Ajmer.
3. Sh Narendra Ajmera, Ajmer Smart City Ltd. Ajmer.
4. Sh Deepak Tanwar, EE & Regional Officer, RSPCB, Kishangarh (Nodal Officer)

Joint Inspection Report of the Committee

In compliance of the Hon'ble National Green Tribunal (NGT) Central Bench, Bhopal order dated 13.03.2023, in the matter of Original Application No. 20/2023 (CZ), Ashok Malik versus State of Rajasthan and Others, the Committee of following 04 members visited Anasagar lake and its periphery on two dates – 04/04/2023 and 18/04/2023 to record the factual situation and actions required to be taken:

1. Sh. Sushil Kumar, Commissioner, Ajmer Municipal Corporation, Ajmer.
2. Smt. Devika Tomar, ADM (II), Nominee of District Collector, Ajmer.
3. Sh Narendra Ajmera, Ajmer Smart City Ltd., Ajmer
4. Sh Deepak Tanwar, EE & Regional Officer, RSPCB, Kishangarh (Nodal Officer)

As per the order of Hon'ble NGT, the Committee verified the factual status of the site. Observations are as under :

1. Committee observed that prior to this Original Application that the matter related with Anasagar lake was previously dealt in Principal Bench of Hon'ble NGT case no. 63/2021. The committee consisted of :
 - 1) Sh. Mahesh Dutt Purohit, Sc-C, MoEFCC, IRC, Jaipur (Raj.)
 - 2) Sh. Sunil Kumar Meena, Sc-D, CPCB, Regional Directorate, Bhopal (M.P.)
 - 3) Sh. Vikram Kasharee Pradhan, IFS, Member Secretary, State Wetland Authority Rajasthan, Jaipur (Raj.)
 - 4) Sh. Deepak Tanwar, EE, Regional Officer, RSPCB, Kishangarh (Nodal Officer)

The Joint Committee stated that Anasagar lake is a manmade lake which was constructed by King Annaraj in the year 1135-1150. The various constructed works undertaken for the development of Anasagar Lake by Smart City Ltd. Ajmer are in accordance with recommendations of District Lake Conservation & Development Committee Date 13/09/2021.

The Joint Committee constituted in the matter of O.A. No. 63/2021 (CZ), recommended the following.

- 1) Anasagar Lake is not a Notified Wetland under Wetlands (conservation and Management) Rules, 2017 or Ramsar convention, hence violation of Wetland Rules is ruled out.
- 2) The construction of concretized pathway around Anasagar Lake has not been done after filling up the submerged area of wetland.
- 3) During the visit as such no violation of any of the provision of Rajasthan Lakes (Protection and Development) Authority Act 2015 was found; while doing



construction works, permission of Rajasthan Lake Development Authority has been sought as per rule.

- 4) No dumping of the construction materials within the submergence area and in the high flood line of the wetland and in the zone of influence was found.
- 5) No dumping of soil and other earth material for filling up and reclaiming the wetland was found. Rather after construction of pathways the silt from the Lake bed has been removed which will increase the water holding capacity.
- 6) Wonder park is being developed outside protected area of Lake. So the issue raised by the applicant about construction of Wonder Park after reclaiming the wetland area in front of Maheshwari Public school, Vaishalinagar, Ajmer is factually incorrect.

On the recommendation of Committee Honourable special bench of five Judges disposed off the matter vide order dated 13.12.2021. **(Annexure-1)**

2. The Construction of Seven Wonder's Park was discussed in the above case and the joint committee concluded the followings.

Wonder park is being developed outside protected area of Lake. So the issue raised by the applicant about construction of Wonder Park after reclaiming the wetland area in front of Maheshwari Public school, Vaishali nagar, Ajmer is factually incorrect.

The same of concern has been raised by the petitioner in different ways before the Hon'ble NGT.

As per Master Plan 2013-2033, the land use of the area utilized for construction of Seven Wonder Park is marked as "Park & Open space". It is important to state herewith that the land use of the above area was also the same in the Master Plan 2001-2021. Therefore, Seven Wonder Park constructed by Ajmer Smart City Ltd., Ajmer is in accordance with the land use earmarked in Master plans of Ajmer city. Seven Wonders Park being a recreational facility in the Ajmer city is making footfalls of tourists of about three lacs persons since 01/02/2023.

3. It is pertinent to submit herewith that the similar matter is under consideration in DB Civil (PIL) Writ petition No. 7559/2012 in the matter of Common Cause Society versus State of Rajasthan & Ors. in Hon'ble Rajasthan High Court, Jaipur. Various directions/orders in the matter have been issued by Hon'ble Rajasthan High Court, Jaipur and compliance reports are being submitted by Ajmer District Administration/Ajmer Municipal Corporation/Ajmer Development Authority etc. regularly. Copy of Original Application and last order sheets are enclosed herewith. **(Annexure - 2)**
4. It is important to bring light in the matter submitting that various other 61 cases are under consideration in Hon'ble Rajasthan High Court & one case in District Court, Ajmer related to Anasagar Lake. In some cases, stay orders have been passed against AMC and ADA by Hon'ble Rajasthan High Court, Jaipur. Despite of the above constraints, Nagar Nigam, Ajmer has taken action against such 28 defaulters till date. Out of these, stay orders have been passed for 08 cases by Hon'ble Rajasthan High Court, Jaipur. Seizures of 07 and demolition of 4 properties and

issuance of notices to 8 household properties were done by Nagar Nigam, Ajmer and other actions are under progress. **(Annexure – 3)**

5. The origination of Luni river in District Ajmer of Rajasthan is from the hills of Nagpahar, a range of Aravali hills. It is named as Sabarmati river in Ajmer, which flows through the Nagpahar hills and travels towards south west direction in Gujarat. From the foothills of Nagpahar, Sabarmati flows through Ajmer, Barmer, Jalore, Jodhpur, Nagaur, Pali & Sirohi Districts of Rajasthan and disappears in Kutchh District of Gujarat after travelling 495km. Luni is a seasonal river, which dries in summers. Although, Luni river has its origin in Ajmer district, yet it does not flow through Ajmer city.

Anasagar lake is man made lake which was constructed by King Annaraj in the year 1135-1150, receives water from hills of Nagfani, Babugarh, Jatiya hills and Nosar Ghati and overflow of Foyasagar Lake during rainy season.

No record is available with PHED, Ajmer, regarding use of water of Anasagar lake for drinking purposes. There is no flow path of Luni river through Anasagar Lake. Therefore, there is no issue of water pollution of Luni river through Anasagar Lake. Ajmer Municipal Corporation is contributing an approximate amount of Rs. 1.7 crores per annum in regular expenditures for various activities such as Dewatering, O&M of Anasagar STP, Electric expenditure for Musical fountain and Expenditure on Pathways. **(Annexure-4)**

6. There are 13 major nallahs along the circumference of Anasagar lake. To reduce any sewage flow in the Anasagar lake, AMC is working on the following :-

1) Household sewerage connections – Out of 80 municipal wards of Ajmer city, 17 wards are located along the periphery of Anasagar Lake. Out of the 28000 household/commercial connections of sewerage in these 17 wards, 27000 household/commercial connections have been done and rest are under progress.

2) Tapping of Nallah – Out of the 13 nallahs, 2 nallahs have dried as all the household sewerage connections have been completed, 8 nallahs are diverted to sewerage systems. The work of diversion of remaining 2 Nallahs is under progress and shall be completed within a week and the rest 1 nallah shall be diverted within a period of 1.5 months. **(Annexure-5)**

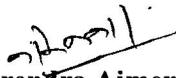
3) As per survey conducted by AMC, there are about 142 commercial establishments such as Showroom, Hotel, Service station etc. around the periphery of Anasagar Lake. Out of these, 24 commercial establishments are connected with sewerage system, 36 establishments have no kitchen, toilets in their premises and remaining 82 establishments are connected with own septic tank /soak pit. Thus, there is no direct discharge of untreated domestic sewage into the Anasagar Lake.

7. Three Sewage Treatment Plants exist in Ajmer city. Out of these, STP of 13 MLD located at Anasagar Lake and 20 MLD located at Khanpura talab are operational. The third STP of 40 MLD at Khanpura is under construction. The sewerage network of about 550 km has been laid in Ajmer city under various State and Central Government projects. Additional 140 km of sewerage system along with 7 MLD

STP are also proposed under AMRUT Phase II scheme in Ajmer city. The capacities of STP shall be adequate to treat the domestic sewage of 6 lacs inhabitants of Ajmer city. No Govt./private hospital is discharging their effluent into Anasagar Lake.(Annexure-6)

8. Old chaupati and street vendors are operating from long period of time prior to the construction of pathway and are continually operating after construction of pathway around Anasagar Lake. No food stalls have started their operation on the pathway of Anasagar Lake. Twin bins have been provided all along the circumference of Anasagar Lake to dispose municipal solid waste (garbage) generated by visitors. Regular monitoring and IEC activities are in operation by AMC to ensure that no Municipal Solid Waste is dumped into Anasagar Lake.
9. A Cruise boat is proposed to be operated in Anasagar Lake which shall be electrically powered. Bio toilet, solid and liquid waste collection facilities shall be provided in the cruise boat itself. The propulsion of the Cruise boat shall also be help in improving aeration in the water of Anasagar Lake. A formal approval from State level Lake Development Authority has been obtained for the purpose [Annexure-7].


Sh Sushil Kumar
Commissioner, AMC
Ajmer


Sh Narendra Ajmera
ACE
Ajmer Smart City Ltd.


Smt. Devika Tomar,
Nominee of District Collector
Ajmer


Sh. Deepak Tanwar
EE & Regional Officer (Nodal Officer)
RSPCB, Kishangarh, Ajmer

Item No.03

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 63/2021(CZ)

Surendra Singh Shekhawat

Applicant

Versus

State of Rajasthan &Ors.

Respondent(s)

Date of hearing: 13.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

Applicant: Mr. Rahul Choudhary, Advocate

Respondent(s): Mr. Sandeep Singh Bhagel, Advocate for R - 3
Mr. Rohit Sharma, Advocate

ORDER

1. Prayer in this application is for protection of Anasagar wetland in Ajmer in view of directions of Hon'ble Supreme Court in *M.K Balakrishnan and Ors. v. Union of India and Ors.*, (2017) 7 SCC 810.

2. Case of the applicant is that Anasagar wetland is a perennial fresh water body situated in the heart of Ajmer city, located between two hills named Bajrang Garh and Khobra Bherun. The area of the Anasagar wetland, as stated in Ajmer Smart City proposal, comes to about 1526 acres (about 617 ha). Further, the Satellite image shows the area of Anasagar wetland as 315 hectare. The applicant has referred to the

report filed by the MoEF&CC in O.A No. 351/2019, Raja Muzaffar Bhat v.

State of Jammu and Kashmir as follows:-

“According to the National Wetland Inventory and Assessment (NWIA) carried out through Space Applications Centre (SAC), Ahmedabad based on 2006-07 satellite data, a total 201503 nos. of wetlands have been mapped at 1: 50,000 scale which are >2.25 ha and cover an area of approx. 14.7 Million ha. Significant wetlands include the 42 nos. of Ramsar wetlands and other wetlands, nominated by States under The Wetlands (Conservation and Management) Rules, 2017. In the communication sent by Ministry, the states were requested to nominate 'significant wetlands and furnish data for the same as per the proforma circulated.”

3. It is stated that the authorities in the area are proceeding to damage the wetland by construction of pathways, reclamation of land by soil filling, construction of park and dumping of construction and other waste in Anasagar wetland. The State Wetland Authority has failed to take remedial action and National Wetland Authority has also failed to monitor compliance.

4. Vide order dated 19.08.2021, notice was issued by this Tribunal and a joint Committee was constituted, to give a factual report, as follows:

- i. Representative of MoEF&CC, (M.P.)
- ii. Representative of Central Pollution Control Board, (M.P.)
- iii. Representative of State Wetland Authority, Rajasthan
- iv. Rajasthan State Pollution Control Board

5. Accordingly, the joint Committee has given its report as follows:-

“About Anasagar Lake

*As per historical evidence, Anasagar Lake is a **man-made** lake which was constructed by King Annaraj in year 1135-1150. As per the information submitted by Executive Engineer, Water Resources Department, Division-II, Ajmer vide letter dated 24.9.2021 (**Copy of the letter is enclosed as Annexure-I**); the hydraulic details of Anasagar lake is as below:*

- *The catchment area of lake is - 70.55 Sq km (7055 Hectares)*

- Area of lake at full tank level is - 2.96 Sq Km (296 Hectares)
- Capacity to hold water is - 247.64 Mcft
- Full tank level is - 13 feet

Status of Anasagar as a Wetland

As per the provision of rule 3 of Wetlands (Conservation and Management) Rules, 2017 Anasagar Lake is not a Wetland. It is neither a wetland designated by the Government of India under the provisions of the Convention on Wetlands (Ramsar Convention) nor a notified wetland under Wetlands (Conservation and Management) Rules, 2017.

Declaration of boundary of Anasagar Lake

In exercise of the powers conferred by Section 4 of the Rajasthan Lake (Protection and Development) Authority Act 2015 (Act No. 5 of 2015), the Rajasthan State government on the recommendation of Rajasthan Lakes Development Authority has declared and specified lake area along with the boundaries of Anasagar lake and geographical area around it as protected area situated in revenue villages Thok, Teliyan and Kotda of Tehsil Ajmer, District Ajmer vide Government of Rajasthan, Local Self Government Department notification No. F.8 (Ga) (8) Rules / DLB / 2017 / 334 dated 30.10.2017 (**Copy of the Notification is enclosed as Annexure-II**). The area included in Lake and declared as protected area in village Thok & Kotda is 2054.88:16:16 (Bigha: Biswa: Biswansi) or 332.63 Hectares where 1 bigha equals to 1617 m² or 20 Biswa or 400 Biswansi.

Prohibited & restricted activities

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 has specified activities for protection and development of the Anasagar Lake situated in revenue village Thok Teliyan and Kotra of Tehsil Ajmer, District Ajmer: -

- Activities that shall be prohibited in the geographical boundaries of the Anasagar Lake and its protected area.
- Activities that may be carried out **in the boundaries** of the Anasagar Lake and its protected area after obtaining permission from the Rajasthan Lake Development Authority vide Government of Rajasthan, Local Self Government Development Notification No. F8(Ga) (8) Rules/DLB/2017/310 dated 30.10.2017 (Copy of the notification is enclosed as **Annexure-III**)

Construction of Promenades on Anasagar Lake

As per the Notification dated 30.10.2017 vide point (b) (xvi) "Construction of promenades for conserving boundaries of the lake" is an activity that may be carried out in the boundaries of the Anasagar Lake and its protected area after obtaining permission from the Rajasthan Lake Development Authority.

Permission of Rajasthan Lake Development Authority:

State Lake Conservation Authority and Local Self Government Department on recommendations of District Level Lake Conservation and development committee as per decision taken in meeting held on 03.03.2021 (Annexure-IV) has granted ex-facto permission vide meeting minutes No. P.1 (Jheel) DLB/21@1835&1852 dated 13.09.2021 (Annexure-V) to carry out following works including construction of pathway: -

- i. Development of Bird Park at Sagar Vihar Area Anasagar, Ajmer.
- ii. Strengthening of Bund at Anasagar Lake, Ajmer.
- iii. Supply Operation and Maintenance of Floater Boat for De-Weeding in Anasagar Lake with Cleaning Mechanism for thrash.
- iv. Designing, Providing, fixing commissioning and testing of floating bridge at Bandi River near STP Anasagar Ajmer.
- v. Renovation & Beautification of Sagar Vihar Paal, Ajmer.
- vi. Construction of Pathway around Anasagar from Sagar Vihar Paal (Near Vaishali Nagar Petrol Pump) to Regional College Pathway, Ajmer.
- vii. Construction of pathway around Anasagar from Shiv Mandir to Sagar Vihar Pal, Ajmer.
- viii. Development of pathway around Anasagar from Old Vishram Sthali to Rishi Udhyan.
- ix. Installation of Musical Fountain and Interactive Fountain in different Locations, Ajmer.

The progress made so far is as tabulated below:

S.No.	Project Name	Start Date	Stipulated date of completion/ Actual date	Status	Brief Description of Work
1	Development of Bird Park at Sagar Vihar area Anasagar, Ajmer (RAJ-AJM- 154)	30.10.19	31.01.21	Work Completed	Nagar Nigam wet land in Sagar Vihar has been developed in to bird park for migratory birds by constructing boundary wall, fencing and mounds. Sagar Vihar Pal serves as a viewing gallery.
2	Strengthening of Bund at Anasagar Lake, Ajmer (RAJ-AJM-009)	22.12.17	29.02.20	Work Completed	Pathway for pedestrian has been developed at FTL from STP to Vishramsthal in 1300 m length.

3	Supply Operation and Maintenance of Floater Boat for de-weeding in Anasagar Lake with Cleaning Mechanism for thrash (RAJ-AJM-099)	27.11.17	28.03.18	Work Completed	Floater boat has been procured and handed over to Ajmer Municipal corporation for De-Weeding and cleaning of Anasagar Lake.
4	Designing, providing, fixing, commissioning and testing of floating bridge at Bandi River near STP Anasagar Ajmer. (RAJ-AJM-102)	25.09.18	24.01.19	Work Completed	Floating bridge has been provided on Bandi river at Pathway for free and unobstructed flow of water.
5	Renovation & Beautification of Sagar Vihar Paal, Ajmer (RAJ-AJM-143)	22.01.20	31.05.21	Work Completed	Sagar Vihar Pal was constructed by Water Resources Department in year 1984. Pathway was developed under CSR. Renovation and beatification of Sagar Vihar Pal has been done. Pathway in approx. 200 m has been constructed. Sump and pumps have been provided to pump out water from low lying area. Also parking and public convenience have been provided.
6	Construction of Pathway around Anasagar from Sagar Vihar Paal (Near Vaishali Nagar Petrol Pump) to Regional College Pathway, Ajmer (RAJ-AJM-176)	18.12.20	17.12.21	WIP	Work of construction of Pathway at FTL along periphery of Anasagar lake from Sagar Vihar Pal to Regional college in approx. 2332 m length is in progress. 17 Nos. cross drainage have been provided for unobstructed flow of water into lake.
7	Construction of Pathway around Anasagar from near Shiv Mandir to Sagar Vihar Pal, Ajmer (RAJ-AJM-174)	21.11.20	19.11.21	WIP	Work of construction of Pathway at FTL along periphery of Anasagar lake from Shiv Mandir to Sagar Vihar Pal in approx. 960 m length is in progress. 5 Nos. cross drainage works have been provided for unobstructed flow of water into lake.
8	Development of Pathway around Anasagar from Old Vishram Sthali to Rishi Udyan (RAJ-AJM-187)	04.01.21	03.04.22	WIP	Work of construction of Pathway at FTL along periphery of Anasagar lake from Old Vishram Sthali to Rishi Udyan in approx. 1834 m length is in progress. Sufficient Nos. of cross Drainage works will be provided for unobstructed flow of water into lake.

9	Installation of Musical Fountain And Interactive Fountain in different Locations, Ajmer (RAJ-AJM-161)	20.11.20	15.08.21	WIP	Musical Fountain at three locations, Old Chaupati (floating), Regional college (floating) and Vishram Sthali park have been installed for recreation and attraction of tourist and for increasing beauty of the lake.
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Total length of circumference of Anasagar lake at Full Tank Level (FTL) is approximately 10363 m out of which pathway in approximately 4000 m already exist and balance length is taken up under Ajmer Smart City Mission as following (**Annexure-VI**):-

- i. Pathway from Anasagar STP to Vishram Sthali in approx. 1300 m has been completed.
- ii. Pathway from Shiv Mandir to Sagar Vihar Pal in approx. 960 m length is in progress.
- iii. Pathway from Sagar Vihar Pal to Regional college in approx. 2300 m length is in progress.
- iv. Pathway from Vishram Sthali to Rishi Udhyan is approx. 1800 m length is in progress.

Field Observations:-

1. As per the Notification dated 30.10.2017, the area included in Lake and declared as protected in village Thok and Kotda is 2054.88:16:16 (Bigha: Biswa: Biswansi) i.e. 332.63 Hectares. Area of the lake after construction of pathway shall be about 311.17 Hectares. Majorly, the pathway is constructed on the defined boundary of the lake, however the difference in the area declared in comparison to the area under peripheral pathway is due to the following reasons (**Annexure-VI**):

S.No	Location	Area (in Ha)	Reasons for Deviation
1.	Location-1	0.09	Due to Hon'ble High Court stay on Khasra No. 2067, Thok Teliyan in SB Civil Writ Petition No. 16272/2016.
2.	Location-2	3.18	Due to Hon'ble High Court stay on Khasra No. 326 and 327 in SB Civil Writ Petition No. 7480/2011 Govind Dyma V/s State of Rajasthan and Others. Due to Hon'ble High Court stay on Khasra No. 507 in SB CW Petition No. 1005/2021 Mukesh V/S State of Rajasthan and Others.

3.	Location-3	3.87	<p>Due to Hon'ble High Court stay on Khasra No. 227 and 228 in SB Civil</p> <p>Writ Petition No. 16260/16 Jitendra Singh & Others V/s State of Rajasthan and Others.</p> <p>Due to Hon'ble High Court stay on Khasra No. 235, 236 & 240 in SB CW</p> <p>15638/2011 Laxman Singh and Others V/S State of Rajasthan and Others.</p> <p>Due to Hon'ble High Court stay on Khasra No. 230,233 & 238 in SB Civil Writ Petition No. 11708/2011 Prabhu Dayal Vijay V/s State of Rajasthan and Others.</p> <p>Due to Hon'ble High Court stay on Khasra No. 245, 246, 247, 248 in SB CW 16095/2011 Sohanlal Kumawat V/s State of Rajasthan and Others.</p>
4.	Location-4	9.11	<p>Establishment of Colonies viz.</p> <p>Mahaveer Colony and Arihant Colony during the period from 1973-75 and due to Hon'ble High Court stay on</p> <p>Khasra No. 1076 in SB Civil Writ</p> <p>Petition No. 14667/2014 Kesar Bal and Others V/s State of Rajasthan and Others.</p>
5.	Location-5	4.60	<p>Establishment of 13 MLD Sewerage Treatment Plant during the period from 2013 -2015.</p>
6.	Location-6	0.6100	<p>Construction of Pathways at FTL level.</p>
Total		21.46	

- *It was observed that the decrease in the area due to construction of Pathways (Location-06) is only 0.6100 Hectares whereas area of about 08.51 Hectares has been increased after construction of Pathways from A1-A6 (Annexure-IX).*
- *Most of the reduction of area (20.85 Hectares) has happened due to stays in various High Court Writs (Location 1- 4), establishment of old colonies (Location 4) and construction of STP (Location-05) prior to notification by Rajasthan Lake Development Authority vide Government of Rajasthan, Local Self Government Development Notification No. FS(Ga) (8) Rules/DLB/2017/310 dated 30.10.2017.*

- It is pertinent to mention that the work of construction of pathways around Anasagar Lake is in coherence with the powers conferred by section-5 of the Rajasthan Lakes (Protection and Development) Authority Act 2015 (Act No. 5 of 2015) to the State Government which has specified activities for protection and development of the Anasagar Lake.
2. During site inspection it was found that, on the peripheral pathway sufficient numbers of cross drainage structures have been provided for unhindered flow of water. Hence there is no obstruction to flow of water. The details of cross drainage structures are as below (**Annexure-VI**):-

Name of the Stretch	Length of Stretch (in Meter)	No. of Cross drainage structures provided
Shiv Mandir to Sagar Vihar Pal	960	05
Sagar Vihar Pal to Regional College	2300	17
Anasagar STP to Vishram Sthali	1300	One Floating bridge

3. Pathway is constructed majorly at periphery of lake at FTL. Construction procedure is being explained by a schematic diagram (**Annexure -VIII**). At first good earth is being dumped at periphery of lake and then foundation excavation is done. The excavated earth is also stacked towards lake to hold water; a temporary track is formed towards Lake for movement of man and machinery. A RCC wall is constructed towards lake. A masonry wall is constructed parallel to RCC retaining wall. The width of pathway including thickness of both walls is 4.5 m. After construction of both the walls, the good earth used for forming temporary track is lifted and filled inside both the walls and extra earth and silt is also removed from lake side so that water touches the RCC wall. The good earth filled inside both the walls is compacted and then stone flooring is done.

During site visit, it was observed that the pathway construction work was carried out as per the planned construction procedure. No dumping of construction and demolition waste/other earth material was found.

4. Seven wonder park is being constructed on Khasra No. 288, 289, 290, 291 and 292 of Thok Teliyan, Tehsil Ajmer of Ajmer Development Authority for promotion of tourism. The land where Seven Wonder Park is being developed is well outside the protected area of lake as shown in attached map (**Annexure-IX**).

5. *During site visit it was observed that Sagar Vihar bird park has been developed which has become a good destination for migratory birds. By doing this work around 2.65 Hectares of Government land has been protected from encroachments and the area has been naturally developed as birds friendly site.*

Photographs taken during the field visit are enclosed as Annexure-X.

Conclusion

1. ***Anasagar Lake is not a Notified Wetland under Wetlands (Conservation and Management) Rules, 2017 or Ramsar Convention, hence violation of Wetland Rules is ruled out.***
2. ***The construction of concretized pathway around Anasagar Lake has not been done after filling up the submerged area of wetland.***
3. ***During the visit as such no violation of any of the provision of Rajasthan Lakes (Protection and Development) Authority Act, 2015 was found; while doing construction works, permission of Rajasthan Lake Development Authority has been sought as per rule.***
4. ***No dumping of the construction materials within the submergence area and in the high flood line of the wetland and in the zone of influence was found. No dumping of soil and other earth material for filling up and reclaiming the wetland was found. Rather after construction of pathways the silt from the Lake bed has been removed which will increase the water holding capacity.***
6. ***Wonder Park is being developed outside protected area of Lake. So the issue raised by the applicant about construction of Wonder Park after reclaiming the wetland area in front of Maheshwari Public School, Vaishali Nagar, Ajmer is factually incorrect."***

6. We have heard learned Counsel for the parties and considered the above report. To the extent the report rules out applicability of the 2017 Rules, the same cannot be accepted in view of judgement of Hon'ble Supreme Court in *M.K Balakrishnan and Ors.*(Supra), since the wetland in question is part of inventory in the Atlas. For ready reference, direction of the Hon'ble Supreme Court is reproduced below:-

“ Accordingly, we direct the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to these 2,01,503 wetlands that have been mapped by the Union of India. The Union of India will identify and inventories all these 2,01,503 wetlands with the assistance of the State Governments and will also communicate our order to the State Governments which will also bind the State Governments to the effect that these identified 2,01,503 wetlands are subject to the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010, that is to say:

4.

(vii) any other activity likely to have an adverse impact on the ecosystem of the wetland to be specified in writing by the Authority constituted in accordance with these rules.”

7. Thus, irrespective of Rajasthan Lake Development Authority under Rajasthan Lakes (Protection and Development) Authority Act, 2015, direction of Hon'ble Supreme Court, Wetland (Conservation and Management) Rules, 2010 will apply.

8. This Tribunal has dealt with the issue earlier vide order dated 25.11.2021 in O.A No. 351/2019, *Raja Muzaffar Bhat v. State of Jammu and Kashmir*, directed as follows:-

“1. The issue for consideration initially considered in this application was prevention of unscientific dumping of waste and encroachment of Hokersar Wetland, Wular Lake and Kreentchoo-Chandhara Wetland in the Union Territory of Jammu & Kashmir. By later orders, scope of consideration was extended to protection of all wetlands in the country in the light of observations of the Hon'ble Supreme Court that 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010. It was further observed that conservation of wetlands is of immense ecological importance. The Hon'ble Supreme Court did not appreciate that the Central Government was attempting to abdicate its responsibility under the Environment (Protection) Act, 1986 in favour of the State Governments.

2. Order of the Hon'ble Supreme Court dated 3.4.2017 in M.K. Balakrishnan & Ors. v. Union of India & Ors.¹ as follows:

¹(2017) 7 SCC 805

"17. Be that as it may, for the reasons given below, we are compelled to direct that **the Wetlands (Conservation and Management) Rules, 2016 should be notified on or before 30-6-2017.** We are compelled to issue this direction since the matter has been pending with the Union of India for the last almost a year and there has to be some finality to the publication of the Rules. The comments/suggestions have been given by all stakeholders such as the State Governments including its organisations, individuals and civil society organisations. That being the position, there is obviously a great deal of interest in the Rules being formulated and notified. Under these circumstances, there is no justification why the Union of India should not have taken prompt action and constituted the Committee much earlier for the purposes of finalising the Rules. Finally, **the conservation of wetlands is of immense ecological importance.**

18. The learned counsel for the Union of India says that all efforts will be made to ensure compliance with this direction and to ensure that the Rules are notified on or before 30-6-2017. We are sure that both the Committee as well as the Union of India will take into consideration the comments and suggestions offered by the State Governments and its organisations, individuals and civil society organisations before taking a final decision.

19. With regard to the Central Wetlands Regulatory Authority, we are told that its term is expiring on 14-2-2017. We have been informed by the learned counsel for the Union of India that the Central Wetlands Regulatory Authority will be notified on 13-2-2017. The Union of India is bound by the statement made by the learned counsel for the Union of India, which statement has been made on instructions received by him from an officer of the Ministry of Environment, Forest and Climate Change.

20. In our order dated 31-1-2017 [Set out in paras 11 to 13, above.], we had required the Union of India to tell us the steps taken to preserve the 26 wetlands covered by Ramsar Convention, 1971. **The affidavit that has now been filed by the Union of India merely gives the disbursal of amount made by the Union of India from time to time. What specific steps have been taken including how the funds made available have been utilised and what is the impact of those steps have not been adverted to. We must have specific details. We direct the Union of India to file an affidavit within four weeks positively giving required specific details.**

21. The learned counsel for the petitioners has drawn our attention to an additional affidavit filed by the Union of India on or about 9-9-2014. The additional affidavit contains an information brochure "National Wetland Inventory & Assessment". **This brochure indicates on p. 11 thereof that 2,01,503 wetlands have been mapped at 1:50,000 scale. All these wetlands have an area of more than 2.25 ha. As a first step, the "brief documents" with regard to these**

2,01,503 wetlands should be obtained by the Union of India from the respective State Governments in terms of Rule 6 of the Wetlands (Conservation and Management) Rules, 2010. We are told that obtaining these "brief documents" may take some time. We are inclined to grant adequate time for this purpose. The Union of India should follow this up with the State Governments and inform us of the time-frame on the next date of hearing.

22. The apprehension expressed by the learned counsel for the petitioners is that with the passage of time there is a possibility that some of the wetlands may disappear. On a reading of the information brochure, this apprehension is not unfounded.

23. Accordingly, we direct the application of the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010 to these 2,01,503 wetlands that have been mapped by the Union of India. The Union of India will identify and inventorise all these 2,01,503 wetlands with the assistance of the State Governments and will also communicate our order to the State Governments which will also bind the State Governments to the effect that these identified 2,01,503 wetlands are subject to the principles of Rule 4 of the Wetlands (Conservation and Management) Rules, 2010, that is to say:

"4. (1)(i) reclamation of wetlands;

(ii) setting up of new industries and expansion of existing industries;

(iii) manufacture or handling or storage or disposal of hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 notified vide S.O. No. 966(E), dated 27-11-1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms /Genetically Engineered Organisms or Cells notified vide GSR No. 1037(E), dated 5-12-1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 notified vide S.O. No. 2265(E), dated 24-9-2008;

(iv) solid waste dumping:

Provided that the existing practices, if any, existed before the commencement of these Rules shall be phased out within a period not exceeding six months from the date of commencement of these Rules;

(v) discharge of untreated wastes and effluents from industries, cities or towns and other human settlements:

Provided that the practices, if any, existed before the commencement of these Rules shall be phased out within a period not exceeding one year from the date of commencement of these Rules;

(vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these Rules;

(vii) any other activity likely to have an adverse impact on the ecosystem of the wetland to be specified in writing by the Authority constituted in accordance with these Rules.”

24. The learned counsel for the Union of India has shown us a chart of proposals/brief documents that have already been received by the Union of India under Rule 6 of the Wetlands (Conservation and Management) Rules, 2010. The total number of wetlands covered in this document are 1683. Many of these proposals/brief documents received by the Union of India contain deficiencies which have already been identified in the document handed over to us. **The Central Wetland Regulatory Authority will take up the rectification of deficiencies with the State Governments with promptitude and ensure that all these deficiencies are removed and complete proposals/brief documents are furnished within the next about one month so that the Central Wetlands Regulatory Authority is in a position to take a final decision with regard to these 1683 wetlands and their notification, if required, on or before 31-3-2017.”**

3. Further, vide order dated 04.10.2017, the Hon'ble Supreme Court in *M.K. Balakrishnan, supra* observed:

“We have heard learned counsel for the petitioner and the learned Additional Solicitor General.

We have been informed that the Wetland Rules have since been notified and they are now called the Wetlands (Conservation and Management) Rules, 2017. These Rules have come into force on the date of publication in the official gazette, that is, 26th September, 2017.

Learned counsel for the parties say that they have very serious objections to some of these Rules. **It is submitted that it appears that the Central Government has abdicated its responsibility under the Environment (Protection) Act, 1986 and instead of delegating its powers, it has abdicated its power in favour of the State Governments. We have also been informed that the Central Wetlands Regulatory Authority has since been disbanded and the State Wetlands Authority and the National Wetlands Committee have been constituted under Rules 5 and 6 of the new Rules.**

With regard to the expenditure on Ramsar Convention sites, we have been informed by learned Additional Solicitor General that the audited accounts have so far been received from the States of West Bengal, Madhya Pradesh and Odisha. Audited accounts have not been

received from any other State with regard to the Ramsar Convention sites.

We have also been informed that apart from Ramsar Convention sites, further funds have been given to the States and the Union Territories for conservation of wetlands. No audited accounts have been received in regard to these funds disbursed as well as their expenditure by the State Governments and the Union Territories.

With regard to the brief documents required to be furnished under the old Rules, it appears that only ten States and one Union Territory have responded. It appears that there is now no necessity of brief documents under the new Rules. We make it clear that this does not mean that the earlier brief documents already submitted can be discarded completely. The contents of these brief documents will still be followed as far as the implementation of the Wetlands (Conservation and Management) Rules, 2017 is concerned.

Finally, with regard to the satellite images, we are told that the Space Application Centre would require between 12 to 18 months to make an inventory of 1,75,740 wetlands as they exist today. We make no comment on this but request learned Additional Solicitor General to re-check with the Space Application Centre since the wetlands are diminishing in our country at a very fast rate. It is very likely that many more will disappear by the time the task is completed by the Space Application Centre.

We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010.

Learned counsel for the parties may file their objections to the new Rules within a period of two weeks. We direct that only one set of objections should be filed and both learned counsel should sit together and arrive at some consensus on the objections.

We further direct the State Governments that have not complied with earlier orders or directions given by the Central Government should do so within a period of four weeks from today failing which we will be constrained to require the presence of the Chief Secretaries of the State Governments in addition to imposition of heavy costs keeping in mind the necessity of conserving whatever water bodies are left in the country.

List the matter for further directions and for hearing on the objections to the new Rules on 9th November, 2017.

We would require the presence of a senior officer of the Ministry of Environment, Forests and Climate Change, Government of India to be present in Court on the next date of hearing so that any questions that may be raised can be answered immediately. Needless to say, the senior officer who should be present in Court should be well-versed with the subject. The files on the basis of which the new Rules have been framed may also be kept ready for perusal when the matter is taken up."

4. Thus, the Hon'ble Supreme Court, apart from directing the High Courts where Ramsar Convention sites are located to monitor the management of such sites, also directed application of Rule 4 of the Wetland (Conservation and Management) Rules, 2010 to 2,01,503 wetlands already mapped by the Central Government. It was further directed that the Central Government will identify and inventorise the said wetlands with the assistance of the State Governments and communicate the order of the Hon'ble Supreme Court to the State Governments who will be bound by the said order. Rule 4 in question provides for protection of wetlands against any incompatible activity, including encroachment and dumping of waste which is to be ensured by the State Wetland Authorities.

xxxxxx.....xxx

17. The suggestion of the applicant is that significant wetlands need not be limited to 363 and more wetlands on examinations be added to the list from time to time for better protection by preparing appropriate action plans under the programme for protection of the significant wetlands. Further, apart from figure of 2.01 lakh wetlands already mapped, to which the Wetland Rules, 2017 are applicable even if no separate Notification in terms of 2017 Rules in view of directions of the Hon'ble Supreme Court in M.K. Balakrishnan, supra, it may be possible to identify more such wetlands. Infact, the report of the MoEF&CC itself mentions that some States have already identified larger number of wetlands than earlier mapped. In UP itself, 133484 wetlands are entered in the Revenue Records which are being protected by the State. On the same pattern, all the States/UTs need to map all available wetlands in their jurisdiction and file report with the National Wetland Authority so that National Wetland Authority can prepare an exhaustive inventory of wetlands in the country and extend protection to all such wetlands. These suggestions need to be considered by the MoEF&CC.

18. District Environment Plan of each District in terms of order of this Tribunal dated 05.07.2021 in OA 360/2018, Shree Nath Sharma vs. Union of India & Ors. should also cover the wetlands in the District. If necessary, the said plans be revised accordingly by the District Magistrates concerned by providing that the core activity for conservation and protection of wetlands may primarily focus on not discharging of sewage, disposal of solid waste and other wastes, preventing siltation, demarcation of wetlands/flood protection zone and removal of encroachments. There should be regular monitoring of water quality under water quality

management programme at strategic locations (around 10 locations) to ensure that it is compliant with TC/FC norms. Water quality of the wetlands with respect to BOD needs to be less than 3 mg/l, feacal coliform should meet norms and contamination due to toxic constituents either directly or through runoff from the catchment should be prevented. Biodiversity of the wetlands needs to be maintained. Monitoring of steps for compliance of Rules in relation to such Wetlands ought to be at District level by the District Magistrate, at State level by State Wetland Authority and at National level by National Wetland Authority. We are confident that such initiatives in monitoring will go a long way in protecting the Wetlands which have significant environmental functions."

9. In view of above, the State Wetland Authority, Environment Department of Rajasthan and the District Magistrate, Ajmer may take further remedial action in accordance with law.

The Application is disposed of.

A copy of this order be forwarded to the State Wetland Authority, Environment Department of Rajasthan, Director, Environment, Rajasthan and the District Magistrate, Ajmer by email for compliance.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Arun Kumar Verma, EM

December 13, 2021
Original Application No. 63/2021(CZ)
AB

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH JAIPUR



D.B. CIVIL (PIL) Writ Petition No. 7559/2012

Common Cause Society Ajmer - Petitioner
Versus
State of Rajasthan and Others - Respondents

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Jaipur
Dated

Counsel for the Petitioners

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PHOTOGRAPH

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH JAIPUR

D.B. Civil (PIL) Writ Petition
No. 7559 /2012

Common Cause Society, Ajmer a Registered
Society (Registration No. 70 / Ajmer / 02- 03),
M-80 Anasagar Link Road, Ajmer through its
General Secretary Manoj Mittal son of shri
Munna Lal, aged 49 Years, resident of Guru
Kripa Mehboob ki Kothi, Anasagar Link Road,
Ajmer 305006 Mobile No. 9314390001
...Petitioner

Versus

1. State of Rajasthan through the Chief Secretary to the Government of Rajasthan, Jaipur.
2. The Principal Secretary, Urban Development and Housing Department, Jaipur.
3. The Secretary, Local Self Government Department, Jaipur.
4. The Divisional Commissioner, Ajmer Division, Ajmer.
5. The Collector & District Magistrate, Ajmer.
6. The Secretary, Urban Improvement Trust, Ajmer.
7. The Chief Executive Officer, Ajmer Municipal Corporation Ajmer

...Respondents

D.B. Public Interest Litigation
(Chapter XXII-A Rule 385A to
385R)

af

Writ Petition under Articles 226 of the Constitution of India

A n d

In the matter of sewerage work in the city of Ajmer

A n d

In the matter of inaction of the respondent authorities for not taking initiation for proper managing of sewerage system of Ajmer

A n d

In the matter of non installation and commencement of sewerage treatment plants

A n d

In the matter of principles of natural justice

To

The Hon'ble Chief Justice and his other Companion Judges of the Rajasthan High Court Bench at JAIPUR

MAY IT PLEASE YOUR LORDSHIPS,

The above named, humble petitioner most respectfully begs to submit as under:-

I. Particulars of the cause/Order against which the Petition is made:

That the present petition under Article 226 of the Constitution of India is being filed by way of public interest litigation and the petitioner has no personal interest. The petition is being filed in the public interest as the respondent authorities are not taking initiation for managing proper sewerage system of Ajmer City despite incurring huge public money in laying sewerage line and other allied works. The Municipal Corporation is not taking over the sewerage system / line inspite of completion of the work.

II. Particulars of the Petitioner:

That the petitioner Common Cause Society, Ajmer is registered with the Registrar of Societies, Ajmer in the year 2002, (Registration No.70 / Ajmer / 02-03) with an object of



many fold development of Ajmer District and to extend constructive co-operation. The petitioner has Locus - Standi because the respondent authorities have failed to perform their statutory duties. The signature of the PIL petitioner is General Secretary of the Society and is citizen of India.

2. That no civil, criminal or revenue case is pending adjudication against the petitioner society.

III. **Declaration and Undertaking of the Petitioner:**

(1) That the present petition is being filed by way of public interest litigation and the petitioners do not have any personal interest in the matter. The petition is being filed in the interest of public.

(2) That the entire litigation cost including the advocate's fee and other charges are being borne by the petitioners. Permanent Account Number of Petitioner No.1 is AAXPM-1100G.

(3) That to the best of the petitioner's knowledge and research the issue raised was not dealt with or decided and that a similar or identical petition was not

(4) That the petitioners have understood that in the course of hearing of this petition the Court may require any security to be furnished towards costs or any other charges and the petitioner shall comply with such requirement.

IV. **Facts in brief constituting the cause:**

1. That the petitioner, Common Cause Society, is a non-political organization (NGO), registered body in the year 2002 (Registration No.70 / Ajmer / 02- 03), with an object of many fold development of Ajmer District and to extend constructive co-operation.

3 That the petitioner has Locus - Standi because the respondent authorities have failed to perform their statutory duties. The Supreme court in the case reported in 2004 (2) SCC463 has held that any aggrieved citizen can bring the inaction to the notice of High Court, which may pass appropriate writ, orders or direction.

4 That the city of Ajmer is the cultural capital of Rajasthan and Centre of Education, has been a historical city

founded in the Ninth Century, Besides, its own significance because of the centre of Administration during the period of Mughals and British Rule, Centre of Railways, and Religious aspect i.e. the Dargah Sharif, Soni Temple and Teerth Raj Pushkar having the population of the city more than 7 Lacs and the District more than 21 Lacs.

4. Ajmer is an important national & international tourist destination because of Dargah of Khwaja Moinuddeen Chisti located in the City.
5. The total municipal area of the city is about 87.5 km². The land surface is generally sloping from north towards south except a small (about 20%) of the north west of the city which is sloping towards north-west.
6. Ajmer City suffered from lack of adequate water supply for about 30 years due to which no attention could be paid for providing sewerage system in the city. Commissioning of water supply project from Bisalpur dam in year 1995, improved the water supply service level of the town significantly. Then it was felt necessary to manage waste water of the town, but looking to limited resources of state govt. and importance of holy shrine Dargah, a small sewerage scheme was prepared and implemented by PHED in and around Dargah area. The extant of area severed was only 0.63 Sq. km.
7. Presently no sewerage system is operational in this city except a small area around Dargah from which the sewage is collected and discharged into an open nallah on Nasirabad Road after treatment at STP Khanpura. Most of the new colonies and outer developed area are having septic tanks without soak pits which also discharge their effluent in the open drains. The waste water from the kitchens and the bathrooms is mostly discharged into the open drains which finally leads to the water bodies of Anasagar Lake, Pal Beechla and Khanpura Tank. The site of these open drains carrying sewerage upto the water bodies creates all sorts of unhealthy and unhygienic environment not befitting to an internationally renowned tourist city like Ajmer.

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8. Due to scarcity of water availability, the town would not grow rapidly though well connected by road and rail to state capital. Most of the population habitats near Dargah area, Naya Bazar etc having traditional conservancy/community latrines, discharging night soil in open drains. Later on municipality arranged to collect night soil in tankers and disposing it on the outer skirts of the town. In late eighties municipality by way of law introduced flushing western type latrines. Apart from this, the growth and migration of population started towards outer areas of the town, where it was arranged by people to construct septic tanks and soak pits for disposal of night soil.

9. The waste water from kitchens & bathrooms is discharged into open drains / nalli which ultimately join storm water drains. These storm water drains finally ends into Anasagar lake and Escape channel and thus polluting the water bodies like Anasagar, Pal Beechla Lake and Khanpura Lake. Due to the continuous discharge of wastewater into the Anasagar Lake the water quality has deteriorated.

The wastewater from toilets is discharged into open drains which creates unsanitary conditions. The other method prevalent in the city is septic tanks with and without soak pits.

Generally the newly developed areas have septic tanks but without soak-pits. Hence the untreated wastewater from these septic tanks is directly discharged to open drains passing through the streets which ultimately find its way into storm water drains and finally discharged into Anasagar Lake and Pal Bichala Lake through open drains. The deterioration of water quality of Anasagar Lake is a serious problem for the city.

10. That the need of sewerage system / project arose in Ajmer for the following reasons:-

A) The discharge of sullage into open drains is causing severe environmental problems. Thus there is a mosquito breeding and odor problem.

B) There is ground water pollution and the public uses the water for drinking and for non-drinking purposes.



Hence underground sewerage scheme was required for the City to improve the environmental and public health conditions.

- C) Lapses in the collection, treatment and disposal of sewage can lead to pollution of the soil, water and air, which often results in creation of breeding grounds for biological vectors, such as insect pests and rodents, causing public health problems. Proper planning for collection, transport, and the treatment and disposal of sewage has become crucial for ensuring a clean, healthy and pest free environment.
- D) The most obvious environmental damage caused by municipal sewage is aesthetic, the ugliness of street litter and degradation of the urban environment and beauty of the city. More serious, however, and often unrecognized, is the transfer of pollution to water, ground water.
- E) The urban poor - often residing in informal settlements (slums) with little or no access to sewage collection and often in areas that are contiguous with open drains - are particularly vulnerable.
- F) Municipal sewage management efforts often focus on expensive 'end of pipe' measures, those involving the collection and disposal of sewage, yet many of the 'best practices' for sewage management improvement are far more accessible and cost-effective opportunities involving waste reduction programs and recycling strategies. The challenges to be faced in collecting sewage will dramatically increase in the next 10 years as a result of the rapid growth of Ajmer city and increase in per capita waste production as water supply increases.
- G) That vector insects and rodents can transmit various pathogenic agents (amoebic and bacillary dysentery, typhoid fever, salmonellas, various parasites, cholera, yellow fever, plague and others), it is often difficult to trace the effects of such transmission to a specific population.
- H) Houseflies may be important in the transmission of enteric infections, particularly those responsible for



infantile diarrhea and dysentery. Disease transmission by houseflies is greatest where inadequate sewage collection and disposal (leading to increased breeding) is accompanied by inadequate sanitation. Thus flies gain greater access to human faces and then to food. Sewage must be collected properly to prevent fly breeding.

- I) Once sewage is collected in poorly operated disposal sites, sewage may contaminate groundwater with nitrates and other chemicals.
- J) Health hazards may be further ranked according to the magnitude of their consequences. A major consequence would include loss of life and chronic disability. A moderate consequence would include some loss of life and extensive temporary disability. A project activity, which has a high risk of major hazard, would be unacceptable. A minor hazard of low risk may be unimportant.
- K) Uncollected sewage often ends up in drains, causing blockages which result in flooding and unsanitary conditions. This is normally witnessed in the walled city areas.
- L) Flies breed in some constituents of sewage, and flies are very effective vectors that spread disease.
- M) Uncollected waste degrades the urban environment, discouraging efforts to keep streets and open spaces in clean and attractive condition. Sewerage system is a clear indicator of the effectiveness of a municipal administration – if the provision of this service is inadequate large numbers of citizens are aware of it. Plastic bags are a particular aesthetic nuisance and they cause the blockage of sewerage system. Waste that is treated or disposed of in unsatisfactory ways can cause a severe aesthetic nuisance in terms of smell and appearance.
- N) Foul odor is emitted at the site where sewer overflows ~~composition of organic matter emission~~ of hydrogen ~~sulfide and other gases~~.
- O) Chemical control of both houseflies and rodents is not very effective because of widespread resistance. The



essential basis of control remains denial of access to food and harborage, by covered storage and efficient removal.

P) Aedes mosquitoes, vectors of dengue and yellow fever, breed prolifically in discarded containers that trap rainwater. Culex mosquitoes, vectors of filariasis, breed in polluted stagnant water. Such breeding sites often occur where sewer is generally over flow.

Q) People are willing to settle, open their offices, in those area which are relatively cleaner than other area, keeping other infrastructure parameters at same level. Besides above there are numerous impacts on the health, environment and social life of the residents due to improper sewerage system.

11. After improvement of water supply status of the city the State Govt. decided to provide sewerage coverage in the city through the assistance of ADB in the year 1999-2000. This project was implemented through RUIDP for the design years of 2034 with a small provision of Rs 70 crores. But during execution of this project out of a total length of above 362 km of sewer line only 207.23 km of sewers were executed and the rest work was left incomplete. Even the laid sewers lines have executed and the rest work was left incomplete.

12. The city is surrounded all over by hills and it has natural drainage pattern system. The storm water of Nag Hills and overflow of Foyasagar Lake drains into Anasagar Lake. Apart from this, some about 12 local nallah naturally drains towards Anasagar. The drainage of Madar and Taragarh hills is towards western side of city. The overflow of Anasagar Lake also drains towards west side of the town. The discharge is further carried away to Bhanota village about 15 km from Ajmer town through natural contours which forms the Luni River in further downstream stretch.

The main important draining nallahs of the city are Kaji ka nallah, which carries discharge of hills around Meersah Ali colony, Shastri nagar side hills and merges into Anasagar Lake. The other being Bandi



Nadi carrying discharge from Nag hills, Arravali hills near Foyasagar and which merges in Anasagar Lake. The Anasagar escape channel carries all overflow of Anasagar Lake to Khanpura tank (in southwest side)

13. At present the households in outer skirts have mostly septic tanks or soak pits for sewage collection, the effluent from the septic tanks and sullage is carried through open drains which ultimately as per natural contours/drainage pattern merges to Anasagar lake in Anasagar zone and in rest of the city zone, most of the open drains are discharging in the Anasagar escape channel, which is carrying the effluent to Khanpura tank.

The situation has created a bad scene of the city. The pollution level of Anasagar has increased very much and has damaged the aesthetics of the lake. The poor rainfall in the town has further deteriorated the situation of the lake. Similarly the effluent draining to Khanpura tank is being trapped by local agriculturist for their cultivation from which the products obtained are un-hygienic.

Hence as per need and scenario as narrated above the management of waste water became the first priority of the city. The RUIDP put all out efforts for implementation of waste water management but could succeed only in city zone area to some extent. The system provided under RUIDP in city zone is yet to be commissioned fully as some works relating to outfall sewers are still required to be completed.

It is to be mentioned here that the State govt. therefore commenced the work of sewerage construction in Ajmer and appointed RUIDP as the nodal agency to get the work done. The proposed work was to construct sewerage to the length of 365 Km.

14. The functioning of the existing sewerage system has been found to be marked by several deficiencies as discussed below.

14.1 Inadequate coverage of the entire area.

14.2 While framing the scheme it was envisaged that about 5000 house sewer connections could



be connected to the laid system, but due to lack of awareness and reluctance of general public for taking house sewer connections. Only 500 connections could be made by PHED so far.

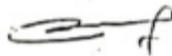
15. The Rajasthan Urban Infrastructure Development Project was initiated in the year 2000 covering the cities of Jaipur, Ajmer, Kota, Udaipur, Jodhpur and Bikaner. Development of waste water management system is one of the vital sectors in the RUIDP Project. In the RUIDP, a capital outlay of about Rs.70 Crores has been envisaged for sewerage system for Ajmer and of which Rs.54 crores was allotted for providing sewerage system in the city and balance Rs.16 crores for providing proper sewage treatment and disposal. The total expenditure on the construction of Sewerage lines and STP was Rs. 61.62 crores (Approx). The said fact is established from the reply given by the UIT Ajmer under the Right to Information Act. The reply is placed herewith for the kind perusal of this Hon'ble Court and marked as ANNEXURE - 1.

Zonal Division Topographically under the RUIDP Project, Ajmer city has been divided into two sewerage zones, viz, Anasagar Zone and city Zone.

Due to hills all around the city much expansion could only be taken southwest part of the city. Urban improvement trust and housing board autonomous bodies of the state govt. floated a few residential colonies initially in southwest and southeast side of the town and later on northwest part of the town. The main floated colonies are Ajay Nagar, Naka Madar, Arjun Lal Sethi Colony, Panchsheel, B K Kaul Nagar, HBU Nagar, Maharana Pratap Nagar etc. The city is now divided in 55 administrative wards.

15.1 Proposals for Anasagar Zone -

15.1.1. The Anasagar zone covers the area having natural drainage Anasagar located at the north-west part of the town. The extent covered by Anasagar zone is 19.5 sq. km. The wards covered in the zone are 1, 2, 3 and 55 and ward no. 23, 24 and 54 partially. The percent areas included in the Anasagar



Zone in the wards 23, 24 and 54 are 34%, 75% and 50% respectively. The localities falling in Anasagar Zone are Vaishali, Foyasagar Road, Regional College, Pushkar Road etc. Sewers have not been proposed in some of the fringe areas of the zone but the population of the zone has been considered fully in the design.

15.1.2. The sewage from the Anasagar zone is proposed to be taken to a Sewage Treatment Plant to be located near Anasagar. The treated sewage is proposed to be discharged into Anasagar Lake which is expected to improve the quality of the lake water and also help to maintain the lake at adequate depth.

15.2 Treatment Plant

A tertiary treatment plant of 13 MLD capacity is proposed to be installed at this site out of which 8 MLD water will be utilized for keeping Anasagar lake full upto FSL and remaining 5 MLD water proposed to be utilized for ground water recharge and development of green fields and other uses general public. In this project treatment plants to meet the requirement of the year 2024 have only been proposed. The said fact is established from the contents of Annexure - 1, placed above.

15.2.1 Proposals for City Zone

The city zone consists of the trough between the Taragarh hills, Nag hills and Madar hills which slopes from the north to the south. The wards covered by the zone are all wards of the city other than wards 1, 2, 3 and 55 all fully and wards 23, 24 and 54 all partly which have been included in the Anasagar zone. The area covered is 68 sq km. The Anasagar zone, the population of the zone has been considered fully for design though certain fringe areas have been omitted while providing the sewer layout. The City Zone is substantially large, it has been divided into 5 packages of sub-zones and further sub divided into 14 blocks for convenience in design and execution.

The City zone sewage has been proposed to be treated at a Sewage Treatment Plant located near Khanpura



tank located at the southern end of the city. The treated sewage has been proposed to be used for irrigation.

15.2.2 Treatment Plant

In the city zone the treatment plant has also been proposed to meet the requirement of the year 2024 which is about 60 MLD. Since 20 MLD plant is already constructed therefore the capacity of the new plant proposed at the same site is 40 MLD at Khanpura.

The sewerage proposals for the city zone has been taken up but not completed. The said fact is established from the contents of Annexure - 1, placed above.

15.3 Work Completed till December 2011

As per RUIDP proposals, the relevant features of the sewerage system designed for Anasagar zone are:

Total length of sewers proposed	103.4 km
Total length of sewer executed	16 km

The length of sewers proposed in city zone and the length actually laid are as follows.

The length of sewers proposed	About 259 km
Total length of sewers laid	191.23 km

Thus only length of 207.23 km is covered from the total length of 365 km inspite of laps of 8 years and expenditure of about 61.62 Crore Rs. The said fact is established from the contents of Annexure - 1, placed above. Moreover it is also established by the up to date report of RUIDP provided by UIT Ajmer. The report is placed herewith and marked as ANNEXURE

- 2.

The 20 MLD STP is completed and operational since December 2010 and perfectly under working conditions

16. That to the utter dismay and surprise of the petitioner the Municipal Corporation Ajmer has not accepted and taken over the sewerage lines completed by the RUIDP.

After completion of the sewerage work by RUIDP, Ajmer Municipal Corporation was directed by Secretary LSGD vide letter dated 19.07.10 to make the sewerage system functional and to make proper arrangements for house connections after floating tenders or by out sourcing. Copy of Letter dated 19.7.2010 and letter dated 27.6.2011 addressed to Secretary UIT Ajmer are placed herewith for the kind perusal of this Hon'ble Court and marked as ANNEXURE 3 AND 4 respectively.

Ajmer Municipal Corporation refused to take over the sewerage lines giving reason that the work of laying sewer pipe lines done by RUIDP is imperfect and cannot be utilized. The news paper reports published in this regard are placed herewith for the kind perusal of this Hon'ble Court and marked as ANNEXURE 5 collectively.

Under the circumstances different steps were taken to ensure AMC that the system is constructed properly and can be utilized for the better interest of the people of Ajmer, viz:

Shri K.P.Mathur, Retd. Chief Engineer, PWD was appointed as enquiry officer "To conduct enquiry over laying of sewer line" after the completion of sewerage work by RUIDP in Ajmer. Nowhere in his report had he concluded that sewerage work done by RUIDP is non-functional.

The report says that house connection to the sewer can be given and AMC should create Sewerage Cell for the ~~purpose of operation and maintenance.~~



The Conclusions / Recommendations were discussed in the meeting on 17.05.2011 under the chairmanship of Secretary LSGD in presence of Project Director RUIDP, Commissioner AMC and Executive Engineer, UIT - Ajmer and decision taken that AMC shall start the work for connecting households to the sewer network urgently and to complete the task within 3 months. The extracts of the said report were mentioned in the letter dated 27.6.2011 written by Secretary LSD to Secretary UIT Ajmer. The said letter is already on record as Annexure - 4 .

Recently in a meeting headed by the District Collector Ajmer, AMC was ordered to take up the task of providing sewerage household connections in the areas which can be connected to the sewerage network. Minutes of the meeting dated 5.7.2011 as mentioned in the letter dated 1.9.2011 signed by the Executive Engineer RUIDP Ajmer is placed herewith for the kind perusal of this Hon'ble Court and marked as ANNEXURE - 6.

The correspondence between Ajmer Municipal Corporation and UIT Ajmer will clearly go to show that the AMC is still seeking drawings, maps and copies of the documents and its assistance in issuing tenders for operation and maintenance of the Sewer lines and the UIT is consistently telling them to start house connections in the areas where water flow test has been successful. The correspondence dated 16.11.11(2) and its letter dated 16.11.2011 as reply to these letters are placed herewith as ANNEXURE 7, 8 AND 9 RESPECTIVELY.

A successful water flow check up is shown to the AMC officials by UIT engineers. In this check up water flow in approx 100 km of the sewer lines is tested ~~successfully from one point to the other~~ and now there is no reason why AMC cannot take over the management of sewer pipe lines. The reference of the same can also be found in Annexure 1, 5 and 9. The petitioner also obtained certain samples of water flow check up from UIT Ajmer which shows that there is no problem in the water flow to reach up to STP



KHANPURA. The reports (10) are placed herewith and marked as ANNEXURE - 10 collectively.

The O & M period of 5 years counted from the completion of STP Khanpura (under RUIDP) in the year 2010 will be lapsed in 2015 without having any gain out of it to the people of Ajmer. In case the laid sewer pipe lines not made functional, there is a great danger of its becoming chock and non functional.

Above of all any other department can be authorized to manage the sewer network like UIT or PHED, Ajmer, which is already taking care of the sewer project in the Dargah Area or to the RUIDP itself.

RUIDP finished the work of laying sewer lines by Dec.2008. After RUIDP the work of laying sewerage pipe lines is taken up by UIT under JnNURM and the project was sanctioned on 19.08.08 for Rs. 112.08 Crore Rs. and work order was issued for Rs. 108.00 Crore. The first notice to proceed letter was issued in November-2010. The second and third notice to proceed letters were issued in March and August 2011. It took more than two years on the part of UIT to commence the work. The said notice to proceed dated 30.11.2010, 22.3.2011 and 26.8.11 are placed herewith and marked as ANNEXURE 11, 12 AND 13 respectively.

17. The following works are to be completed by UIT under JnNURM

a) The least work out of the proposed work is done in the Anasagar zone by RUIDP. Under this phase of sewerage work, the remaining or incomplete part of the sewerage work done by RUIDP is also included. The total length of the sewerage lines to be laid by the UIT under JnNURM is approx 145 km. reference of this fact can be is there in Annexure - 1.

b) Anasagar Zone Treatment Plant



Sewer lines have been laid in many colonies covered under the Anasagar zone but STP proposed to be installed at Anasagar is not completed yet. Unless STP is completed, water pollution in the Anasagar cannot be solved. Water of Anasagar Lake is polluted badly and the lake is not better than a sewerage itself causing health problems to the local people residing nearby. Properties cannot be connected with sewer lines unless STP becomes functional.

The Anasagar Lake is situated in the north of city Ajmer. Among the existing three lakes in Ajmer, Anasagar Lake is the biggest one with catchment area (56 KM²gross). Around 30% of population in Ajmer city resides in the catchment area of the lake.

At present all sewage in this area goes to the lake. As a result this lake has significant environmental problem. The main problem of the lake relates to the advanced level of eutrophication due to heavy nutrient and pollutant loading. If the current situation is continued, the lake may be clogged.

Further availability of sufficient quantity of water to maintain level of Lake is another problem. Due to this reason it has been decided to use the waste water from the city sewerage system to make up the loss of water in the lake and to keep it full up to FSL after Tertiary Treatment in a required Treatment Plant so as to improve the environmental conditions and aesthetic beauty of city.

The Aeration Plant established under NLCP is of lower capacity and unable to generate proper oxygen level in the Lake. Water in the Lake do not look transparent and stink badly. To save the Lake it is very necessary to increase the level of oxygen by increasing the capacity of the Aeration Plant.

c) **Sewerage Treatment Plant at Khanpura site for City zone**

It is now proposed to install another 40 MLD STP to meet this sewage treatment demand.

Location of Plant

of

The STP shall be located at Khanpura village which is in the south west direction of Ajmer. Additional 40 MLD plant is proposed to be installed to cater for total sewage treatment requirement of the year 2024. The capacity of the treatment plant shall be enhanced after the year 2024 after taking into account the status of connectivity of sewer connections and the total quantity of sewage flow received at the treatment site. Necessary capacity shall be added by way of constructing additional units in the existing treatment plant site.

STP capacity after installation of 40 MLD plant will be 60 ML. There will be sufficient generation of bio gas from 60 MLD STP. Available Bio Gas can be utilized for power generation. Generated power will be used for running both 20 and 40 MLD plant. Saving in power cost will make the process most economical than other processes. Hence activated sludge process with power generation is recommended for this plant.

18. **That the impact of non completion of the work above mentioned has resulted into the following impact on the Ajmer City:**

Impact of sewerage system is not translated in benefits due to lack of connection to household in the city. As a result there is no change in sanitary practice in the city.

The wastewater from kitchens bathrooms and toilets is being discharged into open drains which create unsanitary conditions. The other method prevalent in the city is septic tanks with and without soak pits. Hence the untreated waste water from these septic tanks is directly discharged to open drains passing through the streets which ultimately find its way into storm water drains.

Lying of sewer line has no affect on maintenance of the drains. The maintenance of drains is poor. The uncollected sewage often ends up in drains, causing blockages which result in flooding and unhygienic conditions. This is normally witnessed in the city.



The introduction of sewer line in the city has not reduced the instances of flooding because of its non-connection to the household. The incident of flooding is observed every year during and after the rain.

It is noticed that the unhygienic disposal of waste water has negative impact on human health. Incident of diseases like amoebic and bacillary dysentery, typhoid fever, salmonellas, various parasites, cholera, yellow fever, plague and reported from package area. The vector and rodents transmit various pathogenic agents.

The discharge of sullage into open drains has caused severe environmental problems. Lack of safe measures of collection, disposal and treatment of sewage has polluted soil, water and air. It resulted in creation of breeding grounds for biological vectors, such as insects pests and rodents, causing public health problem.

The unhealthy sanitary practice has created unhygienic environment on surroundings.

Disposal of waste water in storm water drains has polluted the water bodies like Anasagar, Palbechala, Khanpura pond etc. The local drains carrying waste water including kitchen and toilet waste meets the storm water drain Kazi Ka Nala, Bhopo Ka Bara, Vaishalinagar Diversion Channel, Mahaveer Colony Drain, Ganj Drain and finally discharge water in Anasagar. Similarly, local drains disposes waste water in a storm water drain near Martindale Bridge and finally discharge the water in Khanpura pond. In this way water bodies are being polluted every day.

Unsanitary disposal of waste water is also affecting the soil. The upper crust of soil is polluted due to unhygienic disposal and flooding.

Underground water is also being affected due to unsanitary disposal of waste water. Seepage of waste water has polluted the underground water.

Cultivation on such polluted land with such water is unfit for human consumption.



The unhygienic disposal of waste water causes disease like malaria, jaundice and diarrhea across the city. The affect of ill health directly impacts the earning of the citizens.

19. **That it is pertinent to mention here that during construction of sewerage line numerous problems were faced by the citizen of the city like:**

- Main market roads were closed for months. People had to use alternative long roots which cost them higher. Number of accidents were occurred, many people were seriously injured. Some of them became permanent handicapped or died.
- Delayed Restoration of roads is a serious problem having been faced by the citizens through out the sewerage construction work till now which causes grave inconvenience to the citizens and the same invites accidents too.
- The quality of the road patch work is very poor.
- Very slow progress of the work.
- Traffic Jam is a routine scenario

The various news paper reports are place herewith for the kind perusal of this Hon'ble court and marked as ANNEXURE 14.

20. **That on completion of the work of sewerage line as well as proper establishment of STP plant will benefit the city in the following manner:-**

- Hygiene – environmental
- Protection from malaria and other communicable diseases
- Aesthetically better
- Clean and transparent Anasagar
- Better quality water for agriculture which will provide hygienically better produces for human consumption.
- Stop mixing of contaminated elements to the underground water which will provide better quality drinking water.



V. Source of information:

The petitioner being social activist collected ~~the~~ material under Right to Information Act and also from newspaper cutting as well as other government departments. Photostat Copy of the Reply received under Right to Information Act is filed and marked as Annexure

VI. Nature and extent of injury caused/Apprehended

If the aforesaid sewerage system is not properly managed irreparable loss would be caused to the public.

VII. Any representation etc. made

Yes, representations given to the respondent authorities as stated above but nothing transpired.

VIII. Grounds - As mentioned herein above in the facts

IX. Delay if any in filing the petition and Explanation there for - NIL

X. Relief(s) prayed for

That the petitioner prays for the following relieves:

- a) An appropriate writ, order or direction to the respondents to secure waste water management programme functional by utilizing the sewer lines laid by RUIDP and process of house connections to be executed immediately, so that people may be benefited and the fund spent on the project can be utilized.
- b) An appropriate writ, order or direction to AMC to take over the sewer lines laid under RUIDP at Ajmer and after doing the house connections make the sewerage functional. In case AMC is unable to take over the sewerage, direction to the government of Rajasthan to appoint some other government or private agency to carry out the operation & maintenance of Sewerage.
- c) An appropriate writ, order or direction to the respondents to correct the deficiencies if any found in the sewerage lines laid by RUIDP and make it functional.
- d) An appropriate writ, order or direction to the respondents to provide immediate house-connection in the area coming



under the STP Khanpura, as the construction of STP Khanpura is completed in the year 2010 May.

- e) An appropriate writ, order or direction to respondents to complete construction of STP Anasagar Zone, STP Khanpura (40 MLD) and laying of sewer Lines under JnNURM in the stipulated time and not to allow further extension to the contractors to finish the work.
- f) An appropriate writ, order or direction to the respondents to ensure restoration of road within 15 days of laying of Sewer lines in the respective areas and with such quality as is incorporated in the agreement and to do the work with minimum inconvenience to the public.
- g) An appropriate writ, order or direction to the AMC or the other appointed agency which is assigned to operate & maintain the sewerage, to create a 'Sewerage Cell' to Operate & Maintain the sewerage works already completed by RUIDP and the work undertaken by UIT under JnNURM.
- h) An appropriate writ, order or direction to the UIT Ajmer to involve AMC or the other O & M agency to the sewerage construction work under JnNURM, to avoid any shortcoming as noticed by AMC in RUIDP work.
- i) An appropriate writ, order or direction to the respondents to identify and cover the leftover areas into the sewerage network which have not been included either in RUIDP or JnNURM and lay down sewerage lines in these areas.
- j) An appropriate writ, order or direction to the respondents that till the STP at Anasagar becomes functional, direct the appropriate authority or department to take immediate steps to solve the problem of the foul smell coming out of Anasagar Lake and affecting health conditions of the people living nearby.
- k) An appropriate writ, order or direction to the respondents to create a monitoring committee in the chairmanship of Divisional Commissioner or District Magistrate comprising of members from various government agencies including UIT, AMC, other government agencies and prominent citizens to monitor and report on all the activities related to the sewerage work to



the honorable court till the whole sewerage system in Ajmer becomes functional.

XI. Interim Order: NIL

XII. Caveat -

No notice has been received of lodging a caveat by the respondents.

Yours' Humble Petitioner
Through Counsel

Jaipur

Dated

Advocate

NOTES:

1. That No such PIL writ petition has earlier been filed in the matter
2. That this is D.B. Civil PIL Writ Petition.
3. That PF Notice and extra set would be filed as per direction of the Court.
4. That it has been typed by the private typist on stout paper, since pie papers are not readily available.

Counsel for the Petitioner



IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR

D.B. Civil Writ Petition No. _____/2012

Common Cause Society

Versus

State of Rajasthan and ors

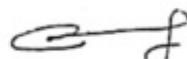
AFFIDAVIT IN SUPPORT OF WRIT PETITION

I, Manoj Mittal son of shri Munna Lal, aged 49 Years, President Common Cause Society, Ajmer (Registration No.70 / Ajmer / 02- 03) resident of Guru Kripa, Anasagar Link Road, Ajmer, 305006 do hereby take oath and state as under:-

1. That I am the petitioner in the aforesaid writ petition and, as such, am fully conversant with the facts and circumstances of the case.
2. That the annexed writ petition has been drafted and prepared by my counsel under my instructions and I have read over the same.
3. That the contents of paras and grounds of the writ petition are true and correct to my personal knowledge.

Jaipur

Date


Deponent

VERIFICATION

I, the above named deponent, do hereby take oath and verify that the contents of above affidavit from paras 1 to 3 are true and correct to the best of my knowledge. Nothing material has been concealed. So help me God.


Deponent

624 : 75

IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN

AT JAIPUR BENCH, JAIPUR

D.B. Civil Writ Petition No. _____/2012

Common Cause Society

Versus

State of Rajasthan and ors

AFFIDAVIT IN SUPPORT OF DOCUMENT

I, Manoj Mittal son of shri Munna Lal, aged 49 Years,
President Common Cause Society, Ajmer (Registration No.70 /
Ajmer / 02- 03) resident of Guru Kripa, Anasagar Link Road,
Ajmer, 305006 do hereby take oath and state as
under:-

1. That I am the petitioner in the
aforesaid writ petition and, as such, am
fully conversant with the facts and
circumstances of the case.
2. That Annexure 1 to annexed with the
writ petition are true and correct
copies of the original.

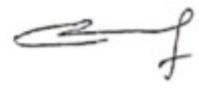
Jaipur .

Date


Deponent

VERIFICATION

I, the above named deponent... do hereby
take oath and verify that the contents of
above affidavit from paras 1 & 2 are true
and correct to the best of my knowledge.
Nothing material has been concealed. So help
me God.





**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 7559/2012

Common Cause Society Ajmer

----Petitioner

Versus

State Urban Developmentors

----Respondent

For Petitioner(s) : Mr. Peush Nag
For Respondent(s) : Mr. Sheetanshu Sharma on behalf of
Mr. M. S. Singhvi, Advocate General

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ
HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA**

Order

05/09/2019

Application No.90729/2018 has been filed for bringing on record the latest position in relation to Ana Sagar Lake.

Latest position is taken on record.

The application is disposed of.

Application No.41763/2019 has been filed by the respondent-State for bringing on record further developments taken place in relation to Ana Sagar Lake.

Further development stated in the application are taken on record.

The application is disposed of.

Learned counsel for the respondent-State submits that he shall file fresh compliance report in pursuance of order dated 20.05.2019 passed by this Court in the Registry today and supply copy thereof learned counsel for the petitioner.



Learned counsel for the petitioner may study the same and file his response.

Respondents are directed to implement the directions issued by this Court and file further compliance report before the next date of hearing.

List this matter on 15.10.2019, as prayed.

(NARENDRA SINGH DHADDHA),J

(MOHAMMAD RAFIQ),J

Gourav/Manoj-27

RAJASTHAN HIGH COURT



सत्यमेव जयते



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 7559/2012

Common Cause Society Ajmer

----Petitioner

Versus

State Urban Developmentors

----Respondent

For Petitioner(s) : Mr. Peush Nag
For Respondent(s) : Mr. M.S. Singhvi, AG (through VC)
assisted by
Mr. Sheetanshu Sharma
Mr. Ganesh Meena, AAG

**HON'BLE THE CHIEF JUSTICE MR. PANKAJ MITHAL
HON'BLE MRS. JUSTICE SHUBHA MEHTA**

Order

14/12/2022

This Public Interest Petition is for the preservation of the Anasagar Lake, Ajmer.

One of the orders dated 20.05.2019 records that there are total 11 *nalas* carrying untreated sewage water into the above lake and the respondents during the last 9 years have only been able to trap two of them.

A fresh status report has been filed on behalf of the respondents on 08.08.2022 which says that at present, only 2 *nalas* out of 11 *nalas* flow sewage water in the lake. This fact, as stated in the report, is disputed by the learned counsel for the petitioner.

In view of the above, he is directed to file objections to the above report clearly stating the position of the *nalas* or with



regard to the construction of the sewage line. The objections may be filed within two weeks.

List this petition in the second week of January, 2023.

The respondents, at the same time, are directed to ensure immediate stoppage of the flow of untreated sewage water from any *nala* into the lake and make alternate arrangements without waiting for the construction of the sewage line.

(SHUBHA MEHTA),J

(PANKAJ MITHAL),CJ

N.K. Gandhi/Charu/21



सत्यमेव जयते



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ (PIL) Petition No. 7559/2012

Common Cause Society, Ajmer

----Petitioner

Versus

State of Rajasthan & Ors.

----Respondents

For Petitioner(s)	:	None
For Respondent(s)	:	Mr. Sheetanshu Sharma, Advocate for Mr. M.S. Singhvi, Advocate General for Respondents No. 1 to 6 None for Respondent No.7

**HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**

Order

27/02/2023

Counsel for the petitioner is not appearing presumably because of the call for abstention from work.

Before dismissing this petition for want of prosecution, we are inclined to grant one last indulgence to appear in the case on the next date of hearing. If no one appears on behalf of the petitioner on the next date of hearing, this petition would be liable to be dismissed for want of prosecution.

List this case after six weeks.

(ANIL KUMAR UPMAN),J

(MANINDRA MOHAN SHRIVASTAVA),ACTING CJ

Mohita /35



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition (PIL) No. 7559/2012

Common Cause Society Ajmer

----Petitioner

Versus

State Urban Development & Ors.

----Respondent



For Petitioner(s) : Shri Peush Nag
For Respondent(s) : Shri M.S. Singhvi, Advocate General
with Shri Raunak Singhvi, Shri
Sheetanshu Sharma and Shri Vikram
Singh

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ
HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA**

Order

20/05/2019

Shri M.S. Singhvi, learned Advocate General submits that the respondent-State has filed further compliance report today. He submits that the respondents are expecting to complete the construction of sewage line in the city of Ajmer to be released by March end. Already 11,000 connection of sewage line has been given to different houses in various colonies and their target is to give 10,000 more such connections by end of March, 2020, thus covering all the houses in the city of Ajmer in the periphery of Ana Sagar lake.

Shri Peush Nag, learned counsel for the petitioner submits that the government in their letter dated 16.7.2010 had directed the Chief Executive Officer of Ajmer Municipal Corporation to start and execute the work of providing sewerage connections within two months after completing necessary formalities. He submits



that there are total 11 such nallahas carrying untreated sewage water, which fall in Ana Sagar Lake and the respondents during last 9 years have been able to tap only two of them whose water is now being taken to Ana Sagar sewage treatment plant and the untreated water of remaining nine of such nallahas still going in Ana Sagar lake.

Learned Advocate General submits that water of all such nallahas shall be diverted to the sewerage treated plant, which would happen with the completion of sewerage line being constructed in the various colonies. He submits that it is an ambitious project whereunder the respondents are constructing sewage line in the length of approximately 145 kms and work has been entrusted to Jawahar Lal Nehru Urban Renewal Mission, a project of Government of India, with estimated cost of Rs.112 crores, covering the various areas of Ajmer and Pushkar. 95 kms of sewerage network out of that has already been completed and 13 MLD STP at Anasagar has already been built, out of which 8 MLD (80 lacs) litre sewerage is coming through laid sewerage network to this STP.

It is also submitted that two nallahas out of eleven nallahas are terminating in Anasagar via laid sewerage network to Anasagar STP for treatment and diversion work of remaining 9 nallahas is under progress. The Nagar Nigam, Ajmer has laid 46 kms of sewerage network in Anasagar Zone in AMRUT Yojna, which will channelize the sewerage of households in areas to 13 MLD STP at Anasagar treatment plant. It is also submitted that a budgetary provision of Rs.30 crores has been kept in Smart City Project for 100% house sewerage connection in Ajmer City for which 11 zones have been created. The tender process for 3 zones



has also been initiated and the work order has been issued on 6.3.2019, which will take care of 10000 houses for sewerage connections.

Learned counsel for the petitioner may file his response to the aforementioned compliance report.

This Court is constrained to observe that the project for construction of sewerage line in the City of Ajmer, which started more than 10 years ago, has still not been completed, which shows the slow pace with which work of construction is being carried out.

Learned Advocate General at this stage submitted that the respondents have been trying to persuade the residents of the Ajmer City to take the sewerage connections, but many are reluctant to take connection.

If that be so, the respondents should take necessary measures with the involvement of the Pollution Control Board by disconnecting water/electricity supply of such residents under the Water (Prevention and Control of Pollution) Act, 1974 so as to compel them to obtain sewerage connection.

The matter to come up on 6.8.2019 to see the further compliance.

(NARENDRA SINGH DHADDHA),J

(MOHAMMAD RAFIQ),J

RS/7

As On Dated 20.01.2023

तथ्यात्मक विवरण
झील सीमा एवं संरक्षित क्षेत्र व नो कन्सट्रक्शन जोन में स्थित अवैध निर्माणों पर की गई
कार्यवाही की सूची

क्र.सं	अवैध निर्माण	विशेष टिप्पणी	कार्यवाही
1	झील सीमा एवं संरक्षित क्षेत्र में अवैध निर्माण श्री राजेश शर्मा, जी मॉल के पीछे, आनासागर सरक्यूलर रोड अजमेर	माननीय उच्च न्यायालय में स्टे। नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है।	हाई कोर्ट का स्टे
2	नो कन्सट्रक्शन जोन में अवैध निर्माण (झील सीमा एवं संरक्षित क्षेत्र से बाहर) श्री प्रशांत साहू, Hotel Heaven नई चौपाटी रीजनल कॉलेज के सामने अजमेर	माननीय उच्च न्यायालय में स्टे। नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है।	हाई कोर्ट का स्टे
3	श्री मुकेश दाधीच, माहेश्वरी स्कूल के सामने आनासागर, अजमेर	मिट्टी भराव किया गया था जिसका माननीय उच्च न्यायालय में स्टे है।	हाई कोर्ट का स्टे
4	श्री राजेश चौधरी, श्री सूर्य प्रकाश चौधरी, श्री जगदीश चौधरी, श्री राणा मार्बल ग्रेनाइट	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये है। अवैध निर्माण हटाने की प्रक्रिया में	सीज कर दिया
5	श्रीमती आशासिंह पत्नी डॉ० श्री राजेन्द्र सिंह, आनासागर सरक्यूलर रोड वैशालीनगर, पेट्रोल पम्प के सामने अजमेर	कार्यवाही प्रक्रियाधीन मिट्टी भराव का मामला है नोटिस जारी कर दिया गया है।	सीज कर दिया
6	श्री लोकेश यादव, होटल 77 रेस्टोरेन्ट नई चौपाटी, रीजनल कॉलेज के सामने अजमेर	नगर निगम द्वारा सीज कर दिया गया है। नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है।	सीज कर दिया
7	श्री मानसिंह, Boom Box Café गोविन्द जी का भट्टा नई चौपाटी अजमेर	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है	हटा दिया गया
8	श्री अमन चौधरी, Food Way & Resturant अजमेर	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है	सीज कर दिया
9	श्री सुदीप सिंह, जंक यार्ड कैफे, अजमेर	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है	सीज कर दिया
10	श्री दुर्गासिंह चौहान जी मॉल के पीछे, आनासागर सरक्यूलर रोड अजमेर	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है	सीज कर दिया
11	श्री दीपक साहू माहेश्वरी पब्लिक स्कूल के सामने आनासागर सरक्यूलर रोड अजमेर	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है	सीज कर दिया
12	श्री अंशुल कुमार जयसिगानिया पुत्र श्री नानकराम जयसिगानिया व श्री एम0डी0 कोरानी पर्ल पेराडाईज आनासागर सरक्यूलर रोड अजमेर	माननीय उच्च न्यायालय में स्टे नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है	हाई कोर्ट का स्टे
13	श्री कुलदीप सिंह (मालिक) ब्लेक आउट (टीन शेड में कपड़े का शोरूम) सेवन बन्दर्स के पास, अजमेर।	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है	हाई कोर्ट का स्टे
14	श्री यश देवनानी (संचालक) पेशी पलोर कोफी, वृन्दावन गार्डन के पीछे, अजमेर।	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये है। ट्रेड लाईसेन्स निरस्त कर दिया गया है	हाई कोर्ट का स्टे

क्र.सं.	अवैध निर्माण	विशेष टिप्पणी	कार्यवाही
15	श्री हितेश वर्मा पुत्र रमेश चन्द वर्मा) स्ट्रीकिंग ब्ल्यू कोफी, वृन्दावन गार्डन के पीछे चौपाटी के पास, अजमेर।	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये हैं। ट्रेड लाईसेन्स निरस्त कर दिया गया है	हाई कोर्ट का स्टे
16	श्री राहुल शर्मा (संचालक), टी जक्शन कैफे, वृन्दावन गार्डन के पास अजमेर।	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये हैं। ट्रेड लाईसेन्स निरस्त कर दिया गया है	हाई कोर्ट का स्टे
17	श्री विजेन्द्र चौधरी, माहेश्वरी पब्लिक स्कूल के सामने गली में, ईट भट्टे के पास, आनासागर रोड़ अजमेर।	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये हैं।	हटा दिया गया
18	श्री विजेन्द्र पाराशर, सेवन वन्डर्स के पास, आनासागर रोड़, अजमेर।	कार्यवाही प्रक्रियाधीन नोटिस जारी कर दिये हैं।	हटा दिया गया
19	श्री प्रकाश चौधरी आपणी ढाणी रेस्टोरेन्ट	तोड़ दिया गया है	तोड़ दिया गया है
20	श्री राजकुमार पोखरणा, प्लॉट नं. 09 महावीर कॉलोनी, अजमेर।	नोटिस जारी कर दिये गये हैं	आवासीय मकान
21	श्री प्रसन्न अग्रवाल, प्लॉट नं. 42 महावीर कॉलोनी, अजमेर।	नोटिस जारी कर दिये गये हैं	आवासीय मकान
23	श्री प्रतीक कुमार गोयल पुत्र श्री चेतनराज गोयल, जोगराज भवन, मुख्य पुष्कर रोड़ अजमेर।	नोटिस जारी कर दिये गये हैं	आवासीय मकान
24	सन्तोष वर्मन, मकान नं. 57 महावीर कॉलोनी, अजमेर।	नोटिस जारी कर दिये गये हैं	आवासीय मकान
25	श्री मनोहर सिंह रावत, मकान नं. 205 खसरा नं. 2146 शान्तिपुरा के पीछे, खसरा नं. 2119 अजमेर।	नोटिस जारी कर दिये गये हैं	आवासीय मकान
26	श्री लालचन्द बोहराणा, मकान नं. 263 राधे गोविन्द कॉलोनी, पुष्कर रोड़ अजमेर।	नोटिस जारी कर दिये गये हैं	आवासीय मकान
27	श्री नन्द किशोर जी, मकान नं. 346 नवग्रह कॉलोनी, अजमेर।	नोटिस जारी कर दिये गये हैं	आवासीय मकान
28	श्री संजीव मेहरा, वार्ड नं. 71 विश्राम स्थली के पास, पुष्कर रोड़ अजमेर।	नोटिस जारी कर दिये गये हैं	आवासीय मकान

(2) कुल 28 स्थानों पर कार्यवाही की गई जिसमें 08 प्रकरणों में माननीय उच्च न्यायालय का स्टे है। 07 प्रकरणों में नगर निगम द्वारा कार्यवाही कर सीज किया गया। 04 प्रकरणों में अवैध निर्माण को ध्वस्त किया गया। 08 प्रकरणों में आवासीय भवन निर्मित है जो कि विभिन्न कॉलोनियों में निवास करते हैं, उनको नोटिस जारी किए गए हैं। कुछ प्रापट्री नो-कन्सट्रक्शन जोन घोषित होने की पूर्व की भी है।



कार्यालय नगर निगम, अजमेर

पृथ्वीराज मार्ग, अजमेर (राजस्थान) फोन न. 0145-2429971, 2429920

ईमेल :- ajmeramc@gamil.in,

वेबसाईट: www.ajmeramc.org

क्रमांक: -

दिनांक:

आनासागर झील कि साफ-सफाई व्यवस्था पर नगर निगम द्वारा वार्षिक व्यय का विवरण निम्नानुसार है:-

क्र.सं	व्यय मद	व्यय प्रतिमाह	कुल व्यय
01	डिविडिंग मशीन का O&M	2,50,000/-	30,00,000/- (प्रति वर्ष)
02	मृत मछली निकालने पर व्यय	-	50,000/- (प्रति वर्ष)
03	पाथवे बिट पर व्यय	2,73,900	32,86,800/- (प्रति वर्ष)
04	STP प्लांट संचालन का O&M, एवं विद्युत पर व्यय	-	1,00,00,000/- (प्रति वर्ष)
05	Musical Fountain पर व्यय	60,000/-	7,20,000/- (प्रति वर्ष)
	कुल खर्च (वार्षिक)		1,70,56,800/-

प्रभारी अधिकारी,
नगर निगम, अजमेर।

श. सुमार सैनी
अधिष्ठापी अभियन्ता (यांत्रिक),
नगर निगम, अजमेर



कार्यालय नगर निगम, अजमेर
पृथ्वीराजमार्ग, अजमेर (राजस्थान) फोननं. 0145-2429971, 2429920.
ईमेलआर्षडी :- ajmermc@gmail.com वेबसाईट :- www.ajmermc.org

MEW/2023-24/33987-

Date - 25/04/2023

Compliance Report of Order Dated 14.12.2022

D.B. Civil Writ Petition 7559/2012

Common Cause Society Ajmer

(Petitioner)

V/s

States Urban Development & Ors.

(Respondent)

Hon'ble the chief Justice Mr. PANKAJ MITHAL

Hon'ble Mrs. Justice SHUBHA MEHTA

Factual Report

- आनासागर झील के चारों ओर परिधीय क्षेत्र में स्थित 17 वार्डों में लगभग 28000 आवासीय/व्यावसायिक प्रोपर्टीज में से 27000 प्रोपर्टीज को सीवर लाईन से जोड़ दिया गया है। शेष प्रोपर्टीज को सीवर लाईन से जोड़ने के लिए सीवर लाईन डालने व सीवर कनेक्शन का कार्य प्रगति पर है। सीवर कनेक्शन होने के बाद इन क्षेत्रों से गुजरने वाले 13 बरसाती नालों में से 3 नालों में Dry weather flow रुक गया/नाले सूख गये, 4 नालों में Dry weather flow नगण्य हो गया। 2 नालें पूर्व में ही STP में ड्रायवर्ट किये हुए थे।
- आनासागर झील के नगर निगम द्वारा दिनांक 14.04.2023 को तीन स्थानों से पानी के सैम्पल लिये गये। जिसकी वॉटर क्वालिटी पैरामीटर (DO, BOD, COD, TSS) की रिपोर्ट Permissible limit में पायी गयी। (रिपोर्ट संलग्न है।)
- आनासागर झील के चारों ओर स्थित 17 वार्डों/क्षेत्रों में अधिकांश सीवर कनेक्शन होने के बावजूद भी किसी भी प्रकार से इन बरसाती नालों में आने वाले Dry weather flow को पूर्णतः आनासागर में जाने से रोकने के लिए नालों के Exit Point से पहले नाले को ट्रेप कर सीवर लाईन के द्वारा STP में ड्रायवर्ट करने का कार्य किया जा रहा है। आनासागर में आने वाले 13 बरसाती नालों में से 10 बरसाती नालों को सीवर लाईन के द्वारा STP में ड्रायवर्ट कर दिया गया है। शेष 3 नालों को सीवर लाईन के द्वारा STP में ड्रायवर्ट करने का कार्य प्रगति पर है। इन में से 2 नालों को एक सप्ताह में सीवर लाईन के द्वारा STP से जोड़ दिया जावेगा। शेष 1 नाले को STP में ड्रायवर्ट करने में लगभग 1 1/2 माह का समय लगेगा।

नालों के वर्तमान स्थिति का विवरण निम्न प्रकार है।

क्र.सं.	नाले का नाम	लोकेशन	वर्तमान स्थिति
1.	नागफनी का नाला	नियर नागफनी तिराहा, पुष्कर रोड़	सीवर लाईन के द्वारा STP से जोड़ दिया है।
2.	महावीर कॉलोनी का नाला	नियर महावीर कॉलोनी पुष्कर रोड़	सीवर लाईन के द्वारा STP से जोड़ दिया है।
3.	रामनगर का नाला	नियर कमल नर्सरी पुष्कर रोड़	सीवर लाईन के द्वारा STP से जोड़ दिया है।
4.	बांडी नदी का नाला	नियर मोती विहार, पुष्कर रोड़	पहले से ही STP से जोड़ा हुआ है।
5.	मित्तल हॉस्पिटल का नाला	नियर मित्तल हॉस्पिटल पुष्कर रोड़	सीवर लाईन के द्वारा STP से जोड़ दिया है।
6.	नोसर घाटी का नाला	नियर रीजनल कॉलेज, पुष्कर रोड़	नाले के उदगम क्षेत्र में सभी घरों में सीवर कनेक्शन होने से नाला सूख गया है।

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7.	गणपति नगर/अलखनन्दा कॉलोनी-रीजनल कॉलेज का नाला	रीजनल कॉलेज, सरक्युलर रोड	नाले के उदगम क्षेत्र में सभी घरों में सीवर कनेक्शन होने से नाला सूख गया है।
8.	रातीडांग का नाला (नियर माहेश्वरी स्कूल)	नियर माहेश्वरी स्कूल, सरक्युलर रोड	सीवर लाईन के द्वारा STP से जोड़ दिया है।
9.	चौरसियावास का नाला	नियर वैशाली नगर पेट्रोल पम्प	पहले से ही STP से जोड़ा हुआ है।
10.	क्रिश्चयनगंज का नाला	नियर पुरानी चौपाटी	सीवर लाईन के द्वारा STP से जोड़ दिया है।
11.	आतेड का नाला	नियर बर्डपार्क	सीवर लाईन से जोड़ने का कार्य प्रगति पर है। (एक सप्ताह में कार्य पूर्ण हो जायेगा)
12.	शान्तिपुरा का नाला	नियर कुट्टी की टाल	सीवर लाईन से जोड़ने का कार्य प्रगति पर है। (एक सप्ताह में कार्य पूर्ण हो जायेगा)
13.	काँजी का नाला	नियर सिटी हॉस्पिटल, लिंक रोड	सीवर लाईन से जोड़ने का कार्य प्रगति पर है। इस कार्य में इनलेट व सीलिंग टैंक की गहराई 4.5 मीटर होने के कारण इस कार्य को पूर्ण होने में लगभग 45 दिन का समय लगेगा)

Factual रिपोर्ट अवलोकनार्थ प्रेषित हैं।

अधिसापी अभियंता (सीवर)
नगर निगम, अजमेर

कार्यालय नगर निगम, अजमेर

आनासागर झील के आस-पास के क्षेत्र में स्थित हॉस्पिटल्स का अनट्रीटेड सीवेज डायरेक्ट आनासागर में नहीं जाता है।

अधिसा³¹धी अभियंता
नगर निगम अजमेर



कार्यालय नगर निगम, अजमेर

पृथ्वीराज मार्ग, अजमेर (राजस्थान) फोन नं. 0145-2429971, 2429920

क्रमांक: एफ.14(19)/ननिअ/उघान/एनजीटी/अ.मलिक/23/

दिनांक:

—:तथ्यात्मक-प्रतिवेदन:—

विषय:- माननीय नेशनल ग्रीन ट्रिब्यूनल, सेन्ट्रल जोन बेंच, भोपाल के प्रकरण सं 20/2023 (CZ) श्री अशोक कुमार मलीक बनाम राजस्थान राज्य एवं अन्य में प्राप्त अपील के संबंधित बिन्दु संख्या: 13 कि तैयार तथ्यात्मक रिपोर्ट के क्रम में।

प्रसंग:- पत्रांक: कअ/सामान्य/एनजीटी/2023/34, दि 14.03.23।

उपर्युक्त विषय एवं प्रासंगिक पत्र के क्रम में बिन्दु संख्या: 13 (That the Ajmer Municipal Corporation is planning to establish a cruise ship on the lake) से संबंधित तथ्यात्मक रिपोर्ट निम्नानुसार है:-

क्र.सं	बिन्दु सं	बिन्दु भाग	बिन्दु विवरण	तथ्यात्मक विवरण
01	13	A	Increase in water pollution	आनासागर झील में क्रूज बोट संचालन से झील का जल प्रदूषित नहीं होगा क्योंकि क्रूज बोट में सोलिड/लिविड वेस्ट प्रबंधन हेतु आवश्यक प्रबंध किये गये हैं। क्रूज से झील में किसी भी प्रकार का वेस्ट नहीं जाए उक्त का प्रारंभ से ही विशेष ध्यान निगम प्रशासन एवं निर्माता संवेदक फर्म द्वारा रखा गया है।
02	13	B	Disturbance to aquatic life	आनासागर झील में चलाया जाने वाली क्रूज बोट सौर ऊर्जा बैटरी से संचालित होगी इसलिए क्रूज संचालन पर ध्वनि एवं कंपन नगण्य मात्रा में ही उत्पन्न होगा जिससे झील के जीवों पर किसी भी प्रकार का प्रतिकूल प्रभाव नहीं होगा।
03	13	C	Risk of oil spills	झील में संचालित कि जाने वाली क्रूज बोट सौर ऊर्जा बैटरी आधारित होने के कारण झील में तेल रिसाव का खतरा उत्पन्न ही नहीं होता।
04	13	D	Negative impact on migratory birds	आनासागर झील में क्रूज संचालन हेतु मार्ग का निर्धारण इस प्रकार किया जाएगा कि प्रवासी पक्षियों पर किसी भी प्रकार का प्रतिकूल प्रभाव नहीं होगा।
05	13	E	Alteration of lake ecology	झील में चलाये जाने वाली क्रूज बोट सौर ऊर्जा बैटरी आधारित होने के कारण झील के तापमान, ऑक्सीजन स्तर, पोषण स्तर में किसी भी प्रकार के परिवर्तन कि संभावना नहीं है जो झील के जीवों को प्रतिकूल प्रभाव दे, बल्कि क्रूज चलने से अवांछित जलिय छाग/काई आदि कटने से ऑक्सीजन संचरण में वृद्धि होने कि संभावना है।

प्रभारी अधिकारी
नगर निगम, अजमेर।
रविन्द्र कुमार सैनी
अधिसापी अभियन्ता (यांत्रिक)
नगर निगम, अजमेर

Ar-8

GEETA MARBLE PVT. LTD.

Harmara Road Industrial Area, Kishangarh, District - Ajmer (Raj.)

Date 28-3-23.....

Before the Hon'ble Central Zone Bhopal Bench
The National Green Bench

Subject: Original Application No. 20/2023 (CZ)

It is to humbly submit before the Hon'ble Bench that we have come to know about an Original Application No. 20/2023 filed by one Shri Ashok Malik against State of Rajasthan and others, highlighting various activities and constructions going on around the Anasagar Lake in the City of Ajmer in Rajasthan in violation of the Water (Prevention and Control of Pollution) Act, Air (Prevention and Control of Pollution) Act, Environmental Protection Act, Solid Waste Management Rules, Hazardous and other Waste Management Rules etc. The applicant has stated that these activities have been wrongly permitted by the Ajmer Municipal Corporation and sought relief by stopping such activities.

It is to submit that, inter alia, the applicant has also questioned the permission given by the Ajmer Municipal Corporation for establishing a cruise ship in the lake which would further deteriorate the environment.

It is to submit before the Hon'ble Bench that, based on a competitive bidding, our firm was awarded the permission for plying a **cruise boat, not cruise ship** as mentioned by the applicant. Though we are not a Non-Applicant or Respondent in the instant application but having come to know about it we are making factual submissions before the Hon'ble Bench for their consideration. The applicant has expressed the following apprehensions.

- A. Increase in water pollution: The cruise ship will generate waste water and sewage, which can add to the existing pollution load of the lake and harm aquatic life.
- B. Disturbance to aquatic life: the movement of the ship on the lake would create noise and vibration, which can be harmful to aquatic life and disturb the ecological balance of the lake.
- C. Risk of Oil spill: The cruise ship would require regular maintenance and refueling, which increases the risk of oil spills that can have devastating effects on the lake's ecosystem.
- D. Negative impact on migratory birds: Anasagar lake is a popular site for migratory birds, and the presence of a cruise ship would disturb their habitat, causing them to migrate elsewhere.
- E. Alteration of lake ecology: the introduction of a cruise ship may lead to changes in the lake's ecology, such as changes in water temperature, oxygen levels, and nutrient levels which can impact the flora and fauna of the lake.


रविन्द्र कुमार सैनी
अधिकाारी अभियन्ता (यांत्रिक)
नगर निगम, अजमेर

GEETA MARBLE PVT. LTD.

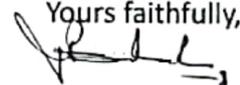
Harmara Road Industrial Area, Kishangarh, District - Ajmer (Raj.)

Date 28-3-23.....

It is to submit that the above apprehensions are misplaced and factually incorrect which are borne out from the following submissions.

1. It is cruise boat and not cruise ship which is quite different in size as well other specifications. Moreover it has been constructed as per the Guidelines for operation of Cruise Boat issued in terms of the Rajasthan Pollution Control Board. It has also been approved by the Rajasthan Lake Conservation Authority.
2. Since it will be equipped with bio-toilet there would be zero waste and all the prescribed standards would be followed.
3. It is also to submit that it would be first electric cruise boat (run on solar power or batteries), therefore would cause no noise pollution or oil spillage. Even the cruise boats plying in the Ganga at Varanasi and in the water bodies in many other states run on diesel.
4. The propellers do not cause any depletion in the oxygen level but rather the action of the propulsions help in boosting the oxygen level.
5. It is to submit that the cruise boat would run and as per the guidelines issued by the Pollution Control Board. It would ply on the route specified by the Municipal Corporation and being a silent boat having bio-toilets and running on solar power or batteries, would cause no harm to the quality of the air or water or to the aquatic life or birds. It would rather supplement the efforts of the government in developing the city of Ajmer as smart city and promote eco-friendly tourism.
Submitted to the Hon'ble Tribunal please.

Yours faithfully,



Copy :- Commissioner, Nagar Nigam, Ajmer



रविन्द्र कुमार सैनी
अधिशापी अभियन्ता (यांत्रिक)
नगर निगम