

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL, WESTERN ZONE BENCH,
PUNE

ORIGINAL APPLICATION NO.160/2024 (WZ)

EARLIER ORIGINAL APPLICATION NO.729/2024 (PB)

PETITIONER: SUO-MOTO Cognizance

VERSUS

RESPONDENTS :

1. Nagpur Municipal Corporation,
Nagpur through its Commissioner.
2. District Magistrate, Nagpur
3. Nagpur Improvement Trust
Nagpur through its Chairman

PRELIMINARY SUBMISSIONS ON BEHALF OF
RESPONDENT NO. 1 – NAGPUR MUNICIPAL
CORPORATION, NAGPUR

Without prejudice with the rights of respondent No. 1-
Nagpur Municipal Corporation, it is most humbly and
respectfully submit as under:

1. That, the Principal Bench of the Hon'ble National Green
Tribunal, New Delhi had taken SUO-MOTO cognizance vide
O.A. No.729/2024 on the basis of '*News item titled "High-rise*



construction near Ambazari Lake raises concerns amid flood worries” appearing in Nagpur Today dated 21.05.2024’ and the Hon`ble Tribunal was pleased to issue notices to the respondent no. 1 & 2 to file their response in respect to the issue in hand to this Hon`ble Tribunal on or before 5.9.2024.

2. That, on 5.9.2024 on behalf of the respondent no. 1 Adv. J. B. Kasat appeared before this Hon`ble Tribunal via Video Conferencing and at the request of him was pleased to grant time to file reply to the present respondent and impleaded respondent no. 3 – Nagpur Improvement Trust as party respondent. That, this Hon`ble Tribunal further pleased to direct the answering respondent to place before this Hon`ble Tribunal the copy of the proceedings pending before Hon`ble High Court, Bench at Nagpur as well as the orders passed therein by the Hon`ble High Court.

3. That, there was heavy rain fall in Nagpur on 23.09.2023 which caused flood like situation in the vicinity of the Ambazari Dam. That, in the matter of heavy rains and floods due to Ambazari overflow on 23.09.2023 in the city of Nagpur Public Interest Litigation No.56 of 2023 (Ramgopal Bachuka & others



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Vs. State of Maharashtra & other) was filed and same is pending before Hon'ble High Court in which the following prayers are sought by the respective petitioners which are as follows :

(i) This Hon'ble Court may conduct 'judicial enquiry' through a committee of 'three sitting judges of Bombay High Court' in the matter of illegal constructions made by government authorities NMC, NIT & MAHAMETRO and in the matter of failure of civil authorities to prevent water logging in residential areas in vicinity of Ambazari Lake and Naag Nala by which 'thousands of families are seriously affected' and for 'fixing responsibilities of civil authorities' who have failed to take measures to protect lives and livelihood of innocent citizens of Nagpur and violating their fundamental rights under article 14, 19, 21.

(ii) This Hon'ble High Court may appoint expert committee of Engineers, Scientist, Environmentalists to conduct the 'systematic survey' of deteriorating condition of Ambazari Dam and to suggest the measures to repair, reconstruct, rejuvenate the Ambazari Dam which is a Heritage Site.

(iii) This Hon'ble Court may direct the respondent No.1, 2 3 to sanction and grant an amount of Rs.5,00,000/- to every flood affected family residing in flood affected area in Nagpur, which



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is seriously affected due to the "Heavy Rains" and "Ambazari Over Flow" on 23.09.2023, as 'ex-gratia compensation' instead of Rs.10,000/- which is not adequate to compensate their losses.

(iv) This Hon'ble Court may direct to respondent No.1,2, 3 to grant of an amount of Rs.10/- lakhs to every flood affected shop owner for loss of his livelihood.

(v) This Hon'ble Court may direct to respondent No.7, 8 to remove 'Vivekanand Smarak' built on the Ambazari Lake Overflow point which is in the middle of Ambazari Lake overflow Point obstructing the regular flow of water (spill way) and thus becoming one of the causes of 'water logging in the nearby localities' and relocate the same in Ambazari Garden.

(vi) This Hon'ble High Court may direct the MAHAMETRO to immediately stop the construction of 'Seven Wonders of World' (situated within 200 meters of Ambazari Dams) and demolish the Compound Wall situated opposite Ambazari Overflow Point, which was constructed illegally within 100 meters of Dam violating various provisions of law.

(vii) This Hon'ble High Court may direct the respondent No.1, 2, 3, 7, 8 to acquire land of 200 meters within vicinity of



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‘downward stream’ and ‘spill way’ of Ambazari Dam and immediately start rebuilding/repair of Ambazari Dam.

(viii) This Hon’ble Court may direct the NIT to immediately demolish the illegal construction of ‘Skating Ring’ blocking the free flow of water in Nag River and violating UDCPR 3.1.12.

(ix) This Hon’ble Court may direct to respondent No.1, 2, 3 for grant of Rs.2,000/- Cr. For the cleaning, preservation, maintenance, rejuvenation of Naag River and to complete the said project on war footing.

(x) This Hon’ble Court may direct the respondent authorities to immediately submit the DPR before this Hon’ble High Court for improvement and maintenance and rejuvenation of Naag River (JICA PROJECT) approved by Central Government.

(xi) This Hon’ble High Court may direct the respondents to conduct the ‘geo natal mapping’ of the city of Nagpur and prepare fresh plans for ‘sewage and drainage’ disposal of Nagpur City.

(xii) This Hon’ble High Court may direct the respondent authorities to conduct the ‘detailed survey’ of existing ‘drainage



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lines and sewage lines' and sanction an amount of Rs.250/- crores for constructing new 'sewage lines' in the city of Nagpur.

(xiii) This Hon'ble Court may direct the MPCB to immediately take actions against the Industries/ entities who are responsible for discharge of 'Solid Waste' or 'industrial waste' in Ambazari Lake and Naag Nala in the city of Nagpur under Environment Protection Act, 1986, The Air Act, The Water Act.

(xiv) This Hon'ble Court may pass any others order may deem fit in the larger interest of justice.

The copy of petition of PIL No.56/2023 and orders passed therein are annexed herewith and collectively marked as **DOCUMENT NO. R1-1** for kind perusal of this Hon'ble Tribunal.

4. That, as per available office record Khasara no. 1, 2 and 4 of Mauza Ambazari and Khasara no. 3/2, 4/2 & 5/2 of Mauza Parsodi in the nearest vicinity of the Ambazari Lake / Dam falls within the jurisdiction of the respondent no. 3 i.e. Nagpur Improvement Trust as the Planning Authority however apart from these the answering respondent i.e. Nagpur Municipal



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Corporation is the Planning Authority for Mauza Ambazari & Parsodi. The copy of the part plan of the DP regarding Mauza Ambazari and Parsodi is annexed herewith and marked as **DOCUMENT NO. R1-2** to this affidavit for kind perusal of this Hon'ble Tribunal.

5. That, as there is no specification or any land details in the news item published and on the basis of which the Suo-Moto cognizance was taken by the Hon'ble Principal Seat of Green Tribunal, Delhi however it appears that the said news item was in respect to the ongoing construction of multistoried building in the vicinity of Ambazari Lake in Mulik Layout of Mauza Parsodi. That, Mouza : Parsodi which was regularized under Gunthewari Act 2001 by the respondent No. 3/NIT as the Planning Authority.
6. That, for the City of Nagpur the Unified Development Control and Promotion Regulations, 2020 have been put in force by the Govt. of Maharashtra w.e.f. 5.12.2020. That, the Respondent No. 1 & 3 being the Planning Authorities of the Nagpur City are bound to comply with the mandates of these Regulations in their respective jurisdictions and the answering respondent is being complied with scrupulously. That, as per Regulation 3.1.1(ii) of



these Regulations, 2020 provides that - *The site not eligible for construction of building if the entire site is within a distance of 6.0 m. from the edge of water mark of a minor water course (like nallah, canal) and 15.0 m. from the edge of water mark of a major water course (like river) shown on Development Plan / Regional Plan / City Survey Map or otherwise; provided that where a minor water course passes through a low lying land without any well –defined banks, the owner of the property may be permitted by the Authority to canalize the water course within the same land without changing the overall alignment and the position of the inlet and outlet of the water course according to cross section as determined by the Authority. In such case, marginal open space shall be as stipulated under these regulation and shall be measured from the edge of the trained nallah.* The copy of the relevant provision of the UDCPR 2020 is annexed herewith and marked as **DOCUMENT NO. R1-3** to this affidavit for kind perusal of this Hon`ble Tribunal.

7. That, it is needless to say the issue involved in the PIL No. 56/2023 (Ramgopal Bachuka & others Vs State of Maharashtra



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& other) deals with strengthening of the Ambazari Lake Dam and removal of the monument of Swami Vivekanand in the spill way of the Ambazari Dam and allied other issues as mentioned in the petition and the subject matter before this Hon'ble Tribunal are different in nature.

8. That, the submissions are bonafide in nature in order to assist the Hon'ble Tribunal and any direction/s issued by the Hon'ble Tribunal shall be abide by the answering respondent.
9. That, the answering respondent reserves its rights to file appropriate detailed submissions if required during the proceedings before this Hon'ble Tribunal.

Hence, this reply/preliminary submissions.

NAGPUR
DATED :15/10/2024


C. F. RESP. No.1/NMC



SOLEMN AFFIRMATION

I, Ruturaj S/o Abhimanyu Jadhav, aged about 37 years, Occupation: Assistant Director of Town Planning, Nagpur Municipal Corporation, Nagpur, do hereby solemnly state as under:

- 1. That, I am duly authorised and competent to swear the present reply affidavit on behalf of the respondent nos. 1, NMC.
- 2. That, the contents of the above reply from paragraphs 1 to 9 are true and correct to the information received from the available office record and the submissions of law made herein are believed to be true by me.
- 3. That, the above reply has been drafted by the panel counsel as per the instructions given by me.

Hence, sworn, signed and verified at Nagpur on this 15th day of October, 2024.

I know the deponent

J. B. KASAT ADVOCATE

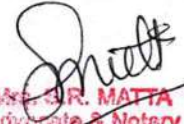

DEPONENT
 Assistant Director
 Town Planning
 Nagpur Municipal Corporation

NOTARIAL REG.
 ENTRY No. 6585
 DATE 16/10/2024

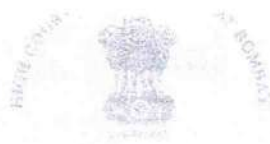
S. R. MATTA
 NOTARY
 NAGPUR DIST. (M.S.)
 INDIA
 Regd. No. 6776
 GOVT. OF INDIA

SWORN BEFORE ME ON THIS 16th DAY OF Oct. 20 24 AT NAGPUR BY SHRI / SMT./ Ku. Ruturaj A. Jadhav P/o NAGPUR WHO HAS BEEN IDENTIFIED BY SHRI / SMT. J. B. Kasat ADVOCATE, NAGPUR.

NOTARY
 MRS. S. R. MATTA
 DIST. NAGPUR (M.S) INDIA
 REGD. No. 6776
 GOVT. OF INDIA


S. R. MATTA
 Advocate & Notary
 91B-B, Clarke Town, Nagpur-46





IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO.56 OF 2023

Ramgopal Bisambhardayal Bachuka, North Ambazari Road, Nagpur and ors.

-vs-

State of Maharashtra, Thr. Chief Secretary, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Dr T. D. Mandlekar, Advocate with Shri T. V. Fadnavis, Advocate with Shri Nishant Tamgadge, Advocate for petitioners.

Ms N. P. Mehta, Additional Government Pleader for respondent Nos.1 to 5, 7 and 12.

Shri J. B. Kasat, Advocate for respondent Nos.8 and 13.

Shri G. A. Kunte, Advocate for respondent No.10.

CORAM : A. S. CHANDURKAR AND VRUSHALI V. JOSHI, JJ.

DATE : October 13, 2023

1. Issue notice to the respondents, returnable in three weeks.
2. Ms N. P. Mehta, learned Additional Government Pleader waives service of notice for respondent Nos.1 to 5, 7 and 12.
3. Shri J. B. Kasat, learned counsel waives service of notice for respondent Nos.8 and 13.
4. Shri G. A. Kunte, learned counsel waives service of notice for respondent No.10.
5. Shri S. S. Sanyal, learned counsel present in Court waives service of notice for respondent No.11.
6. The other respondents be served by all permissible modes.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

PUBLIC INTEREST LITIGATION NO. 56 OF 2023

Ramgopal B. Bachuka and others

vs.

The State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri (Dr.) T. D.Mandlekar, Advocate for petitioners.

Ms N. P. Mehta, Additional Government Pleader for respondent nos. 1 to 5, 7 and 12.

Shri S. K. Mishra, Senior Advocate with Shri J. B. Kasat, Advocate for respondent
nos. 8 and 13.

Shri G.A.Kunte, Advocate for respondent no.10.

Shri Anil Mardikar, Senior Advocate with Shri Ved Deshpande, Advocate for
interveners.

CORAM :- A.S.CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE :- 8th NOVEMBER, 2023

The learned counsel for the petitioners is granted time to file
reply to Civil Application (O) No. 1385 of 2023. The learned counsel
for the respondents also seek time to obtain necessary instructions.

2. Stand over to 29.11.2023 for further consideration.

(ABHAY J. MANTRI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

PUBLIC INTEREST LITIGATION NO. 56 OF 2023

(RAMGOPAL BISAMBHARDAYAL BACHUKA & OTHERS **VERSUS** STATE OF
MAHARASHTRA & OTHERS)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
Judge's order
and Registrar's orders.*

Court's or

Shri T.D. Mandlekar with Ms T.V. Fadnvis, counsel for petitioners.
Ms N.P. Mehta, Additional Government Pleader for respondent nos.1 to 5
and 7.
Shri S.K. Mishra, Senior Advocate with Shri J.B. Kasat, counsel for
respondent nos.8 and 13.
Shri G.A.Kunte, counsel for respondent no.10.
Shri J.J. Chandurkar, counsel for respondent no.12.
Shri Anil Mardikar, Senior Advocate with Shri Ved Deshpande, counsel
for interveners.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : DECEMBER 06, 2023

The service affidavit is tendered by the counsel for petitioner duly sworn by Advocate Tejas Fadnavis, stating that the notice is already served through e-mail upon the respondent no.9.

2. In Public Interest Litigation No.96 of 2017, this Court by an order dated 21.03.2018, has given certain directions and those directions were to be implemented expeditiously.

3. Unfortunately, the said directions till this date i.e. almost after a period of more than five years have not been taken to their logical end. This Court was contemplating to pass an adverse order against various statutory Authorities including the Government, who were entrusted with the task.

4. Amongst other directions issued by this Court are as under : -

“16. It could thus be seen that over the years varieties of reasons, namely, the Planning Authorities; which have granted permission to buildings within the prohibited zone of 200 metres, Planning Authorities, which have constructed roads within the distance of 200 metres from site of dam, Authorities which have permitted commercial activities to be carried out within the distance of 200 metres, politicians who for the reasons best known to every one have permitted construction of monuments, have created a situation, which has potential of creating a flood like situation, etc. These are only illustrative in nature and not exhaustive. On the contrary, experts in the field do not find that there is any threat by construction of metro Rail to the safety of dam.

17. No doubt, a public spirited citizen like the petitioner ought to have approached this Court much earlier when such illegal constructions were permitted by the Planning Authorities or when such monuments were erected or when such commercial activities were permitted. However, we find that though belatedly, petitioner's approaching this Court has given us an opportunity to issue directions to various Authorities so as to ensure safety of dam so that a flood like situation is avoided. We, therefore, dispose of the petition with following directions :

(i) Respondent no.6 is directed either itself or through Irrigation Authorities situated at Nagpur to execute the entire works, which are necessary for ensuring safety of dam as could be found in the letter dated 16/8/2017 and in the inspection report, which is to be found at pages 130 to 132 of paper book.

(ii) The respondent no.6 in consultation with respondent no.3 Corporation, respondent no.5 and local irrigation Agency shall prepare plans for ensuring safety of dam, which has outlived its life. The said plans be finalized by 15th April 2018. After the plans are finalized, respondent no.6 either itself or through local Irrigation Agency as chosen by it, shall forthwith start work for execution of such measures. Needless to state that work would not be restricted only to

342 metres stretch, which is adjoining alignment of metro, but for entire length of dam.

(iii) Respondent Metro Rail shall bear costs for executing the works, which are adjoining its alignment, i.e. 342 metres. The expenditure towards costs of strengthening remaining stretch of dam shall initially be borne by State Government. State Government would be at liberty to recover full or part of the amount from respondent no.3 Corporation or other Planning Authorities, which in the opinion of State Government, have contributed to such illegal structures.

18. We make it clear that for executing the aforesaid works, paucity of funds will not be considered an excuse. We direct Chief Secretary of State of Maharashtra to ensure that aforesaid directions are followed scrupulously.”

5. Since the aforesaid directions issued by this Division Bench were to be complied within a time bound manner, we have called upon the respective counsel for the parties to demonstrate the compliance of the aforesaid order. However, we are shocked to know what learned Senior Advocate Shri S.K. Mishra has stated before this Court. The learned Senior Advocate stated that inspite of the directions issued by this Court, the Chief Secretary of the State Government has not taken pains to allot the funds for execution of the works that were directed by this Court. The respondent no.9-Maharashtra Metro Rail Corporation Limited has parted with a very meagre amount for the purpose of execution of the works and it has instructed the respondent no.8-Nagpur Municipal Corporation to adjust the said amount. Apart from above, the affidavit filed by the respondent no.8-Nagpur Municipal Corporation depicts that the work was to be executed in four priorities, out of which the work of only first priority is completed and inspite of lapse of five years, the work of remaining three priorities has not been taken to its logical end.

6. Though respondent no.9-Maharashtra Metro Rail Corporation Limited has been served, they have chosen not to appear in the matter. However, Shri S.K. Mishra, learned Senior Advocate has sought accommodation so as to intimate the said Corporation which would enable it to file an affidavit in the matter.

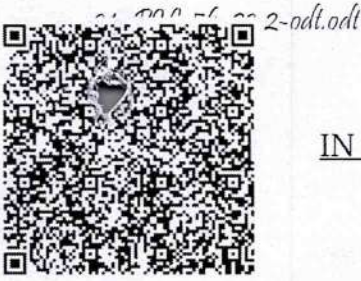
7. This Court is at all not satisfied with the pace at which the steps are being taken by the respondents in the matter of strengthening of Ambazari dam, shifting of the monument and the removal of other impediments. The photographs which are produced on record along with affidavit depict a very dangerous picture and similar flood-like situation could often be required to be faced by the occupants of the adjoining area of the said dam.

8. As such, by way of last chance, we grant time till December 17, 2023 to the respondents including the Office of the Chief Secretary of the State Government so as to report compliance in the matter.

9. Stand over 20.12.2023 along with Writ Petition No. 7424 of 2023.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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-vs-

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Ms N. P Mehta, Additional Government Pleader for respondent Nos.1 to 5 & 7.

Shri S. K. Mishra, Senior Advocate with Shri J. B. Kasat, Advocate for respondent Nos.8 and 13.

Shri S. K. Mishra, Senior Advocate with Shri A. M. Sharma, Advocate for respondent No.9.

Shri G. A. Kunte, Advocate for respondent No.10.

Shri S. S. Sanyal, Advocate for respondent No.11.

Shri J. J. Chandurkar, Advocate for respondent No.12.

Shri Anil Mardikar, Senior Advocate with Shri Ved Deshpande, Advocate for Intervenor.

Shri Rutej R. Pimpalkhute, Advocate for Intervenor in CAO/1509/2023.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : December 20, 2023

P. C.

By speaking order dated 06/12/2023 this Court had directed respondent No.1 to report compliance by today. The compliance affidavit is placed on record which is sworn by the officer of the Corporation i.e. one Dr Sunil Laxmanraoji Lahane who is presently posted as Additional Municipal Commissioner, Municipal Corporation, Nagpur.

2. Apart from above, perusal of the affidavit does not disclose the authority of such officer to swear the affidavit on behalf of the Chief Secretary so also the Secretary, Urban Development Department. Apart from above it is also not clear from the contents of the affidavit as to whether the Chief Secretary was sensitive about the issue sought to be canvassed in this public interest litigation and which he is required to

attend on priority basis as it is already observed that the State Government has not complied with the order dated 21/03/2018 delivered in PIL No.96/2017.

3. The aforesaid approach on the part of the Chief Secretary depicts his complete insensitivity to the issue involved in this public interest litigation. Even otherwise we see no authorisation given by the Chief Secretary in favour of the Additional Municipal Commissioner to file such affidavit in the matter.

4. As such, we are left with no option but to summon the Chief Secretary to remain present before this Court on 21/12/2023 for having casual approach in the matter as we don't see appropriate compliance of the order of this Court passed on 06/12/2023.

5. Stand over to 21/12/2023 at 2.30 pm.

6. Authenticated copy of the order be provided to the counsel for the parties.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

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Shri J. B. Kasat, Advocate for respondent Nos.8 and 13.
Shri G. A. Kunte, Advocate for respondent No.10.
Shri Anil Mardikar, Senior Advocate with Shri Ved Deshpande, Advocate for Intervenor.

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(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

PUBLIC INTEREST LITIGATION NO. 56 OF 2023

RAMGOPAL BISAMBHARDAYAL BACHUKA AND OTHERS

Vrs.

STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
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or directions and Registrar's order

Court's or Judge's Order

Dr. T. D. Mandlekar, Advocate with Shri Nishant Tamgadge and Ms. Tejas Fadnavis, Advocates for petitioners.
Dr. Birendra Saraf, Advocate General (through Video Conferencing) with Ms. N. P. Mehta, Addl. G.P. for respondent Nos.1 to 5 & 7.
Shri S. K. Mishra, Senior Advocate with Shri J. B. Kasat, Advocate for respondent Nos.8 and 13.
Shri S. K. Mishra, Senior Advocate with Shri A. M. Sharma, Advocate for respondent No.9.
Shri S. S. Sanyal, Advocate for respondent No.11.
Shri J. J. Chandurkar, Advocate for respondent No.12.
Shri Anil Mardikar, Senior Advocate with Shri Ved R. Deshpande, Advocate for Intervener.
Shri Rutej R. Pimpalkhute, Advocate for Intervener in CAO No.1509/2023 AND CAW No.3647/2023.

**CORAM: NITIN W. SAMBRE AND
ABHAY J. MANTRI, JJ.**

DATE : 21/12/2023.

1. As far as the intervention applications are concerned, request of learned counsel for the petitioners to file reply to the same is granted.
2. Let the reply on intervention applications be placed on record within a period of three weeks from today.
3. In compliance with the orders of this Court dated 06/12/2023 and 20/12/2023, Ms. Mehta, learned

Additional Government Pleader has placed on record an affidavit duly sworn by the Chief Secretary of the State of Maharashtra Shri Manoj Saunik. The Chief Secretary is physically present in the Court.

4. We have heard Dr. Birendra Saraf, learned Advocate General in support of the proposed decision of the State Government to constitute a Committee headed by high ranking officers so as to implement the orders passed by this Court in earlier round of litigation i.e. the order dated 21/03/2018 passed in PIL No.96/2017.

5. Dr. Birendra Saraf, learned Advocate General assures this Court that the constitution of the Committee and the issue which shall be dealt with by the said Committee in the matter of not only the compliance of the abovesaid order passed in PIL No.96/2017, but also such other ancilliary issues which would clear the encroachments in the bed of Nag River, which is affecting its free flow giving rise to the flooding including at the source of Nag River shall be addressed. According to him, a time-bound plan shall be submitted by placing on record an additional affidavit of the Chairman of the aforesaid Committee in any case by 12/01/2024.

6. In view of the assurance given by the highest Law Officer of the State of Maharashtra and having regard to the fact that the Chief Secretary in compliance of the order of this Court is physically present in the Court and having taken serious note of the issue, we deem it

appropriate to accept the request made by learned Advocate General.

7. Accordingly, we post the matter on 17/01/2024 by accepting an assurance given by the learned Advocate General that the affidavit of the Chairman of the Committee shall be placed on record on or before the said date.

8. The Committee shall also deal with the order dated 19/01/2022 passed in SMPIL No.1/2020 which deals with the removal of encroachment which are located in the form of slums, various illegal constructions, etc.

9. We dispense with the presence of the Chief Secretary from the next date of hearing, until further orders.

[ABHAY J. MANTRI, J.]

[NITIN W. SAMBRE, J.]

Choulwar



(1)

pil56.23

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO.56 OF 2023

Ramgopal Bisambhardayal Bachuka and others Vs. State of Maharashtra & another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Dr. T. D.Mandlekar, Advocate with Shri Nishant Tamgadge and Ms. Tejas Fadnavis
Advocates for petitioners.

Dr. Birendra Saraf, Advocate General (through Video Conferencing) with Mr. A.M.
Deshpande, In-charge Government Pleader for respondent nos.1 to 5 & 7.

Mr. S.K. Mishra, Senior Advocate with Mr. J.B.Kasat, Advocate for respondent nos.8
and 13.

Mr. S.K.Mishra, Senior Advocate with Shri A.M.Sharm, Advocate for respondent no.9.

Mr. S.S.Sanyal, Advocate for respondent no.11.

Mr. J.J. Chndurkar, Advocate for respondent no.12.

Mr. Rutej R. Pimpalkhute, Advocate for Intervener in CAO Nos.1509/2023 and CAW
No.3647/2023.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATED : 17/01/2024.

Civil Application (CAO) No.99/2024.

For the reasons disclosed in the application, the prayer for amendment is allowed. Amendment to be carried out within two weeks. If so required, the respondents may submit their response by next date to the said amended pleadings.

PUBLIC INTEREST LITIGATION NO.56 OF 2023.

1. We have heard the Advocate General Mr. Birendra Saraf assisted by Mr. Deshpande, Incharge Government Pleader for the State Government, Mr. Mishra, learned Senior Counsel assisted by Mr. Kasat for the local Planning Authorities - Corporation, Maharashtra Metro Rail Corporation Ltd., Nagpur

Improvement Trust, and respondent no.13 - the Heritage Conservation Committee.

2. The affidavit of the Divisional Commissioner, Nagpur Division, Nagpur, is placed on record. It is brought to our notice that by the Government Resolution dated 5th January 2024, a High Level Committee under the Chairmanship of the Divisional Commissioner is constituted, which consists of the other members i.e. the Head of the statutory bodies i.e. Divisional Commissioner, Nagpur, The Municipal Corporation, The Collector, The Chairman, Nagpur Improvement Trust, The Managing Director, Maharashtra Metro Rail Corporation, Nagpur, Regional Officer, Maharashtra Pollution Control Board, Chief Engineer, Water Resources Department/Irrigation Department, Director, Disaster Management, Nagpur, Chairman, Heritage Conservation Committee, Nagpur, Managing Director, Maharashtra Engineering Research Institute, Nashik, Director and Maharashtra Environmental Engineering Institute, Nagpur.

3. The Advocate General, on instructions informs us that the Government is contemplating the representation to be also given to the Water Resources Department, as the said department is one of the stake holders in the matter of the implementation of the projects/still in question.

4. Amongst others, the directions are issued by the said Committee to the local Planning Authorities to place on record the details of the work to be executed for the purpose of addressing the issue. As far as the discharge of statutory duties by the local Planning Authorities – the Corporation, the Nagpur Improvement Trust in the matter of removal of encroachments which is affecting free flow of the Naag river is concerned, irrespective of the details

being called and looked into by that Committee, we deem it appropriate to direct the said Planning Authorities to remove all such illegal structures, which are affecting or creating hindrance in the smooth channel of the Naag river.

5. We further deem it appropriate to have response of the aforesaid Planning Authorities on the issue of the illegal encroachments and such illegal structures, as has been erected in the catchment area of the aforesaid river, as we are of the prima facie view that such illegal encroachments/structures are affecting the smooth flow of flood/rain water in the river, thereby creating the flooding in the residential areas.

6. In response to the Court's query, the Advocate General has informed that the time-bound execution of the work shall be taken up, as could be noticed from the contents of the affidavit. As such, he would claim that the period of four weeks be granted so as to enable the Chairman of the Committee to place on record the steps taken in the matter.

7. In response to the Court's query, the counsel for the petitioners has invited our attention to the affidavit filed on record by the respondent no.12 – Executive Engineer, Irrigation Department, Nagpur Region. Para 6 of the said affidavit reads thus:

“6. In a meeting resided by the Executive Director, Vidarbha Irrigation Development on 12.04.2018 it was stated that the discharge capacity of the Spill Channel and Tail Channel has been reduced due to the fact that the monument i.e. Vivekananda Statue built on downstream of spillway of Ambazari Dam which has caused a blockage and has reduced the discharge capacity of the Spill Channel and Tail Channel. Accordingly, directions have been issued to Nagpur Municipal



Corporation (i) to move the monument to the side of the road in order to increase water discharging capacity under the road bridge in the lower part of the spillway. (ii) Also directions were issued to Nagpur Municipal Corporation to increase the water discharging capacity under the road bridge by dismantling the existing bridge and re-constructing it by considering this aspect. (iii) To restore the carrying capacity of Naag river by means of widening and deepening of the river. A copy of the minutes of the meeting dated 12.04.2018 is filed at Annexure-R12-4. It is submitted that as decided in the meeting under Chairmanship of Chief Engineer, Water Resources Department, Nagpur Dt.3.7.2018 Annexure-R12-5, EE, NID (South), Nagpur made a demand for Rs. 10 crores vide letter dated 5.7.2018 to the Nagpur Municipal Corporation Nagpur for the proposed necessary work of Ambazari Dam. A copy of the letter dated 5.7.2018 is filed at Annexure-R12-6. The Municipal Corporation, Nagpur vide letter no.1328 dated 28.09.2018 and Cheque No.298828 dated 27.09.2018 deposited Rs.1 crore with the Nagpur Irrigation Division (South), Nagpur. A copy of the letter dated 28.09.2018 is filed at Annexure-R12-7".

8. After perusal of the aforesaid paragraph no.6, what can be noticed is, the respondent no.12 has already carried out survey and study of the alleged encroachments so also the steps to be taken for channelizing the water flow from the very source of overflow of the dam in question.

9. We fail to understand as to why again similar exercise is required to be carried out.

10. Be that as it may, we deem it appropriate to have response of the Committee on the said issue, as we are of the view that the affidavit of the

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respondent no.12 was not brought to the notice of the said Committee, which was sworn on 16th December, 2023.

11. As prayed, we deem it appropriate to defer the hearing of the present petition to 7th February, 2024 to have response and the progress in the matter of the execution of the protection work to be taken up by the Committee.

12. Stand over to 7th February, 2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

PUBLIC INTEREST LITIGATION NO. 56 of 2023

Ramgopal B. Bachuka and others.

vs.

The State of Maharashtra through its Chief Secretary, Mumbai and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri (Dr)T. D. Mandlekar, Advocate for petitioners.

Ms N. P. Mehta, Additional Government Pleader for respondent nos. 1 to 5, 7.

Shri S. K. Mishra, Senior Advocate a/b Shri J. B. Kasat, Advocate for respondent nos. 8 and 13.

Shri S. K. Mishra, Senior Advocate a/b Shri Ayush Sharma, Advocate for respondent no.9

Shri G. A. Kunte, Advocate for respondent no.10.

Shri S.S. Sanyal, Advocate for respondent no.11.

Shri J. J. Chandurkar, Advocate for respondent no.12.

Shri R.R.Pimpalkhute, Advocate for intervenor.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 7 FEBRUARY, 2024.

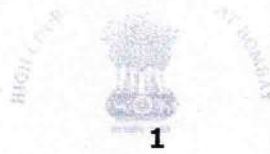
Counsel for respondent no.12- Mr. J.J.Chandurkar, assures that the Minutes of the Meeting held on 24.01.2024 are under active consideration and the plan is being chalked out as to the mode and manner in which the project in question particularly, execution of the technical work can be taken to its logical end.

2. He would claim that after considering the report which is produced as Annexure 2 along with documents at Annexure 3, appropriate affidavit shall be placed on record within a period of three weeks.

3. Stand over to 28.02.2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR**

PUBLIC INTEREST LITIGATION NO.56 OF 2023

(Ramgopal Bisambhardayal Bachuka and others Vs. State of Maharashtra & another)

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Court's or Judge's order

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Ms.T.H.Khan, Assistant Government Pleader for respondent Nos.1 to 5 and 7.

Mr. S.K. Mishra, Senior Advocate a/b. Mr. J.B.Kasat, Advocate for respondent Nos.8 and 13.

Mr. S.K.Mishra, Senior Advocate a/b. Shri A.M.Sharma, Advocate for respondent No.9.

Mr. G.A.Kunte, Advocate for respondent No.10.

Mr. S.S.Sanyal, Advocate for respondent No.11.

Mr. J.J. Chndurkar, Advocate for respondent No.12.

Mr.R.R.Pimpalkhute, Advocate for Intervener in CAO No.1509/2023 and CAW No.3647/2023.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : MARCH 13, 2024

CIVIL APPLICATION(O)NO. 383 OF 2024

The present application is for intervention, whereby the objection is sought to be raised to the act of the respondent Tree Authorities in granting permission and that of Nagpur Municipal Corporation in cutting the trees.

2) Mr.Mishra, learned Senior Counsel appearing for respondent Municipal Corporation has placed on record additional affidavit, thereby giving statistics as regards the trees which were cut after obtaining permission and also the process adopted in the matter. He would further submits that an appropriate

response to the application moved by the intervenor shall be placed within a period of three weeks from today.

CIVIL APPLICATION(O)NO. 1509 OF 2024

The applicant in this intervention application has brought to the notice of this Court about the impediment created by a bridge abutting the Saraswati Vidyalaya at Shankar Nagar during the flood/storm period.

2) Mr.Mishra, learned Senior Counsel as prayed, three weeks' time is granted to response to the same.

PUBLIC INTEREST LITIGATION NO.56 OF 2023

This Court in view of orders dated 21/12/2023 and 17/01/2024, has examined the stand taken by the Irrigation Department through the various communications and also the affidavit which are placed on record.

2) To be more precise, the Court is required to have regard to the stand taken by the Irrigation Department in the minutes of meeting dated 19/04/2018 and various other communications annexed to the affidavit dated 16/12/2023.

3) The other communications along with the said affidavit viz a report addressed to the Commissioner, Municipal Corporation on 24/11/2020, the evaluation of the entire project and certification thereof carried out by V.N.I.T. drawn by the Irrigation Department has reflected in the communication dated 08/12/2020, which was addressed by the Executive Engineer to the Superintending Engineer. The stand reflected in the affidavit sworn by the Executive Engineer on 26/02/2024 in para 24 and

25 apparently reflects irreconcilable position of the contrary stand taken by the said Authority.

4) Mr.Chandurkar, learned counsel for respondent No.12 – Irrigation Department submits that what is reflected in the affidavit and the communication is based on developments as took place in the joint meeting of the expert body and as such it is only after the reconsideration of the issue, the affidavit is placed on record reflecting the recent stand in para 24 and 25.

5) Upon perusal of the stand taken by the respondent No.12 – Irrigation Department in para 24 and 25 of the affidavit appears to be contrary to what has been observed by this Court in the order dated 17/01/2024, particularly in regard to an affidavit part of which already reproduced therein.

6) In the aforesaid background, it appears that the respondent No.12 is not firm about its stand on the issues to be addressed and the stands are being changed the moment there is change in the Officer.

7) As such, this prompt us to direct the Executive Director, Irrigation Department to file a concise affidavit dealing with all the issues. The said Officer shall be sensitive to the observations of this Court made in the order dated 17/01/2024.

8) We further accept the statement made by the respondent No.12 in its affidavit dated 26/02/2024 in para 23 which reads thus :-

"23. *It is submitted that with respect to the study of Crazy Castle obstructing the free flow of Nag river survey work is carried out by Respondent No.12 for the tail channel of Ambazari dam and accordingly existing discharge carrying*

capacity, desired discharge carrying capacity and required carrying capacity for 1 in 100 year storm for location of tail channel in the vicinity of Crazy Castle will be provided to Nagpur Municipal Corporation, Nagpur and Mahametro by 15th of March."

9) Mr.Chandurkar, learned counsel for the respondent No.12 – Irrigation Department has assured us that the location of tail channel in the vicinity of the surrounding area including Crazy Castle will be provided to the respondent Nagpur Municipal Corporation by 15/03/2024, so as to enable the said respondent to take appropriate measures to widen the channel width.

10) In response to the above, Mr.Mishra, learned Senior Counsel submits that once the aforesaid inputs are received from the respondent No.12, an endeavour shall be made to place before this Court the response of the respondent Municipal Corporation within three weeks thereafter.

11) In this background, we deem it appropriate to permit respondent No.12 through its Executive Director to place on record an affidavit dealing with the aforesaid issues in any case by 01/04/2024.

12) Stand over to **03/04/2024**.

(**ABHAY J. MANTRI, J.)**

(**NITIN W. SAMBRE, J.)**



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Public Interest Litigation No.56 of 2023

[Ramgopal Bisambhardayal Eachuka and others **VERSUS** The State of Maharashtra, through its
Chief Secretary, Mumbai and others]

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and Registrar's orders.*

Court's or Judge's order

Dr. T.D. Mandlekar, Counsel for Petitioners.

Ms N.P. Mehta, Additional Government Pleader for Respondent Nos.1 to 5 and 7.

Shri S.K. Mishra, Senior Advocate, with Shri J.B. Kasat, Counsel for Respondent Nos.8 and 13.

Shri S.K. Mishra, Senior Advocate, with Shri A.M. Sharma, Counsel for Respondent No.9.

Shri P.D. Khedikar, Counsel, holding for Shri Girish A. Kunte, Counsel for Respondent No.10.

Shri S.S. Sanyal, Counsel for Respondent No.11.

Shri A.S. Jaiswal, Senior Advocate, with Shri J.J. Chandurkar, Counsel for Respondent No.12.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 2nd MAY, 2024

Civil Application (CAO) No.1509 of 2023 :

Since the learned counsel for the applicants is not present, stand over to
3-5-2024 along with Public Interest Litigation.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

PUBLIC INTEREST LITIGATION NO. 56 OF 2023

(Ramgopal Bisambhardayal Bachuka and others ..vs.. The State of Maharashtra, through its Chief Secretary, Mumbai and others)

Office Notes, Office Memoranda of Coram,
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Court's or Judge's orders

Dr. T.D. Mandlekar, Counsel for the petitioners,
Ms. N.P. Mehta, Addl.G.P. for respondent Nos.1 to 5, 7.
Mr. S.K. Mishra, Senior Counsel assisted by Mr. J.B. Kasat, Counsel for
respondent Nos.8 and 13,
Mr. S.K. Mishra, Senior Counsel assisted by Mr. A.M. Sharma, Counsel for
respondent No.9,
Mr. G.A. Kunte, Counsel for respondent No10,
Mr. S.S. Sanyal, Counsel for respondent No.11,
Mr. A.S. Jaiswal, Senior Counsel assisted by Mr. J.J. Chandurkar, Counsel
for respondent No.12.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 03-05-2024

In response to the Court's query particularly about location of statue in the no development zone, it is an admitted position as disclosed by the learned Senior Counsel Mr. S.K. Mishra, on instructions, from the Deputy Director, Town Planning so also the Additional Commissioner of Nagpur Municipal Corporation that the statue was constructed in no development zone.

2. The aforesaid factual matrix should have been reflected in the affidavit of the Corporation in the beginning of hearing of the present Public Interest Litigation itself.



3. Such construction in the no development zone is carried out in flagrant violation of the development control regulation.

4. That being so, we post the matter on 08-5-2024 so as to enable the Additional Commissioner to file an affidavit by 07-5-2024 by causing an enquiry disclosing the names of the officers who are responsible for such decision of carrying out illegal construction of statue in the no development zone. The affidavit must contain the remedial measures by which the aforesaid issue can be addressed including that of the time within which the same can be implemented.

5. During the course of lengthy hearing, it is disclosed by the respective counsel that total stretch of 17 km. within the city limit is covered by the flow of Nag River.

6. So as to have remedial measures to control the flood of said river since 2018, the Irrigation Department, the Corporation and the Revenue Authorities are in agreement that hydraulic study is required to carry out.

7. Such hydraulic study is required to be carried out in entire 17 km. stretch of Nag River.

8. The fact remains that till this date, such hydraulic study is not carried out. However, in the recent meeting

he!l on 24-2-2024 the Divisional Commissioner has issued instructions in the matter. Even if such instructions, the issue has not progressed at inch ahead as no instructions are issued to the competent authority to carry out such hydraulic study.

9. We have reminded the counsel appearing for the Irrigation Department/Corporation so also Nagpur Municipal Corporation about the assurances given by the Advocate General during the last hearing. However, we hardly see any effective step being taken either by the Corporation or by the Authorities who are led by the Divisional Commissioner in the matter of implementation of project in question.

10. As such, through the Additional Government Pleader we would like to call upon the Divisional Commissioner to look into the matter and also the Additional Government Pleader should apprise the Advocate General the additional developments as we expect the response from both these officers on the next date of hearing.

11. As such, we post the matter on 08-5-2024 at 10-30 a.m.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)





IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO.56 OF 2023

Ramgopal Bisambhardayal Bachuka, North Ambazari Road, Nagpur and ors.

-vs-

State of Maharashtra, Thr. Chief Secretary, Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
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Court's or Judge's Orders.

Dr T. D. Mandlekar, Advocate (Through VC) with T. V. Fadnavis, Advocate with Shri Nishant Tamgadge, Advocate for petitioners.

Shri Birendra Saraf, Advocate General (Through VC) with Shri D. V. Chouhan, Government Pleader for respondent Nos.1 to 5 & 7.

Shri S. K. Mishra, Senior Advocate with Shri J. B. Kasat, Advocate for respondent Nos.8 and 13 and Applicant in CAO/604/2024.

Shri S. K. Mishra, Senior Advocate with Shri A. M. Sharma, Advocate for respondent No.9.

Shri G. A. Kunte, Advocate for respondent No.10.

Shri S. S. Sanyal, Advocate for respondent No.11.

Shri A. S. Jaiswal, Senior Advocate with Shri J. J. Chandurkar, Advocate for respondent No.12.

Shri Rutej R. Pimpalkhute, Advocate for Intervenor in CAO/1509/2023.

Shri P. K. Sathianathan, Advocate for Intervenor in CAW/383/2024.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : May 08, 2024

Civil Application (CAO) No.604/2024

Shri T. D. Mandlekar, learned counsel for the original petitioners is granted time of four weeks to file reply.

Public Interest Litigation No.56/2023

The other aspects of the matter which are brought to our notice by Shri T. D. Mandlekar and Shri P. K. Sathianathan, learned counsel who are respectively appearing for the petitioners and the Invervenors that the statue of Swami Vivekananda is erected at a place which comes within prohibited area as could be inferred from the policy of the



Government reflected in Government Resolution dated 08/03/2018 issued by the Water Resource Department so also the policy vide Government Resolution dated 02/08/2013 as was existing prior to said Government Resolution dated 08/03/2018.

2. *Vide* Government Resolution dated 02/08/2013 the Expert body that is Irrigation Department has put an embargo on carrying out development work within 200 meters of boundary of the dam. The said policy was subsequently modified and 200 meters limit was reduced to 30 meters as can be noticed in Government Resolution dated 08/03/2018. Still the location of the statue is in prohibited zone which fact is not in dispute as the learned counsel representing Irrigation Department/Corporation so also the Municipal Corporation concedes.

3. In this background, Shri Birendra Saraf, learned Advocate General in response to the above, submits that the High Power Committee be given an opportunity to consider the issue as to whether in view of aforesaid embargo the statue can be relocated at a convenient place so as to achieve the very object for which it was erected viz. Reclamation. He would urge that the same is necessary so as to ensure not only security of the structure of statue but also the citizens residing in the nearby area.

4. . . Apart from above, Shri P. K. Sathianathan, learned counsel appearing for the Intervenors in Civil Application No.383/2024 has relied on the Government Resolution dated 15/10/2003 whereby the dam in question is declared as a heritage structure. He has also invited our attention to the inclusion of the very dam in question in the inventory prepared by the Central Government under the Wetlands (Conservation and Management) Rules, 2010. In view of aforesaid, according to the learned counsel, once the Ambazari Garden and the dam are included in the Inventory prepared by the Central Government, an embargo is attracted in carrying out development in and around the said wetland.

5. In view of and having regard to the submissions made by the learned Advocate General, we are of the view that let the aforesaid issue be looked into by the High Power Committee as regards relocation of the statue which is erected within the prohibited area as has been observed herein above.

6. Let the decision of the High Power Committee be placed before the Court by 10th June, 2024. The Committee shall also be sensitive to the provisions of the Dam Safety Act, 2021 while taking such decision.

7. Through an affidavit sworn by the Superintending Engineer, Public Health Engineering Department of the Nagpur Municipal



Corporation, it is brought to our notice that the Corporation has already approached the Central Water and Power Research Station, Pune for carrying out hydraulic study in the matter, the response of the said Authority is awaited.

8. It is assured by Shri S. K. Mishra, learned Senior Counsel appearing for the Nagpur Municipal Corporation that one to one communication shall be established with the said Authority so as to have expeditious completion of hydraulic study. Further Shri A. S. Jaiswal, learned Senior Counsel appearing for respondent No.12 assures that whatever data is being sought by the Corporation for expeditious completion of hydraulic study shall be provided immediately.

9. The statement made on instructions is accepted.

10. We expect early meeting of the senior-most officers of the Municipal Corporation and Irrigation Department so as to sort out the aforesaid issue.

11. The completion of work of strengthening the dam is likely to take substantial period of time having regard to the capacity of the dam in question in proportion to its catchment area. The city has witnessed number of overflows. At times, such overflows have flooded the

adjoining area for various reasons. Amongst others, the reasons which can be noted from the submissions are the existence of the statue in the spillway, that too within the prohibited zone, the bridge having narrow outflow creating a bottleneck and diversion of natural flow because of the structures being developed on the bank of the source.

In such an eventuality, so as to avoid flooding of adjoining area which in past has caused not only damage to the property but also loss of lives, it is necessary that till the completion of the strengthening and improvement work carried out by the High Power Committee, temporary measures are required to be taken to avoid flooding. As suggested by the Advocate General, let the High Power Committee to look into the aforesaid issue.

12. As suggested by the learned Advocate General, the issue shall be looked into by the High Power Committee at the earliest and essential safety measures being taken for the same which are to be completed before ensuing monsoon shall also be placed on record.

13. Needless to clarify, the Committee and the concerned Authorities shall not wait for approval from this Court for completing such safety measures which are to be taken so as to avoid flooding of the nearby area.

14. Order accordingly. Stand over to 12/06/2024 for further consideration.

The learned Government Pleader to file affidavit along with documents which are placed on record.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)



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Counsel for the petitioners,
Dr. Birendra Saraf, Advocate General (through VC) with Mr. D.V.
Chauhan, Government Pleader for respondent Nos.1 to 5, 7.
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respondent Nos.8 and 13,
Mr. S.K. Mishra, Senior Counsel assisted by Mr. A.M. Sharma, Counsel for
respondent No.9,
Mr. G.A. Kunte, Counsel for respondent No.10,
Mr. S.S. Sanyal, Counsel for respondent No.11,
Mr. A.S. Jaiswal, Senior Counsel assisted by Mr. J.J. Chandurkar, Counsel
for respondent No.12,
Mr. R.R. Pimpalkhute, Counsel for Intervenor in CAO No.1509/2023,
Mr. P.K. Sathianathan, Counsel for Intervenor in CAW No.383/2024.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 14-06-2024

In response to Court's query, the learned Advocate General has assured that the Chairman of the High Power Committee who is supervising the execution of clearing the spillway and tail channel, shall be filing an affidavit dealing with the issue about the removal of encroachment and impediments also, if any, in the spillway and tail channel particularly at such spots where there is likelihood of creating obstructions. It is assured that the affidavit shall be placed on record in any case by 28-6-2024.

2. In addition to above, as regards the earlier orders in regard to the impediments created by the Statue at the spillway is concerned, the learned Advocate General submits that the State Government would like to take a call and file affidavit disclosing its stand on the said issue by the aforesaid date.

3. Let the affidavit sworn by the Principal Secretary, Urban Development Department be placed on record by the very said day i.e. 28-6-2024.

4. We direct the learned Government Pleader to ensure that the advance copy of the same is made available to the petitioner, who shall if may require file the rejoinder.

5. Stand over to 03-7-2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

PUBLIC INTEREST LITIGATION NO.56 OF 2023

[Ramgopal Bisambhardayal Bachuka and others **VERSUS** State of Maharashtra,
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Government Pleader for Respondent Nos.1 to 5 and 7.

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Respondent Nos.8 and 13.

Shri S.K. Mishra, Senior Advocate, assisted by Shri A.M. Sharma, Counsel for
Respondent No.9.

Shri G.A. Kunte, Counsel for Respondent No.10.

Shri S.S. Sanyal, Counsel for Respondent No.11.

Shri A.S. Jaiswal, Senior Counsel, assisted by Shri J.J. Chandurkar, Counsel for
Respondent No.12.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 11th JULY, 2024

P.C. :

1. Heavy rainfall in the morning of 23-9-2023 led to flooding of Ambazari Dam, has caused enormous loss to the residents, viz. flood water entered the adjoining structures sanctioned by the Local Planning Authority. Cause of such heavy flooding is due to the artificial obstruction created by installation of the Statue of Swami Vivekanand, resulting in narrowing down of the spill way. Another cause that can be inferred is narrowing down of tail channel by carrying out construction in its span. As a consequence, water occupied the level of about ten feet in the houses located in and around the spill way and tail channel.

2. Affidavit of the respondent No.7-Collector, Nagpur depicts that four persons have died and the live stocks, movable and immovable properties have been damaged, which the Government/Collector has compensated in crores of rupees, i.e. Rs.234.21 crores. This has prompted the petitioners to bring this issue to the notice of this Court through the present Public Interest Litigation.

3. From the record, it is pointed out to us that the obstruction created is not only in the spill way but it is also in the tail channel of Ambazari Dam. The various affidavits and documents from the Department of Irrigation, Command Area Development Authority and such other authorities, which could be referred to and are reproduced as under :

1. **Minutes of Meeting dated 12-4-2018 of the Superintending Engineer, Vidarbha Irrigation Development Corporation, Nagpur (Annexure-R 12).**

“7. Considering the very high hazard potential of Ambazari dam, Rock toe at the Down-stream of Dam along with pitching on Up-stream, & Down-stream should be provided for the strengthening of Dam keeping in view the aesthetics of Dam.”

2. **Letter dated 24-11-2020 of the Assistant Chief Engineer, Water Works Department, Nagpur (Annexure-R-12 – 19).**

‘धरणाचा सांडवा एल टाईपचा असून त्याची एकूण लांबी १४० मी. (९९+४१) इतकी आहे. सांडव्याची संकल्पित वहन क्षमता ४०० घ.मी./से. आहे. परंतु सांडव्याचे खालील बाजुस पुच्छ कालव्यामध्ये स्मारकाचे बांधकाम केल्यामुळे पाण्याचा प्रवाही मार्गात अवरोध झालेला आहे. तसेच माती धरणाचे निम्न बाजुस धरणास समांतर वाहतुकीसाठी डांबरी रस्ता बांधलेला आहे. धरणाचा पुच्छ कालवा ओलांडण्यासाठी रस्त्यावर ७.० मी. X १.७० मी. आकाराचे दोन गाळे असलेला पुल

अस्तित्वात आहे. तसेच रस्ता ओलांडल्यावर रस्त्याच्या दुसऱ्या बाजूस क्रेझी केसल या संस्थेची समांतर संरक्षण भिंत बांधलेली आहे. सदर संरक्षण भिंतीमुळे पूर प्रवाहास अत्यंत मर्यादित जागा उपलब्ध होते. पुच्छ कालव्यावर दोन्ही बाजूस अतिक्रमणासह कायमस्वरूपी बांधकामे करण्यात आलेली असून पुच्छ कालव्याचा केवळ १२ मी. X ३ मी. आकाराचा प्रवाह मार्ग उपलब्ध आहे. धरणाच्या पुच्छ कालव्यावरील डांबरी रस्त्याखालील पुलामधून पूर परिस्थितीत ४०० घ.मी./प्रती सेकंद ऐवजी ६० घ.मी./प्रती सेकंद इतकाच विसर्ग वाहुन नेण्याची क्षमता आहे.

मुख्य अभियंता, ज.स.वी., नागपूर व आयुक्त, मनपा नागपूर यांच्या दि.२३.१०.२०२० रोजी झालेल्या बैठकीत अंबाझरी धरणाचे सुरक्षेच्या उपाययोजनेबाबत चर्चा झाली. सदरहू बैठकीत धरणाचे सांडव्यावरून वाहणारा संकल्पित पुर हा धरणाचे खालील बाजूस असलेल्या रस्त्यावरील पुलामधून वाहुन जाऊ शकत नसल्यामुळे नवीन पुलाचे संकल्पन करण्याचे व सोबतच तेथील रस्त्याचे जॉमेट्रिक्स मध्ये सुरक्षेच्या दृष्टीने करावयाच्या आवश्यक सुधारणा सुध्दा कराव्यात असे ठरले.”

3. **Letter dated 8-12-2020 of the Executive Engineer, Nagpur Irrigation Division (South), Nagpur (Annexure R-12 – 22).**

"३. Box type high level bridge on spill channel:-

पुलाचे संकल्पनात प्रत्येक Bay १८ वर्ग मीटर प्रमाणे तीन Bay चा एकुण *waterway* ५४वर्ग मीटर प्रस्तावीत करण्यात आला होता. या संकल्पनाचे मुल्यापण VNIT ने केलेले आहे. मा. मुख्य अभियंता यांचेशी झालेल्या चर्चेनंतर पुलाचा *waterway* प्रत्येक Bay २१ वर्ग मीटर प्रमाणे तीन Bay चा एकुण *waterway* ६३ वर्ग मीटर प्रस्तावीत करण्यात आला आहे. नकाशा सोबत मान्यतेकरीता शिफारशीसहसविनय सादर करण्यात येत आहे.”

4. **Letter dated 11-5-2018 of Superintending Engineer, Water Works Department, Municipal Corporation, Nagpur (Annexure R-12 – 50).**

“आपले दि.04.05.2018 च्या पत्रामध्ये 1) अंबाझरी धरणाच्या सांडव्याच्या खालील बाजूस नागनदीमध्ये स्मारक बांधण्यात आले आहे, तसेच पुलही बांधण्यात आलेला आहे व या बांधकामामुळे नागनदीची पूरवहन क्षमता कमी झालेली आहे. त्यामुळे पावसाळ्यात धरणास व धरणाच्या खालील बाजूस असणाऱ्या भागास पुराचा

धोका निर्माण झालेला आहे, यासाठी धरणाच्या सांडव्याखालील बाजूच्या पूरवहन क्षमतेचा अभ्यास करणे अत्यंत आवश्यक आहे, असे आपण कळविले असून याकरीता आपणास सुचित करण्यात येते की याबाबत मा. उच्च न्यायालयाने दिलेल्या आदेशाप्रमाणे आवश्यक उपाययोजनांचे नियोजन आपल्या स्तरावर करावयाचे आहे.”

5. **Affidavit of the Executive Director, Vidarbha Irrigation Development Corporation, Nagpur, in compliance of the order of this Court dated 13-3-2024 :**

“A. SUBMISSIONS WITH REGARD TO PARA 6 OF THE REPLY DT. 16.12.2023.

3. *It is submitted that in the letter dated 16.08.2017 certain remedial measures were proposed by the Superintending Engineer, Dam Safety Organisation (D.S.O.), Nashik working under Respondent No.6 i.e. Director General, Design, Training, Hydrology, Research and safety, Maharashtra Engineering Research Institute, Nashik and responsibility was given to Nagpur Municipal Corporation, Nagpur to take all remedial measures to keep the dam stable and safe on urgent basis. It is submitted that Para.1 of the said letter dated 16.08.2017 the Municipal Corporation was asked to make a hydraulic/hydrological study with respect to material used for construction of dam, cross section or spillway and the effect of the construction of the monument and thereafter prepare a plan for the safety of the dam. In para.2 thereof it was further stated that while preparing the plan advice of the D.S.O. Nashik, consultant of Metro and Water Resources Department should be obtained. As, regards minutes of the meeting held on Dt.12.04.2018 recorded on Dt.19.04.2018 in Para.2 thereof it is stated that due to construction of monument in front of waste weir, flow is obstructed however, effect due to hydraulic obstructions should be studied by N.M.C. Thereafter, it is further stated that a tail channel should be designed for designed flood (1 in 100 year) flood by N.M.C. by appointing a consultant and to be vetted by Central Design Organisation (C.D.O.),*

Nashik working under Respondent No.6 i.e. Director General, Design, Training, Hydrology, Research and safety, Maharashtra Engineering Research Institute, Nashik. A copy of the letter dated 16.08.2017 by the Superintending Engineer, Dam Safety Organisation, Nashik is filed at Annexure-R12-81. Thus, it is submitted that even since beginning this respondent had asked the municipal corporation to conduct the hydraulic analysis.”

“21. It is submitted that with respect to the study of crazy castle obstructing the free flow of Nag river survey work is carried out by Respondent No.12 for the tail channel of Ambazari dam and accordingly existing discharge carrying capacity, desired discharge carrying capacity and required carrying capacity for 1 in 118 years storm for location of tail channel in the vicinity of Crazy Castle is provided to Nagpur Municipal Corporation, Nagour, Mahametro, Nagpur and Nagpur Improvement Trust, Nagpur vide Superintending Engineer and Administrator, Command Area Development Authority, Nagpur vide letter No.Dt. 14.03.2024. Also, joint site visit of officers of Water Resources Department, Nagpur, Mahametro, Nagpur and Nagpur Improvement Trust, Nagpur was done on Dt. 15.03.2024. Copy of letter no.972 Dt. 14.03.2024 is annexed as Annexure-R12-103.”

“23. That, presently the spillway is non-gated and passes uncontrolled flow. However, after installation of escape gates on the spillway it will become a composite structure i.e. partially gated spillway. Hence due to change in this hydraulics, it is appropriate to check tail channel hydraulic to ascertain behavior of flow in the tail channel. It is thus reiterated that the respondent no.8 (N.M.C.) had been asked on earlier occasions i.e. letter dated 16.08.2017 (Annexure-R12-81) and meeting dated 12.04.2018 (Annexure-R12-83) to carry out the Hydraulic studies however, the said hydraulic

analysis/study was not carried out by the N.M.C. Hence, the statement of the removal of the monument was based only on the directive of the G.R. dated 08.03.2018 (Annexure-R12-82) and not on any detailed study.”

6. Affidavit dated 26-2-2024 of the Executive Engineer, Nagpur Irrigation Division (South), Nagpur.

“12. It is submitted that with reference to Annexure 2 and 3 of Divisional Commissioner, Nagpur the respondent no.2 submits as under:

(i) The Annexure 2 is a letter of Superintending Engineer, Public Works Circle, Nagpur regarding construction of High level submersible Bridge across spillway of Ambazari tank and the discharge over spillway of Ambazari dam has been given to vide letter No.186 dated 15.01.2024 is filed herewith at Annexure-R12-70. The Detailed Survey Data (DSD) and General Arrangement Drawing (GAD) of High level submersible Bridge across spill of Ambazari tank has been approved by Superintending Engineer, Public Works Circle, Nagpur vide letter 1155 Dt. 30.01.2024. A copy of the said letter dated no.1155 dated 30.01.2024 is filed herewith at Annexure-R12-71. It is submitted that the technical sanction to the work of High level submersible Bridge across spill of Ambazari tank has been accorded by Chief Engineer, Public Works Region, Nagpur vide letter No.236 dated 07.02.2024. A copy of the said letter no.236 dated 07.02.2024 is filed herewith at Annexure-R12-72. It is submitted that accordingly tender for this work has been called by the Executive Engineer, Public Works Division No.2, Nagpur for period of 09.02.2024 to 23.02.2024. A copy of the said tender dated 15.02.2024 is filed herewith at Annexure-R12-73. The said tender will be opened on 26.02.2024.

19. It is submitted that because of abovementioned reasons, preparation of General Layout and design note for the escape gates 3 Nos. of size 4m X 2.5m is adopted and is under progress for reducing peak outflow from Ambazari tank and will be submitted to the office of the Director General Concept Training, Hydrology, Research and Safety, Maharashtra Engineering Research Institute, Nashik by first week of March.

20. However, even in this case, Nagpur Municipal Corporation, Nagpur and other agencies will have to remove obstructions in Nag River in the downstream stretch so as to increase its carrying capacity and restore it up to a minimum 75 cumecs without any over the bank flow.

23. It is submitted that with respect to the study of Crazy Castle obstructing the free flow of Nag river survey work is carried out by Respondent No.12 for the tail channel of Ambazari dam and accordingly existing discharge carrying capacity, desired discharge carrying capacity and required carrying capacity for 1 in 100 year storm for location of tail channel in the vicinity of Crazy Castle will be provided to Nagpur Municipal Corporation, Nagpur and Mahametro by 15th of March.

25. It is submitted that as per the report submitted to the Divisional Commissioner pursuant to field inspection, the Director General Concept Training, Hydrology, Research and safety, Maharashtra Engineering Research Institute, Nashik's letter no.22 dated 30.01.2024 it is mentioned that, "After construction of escape gates on the waste weir of Ambazari Tank, the Revised Hydraulic Evaluation of the tail channel may be worked out again. Considering the new site scenario and the obstruction in tail channel. Also, a detailed study can be taken up with the help of Central Water and

Power Research Station (C.W.P.R.S.), Pune. It is submitted that this will ensure and help in taking the decision regarding shifting of Statue of Swami Vivekanand in the tail channel of Ambazari tank." Hence, these submissions."

7. Design Note on Strengthening of Weir, Energy Dissipation Arrangement, Spill Channel & Allied Components (Annexure-BB) :

"6.3 Spill Channel :

Statue of Vivekanand and allied works including landscaping was carried out by NMC just downstream of the weir and at the mid of spill channel, few year back. With this, spill channel width is greatly reduced. The spill channel is bifurcated in two bays. The width of each bay is flumed to 12m+/- at these location. RCC weir of about 0.6m height is also constructed in the spill channel by NMC at the flumed section. All these additional construction in the spill channel grossly reduced the flood carrying capacity of the spill channel hence, hydraulics of the spill channel portion around the statue and at downstream of the statue shall be studied and corrective measures, if required, may be carried out. This issue shall be taken up with NMC and it's consultant who have prepared the development plan of the Vivekananda statue."

8. Government Resolution dated 2-8-2013.

राज्यातील धरणांच्या व पायथ्यालगतच्या क्षेत्रामध्ये महत्तम पाणी पातळीपासून पर्यटन विषयक कामांसाठी ३०० मी. तर उद्योगांकरीता ५०० मी. असा निकष आहे. अनेक धरणांच्या पायथ्यांशी पर्यटन स्थळे विकसित करण्यासाठी गार्डन, वॉटरपार्क, कारंजे इ. कामे केल्यास राज्यात पर्यटनास चालना मिळेल. यास्तव पर्यटन विषयक बाबींसाठी महत्तम पाणी पातळी बाबतच्या शासनाच्या निकषामध्ये बदल करून महत्तम पाणी पातळीपासून ३०० मीटर ऐवजी १०० मी. प्रमाणे सुधारणा करणे बाबतची विनंती अनेक लोकप्रतिनिधींनी केलेली आहे. त्यानुषंगाने राज्यातील पर्यटनाच्या विकासाच्या दृष्टीने धरणालगतच्या क्षेत्रामध्ये विकासाची कामे करण्यासाठी महत्तम पाणी पातळी

पासूनचे अंतराच्या बाबत बदल करण्याचा प्रस्ताव शासनाच्या विचाराधीन होता. यास्तव जलसंपदा विभागाच्या मोठ्या, मध्यम व लघु प्रकल्पांच्या जलाशयातील प्रतिबंधित क्षेत्र वगळून पर्यटनाच्या दृष्टीने विकासाची कामे करण्यासाठी महत्तम पाणी पातळीपासूनची अंतरे खालीलप्रमाणे असणे आवश्यक आहे. याची दक्षता घेण्यात यावी.

१) पर्यटन विषयक बाबींसाठी धरणाच्या वरील बाजूस, जमीन, धरणाच्या महत्तम पूर पातळी (HFL) पासून ५०० मी. अंतराबाहेर असावी. तसेच,

२) धरणाच्या पायथ्यालगत धरण सुरक्षिततेच्या दृष्टीने धरणाच्या भिंतीच्या toe पासून धरणाच्या उंचीच्या १० पट अथवा २०० मी. यापैकी जे जास्त अंतर असेल यात कोणतेही बांधकाम व खोदकाम इ. करण्यात येऊ नये व त्यास परवानगी देऊ नये.”

9. **The Supreme Court decision in Writ Petition (Civil) No.230 of 2001 (M.K. Malakrishnan and others Versus Union of India and others) dated 8-2-2017 :**

“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 inventorize 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”

The State Government in its Resolution dated 25-7-2023 has identified the said land/passage at Serial No.118 as ‘wetland’.

4. In this backdrop, the respondents have taken steps in the matter of strengthening of earthen dam only after the aforesaid calamity was brought to the notice of this Court.

5. Amongst other, the bridge in the vicinity that was creating obstacle in the free flow of water was demolished and the construction of a new bridge is underway. However, such act should have been done much in advance by carrying out proper study, due to which enormous hardship has been caused to the citizens in the vicinity.

6. Be that as it may. As far as the construction of the Statue of Swami Vivekanand in the spill channel is concerned, the aforesaid reports depict that the same is causing obstruction to the free flow of water from the spill way to the tail channel. The mouth of the tail channel is also narrowed down, as both the authorities, viz. Nagpur Municipal Corporation and Nagpur Improvement Trust, have permitted a private entrepreneur to carry out the construction in the tail channel. It is an admitted position on record that part of such construction, which has resulted into narrowing down of the tail channel, is removed. However, the required width of tail channel, as sounded by technical persons, is still not maintained.

7. None of the authorities have placed before us the measurements in relation to the area of spill channel before August 2017, i.e. before the Statue of Swami Vivekanand was installed, and also the span of the tail channel at its mouth and subsequent thereto, before the construction of the Water Park (Krazy Castle) by a private entrepreneur after he was permitted to do so by the respondent No.10- Nagpur Improvement Trust.



8. Though an aerial view through drone was demonstrated on the last date of hearing, however such an aerial view in clear terms depicts the illegal construction carried out by the said entrepreneur in the tail channel thereby narrowing down (bottle neck) the width of the tail channel. As a result of which the flood water entered into the houses of the residents residing in the sanctioned structures in the said vicinity to the extent of height of about ten feet.

9. In this backdrop, we deem it appropriate to direct the respondent No.8- Nagpur Municipal Corporation, the respondent No.10- Nagpur Improvement Trust to place on record the measurements as were existing prior to 2000 of the spill way and the tail channel through an affidavit to be duly sworn by the Commissioner and the Chairman of the respective bodies. We further direct the said authorities to also place on record the existing measurements of the width of the entire spill way including the area occupied by the construction and also the tail channel width at its mouth and 500 meters thereafter.

10. Apart from above, in view of the policy reflected in the various Government Resolutions, viz. dated 8-3-2013, 2-8-2013 and 25-7-2023, as the studies were carried out by the respondent No.12- Irrigation Department, we also direct to provide all the measurements as were taken by them in the studies that were carried out which led to placing on record the various reports, which are referred to hereinabove. The above exercise shall also be applicable to Vidharbha Irrigation Development Corporation.

11. Let the aforesaid compliance be reported by all these authorities to this Court by 19-7-2024.

12. We would also like to direct the respondent No.7- Collector, Nagpur to place on record the statistics from 2000 onwards in regard to the flooding of the area near the spill channel and tail channel, loss of lives and loss to the property in each of such flood. Such affidavit be placed on record by 19-7-2024.

13. We have heard the learned Advocate General in the light of our earlier orders dated 8-5-2024 and 14-6-2024. He would invite our attention to the affidavit placed on record by the Principal Secretary, Department of Urban Development. According to the learned Advocate General, after this Court took cognizance, there are lot many improvements and developments made, as the structures, which were causing impediment in the smooth flow of flood water, such as the narrow bridge and the obstruction created by the private entrepreneurs at the mouth of the tail channel, are already removed. According to him, let the Statue of Swami Vivekanand be continued as it is, unless the study about the impediment created by it in the free flow of flood water is carried out by the Central Water and Power Research Station, Pune, which is a Central Government Institute. According to him, all the earlier studies suggest carrying out of hydraulic study and till this date, the hydraulic study is not carried out by any of the authorities, including Nagpur Municipal Corporation,

and as such it is premature to infer that such study is causing impediment in the smooth flow of flood water.

14. The learned Advocate General would further submit that the Central Water and Power Research Station has assured that within a period of seven months from 1-6-2024, the report shall be placed on record thereby demonstrating as to whether the Statue of Swami Vivekanand is causing any impediment in the matter of smooth flow of flood water. As such, he would suggest that the hearing of the matter on the issue of shifting of the Statue of Swami Vivekanand needs to be deferred by at least seven months.

15. As far as the aforesaid submissions are concerned, we would like to deal with the same in detail, provided we are armed with the information from the Collector, Nagpur, the Commissioner, Nagpur Municipal Corporation and the Chairman, Nagpur Improvement Trust in the matter of (a) year-wise flooding of the area, (b) the existing and in past, area which was available for the spill way and the tail channel, and (c) the details of loss of life, loss to the property and damage suffered in each flood since 2000.

16. Since we have directed to place on record the entire material by 19-7-2024, we deem it appropriate to defer the hearing of this Public Interest Litigation to 22-7-2024 so as to enable us to pass further orders in the matter.

17. List this Public Interest Litigation for further consideration on 22-7-2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

LANJEWAR



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

PUBLIC INTEREST LITIGATION NO.56/2023

Ramgopal Bisanbhardayal Bachuka and others Vs. State of
Maharashtra and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Dr. T.D.Madlekar, Advocate for petitioners.
Mr. D.V. Chauhan, Government Pleader for respondent nos.1 to 5
and 7.
Mr. J.B. Kasat, Advocate for respondent nos.8 and 13.
Mr. A.M. Sharma, Advocate for respondent no.9.
Mr. G.A.Kunte, Advocate for respondent no.10.
Mr. S.S.Sanyal, Advocate for respondent no.11.
Mr. A.S.Jaiswal, Senior Advocate, assisted by Shri J.J.Chandurkar,
Advocate for respondent no.12.

CORAM : NITIN W. SAMBRE & ABHAY J. MANTRI, JJ.
DATE : JULY 25, 2024.

Heard.

2. Pursuant to the directions of this Court, counsel for the Nagpur Improvement Trust and the Nagpur Municipal Corporation has produced the relevant records in regard to the construction of the development which are carried out in the spillway and tail channel. The said record, in our opinion, warrants inspection, as is rightly so prayed by the counsel for the petitioners.

3. The respective counsel for the aforesaid authorities so also the Irrigation Department have wholeheartedly extended



consent for providing technical assistance in the matter of inspection of original record of these authorities. i.e. the Nagpur Improvement Trust and the Nagpur Municipal Corporation.

4. The counsel for the petitioners, in this background, to provide in tabular form, the information in regard to the measurements of spillway, spill channel, tail channel etc i.e. prior to 2017 viz. before construction of the Swami Vivekanand monument in the spillway by comparing the same with the statistics which are placed on record by the Irrigation Department including that of the capacity of the spillway when the discharge is at its peak, so also the carrying capacity of the tail channel. It shall also furnish the information placed on record about the impact of the monument thereby narrowing down the passage of the spill channel.

5. We permit the aforesaid exercise to be completed within a period of two weeks from today.

6. Counsel for the petitioners Mr. Mandlekar assures that the entire comparative chart with reference to the

documents from the record shall be made available to the respective counsel by 12th August, 2024.

7. During the course of hearing when confronted, it is brought to our notice that the construction of bridge is in full swing and one way traffic was earlier scheduled to open from 15th August, 2024, which date is postponed to 30th August, 2024.

8. The learned Government Pleader submits that the Divisional Commissioner has already conducted a meeting so as to evaluate the progress in the execution of the work of strengthening of the bridge. He submits that the minutes of the meeting shall be placed on record by the next date of hearing.

9. It is brought to our notice during the course of hearing that because of the non-availability of the road abutting the aforesaid monument, which is closed for construction of the bridge, commuters are facing hardship particularly, in view of the alternate routes being narrow and congested.

10. In this background, the administration is willing to start one way traffic on the said street by 30th August, 2024.

11. The Public Works Department who is executing the work through concerned Contractor, in our opinion, warrants to be sensitive to the hardship and shall request the Contractor to execute the work as early as possible without compromising the quality of the work.

12. We expect the response of the Executive Engineer, Public Works Department through an affidavit by the next date of hearing.

13. Stand over to 19th August, 2024.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

PUBLIC INTEREST LITIGATION NO. 56 OF 2023

Ramgopal B. Bachuka and others

vs.

The State of Maharashtra and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. (Dr.) T. D.Mandlekar, for petitioners.
Mr. N. S. Rao, Assistant Government Pleader for respondent nos.1 to 5, 7 and 12.
Mr. S. K. Mishra, Senior Advocate with Mr. J. B. Kasat, Advocate for respondent
nos. 8 and 13.
Mr. S. K. Mishra, Senior Advocate with Mr. A.M. Sharma, Advocate for
respondent no.9
Mr. S.S.Sanyal, Advocate for respondent no.11.
Mr. Anand Jaiswal, Senior Advocate with Mr. J. J. Chandurkar, Advocate for
respondent no.12.

CORAM :- NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE :- 19th AUGUST, 2024

Heard.

2. In response to the additional affidavit tendered by the petitioners, after having taken inspection of the records produced by the Corporation, Mr. Mishra, learned Senior Advocate appearing for the Corporation seeks time to file counter. He assures that the counter shall be placed on record in any case by 27.08.2024.
3. That being so, stand over to **28.08.2024**.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar:



IN THE HIGH COURT OF JUDICATURE MUMBAI,NAGPUR BENCH NAGPUR

STAMP NO:- /2023

PUBLIC INTEREST LITIGATION NO:- 56/2023

RULE 4 (E) OF THE BOMBAY HIGH COURT PUBLICINTEREST LITIGATION RULE 2010

ACT CODE:-99/130

PETITIONERS:- RAMGOPAL BACHUKA AND ORS.

VERSUS

RESPONDENTS : STATE OF MAHARASHTRA AND ORS.

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3	xxx	List of Annexures	09.10.2023	101/103
4	P	Additional Affidavits of petitioners under Rule 7 of PIL Rues 2010	09.10.2023	104/118
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11/10/2023
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C.

6	P-02	The copies of photographs depicting real life situation.	XXX	160/ 195
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DATE: 09.10.2023

PLACE: Nagpur

Tushar
COUNSEL FOR PETITIONERS

Dr. T. D. MANDLEKAR

Office Address:-Chamber No:-60, NIT COMPLEX, Hill Road, Gandhinagar, Nagpur.440010; Mobile No:-09422101632, email:-tusharmandlekar@yahoo.com

IN THE HIGH COURT OF JUDICATURE MUMBAI,NAGPUR BENCH NAGPURSTAMP NO:- /2023PUBLIC INTEREST LITIGATION NO:- /2023PETITIONERS:- RAMGOPAL BACHUKA,

R/O NAGPUR & OTHERS

VERSUS

RESPONDENTS :- STATE OF MAHARASHTRA THROUGH

ITS CHIEF SECRETARY & OTHERS

SYNOPSIS/ DATES & EVENTS

SR. NO.	DATE	EVENTS/ PARTICULARS
1.	23.09 .2023	The petitioners are "flood affected citizens" residing in "flood affected areas" in Nagpur and are seriously aggrieved by the "water logging" and "floods" occurred in Nagpur on 23-09-2023 and are also affected due to actions, conduct and inaction on the part of respondents who have failed to give them safe environment in Nagpur

		<p>and failed to protect their lives and properties. The petitioners are approaching this Hon'ble Court so as to bring to light the grave illegalities committed by respondents in construction of Public Projects and to also bring to the notice of this Hon'ble Court about failure of respondents in taking any steps to preserve, protect <u>Ambazari Lake/ Dam and Nag River in Nagpur</u>. The petitioner has taken up the present cause in the interest of the public at large.</p>
2.	15.10.2003	<p>The Regulations for Conservation of Heritage Buildings/Precincts/Natural Features 2003, Ambazari Lake has been listed as a Heritage Conservation Area on 15th October 2003. The Ambazari Lake is a natural body which dates back to 1870 and is under the ownership of NMC/Forest Department. It is regarded has the "Grade I" Heritage Site as per the List.</p>
3.	02.08.2013	<p>The state government's resolution prohibits construction or excavation downstream of dam or 10 times the height of the up to a distance of</p>

		200 meter dam, whichever is more, from the distance of toe of dam.
4.	2015	According to the petitioners the <u>Crest Height</u> of the Dam is increased by 10 feet in 2015 by NMC but the <u>Upward Stream and Downwards Stream</u> of the Dam was not altered as per the increased height in 2015. Hence the required angles of the <u>Upwards Stream and Downward Stream</u> were not maintained
5.	16.08 .2017	The Maharashtra Engineering Research Institute (MERI), Nashik, had written to the Nagpur Municipal Corporation indicating that the life of the <u>Ambazari Lake dam</u> had ended. The letter was written in connection with granting permission for excavation near the lake for the <u>Maha Metro station</u> . (SOURCE: LOKMAT DATED 26-09-2023)
6.	08.03 .2018	Certain restrictions were imposed by the Water Resources Department on. It states certain restrictions regarding revision of criteria of

W140

8

Irrigation

IV

W12		distance in the area near the Ambazari Dam on carrying out any type of development works.
W12	7. 21.03. 2018	<p>A spirited citizen named as Mohammad Sharif has approached this Hon'ble High Court in PIL NO:-96/2017 and demanded the action of respondent authorities to save the AMBAZARI LAKE/ RESERVOIR. This Hon'ble High Court gave following directions and findings:-</p> <p>However, we find that though belatedly, petitioner's approaching this Court has given us an opportunity to issue directions to various Authorities so as to <u>ensure safety of dam</u> so that a flood like situation is avoided. We, therefore, dispose of the petition with following directions:</p> <p>(i) Respondent <u>no.6</u> is directed either itself or through irrigation Authorities situated at Nagpur to execute the entire works, which are necessary for ensuring <u>safety of dam</u> as could be found in the letter dated 16/8/2017 and in the inspection report, which is to be found at pages 130 to 132 of paper book.</p>

w.p.	<p>(ii) The respondent no.6 in consultation with respondent no.3 Corporation, respondent no.5 and local irrigation Agency shall prepare plans for ensuring safety of dam, which has outlived its life. The said plans be finalized by 15th April 2018. After the plans are finalized, respondent no.6 either itself or through local Irrigation Agency as chosen by it, shall forthwith start work for execution of such measures. Needless to state that work would not be restricted only to 342 metres stretch, which is adjoining alignment of metro, but for entire length of dam.</p> <p>(iii) Respondent Metro Rail shall bear costs for executing the works, which are adjoining its alignment, i.e. 342 metres. The expenditure towards costs of strengthening remaining stretch of dam shall initially be borne by State Government. State Government would be at liberty to recover full or part of the amount from respondent no.3 Corporation or other Planning Authorities, which in the opinion of State</p>
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VI

		<p>Government, have contributed to such illegal structures.</p> <p>(18) We make it clear that for executing the aforesaid works, paucity of funds will not be considered an excuse. We direct Chief Secretary of State of Maharashtra to ensure that aforesaid directions are followed scrupulously.</p>
8.	27.10. 2021	<p>The Union Minister for Road Transport and Highways MR. NITIN GADKARI chaired the meeting with officials of World Bank, National Mission for Clean Ganga (NMCG), and Nagpur Municipal Corporations (NMC) in New Delhi, after which was approved by the Expenditure Finance Committee (EFC) Rs. 2,117.54 cr. for Nag River Pollution Abatement Project in order to lead to bio diversity and rejuvenation of Nag River in Nagpur city. That the said project is not implemented even till today and Rs.2117/ crores are still unutilized.</p>
9.	08.03 .2022	<p>The Central Government constitutes The Wetlands (Conservation And Management)</p>

		Rules, 2010. The Rules 2010 are finalized and approved by Hon'ble Supreme Court of India in WP CIVIL NO:-230/2001 on 08-02-2017. The copy of OM issued by MOEF NEW DELHI on 08-03-2022 for Protection of Wet Lands as per Rule 4 of Wetlands Rules 2017
10.	23.09 .2023	The unprecedented rains / floods occurred in Nagpur City. That between 3 a.m. to 8 a.m. of 23-09-2023, Nagpur city faced wrath of nature in a few wee hours. The city received total 109 mm rainfall. The heavy rainfall resulted in city's iconic AMBAZARI LAKE overflowing. The water from the lake unleashed a fury on the areas allowing the bank of City's signature "Naag River". The force of water was such that it left behind a trail of road destruction in the form of debris paver blocks, and damage to roads and parts of bridges over the river.
11.	24.09 .2023	The Deputy Chief Minister of Maharashtra has announced Rs. 10,000/- aid to each flood affected family, Rs. 50,000/- to shopkeepers who

DPR

4.

		suffered heavy loss and upto Rs. 10,000/- to stall owners but according to petitioners the said amount of Rs.10,000/- (SOURCE: THE HITAVADA DATED 24-09-2023)
12.	23.09 .2023	The petitioners/ Citizens woke up to flooded houses and streets after the rains, disrupting normal life as water entered in houses, shopping malls, cinema halls, shops, medical stores, hospitals, schools, colleges, hostels, etc. and many public places like Nagpur Railway station, <u>Mor Bhavan Bus Stand</u> , also submerged into flood water. The railway tracks of Nagpur and <u>Ajni station</u> submerged into water which caused disruption in movement of trains of all routes for some time. (SOURCE: THE HITAVADA- CITY LINE DATED 24-09-2023).
13.	24.09 .2023	Two Teams of Indian Army, with engineering equipment and boats, were deployed for the rescue and flood-relief operation in Nagpur city on Saturday after the heavy downpour. The army personnel came in action to rescue affected

		people in Ambazari, Sitabuldi, Mor Bhawan, Panchasheel Square, Shankar Nagar, and Variety Square on Saturday.
14.	24.09 .2023	Due to the severe flooding in city FIVE CITIZENS lost their lives including two women, one of whom was suffering from paralysis. Along with the human beings several animals also lost their lives which included a total of <u>14 cattle</u> and several stray animals which remain <u>unrecorded</u> . (SOURCE: THE HITAVADA-NAGPUR CITY LINE AND THE HITAVADA MAIN PAPER DATED 24-09-2023)
15.	25.09 .2023	The Ambazari lake was already struggling due to flooding of " <u>Eichhornia Weed</u> " which were growing in the lake, were carried away by the current through water discharge points. These plants <u>became entangled under the bridge</u> situated on Ambazari Road, near Swami Vivekanand Statue. This <u>obstruction led to the complete blockage of the underpass</u> . On 23-09-2023, the heavy rainfall caused overflow of

FIRE

Health Dept

PHE
SWM
PWD

X

		“AMBAZARI LAKE” and the overflowing water wreaked havoc in West Nagpur. (SOURCE: THE HITAVADA-VIDARBHA LINE DATED 25-09-2023)
16.	25.09 .2023	The downpour of 106 mm within a span of four hours caused water logging at many places, forcing Maharashtra State Electricity Distribution Company Limited (MSEDCL) to operate contingency plan, leading to outages in several localities of the city. Over 30,000 consumers went without power for nearly 15 hours as power-men struggled to keep the infrastructure safe from flood water. (SOURCE: THE HITAVADA- DATED 25-09-2023)
17.	03.10 .2023	The petitioners have given representation to the respondent authorities through District Collector and Municipal Commissioner. The respondent no:-07, 08 have replied that they have no immediate plans for “Ambazari Dam Safety” or “Rejuvenation of Nag River”.

Electric

W/W

18.	03.10 .2023	<p>The petitioners have lost their valuables, furniture, groceries, vehicles, stationaries, cloths etc and other properties due to "water logging" in their houses. The petitioners believe that this tragic incident could have been avoided had the timely steps been taken by the civic administration to <u>remove obstacles in outflow of Ambazari Overflow</u>. The respondents authorities have failed to give "right of way" to the water from overflow point in a scientific and systematic way but has deliberately created hurdles and obstructed free flow of overflow of Ambazari Dam and hence it resulted in causing huge monetary loss to petitioners and 25,000 families in Nagpur.</p> <p>According to government reports an estimated loss of <u>300 Crores is made only to government properties</u>. Article 14, 19 and 21 of the citizens are infringed by the lethargic and negligent attitude of respondent authorities and even today Article 21 of the citizens is in great danger. The</p>
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P.W.D./PH

NJS

XII

		authorities are playing with the life of the citizens. Hence this Public Interest Litigation.
19.	ACTS :-	<ol style="list-style-type: none"> 1. Constitution of India 2. Water (Prevention and Control of Pollution) Act, 1974, 3. Air (Prevention and Control of Pollution) Act, 1981 4. Environment (Protection) Act, 1986. 5. UDCPR 2023 6. MRTP ACT 1966
20.	CASE LAW	Will be submitted at the time of the argument.
21.	Quest ion of law:-	<ol style="list-style-type: none"> 1. Whether the "judicial enquiry" through a committee of "three sitting judges of Bombay High Court" should be conducted in the matter of <u>illegal constructions made by government authorities NMC, NIT and MAHAMETRO</u> and in the matter of failure of civic authorities to prevent water logging in residential areas in vicinity of Ambazari Lake and Naag Nala by which "thousands of

A.C.
ADCP
NIT

		<p>families are seriously affected” and for “fixing responsibilities of civic authorities” who have failed to take measures to protect lives and livelihood of innocent citizens of Nagpur and violating their fundamental rights under article 14, 19, 21?</p> <p>2. Whether the expert committee of Engineers, Scientist, Environmentalists should be appointed to conduct the “systematic survey” of deteriorating condition of Ambazari Dam and to suggest the measures to repair, reconstruct, rejuvenate the Ambazari Dam which is a Heritage Site?</p> <p>3. Whether the Respondent No. 1, 2, 3 should sanction and grant an amount of Rs. five lakhs to every flood affected family residing in flood affected area in Nagpur, which is seriously affected due to the “Heavy Rains” and “Ambazari Over Flow” on 23-09-2023, as “ex-gratia compensation” instead of Rs.10,000/</p>
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WIND

collecting

XIV

which is not adequate to compensate their losses?

4. Whether the Respondent No. 1,2,3 should grant an amount of Rs. 10 lakhs to every Flood affected shop owner for loss of his livelihood?
5. Whether the "Vivekanand Smarak" built on the Ambazari Lake Overflow Point which is in the middle of Ambazari lake Spill Way/ Overflow Point obstructing the regular flow of water and thus becoming one of the causes of "water logging in the nearby localities" and relocate the same in Ambazari Garden should be removed?
6. Whether the MAHAMETRO should immediately stop the construction of "Seven Wonders of World" {situated within 200 meters of Ambazari Dam} and demolish the Compound Wall situated opposite Ambazari Overflow Point, which was constructed illegally within 100 meters of Dam violating various provisions of law?

co. holder

Project
DPPU
BPOC

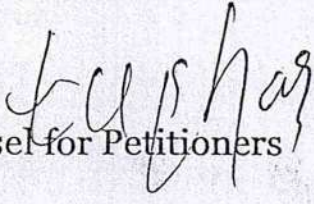
NIT
Mans

XVI

	PHE	<p>11. Whether the authorities should conduct the “detailed survey” of existing “drainage lines and sewage lines” and sanction an amount of Rs.250/ crores for constructing new “sewage lines” in the City of Nagpur</p> <p>12. Whether the MPCB should immediately take actions against the Industries/ Entities who are responsible for discharge of “solid waste” or “industrial waste” in Ambazari Lake and Naag Nala in the city of Nagpur under Environment Protection Act 1986, The Air Act, The Water Act?</p>
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Date:-09-10-2023

Place :-Nagpur


Counsel for Petitioners

Dr. Tushar Mandlekar

Office Address:-Chamber No:-60, NIT COMPLEX, Hill Road,
Gandhinagar, Nagpur.440010; Mobile No:-09422101632,
email:-tusharmandlekar@yahoo.com

IN THE HIGH COURT OF JUDICATURE MUMBAI,

NAGPUR BENCH NAGPUR

STAMP NO:- _____ /2023

PUBLIC INTEREST LITIGATION NO:- _____ /2023

RULE 4 (E) OF THE BOMBAY HIGH COURT PUBLIC

INTEREST LITIGATION RULE 2010

ACT CODE:-99/130

PETITIONERS:-

- (1) RAMGOPAL BISAMBHARDAYAL BACHUKA,
AGE:-91 YEARS, OCCUPATION:-RETIRED,
R/O L-34, YASHWANT NAGAR, NORTH AMBAZARI
ROAD, LIG-HIG-MHADA COLONY, NAGPUR-440033
AADHAR CARD:-
MOBILE NO:-9422104255
- (2) SMT JAYASHREE DILIP BANSOD,
AGE:-70 YEARS, OCCUPATION:-HOUSEWIFE,

R/O PLOT NO:-L-46, NEAR PANCHSHEEL LIBRARY,
YASHWNAT NAGAR, NORTH AMBAZARI ROAD,
LIG-HIG-MHADA COLONY, NAGPUR-440033

AADHAR CARD NO:-489238637225

MOBILE NO:-9604483109

(3) SHRI NATTHUJI MAROTRAO TIKKAS,

AGE:-84 YEARS, OCCU:-RETIRED TEACHER,

R/O TYPE-6-B/TYPE-C, CORPORATION COLONY,

GANDHINAGAR, NAGPUR-440033

AADHAR CARD NO:-886887110381

MOBILE NO:-9422112491

(4) SHRI. AMRENDRA VISHWANATH RAMBHAD

AGE:- 47 YEARS, OCCU:- CONSULTANCY BUSINESS;

R/O PLOT NO. 42, NORTH AMBAZARI ROAD,

AMBAZARI LAY-OUT, NAGPUR – 440033

AADHAR CARD NO. :- 469349190176

MOBILE NO. :-9822578040

VERSUS

RESPONDENTS :-

1. STATE OF MAHARASHTRA THROUGH ITS CHIEF SECRETARY, MANTRALAYA, MUMBAI-400032
EMAIL-ID:- [chiefsecretary@maharashtra.gov.in/
cs@maharashtra.gov.in](mailto:chiefsecretary@maharashtra.gov.in/cs@maharashtra.gov.in)
2. THE SECRETARY, MINISTRY OF RELIEF AND REHABILITATION, DISTASTER MANAGEMENT UNIT, MAIN BUILDING, 1ST FLOOR, MANTRALAYA, MUMBAI-400032
EMAIL-ID:- disastermanagmentunitgom@gmail.com
3. THE SECRETARY, WATER RESOURCES DEPARTMENT, MINISTRY OF WATER RESOURCES, MANTRALAYA, MUMBAI-400032
EMAIL-ID:- [secretary.pcwrd@maharashtra.gov.in/
sec.cad@maharashtra.gov.in](mailto:secretary.pcwrd@maharashtra.gov.in/sec.cad@maharashtra.gov.in)
4. THE SECRETARY, DEPARTMENT OF URBAN DEVELOPMENT, MANTRALAYA, MUMBAI-400032
EMAIL-ID:- sec.ud2@maharashtra.gov.in
5. THE SECRETARY, MINISTRY OF FOREST, MANTRALAYA, MUMBAI-400032
EMAIL-ID:- min.forest@maharashtra.gov.in

6. THE DIRECTOR GENERAL, CONCEPT TRAINING,
HYDROLOGY, RESEARCH AND SAFETY,
MAHARASHTRA ENGINEERING RESEARCH
INSTITUTE, NASHIK-422004 {MERI}
EMAIL-ID:- potodgmeri@gmail.com
7. THE DISTRICT COLLECTOR, CIVIL LINES, NAGPUR –
440001
EMAIL-ID:- collector.nagpur@maharashtra.gov.in
8. MUNICIPAL COMMISSIONER, NAGPUR MUNICIPAL
CORPORATION, CIVIL LINES, NAGPUR -440001
EMAIL-ID:- mconagpur@gov.in/nmcnagpur@gmail.com
9. MAHARASHTRA METRO RAIL CORPORATION
LIMITED, THROUGH ITS MANAGING DIRECTOR,
NAGPUR HAVING OFFICE AT “METRO BHAWAN”,
EAST HIGHCOURT ROAD (VIP ROAD), IN FRONT OF
DR. BABASAHEB AMBEDKAR COLLEGE, NEAR
DIKSHABHOOMI, NAGPUR – 440010
EMAIL-ID:-contactus@mahametro.org
10. NAGPUR IMPROVEMENT TRUST THROUGH ITS
CHAIRMAN, STATION ROAD, SADAR, NAGPUR. -
440001

EMAIL-ID:-nagpurnit@hotmail.com /

contactus@nitnagpur.org / contactnitnagpur@gmail.com

11. MAHARASHTRA POLLUTION CONTROL BOARD

THROUGH ITS REGIONAL OFFICER, UDYOG
BHAVAN, CIVIL LINES, NAGPUR-440001

EMAIL-ID:- ronagpur@mpcb.gov.in /

mpcbnagpur@mpcb.gov.in

12. ~~THE SECRETARY,~~ IRRIGATION DEPARTMENT,
Executive Engineer

NAGPUR REGION, 2ND FLOOR BUILDING NO.1,
ADMINISTRATIVE BLOCK, CIVIL LINES, NAGPUR,
MAHARASHTRA 440001

EMAIL-ID:-eeipd.nagpurwrdd@maharashtra.gov.in/

eeihepid.nagpurwrdd@maharashtra.gov.in

13. THE HERITAGE CONSERVATION COMMITTEE,

THROUGH ITS CHAIRMAN, HAVING OFFICE AT
NAGPUR MUNICIPAL CORPORATION, NAGPUR

EMAIL-ID:- heritagestructureofnagpurcity@gmail.com

In the matter of:-

Heavy rains and floods due to Ambazari overflow on 23-
09-2023 in the city of Nagpur and loss of lives, properties

and livelihood to the citizens due to lethargic and negligent attitude of the civic authorities

AND

In the matter of violation of fundamental rights of the citizens under article 14, 19, 21, 300-a of constitution of India and article 48-A, 49, 226 of Constitution of India.

AND

In the matter of serious negligence of the civic authorities in maintenance and cleaning of Ambazari reservoir {heritage site} and Naag River resulting in floods and water logging in nearby areas

AND

In the matter of demand of judicial enquiry for fixing the responsibilities of government officials in man-made disaster of waterlogging in 20,000 houses in Nagpur due to "overflowing of Ambazari Lake" on 23-09-2023

AND

In the matter of conservation, preservation, rejuvenation of Ambazari lake and Naag River/ Pilli river as a fundamental duty of state u/a 48-A, 49 of Constitution of India

AND

In the matter of violations of directions issued by this Hon'ble High Court in PIL No:-96/2017

AND

In the matter of various environmental laws including Water (Prevention and Control of Pollution) Act, 1974 , Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986.

PUBLIC INTEREST LITIGATION UNDER ARTICLE 226
OF CONSTITUTION OF INDIA READ WITH RULE 4 OF
BOMBAY HIGH COURT PIL RULE 2010

Petitioners most respectfully submits as under:-

1. DETAILS OF PETITIONERS:-

- 1.1) The petitioners are "flood affected citizens" residing in "flood affected areas" in Nagpur and are seriously aggrieved by the "water logging" and "floods" occurred in Nagpur on 23-09-2023 and are also affected due to actions, conduct and inaction on the part of respondents who have failed to give them safe environment in Nagpur and failed to protect their lives and properties. The petitioners are senior citizens and have approached this

Hon'ble High Court for protection of their fundamental rights under article 14, 19, 21 of Constitution of India.

1.2) The petitioners are not associated with any political party nor are interested/influenced by any political decision but are approaching this Hon'ble Court so as to bring to light the grave illegalities committed by respondents in construction of Public Projects and to also bring to the notice of this Hon'ble Court about failure of respondents in taking any steps to preserve, protect Ambazari Lake/Dam and Nag River in Nagpur. The petitioner has taken up the present cause in the interest of the public at large.

1.3) The petitioner understands 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 be required to comply with such requirements.

2. DETAILS OF RESPONDENTS:-The respondents 1, 3, 4 are authorities and Ministries who are responsible for development of infrastructure in the State of Maharashtra and are responsible for the failure to make development and repairs of Ambazari Lake and Naag River in the City of Nagpur. The respondent no:-02 is responsible to give

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“financial assistance” / “ex-gratia” payment of flood affected persons in Nagpur and merely offering Rs.10,000/ per family, which is not sufficient and adequate. The respondent no:-05 is forest department which presently owns the Ambazari Garden and Lake. The respondent no:-06 is government owned body which has issued a letter dated 16-08-2017 confirming that Ambazari Dam is over and has given warning six years ago about possible disaster. The respondent no:-07 is District Collector, who is responsible for monitoring “payment of compensation” to flood affected families and execute government programmes in the city of Nagpur. The respondent no:-08 is Municipal Commissioner who is “planning authority” in City of Nagpur and is also responsible for providing civic amenities to citizens in Nagpur. He is also responsible to implement the provisions of UDCPR 2023 and MRTP ACT 1966. The respondent no:-09 is government owned company who is running Metro Rail in Nagpur and is also making certain developmental works in Nagpur including construction of Acqua Park at Ambazari. The respondent no:-10 is NIT , a planning and development authority in Nagpur and has made illegal construction of Skating Ring and has closed the Naag River by putting a slab

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on it. The respondent no:-11 is Maharashtra Pollution Control Board responsible for curbing pollution in the State of Maharashtra and also responsible for enforcement of provisions of The Air Act, The Water Act, The Environment Protection Act 1986. The MPCB has failed to take action against the polluting industries in MIDC Hingna Area which are alleged to have been discharging the polluted effluents in Ambazari Lake. The respondent no:-12 is The Executive Engineer Dam, Irrigation Department Nagpur and is responsible for repairs and maintenance of "Ambazari Dam" but has failed to take any measures to repair/ reconstruct and maintain Ambazari Dam. The respondent no:-13 is Heritage Committee working in City of Nagpur and has rated Ambazari Lake/ Dam as Heritage Grade-I.

3. BRIEF FACTS OF THE CASE :-

- 3.1 Ambazari lake is situated near the Southwest border of Nagpur, in the state of Maharashtra, India. It is one of the 11 lakes in Nagpur and is the largest lake in the city. The Nag River of Nagpur originates from this lake. This was built in the year 1870, under Bhonsale Rule, for supplying water to the city. Government officials and eminent people were supplied water through clay pipes.

The lake was used to supply water to Nagpur for over 30 years.

- 3.2 That petitioners are seriously affected by the unprecedented rains / floods occurred on 23-09-2023 in Nagpur City. That between 3 a.m. to 8 a.m. of 23-09-2023, Nagpur city faced wrath of nature in a few wee hours. The city received total 109 mm rainfall. The city received cumulative of **116 mm** of rainfall till the evening of same day. The heavy rainfall resulted in city's iconic AMBAZARI LAKE overflowing. The water from the lake unleashed a fury on the areas allowing the bank of City's signature "Naag River". The force of water was such that it left behind a trail of road destruction in the form of debris paver blocks, and damage to roads and parts of bridges over the river. The following chart shows the amount of rainfall received in several areas on 23-09-2023:

Early 2 hours	90 mm
After 4 hours	109 mm
Cumulative of 24 hours	116.6 mm
Nagpur Airport	111 mm

Sitabuldi	111 mm
Pardi	103 mm
Wadi	229 mm

3.3 That the petitioners/ Citizens woke up to flooded houses and streets after the rains, disrupting normal life as water entered in houses, shopping malls, cinema halls, shops, medical stores, hospitals, schools, colleges, hostels, etc. and many public places like Nagpur Railway station, Ajni Railway station, Mor Bhavan Bus Stand, also submerged into flood water. The railway tracks of Nagpur and Ajni station submerged into water which caused disruption in movement of trains of all routes for some time. Similarly the city buses parked in Mor Bhavan and many other places drowned into the flood water which affected the public transport system of the city on 23-09-2023 and 24-09-2023. **(SOURCE: THE HITAVADA- CITY LINE DATED 24-09-2023)** The petitioners are relying on the Newspaper Reports so as to bring the correct facts before this Hon'ble High Court. The copies of Newspaper Reports are collectively enclosed as **ANNEXURE-P-01**. The copies of

photographs depicting real life situation are enclosed as **ANNEXURE-P-02.**

3.4 Normally, the city witnesses water logging during monsoon in low lying areas but this time, the water entered in most of the areas of West and South West Nagpur on 23-09-2023, due to overflowing of "AMBAZRI LAKE" AND "NAAG NALHA". The scale of the water was unprecedented which left both residents and rescue teams baffled by the sheer volume of water in their homes. That the heavy rains over a span of few hours flooded many parts of Nagpur city, following which more than 400 people, including 40 students from a school for the speech and hearing-impaired, were rescued. **(SOURCE: THE HITAVADA-CITY LINE DATED 24-09-2023)**

3.5 That the Ambazari lake was already struggling due to flooding of "Eichhornia Weed" which were growing in the lake, were carried away by the current through water discharge points. These plants became entangled under the bridge situated on Ambazari Road, near Swami Vivekanand Statue. This obstruction led to the complete blockage of the underpass. On 23-09-2023, the heavy

rainfall caused overflow of "AMBAZARI LAKE" and the overflowing water wreaked havoc in West Nagpur.

**(SOURCE: THE HITAVADA-VIDARBHA LINE
DATED 25-09-2023)**

- 3.6** Residents of low-lying areas near Ambazari Lake awoke to a shocking and unexpected flood event on Saturday 23-09-2023 morning. The scale of the flood was unprecedented which left both residents and rescue teams baffled by the sheer volume of water in their homes. Members of local rescue teams rushed to the scene and struggled to find the cause of this sudden flood. After conducting a thorough assessment of the affected area, the officials of rescue teams made a discovery the excessive growth of Eichhornia plants (Jalparni) in Ambazari Lake played a vital role in triggering the catastrophic flood. An official from the rescue teams explained that the Eichhornia plants, which were growing in the lake, were carried away by the current through water discharge points. These plants became entangled under the bridge situated on Ambazari Road, near Swami Vivekanand Statue. This obstruction led to the complete blockage of the

underpass designed for efficient water flow and resulted in water surging over the road surface. The underpass was originally constructed to facilitate the smooth passage of water during heavy rains. However, the underpass was totally blocked due to the plants. As a result, extensive flooding was caused in Ambazari Lay Out, Samta Lay Out, Yashwant Nagar and Daga Layout, Corporation Colony etc as the water entered the localities through the road. In an effort to mitigate the crisis, the administration deployed an excavator to remove the Eichhornia plants that had clogged the waterway. However, the machine was swept away by the rushing water and got entangled beneath the same bridge. **(SOURCE: THE HITAVADA-VIDARBH LINE DATED 25-09-2023)**

- 3.7 The Ambazari lake water entered in residential areas which caused property loss in form of furniture, electrical appliances, cars, generators, two-wheelers, etc. Normally, city witnesses water logging during monsoon in low lying areas but this time, the water entered in most of the areas of West and South West Nagpur on

Saturday -23-09-2023 due to overflowing of all water bodies there.

3.8 More than 20,000 houses in the city were flooded and Mud has entered their houses. Many citizens were unable to even cook in their homes as it was covered in sludge. Diesel Pumps were deployed to remove water accumulated in basements.

3.9 Similarly, Nag River did the same damage in most part of the city where it crosses through. Due to overflowing of Nag River areas like Variety Square, Shankar Nagar, Panchasheel Square, Jhansi Rani square etc. submerged under water and also witnessed water logging. Also areas like Welcome Society, Borgaon, Hazari Pahad, Nandanvan, Yashwant Nagar, Samta Layout, Ramdaspath, Sakkardara, Ambazari Layout, Sitabuldi, Daga Layout, Dharampath, Patrakar Bhavan, Mahesh Nagar, Kalamna, Kasturba Layout, Shiv Mandir, Swagat Nagar, CPWD Colony, Manovihar Colony, Vandana Apartments, Anand Nagar, Bajaj Nagar, Corporation Colony, Daga Lay Out, Gajanan Nagar, Hanuman Mandir, Gorewada Ring Road, Arafat Colony, Rajarao Society, Palloti Nagar, Zingabai Takli, NIT Swimming

Pool, Raikar Colony, Shinde Bhavan Dattavadi, Yashvant Stadium, Balkrishna Nagar, Ram Mandir (Ranapratap Nagar), Kotwali, Dasra Road, Babafarid Nagar, Shiv Nagar, Indira Nagar, Par di, JP Nagar, Mangaldeep Colony, Bharatwada Chikhli Square, Amar Nagar, along with other areas of the city got affected due to flood in the water bodies of the city. (SOURCE: THE HITAVADA-CITY LINE DATED 24-09-2023 AND THE HITAVADA -CITY LINE DATED 26-09-2023)

- 3.10 Two Teams of Indian Army, with engineering equipment and boats, were deployed for the rescue and flood-relief operation in Nagpur city on Saturday after the heavy downpour. The army personnel came in action to rescue affected people in Ambazari, Sitabuldi, Mor Bhawan, Panchasheel Square, Shankar Nagar, and Variety Square on Saturday. Indian Army flood relief columns from Headquarters Uttar Maharashtra and Gujarat Sub Area were requisitioned by the Nagpur District Collector in the morning. Army personnel rescued about 40 persons in all age categories and also provided them with medical aid. Till evening, the situation got under control.

However, in view of evolving flood situation in Nagpur, Kamptee and Chandrapur, the Indian Army teams have been put on alert by the Administration. (SOURCE: THE HITAVADA-CITYLINE DATED 24-09-2023)

- 3.11 The dilapidated British era bridge located on the stretch between Panchasheel Square and Jhansi Rani Square failed to sustained the flooding of Naag river and finally collapsed on Saturday. The Hitavada ran a story on the condition of the bridge on July 26 this year and pointed out the poor condition and how the civic body has been ignoring its maintenance for years. The pillars of the bridge had developed cracks and as per the story's prediction, it finally crumbled on Saturday after heavy rains. The bridge, located on the busy Wardha Road, is blocked by the Traffic Department till its repair work is completed and till then, no traffic movement will take place on that stretch. This avoidable disaster will now put pressure on vehicular traffic on the adjacent roads of Ramdaspath, Sitabuldi and Dhantoli areas. The owners of shops in the areas got affected due the collapse of the

bridge. (SOURCE: THE HITAVADA-CITYLINE
DATED 24-09-2023)

3.12 Many traders in the city having shops or go-downs along the banks of the Naag River and Pili river and those based in other low-lying localities suffered heavy losses due to the flood. Owners of shops selling clothes/garments, books and other items suffers a heavy damage. They had to take out the stalk, spreading it on pavement outside their shops so that those could be dried. (SOURCE: THE HITAVADA DATED 26-09-2023)

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3.13 All four gates of Gorewada Dam on Gorewada Lake were opened as the water level of the lake crossed the danger mark of 315.65 mtr. in the evening. The gates of Gorewada Dam, also known as Godbole Gates, starts opening automatically as water level crosses the danger mark. Due to opening of gates of Gorewada, the adjacent areas of Gorewada also witnessed flooding. (SOURCE: THE HITAVADA-CITYLINE DATED 24-09-2023)

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3.14 Flood-hit citizens complained that the district administration did not inform them properly about the

natural disaster and failed to evacuate them in time. A sizable area was without power and drinking water for more than 18 hours.

LOSS OF HUMAN LIVES:-

3.15 Due to the severe flooding in city FIVE CITIZENS lost their lives including two women, one of whom was suffering from paralysis. Along with the human beings several animals also lost their lives which included a total of 14 cattle and several stray animals which remain unrecorded. **(SOURCE: THE HITAVADA-NAGPUR CITY LINE AND THE HITAVADA MAIN PAPER DATED 24-09-2023)**

ELECTRICITY:-

3.16 It is submitted that it was a testing time for the power machinery in the city on 23-09-2023, in the aftermath of the floods that led to one of the worst losses for the citizens. The downpour of 106 mm within a span of four hours caused water logging at many places, forcing Maharashtra State Electricity Distribution Company Limited (MSEDCL) to operate contingency plan, leading to outages in several localities of the city. Over 30,000

consumers went without power for nearly 15 hours as power-men struggled to keep the infrastructure safe from flood water. A major worry for the MSEDCL employees was avoiding any major electrocution as there was water everywhere after the overflow from Ambazari, with water gushing into the Shankar Nagar sub-station. Besides that other sub-station that was water logged was at Mahesh Nagar, New Ahbab Colony, where in six distribution transformers were switched off to prevent mishaps. Similarly, 12 distribution channels off Seminary Hill Distribution Centre were also shutdown due to water-logging in Kolabaswami Nagar and the adjoining Nala. The IT circuit near Ramgiri bungalow was also switched off as excess water gushed in at Dharampeth distribution channel, and two DTCs near Ganga Nagar slums under Mankapur Distribution centre. One of the worst affected areas was of 33 KV Shankar Nagar sub-station that was inaccessible due to nearly 3 ft above ground level making it difficult to approach the sub-station. As a safety measure, outgoing feeders were kept in "off state" due to water logging at 33/11 KV Shankar Nagar sub-station that included 11 KV

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Dharampeth, 11 KV Madhumadhav, 11 KV Dandige Layout, 11 KV Ram Nagar, 11 KV SMG, 11 KV N KUMAR, 11KVShivaji Park, 11 KV Trikoni Park, 11 KV Kachipura, 11 KV Hilltop. 11 KV Shankar Nagar -1 and 11 KV Shankar Nagar-2. Similarly, 11 KV outgoing feeders emanating from 11 KV Shankar Nagar switching sub- station, including 11 KV Gokulpeth, 11 KV Dharampeth switching, 11 KV Bajaj Nagar switching, 11 KV switching campus too were affected due to floods. Further, in the western part the overflow from Gorewada also caused problem as transmission from five 11 KV power lines, including that of MECL. Friends Colony, Nari Village. Wanjara, Gorewada DTC was affected, which in turn hit the power supply of nearly 22,000 consumers. Areas in Manavseva Nagar, Azad Nagar, Friends Colony, Police Line. Katol Road Gittikhadan, Ghourkhede Complex, Mahesh Nagar, Samta Nagar, SRA. MHADA quarters were affected. **(SOURCE: THE HITAVADA-DATED 25-09-2023)**

LIFE OF AMBAZARI DAM IS OVER:-

3.17 It is submitted that on 23-09-2023 floods have caused heavy damage in the city, especially the settlements near Ambazari Lake. Shockingly, the life of the Ambazari lake dam has ended six years ago, and the Nagpur Municipal Corporation is still asleep. Fortunately, the dam did not burst in this flood. The Maharashtra Engineering Research Institute (MERI), Nashik, had written to the Nagpur Municipal Corporation indicating that the life of the Ambazari Lake dam had ended 16-08-2017. {ANNEXURE-P-03} (SOURCE: LOKMAT DATED 26-09-2023)

3.18 The letter was written in connection with granting permission for excavation near the lake for the Maha Metro station. The respondent no:-01 has written a letter on 31-01-2018 to NMC Commissioner that appropriate action be initiated to secure safety of citizens. {ANNEXURE-P-04} It is submitted that the NMC Commissioner has specifically written a letter to MAHAMETRO on 28-08-2017 and directed to take all measures so as to secure the "safety of the dam" as contemplated by respondent no:-05 {MERI} and shifted

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the entire responsibility on MAHAMETRO.

{ANNEXURE-P-05}

3.19 The Municipal Corporation wasted Rs 200 crore on G-20 beautification and hundreds of crores on cement roads without storm water drainage. However, the embankment was not made strong. If the dam had burst, an unimaginable disaster would have happened. Maha Metro had paid Rs 10 crore to the municipal corporation for pitching the Ambazari dam with stones; But nothing was done. (SOURCE: LOKMAT DATED 26-09-2023)

3.20 It is submitted that the Deputy Chief Minister of Maharashtra has announced Rs. 10,000/- aid to each flood affected family, Rs. 50,000/- to shopkeepers who suffered heavy loss and up to Rs. 10,000/- to stall owners but according to petitioners the said amount of Rs.10,000/ as "ex-gratia compensation" is not enough as the said amount cannot repair their furniture or restore their houses as they were prior to floods. The citizens in flood affected area have suffered huge losses to their property, which cannot be compensated by a meagre amount of Rs.10,000/-

(SOURCE: THE HITAVADA DATED 24-09-2023)

3.21 It is submitted that The Union Minister for Road Transport and Highways MR. NITIN GADKARI chaired the meeting with officials of World Bank, National Mission for Clean Ganga (NMCG), and Nagpur Municipal Corporations (NMC) in New Delhi. after which was approved by the Expenditure Finance Committee (EFC) Rs. 2,117.54 cr. on 27.10.2021 for Nag River Pollution Abatement Project in order to lead to bio diversity and rejuvenation of Nag River in Nagpur city. The aim of project was to rejuvenate the Nag River that passes through middle of city and then merges with Kanhan on Nagpur's outskirts and then drains into Wainganga river basin. The plan was to revive the bio-diversity of the river and also to develop the river bank of Nag River as signature river of city. When the project was conceived, way back in June 2014 the cost was pegged at Rs 1,476.96 crore. However as the project was not properly drafted same was rejected and delays cost dearly as new additions were made pegging the pollution control price at nearly Rs. 2500 crores. The project was

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approved under the "National River Conservation Plan" and was to be implemented by the National River Conservation Directorate, NRCD. Japanese International Co-operation Agency (JICA) was the lead financier and it had entered into agreement with Maharashtra Government for a soft loan of Rs. 1864 crores for Nag River Pollution Abatement Project and other river cleaning projects. As mentioned earlier, Centre contributed 60% of the project cost, that is, Rs 1,323.51 crore, State contributed 25% Rs 496.38 crore while for cash strapped NMC contribution was kept at 15 % that is Rs 297.82 crore. It is submitted that the said project is not implemented even till today and Rs.2117/ crores are still unutilized. **(SOURCE: THE HITAVADA DATED 03-03-2021)**

3.22 NMC constructed one treatment plant of 100 MLD capacity at Bhandewadi but it operates only at 80 per cent of its capacity. About 275 MLD untreated waste is released into nullah and it then drains into Wainganga basin whose water quality has deteriorated. Under the pollution abatement project, three sewage treatment plants (STPs) were to be constructed one each at

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Aradhana Colony (45 MLD) capacity), VNIT (12 MLD), and Mor Bhavan (35 MLD), at Sangam adjacent to Yashwant Stadium. Besides, two STPs of 10 MLD capacity each will be upgraded at Mankapur and Martin Nagar and they would be on Pili River. Total 520 MLD sewage flows into Nag river of which plan was to treat 480 MLD through existing, proposed and to be upgraded STPS. Hon'ble Minister Nitin Gadkari has been battling for abating the pollution of Nag River that originates from over flow of the Ambazari lake. Even after the grant of adequate amount, no efforts were taken by the authorities for the cleaning of the river and the state of the river is still in the same condition, if not, worse than before the approval. The officials of Nagpur Municipal Corporation did not do their work properly and left the Nag River unclean that caused the Ambazari Lake (the city's largest water body) and the Nag river, to breach their boundaries swamping the city, damaging the residential property, belongings and killing four people. **(SOURCE: THE HITAVADA DATED 03-03-2021)**

4 CAUSES OF WATER LOGGING-

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4.1 The Naag River is highly congested with waste because of the negligence of authorities even when Rs.2117.54 crores were sanctioned by the centre for its cleaning purposes, which caused the water to overflow and enter into the residential areas.

METRO
4.2 A wall of about 8 feet height and 100 ft. width was illegally constructed by Maha Metro on Naag Nala opposite Swami Vivekanand Smarak, which diverted the original flow of Naag River coming from Ambazari Over Flow Point to nearby localities like Purohit Lay Out, Ambazari Lay Out, Samata Lay Out, Yashwant Nagar, Varma Lay Out, Kasturba Lay out etc and resulted serious loss of lives and properties to the citizens residing in these areas. The illegal construction of "compound wall" by MAHA METRO has resulted the present water logging in nearby areas and therefore according to the petitioners the present "damage to the nearby localities" is a "man made disaster".

4.3 India Meteorological Department predicted heavy rains in Nagpur for 23-09-2023, and still no precautions were taken prior to the emergence of calamity and civic authorities were not ready with any contingencies.

- 4.4 Inaction on the part of NMC/ MAHA METRO when a letter was sent by the Director General, Concept, Training, Hydrology, Research and safety Maharashtra Engineering Research Institute (MERI) Nashik, stating that the life of Ambazari Dam was over on 16-08-2017. **{ANNEXURE-P-03}** It clearly states that Ambazari Dam might cause a great hazard and therefore, necessary precautions to be taken at the earliest. Even then no action was taken by the Nagpur Municipal Corporation, putting life of thousands of citizen's in danger. W-20
- 4.5 The Skating Ring at Corporation Colony, Daga layout is constructed by Nagpur Improvement Trust with International Standards. Total plot area is about 6236.64 sq.m. On this Skating Rink & Administrative building is constructed. About 99.49 mtr x 42.07 mtr size rink is constructed with ample parking & spectators gallery. Administrative Building includes facilities like canteen, changing room, judges room, kitchen & sanitary blocks. This Skating rink built over Naag River is a nightmare for the people living in it's vicinity. The concrete platforms built for parking obstructs the river's NIT

flow and is a great cause for water logging in Nagpur on 23-09-1999 resulting in the houses and shops in the nearby areas being submerged into water.

4.6 That the Ambazari lake was already struggling due to flooding of "Eichhornia Weed" which were growing in the lake, were carried away by the current through water discharge points. These plants became entangled under the bridge situated on Ambazari Road, near Swami Vivekanand Statue. This obstruction led to the complete blockage of the underpass and therefore outflow of water could not be streamlined.

4.7 For reasons known to the civic body, a JCB machine was parked inside the river at the h overflow point on Friday. The machine had been engaged there for last few days to clear water hyacinth. The machine was swept away and got stuck at the bridge, obstructing flow of water.

4.8 After inspecting the 152- year-old embankment of Ambazari lake, the DSO reported leased in February 2017 had said, "Vivekananda Memorial constructed by NMC in Nag river at the overflow point is hazardous for the dam's safety". This monumental structure is

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constructed immediately downstream of spillway bar in tail channel. It has obstructed most of water way and only two vents are kept for discharge over spillway

- 4.9 Prior to the heavy rainfall of 23-09-2023, Nagpur has the highest rain record of 304 mm. which was registered on 12 July, 1994. A rainfall of 265 mm. with 6 hours has also been recorded in Nagpur on 6 July 2018. Even after such heavy rains, such water logging that Nagpur witnessed on 23 September 2023, has never been seen before. It clearly states that the water logging caused was completely man-made and not a natural calamity.

Date	Amount of Rainfall	Time Duration
12 July 1994	304 mm.	24 hours
6 July 2018	265 mm.	6 hours
23 September 2023	109 mm.	4 hours

(SOURCE- WWW.INDIATODAY.IN DATED 07-07-

2018)

5 VIOLATIONS AND NEGLIGENCE CAUSED BY THE RESPONDENTS-

5.1 According to the Regulations for Conservation of Heritage Buildings/Precincts/Natural Features 2003, Ambazari Lake has been listed as a Heritage Conservation Area on 15th October 2003. It is stated that the Ambazari Lake is a natural body which dates back to 18th and 19th century and is under the ownership of NMC/Forest Department. It is regarded as the "Grade I" Heritage Site as per the List.

According to the Regulation 11 stated in Regulations mentioned above. Grading of the listed Buildings/Listed Precincts states, "In the column No. 10 of the said list of heritage buildings, heritage precincts, "grades" such as I, II and III have been indicated. The meaning of these grades and basic guidelines for development permissions are as follows:-

- a) Scope- Heritage Grade I comprises buildings and precincts of National or Historical importance embodying excellence in architectural style, design technology and material usage and/or aesthetics, they may be associated with a great historic event, personality movement or

institution. They have been and are the prime landmarks of the city.

b) Objective- Heritage Grade-I richly deserves careful preservation.

c) **Scope for development-** No interventions be permitted either on exterior or interior unless it is necessary in the interest of strengthening and prolonging the life of the buildings/or precincts or any part of features thereof. For this purpose, absolutely essential and minimum changes would be allowed and they must be in accordance with the original.

d) Procedure- Development permission for the changes would be given by the Commissioner on the advice of the Heritage Conservation Committee to be appointed by the State Government.

The respondent completely ignored these Regulations and the restrictions put forth by it and Constructed Swami Vivekanand Smarak in the vicinity of the Heritage Site.

5.2 A letter was sent by Maharashtra Engineering Research Institute, to the Commissioner of Nagpur Municipal Corporation, Nagpur on 16-08-2017 {ANNEXURE-P-03} stating that, “the life-span of Ambazari Dam has come to an end and Nagpur Municipal Corporation has created a great Hazard Potential. Therefore, it has become essential to take precautions to ensure that there will be no danger to the roads, settlements and Metro Rails due to the Dam burst in the future.”

It also states that, “All trees and shrubs on dams, their roots can cause seepage from the dam. Therefore, such bushes should be removed. In this regard, the matters pointed out by the Executive Director, Vidarbha Irrigation Development Corporation, Nagpur on 14/08/2017 during field visit should be taken into consideration and all measures should be taken.

All the dam safety points mentioned in the technical opinion communicated by this office vide letter dated 24/10/2016 must be fulfilled. As per letter dated 14/08/2017 all points in the inspection report must be resolved.

Even after this letter no action or precautions were taken by the Nagpur Municipal Corporation for increasing lifespan of the Ambazari Dam and strengthening its structural integrity, putting the citizens life in great danger.

5.3 It is submitted that a spirited citizen named as Mohammad Sharif has approached this Hon'ble High Court in PIL NO:-96/2017 and demanded the action of respondent authorities to save the AMBAZARI LAKE/RESERVOIR. This Hon'ble High Court gave following directions and findings:-

**PIL NO:-96/2017- MOHAMMAD SHARIF VS
STATE OF MAHARASHTRA**

DECIDED :-21-03-2018-{ANNEXURE-P-06}

THE HON'BLE HIGH COURT HELD _____

(17) No doubt, a public spirited citizen like the petitioner ought to have approached this Court much earlier when such illegal constructions were permitted by the Planning Authorities or when such monuments were erected or when such commercial activities were permitted. However, we find that

though belatedly, petitioner's approaching this Court has given us an opportunity to issue directions to various Authorities so as to ensure safety of dam so that a flood like situation is avoided. We, therefore, dispose of the petition with following directions:

(i) Respondent no.6 is directed either itself or through irrigation Authorities situated at Nagpur to execute the entire works, which are necessary for ensuring safety of dam as could be found in the letter dated 16/8/2017 and in the inspection report, which is to be found at pages 130 to 132 of paper book.

(ii) The respondent no.6 in consultation with respondent no.3 Corporation, respondent no.5 and local irrigation Agency shall prepare plans for ensuring safety of dam, which has outlived its life.

The said plans be finalized by 15th April 2018. After the plans are finalized, respondent no.6 either itself or through local Irrigation Agency as chosen by it, shall forthwith start work for execution of such measures. Needless to state that work would not be restricted only to 342 metres stretch, which is

adjoining alignment of metro, but for entire length of dam.

(iii) Respondent Metro Rail shall bear costs for executing the works, which are adjoining its alignment, i.e. 342 metres. The expenditure towards costs of strengthening remaining stretch of dam shall initially be borne by State Government. State Government would be at liberty to recover full or part of the amount from respondent no.3 Corporation or other Planning Authorities, which in the opinion of State Government, have contributed to such illegal structures.

(18) We make it clear that for executing the aforesaid works, paucity of funds will not be considered an excuse. We direct Chief Secretary of State of Maharashtra to ensure that aforesaid directions are followed scrupulously.

It is submitted that the respondent authorities have failed to comply the directions issued by this Hon'ble High Court in PIL NO:-96/2017

5.4 Certain restrictions were imposed by the Water Resources Department, State of Maharashtra {respondent no:-03} on 08-03-2018. {ANNEXURE-P-07} It states certain restrictions regarding revision of criteria of distance in the area near the Ambazari Dam on carrying out any type of development works.

(1) Regarding development works other than the Township in the upper part of the dam reservoir-

(a) For storage with ungated spillway AHFL level (flood level) upstream of the dam or HFL +0.5 m. Vertical or 20 m. The minimum distance between horizontal.

(b) For storage with gated spillway upstream side of the dam (submerged side) HFL +9 m. vertical or 75 m. the minimum distance between horizontal.

(2) For Township and Industrial Township Estates-

(a) In case of large and medium projects, a distance of at least 500 meters in {a} and (b) or from AHFL, whichever is greater, shall remain a prohibited area.

- (b) In respect of minor projects-(a) and (b) or minimum distance of 200 meters from AHFL whichever is greater shall remain a prohibited area.
- (3) The distance from construction of dam or project component is determined as follows. Prohibited area and other distances shall be measured from the downstream side of the toe drain in case of earthen dam and from the end sill above the EDA of the embankment, where there is no toe drain this distance shall be Toe + 10 Meters should be counted ahead.

Sr. No.	Height of work place of Dam/ Components	Restricted Distances	Limitation of depth of Excavation
1.	0 to 30 m	Five times the height or 30 meters whichever is higher	Permanent excavation more than 1 meter above ground level upto

2.	More than 30 meters	200 meters or 10 times the height whichever is higher	distance of 200 meters or 10 times the height whichever is greater is not allowed to be taken forth.
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(4) The above prohibited distances in a single dam will be according to the height of that place on the house line, that is, the distance will be less at the place of low height and more at the place of higher construction. The said distance will be air distance (Anal Distance). That is, the distance to be allowed does not depend on the maximum height of the dam, but on the embankment construction at that place on the dam line, will depend on height.

(5) The distance from the river bed on the downstream side of the dam and the nature of the development work to be done / construction etc. regarding the flood line should be done as per Government

Circular No.FDW-1089/ 243/89/ S.V.(Works), dated 21.9.1989.

In spite of such restrictions Maha Metro has already constructed METRORAIL PILLARS and is constructing Play Zone/ Aqua Park within 200 m. of Ambazari Dam and Nagpur Municipal Corporation has already constructed "Vivekanand Smarak" violating these guidelines and UDCPR 2022 made u/s 37 of MRTP ACT 1966.

- 5.5 In exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government constitutes **The Wetlands (Conservation And Management) Rules, 2010.** The Rules 2010 are finalized and approved by Hon'ble Supreme Court of India in WP CIVIL NO:-230/2001 on 08-02-2017. The copy of OM issued by MOEF NEW DELHI on 08-03-2022 for Protection of Wet Lands as per Rule 4 of Wetlands Rules 2010 is enclosed as **ANNEXURE-P-08.** The copy of Wetlands Regulations

2010 dated 04-12-2010 is enclosed as ANNEXURE-P-09.

The Rule 4 of the said rules reads as- "Restrictions on activities within wetlands-

- (1) The following activities within the wetlands shall be prohibited, namely:-
 - (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 the 27th November, 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 the 5th December, 1989 or the Hazardous Wastes (Management, Handling and Transboundry Movement)

Rules, 2008 notified vide S.O. No. 2265(E), dated the 24th September, 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.

(2) The following activities shall not be undertaken without the prior approval of the State Government within the wetlands, namely:-

- (i) withdrawal of water or the impoundment, diversion or interruption of water sources within the local catchment area of the wetland ecosystem;
- (ii) harvesting of living and non-living resources;
- (iii) grazing to the level that the basic nature and character of the biotic community is not adversely affected;
- (iv) treated effluent discharges from industries, cities or towns, human settlements and agricultural fields falling within the limits laid down by the Central Pollution Control Board or the State

Pollution Control Committee, as the case may be;

- (v) plying of motorized boat, if it is not detrimental to the nature and character of the biotic community;
- (vi) dredging, only if the wetland is impacted by siltation;
- (vii) construction of boat jetties;
- (viii) activities within the zone of influence, as per the definition of wetlands, that may directly affect the ecological character of the wetland;
- (ix) facilities required for temporary use, such as pontoon bridges, that do not affect the ecological character of the wetland;
- (x) aquaculture, agriculture and horticulture activities within the wetland;
- (xi) repair of existing buildings or infrastructure including reconstruction activities;
- (xii) any other activity to be identified by the Authority.

- (3) Notwithstanding anything in sub-rule (1) or sub-rule (2), the Central Government may permit any of the prohibited activities or non-wetland use in the protected wetland on the recommendation of the Authority.
- (4) The State Government shall ensure that a detailed Environment Impact Assessment is carried out in accordance with the procedures specified in the notification of the Government of India in the Minister of Environment and Forests 5.O. No. 1533(E), dated the September 14th, 2006 as amended from time-to-time.
- (5) No wetland shall be converted to non-wetland use unless the Central Government is satisfied on the recommendation of the Authority that it is expedient in the public interest and reasons justifying the decision are recorded.

Rule 2 (g)- Definitions-

- (1) In these rules, unless the context otherwise requires,-
 - (g) "wetland" means an area or of marsh, fen, peatland or water or water,; natural

or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water, the depth of which at low tide does not exceed six metres and includes all inland waters such as lakes, reservoir, tanks, backwaters, lagoon, creeks, estuaries and manmade wetland and the zone of direct influence on wetlands that is to say the drainage area or catchment region of the wetlands as determined by the authority but does not include main river channels, paddy fields and the coastal wetland covered under the notification of the Government of India in the Ministry of Environment and Forest, S.O. No. 114(E), dated the 19th February, 1991 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) of dated the 20th February, 1991;

It is submitted that provisions of Wetland Regulations 2010 are also blatantly violated.

- 5.5. The Unified Development Control and Promotion Regulations are sanctioned by the State Government under Section 37(IAA)(c) and Section 20(4) of the Maharashtra Regional & Town Planning Act, 1966.

3.1.12. DISTANCE FROM NATURAL LAKE AND DAM-

In Regional Plan area, no construction shall be allowed within 100 m. from the high flood line of natural lake.

In Development Plan area, development around natural lake shall be governed by the provisions made in such plan. In absence of the provisions in such plan the distance as may be specified by Irrigation Department shall be followed.

The regulation regarding clear distances from the High flood line while carrying out any development of any land around dam and foothill areas as notified and the norms regarding distance as prescribed in Government of Maharashtra, Water Resources

Department Marathi Circular No.संकिर्ण-

२०१२/(प्र.क्र.२०/२०१२) सिं.व्य. (महसूल), dt.08/03/2018

and amendments therein, from time to time, will be applicable henceforth, subject to following condition.

Condition: The concerned land owners/users are prohibited to discharge any Garbage/Water Sewage/Wastage in the reservoir, generating from its premises. It will be compulsory and binding on the land owner/user to make necessary arrangements within the premises for Water and sewage disposal management and to maintain the Zero Discharge condition at his own cost.

3.1.13. Authorities to Supply Complete Information about Restrictions to the Authority-

The concerned authority putting restrictions as per their respective legislations/ regulations/ rules as mentioned above shall make available to the Authority full details of restrictions (including graded restrictions, if any) along with the relevant map detailing restrictions. In the interest of increasing ease of doing business, no individual applicant should be required to approach the concerned departments for NOC. However it is the duty of the

applicant to ensure that restrictions informed by the above said authorities are followed scrupulously. The Authority shall make a reference to this effect to the concerned authorities and ensure compliance with the restriction informed by them while sanctioning the development permission.

Such information shall be published by the Authority on its notice board/ website and also update it as and when it is updated by the concerned department.

- 5.7. It is submitted that the Nagpur Municipal Corporation (NMC) has not prepared any plan or executed works at Ambazari lake overflow point despite being alerted by Dam Safety Organization (DSO), Nashik, six years ago. The Swami Vivekanada Memorial was also affected during the heavy rains on 23-09-2023. The retaining wall of the memorial, cement concrete floor, lamps, tiles etc have been damaged. The museum situated below the statue was filled with water, damaging murals and other material.
- 5.8. The state government's resolution dated August 2, 2013, prohibits construction or excavation downstream of dam

or 10 times the height of the up to a distance of 200 meter dam, whichever is more, from the distance of toe of dam. Still, the Vivekananda memorial, Metro corridor etc were constructed. Now, Maha Metro is also developing an amusement park. (Source: @timesgroup.com)

6. NATURE AND EXTENT OF INJURY

6.1) The petitioners are “flood affected citizens” residing in “flood affected areas” in Nagpur and are seriously aggrieved by the “water logging” and “floods” occurred in Nagpur on 23-09-2023 and are also affected due to actions, conduct and inaction on the part of respondents who have failed to give them safe environment in Nagpur and failed to protect their lives and properties. The petitioners are senior citizens and have approached this Hon’ble High Court for protection of their fundamental rights under article 14, 19, 21 of Constitution of India.

6.2) The petitioners and 25,000 families in Nagpur are seriously affected due to the lethargic and negligent attitude of the respondent authorities who have failed to create safe environment and failed to take any steps for preservation, protection, maintenance, rejuvenation of Ambazari Dam and Naag River in spite of warning issued

by other government departments. Neither the steps were taken for “rejuvenation of Nag River” nor any steps were taken to “repair and reconstruct” the Ambazari Dam whose life is over in 2017.

6.3) The petitioners have lost their valuables, furniture, groceries, vehicles, stationaries, cloths etc and other properties due to “water logging” in their houses. The petitioners believe that this tragic incident could have been avoided had the timely steps been taken by the civic administration to “remove encroachments” on Nag Nala, clean and rejuvenate Naag Nala, removal of obstacles in outflow of Ambazari Overflow. The respondents authorities have failed to give “right of way” to the water from overflow point in a scientific and systematic way but has deliberately created hurdles and obstructed free flow of overflow of Ambazari Dam and hence it resulted in causing huge monetary loss to petitioners and 25,000 families in Nagpur. According to government reports an estimated loss of 300 Crores is made only to government properties.

7. EARTHEN DAM AND ITS FEATURES

7.1) The dam is an important civil engineering structure that is multifunctional and used throughout the world. From

simple water supply works, irrigation works to huge hydropower generation plants and disaster control works; all require the construction of the dam. One such important type of dam is the earthen dam.

7.2) An earthen embankment is a raised confining structure made from compacted soil. The purpose of an earthen embankment is to confine and divert the storm water runoff. It can also be used for increasing infiltration, detention and retention facilities. Earthen embankments are generally trapezoidal in shape and most simple and economic in nature. They are mainly built with clay, sand and gravel, hence they are also known as earth fill dams or earthen dams. They are constructed where the foundation or the underlying material or rocks are weak to support the masonry dam or where the suitable competent rocks are at greater depth. They are relatively smaller in height and broader at the base.

7.3) COMPONENTS OF EARTHEN DAM-

An Earthen has three basic components-

- a) Foundation: the foundation is a supporting component that withstands both horizontal as well as vertical load. The foundation is made up of soil.
- b) Casing (outlet): the casing is the component of an earthen dam that protects the inner core. The upstream and downstream slopes of a casing have to be decided based on the type of dam, height, availability of material, and the condition of the foundation. A flatter slope is built in case of low permeability earth. The desirable range for downstream slope varies from 2:1 to 2:5:1 while the range from upstream slope varies from 2:1 to 4:1.
- c) Core (hearting): the core is the component of an earthen dam that checks the seepage of water through the body of dam. Due to this reason, it is commonly referred to as an impermeable barrier. The material used for the construction of the core should be selected depending upon the

topography, availability of material, diversion considerations, and suitability. The position of the core may be either central or inclined upstream. The core must be constructed such that its top level lies at least 1 metre above the maximum water level. The minimum width of the core should preferably not be less than 3 metres.

d) **Shell, Upstream Fill, Downstream Fill or**

Shoulder: These components of the earthen dam are constructed with pervious or semi-pervious materials upstream or downstream of the core. The upstream fill is called the upstream shell and the downstream portion is the downstream shell.

e) **Upstream Blanket:** It is a layer of impervious material laid on the upstream side of an earthen dam where the substratum is pervious, to reduce seepage and increase the path of flow. The blanket decreases both the

seepage flow and excess pressure on the downstream side of the dam. A natural blanket is a cover of naturally occurring soil material of low permeability.

- f) **Cutoff Wall or Cutoff:** It is a wall, collar or other structure intended to reduce percolation of water through porous strata. It is provided in or on the foundations.
- g) **Drainage Filter:** It is a blanket of pervious material constructed at the foundation to the downstream side of an earthen dam, to permit the discharge of seepage and minimize the possibility of piping failure.
- h) **Riprap:** Broken stones or rock pieces are placed on the slopes of embankment particularly the upstream side for protecting the slope against the action of water, mainly wave action and erosion.
- i) **Core Wall, Membrane or Core:** It is a centrally provided fairly impervious wall in the

dam. It checks the flow of water through the dam section. It may be of compacted puddled clay, masonry, or concrete built inside the dam.

j) **Toe Drain:** It is a drain constructed at the downstream slope of an earthen dam to collect and drain away the seepage water collected by the drain filters.

k) **Transition Filter:** It is a component of an earthen dam section which is provided with core and consists of an intermediate grade of material placed between the core and the shells to serve as a filter and prevent lateral movement of fine material from the core.

7.4) MATERIALS USED IN EARTHEN DAM-

- a) Clayey material
- b) Sandy soil
- c) Murum, Sandy slit
- d) Rock masonry

7.5) DESIGN CRITERIA FOR EARTHEN DAM-

Following main design may be laid down for the safety of an earthen dam:

a) To prevent hydraulic failures the dam must be so designed that erosion of the embankment is prevented.

For this purpose, the following steps should be followed:

- i. Spillway capacity is sufficient to pass the peak flow.
- ii. Overtopping by wave action at maximum water level is prevented.
- iii. The original height of structure is sufficient to maintain the minimum safe freeboard after settlement has occurred.
- iv. Erosion of the embankment due to wave action and surface runoff does not occur.
- v. The crest should be wide enough to withstand wave action and earthquake shock.

b) To prevent the failures due to seepage:

- i. Quantity of seepage water through the dam section and foundation should be limited.
- ii. The seepage line should be well within the downstream face of the dam to prevent sloughing.

- iii. Seepage water through the dam or foundation should not remove any particle or in other words cause piping.
- iv. There should not be any leakage of water from the upstream to the downstream face. Such leakage may occur through conduits, at joints between earth and concrete sections or through holes made by aquatic animals.

c) To prevent structural failures:

- i. The upstream and downstream slopes of the embankment should be stable under all loading conditions to which they may be subjected including earthquake.
- ii. The foundation shear stresses should be within the permissible limits of shear strength of the material.

7.6) It is submitted that the disaster happened on 23-09-2023 needs to be prevented in future and there is need to scientifically discover the causes of "water logging" and "floods" due to "overflow in Ambazari Lake". It is submitted that the Ambazari Dam was created in 1870 and has already lived its life. According to the petitioners the Crest Height of the Dam is increased by 10 feet in

2015 by NMC but the Upward Stream and Downwards Stream of the Dam was not altered as per the increased height in 2015. Hence the required angles of the Upwards Stream and Downward Stream were not maintained. On the contrary illegal construction of METRORAIL PILLARS was done right on the “downward stream” of the Ambazari Dam resulting in constant vibrations and disturbance in the soil/ land of the Ambazari Dam, which is more dangerous to Ecosystem. It is submitted that the “Toe Drain” and “Rock Toe” of the existing Ambazari Dam are completely damaged and destroyed due to “construction of roads” and “construction of MAHAMETRO PILLARS” causing further threat to the life of the dam which is already over. The copies of sample pics of Earthen Dams are enclosed as **ANNEXURE-P-10.**

- 7.7) It is also submitted that MAHAMETRO has illegally constructed pillars digging the earth up to 60 feet deep and hence the “vibrations” of the Metro are disturbing the soil combination and “downward stream” of the Ambazari Dam. It is submitted that MAHAMETRO has directly violated the “Heritage Conservation Rules” ,

UDCPR-2022 and MRTP Act 1966 and Notification issued by Water Resources Department {Respondent no:-03} on 08-03-2018. {ANNEXURE-P-07} By which there is a "no construction zone" up to 200 meters from the Dam. If downward stream is scientifically calculated and maintained then the distance of 125 meters from the "centre line" of the dam will have to be acquired and the entire "12 meter road" from Ambazari T Point to Vivekanand Smarak will have to be closed. The erstwhile Crazy Castle or Acqua Park made by MAHAMETRO will have to be demolished. It is thus requested that this Hon'ble High Court should appoint a "High Power Expert Committee" consisting of Engineers, Architects, Scientist to evaluate the present status of Ambazari Dam and suggest the measures to prevent the Overflowing of Water and Waterlogging in surrounding areas and to acquire the properties of adjoining areas within 100 meters.

7.8) EXPERT VIEW:-

It is submitted that the renowned and senior Architect Paramjeetsingh Ahuja has made serious observations

about the tragic incident occurred on 23-09-2023 and he says in The Hitavada that _____

“Urban floods can occur when a river passing through the city breaches its embankment as it did when protective walls of the Nag River emanating from the Ambazari Lake collapsed. It can also happen due to clogging of storm water drains; lack of proper drainage system; rainfall overwhelming the capacity of drainage system; haphazard and irregular planning compounded by the problem of illegal encroachments which eliminate natural water courses necessary to drain out excess water; urban heat island effect, resulting in an increase in rainfall over urban areas; changing weather patterns (climate change) lesser but more intense rainy days; improper disposal of solid waste (domestic, commercial and industrial) and dumping of construction debris into drains; sanctioning development on floodplains, ponds and wetlands which actually have the capacity to soak extra water; increase in urbanization (built-up and paved areas replacing natural land surfaces with impervious

surfaces like roads, buildings and parking lots) as a result of which, the flow of water increases; combination of storm water and wastewater in the same sewer system which upon heavy rains can become overwhelmed leading to sewage backups and urban flooding that stinks and infects, and extraction of groundwater and other activities leading to land subsidence, causing areas to sink and become more prone to flooding. There are other reasons as well that will be too voluminous to enumerate here.

In other words, the causes of urban floods are entirely man-made or artificial. It is not as if successive city administrators were unaware of these reasons, most of which is a Google or ChatGPT-3.5 search away. And it is not as if the prevention and mitigation of urban floods is rocket science. On a lighter note, perhaps we would have sorted out the sorry state of our urban infrastructure had it been rocket science!

The 'how to do it' is set out in great detail in IS Code of Practice for Storm Water Drainage (IS: 1742-1983) and other Codes, in

the National Building Code of India 2016 (Storm Water Drainage, Surface Water Run-off) and others. As a pre-requisite to design, data is the key. I can bet my last 500 rupees that the city hasn't mapped its drainage system, the contours, water channels, wetlands, ponds, low lying areas, chronic water logging spots, land subsistence, flood plains, encroachments on river, lake and pond catchment areas, high flood hazard zones and urban heat islands. I'd love to lose the bet, though. Designing without data is akin to swatting a fly in the dark. Designing for addressing urban flooding requires a combination of improved infrastructure, better land use planning, sustainable urban design, and climate resilience measures that can be facilitated by geo spatial analysis of the data obtained from the mapping exercise.

A 'Mission Flood-free Nagpur' should be launched on the lines of 'Mission Flood-free

Guwahati'. The city should embrace Sponge City Mission the goal of which is to enhance urban permeability, allowing cities to retain and utilise the rainfall they receive. This can be effectively achieved through an urban mission in the vein of the Atal Mission for Rejuvenation of Urban Transformation (AMRUT), National Heritage City Development and Augmentation Yojana (HRIDAY) and Smart City Mission. **(SOURCE- THE HITAVADA-CITYLINE NAGPUR, DATED 03-10-2023)**

Perhaps the most serious of the changes that are taking place (apart from rapid urbanization) that is resulting in frequent and severe urban floods across the country (Guwahati – 2010, Chennai – 2015, Mumbai and Bengaluru – 2017, Hyderabad – 2020), is the increase in the intensity of rainfall over shorter durations as was witnessed over parts of Nagpur on September 23, 2023. These and other developments should prompt the concerned authorities to revise the Standards (BIS, NBC, etc.) by which design of roof rain water, surface rain water runoff and storm water drainage are being

mandated. As an example, for the design of surface drains for runoff, a runoff of 6 mm and 12 mm respectively for an average annual rainfall of 500mm - 1000 mm and 1000mm - 2000mm respectively are recommended. These and other recommendations warrant revisiting.

Amendments should be made in the Development Control Regulations by making it mandatory to demonstrate that the proposed development does not impede or alter the flow of surface run off or if it does, the project proponent should demonstrate restoration of the same at its own cost.

Submission of contour data should be made mandatory for all development proposals, small and big. Amendment should also be made forbidding development on 'no go' land parcels such as floodplains, catchment areas of rivers and water bodies, and wetlands. A 'no go' list consisting of such areas (based upon mapping suggested earlier in this article) should be notified. Measures such as permeable roads, roof top gardens, rain water

harvesting, creation of rain gardens, green spaces and blue spaces (lakes and ponds) should be made mandatory. When proposing development of layouts, providing right of way/connectivity beyond its boundary is mandatory. However, when an adjoining layout is proposed, often the road network connectivity is broken for the sake commercial considerations. Thus, continuity of storm water drains is broken, resulting in flooding of the layouts. While sanctioning development of layouts, sanctioning authorities should stay vigilant on this account. Urban areas with limited green spaces and vegetation have reduced capacity to absorb rainwater. Trees and vegetation can help reduce runoff by absorbing and transpiring water. Spaces for plantation where most needed should be earmarked in the Development Plan by the administration.

The Nagpur Metropolitan Area, a mostly virgin expanse encompassing 3577 square kilometres [16.50 times larger than Nagpur city, 36% of Nagpur District and almost the size of the state of Goa –

(3702 square kilometres)], should not go the Nagpur city way and indeed the way of other cities such as Guwahati, Chennai, Mumbai, Bengaluru and Hyderabad. It would be imperative, therefore, to carry out Terrain Modelling of Nagpur Metropolitan Area that are planned for urbanization from agricultural land, forest or low grade land, low lying areas prone to flooding, marshy or abandoned quarries, etc. Detailed and careful consideration with respect to its drainage is necessary. A detailed contour survey should be carried out not only of the sites that are planned for urbanization but also the surrounding areas to verify the quantity and area contributing runoff, presence of any low lying and natural water body acting as holding pond or any natural drain passing through the area and beyond, whose filling up and diversion may cause water logging problem on the site or surrounding areas (*source - NBC 2016*). In terms of built form, this may imply contiguous open green spaces, interconnected waterways, and channels and ponds across neighbourhoods that can naturally detain and filter

water. The floods of 23rd September ought to spur the Nagpur Metropolitan Region Development Authority (NMRDA) to revisit its plans.

8. The Municipal Authorities estimated the exact amount of damage to the city's infrastructure. An estimated loss of 300 crores has been caused due to the collapse of the 11 km long protective wall. Along with the protective walls, the bridge near Jhansi Rani Chowk, Sarvesrinagar in the Pili River area and the bridge at Tarakeshwarnagar have been damaged to the tune of Rs 45 crore, as estimated by officials. **(SOURCE: TARUN BHARAT- AAPLA NAGPUR, DATED 03-10-2023)**

9. It is submitted that Article 14, 19 and 21 of the citizens are infringed by the lethargic and negligent attitude of respondent authorities and even today Article 21 of the citizens is in great danger. The authorities are playing with the life of the citizens.

INADEQUATE COMPENSATION:-

10. It is submitted that every flood affected resident is granted an aid of just up to Rs. 10,000, when the damage caused to them is far greater. Adding upon the value of furniture, clothes, utensils, electrical appliances, gas stoves, grains

and other food materials, etc. and also the additional cost of cleaning the whole house which was accumulated by mud and waste that was brought in along with water, every household faced a loss of at least Rs. 5 lakhs. Several shop owners faced a heavy loss as their shops and go-downs were flooded. In the compensation mere Rs.50,000 are granted by the state to these owners as aid which couldn't even cover a fraction of loss caused to them.

11. It is submitted that the whole calamity was not natural and was completely man-made as it was caused because of the mere mis-management of the authorities, negligence in sewage cleaning, congesting Naag River, illegal constructions, improper planning and not taking due precautions. It is submitted that the flood not only affected the private property, but also caused a great amount of destruction to public property and civic authorities have estimated the loss to public properties as Rs.300/ crores. There is a need to fix the responsibility of the government authorities by committee of three sitting judges of this Hon'ble High Court.

12. NEED TO FRAME STATE RIVER POLICY:-

A) Ambazari catchment area is very large area covering MIDC Hingna, Amaraoti Road, Citrus Research Station, Wadi, Duatta Wadi, Khadgaon etc. There is massive development in the areas but there is no sewage treatment over the years lot of sewage silt has deposited in Ambazari, due to this water holding capacity is now reduced drastically therefore dam overflows on heavy rains. The construction of Vivekanand Smarak & Statue and also Amusement Park has restricted the river flow, therefore it overflows to surrounding area.

B) It is submitted that the State Government has issued a policy of setting up of the industries and river classification issued as per powers conferred by Section 5 of the Environment (Protection) Act, 1986 and u/s 4 (5) of the Environment (Protection) Rules, 1986 on 15-07-2000. {ANNEXURE-P-11}

1. For "A-I" Class of River Water- From High Flood Level (HFL) of the river up to 3.0 k.m.s on either side of the river, "NO DEVELOPMENT ZONE" is specified. Beyond 3.0 kms (from high flood level) up to

5.0 k.m. on either side of the river, exclusively the industries falling under Green and Orange Categories with requisite pollution control devices are allowed/permitted. Beyond 8.0 k.m. from river (i.e. IIFL) on either side of river, the industry/ies falling under any categorised with requisite pollution control devices is/are allowed/permitted.

2. For "A-II Class of River Water," one k.m. on either side of river from High Flood Level (HFL), THERE IS TOTAL, BAN FOR DEVELOPMENT. Beyond one k.m. from High Flood Level upto two k.m. on either side of the river, exclusively the industries falling under the category of Green and Orange with requisite pollution control devices are allowed/permitted. Beyond two k.m. from river High Flood Level (HPL) on either side of the river, the industry/ies falling under any category with requisite pollution control devices is/are allowed/permitted.

3. In "A-III" & "A-IV Class of Water," from High Flood Level Point of river up to $\frac{1}{2}$ k.m. on either side of the river, NO DEVELOPMENT ZONE specified. Beyond k.m.(from HFL) up to one k.m. on either side of the river, the industries falling under the category of Green and Orange with requisite pollution control devices are allowed/permitted. Beyond one k.m on either side of the river, the industry/ies falling under any category with requisite pollution control devices is/are allowed/permitted.
4. In case if the Ridge Line is nearer to prescribed zone boundary, the above policy is applicable only up to the Ridge Line for above four classes of water.
5. If the existing industries are falling under 'No Development Zone' as per above Notification and if there are any industries which are falling under Red Category which existing under o Development zone and an existing permitted to operate their manufacturing activities and will

be allowed for expansion, diversification, modernisation, substitution subject to reduction in pollution load at the source.

6. The non-polluting industries/pollution free activities/business will be allowed operate in No Development Zone subject to the condition that they should take prior permission from Maharashtra Pollution Control Board. For this, the guidelines are enclosed in Annexure-III.
7. The policy of siting of the industries is also applicable to the industrial zones developed/to be developed by Maharashtra Industrial Development Corporation. But if in the existing MIDCs, where land is already acquired and developed, but the allocations of the industrial plot/s is/are still pending, there will be total ban for running any industrial activities for "A-II" Class of river water, from High Flood Level (HFL) of the river up to the distance of 500 Mtr., on either side of the river.

C) It is submitted that the Environment Department has issued a notification on **13-07-2009** under



Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 (5) of the Environment (Protection) Rules, 1986 as per the powers given to the State Govt. to implement the Location Policy in respect of the distance criteria for the industries from the environmental point of view.

{ANNEXURE-P-12}

GOVERNMENT RESOLUTION:

INDUSTRIAL LOCATION POLICY

Twenty river basins of the state of Maharashtra are classified as "A-I", "A-II", "A-III", and "A-IV" class of water as per the prescribed quality of river water and the designated use of the said river water. The List of river basins and details regarding classification of riverine system into A-1, A-2, A-3, etc categories are prescribed for twenty river basins as an ANNEXURE 1. Similarly, the expected water quality standards as per classification of best designated uses in A-I, A-II, A-III and A-IV class has been prescribed in the Annexure-II For the designated use of water for the prescribed quality and for the sitting of the

industries, the following regulation has been prescribed.

1. For "A -1" Class of River-distance from the High Flood Level (HFL) of the river up to 3.0 Kms on either side of the river a 'NO DEVELOPMENT ZONE' is specified. Beyond 3.0 kms (from high flood level) upto 5.0 kms on either side of the river, only industries falling under Green and Orange Categories with requisite pollution control devices are allowed/permitted. After 8.0 kms distance from HFL, permission can be granted to any industry after installation of necessary pollution control devices. However, in the catchments area of both sides of the dam, upto a distance of 8 kms. in the mountain area no permission will be granted to any industry. If a new dam is constructed in A-1. Class of river, no change will be made in A-1 class of categorization of the river. The existing industries in operation in the A-1 class of area will have to obtain zero discharge within 3 years from the issuance of this revised RRZ Policy.

2. For A-II Class of River, a distance of 500 meters on either side of HFL will not be permitted for any development. Beyond 500 meters from the bank of river upto 1000 meters, industries falling under the Green Category are allowed/ permitted. Beyond 1000 meters i.e. from 1000 meters up to 2000 meters, industries falling under the category of Green and Orange, and thereafter beyond 2000 meters from the bank of river, the industries falling under any category will be permitted.
3. In the Maharashtra Industrial Development Corporation area a distance of 500 meters from HFL will be 'No Development Zone', thereafter upto 250 meters i.e. from 500 meters to 750 meters of the bank of river, the industries falling under Green and Orange category, and thereafter from the 750 meters all categories of the industries are permissible. However, for that purpose the MIDC should have proper arrangement for collection of waste water, common effluent treatment plant and disposal arrangements.

4. The distance criteria ordinarily applicable to A-II Class of river water has been relaxed in the MIDC areas. on account of adequate regulation of industries operations and processes in the MIDC area, similarly, the availability of environmental infrastructure facilities in the MIDC areas. For the following purposes :
- a. From the high flood line up to 100 meters, there will be a prohibition on commercial use of the said area.
 - b. From 100 meters up to 500 meters from the high flood line, the requisite non-polluting activities listed in the Annexure III will be permissible for the ordinary use of public at large, as per Government Resolution dated 30th June, 2004
 - c. In "A-III" and "A-IV" Class of Water "from high flood level line of river up to $\frac{1}{2}$ km on either side of the river a "NO DEVELOPMENT ZONE' is specified. Beyond 1 km (from HFL) up to one km on either side of the river, the industries falling under the category of Green and Orange with requisite pollution control devices are allowed/permitted, and thereafter beyond 1000 meters from the bank of river, the industries falling under any

category will be permitted after installation of necessary pollution control devices.

- D) As per Classification of Rivers in Maharashtra GR dated 13 July 2009, NAG river is A-II CLASS before Ambazari and A-IV beyond Ambazari. {ANNEXURE-P-12} However on 16-02-2015 the above GR was withdrawn by State Government, {ANNEXURE-P-13} this resulted in massive encroachment on river banks all over Maharashtra. Thus the flooding in several areas due to gross negligence by NMC and Zilla Parishad. Due to GLOBAL WARMING intensity of Rains will increase therefore the all rivers in Nagpur should be without any obstruction.
- E) It is submitted that as on today there is no "River Policy" and hence there is "no restriction on setting up of industries near river" in the state of Maharashtra and hence the development near the rivers is uncontrolled and uncannalised. It is thus necessary to give directions to the respondents to set up new river policy and restrict the haphazard development and industrial growth near rivers. It

is found and observed that large number of constructions within 100 meters of Naag River have resulted in increase in huge financial loss to the lives and properties of citizens due to the present flood on 23-09-2023. The NMC, NIT has failed to remove encroachments on the boundaries of Nar River.

13. MAHARASHTRA STATE WATER POLICY (GOVT. RESOLUTION dated 5th September, 2019)

13. FLOOD MANAGEMENT:

Seven per cent of the geographical area in the State is flood prone. Flood mitigation and management strategies envisaged are:

- (i) While every effort will be made to avert flood related disasters through structural and non-structural measures, emphasis should be on disaster management as an option.
- (ii) Flood forecasting methods will be modernized using setting up of a real time data acquisition system and forecasting models.

- (iii) Frequency based flood inundation maps will be prepared to evolve flood management strategies and an emergency plan for mitigation of floods and management for each flood prone area. Habitation and economic activities shall be strictly prohibited in the flood plain zones (prohibitive zones -with 25 years return period flood) by the local authorities. The phase wise program can be implemented by concerned local authorities to remove existing encroachments.
- (iv) The State will develop Decision Support System (DSS) for flood forecasting in flood prone areas addressing state/site specific issues.
- (v) SMS-based flood alert system must be developed in flood prone areas.
- (vi) Emergency action plans/disaster management plans will be periodically reviewed and updated by involving

people in flood prone area. To increase preparedness for sudden and unexpected flood related disasters, dam break analysis must be carried out.

It is submitted that NMC, NIT, District Collector have failed to adhere any of these norms and the entire administration was not ready of this kind of floods. The NDRF, FIRE BRIGADE were not equipped with the machinery to remove water clogged in the houses and buildings. The citizens had to wait for six hours to recede the water from their properties. The citizens were stranded without power and food for 15 hours.

14. REPRESENTATIONS MADE BY THE PETITIONERS:-

- (i) It is submitted that the petitioners have given representation to the respondent authorities on 03-10-2023 through District Collector and Municipal Commissioner. The respondent no:- 07, 08 have replied that they have no immediate plans for "Ambazari Dam Safety" or "Rejuvenation of Nag River" The copies of such

representation dated 03-10-2023 are enclosed collectively as ANNEXURE-P-14.

15. NEED OF JUDICIAL ENQUIRY:- / GROUNDS

(1) It is necessary to mention that NMC, NIT, MAHAMETRO have made illegal constructions and violated the statutory norms in the name of development of city. The MPCB has failed to curb the pollution and take appropriate action against the Industries in MIDC area by which effluents are released in AMBAZARI LAKE. These authorities have failed in their respective jurisdictions to “protect the lives and properties” of citizens in Nagpur. The following points will confirm that the “incident of flood on 23-09-2023” was a man-made disaster and failure on the part of government authorities hence “judicial enquiry” is necessary :-

(i) The failure of administration to clean and maintain the Naag River/ Naag Nalha which prevented the smooth flow of outflow of water after Ambazari Overflow and resulted in disaster of water logging in surrounding areas/ localities.

- (ii) The failure to utilize an amount of Rs.2117/ Crores sanctioned by Central Government for Naag River Project {JICA PROJECT}
- (iii) The illegal construction of "concrete wall" of eight feet in height and hundred feet in length by MAHAMETRO on the Naag River, within 100 meters from "Ambazri Dam" {which is a no construction zone} which "diverted the water flow" from Ambazari Overflow Point to nearby localities and destroyed the lives of the citizens {In Violation of MRTP Act 1966 and UDCPR 2023}
- (iv) The illegal construction of Big Pillars by MAHAMETRO within 100 meters of Dam causing constant vibrations and disturbing the soil combination and downward stream of dam and virtually making vanish the "Toe Drain" and "Rock Toe" of the Earthen Dam.
- (v) The illegal construction of "Vivekanand Smarak" within 50 meters of Ambazari Overflow point by NMC "which is a no construction zone" resulting in big obstacle of

- smooth water flow from Ambazari Overflow Point {In Violation of MRTP Act 1966 and UDCPR 2023}
- (vi) The illegal construction of “skating ring” and “parking spot” on Naag River in Daga Lay Out/ Corporation Colony by Nagpur Improvement Trust {In Violation of MRTP Act 1966 and UDCPR 2023}
- (vii) Violation of Rule 11 {c}, 11 {d} of Regulations for Conservation of Heritage Buildings 2003 made under section 31 of MRTP Act 1966
- (viii) The illegal flow of sewage and effluents from MIDC Industrial Area violating Environment Act 1986 and inaction of MPCB in curbing the pollution.
- (ix) Violation of Rule 4 read with Rule 2 {g} of The Wetlands {Conservation and Management} Rules 2010 made u/s 3, 25 of Environment Protection Act 1986
- (x) Violation of Rule 3.1.12 of Unified Development Control Regulations 2023 made u/s 37 of MRTP ACT 1966 by which no

construction is allowed within 100 meters from High Flood Line of Natural Lakes

- (xi) The failure to repair and rebuilt the “wall between Daga Lay Out” and VNIT which has been demolished by NMC many years ago.
- (xii) The failure of Chief Secretary of State and other respondents in implementing the directions issued by this Hon’ble High Court in PIL NO:- 96/2017 by which it was directed to execute the entire works, which are necessary for ensuring “safety of Ambazari dam” as could be found in the letter dated 16/8/2017 issued by MERI that the “lifespan of the dam is over”

16. It is submitted that, an amount of Rs. 2117.54 cr. were sanctioned for the cleaning of Naag Nadi/Nala by Central Government and State Government. Even after a grant of such hefty amount for the sole purpose of cleaning the Naag Nadi/Nala no measures were taken forth in the interest of cleaning the Naag River which is a 17 k.m. long iconic river of Nagpur forming a part of the Kanhan-Pench river system. It has now been contaminated at such level that once called “Naag Nadi” is now referred to as “Naag Nala”.

An amount of Rs. 2000 Cr. Is required to be granted for cleaning the whole Naag River maintenance and the said project should be taken place and completed within 6 months and in any case before August 2024.

17. OTHER UNDERTAKINGS:

- (17.1) The petitioner has not received any caveat from any respondents.
- (17.2) The petitioner undertakes to supply an English Translation of vernacular documents as and when required.
- (17.3) The petitioner does not have any other alternative remedy but to approach this Hon'ble Court.
- (17.4) This Hon'ble Court has territorial jurisdiction to entertain the present petition inasmuch as the cause of action has arisen in Nagpur district.
- (17.5) The petitioner has not filed any other petition or proceedings either in this Hon'ble Court or in any other Court including Hon'ble Apex Court touching the subject matter of this PIL, except the present PIL.

(17.6) The petitioner craves leave to add, amend, delete and modify any of the grounds/submissions as and when required.

(17.7) The petitioner has paid the requisite Court Fees.

Hence This Public Interest Litigation:

PRAYERS :-

In view of above, the petitioners, most respectfully prays that this Hon'ble High Court may exercise its extraordinary powers under Article 226 of the Constitution of India, 1950 and by writ of mandamus, writ of certiorari or by any other order:-

1. This Hon'ble Court may conduct "judicial enquiry" through a committee of "three sitting judges of Bombay High Court" in the matter of illegal constructions made by government authorities NMC, NIT and MAHAMETRO and in the matter of failure of civic authorities to prevent water logging in residential areas in vicinity of Ambazari Lake and Naag Nala by which "thousands of families are seriously affected" and for "fixing responsibilities of civic authorities"

Natural calamity comes to advanced countries also. Developing state cannot hold back its infrastructure construction due to it.

who have failed to take measures to protect lives and livelihood of innocent citizens of Nagpur and violating their fundamental rights under article 14, 19, 21.

2. This Hon'ble High Court may appoint expert committee of Engineers, Scientist, Environmentalists to conduct the "systematic survey" of deteriorating condition of Ambazari Dam and to suggest the measures to repair, reconstruct, rejuvenate the Ambazari Dam which is a Heritage Site.

3. This Hon'ble Court may direct Respondent No. 1, 2, 3 to sanction and grant an amount of Rs. five lakhs to every flood affected family residing in flood affected area in Nagpur, which is seriously affected due to the "Heavy Rains" and "Ambazari Over Flow" on 23-09-2023, as "ex-gratia compensation" instead of Rs.10,000/ which is not adequate to compensate their losses.

4. This Hon'ble Court may direct to Respondent No. 1,2,3 to grant of an amount of Rs. 10 lakhs to every

Shri Jangade
Retd Secretary
(Roads) PWP.
Form AMC
side.
Talk with
him by
me also
&
he is
ready.

PHE

compensation
collectorate
court

In
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C
G.C.

Flood affected shop owner for loss of his livelihood.

5. This Hon'ble Court may direct to Respondent No.

Project (NMC)

7, 8 to remove "Vivekanand Smarak" built on the Ambazari Lake Overflow Point which is in the middle of Ambazari lake Overflow Point obstructing the regular flow of water {spill way} and thus becoming one of the causes of "water logging in the nearby localities" and relocate the same in Ambazari Garden

T.S.
file needed

6. This Hon'ble High Court may direct the MAHAMETRO to immediately stop the construction of "Seven Wonders of World" {situated within 200 meters of Ambazari Dam} and demolish the Compound Wall situated opposite Ambazari Overflow Point, which was constructed illegally within 100 meters of Dam violating various provisions of law.

Meha

7. This Hon'ble High Court may direct the respondent no:-01, 02, 03, 07, 08 to acquire land of 200 meters within vicinity of "downward stream" and "spill way" of Ambazari Dam and

PHE
+ Sangahin PIA

immediately start rebuilding/ repair of Ambazari Dam.

8. This Hon'ble Court may direct the Nagpur Improvement Trust to immediately demolish the illegal construction of "Skating Ring" blocking the free flow of water in Nag River and violating UDCPR 3.1.12

9. This Hon'ble Court may direct to Respondent No.01, 02, 03 for grant of Rs. 2,000 cr. for the cleaning, preservation, maintenance, rejuvenation of Naag River and to complete the said project on war footing .

10. This Hon'ble Court may direct the respondent authorities to immediately submit the DPR before this Hon'ble High Court for improvement and maintenance and rejuvenation of Naag River {JICA PROJECT} approved by Central Government.

11. This Hon'ble High Court may direct the respondents to conduct the "geo natal mapping" of the city of Nagpur and prepare fresh plans for "sewage and drainage" disposal of Nagpur City.

State Govt

PHE

yes
can be
given

SWORD
PHE

12. This Hon'ble High Court may direct the respondent authorities to conduct the "detailed survey" of existing "drainage lines and sewage lines" and sanction an amount of Rs.250/ crores for constructing new "sewage lines" in the City of Nagpur

SWM
PHE

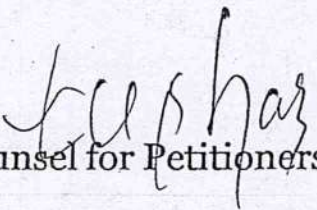
13. This Hon'ble Court may direct the MPCB to immediately take actions against the Industries/ Entities who are responsible for discharge of "solid waste" or "industrial waste" in Ambazari Lake and Naag Nala in the city of Nagpur under Environment Protection Act 1986, The Air Act, The Water Act.

MPCB

14. This Hon'ble Court may pass any others order may deem fit in larger interest of justice.

Date:-10-10-2023

Place :-Nagpur


Counsel for Petitioners

Dr. Tushar Mandlekar

Office Address:-Chamber No:-60, NIT COMPLEX, Hill Road,
Gandhinagar, Nagpur.440010; Mobile No:-09422101632,
email:-tusharmandlekar@yahoo.com

SOLEMN AFFIRMATION

I, RAMGOPAL BISAMBHARDAYAL BACHUKA, AGE:-91 YEARS, OCCUPATION:-RETIRED, R/O L-34, YASHWANT NAGAR, NORTH AMBAZARI ROAD, LIG-HIG-MHADA COLONY, NAGPUR-440033, do hereby take oath and state on solemn affirmation that:-

1. That I am the petitioner no. 1 and conversant with the facts of the case and competent to file the present affidavit.
2. That the present petition is prepared by my counsel on my directions and I have read the contents of this petition and same were also explained to me in vernacular language.
3. The contents of Para No. 01 to 14 in the petition and the prayer clause of this petition is true to my own personal knowledge and belief.
4. I solemnly state that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur.

The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.

- 5. The legal submissions made in this petition are made by the Counsel as per the provisions of law and facts of the case. Hence the same is believed to be true.

Hence verified and signed on day of 9th October, 2023 at Nagpur.

Ranigopal
DEPONENT

I know & identify the Deponent.

T. D. Mandlekar
Dr. T. D. Mandlekar
(Advocate)

sworn before me on this 9
day of 10 2023 at Nagpur in
Shri/Smt./Ms. Ranigopal B. Kumbhar
R/o Nagpur Jayaj Sachel
by Shri T. D. Mandlekar
Advocate

NOTARIAL REG.
ENTRY NO. 7579
DATE 9/10/23

[Signature]
NOTARY
Maharashtra State
Nagpur Dist Nagpur 440022



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95

SOLEMN AFFIRMATION

I, SHRI NATTHUJI MAROTRAO TIKKAS, AGE:-84 YEARS,
OCCU:-RETIRED TEACHER, R/O TYPE-6-B/TYPE-C,
CORPORATION COLONY, GANDHINAGAR, NAGPUR-
440033, do hereby take oath and state on solemn affirmation
that:-

1. That I am the petitioner no. 3 and conversant with the facts of the case and competent to file the present affidavit.
2. That the present petition is prepared by my counsel on my directions and I have read the contents of this petition and same were also explained to me in vernacular language.
3. The contents of Para No. 01 to 14 in the petition and the prayer clause of this petition is true to my own personal knowledge and belief.
4. I solemnly state that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur.



The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.

- 5. The legal submissions made in this petition are made by the Counsel as per the provisions of law and facts of the case.

Hence the same is believed to be true.

Hence verified and signed on day of 9th October, 2023 at Nagpur.

[Handwritten Signature]

DEPONENT

I know & identify the Deponent.

[Handwritten Signature]

Dr. T. D. Mandlekar

(Advocate)

I solemnly declare that on this 9
 day of 10/23 I have signed the
 Shrota Nattaji Manoj Tikas
 No. Nag
 by T. D. Mandlekar
 Advocate

[Handwritten Signature]

MAHARASHTRA
 Nagpur Dist. Notary

NOTARIAL REG.
9578
9/10/23



NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

SOLEMN AFFIRMATION

I, SMT JAYASHREE DILIP BANSOD, AGE:-70 YEARS, OCCUPATION:-HOUSEWIFE, R/O PLOT NO:-L-46, NEAR PANCHSHEEL LIBRARY, YASHWNAT NAGAR, NORTH AMBAZARI ROAD, LIG-HIG-MHADA COLONY, NAGPUR-440033, do hereby take oath and state on solemn affirmation that:-

1. That I am the petitioner no. 2 and conversant with the facts of the case and competent to file the present affidavit.
2. That the present petition is prepared by my counsel on my directions and I have read the contents of this petition and same were also explained to me in vernacular language.
3. The contents of Para No. 01 to 14 in the petition and the prayer clause of this petition is true to my own personal knowledge and belief.
4. I solemnly state that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and

to save the lives and properties of the citizens of Nagpur. The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.

5. The legal submissions made in this petition are made by the Counsel as per the provisions of law and facts of the case.

Hence the same is believed to be true.

Hence verified and signed on day of 9th October, 2023 at Nagpur.

श्री. जयश्री वनसास.
DEPONENT

I know & identify the Deponent.

T. D. Mandlekar
Dr. T. D. Mandlekar

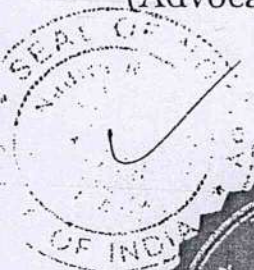
(Advocate)

Sworn before me on this 9
day of 10 2023 at Nagpur by
Shri/Smt. Jayeshree Rupp
R/o Bensid
by Shri. T. D. Mandlekar
Advocate

NOTARIAL REG.
9577
9/10/23

[Signature]

MAHARASHTRA STATE
NOTARIAL OFFICER, NAGPUR



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99

SOLEMN AFFIRMATION

I, SHRI. AMRENDRA VISHWANATH RAMBHAD, AGE:- 47 YEARS, OCCU:- CONSULTANCY BUSINESS; R/O PLOT NO. 42, NORTH AMBAZARI ROAD, AMBAZARI LAY-OUT, NAGPUR – 440033 , do hereby take oath and state on solemn affirmation that:-

1. That I am the petitioner no. 4 and conversant with the facts of the case and competent to file the present affidavit.
2. That the present petition is prepared by my counsel on my directions and I have read the contents of this petition and same were also explained to me in vernacular language.
3. The contents of Para No. 01 to 14 in the petition and the prayer clause of this petition is true to my own personal knowledge and belief.
4. I solemnly state that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur.

The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.

- 5. The legal submissions made in this petition are made by the Counsel as per the provisions of law and facts of the case. Hence the same is believed to be true.

Hence verified and signed on day of 9th October, 2023 at Nagpur.

[Handwritten Signature]
 DEPONENT

I know & identify the Deponent.

[Handwritten Signature]
 Dr. T. D. Mandlekar
 (Advocate)

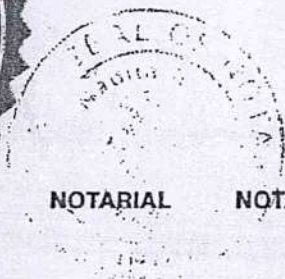


sworn before me on this 9
 day of October at Nagpur
 Shri/Smt./Ms. A. Mendekar, V. Dhurwadkar
 Rio Name has been identified
 by Shri T. D. Mandlekar
 Advocate

[Handwritten Signature]

NANDITA B. TRIPATHI
 NOTARY
 Maharashtra State
 Nagpur Dist. Nagpur. 440022

NOTARY REG.
 ENTR. 9580
 DATE 9/10/23



NOTARIAL NOTARIAL NOTARIAL NOTARIAL NOTARIAL

IN THE HIGH COURT OF JUDICATURE MUMBAI,

NAGPUR BENCH NAGPUR

STAMP NO:- /2023

PUBLIC INTEREST LITIGATION NO:- /2023

RULE 4 (E) OF THE BOMBAY HIGH COURT PUBLIC

INTEREST LITIGATION RULE 2010

ACT CODE:-99/130

PETITIONERS:- RAMGOPAL BACHUKA AND ORS.

VERSUS

RESPONDENTS : STATE OF MAHARASHTRA AND ORS.

LIST OF ANNEXTURE

SR. NO.	ANN. NO.	PARTICULARS	DATE	PAGE NO.
1	P	Additional Affidavits of petitioners under Rule 7 of PIL Rues 2010	9.10.23	104/ 118
2	P-01	The copies of Newspaper Reports	XXX	116/ -A/159
3	P-02	The copies of photographs depicting real life situation.	XXX	160/ 195

4	P-03	Copy of letter of The Maharashtra Engineering Research Institute (MERI), Nashik to the Nagpur Municipal Corporation	16-08-2017	196/ 197 -F
5	P-04	Copy of letter of The respondent no:-01 to NMC Commissioner that appropriate action be initiated to secure safety of citizens.	31-01-2018	198 198 -B
6	P-05	Copy of Letter of NMC Commissioner to MAHAMETRO.	28-08-2017	199/ 200 -E
7	P-06	Copy of judgment in PIL NO:-96/2017.	21-03-2018	201/ 211
8	P-07	Copy of Notification by the Water Resources Department, State of Maharashtra.	08-03-2018	212/ 215
9	P-08	Copy of OM issued by MOEF NEW DELHI.	08-03-2022	216
10	P-09	The copy of Wetlands Regulations 2010	04-12-2010	217/ 223
11	P-10	Copies of sample pics of Earthen Dams	XXX	224/ 226

12	P-11	Copy of River Policy issued by State Government issued by MOEF	15-07-2000	227/ 231
13	P-12	Copy of notification issued by Environment Department under Section 5 of the Environment (Protection) Act, 1986	13-07-2009	232/ 239
14	P-13	Copy of GR by which River Policy was withdrawn by State Government	16-02-2015	240/ 241
15	P-14	Copy of representation of petitioners to the respondent through District Collector and Municipal Commissioner.	03-10-2023	242/ 259

DATE: 09.10.2023

PLACE: Nagpur

Tushar
COUNSEL FOR PETITIONERS

Dr. T. D. MANDLEKAR

Office Address:-Chamber No:-60, NIT COMPLEX, Hill Road,
Gandhinagar, Nagpur.440010; Mobile No:-09422101632,
email:-tusharmandlekar@yahoo.com

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

[PUBLIC INTEREST PETITION UNDER RULE 4(e) OF
THE BOMBAY HIGH COURT PUBLIC INTEREST
LITIGATION RULES, 2010]

PETITIONER:- RAMGOPAL BISAMBHARDAYAL
BACHUKA, R/O L-34, YASHWANT NAGAR, NORTH
AMBAZARI ROAD, LIG-HIG-MHADA COLONY, NAGPUR-
440033 & OTHERS.

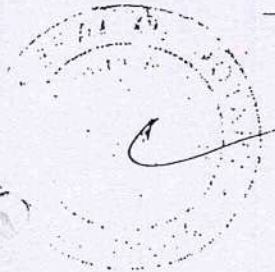


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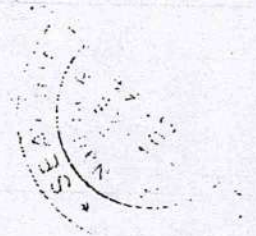
RESPONDENTS:- STATE OF MAHARASHTRA AND
OTHERS

ADDITIONAL AFFIDAVIT AS PER RULE 7 OF BOMBAY
HIGH COURT PIL RULES 2010

I, RAMGOPAL BISAMBHARDAYAL BACHUKA, AGE:-91
YEARS, OCCUPATION:-RETIRED, R/O L-34, YASHWANT
NAGAR, NORTH AMBAZARI ROAD, LIG-HIG-MHADA
COLONY, NAGPUR-440033 do hereby take oath and state on
solemn affirmation that:-

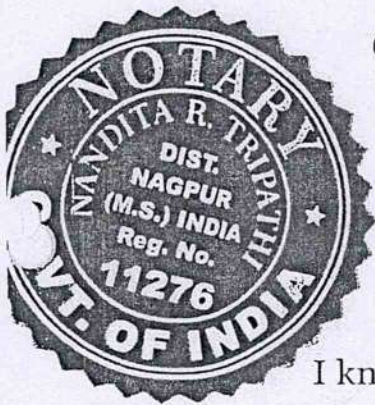


- i) That I am the petitioner no. 1 and conversant with the facts of the case and competent to file the present affidavit.
- ii) That what is stated in paragraph no. 01 to 14 and prayer clause of this petition is true to my own personal knowledge and belief and this petition has been drafted by my Counsel on my own instructions and documents given by me.
- iii) I solemnly affirm that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur. The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.
- iv) I hereby undertake to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous considerations or that it lacks bona fides.



- v) I hereby undertake that I will disclose the source of my information, leading to filling of the Public Interest Litigation, if and when called upon by the court.
- vi) I believe the said information to be true and correct for the reasons and also I have personal knowledge of the facts of the case.
- vii) I state that there is no civil or criminal case is pending against me before any court.
- viii) I solemnly affirm that the contents of this affidavit are true, to the best of my knowledge.

Hence, this Solemn Affirmation made on this 9th day of October, 2023 at Nagpur



NOTARY REG
 ENTR 9581
 DATE 9/10/23

Ramgopal

DEPONENT

I know & identify the Deponent.

T. D. Mandlekar

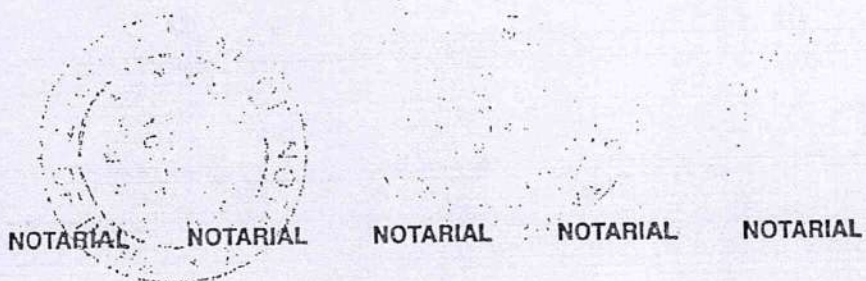
Dr. T. D. Mandlekar

(Advocate)

Sworn before me on this 9th day of 10/2023
 Shri/Smt. *Ramgopal Bismbhar*
 R/o N *deyat Bechules*
 by Sr. *T. D. Mandlekar*
 Advoc

[Signature]

Mandita R. Tripathi
 Notary Nagpur



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

[PUBLIC INTEREST PETITION UNDER RULE 4(e) OF
THE BOMBAY HIGH COURT PUBLIC INTEREST
LITIGATION RULES, 2010]

PETITIONER:- RAMGOPAL BISAMBHARDAYAL
BACHUKA, R/O L-34, YASHWANT NAGAR, NORTH
AMBAZARI ROAD, LIG-HIG-MHADA COLONY, NAGPUR-
440033 & OTHERS.

// VERSUS //

RESPONDENTS:- STATE OF MAHARASHTRA AND
OTHERS

ADDITIONAL AFFIDAVIT AS PER RULE 7 OF BOMBAY
HIGH COURT PIL RULES 2010

I, SMT JAYASHREE DILIP BANSOD, AGE:-70 YEARS,
OCCUPATION:-HOUSEWIFE, R/O PLOT NO:-L-46, NEAR
PANCHSHEEL LIBRARY, YASHWANT NAGAR, NORTH
AMBAZARI ROAD, LIG-HIG-MHADA COLONY, NAGPUR-
440033 do hereby take oath and state on solemn affirmation
that:-

- i) That I am the petitioner no. 2 and conversant with the facts of the case and competent to file the present affidavit.
- ii) That what is stated in paragraph no. 01 to 16 and prayer clause of this petition is true to my own personal knowledge and belief and this petition has been drafted by my Counsel on my own instructions and documents given by me.
- iii) I solemnly affirm that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur. The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.
- iv) I hereby undertake to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous considerations or that it lacks bona fides.



- v) I hereby undertake that I will disclose the source of my information, leading to filing of the Public Interest Litigation, if and when called upon by the court.
- vi) I believe the said information to be true and correct for the reasons and also I have personal knowledge of the facts of the case.
- vii) I state that there is no civil or criminal case is pending against me before any court.
- viii) I solemnly affirm that the contents of this affidavit are true, to the best of my knowledge.



Hence, this Solemn Affirmation made on this 9th day of October, 2023 at Nagpur

NOTARIAL REG.
 ENTR. NO. 9582
 DATE 9/10/23

श्रीमान जयश्री वलरसि,
 DEPONENT

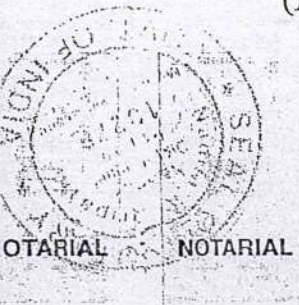
I know & identify the Deponent.



Dr. T. D. Mandekar
 Dr. T. D. Mandekar

(Advocate)

Sworn before me on this 9th
 day of 10th 2023 at Nagpur by
 Shri/Date: Jayshee Dilip
 No. N. Bera
 by Sr. T. D. Mandekar
 Advoca. *[Signature]*



Maharashtra State
 Nagpur District

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

[PUBLIC INTEREST PETITION UNDER RULE 4(e) OF
THE BOMBAY HIGH COURT PUBLIC INTEREST
LITIGATION RULES, 2010]

PETITIONER:- RAMGOPAL BISAMBHARDAYAL
BACHUKA, R/O L-34, YASHWANT NAGAR, NORTH
AMBAZARI ROAD, LIG-HIG-MHADA COLONY, NAGPUR-
440033 & OTHERS.



// VERSUS //

RESPONDENTS:- STATE OF MAHARASHTRA AND
OTHERS

ADDITIONAL AFFIDAVIT AS PER RULE 7 OF BOMBAY
HIGH COURT PIL RULES 2010

I, SHRI NATTHUJI MAROTRAO TIKKAS, AGE:-84 YEARS,
OCCU:-RETIRED TEACHER, R/O TYPE-6-B/TYPE-C,
CORPORATION COLONY, GANDHINAGAR, NAGPUR-
.440033, do hereby take oath and state on solemn affirmation
that:-

- i) That I am the petitioner no. 3 and conversant with the facts of the case and competent to file the present affidavit.
- ii) That what is stated in paragraph no. 01 to 14 and prayer clause of this petition is true to my own personal knowledge and belief and this petition has been drafted by my Counsel on my own instructions and documents given by me.
- iii) I solemnly affirm that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur. The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.
- iv) I hereby undertake to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous considerations or that it lacks bona fides.



- v) I hereby undertake that I will disclose the source of my information, leading to filling of the Public Interest Litigation, if and when called upon by the court.
- vi) I believe the said information to be true and correct for the reasons and also I have personal knowledge of the facts of the case.
- vii) I state that there is no civil or criminal case is pending against me before any court.
- viii) I solemnly affirm that the contents of this affidavit are true, to the best of my knowledge.



Hence, this Solemn Affirmation made on this 9th day of October, 2023 at Nagpur

NOTARIAL REG. NO. 9583
DATE 09/10/23

[Signature]
DEPONENT

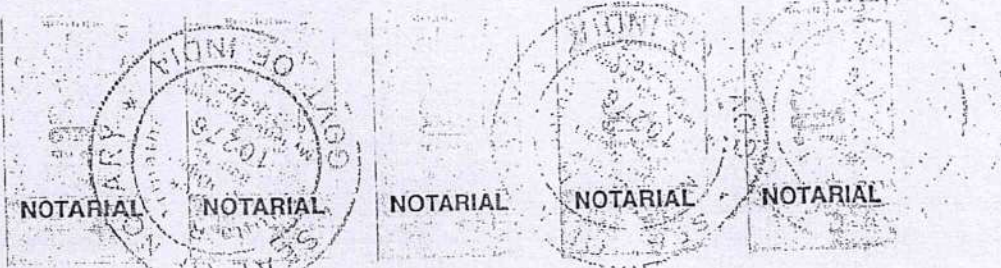
I know & identify the Deponent.

sworn before me on this 9th day of 10/2023 at Nagpur
shri/Smt./Ku. *[Signature]*
R/o Nagpur who has been identified by Shri/Smt. *T.D. Mandekar*,
Advocate.

[Signature]
Dr. T. D. Mandekar
(Advocate)

[Signature]

NANDITA R. TRIPATHI
NOTARY
Maharashtra State
Nagpur Dist. Nagpur (M.S.)



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

[PUBLIC INTEREST PETITION UNDER RULE 4(e) OF
THE BOMBAY HIGH COURT PUBLIC INTEREST
LITIGATION RULES, 2010]

PETITIONER:- RAMGOPAL BISAMBHARDAYAL
BACHUKA, R/O L-34, YASHWANT NAGAR, NORTH
AMBAZARI ROAD, LIG-HIG-MHADA COLONY, NAGPUR-
440033 & OTHERS.

// VERSUS //

RESPONDENTS:- STATE OF MAHARASHTRA AND
OTHERS



ADDITIONAL AFFIDAVIT AS PER RULE 7 OF BOMBAY
HIGH COURT PIL RULES 2010

I, SHRI. AMRENDRA VISHWANATH RAMBHAD, AGE:- 47
YEARS, OCCU:- CONSULTANCY BUSINESS; R/O PLOT NO.
42, NORTH AMBAZARI ROAD, AMBAZARI LAY-OUT,
NAGPUR - 440033, do hereby take oath and state on solemn
affirmation that:-

- i) That I am the petitioner no. 4 and conversant with the facts of the case and competent to file the present affidavit.
- ii) That what is stated in paragraph no. 01 to 14 and prayer clause of this petition is true to my own personal knowledge and belief and this petition has been drafted by my Counsel on my own instructions and documents given by me.
- iii) I solemnly affirm that the petitioners are seriously affected due to the water logging and floods occurred on 23-09-2023 due to the overflow occurred on Amabazari dam. The present petition is being filed in larger public interest and to save the lives and properties of the citizens of Nagpur. The petitioners have suffered huge financial loss and are also seeking financial assistance from the state government for themselves and others similarly affected citizens in Nagpur.
- iv) I hereby undertake to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous considerations or that it lacks bona fides.



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- v) I hereby undertake that I will disclose the source of my information, leading to filling of the Public Interest Litigation, if and when called upon by the court.
- vi) I believe the said information to be true and correct for the reasons and also I have personal knowledge of the facts of the case.
- vii) I state that there is no civil or criminal case is pending against me before any court.
- viii) I solemnly affirm that the contents of this affidavit are true, to the best of my knowledge.

Hence, this Solemn Affirmation made on this 9th day of October, 2023 at Nagpur



NOTARIAL REG.
 ENR. 4583
 DATE 9/10/23

[Handwritten Signature]

DEPONENT

I know & identify the Deponent.

sworn before me on this 9th day of 10/2023 at Nagpur by Shri/Smt. Amrendra Shekhar Ramble R/o Nagpur who has been identified by Sh. T.D. Mandekar Advocate.

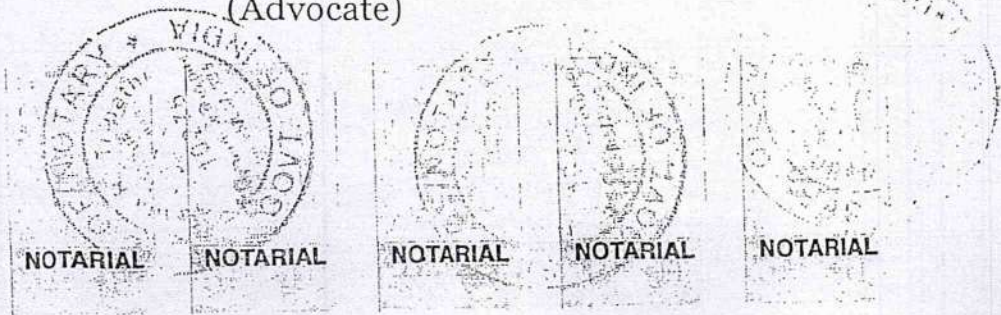


[Handwritten Signature]
 Dr. T. D. Mandekar

(Advocate)

[Handwritten Signature]

NANDITA R. TRIPATHI
 NOTARY
 Maharashtra State
 Nagpur Dist Nagpur (MS)



ANNEXURE P-01

116-A

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The Hitavada

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Heavy rains spell woes for citizens

■ The Hitavada Team

FLASH flood-like downpour in Nagpur on the wee hours of Saturday caused flooding everywhere in city. In just 4 hours, Nagpur city witnessed 106 mm rainfall that put citizens in peril as all lakes and rivers of the city overflowed and gushed into residential areas mercilessly.

Citizens woke up to flooded houses and streets after the rains, which started at 2 am on Saturday and lasted till 7 am in the morning, disrupting normal life as water entered in houses, shopping malls, clinics, hospitals, shops, medical stores, hospitals etc. The main public places like Nagpur Railway Station, Aji Railway Station, Mor Bhawan Bus Stand, Metro Stations etc. also submerged into flood water. The railway tracks of Nagpur and Aji Stations went under the water, which caused disruption in movement of trains on all routes for some time. Similarly, the city buses parked in Mor Bhawan and many other places drowned into the flood water which halted the public transport system of the city Saturday morning onwards.

As the rain continued in the morning, vehicular movement was affected in every corner of the city. The Traffic Department diverted traffic to adjacent roads to avoid any incident and traffic jams. Despite this, heavy traffic jams witnessed by the citizens while going to their offices and work places.

Normally, city witnesses water logging during monsoon in low lying areas but this time, the water entered in most of the areas of West and South West Nagpur on Saturday due to overflowing of all water bodies there.

Ambazari Lake is already struggling due to flooding of Eichlamoni weed that is choking the water body. On Saturday, the heavy rainfall caused overflow of Ambazari Lake and the overflowing water wrecked havoc in West Nagpur. The Ambazari Lake water entered in residential areas which caused property loss in form of furniture, cars, generators, non-wheelers etc.

Similarly, Naag River did the same damage in most parts of city when it crosses through Dae to overflowing of Naag River, areas like Varley Square, Shankar Nagar, Panchasheel Square, Jhansi Rani Square etc. submerged under water and all shops, restaurants, offices, hospitals etc. also witnessed water logging on Saturday.

Indian Army conducts rescue, flood-relief operation in city

TWO columns of Indian Army, with engineering equipment and boats, were deployed for the rescue and flood-relief operation in Nagpur city on Saturday after the heavy downpour.

The army personnel came in action to rescue affected people in Ambazari, Sitabuli, Mor Bhawan, Panchasheel Square, Shankar Nagar, and Varley Square on Saturday. Indian Army flood relief column from Headquarters Uttar Maharashtra and Gadar Sub Area were requisitioned by the Nagpur District Collector in the morning. Army personnel rescued about 40 persons in all age categories and also provided them with medical aid. Till evening, the situation got under control.

However, in view of evolving flood situation in Nagpur, Kamptee and Chandrapur, the Indian Army teams have been put on alert by the Administration.

The Ganesh Puja pandals in the city also got affected due to heavy rains and water logging. Pandas like in South West Nagpur and Pili river in North Nagpur also overflowed at many places due to which the low-lying areas were flooded and residents suffered a lot due to water logging in their houses.

All four gates of Gorewada Dam on Gorewada Lake were opened as the water level of the lake crossed the danger mark of 315.66 mtr in the evening. The gates of Gorewada Dam, also known as Goolbole gates, starts opening automatically as water level crosses the danger mark. Due to opening of gates of Gorewada, the adjacent areas of Gorewada also witnessed flooding.

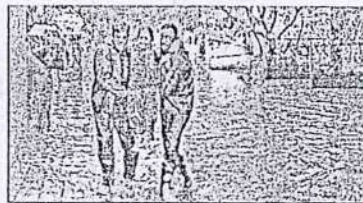
India Meteorological Department (IMD), on Saturday, issued yellow alert for September 24 to 27 in all over Vidarbha including Nagpur. On Saturday, Nagpur city witnessed this type of flood for the first time in decades.

Welcome Society, Borgan, Hazari Pahad, Nandanvan, Sakardara, Ambazari layout, Sitabuli, Daga Layout, Dharampeth, Shankar Nagar,

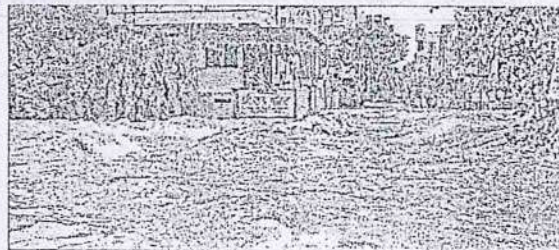
Patrekar Bhawan, Mahesh Nagar, Kalamna, Kasturba Layout, Rajarao Society, Palod Nagar, Zargabai Talik, along with other areas of the city got affected due to flood in the water bodies of the city on Saturday.

While interacting with The Hitavada, Sanjay Waghmare, a resident of near HB Town, Sunegaon said, "We never imagined such situation could ever persist. It was like a nightmare for us that washed away our home. Now we are helpless and expecting compensation from the administration."

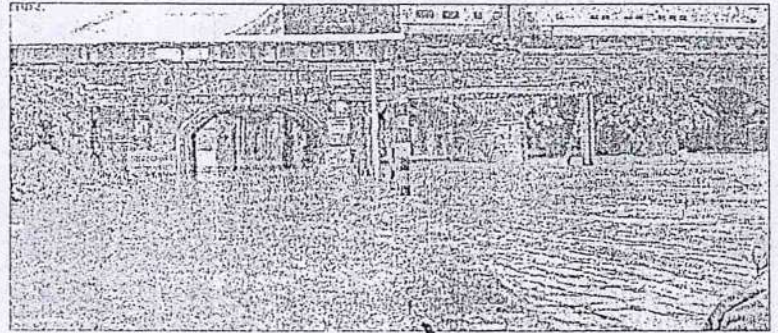
Janabul Pofore, a 67-year-old resident of Ambazari layout



A citizen in Daga Layout being rescued. (Pic by Anil Futane)



Pallotti Nagar area near Gorewada Lake witnessed unusual flooding scenes. (Pic by Anil Futane)

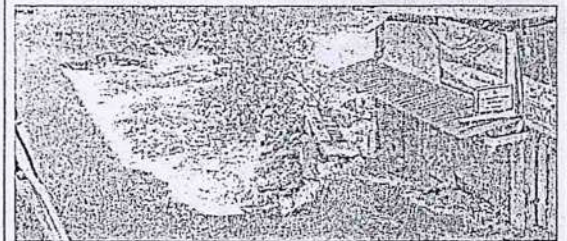


Naag River in spate. Flood water flowing from railway under bridge on Ghot Road after heavy rainfall on Friday night. (Pic by Satish Raou)

said, "We lost everything in this deluge. Our house turned into a swimming pool and everything is floating. We cannot switch on the electricity as it will increase threat to our life."

In this festival season, the heavy rains affected idol immersion as water logging in Visnarjan site of Furala Lake restricted the activity on Saturday. The civic body, along with Green Vigil Foundation, made some temporary arrangement for idol immersion in the evening.

Panchasheel Square bridge collapses



Bridge located between Jhansi Rani Sq and Panchasheel Sq was washed away. (Pic: Satish Raou)

THE dilapidated British era bridge located on the stretch between Panchasheel Square and Jhansi Rani Square failed to sustain the flooding of Naag river and finally collapsed on Saturday. The Hitavada ran a story on the condition of the bridge on July 26 this year and pointed out the poor condition and how the civic body has been ignoring its maintenance for years.

The pillars of the bridge had developed cracks and as per the story's prediction, it finally crumbled on Saturday after heavy rains. The bridge, located on the busy Wandli Road, is blocked by the Traffic Department till its repair work is completed and till then, no traffic movement will take place on that stretch. This avoidable disaster will now put pressure on vehicular traffic on the adjacent roads of Ramdaspeth, Sitabuli and Dhantoli areas.

Jagjit Singh, the owner of a furniture shop situated exactly beside the bridge, got affected due to the collapse of the bridge on Saturday. For repair work of the bridge, Singh registered complaint to Nagpur Municipal Corporation (NMC). NMC stated that the bridge comes under the jurisdiction of National Highway Authority of India (NHAI). However, NHAI told

Road closed

VEHICULAR traffic on both sides of Wandli Road between Rani Jhansi Square and Panchasheel Square has been prohibited after the bridge on the thoroughfare washed away due to torrential rains. A notification issued by DCP (Traffic) Chetna Tidke stated that the vehicles coming from Rani Jhansi Square would be diverted via Manje Chowk, Anand Dalias, New Boli, Sardar Patel Square and Railway under bridge Dhantoli. Similarly, the vehicles from Rani Jhansi Square would be diverted towards Alankar Talikes Square on North Ambazari Road. The vehicles from Panchasheel Sq to Rani Jhansi Square would be diverted from Lokmat Square. The notification came into effect from Saturday afternoon and shall remain in force till the completion of reconstruction work of the bridge.

the shop owner that they had sent the proposal to the Government for its maintenance but no concrete step has taken place so far.

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NE

TheHitavada

NAGPUR 🇮🇳 Friday 🇮🇳 October 6 🇮🇳 2023

FLOODS FIX RESPONSIBILITY

(Contd from page 1)

expressed their pain and helplessness to the government. The failure to maintain the 'outflow' of the water through Naag River the flood took place. The water logging in residential areas like Purohit Layout, Ambazari Layout, Kasturba Layout, Samata Layout, Yashwant Nagar, Daga Layout, Corporation Colony, Dandige Layout, Shankar Nagar and several other areas happened not because of the rains but for the flow of water that came through Naag River. The flow of that water was such that it wrecked havoc among the residents who left helpless after the incident.

The unusual water logging for ten hours from 4 am to 2 pm on October 23 resulted in huge mon-

etary loss to the citizens. After the flood the people had no choice but to watch their furniture, fridge, washing machine, clothes, valuables, food grains in the house get submerged under flood water. The situation was so horrible that citizens were made to suffer without electricity, drinking water and without food for almost 24 hours.

The flood that day claimed four lives and left thousands shocked to see their valuable goods being destroyed in water logging in their houses, offices and shops.

In the representation the victims pointed out the inaction of the local administration which caused huge damage to private properties.

It said, "The local administration has failed to clean and maintain Naag River before the mon-

soon and due to which, the flood took place."

It also mentioned about failure to utilise the Central Government's fund of Rs 2,117 crore for Ambazari Lake and Naag River rejuvenation project. Illegal construction of concrete wall of eight feet in height and hundred feet in length by Maha Metro on the Naag River within 100 meters from Ambazari Dam which is a no construction zone.

The citizens also raised the issue of illegal construction of Vivekanand Memorial within 50 meters of Ambazari overflow point by Nagpur Municipal Corporation (NMC) which is also a no construction zone, resulting in big obstacle of smooth water flow from Ambazari overflow point.

The affected citizens also raised the demand to conduct immediate structural audit of Ambazari Lake and Naag River to check the condition of the water bodies and also to mitigate future such incidences during monsoon. They also urged to shift the Vivekanand Memorial from the overflow point for smooth flowing of water of the lake.

REPRESENTATION BY FLOOD AFFECTED CITIZENS OF
NAGPUR

09-10-2023

To,
(1) Shri Eknath Shinde,
The Chief Minister, Maharashtra State,
Mansarovar, Mumbai.
(2) Shri Devendra Fadnis,
Deputy Chief Minister, and Guardian Minister of Nagpur
Mansarovar, Mumbai.

SUBJECT:

- (1) Detailed Representation to fix the responsibility of government officials for causing water logging due to overflow in Ambazari Lake. In a worst thousand houses in Nagpur on 23-09-2023.
- (2) Request to enhance ex-gratia payment of compensation to flood affected families from Rs.10,000 to Rs.5,00,000 per family.
- (3) Request to conduct 'Judicial Enquiry' by committee of three sitting High Court Judges to conduct fact finding and fixing responsibility of government officials who have failed in their duties to protect, preserve, improve Ambazari Lake, Dam, Reservoir and Nag River in spite of emission of Rs.2117 Crores by the Central Government.

REFERENCE: Escalating damages caused to property and the mental agony caused to the people due to water logging in houses

FLOODS FIX RESPONSIBILITY

CITIZENS INSIST IN A LETTER TO
CM EKNATH SHINDE
BY CM FADNIS

- Enhance ex-gratia payment from Rs 10,000 to Rs 5 lakh per family
- Order 'judicial enquiry' by a panel of 3 sitting High Court judges for 'fact finding', 'fixing responsibility'

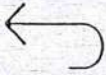
■ Staff Reporter

THE flood-affected residents of the city have sent a representation to Chief Minister Eknath Shinde and Deputy Chief Minister Devendra Fadnis demanding to fix the responsibility on government officials for negligence that resulted in water logging and overflow of Ambazari Lake after unprecedented rains on September 23. Nearly 20,000 houses in the city submerged under water in the devastating floods.

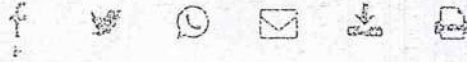
The representation also mentioned raising the ex-gratia payment of compensation to flood-affected families from Rs 10,000 to Rs 5 lakh per family. The residents also urged the State Government to order a judicial enquiry by a committee of three sitting High Court judges for fact finding and fixing responsibility of government officials who have failed in their duties to protect, preserve, improve Ambazari Lake, Dam and Nag River even after getting a sanction of Rs 2117 crore from the Central Government.

Heavy downpour in the wee hours of October 23 in the catchment area of Ambazari Lake caused the lake to overflow. However, just the heavy rain could not have caused the flood. It is the limited space for the flow of excess water in the Nag River that caused the flood, which submerged the nearby residential areas of the city in their representation. The affected citizens

(Contd on page 6)



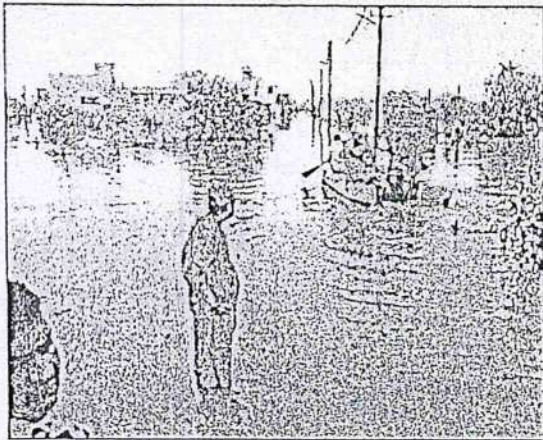
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RAIN HAVOC IN NAGPUR CLAIMS 4 LIVES



Rescue operations at a flooded locality in Nagpur on Saturday. (Pic by Satish Raut)

■ City receives 90 mm rainfall in just two-and-a-quarter hours

■ Staff Reporter
NAGPUR, Sept 23

THE city of Nagpur faced the wrath of Nature in the wee hours of Saturday as it received intense rainfall, leaving many wondering if it was a cloudburst. Till filing of this report on Saturday evening, the administration had confirmed death of four persons, apart from the death of 14 cattle. Around 400 persons were rescued from various low-lying areas, and shifted to safer places.

The downpour, with lightning and thunders, kept the Nagpurians awake with fear. Between 2.15 am and 4.30 am, Nagpur received 90 mm rainfall. Till 5.30 am, (Contd on page 5)

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Rain havoc in Nagpur...

the city received total 109 mm rainfall. The city received cumulative rainfall of 116 mm till Saturday evening. The heavy rainfall resulted in city's iconic Ambazari lake overflowing. The water from the lake unleashed a flood fury on the areas along the banks of city's signature Naag river. The force of water was such that it left behind a trail of road destruction in the form of debris of paver blocks, and damage to roads and parts of bridges over the river.

Eknath Shinde, Chief Minister, and Devendra Fadnavis, Deputy Chief Minister, were constantly in touch with the Nagpur Municipal Corporation (NMC) and district administration.

At least two women and two men were confirmed dead. They included Meerabai Pilley (70), a resident of Mahesh Nagar, and Sandhya Dore (80), a resident of Surendrarh. One more body was recovered in Nag river near Panchsheel Square on Saturday evening, but identity could not be ascertained till filing of this report. One more man Sanjay Gadegaonkar reportedly died as he fell into a pit dug up at the construction site behind Trauma Centre.

The areas of Ambazari, Sitabuldi, Mor Bhavan, Variety Square, etc were flooded. Two teams of State

Disaster Response Force (SDRF) were divided into seven groups to streamline rescue of people trapped in low-lying areas. National Disaster Response Force (NDRF) and SDRF teams were deployed for flood rescue operations. The district administration requisitioned the Indian Army's flood relief columns from Headquarters Uttar Maharashtra & Gujarat Sub-Area in the morning. Accordingly, two columns of the Indian Army with engineer equipment and boats were deployed in the area of Ambazari. They rescued about 40 persons in all age-groups and also provided them with medical aid.

All the forces put together rescued around 400 persons including senior citizens, children, and others. Around 40 students of Muk Badhir Vidyalaya also were evacuated to safer places. Two teams of NDRF, Fire and Emergency Services Department personnel of NMC were in action. NMC also issued emergency helpline numbers for citizens.

As soon as the news of the flood waters entering various localities of the city including some educational institutions spread, the district administration declared holiday to schools and colleges in the city as well as rural areas of the district.



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The Hitavada

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Causes of urban floods entirely man-made or artificial

By Paramjit Singh Ahuja

THE flooding that need not have happened has shaken Nagpur to its very core. It will take a while for the affected to pick up the pieces of their lives. For many, life won't be the same again. The devastation that it left in its



Paramjit Singh Ahuja

we've made national news. Localities close to the Ambazari lake were the most affected, low-lying areas were flooded. And then there were the usual areas that have been bearing the brunt of rains ad nauseum since decades, such as Mar Bhavan, Bhamburda

Rani square, Lakadganj, Ganeshpeth and many more, that their flooding is now taken for granted.

The avoidable loss of five precious lives and crores of rupees of personal and State assets in what can only be called a man-made tragedy of mammoth proportions has shaken the faith of citizens in the administration like never before. September 23, 2023 will be etched in the history of Nagpur for all the wrong reasons, forever.

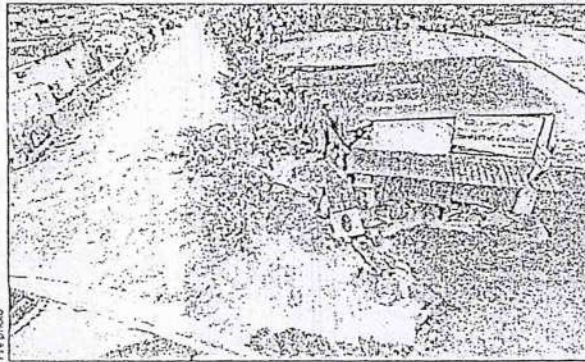
In the aftermath of the floods, State Relief and Rehabilitation Minister conducted the customary survey, directed panchayats be conducted and announced a special package for permanent flood control. The Deputy Chief Minister instructed officials to take strong measures for

ensuring that flooding does not occur even after the heaviest rains. One is thankful for that. This time around though, we must not let it go at that. Enough is enough. With confidence in the administration to deliver at its lowest as reflected by the Government's inability to come on top of the situation, this should be the last of the wake-up calls.

Therefore, it is the citizenry that will have to help itself by seizing the initiative and working with the public servants who after all, are answerable to us the people. The monsoon is on its retreat and public memory being what it is, this incident too is in danger of being lost in some remote crevice of our brains. Before that happens, there is a

(Contd on page 2)

MISSION FLOOD-FREE NAGPUR: PART I



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Causes of urban floods entirely man-made or artificial

(Contd from page 1)

window of 8-9 months prior to the onset of the next South-West monsoon during which, if we resolve to make our voices matter, (just as the citizens of Surat and Indore did by converting adversity into advantage and thereby coming on top of the situation), we would have done ourselves one hell of a big favour.

Urban floods can occur when a river passing through the city breaches its embankment as it did when protective walls of the Nag River emanating from the Ambazari Lake collapsed. It can also happen due to clogging of storm water drains; lack of proper drainage system; rainfall overwhelming the capacity of drainage system; haphazard and irregular planning compounded by the problem of illegal encroach-

ments which eliminate natural water courses necessary to drain out excess water; urban heat island effect, resulting in an increase in rainfall over urban areas; changing weather patterns (climate change) lesser but more intense rainy days; Improper disposal of solid waste (domestic, commercial and industrial) and dumping of construction debris into drains; sanctioning development on floodplains, ponds and wetlands which actually have the capacity to soak extra water; Increase in urbanization (built-up and paved areas replacing natural land surfaces with impervious surfaces like roads, buildings and parking lots) as a result of which, the flow of water increases; combination of storm water and wastewater in the same sewer system which upon heavy rains can become

overwhelmed leading to sewage backups and urban flooding that stinks and infects, and extraction of groundwater and other activities leading to land subsidence, causing areas to sink and become more prone to flooding. There are other reasons as well that will be too voluminous to enumerate here.

In other words, the causes of urban floods are entirely man-made or artificial. It is not as if successive city administrators were unaware of these reasons, most of which is a Google or ChatGPT-3.5 search away.

And it is not as if the prevention and mitigation of urban floods is rocket science. On a lighter note, perhaps we would have sorted out the sorry state of our urban infrastructure had it been rocket science! The 'how to do it' is set out in great detail in IS Code of

Practice for Storm Water Drainage (IS : 1742 - 1983) and other Codes. In the National Building Code of India 2016 (Storm Water Drainage, Surface Water Run-off) and others. As a pre-requisite to design, data is the key. I can bet my last 500 rupees that the city hasn't mapped its drainage system, the contours, water channels, wetlands, ponds, low lying areas, chronic water logging spots, land subsistence, flood plains, encroachments on river, lake and pond catchment areas, high flood hazard zones and urban heat islands. I'd love to lose the bet, though. Designing without data is akin to swatting a fly in the dark. Designing for addressing urban flooding requires a combination of improved infrastructure, better land use planning, sustainable urban design, and climate

resilience measures that can be facilitated by geo spatial analysis of the data obtained from the mapping exercise.

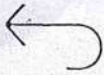
A 'Mission Flood-free Nagpur' should be launched on the lines of 'Mission Flood-free Guwahati'. The city should embrace Sponge City Mission the goal of which is to enhance urban permeability, allowing cities to retain and utilise the rainfall they receive. This can be effectively achieved through an urban mission in the vein of the Atal Mission for Rejuvenation of Urban Transformation (AMRUT), National Heritage City Development and Augmentation Yojana (HRIDAY) and Smart City Mission.

(To be concluded)

(The author is noted Architect, Environment and Heritage Activist.)

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Solution to urban floods lies in innovative engineering

By Paramjit Singh Ahuja

PERHAPS the most serious of the changes that are taking place (apart from rapid urbanisation) that is resulting in frequent and severe urban floods across the country (Guwahati 2010, Chennai 2015, Mumbai and Bengaluru 2017, Hyderabad 2020), is the increase in the intensity of rainfall over shorter durations as was witnessed over

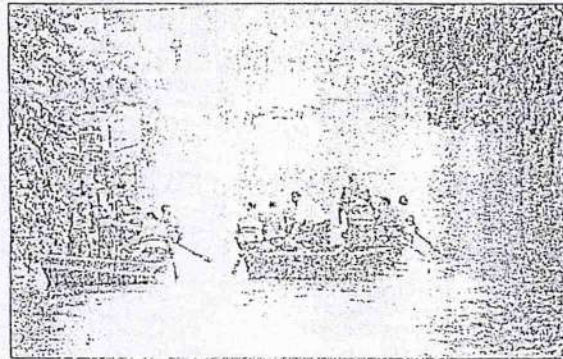


Paramjit Singh Ahuja

parts of Nagpur on September 23, 2023. These and other developments should prompt the concerned authorities to revise the Standards (BIS, NBC, etc.) by which design of roof rain water, surface rain water runoff and storm water drainage are being mandated. As an example, for the design of surface drains for runoff, a runoff of 6 mm and 12 mm respectively for an average annual rainfall of 500mm - 1000 mm and 1000mm - 2000mm respectively are recommended. These and other recommendations warrant revisiting.

Amendments should be made in the Development Control regulations by making it mandatory to demon-

MISSION FLOOD-FREE INGPUR PART-11



File photo

strate that the proposed development does not impede or alter the flow of surface run off or if it

does, the project proponent should demonstrate restoration of the same at its own cost. Submission of contour data should be made mandatory for all development proposals, small and big. Amendment should also be made forbidding development on no go

land parcels such as floodplains, catchment areas of rivers and water bodies, and wetlands. A no go' list consisting of such areas (based upon mapping suggested earlier in this article) should be notified. Measures such as permeable roads, roof top gardens, rain water harvesting, creation of rain gardens, green spaces and blue spaces (takes and ponds)

should be made mandatory. When proposing development of layouts, providing right of way/connectivity beyond its boundary is mandatory. However, when an adjoining layout is proposed, often the road network connectivity is broken for the sake commercial considerations. Thus, continuity of storm water drains is broken, resulting in flooding of the layouts. While sanctioning development of layouts, sanctioning authorities should stay vigilant on this account. Urban areas with limited green spaces and vegetation have reduced capacity to absorb rainwater. Trees and vegetation can help reduce runoff by absorbing and transpiring water. Spaces for plantation where most needed should be earmarked in the Development Plan by the administration.

In an interview published in these esteemed columns (September 27, 2023) regarding the floods that occurred on 23rd September, I was quoted as having said that it was a man-made disaster that is irreversible. This comment was made in the context of Nagpur city which is a study in construction on low lying areas, encroachments on river, lake and pond catchment areas, clogging of storm water drains, lack of proper
(Contd on page 2)

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Solution to urban floods lies in innovative engineering

(Contd from page 1)

drainage system, rainfall overwhelming the capacity of drainage system, haphazard and irregular planning and rapidly diminishing open permeable spaces. It is not my case, however, that chronic water-logging areas such as Mor Bhavan, Jhansi Rani square, Lakadganj, Ganeshpeth and many more are beyond mitigation. On the contrary, this chronic problem can be mitigated by increasing the carrying capacity of the storm water drains manifold, providing catch basins, culverts, and pipes to efficiently transport runoff water to appropriate discharge points, by installing French Drains, creating permeable surfaces, among other measures. Therefore, the chronic flooding of these areas cannot and should not be taken for granted.

The solution to the issue of flooding in the Nagpur Municipal Corporation area (spread over 217 square

kilometres) will largely be a matter of mitigation by means of innovative engineering.

My concern is that the Nagpur Metropolitan Area, a mostly virgin expanse encompassing 3577 square kilometres (16.50 times larger than Nagpur city, 36% of Nagpur District and almost the size of the state of Goa (3702 square kilometres)), should not go the Nagpur city way and indeed the way of other cities such as Guwahati, Chennai, Mumbai, Bengaluru and Hyderabad. It would be imperative, therefore, to carry out Terrain Modelling of Nagpur Metropolitan Area that are planned for urbanization from agricultural land, forest or low grade land, low lying areas prone to flooding, marshy or abandoned quarries, etc. Detailed and careful consideration with respect to its drainage is necessary. A detailed contour survey should be carried out not only of the sites that are planned for urbanization but also the surrounding

areas to verify the quantity and area contributing runoff, presence of any low lying and natural water body acting as holding pond or any natural drain passing through the area and beyond, whose filling up and diversion may cause water logging problem on the site or surrounding areas (source - NBC 2016). In terms of built form, this may imply contiguous open green spaces, interconnected waterways, and channels and ponds across neighborhoods that can naturally detain and filter water. The floods of 23rd September ought to spur the Nagpur Metropolitan Region Development Authority (NMRDA) to revisit its plans.

About 200 years ago, John Stewart Mill and Adam Smith proposed the method of measuring Gross Domestic Product (GDP). It was based on economics without factoring the cost on the environment.

Until climate change became a big issue; eco-

nomics was about profit-taking minus the environment. For example, the traditional valuation of a tree was the value of its timber whereas its new valuation includes its oxygen, bio fertilizer, micronutrients, etc. If Tadoba and other forests were to be cut down, the traditional value of its timber would be in trillions of rupees. But its environmental cost could be extinction of most species including perhaps the human race. It is time, therefore, to replace Gross Domestic Product for Green Domestic Product as the true measure of economic activity (source - Nishi Mukerji). Before announcing projects, politicians of all hues, administrators, influencers and those whose decisions will impact the future of the only planet that we have which we call Earth should on their part engage with engineers, hydrologists, environmental consultants, urban designers, town planners, architects, NGOs, busy bees, et al vis--vis the feasibility of their proposals

from an environmental perspective. More importantly, they should pay heed to their advice.

It is essential to manage storm water effectively and develop strategies to adapt to changing weather patterns and the increased risks associated with urbanization and climate change. We cannot afford to let go trillions of liters of free rain water by channelising it straight into gutters and drains thereby wasting a precious natural resource. When cities grow bigger at a hectic pace as is the case with Nagpur, a long term vision is necessary.

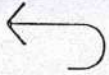
A window of 8-9 months is what we citizens have before the advent of the next South-West monsoon for formulating an action plan, hopefully in collaboration with the administration. What are we waiting for? Change will not come if we wait for some other time.

(Concludes)

(The author is a noted Architect, Environment and Heritage Activist.)

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Vulnerable water logging areas

THE Nagpur Police have identified several vulnerable areas prone to waterlogging during floods. These areas include: Gittikhadan Police Station: Gajanan Nagar, Hanuman Mandir, Gorewada Ring Road, Welcome Society, Arafat Colony, Shiv Mandir, Swagat Nagar, Mahesh Nagar, CPWD Colony, Manovihar Colony; Sitabuldi PS : Morbhavan Bus Stand, Vandana Apartments, Anand Nagar, Panchsheel square, Jhansi Rani square; Bajaj Nagar PS: Corporation Colony, Crazy Castle, Daga Layout, Shankar Nagar; Ambazari PS: NIT swimming pool, Raikar Colony, Shankar Nagar; Wadi PS : Shinde Bhavan Dattawadi;

(Contd on page 2)

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work on war footing if they want to provide respite to the citizens. Dhantoli area houses major hospitals. The

by the traffic department will also be a major challenge in streamlining traffic around Sitabuldi area.

City police step up...

September 23, the shared that the police received a total of 275 emergency calls during the floods. The first emergency call was received at 3.36 am and the peak of calls was occurred between 5 am and 6 am as whopping 95 calls were received from the citizens. Sixty emergency

calls were received from 4 am to 5 am while 70 calls received from 6 am to 7 am. As the situation improved, the volume of emergency calls gradually decreased, he said. The CP appealed to the citizens to contact the police immediately during any emergency situation.

Vulnerable water logging areas

(Contd from page 1)

Dhantoli PS : Ramdaspath Sai Mandir, Yeshwant Stadium; Ajni PS : Balakrish Nanagar; Rana Pratap Nagar PS : Ram Mandir; Kotwali: Dasara Road; Yashodhara Nagar PS : Baba Farid Nagar, Shiv Nagar; Jaripatka PS : Indira Nagar, Samta Nagar; Pardi PS : HP Petrol Pump, Dhargaon, Pavangaon; New Kamptee PS : JP Nagar; Kalmana PS : Mangaldeep Colony, Bharatwada Chikhli square; Kapil Nagar PS : Amar Nagar. These identified areas are susceptible to waterlogging during heavy rainfall and flooding.

Sontu was operating...

holders under Section 164 of Code of Criminal Procedure (CrPC). These persons were getting 1.5 per cent to 5 per cent share from the fraudster for availing the facility, the official said.

The official further said that Vikrant Agrawal who lost Rs 58 crore in the on-line gaming fraud, had deposited money in 12 bank accounts and later the money was routed through 55 and then 400 bank accounts. The

police also learnt that the cash was withdrawn by unidentified persons from the bank accounts immediately after lakhs of rupees were transferred to the accounts.

Meanwhile, a team of Crime Branch returned from Kolkata as they were unable to trace the accused Astha Jain, Ruby Jain and Vinay Jain. The three were charged for pressuring the victim to withdraw the complaint.

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3, including paralysis patient, drown

■ Staff Reporter

RELENTLESS rains caused severe flooding in the city and claimed the lives of three persons including two women, one of whom was suffering from paralysis. The deceased have been identified as Sandhya Shyamrao Dhore (53) from Surendragadh and Meerabai Kappuswamy (70) from Mahesh Nagar.

In the first incident, Sandhya Dhore and her mother Sayabai Dhore (72) were residing in a room in the Surendragadh area when disaster struck at around 4 am. Due to the rising water level, relatives evacuated Sayabai to safety. However, they were unable to move Sandhya as she was paralyzed. The water continued to surge and reached up to four feet inside the room. Sandhya drowned on her bed and the incident was discovered at 7:30 am when rescue teams entered the house. Her body was sent for post-

mortem, and the Gittikhadan police have registered a case of accidental death.

In the second case, Meerabai was living alone at Plot No. 98, Mahesh Nagar, in Gittikhadan. At around 2 am on Saturday, she opened her door during the peak of the downpour. The rushing water breached her residence and swept her away with its powerful current. Meerabai succumbed to drowning as the water filled her nose and mouth. Residents discovered the tragedy at 6 am. The incident was reported to the Gittikhadan police, who have registered a case of accidental death.

A third incident occurred near Panchsheel Square in the Dhantoli police station area on Saturday evening. The body of an unidentified man was found entangled in the nullah. The rescue team recovered the body and sent it for post-mortem. Dhantoli police have registered a case of accidental death in this case as well.

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Rain affected traders want financial assistance from Govt

Business Reporter

HIGHLIGHTING the losses they incurred due to the recent heavy rains, traders on Sunday urged U C Nahata, Administrator of Nag Vidarbha Chamber of Commerce (NVCC) to send a request to the Government asking financial assistance for the affected ones. In a 79th annual general body meeting of the traders' body, the NVCC members said that many traders suffered heavy losses due to the rains. U C Nahata presided over the meeting which witnessed the presence of a large number of members including former office-bearers.

The members also suggested forming a special committee to maintain a detailed record of traders' losses due to natural calamities and present it before the Government.

Expressing his views, Nahata said he would take all possible steps to safeguard the interests of the traders. He further asked all the affected traders to provide details of the losses along with the photographs. "Submit the details within the next seven days so that we could forward it to the concerned authorities and try to get assistance," he added.

It is important to note that many traders having shops or godowns along the banks of the Nag and Pili rivers and those based in other low lying localities suffered heavy losses due to the rains.

Earlier in the meeting, the administrator presented the financial report of the body before the members for approval. He also gave satisfactory explanations of the issues raised by the participating members.

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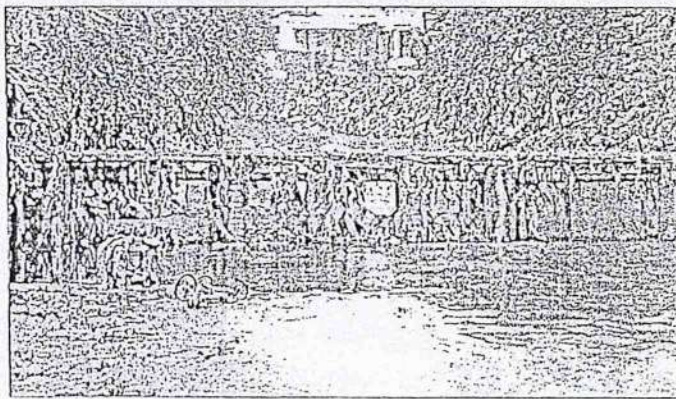
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CITY STRUGGLES AFTER FLOODS



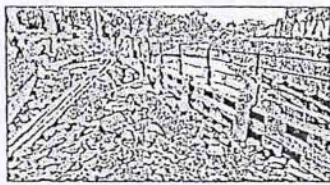
The fish and garbage stuck on the footbridge over Nag River behind Dhantoli Police Station shows the intensity of the flood water and the height to which the water levels rose. The flood also lamed the fish that lay accumulated in city nullahs. (Pix by Satish Raut)

(Contd from page 11)

complex structures of busy activities. Deep pumps were deployed to remove water accumulated in basements. Owners of shops selling clothes/garments, books, and other items suffered a heavy damage. They were busy taking out the stock, spreading it on pavements outside their shops so that those could be dried. They also retained the loss and wondered whether the aid announced by the Government would be enough to cover their losses.

Nagpur Municipal Corporation (NMC) staff was busy distributing chlorine tablets in various in the affected areas in bid to prevent the spread of post-flood diseases, spraying pesticides in drainage lines, deploying excavators to remove silt and mud deposited into the sewers to flood water from Subarnal Lake and Nag river. Thousands of slabs removed from various areas, reflecting the enormity of flood fury. NMC also deployed its staff and excavators in the bed of Nag river to remove silt, so places, one could see the trunks of trees, mud and all kinds of waste material that was dumped into the river trapped into the mud bed of some bridges and people carrying away across the river. It indicated high water level. In several areas, flood water poured with great velocity, damaging the compound walls of constructions along the banks of Nag river.

As far as Maheshwari is concerned, as many as 12 buses were said to be parked there when flood water half-submerged them on Saturday. Some of the personnel there spent time at top of the bus till the flood water receded.



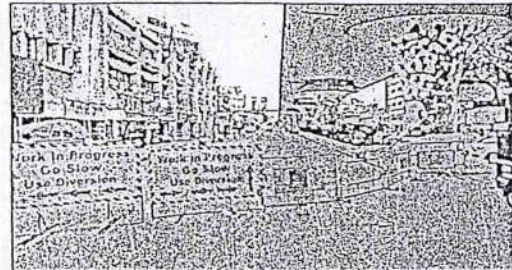
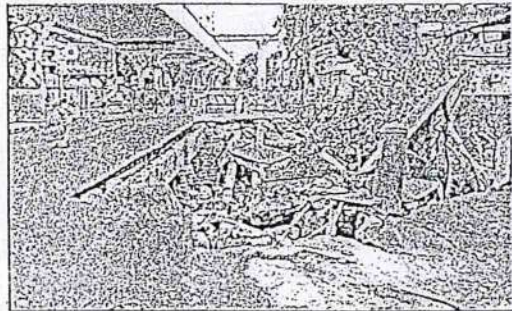
Debris on road at Ambazari Overflow Point after the floods.

However, flood water left the houses damaged, areas got washed in water, and engine, battery, wiring developed problems. The cash-strapped Maharashtra State Road Transport Corporation will have to bear the cost of major repairs of these buses, or buy new ones.

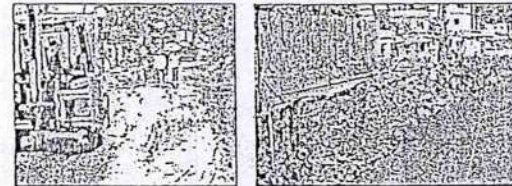
The roads on both sides of the Govardhi Flyover near Panchsheel Square were closed for traffic. The cops had placed barricades, and did not allow even the pedestrians to take the road, following collapse of the bridge near Sanyasi plant on Saturday. Since it was Sunday, it did not affect the city

much. However, from Monday onwards, what impact the closure has on the flow of traffic will have to be seen. For, there is dense traffic on both sides of the Wardha Road in this stretch. There are commercial establishments, schools, and also a highly busy bus stop for buses plying up to Ballard.

Meanwhile, some citizens sent messages to various officials in the administration, civic, police, as well as district authorities raising certain points. A citizen pointed out that the embankments of Nag river were not appropriate. Their heights should be increased and taller RCC walls should be constructed on an urgent basis so that the citizens do not face such problems again, he added. Steps should be taken to ensure convenience and safety of citizens, and that there is no water logging in the



Vehicular traffic on both sides of Wardha Road between Fard, Jhansi Square and Panchsheel Square has been blocked as the bridge on the thoroughfare was washed away due to torrential rains.



Excavators deployed to clear sludge accumulated on roads after flood water receded on Sunday at Ambazari Layout. (Pix) The parapet wall at Gawlipora, Sitabkds, that was damaged.

Power supply to 30,000 consumers affected

■ Staff Report

IT WAS a testing time for the power machinery in several parts of the city on Saturday, in the aftermath of the floods that hit the western nullahs for the citizens.

The downpour of 111 mm within a span of four hours caused water logging at many places, forcing Maharashtra State Electricity Distribution Company Limited (MSEDCL) to operate contingency plan, leading to outage in several localities of the city. Over 30,000 consumers were without power for nearly six hours as power men struggled to keep the infrastructure safe from flood water.

A major worry for the MSEDCL, however, was avoiding any major electrocution as there was water everywhere after the over flow from Ambazari, with water pushing into the Shankar Nagar sub-station.

Besides that other sub-station that was water logged was an Maheshi Nagar, New Abhali Colony, where in six distribution transformers were switched off to prevent outages.

Similarly, 12 distribution channels off Senaryani Hill Distribution Centre were shut down due to water logging in Kalabasswani Nagar and the adjoining nullah. The LT circuit near Ramdoli bungalows was also switched off as



Senior officials of MSEDCL visited Shankar Nagar sub-station to take stock of situation in the aftermath of floods in city on Saturday.

excess water gushed in an Ambazari distribution channel and two DTGs near Ganga Nagar shantis under

Manikapur Distribution Centre.

One of the worst affected areas was of 33 KV Shankar

Nagar sub-station that was under fire due to nearly 3 ft above ground level making it difficult to approach the sub-station. As a safety measure, outgoing feeders were kept in off state due to water logging at 33 KV Shankar Nagar sub-station that included 11 KV Dharampeth, 11 KV Madhumadhav, 11 KV Dandige Layout, 11 KV Banu Nagar, 11 KV SMG, 11 KV N KUMAR, 11 KV Shivaji Park, 11 KV Trilok Park, 11 KV Kachipura, 11 KV Hilltop, 11 KV Shankar Nagar -1 and 11 KV Shankar Nagar-2.

Similarly, 11 KV outgoing feeders emanating from 11 KV Shankar Nagar switching sub-station, including 11 KV

Gokulpeth, 11 KV Dharampeth switching, 11 KV Rajaji Nagar switching, 11 KV switching campus too were affected due to floods.

Further, in the western part, the overflow from Gorewada also caused problem as transmission from five 11 KV power lines, including that of MSEDCL Friends Colony, Narl Village, Wanjara, Gorewada DTC was affected, which in turn led to the power supply of nearly 22,000 consumers. Areas in Manavara Nagar, Azad Nagar, Friends Colony, Police Line, Karel Road, Chitlihadan, Chumkhele Complex, Mahesh Nagar, Samsa Nagar, SRA, MHADA quarters were affected.

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Dy CM Fadnavis announces Rs 10,000 aid to each flood-affected citizen

- Rs 50,000 to shopkeepers who suffered heavy losses
- Upto Rs 10,000 to stall-owners
- Staff Reporter

TAKING serious cognisance of the flood that created havoc in Nagpur, Deputy Chief Minister and Guardian Minister of Nagpur Devendra Fadnavis has announced major relief to the affected people. Fadnavis announced Rs 10,000 to each flood-affected, Rs 50,000 to shopkeepers who suffered heavy loss and upto Rs 10,000 to stall-owners.



Dy CM Devendra Fadnavis, Union Minister Nitin Gadkari interacting with officials. (Pic by Satish Raut)

Various teams rescued 400 people.

VARIOUS teams took efforts to rescue people. These agencies helped 400 people from the flood. Fire Brigade and Emergency Service teams rescued 152 people, State Disaster Response Force (SDRF) rescued 45 people, National Disaster Response Force (NDRF) helped 45 people to come out of flood. Nagpur Municipal Corporation co-ordinated with all the teams to conduct rescue operation. Two units of SDRF had been divided into 7 groups and the citizens of the low lying areas were evacuated. NDRF and SDRF teams have evacuated 400 civilians safely including 40 students of Deaf and Dumb School. Two NDRF teams were on rescue operation in different parts of the city.

Holiday

CONSIDERING the havoc created out of incessant rain, District administration had declared holiday to schools and colleges on Saturday. It had also appealed citizens to not to go out of homes if not essential.

Fadnavis specially came to Nagpur, and along with Union Minister Nitin Gadkari, he visited some places. Both convened an emergency meeting at Nagpur Municipal

NMC distributes 17,000 food packets

THE FOOD items at many houses were washed out by flood. The administration on priority moved people who had to leave their homes, to temporary relief camps arranged at four schools.

Deputy Commissioner of Nagpur Municipal Corporation Suresh Bagle told 'The Hitavada', "A total of 17,707 food packets were distributed to people. We received some food packets from Non Government Organisations (NGOs) and some individuals. 350 people stayed at the relief camps till early night. later on 250 persons returned their homes."

Those who attended the meeting include Krishna Khopade, Vikas Kumbhare, Pravin Datke, Sandeep Joshi, Municipal Commissioner Dr Abhijeet Chaudhari, District Collector Dr Vipin Itankar, Commissioner of Police Amitesh Kumar, Bunty Kukde and others.

While interacting with media persons, Fadnavis said that there were heavy rains in last 4 hours of Friday night and that in only 2 hours of the night, city received 90 mm of rain.

Roads and bridges were damaged. Water seeped into the house, causing harm to citizens. There is a preliminary estimate of water supply in about 10 thousand houses, added Fadnavis.

Emergency Phone Numbers

Zones	Numbers
Control Room	0712-2551866/ 7030972200
Laxmi Nagar	0712-2245833
Dharampeth	0712-2565589/ 2567056
Hanuman Nagar	0712-2755589
Dhantoli	0712-2958401
Nehru Nagar	0712-2270090/ 2702126
Gandhibagh	0712-2735599
Satranjipura	7030577650
Lakadganj	0712-2737599/ 2739020
Asi Nagar	0712-2653476
Mangalwari	0712-2595599/ 2590605/2536903
Fire Brigade	0712-2540299, 0712-2540188, 101, 108, 7030972200

administration, he gave instructions to implement measures immediately and appealed to the citizens to cooperate. Bawankule cancelled all pre-scheduled programmes in Nagpur, Mumbai and rushed to the spot.

He was accompanied by former Mayor Sandeep Joshi, Collector Dr Vipin Itankar along with Municipal Commissioner Dr Abhijeet Chaudhari, Smart City CEO Prithviraj BP.

MLA Sameer Meghe too visited Bharatwada, Wadi, Pardi, Borgaon (Khurd). He consoled the citizens and

Police prevents Sonegaon residents from going home!

PEOPLE living in HB Town near Sonegaon lake on Saturday suffered as Police prevented them from going home. A citizen told 'The Hitavada', "It was normal till evening and there was regular vehicular movement. I went out for some work but when I returned, I saw barricades at the turning that reaches Sonegaon lake. I repeatedly request-

Vivekanand Memorial: Experts warned of dangers 7 yrs ago

Anjaya Anparthi
@timesgroup.com

Nagpur: The Nagpur Municipal Corporation (NMC) has not prepared any plan or executed works at Ambazari lake overflow point despite being alerted by Dam Safety Organization (DSO), Nashik, six years ago. The Swami Vivekananda Memorial, newly concretized road, and JCB machine in river bed at the overflow point were affected during the heavy rains on Saturday.

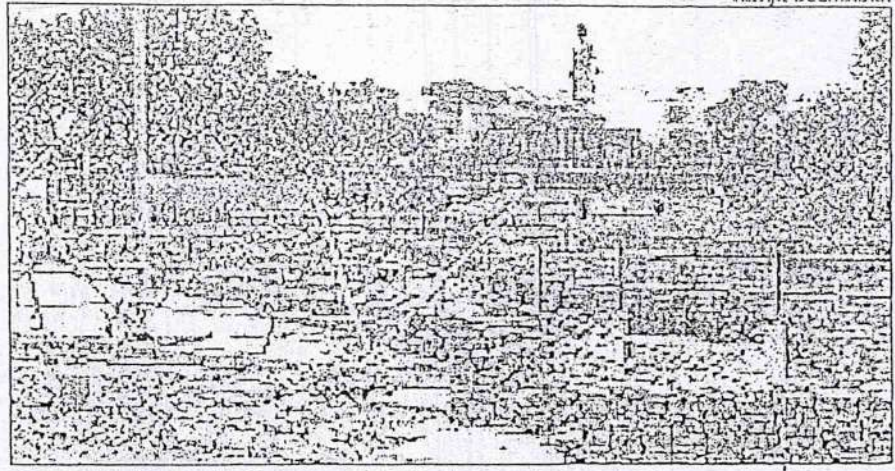


The retaining wall of the memorial, cement concrete floor, lamps, tiles etc have been damaged. The museum situated below the statue was filled with water, damaging murals and other material.

For reasons known to the civic body, a JCB machine was parked inside the river at the overflow point on Friday. The machine had been engaged there for last few days to clear water hyacinth. The machine was swept away and got stuck at the bridge, obstructing flow of water.

RTE activist Shahid Sharif, who had filed a PIL in Nagpur bench of Bombay high court over safety of lake, embankment and residential localities in 2018, alleged haphazard construction at the overflow point was responsible for the damage caused by Nag river.

"The spillway is wide and ensures free flow of water.



Ranjit Deshmukh

The retaining wall of the Swami Vivekanand Memorial, cement concrete floor, lamps, tiles have been damaged due to flood

Command area was also wide but was narrowed into two canals. So water gets obstructed, creating problems," Sharif told TOI.

After inspecting the 152-year-old embankment of Ambazari lake, the DSO report released in February 2017 had said, "Vivekananda Memorial constructed by NMC in Nag river at the overflow point is hazardous for the dam's safety. This monumental structure is constructed immediately downstream of spillway bar in tail channel. It has obstructed most of water way and only two vents are kept for discharge over spillway. If design calculations are done for calculating the water way required for flood discharge over spillway, the same with drawings should be sent to this organization immediately," the organization said.

DSO also suggested construction of wider bridge on road in front of overflow point. "Bridge is situated across tail channel, down the downstre-

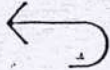
am of monumental structure, has very small water way. Detailed study related to the bridge is required for the safety of dam."

Unfortunately, NMC is yet to prepare any plan and execute works to correct its mistake and widen bridge.

A huge quantum of water was flowing over the bridge, and also gushed towards Metro station. The strong flow of water and also shoddy quality of concretization works caused serious damage to the road. Entire paver block stretch and footpath of around 100 metre was swept away.

The state government's resolution dated August 2, 2013, prohibits construction or excavation downstream of dam up to a distance of 200 meter or 10 times the height of the dam, whichever is more, from the distance of toe of dam. Still, the Vivekananda memorial, Metro corridor etc were constructed. Now, Mahametro is also developing an amusement park.

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Fishing nets affecting flow of excess water from Futala lake

NMC asks removal of fishing nets to clear water-logged area for immersions, normalise lake's water level

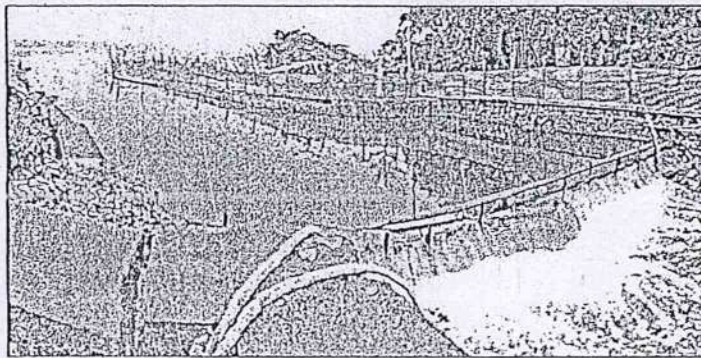
Staff Reporter

THE heavy downpour on Saturday wreaked havoc in the city. Water-logging in the aftermath, for more than 24 hours, has made it equally difficult and hazardous for citizens.

Idol immersion at Futala Lake got hampered due to water logging at visarjan side of the lake near the overflow point. Citizens were struggling to immerse Ganesh Idols at Futala Lake.

Of the four artificial tanks installed by Nagpur Municipal Corporation (NMC) on both sides of the lake for idol immersion, the tanks at Vayusena Nagar side remained submerged under flood water for more than 24 hours. The administration has failed to remove the water for smooth conduct of idol immersion.

The civic body's ban on idol immersion in water bodies of the city to avoid water pollution continued this year too.



Garbage stuck in the fishing nets installed at the visarjan side of the lake has affected flow of excess water, leading to water-logging around the lake since torrential rains on Saturday. (Pic by Anil Futane)

Immersion in Futala Lake has also been banned, but NMC made arrangements for immersion by installing artificial tanks near all water bodies, including Futala Lake.

Due to heavy rains on Saturday, the water level of Futala Lake also increased drastically and the excess water should flow through the overflow side of the lake. However, fishing nets installed by the contractor at the overflow point

is restricting the smooth flow of water, which is also one reason why the water level of the lake is not reducing to normal. The garbage in the fishing nets is obstructing the water flow from the overflow side of the lake.

"The fishing nets must be removed urgently to normalise the water level of the lake. Water logging in the premises hampered the idol immersion activity from the last couple of days

and the administration should take quick steps in this regard," said an environment activist volunteering with the civic body in idol immersion.

"For now, we are accepting idols from the devotees at the immersion side and performing immersion with full respect. We are not allowing them to go near the artificial tank for immersion to avoid any untoward incident in the water logged area," he added.

The temporary arrangement is working for now as the number of immersions are less now.

However, the civic body must take urgent steps to clear the overflow side of the lake before 'Anant Chaturdashi' as huge crowds will turn up at the Futala lake for immersion towards the last three days of Ganeshotsav. It will then be difficult to manage, even with all the NGOs chipping in to help the administration, the activist said.

"The nets were actually installed by contractor to restrict fish of the lake from entering into the nullah connected with the overflow site. We have instructed the contractor concerned to remove the nets in the next 24 hours. This way, the excess water will flow smoothly into the nullah and help reduce the water levels in the lake," said Dr Gajendra Mahalle, Deputy Municipal Commissioner, Solid Waste Management Department, NMC.

The process of idol immersion in the artificial tanks of Futala lake is going smoothly despite water logging, thanks to NGOs who are working day and night at the Visarjan site, Mahalle added.

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'IRREVERSIBLE BLUNDER' - NAGPUR'S FATE ??

By Kaushik Bhattacharya

THE havoc created by the flash floods on September 23 has laid bare many claims and faults engineered by the civic administration and the political leadership in the name of beautification and development. Questions are being raised over the monsoon preparedness and flood management even as the city counts a heavy price of the disaster, clearly aided by man-made factors. Being a People's Paper, 'The Hitavada' probed

the reasons behind the flash floods and the mitigation measures, if any. The investigation has revealed multiple factors that conclude that the blunders caused by poor planning are irreversible. It has led to a pricking query -- is this the fate of the city of Nagpur? Faulty designs, bad urban planning and a lethargic civic administration have emerged as the prime reasons behind the flood havoc. Deputy Chief Minister of Maharashtra Devendra Fadnavis also agreed to the fact when, during a visit to the flood-affected areas,

he stated, "We could have minimised the damage if some measures were taken earlier."

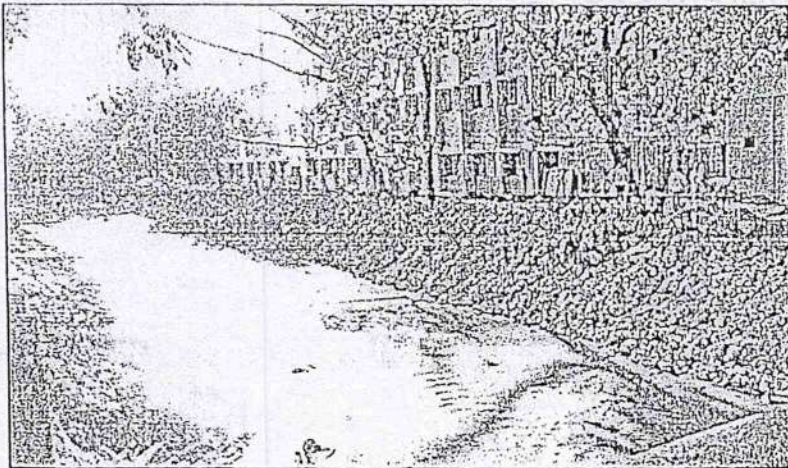
'The Hitavada' investigation brought to fore many loopholes near the Ambazari Lake, the city's largest water body, whose boundaries were breached last Saturday due to heavy rains. The faults could have been addressed not only by the administration but also by the structural engineers to avoid a flood-like situation. However, precious little was done as apathy took over the decision-making process.

When this reporter spoke to city-based structural engineers, hydrologists, geological scientists and architects as part of the investigation, all of them raised serious concerns over the ongoing haphazard development by ignoring city's hydrology.

"It was a man-made disaster which is irreversible. The way we are ignoring the hydrology of the city in the name of development, such floods will happen in future also," Paranjit Singh Ahuja, eminent Practising Architect, PSA Design Studio, told 'The Hitavada'.

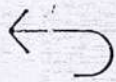
"Every development in the city is without any hydraulic map. Even the ambitious Nagpur Metro project is implemented without hydraulic study. The contour map is essential for any structural design to study the water evacuation in case of rains like these. Unfortunately, Nagpur city has no such plan," claimed Ahuja.

"You can't rely on storm-water drains when
(Contd on page 2)



The retention wall of the Naag River stretch flowing behind Saraswati Vidyalaya.

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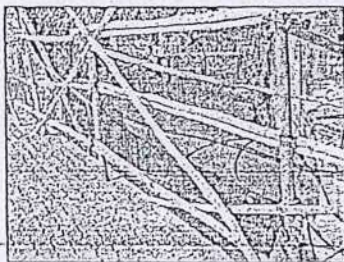
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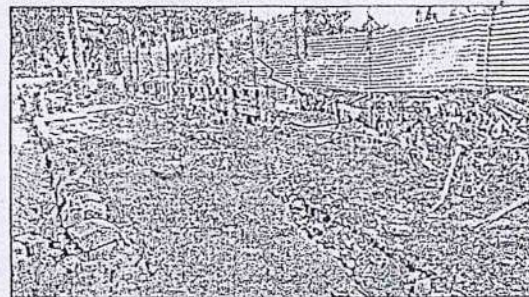
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'IRREVERSIBLE BLUNDER' - NAGPUR'S FATE??



(Clockwise from top) The bridge at the Pzmy Kavle end of the Ambazari Lake; the collapsed wall of the culvert passing through Daga Layout; another stretch of the Naxg river where the retention wall has collapsed; the area behind Saraswati Vidya Mandir; the damaged stretch on the North Ambazari Road. (pics by Saksh Band)



(Contd from page 1)

you already encouraged the traditional sources of water evacuation and retention in city. For example, there is no need to construct storm-water drains on the slope of University Campus where the water can automatically find its way to low-lying areas," said Ahuja.

"Every dam must have open space for water evacuation. But the Vivekanand Memorial at the overflow side of Ambazari Lake is posing threat as it is obstructing the water flow during a flood-like situation," he added.

Sandeep Shirkhedkar, eminent Structural Engineer and Hydrology Consultant of Nagpur, said, "The recent flood took place due to heavy rains in the catchment area of Ambazari lake. The flow of excess water crossed the overflow point of the lake and moved further to Naxg River. You can notice

that the flood water first damaged the bridge near the lake itself and then it damaged the bridge near Panchsheel Square."

Most of the bridges on Naxg River were constructed during British era and all of them have already crossed their expected life. The space under these bridges is very narrow and it was not made to handle such a huge amount of water during monsoon. During the recent flood the space failed to handle the water flow and the flood water found its way into residential areas, added Shirkhedkar.

"The lack of maintenance and proper cleaning of garbage

under the bridges is also a major reason behind this flood. It is the main reason behind collapse of Panchsheel Square bridge during the recent flood," he said. Shirkhedkar also said, the Vivekanand Memorial is a major cause of flood because it is obstructing the water flow of the lake at the time of heavy rains.

"Along with desilting of Naxg River there is an utmost need of widening of the river to handle such floods in future. Due to encroachment and haphazard development in city we lost all tributaries of Naxg River. There is no natural mullah left in Naxg River that helps to spread the flood water during

heavy rains," said the Hydrology Consultant.

According to Dr Arjan Chatterjee, ex-Additional Director General, Geological Survey of India (GSI), "The tonnes of garbage, industrial waste, human non-biodegradable and organic waste compounded by unscientific civil structures impeded the seamless flow of all vulnerable rivers flowing across the city that have aided this disaster."

Eichhornia weeds at the provenance of the Ambazari Lake and also in the Naxg River aggravated the problem.

"The normal discharge of surface rain water to subsurface aquifers unhindered has

been severely been impeded by the cement roads, unscientific but licensed and/or illegal civil structures which were also culprits and are likely to be massive bottleneck. These have the potential to cause immense loss of lives and property in future," said the Geologist.

"A scientific study needs to be conducted by an accredited institution and mitigation measures suggested thereafter need to be immediately acted upon, without interference from the non-scientific entities, many of whom have personal and non-social agendas," Dr Chatterjee added.

"Infrastructure development is need of the hour but the city fathers must know the importance of the city's environment. Nagpur is developing fast but the administration has ignored sustainable development and this flood is an eye-opener for all of us," Shrikant Doldode, retired Assistant Chief Engineer, Water Resources Department said.

"In the name of development, we lost our natural sources of water that connects our Naxg River. As a result, the river is just consuming sewage through drainage lines connected with the water body," he further said.

The retired Chief Engineer

also blamed the spot of the Vivekanand Memorial which is posing a major obstruction to flood water.

"The recent flood took place due to heavy rains in Wadi area which is adjoining the catchment of Ambazari Lake. The Vivekanand Memorial obstructed the flood water due to which it spilled over the residential areas," Doldode claimed.

All the observations had been missed time and again by the media while scolding of a major natural disaster. Yet, all of them seem to have fell on deaf ears. This non-chalance has now put the fate of Nagpur city at stake.

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The Hitavada

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Administration completes *panchnama* of 3,000 houses in a single day

■ Municipal Commr inspects civic body's ongoing work in flood affected areas and extends helping hand to citizens

■ Staff Reporter

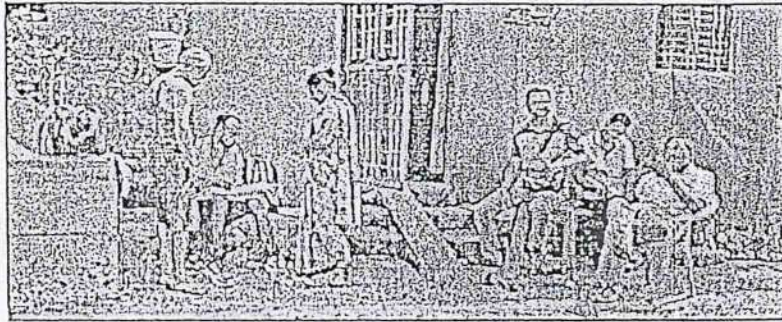
TRYING to reach out of citizens distressed in the aftermath of torrential rains that led to flooding of Naag River, Revenue and Civic Administration is working round the clock leading to completion of spot *panchnama* of 3,000 affected houses. Side by side, the civic administration is going all out to assuage the hurt feeling of citizens and on Monday, they handed out food kits to citizens in the affected areas. Although water has subsided, the sludge and foul smell still persists on the banks of Naag River.

While the focus is on areas adjacent to Naag River, other localities near nullahs and streams too faced the wrath of nature. Foul water gushed into low lying houses, damaging the furniture and household material. But major worry for citizens is how to overcome the foul smell in their houses. Also, the mixture of grey water in household well and water pipes is another major cause of concern.

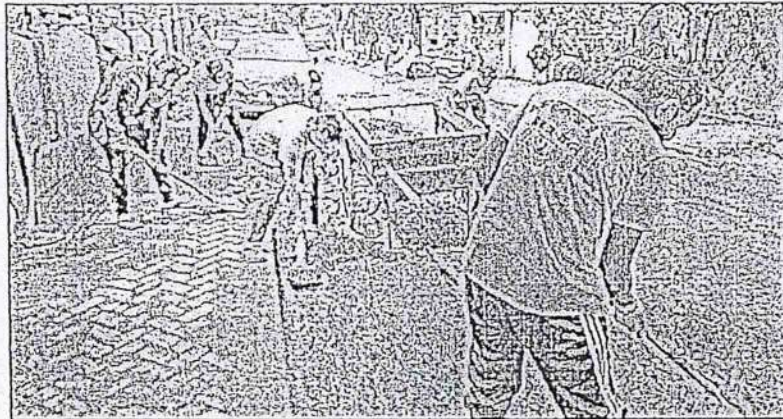
The district and civic administration is working at feverish pace as within one day, they completed inspection of 3,000 houses. Nearly 10,000 houses were reportedly affected by flood waters. Deputy Chief Minister Devendra Fadnavis is in constant touch with the local administration and is seeking regular updates on the situation.

Municipal Commissioner and Administrator Dr Abhijeet Chaudhari personally visited various localities affected by floods and interacted with citizens.

Meanwhile, life is slowly limping back to normalcy in Ambazari



A team of civic administration jotting down details during *panchnama*. (Below) Sanitation workers removing the silt from one of the affected locality.



NAGPUR Municipal Corporation (NMC) has set up a dedicated contact no 9823245671, wherein people affected by floods can contact for any help. After water receded from their homes, the citizens are facing problem of disposal of damaged goods. Hence, NMC has appealed citizens to contact them and they would collect the damaged materials and dispose them off properly.

ly on Saturday morning. The civic administration has pressed all its machinery and men to remove the silt from road and houses. Similarly, the road shoulder on Ambazari Road, near the overflow

removed by the evening.

CONTACT TEHSIL OFFICE

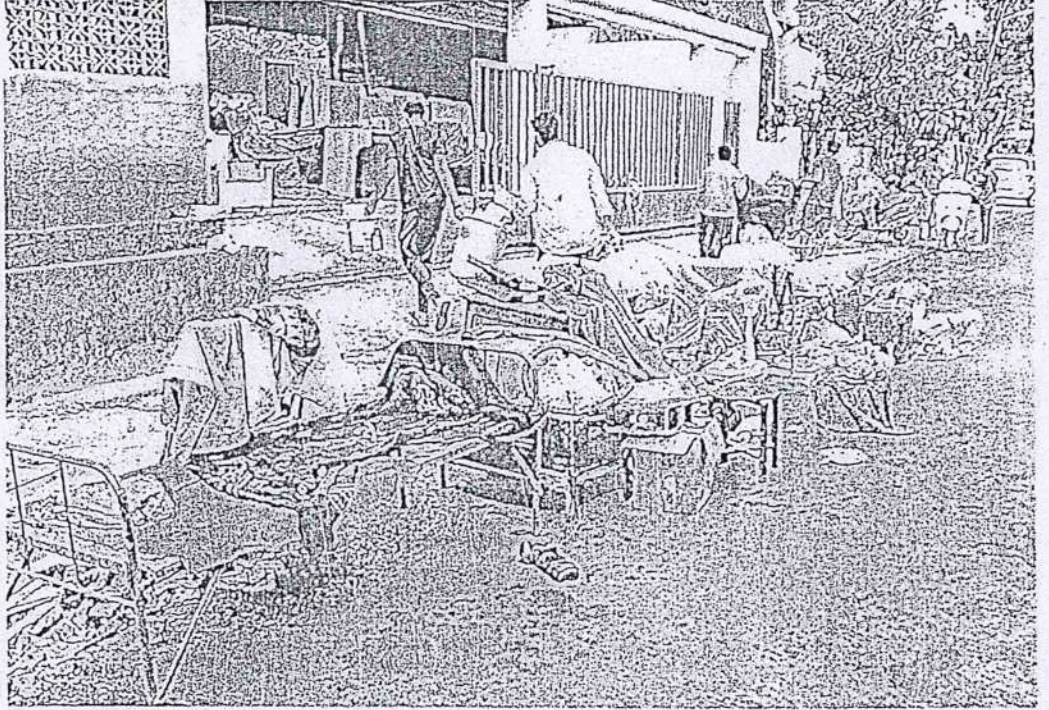
DISTRICT Collector Dr Vipin Itankar has appealed to citizens to be patient and reiterated that administration is there to extend all help possible. In case any citizen feels that their house is not surveyed or *panchnama* has not been done, they should promptly inform the office of Tehsildar, Santosh Khandere, at City Tehsil office in Civil Lines.

During the visit of Municipal Commissioner Dr Abhijeet Chaudhari, Additional Municipal Commissioner Anchal Goyal, Assistant Commissioner Milind Meshram and others were present. Dr Chaudhari visited Ambazari Layout, Daga Layout, Corporation Colony, Samata

फक्त लढ म्हणा! संसारे उधाड्यावर; अंगावरचे कपडे तेवढे शिल्लक

अन्नधान्य भिजले : घरभर होते कंबरभर पाणी : लोकांचा वैताग, संताप, तक्रारी आणि गाऱ्हाणी

आनंद डेकारटे/ भंगेश चव्हाणे
लोकांमत् न्यूज नेटवर्क
नागपूर : शुक्रवारी मध्यरात्री नागपुरात वरसलेल्या नुकसंधार पावसाने शहरभर हाहाकार माजविला. नदीनाल्याकाठच्या वस्त्यांमध्ये पुराचा चांगलाच फटका बसला. त्यातच अंबाझिरी तलावाच्या पायथ्याशी असलेल्या वस्त्यांमध्ये पावसाने प्रचंड नुकसान केले. रानिवारी पहाटे पहाटे पावसाचा अनुभवलेला थरार आयुष्यात पहिल्यांदाच येथील रहिवाशांनी दिसून आला होता. पाण्याचा प्रवाह इतका होता की घरापुढे पाकिंगमध्ये ठेवलेली वाहने वाहून जात होती. घराघरांत कंबरभर पाणी साचल्याने घरातील प्रत्येक वस्तू चिब भिजल्या होत्या. सकाळी जेव्हा पावसाचा जोर कमी आला, तेव्हा भिजलेल्या वस्तू अवरता सावरता अडखा टिवस गेला. घराघरांतून पावसातून गाळ साचला होता. अन्नधान्य भिजले होते. आलगायातील कपडे भिजले होते. अनेकांच्या दौऱ्या, रोज, प्रीज पाण्याखाली आल्या होत्या. रानिवारी रात्र अनेकांनी काशीवरी घाडली. रानिवारी घर आवरता सागरता लोक वैतागले होते. लोकांमत् प्रतिनिधींनी पावसातून प्रचंड नुकसान झालेल्या कापरीशन कॉलनी, डामा लेआऊट, समता लेआऊट, चर्ना लेआऊट, गांधीनगर परिसरातून शहरातील ओपडपट्टी आणि नुकसानग्रस्त भागाचा आढावा घेतला असता, लोकांनी संताप व्यक्त करत तक्रारी आणि गाऱ्हाणी मांडल्या.



काहीच शिल्लक राहिले नाही

एनआयटी स्वीमिंग पुलासमोरील समता लेआऊटमध्ये पावसातून मोठे नुकसान सहन करावे लागले. समता लेआऊटच्या कॉन्व्हर असलेल्या ड्रेनेस सेंटर, मोबाइल रांपी व अच पाच दुकाने पाण्याखाली आली होती. ड्रेनेस चालक निशिकांत सोनटवके यांचे घर आणि दुकान एकच आहे. पावसातून दुकानातील खराब झालेले साहित्याचा टिगारा बाहेर काढला होता. लाखो रुपयांच्या मशीन पावसापासून वाचविता वाचविता अडख्या घरात आणि दुकानात पाणी साचले. त्यांना नुकसानाबाबत विचारले असता, पावसाने अगदी धूळधाण केली. आम्ही जिवंत आहोत, एवढेच. अजूनही घरातील पाणी निघाले नाही.



पावसाने अडख्या घराची धूळधाण केली

कापरीशन कॉलनीतील प्रदीप लाखे यांनी लोकमत्त्या प्रतिनिधीला घरातील चुलीपर्यंत नेले. प्रत्येक खोलीत अपरथा दाखविली. त्यांच्या घरात घरभर पसारा पसरलेला होता. रानिवारी अडखा टिवस घरात साचलेला गाळ काढण्यात आला. पुस्तक, कपडे, सोफा सर्व काही पाण्यात भिजले होते. पहाटे ५ वाजता पस्तीमध्ये आरडाओरड सुरू झाली तेव्हा त्यांना जग आली, तर घरात दियोणापर्यंत पाणी पोहोचले होते. पाण्याचा फलो इतका होता की दारले उघडत नव्हते. कम्पाऊडचा गेट पाण्याखाली गेला होता. अंगावरच्या कपड्यांसह त्यांनी आपले कुटुंब सान्नाच्या घरी हलविले. पावसाने त्यांच्या घराची अडखी धूळधाण केली.



दुकानातील अन्नधान्य झाले खराब

लॉण्डी आणि डेलिनिडसचे दुकान चालविणारे रवी कर्नाजिया यांचे तर प्रचंड नुकसान झाले. दुकानातील एकही साहित्य शिल्लक राहिले नाही. लॉण्डी, गहू, डाळी भरून ठेवलेल्या कांस्यांमध्ये पाणी शिरले. लोकांनी लॉण्डीसाठी दिलेले कपडे पूर्ण खराब झाले. दुकानातील फर्निचर, रेफ्रिजरेटर, शोकेस खराब झाले. आल्या झालेल्या अन्नधान्याला दुर्गंधीही सुटली होती. डोब्यांसमोर नुकसान होत असताना काहीच करू शकलो नाही, अशी खंत त्यांनी व्यक्त केली.



आमचे आता आम्हालाच सावरायचे आहे



पावसातून दुकानातील खराब झालेले साहित्य संत्रू लिड्यारे बाहेर काढत होते. त्यांना पुराबाबत विचारले असता, म्हणाले की आम्ही पहिल्यांदा हा महापूर अनुभवला. माझे मोबाइलचे दुकान पाण्याखाली आले होते. दुकानातील सर्व साहित्य पाण्यात भिजले. लाखो रुपयांचे नुकसान झाले आहे. कापरीशनकडून एक आशा वर्कर नाव च नुकसान किती झाले एवढे विचारून गेली. कुणी लोकप्रतिनिधी आमची वधावा घ्यायला आला नाही. आज अडख्या वस्तीमध्ये स्थिर पसरला आहे.

पावसातून दाराच्या फ्रेम खराब झाल्या. कम्पाऊडची नित पडली. आऊट प्लॉअरला असलेल्या कार्यालयातील २० कॉम्प्युटर खराब झाले. दोन्ही कारमधले पाणी अजूनही निघाले नाही. किमान २० लाखांचे नुकसान झाले. याची भरपाई करणार तरी कोण?



- अनुतापा टिवकत, पीडित रहिवासी

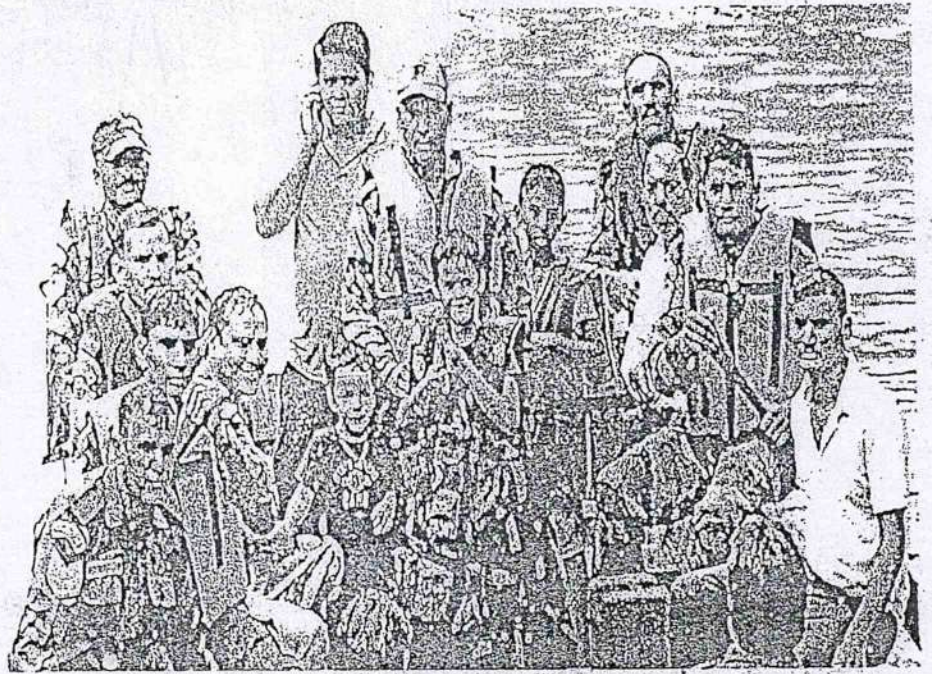
रात्रभर विजांचा थयथयाट, दिवसभर सर्वत्र बाधाकार!

आनंद डेकारे/गणेश हुड
लोकमत न्यूज नेटवर्क

नागपूर : शुक्रवारी मध्यरात्रीनंतर उपराजधानीत पावसाने धुमाकूळ घातला. नुसळघार पावसापेक्षा मेघगर्जना व विजांचा कडकडाटाने नागपूरकरांच्या रुदयाचे ठोके वाढले होते. दर मिनिटाला आकाशात चोरीकडे कडाडणाऱ्या विजांनी शीतिदायक चतावरण निर्माण झाले होते. या कडकडाटांनी लहान मुले दचकून उठली तर गौळांनाही धडकी भरली होती. मध्यरात्री अवघ्या दोन तासात ९० मिमी पाऊस कोसळल्याने शहराला पुराने वेढा घातला. शहरातील नदीनाले ओव्हरफ्लो झाले. वस्त्यांमध्ये पाणी शिरले. रात्रभर झालेल्या विजांच्या थयथयाटानंतर सकाळी शहरात सर्वत्र हाहाकार उडाला.

एनडीआरएफ, एसडीआरएफ वरोवरच लष्करांच्या तुकड्यांनाही रेस्क्यू करण्यासाठी प्रशासनाने पाचारण केले. एनडीआरएफ, एसडीआरएफने पाण्यात अडकलेल्या ४०० हून अधिक नागरिकांना बाहेर काढले.

अंबाझरी तलाव, नाग नदी, पिक्ळी नदी आणि स्थानिक नाला ओव्हरफ्लो झाल्यामुळे शहरातील अनेक भागांत विशेषतः अंबाझरी तलाव, नाग नदीजवळील सखल भागात पुरस्तिती निर्माण झाली. धरमपेठ, शंकरनगर,



समता ते-आऊटमध्ये पाणी शिरल्यामुळे एनडीआरएफच्या पथकाने बोटीच्या साहाय्याने १८ नागरिकांना पाण्याबाहेर काढले. (छाया : विशाल महाकाळकर)

अंबाझरी एनआयटी, झाशी राणी चौक, पंचशील चौक, काचीपुरा, कॉटन मार्केट, लकडगंज आदी भागांत घरांमध्ये पाणी शिरले. एनएमसी अभिशमन दल, एनडीआरएफ, एसडीआरएफ, भारतीय लष्कर आणि आपदा भिन्न पथके अडकलेल्या लोकांच्या सुटकेसाठी तैनात करण्यात आली होती.

असे झाले नुकसान- वृत्/३

असे झाले रेस्क्यू आपरेशन

- शंकरनगर जवळील मुकवर्षि विद्यालयातील ४१ विद्यार्थ्यांना सुरक्षित बाहेर काढण्यात आले आहे.
- एलएडी कॉलेज हॉस्टेलच्या ५० विद्यार्थिनींना रेस्क्यू करण्यात आले.
- पार्वताबाई साखरे वांठा

समतालयातील यांच्या बाजूला असलेल्या प्रोपेडगावत सुखरूप काढण्यात आले.

- पंचशील चौक केंद्रात होस्टेलच्या मागे वेटना अस्पॉर्मिन्टजवळ कार्यालय जात होती. कारमुळे असलेल्या व्यथेतील रेस्क्यू केंद्रन बाहेर काढण्यात आले.
- मोरभवन बस स्टॅंड परिसरातून १४ लोकांना बाहेर काढण्यात आले.

- मातंगपूर येथून एका कुटुंबाला बाचविण्यात आले.
- कंभारपूर जुना-यागडगंज येथील धोकादायक घरातील नागरिकांना घरातून सुरक्षित जगती हलविण्यात आले आहे.
- वर्मा लेआउट आणि समता लेआऊटचे २४ नागरिक सुखरूप बाहेर काढण्यात आले.
- पंचशील चौक येथून ११ प्रवासी सुखरूप बाहेर काढले.

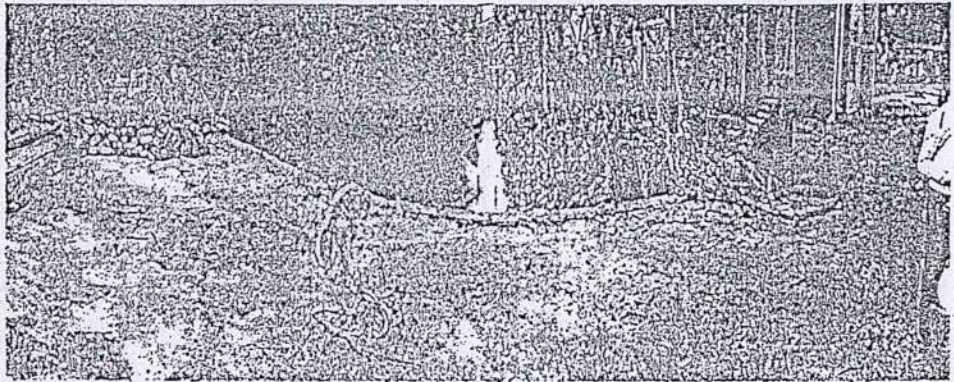
डागा ले-आउटचे स्केटिंग मंदान ठरले हाहाकाराला कारणीभूत

पुरामुळे प्रभावित डागा ले-आउट, कॉर्पोरेशन कॉलनी, गांधीनगरचा ग्राऊंड रिपोर्ट

मंगेश व्यवहारे/ विशाल महाकाळकर

लोकमत न्यूज नेटवर्क

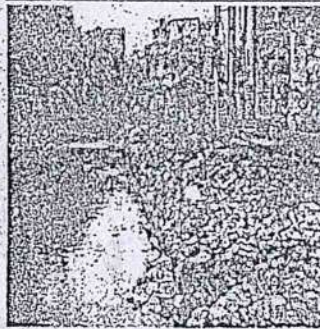
नागपूर : नागनदीला आलेल्या पुराने अंबाझरीच्या पावण्याची अवतरे डागा ले-आउट, कॉर्पोरेशन कॉलनी, गांधीनगर या भागांचे सर्वाधिक नुकसान केले. पुराचा जोर इतका होता की, पाकिमणीत कार बाहून एकमेकांवर चढत्या होत्या. ग्राऊंड प्लॉअरवरील प्रत्येक घराचे या पुराने उतोनत नुकसान केले. या बसण्या उद्घ्वस्त करण्यामागे अति पाऊस हे एकमेव कारण नसून नागनदीच्या प्रवाहात डागा ले-आउट येथे एनआयटी स्केटिंग रिगजवळ बांधिल्यात आल्यानेच लोकांचे मोठ्या प्रमाणात नुकसान झाले. लोकमतच्या चम्पूने सोमवारी नागनदीची पाहणी केली असता नुकसानीच्या मागेचे बरे कारण पुढे आले.



डागा ले-आउट येथील एनआयटीच्या स्केटिंग रिगचा हा पॅनल. येथे नागनदीवर स्लॅट टाऊन नदीचा प्रवाह थांबविण्यात आला आहे. पण सुरुवाती मध्यरात्री मुक्तकार पावसामुळे नागनदीला अस्तित्वा पुराने स्तंभणीत सुरुवात होऊन तोंडत बसल्याने पाणी शिल्ले.

डागा ले-आउटमधून झगत्या नाग नदीवर स्केटिंग रिग बांधिल्यात झाली आहे. या स्केटिंग रिगसाठी नागनदी स्लॅट टाऊनच्या आल्यामुळे नदीच्या प्रवाहाला उद्घ्वस्त आला आहे. स्केटिंग रिगमध्ये एक दोन मजली इमारत आहे. जी बंद पडली आहे. लोकमतच्या पत्रकारने या स्थळाची पाहणी केली. सुरुवाती मध्यरात्री झालेल्या मुक्तकार पावसामुळे अंबाझरी तलाव ओवरफ्लो झाला. नागनदीला प्रचंड पूर आला. पुराच्या पाण्याला प्रचंड प्रवाह होला. पण स्केटिंग रिगजवळ त्या प्रवाहाचा मार्ग थांबविल्याने पाण्याच्या प्रवाहाने स्तंभणीत सुरुवात होऊन तोंडती. स्केटिंग रिगजवळ असलेल्या दोन माळाच्या इमारतीवरून पाणी प्रचंड वेगाने डागा ले-आउटमध्ये शिल्ले. पुराने डागा ले-आउट बरोबरच कॉर्पोरेशन कॉलनी, गांधीनगर या वास्तव्यांमधी क्वेतेत घेतले आणि पुराच्या पाण्याने या वास्तव्यांमधील प्रत्येक घराचे नुकसान केले.

काचीपुरा वस्तीलाही नसता बसला फटका



घरामधेचून वाहणाऱ्या नागनदीच्या काठावर काचीपुरा वस्ती घडलेली आहे. काचीपुरा वस्तीतील नाग नदीची नित्य तुटलेली आहे. या भागात नागनदीची खोलीही कमी आहे. त्यामुळे नागनदीच्या पुराचे संपूर्ण पाणी काचीपुरा वस्तीत शिल्ले आणि लोकांचे प्रचंड नुकसान झाले.

सोमवारी या वस्तीमध्ये भेट दिल्यावर येथील महिलांच्या डोक्यात अकराः अर्ध तराळते. काजल फुलवले या अर्ध्या नागनदीच्या काठावर राहतात. त्यांच्या घराचा प्रचंड प्लॉअर पाण्याखाली आला होता. सोमवारी प्रत्येक घरापुढे कपडे, अंधकण पांघरून बाळगण्यासाठी ठेवले होते. उरावर झालेले पराधीन साहित्य लोकांनी नागनदीच्या काठावर फेकले होते.

पुराच्या पाण्याने तोंडल्या सुरक्षा भिंती

काचीपुरा वस्तीपासून ते डागा ले-आउटच्या स्केटिंग रिगपर्यंत लोकमतच्या पत्रकारने नागनदीचे छायाचित्र घेतले. घरामधेच कॉमन कॉलेजच्या भागाच्या भागातील नागनदीची भिंत अकराः कोसळलेली दिसून आली. पुढे शंकरनगर चौकातही सारख्या स्कुलजवळील नाग नदीची सुरक्षा भिंत कोसळलेली होती. शंकरनगर मुक्तकार शाळेजवळीलही सुरक्षा भिंत कोसळून शाळेत पाणी शिल्ले होते. साई सभागृहाला लागून असलेली सुरक्षा भिंतही पुराच्या पाण्यामुळे तुटून पडली. नागनदीजवळ सुरक्षा भिंती अतिरिक्त फुजव्या अन्वया आहेत. या सुरक्षा भिंती उंच कप्याबरोबरच डागा ले-आउट ते काचीपुरा दरम्यान नागनदीचे खोलीकरणही करण्याची गरज आहे.



लोकसत्ता

लोकमान्य लोकशक्ती

नाल्यातील अडथळांमुळेच वस्त्यांमध्ये पाणी

नागपुरातील महापूर

लोकसत्ता प्रतिनिधी

नागपूर : अंबाझरी तलावाजवळून पुढे शंकरनगर, रामदासपेठ, बर्डीकडे वाहणाऱ्या नाल्यातील पाण्याच्या प्रवाहात पक्के बांधकाम, काँक्रीटचा मलबा आणि तत्सम प्रकारचे अडथळे आल्याने पाणी शेजारच्या वस्त्यांमध्ये शिरल्याचे स्पष्ट झाले आहे.

शुक्रवारी

मध्यराच्या

अतिवृष्टीमुळे शहरातील प्रमुख नाले दुथडी भरून वाहू लागले. अंबाझरी तलावाजवळून वाहणाऱ्या नाल्यात तलावाचे पाणी शिरल्याने पूर आला. हा नाला गांधीनगर, शंकरनगर, रामदासपेठ, बर्डी व पुढे जातो. या नाल्यांच्या पुराचे पाणी अंबाझरी लेआऊट, काँपॅरिशन कॉलनी, शंकरनगर, सेंट्रल मॉल आणि लगतच्या वस्त्यांमध्ये शिरून मोठ्या प्रमाणात लोकांचे नुकसान झाले. सूत्रांनी दिलेल्या माहितीनुसार नाल्यावर अनेक ठिकाणी पक्के

पूरबळीची संख्या पाचवर

नागपूरमध्ये दोन दिवसांपूर्वी आलेल्या महापुरात दगावलेल्यांची संख्या पाचवर गेली आहे. पुराच्या दिवशी म्हणजे शनिवारी पहाटेच्या सुमारास दोन वेगवेगळ्या घटनेत घरात झोपलेल्या मीरा पिल्ले आणि संध्या दोरे दोन महिलांचा बुडून मृत्यू झाला होता. तर एका अज्ञात पुरुषाचा मृतदेह सीतावडी परिसरातील नाग नदीच्या प्रवाहात तरंगताना आढळून आला होता. त्या व्यक्तीची ओळख पटू शकली नव्हती. पुरानंतर आणखी दोघांचा मृत्यू झाला आहे. कृष्णकुमार बरखंडी (२२) तरुणाचा धंतोली परिसरातील एका हॉटेलच्या तळघरातील पाणी विद्युत पंपाच्या सहाय्याने बाहेर काढत असताना विजेचा धक्का लागून मृत्यू झाला तर ५२ वर्षीय संजय गाडेगावकर यांचा अजनी परिसरातील पाणी भरलेल्या खड्ड्यात पडून मृत्यू झाला आहे. आतापर्यंत महापुरामुळे मरणाऱ्यांची संख्या पाच झालेली आहे.

बांधकाम करण्यात आले आहे. अनेक जण येथे कचरा टाकतात. शंकरनगरजवळील नाल्यालगत एका शाळेची भिंत काही दिवसांपूर्वीच कोसळली होती व तिचा मलबाही नाल्यातच पडला होता. तोही काढण्यात आला नव्हता. नाल्याला पूर आला तेव्हा वेगाने येणारे पाणी पुढे जाण्याऐवजी मार्गातील अडथळांना अडून आजूबाजूच्या वस्त्यांमध्ये शिरले.

नाल्यातील पक्के बांधकाम

तोडले असते व त्यातील मलबा, कचरा योग्य पद्धतीने यापूर्वीच काढला असता तर पाण्याचा प्रवाह न अडता सरळ गेला असता व वस्त्यांना फटका बसला नसता. वहन क्षमतेपेक्षा अधिक पाणी नाल्यात आल्याने समस्या उद्भवल्याचे उपमुख्यमंत्री देवेंद्र फडणवीस यांनी रविवारी पूरग्रस्त भागाच्या दौऱ्याच्या वेळी सांगितले होते. पुरापासून धडा घेत नव्याने उपाययोजना करण्याचे सूतोवाचही त्यांनी केले होते.

लोकसत्ता

लोकमान्य लोकशक्ती

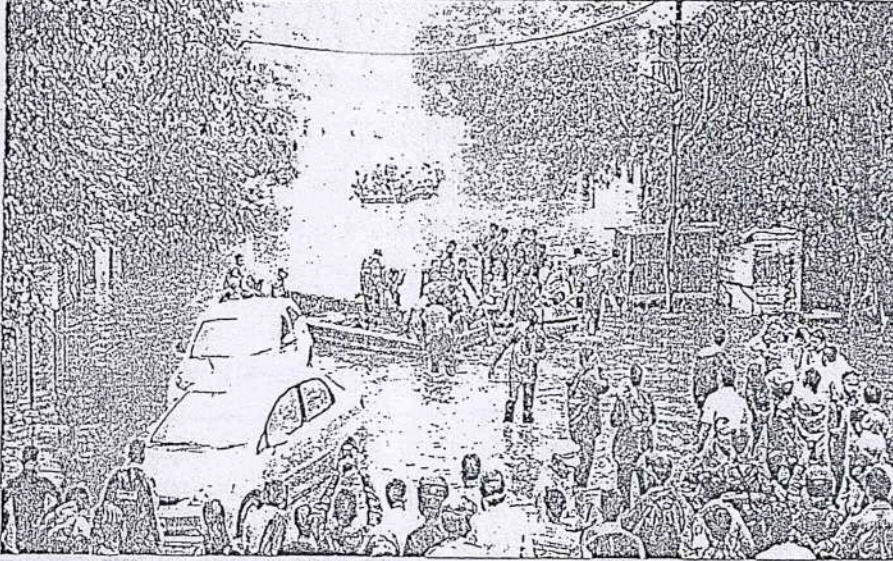
पावसाचे थैमान, विजांचे तांडव!

■ नागपूरकरांनी अनुभवली 'काळरात्र' ■ चार तासात तब्बल 900 मिमी पाऊस ■ अंबाझरी तलावाचे पाणी पोहोचले सीतान्डीत
■ चौफेर साचलेल्या पाण्याने अवघे शहर वेठीस ■ सहाशेवर नागरिकांना सुरक्षित बाहेर काढले

ल. अनैक घरांमध्ये पाणी शिरल्याने घाबरेलून असून घाब्यासह विजेच्या गहिल्याचे मोठे नुकसान झाले. नफराराह एनडीआरएफ, एमडीआरएफ, अग्निशमनच्या नव्यांनी नाकांच्या सहाय्याने हडाशेवर नागरिकांना सुरक्षित बाहेर काढले. शहरातील अनेक मारतांच्या वेसमेंटमध्ये पाणी गचले. अंबाझरी तलाव ओव्हर फ्लो झाल्याने डागा ले-आऊट, मॉनिटरिंग कॅमिरेमधील चारचाकी, पाण्याने दोनशे मोटरपर्यंत वाहून गेल्या. अंबाझरी ओव्हर फ्लो पाईप ते ३ पाईपमध्ये रस्ता पूर्ण खरडून गेल्याने बंद करण्यात आला. रेंड्रनगर, मनीषनगर, लोहापूल भरवूयांखाले पाणी जमा झाल्याने हे रस्ता बंद करण्यात आले. मध्यवर्ती र्वे स्थानक, मध्यवर्ती वसु स्थानक, पोरभवन बसस्थानक व गिरा मेट्रो स्टेशनमध्येही पाणी भरले. पंचशांत, झाशी राणी प्रकल्प रस्त्यांना नदीचे स्वरूप नाल्याने नागपूरकरांचे चांगलीच तेंडी झाली. शहराच्या प्रत्येक भागात पावसाचा दडाखा बसला.

व्हाट्यावर

क हवामान खात्यावरील देखील याची प्रचिती शनिवारी संकेतस्थव्वर शहरात शुक्रवार, र्ट देण्यात आला नव्हता. याउलट



प्रभावित वस्त्यांमधील नागरिकांचे स्थानांतरण

नदी तसेच नाल्यांच्या कटावर असलेल्या वस्त्यांमध्ये पाणी शिरल्याने जीवनाश्यक साहित्य व अन्य उपयोगी साहित्य पूर्णतः दुःखत्यामुळे जनावीन निस्कविले झाले. महापालिकेने वेळीच धोका ओळखून अशा वस्त्यांमधील नागरिकांचे परिसरातील शाळांमध्ये स्थानांतरण केले. स्थानांतरण केलेल्या नागरिकांना भोजनाचे पॅकेट्स, पाणी तसेच आवश्यक वस्तू, औषध आदीची व्यवस्था करण्यात आली आहे. महापालिकाद्वारे सुमारे १२ हजार नागरिकांना भोजन पॅकेट्स आणि आवश्यक वस्तू उपलब्ध करून देण्यात आलेल्या आहेत. शहरातील विविध स्वयंसेवी संस्था, हॉटेल्स आणि सेनाभावी व्यक्ती पावसानुळे प्रभावित नागरिकांच्या भोजन व्यवस्थेसाठी पुढे आले.

पूरवस्त्यांच्या मदतीला लष्कर

जिल्हाधिकारी कार्यालयाने लष्कराच्या उत्तर महापटू आणि गुजरात सैन्य परिषदाच्या मुख्यालयाकडे मदत मागितली. लष्कराने पुर मदत तुकडी पाठवली. भारतीय लष्कराच्या ट्रेन-तुकडीचे पुर मदत व बचाव कार्यासाठी अंबाझरी परिसरात साहित्य आणि बोटीसह तैनात करण्यात आल्या. लष्कराने वेगवेगळ्या वयोगटातील ६० हून अधिक लोकांचे सुटका केली आणि त्यांना वेढ्यातून मदतही पुरवली.

दहा झोनमधील

५०० घरांना फटका

मुसळधार पावसामु रत अनेक ठिकाणी झाडांच्या देखील पडझड झाली. बचाव कार्यस्वेवढच पडलेली झाडे बाजूला करण्यात आली. महापालिकेच्या अग्निशमन आणि आप्तवाणी सेवे पथकांने दहाही झोनमध्ये २२ ठिकाणी झाडे हटविली. शहरात अनेक ठिकाणी नाल्यांच्या निती देखील पडल्या. पावसानुळे नागपूर शहरातील दहाही झोनमधून सुमारे ५०० घरे बाधित झाली.

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लोकमान्य लोकशक्ती

नदीवर पार्किंगसाठी ६० फूट स्लॅब

अॅक्वा पार्कच्या

अतिक्रमणाचा फटका

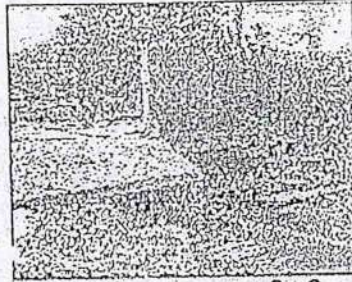
लोकसत्ता विशेष प्रतिनिधी

नागपूर : अंबाझरी तलावाच्या विसर्गाचा भाग अरुंद करणे, वाहनतळासाठी चक्क नदीवर ५० फुटांचे सिमेंट कॉंक्रीटचे स्लॅब टाकण्यासारखे प्रकार चागपूर-सुधार-प्रन्यास आणि बड्या व्यावसायिकांनी सत्ताध्यांच्या मदतीने केले आहे. यामुळे उत्तर अंबाझरी मार्गावरील अंबाझरी ले-आऊट, डागा ले-आऊट, कॉर्पोरेशन कॉलनी या वस्तांमध्ये पुराचे पाणी शिरल्याचे दिसून येत आहे.

क्रेझी कॅसल अॅक्वा पार्कच्या

मालकाने नदीपात्रावर अतिक्रमण केले. त्यामुळे नदीची रुंदी कमी झाली. तर एनआयटीला लागून असलेल्या डागा ले-आऊटमध्ये नाग नदीजवळ नागपूर सुधार प्रन्यासने 'स्केटिंग ग्राऊंड' उभारले आहे. या ग्राऊंडच्या वाहनतळासाठी अंबाझरी तलावाकडून येणाऱ्या नाग नदीवर सिमेंट कॉंक्रीटचे स्लॅब टाकण्यात आले आहे.

शुक्रवारी उत्तर रात्री झालेल्या



तत्कालीन सभापतींनी दिली परवानगी

नागपूर सुधार प्रन्यासच्या सभापतींच्या निवास्थानासमोर सेंट्रल मॉल आहे. ते अगदी नदीला लागून आहे. नियमानुसार बांधकाम झाले नाही. नदीला धोका असल्याचे सांगून नासुप्रने नोटीस बजावली होती. परंतु, नंतर तत्कालीन सभापती प्रवीण दराडे यांनी काही अटीवर मॉलच्या भागात व्यवसाय सुरू करण्याची परवानगी दिली.

मुसळधार पावसाने अंबाझरी तलावातून अचानक विसर्गाचे पाणी वाढले आणि हे या स्लॅबमुळे अडले. परिणामी डागा ले-आऊट आणि कॉर्पोरेशन कॉलनीमधील घरांमध्ये पाणी शिरले. यासंदर्भात विधान परिषदेचे विरोधी पक्षनेते अंबादास दानवे म्हणाले, स्केटिंग ग्राऊंडवरील पार्किंगच्या नावाने नाल्यावर नियमबाह्य स्लॅब

वाहनतळ पाडणार

क्रेझी कॅसल अॅक्वा पार्क असलेली जागा आता मेट्रोकडे देण्यात आली आहे. डागा ले-आऊटमध्ये स्केटिंग ग्राऊंड, वाहनतळ २५ वर्षांपासून बांधण्यात आले होते. नाग नदीवरील वाहनतळ तोडण्यात येईल. सेंट्रल मॉलच्या काही भागाला परवानगी आहे. तेथील हॉटेलच्या बांधकामास परवानगी नाही. - मनोजकुमार सूर्यवंशी,

आवश्यक उपाययोजना करणार क्रेझी कॅसल अॅक्वा पार्क एका खासगी कंपनीकडे होती. आता मेट्रो तेथे सौंदर्यीकरण करित आहे.

अंबाझरी तलावाचा विसर्ग योग्य प्रकारे व्हावा यासाठी आवश्यक ती उपाययोजना करण्यात येईल.

अखिलेश हळवे,
मुख्यजलसंपर्क अधिकारी, महामेट्रो.

टाकण्यात आले. या नाल्याचा अडथळ्याही पुराला जबाबदार आहे. याची चौकशी होऊन कारवाई झाली पाहिजे.

॥ लोकसत्ता ॥

लोकमान्य लोकशक्ती

पुस्तके भिजली, अभ्यास करायचा कसा?

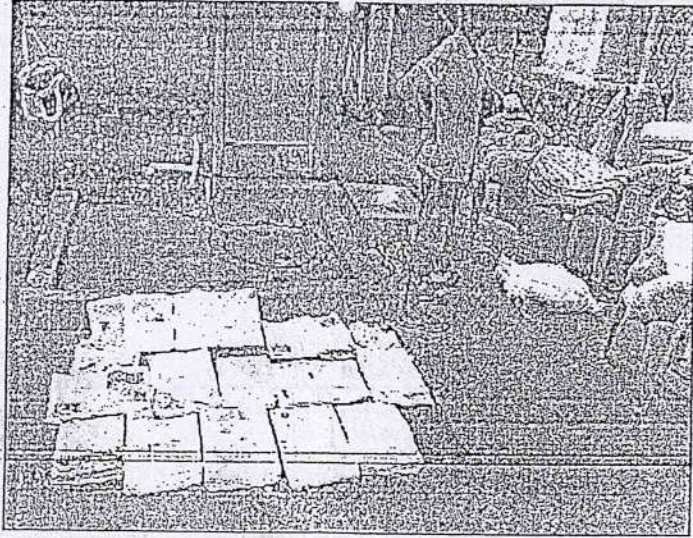
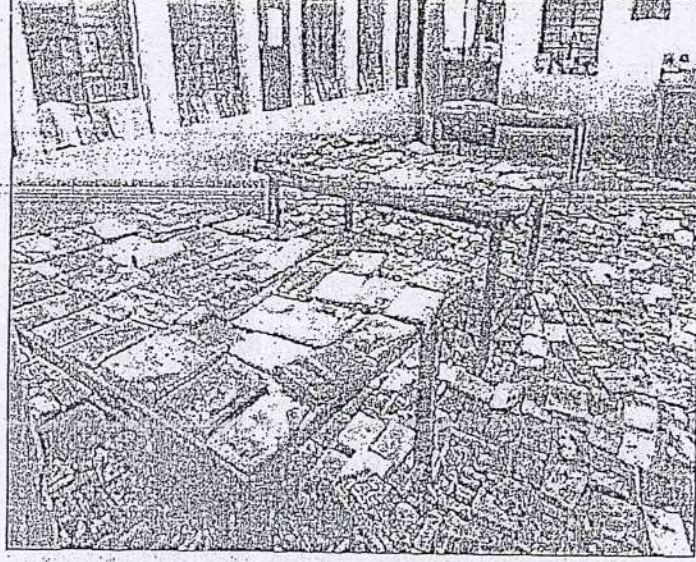
पूरबाधित वस्त्यांमधील
विद्यार्थ्यांसमोर प्रश्न;
जिल्हा ग्रंथालयातील चार
हजार पुस्तकेही पाण्यात

लोकसत्ता प्रतिनिधी

नागपूर : शनिवारी पहाटे आलेल्या पुरामुळे नाल्याकाटच्या वस्त्यांमध्ये पाणी शिरल्याने फक्त घरगुती साहित्याचेच नुकसान झाले नाही तर विद्यार्थ्यांची अभ्यासांची पुस्तके, व्ह्यासुद्धा भिजल्या. धंतोलीतील शासकीय जिल्हा ग्रंथालयातील चार हजारांवर पुस्तके पाण्याच्या विळख्यात सापडली.

नागपुरात पूर येऊन पाच दिवस झाले तरी पुरामुळे झालेल्या नुकसानीचे रोज नवनवे आकडे पुढे येत आहेत. मुलांच्या अभ्यासाची पुस्तके, व्ह्या, नोट्ससुद्धा खराब झाले आहेत. त्यामुळे मुलांनी अभ्यास कसा करावा, असा प्रश्न निर्माण झाला आहे.

डागा लेआऊट, काहीपुरा, ग्रेट नागरोडवरील नाल्यालगतच्या वस्त्यांमध्ये फेरफटका मारला असता अनेकांच्या अंगणात पुस्तके सुकायला टाकलेली दिसली. डागा लेआऊटमधील चांडक यांच्या अंगणात पुस्तके, व्ह्या सुकण्यासाठी ठेवण्यात आल्या होत्या. धंतोलीतील जिल्हा



धंतोलीच्या जिल्हा ग्रंथालयातील भिजलेली पुस्तके. दुसऱ्या छायाचित्रात घाटरोडवरील वस्त्यांमध्ये अंगणात अशी पुस्तके वाळू घालण्यात आली आहेत. (लोकसत्ता छायाचित्र)

ग्रंथालयात पुराचे पाणी शिरल्याने कप्प्यातील पुस्तकांना अधिक तेथील ग्रंथसंपदा भिजली. यात फटका बसला, असे जिल्हा अनेक महत्त्वाची पुस्तके आहेत. ग्रंथालय अधिकारी सोनोने यांनी लोखंडी रॅकच्या खालच्या सांगितले.

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तरुण भारत

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पुरामुळे तब्बल २७५ कोटींचा फटका

महानगरपालिकेचा
प्राथमिक अंदाज

११ किमी लांबीच्या
संरक्षक भिंती तुटल्या

३७ किमी रस्ते,
तीन पूल खचले

◆ नागपूर, २ ऑक्टोबर

उपराजधानीत २३

सप्टेंबरला झालेल्या अतिवृष्टीनंतर निर्माण झालेल्या पूरपरिस्थितीत पायाभूत सोईसुविधांचे मोठे नुकसान झाले. रस्ते वाहून जाण्याबरोबरच नाले, सांडपाणी वाहिन्या, पूल यांचेही मोठे नुकसान झाले. महापालिकेच्या प्राथमिक अंदाजानुसार हे नुकसान जवळपास २७५ कोटींच्या घरात आहे.

नागपुरात २३ सप्टेंबरला अतिवृष्टी होऊन अंबाझरी आणि गोरेवाडा तलाव ओव्हरफ्लो झाल्याने नाग नदी व पिवळी नदीतील पाण्याची पातळी जाटली होती. या पाण्यामुळे नाग नदीसह शहरातील नाल्यांना असलेल्या संरक्षक भिंतीचे नुकसान झाले. पावसामुळे शहरातील नाल्यांवरील ११ किलोमीटर लांबीच्या संरक्षक भिंतीचे नुकसान झाले आहे. ३७ किलोमीटरचे रस्ते व तीन पुलांचे नुकसान झाल्याचेही समोर आले आहे. झाशी राणी चौक ते पंचशील चौक या मार्गावरील एक पूल राष्ट्रीय महामार्ग प्राधिकरणांतर्गत येतो. काही ठिकाणी भिंत खचल्याने लगतच्या वस्त्यांमध्ये पाणी शिरले. त्यामुळे अनेक घरांमधील साहित्याचे मोठे नुकसान झाले. पुराचे पाणी घरांत

नेमके किती नुकसान झाले?

महापालिकेकडून शहरातील पायाभूत सुविधांचे नेमके किती नुकसान झाले, याचा अंदाज घेण्यात आला. ११ किलोमीटर लांबीची संरक्षक भिंत कोसळल्याने जवळपास १५० ते २०० कोटींचे अंदाजित नुकसान झाले आहे. संरक्षक भिंतीबरोबरच झाशी राणी चौकाजवळील पूल, पिवळी नदी परिसरातील सर्वश्रीनगर आणि तारकेश्वरनगर येथील पुलांचे जवळपास ४५ कोटींचे नुकसान झाले असल्याची माहिती अधिकाऱ्यांनी दिली.

३० कोटीचे डांबरी रस्ते उखडले

पुराच्या पाण्यामुळे रस्त्यांचे मोठे नुकसान झाले आहे. महापालिकेकडून सर्व दहाही झोनमध्ये प्राथमिक पाहणी करण्यात आली असून, जवळपास ३७ किलोमीटरच्या डांबरी रस्त्यांचे जवळपास ३० कोटी रुपयांचे नुकसान झाले आहे. महापालिकेकडून ३७ किलोमीटरच्या रस्त्यांचे नुकसान झाल्याचा दावा करण्यात येत असला तरी अंतर्गत रस्त्यांचेही मोठे नुकसान झाले आहे. पावसामुळे नव्याने सुरू झालेल्या पारडी उड्डाणपुलावरील रस्त्यांचेही मोठे नुकसान झाले आहे. कळमना मार्केट भागात नुकतेच डांबरीकरण करण्यात आलेल्या रस्त्यांचे मोठे नुकसान झाले आहे. यावरून शहरात निकृष्ट दर्जाचे काम झाले असल्याचे पुन्हा एकदा समोर आले आहे.

शिरल्याने

घरागुती

प्रशासनाकडून नुकसान झालेल्या घरांचे सर्वेक्षण करण्यात येत आहे. मात्र, जाहीर करण्यात आलेली मदत अत्यंत तोंकडी असल्याने नुकसानीची भरपाई कोण देणार, असा सवाल नागरिकांकडून उपस्थित केला जात आहे.

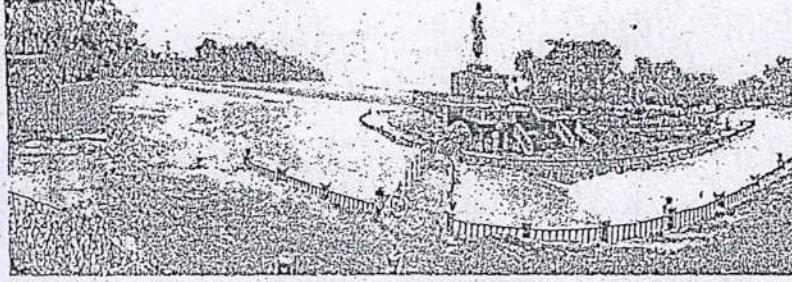
साहित्याबरोबरच वाहनांचेही मोठे नुकसान झाले. त्याचबरोबर सीतावडी परिसरातील दुकानदारांनाही पुराचा फटका बसला. हे नुकसानही कोट्यवधींच्या घरात आहे. महापालिका व जिल्हा

१ (तमा वृत्तसेवा)

मदत व पुनर्वसनमंत्री अनिल पाटील : नागपूरसाठी हिवाळी अधिवेशनात विशेष पॅकेज

अंबाझरी तलावाचे 'स्ट्रक्चरल ऑडिट'

लोकामत न्यूज नेटवर्क
नागपूर : भागील आठवडाभर झालेल्या अतिशुष्कतेमुळे नागपूर शहर व ग्रामीण भागात मोठे नुकसान झाले आहे. भविष्यात नुकसान होत नाही याचे व नुकसानसाठी एक विशेष पॅकेज देण्याचा प्रयत्न शासनाचा आहे. येत्या हिवाळी अधिवेशनात यावर अंतिम निर्णय घेण्यात येईल. त्यासाठी सर्व विभागांना एकत्रित करून अहवाल तयार करण्याची जबाबदारी जिल्हाधिकारी यांच्यावर सोपण्यात आली आहे. अशी माहिती मदत व पुनर्वसनमंत्री अनिल पाटील यांनी येथे दिली. अतिशुष्कतेमुळे झालेल्या नुकसानीचा आढावा मंत्री पाटील यांनी शुक्रवारी जिल्हाधिकारी कार्यालयात घेतला. त्यानंतर आयोगित पत्रकार परिषदेत त्यांनी उपरोक्त माहिती दिली. त्यांनी सांगितले, या नुकसानीसाठी नगर निगमस, ग्रामपंचायतस, तसेच मदत व पुनर्वसन या तीन विभागांचा संबंध आहे. नाग नदीची संरक्षण भिंत तुटली. नेमके किती नुकसान झाले, याचा प्रस्ताव आल्यावर काही निधी वेढाकडून मागण्यात येईल. तर



अंबाझरी ओढात पलो पॉइंटवरील पाण्याच्या प्रवाहाने परितर असा जलमय प्रवाह होतो. यानंतर झालेला हाहाकार नागपूरकर कधीच विसरू शकणार नाहीत.

पुढे निधी राज्य शासनकडून देण्यात येईल. कायमस्वरुपी उपामयोजना करण्यावर भर राहणार असल्याचे त्यांनी सांगितले. अंबाझरी तलावाचे स्ट्रक्चरल व नौन स्ट्रक्चरल ऑडिट करण्यात येईल. सिमेंट तसेच भटत व पुनर्वसन विभागाच्या संगणकीय ही कारवाई होईल, असे त्यांनी सांगितले. यावेळी आमदार आशिष जयसवाल, जिल्हाधिकारी डॉ. विपीन इटनकर, मनचा आयुक्त अभिजित चौधरी, सीईओ सोम्या शर्मा उपस्थित होते.

नाग नदीतील अडथळे दूर होतील

नाग नदीत पूल टाकून अडथळे निर्माण करण्यात आले. ते काढून टाकण्याच्या धोरणा कल्पवृक्ष आल्या. आवश्यक असल्यास हेम करून पूल तयार करावयात हरकत नाही. नदीच्या संरक्षण भिंतीचेही नुकसान झाले. त्यासाठीचा अंदाज १० दिवसांत तयार करून पाठण्याचे निर्देश मनपाला दिल्याचे पाटील यांनी सांगितले. नदीवर रागतचे अतिक्रमण काढण्यासाठी मनचा पातले उचलले. नदीच्या रेंड लाइन व ब्यू लाइनमध्ये घर बांधण्यात अतिक्रमण होत असल्याचे, फुडांचे फोटे तक्षत घेऊन अतिक्रमण काढण्याचा कारवाईचा निर्णय असुन घेतले, असेही सांगितले.

३ ऑक्टोबरपासून प्रत्यक्ष मदत वाटप

नदी, नाल्याचे पाणी नागरिकांच्या घरात शिरल्याने प्रचंड नुकसान झाले. अस्तापर्वत साडेबारा हजार पंचनामे झाले. नुकसानीचा अंका १६ ते १७ हजारच्या घनात झपाट्याने राहण्यात आहे. सर्वांचे पंचनामे करण्यात येत आहे. दोन-तीन दिवसात पंचनामे पूर्ण होतील. ३ ऑक्टोबरपासून प्रत्यक्ष १० हजार सानुग्रह अनुदान देण्याची कारवाई सुरु होईल. असे पाटील यांनी सांगितले.

वडेव्रीवारांकडून मागदर्शन घेऊ

माजी मंत्री विजय वडेव्रीवार यांनी नागपूरत एक हजार फोटेचे नुकसान झाल्याचे सांगितले आहे. यावर मदत व पुनर्वसनमंत्री अनिल पाटील यांना विचारले असता ते म्हणाले, माजी मंत्री वडेव्रीवार हे पारदर्शक आहेत. एक हजार फोटेचे नुकसान झाल्याची माहिती त्यांच्याकडून घेईल. त्यांनी त्यांच्या फाळात करा पद्धतीने मदत दिली. यावेळी मागदर्शन घेण्यात येईल. असेही पाटील यांनी सांगितले.

जिल्हाधिकार्यांचे विंगोष कोल्हा मदत व पुनर्वसन मंत्री अनिल पाटील यांनी वारंको जिल्हाधिकारी डॉ. विपीन इटनकर यांचे विशेष कॉटुक केले. रात्री तीन वाजता पूर आला आणि जिल्हाधिकारी सध्यातीन वाजता प्रत्यक्ष घटनास्थळी पोहोचले होते. प्रशासनातर्फे तातडीने उपयोज्यता सुरु करण्यात आल्या. एरुमव तळी येथेच्या कामाचे मंत्र्यांनी कॉटुक केले.

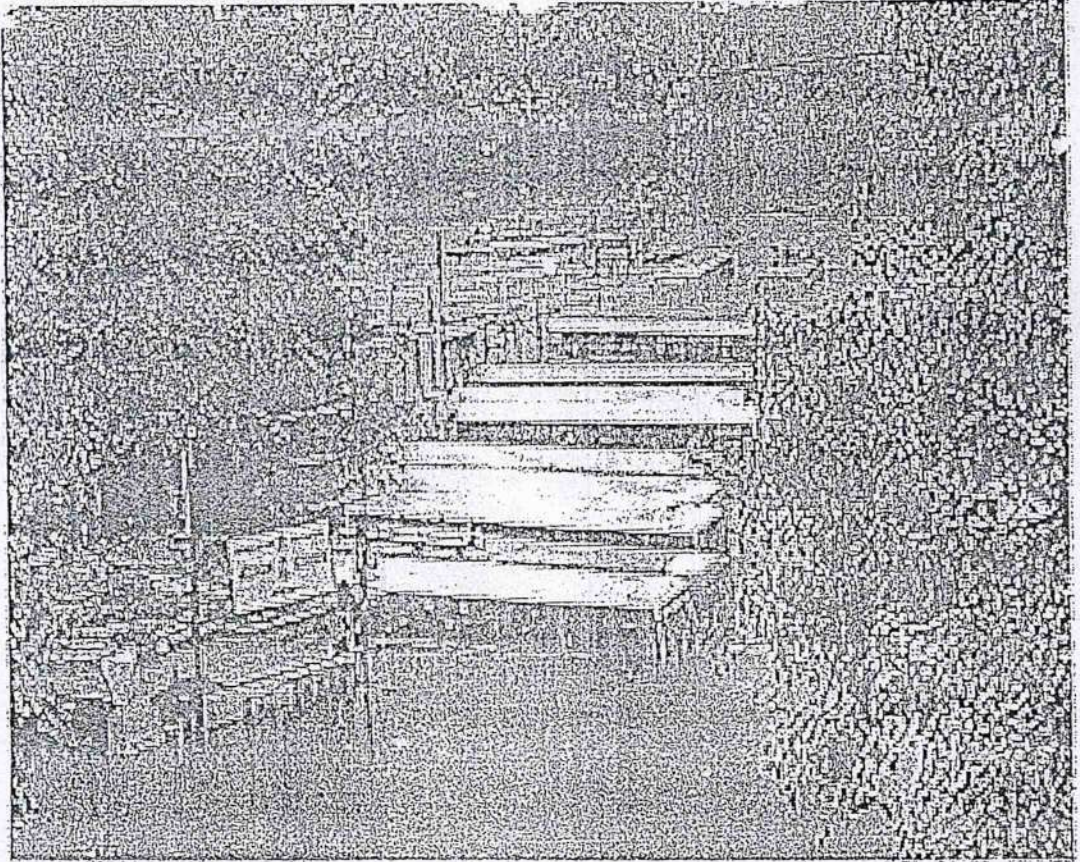
पैसे मागणाऱ्यांवर गुन्हे

सानुग्रह अनुदान मिळवून देण्यासाठी फाट्टीकडून आर्थिक मागणी होत असल्याच्या तक्रारी आहेत. अशांवर गुन्हे दाखल करण्याचे आदेश जिल्हाधिकार्यांना देण्यात आले. पाण्याने महत्वाच्या कामटपत्रांचे नुकसान झाले असले तर पंचनाम्यात त्याची नोंद करावयात हवी. भविष्यात हे पंचनामे महत्वाचे असले. त्यामुळे पंचनाम्यात सर्व माहिती घा, असेही त्यांचे सांगितले.

लोकमत

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होडी बनलेल्या बसमध्ये त्यांनी काढले चार तास मोरभवन बसस्थानक बनले तलाव



नरेश डोंगरे

लोकमत न्यूज नेटवर्क
नागपूर : रात्रीचे २ वाजले होते.
दिजांच्या कडकडाटाने रेस्टरूममध्ये
असलेल्या एसटीच्या चालक,
वाहकांची झोप उडाली होती. दाराच्या

शहराच्या मध्यवर्ती भागात
मोरभवन बसस्थानक आहे. या
स्थानकाच्या बाजूनेच मोठा नाला
वाहतो. बस स्थानकांच्या प्रांगणाचा
उतार त्याकडेच आहे. शुक्रवारी
मध्यरात्रीनंतर ढगफुटीसदृश पाऊस

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आतमधून पाणा रस्टरूममध्ये शिरत असल्याचे पाहून एकाने दरवाजा उघडला अन् पाण्याचा लोंढा अचानक आत शिरला. कंठरेपर्यंत पाणी आत आल्याने चालक-वाहकांनी आहे त्या स्थितीत खुंटीला टांगलेले कपडे हातात घेऊन स्थानक परिसरात उभ्या असलेल्या बसमध्ये धाव घेतली. काही वेळपर्यंत तेथे ठीक होते. नंतर मात्र पाणी हळूहळू वर येऊ लागले. बसच्या खिडक्यांच्या वीतभर खाली पाणी आल्याने बसचालक वाहकांचा जीव टांगणीला लागला होता. तब्बल चार तास त्यांनी तशीच प्रतीक्षा केली अन् अखेर सकाळी त्यांना आपत्ती निवारण पथकाची मदत मिळाली. ते सुखरूप बाहेर आले तेव्हा कुठे त्यांच्या जीवात जीव आला.

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कासळल्यामुळे मारभवन बसस्थानकात नाल्याचे पाणी शिरले. पाण्याचे प्रमाण एवढे जास्त होते की स्थानकाला तलावाचे स्वरूप आले. यावेळी स्थानकाच्या रस्टरूममध्ये १२ एसटी बसचे चालक, वाहक मुक्कामी होते. मेघगर्जना अशी होती की, लाखो नागपूरकरांसह या चालक, वाहकांचीही झोपमोड झाली होती. काही वेळेतच रस्टरूमच्या दारातून पाणी आत येऊ लागले. ते पाहून घाबरलेल्या एकाने दार उघडले आणि पाण्याचा लोंढा आतमध्ये शिरला. हे अभूतपूर्व दृश्य बसस्थानकात मुक्कामी असलेल्या या बसच्या चालक, वाहकांच्या काळजात धस्स करणारे होते.

पहाटे ३ वाजता
मागितली मदत- वृत्त/३

Hello Nagpur

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लोकमत

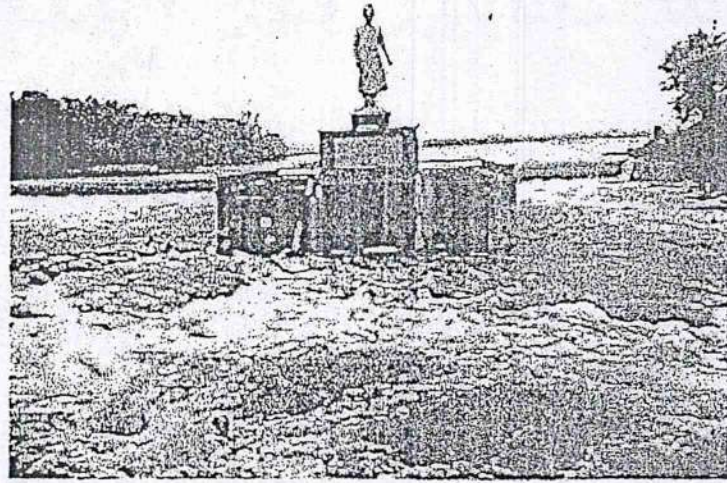
अंबाझरी बंधारा ६ वर्षांपूर्वीच बाद, मनपा मात्र झोपेतच

आशिष राॅय

लोकमत न्यूज नेटवर्क

नागपूर : शनिवारी आलेल्या पुरामुळे शहरातील विशेषतः अंबाझरी तलावाजवळील वस्त्यांमध्ये अतोनात नुकसान झाले आहे. धक्कादायक म्हणजे अंबाझरी तलावाच्या बंधान्याचे आयुष्य सहा वर्षांपूर्वीच संपले असून, नागपूर महानगरपालिका अद्याप गाढ झोपेत आहे. सुदैवाने या पुरात बंधारा फुटला नाही; पण, बंधारा फुटला असता तर.. हा विचारही थरकाप उडविणारा आहे.

महाराष्ट्र इंजिनीअरिंग रिसर्च इन्स्टिट्यूट (एमईआरआय), नाशिक या संस्थेने नागपूर महापालिकेला पत्र लिहून अंबाझरी तलावाच्या बंधान्याचे आयुष्य ऑगस्ट २०१७ मध्ये संपले असल्याचे सूचित केले होते. महामेट्रोच्या स्टेशनसाठी तलावाजवळ खोदकाम करण्यासाठी परवानगी देण्याच्या संदर्भात हे पत्र लिहिले होते. अनसूया काळे छाबराणी यांच्या नेतृत्वाखालील पर्यावरणवाद्यांच्या शिष्टमंडळाने महापालिका आयुक्त डॉ. अभिजित चौधरी यांची भेट घेऊन त्यांना सत्य



परिस्थितीची माहिती दिली. उपमुख्यमंत्री देवेंद्र फडणवीस यांनी बंधान्याचा अभ्यास करून तो मजबूत करण्याचे निर्देश दिले असल्याचे आयुक्तांनी सांगितले. त्यासाठी लागणारा पैसा राज्य सरकार देणार आहे.

छाबराणी यांनी 'लोकमत'ला सांगितले, महापालिकेने जी-२० सुशोभीकरणावर २०० कोटी रुपये आणि स्टॉर्म वॉटर ड्रेनेज नसलेल्या सिमेंट रस्त्यांवर शेकडो कोटींची उधळपट्टी केली. मात्र, बंधारा मजबूत

करण्याची तसदी घेतली नाही. बंधारा फुटला असता तर अकल्पनीय आपत्ती आली असती, अशी भावना त्यांनी व्यक्त केली.

पर्यावरणवादी जयदीप दास यांनी सांगितले, अंबाझरी बंधान्याला दगडाने पिचिंग करण्यासाठी महामेट्रोने महापालिकेला १० कोटी रुपये दिले होते; मात्र त्यातून काहीही केले गेले नाही. यावरून नागपूरकरांच्या जीवनाबाबत महापालिकेचे अधिकारी किती उदासीन आहेत, हे दिसून येत असल्याची टीका त्यांनी केली.

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लोकमत

३८५ कार पाण्यात; १०० कोटींचे नुकसान

पार्किंगमध्ये पाणीच पाणी : पाँश वस्त्यांनाही फटका

मोरेश्वर मानापुणे

लोकमत न्यूज नेटवर्क

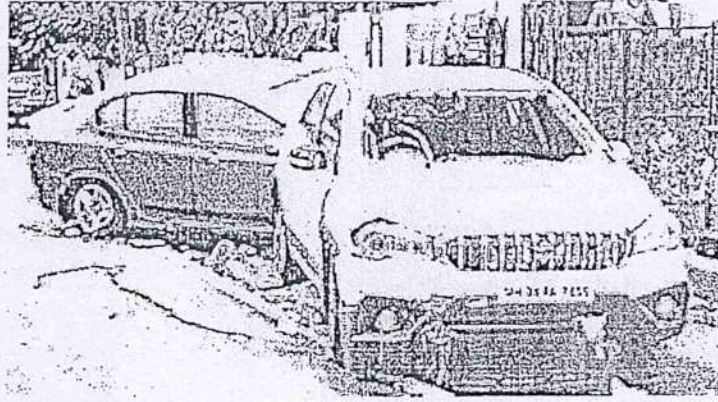
नागपूर : शनिवारी पहाटे आलेल्या मुसळधार पावसामुळे अंबाझरी तलावाखालील कॉर्पोरेशन कॉलनी, शंभता कॉलनी, वर्मा ले-आऊट, डाभा ले-आऊट, शंकरनगर, रामदासपेठ आणि लगतच्या काही भागांतील पार्किंगमध्ये ठेवलेल्या कार पूर्णपणे पाण्यात बुडाल्या.

सध्या बुडालेल्या कारच आकडा ३८५ असून, तो ६०० ते ७०० वर जाण्याची शक्यता आहे. त्यामुळे कार मालकांचे १०० हून अधिक कोटींचे नुकसान झाल्याचा अंदाज आहे.

पाण्यात बुडालेल्या कारचा आकडा १ हजारवर आहे. सध्या अग्निच्याकडे ४१ कार दुरुस्तीसाठी आल्या आहेत. विमा सर्वेक्षण झाल्यानंतरच दुरुस्ती सुरु होईल. याकरिता २ ते ३ दिवस लागतील. नंतर दुरुस्ती सुरु होईल. दुरुस्तीसाठी एक वा दोन महिने लागतील.

- करण पाटणी, संचालक,
अरुण मोटर्स मारुती सुझुकी.

१२ टोयोटा आणि ६ स्कौटा कार दुरुस्तीसाठी शोरूमच्या वर्कशॉपमध्ये आल्या आहेत. दुरुस्तीसाठी विशेष विमा प्रीमियम अवश्यक आहे. विमा कंपनीचा सर्व



विजेच्या खांबाला अडल्या कार

कॉर्पोरेशन कॉलनीची पाहणी केली असता, पुरात वाहून आलेल्या तीन कार विजेच्या खांबांना अडकलेल्या दिसून आल्या. या कारमध्ये पाणी साचले आहे. अनेक कंपन्यांचे वर्कशॉप रविवारी बंद असल्यामुळे सोमवारीपासून बंद कार मोठ्या प्रमाणात शोरूममध्ये दिसतील. या भागात विजेच्या खांबाला अडकलेली एक मारुती आल्तो कार कुणाची, हे अद्याप कळलेले नाही. येथील रहिवासी राजेंद्र वेगळे म्हणाले, घराच्या कपाड्याबाहेर ठेवलेली कार पाण्याचा धंज जास्त असल्याने रस्त्यावर आली. कारला दुरुस्तीसाठी मारुतीच्या वर्कशॉपचे प्रतिनिधी टोडेंड करून घेऊन गेले. प्रतिनिधीने सांगितल्यानुसार २० हजार रुपये भरले. आता ही कार ३० नोव्हेंबरला दुरुस्त होऊन मिळणार आहे. दुरुस्तीसाठी २ महिन्यांहून अधिक काळ लागणार आहे. अशीच स्थिती अग्य कार मालकांची आहे. काहीनी कार सुरु केल्यानंतर इंजिन त्राम झाले आहे, अशा कारच्या दुरुस्तीसाठी जास्त खर्च येणार आहे.

सर्वेक्षणानंतरच मिळणार विमा, दुरुस्तीसाठी किमान महिना

कारचे सर्वेक्षण सोमवारी सुरु होईल. प्रक्रियेनंतर मान्यतेसाठी कंपनीकडे पाठविण्यात येईल. सेवा ऑटोमोबाइलमध्ये अद्याप्यत ४० हून अधिक कार दुरुस्तीसाठी आल्या आहेत. सर्वाधिक फोन अंबाझरी,

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आजकालीनतऱव कारकी दुरस्ती सुलु
करु.

- उडेश घाटणी, संचालक,
घाटणी टोयोटा.

हजारीपहाड, शंकरनगर, रामदासपेठ या भागांतील लोकांचे येत आहेत.
त्यांच्या कार बर्कशॉपमध्ये अणण्यात येत आहेत. या कार दुरस्तीसाठी
किमान महिना लागेल. सध्या विम्यात इंजिन दुरस्तीचा समावेश आहे.

-विमा एजंट

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लोकसत्ता
लोकमान्य लोकशक्ती

इलेक्ट्रॉनिक वस्तू विक्रेत्यांना

पुराचा जबर फटका

धंतोलीत एका

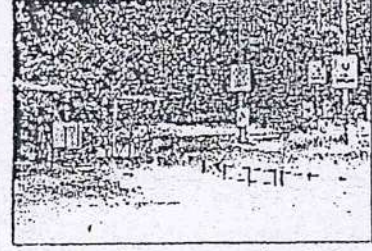
दुकानातील दोनशे

'लॅपटॉप' निकामी

लोकसत्ता प्रतिनिधी

नागपूर : नागनदी, नाल्यांना आलेल्या पुरामुळे बर्डी, धंतोलीतील इलेक्ट्रॉनिक वस्तू विक्रेत्यांच्या दुकानात पाणी शिरल्याने तेथील हजारो 'लॅपटॉप'सह, इतरही वस्तू निकामी झाल्या आहेत. यामुळे मोठे नुकसान झाल्याचे विक्रेते सांगतात.

नागपूरमधील पुराचा सर्वाधिक फटका बर्डी, धंतोलीतील व्यापाऱ्यांना बसला. या भागात ८ ते १० फूट पाणी साचले होते. धंतोलीत यशवंत स्टेडियमपुढे 'लॅपटॉप'सह इलेक्ट्रॉनिक वस्तू विक्रीची अनेक दुकाने आहेत. यापैकी अनेक तळमजल्यात असल्याने या दुकानांमध्ये पाणी शिरले. याच भागात 'सिल्वर सिस्टीम' हे



'लॅपटॉप'चे दुकान आहे. तेथील दोनशेवर 'लॅपटॉप' निकामी झाले. अशाच प्रकारे इतर पाच ते दहा दुकानांची स्थिती आहे.

'सिल्वर सिस्टीम'चे मालक सोनी केवलरामानी म्हणाले, पंचशील चौकातील नाल्याला आलेल्या पुराचे पाणी सर्वत्र पसरले. ते दुकानातही शिरले, माझ्या दुकानातील सुमारे दोनशे 'लॅपटॉप' निकामी झाले असून सुमारे दीड ते दोन कोटी रुपयांचे नुकसान झाले आहे. बर्डीतील तळमजल्यावरील कापडांच्या दुकानांनाही फटका बसला. सेंट्रल मॉल, बिग बाजारच्या तळघरात पाणी काढणे रविवारपर्यंत सुरू होते. तेथे ठेवण्यात आलेला सर्व माल खराब झाला होता.

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लोकसत्ता

लोकमान्य लोकशावदी

चार दिवस झाले, सरकारी मदत नाहीच!

लोकसत्ता प्रतिनिधी

नागापूर : नाग नदीवर प्रशासनानेच अनाधिकृत बांधकाम केल्याने सधन वस्त्यांमध्ये कधी नव्हे एवढे पुराचे पाणी आले. शुक्रवारच्या पहाट हे संकट कोसळले. परंतु, अद्याप सरकारी मदत पोहोचलेली नाही, अशा शब्दात जगा, ले-आऊट, कॉर्पोरेशन कॉलनी येथील नागरिकांनी संताप व्यक्त केला. पुरानंतर आज चौथ्या दिवशी देखील वारातील खराब झालेल्या वस्तूंची विल्हेवाट लावणे सुरुच होते.

जगा ले-आऊटमध्ये नाग नदीपासून काही अंतरावर असलेल्या कॉरसुथ अपार्टमेंटमध्ये तळमजल्यावर राहणाऱ्या सुनंदा बांदरे यांच्या घरातील अन्नधान्य इतर अत्यावश्यक वस्तू पुरामुळे

जगा ले-आऊट कॉर्पोरेशन कॉलनीविरुद्ध

दरवर्षी ५० लाखांचा खर्च व्यर्थ दीड टूक बाल फेकला

जगा ले-आऊट आणि कॉर्पोरेशन कॉलनीजवळ नागनदीला लागून स्केटिंग ग्राऊंड उभारण्यात आले आहे. नागदीवर तीन ते चार फुटाचे सिमेंट क्रॉकिटचे रस्तेंब टाकण्यात आले आहे. त्यामुळे वस्त्यांमध्ये पाणी शिरले. याबाबत सांगताना सुनंदा बांदरे म्हणाल्या, आम्ही सांगतो आहोत येशे साप येतात. दरवर्षी ५० लाख रुपये खर्च केले जातात. पण नदी काही स्वच्छ होत नाही.

खराब झाल्या. त्या चार दिवसांपासून घरापासून दूर आहेत. त्यांनी मुलगा, सुन आणि दान नातवंडासह रिक्तमे असलेल्या तिसऱ्या माळ्यावरील एका घरात आश्रय घेतला आहे. चार दिवसांपासून त्यांना भैत्रिणी, नातेवाईकांइत जेवण मिळत आहे.

याच परिसरात राहणारे वरुण सावजी म्हणाले, आमचे धान्याचे गोदाम पाण्याखाली गेले. महेंद्र चांडक म्हणाले, पुरामुळे निकामी झालेल्या वस्तूंची विल्हेवाट लावण्याचे काम गेल्या दोन दिवसांपासून सुरुच आहे. आतापर्यंत दीड टूक माल फेकून झाला आहे.

सुनंदा बांदरे यांची मुलगी पुण्याला राहते. मुलीने किरणा सामान ऑनलाईन पाठवला. त्यामुळे आज त्यांना घरचा चहा पिला आला. नातवंडाला मॅगी खायला मिळाली. सरकारकडून मात्र काहीच मदत न मिळाल्याचे बांदरे यांनी सांगितले.

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कर्मकरा

लोकमान्य लोकशाक्ती

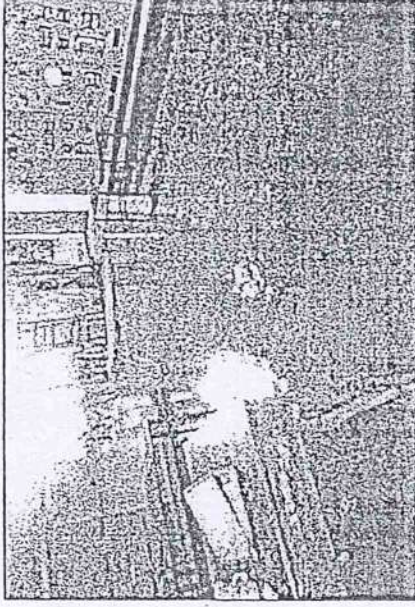
एक लाख नागापूरकर अंधारात

लोकसत्ता विशेष प्रतिनिधी

नागपूर : पावसांन झोडपल्यानं महावितरणचे शंकरनगर आणि इतरही अनेक सब स्टेशन आणि वीज यंत्रणा पाण्यात गेली. अनेक वस्तीमध्ये पाणी शिरल्याने महावितरणला रात्री २ पासूनच शहरातील अनेक भागातील वीज पुरवठा बंद करावा लागला. त्यामुळे सुमारे एक लाख ग्राहक अंधारात होते.

अनेक घरात ४ फुटांपर्यंत पाणी होते. यामुळे अनेक इमारतीमधील वीज मीटर भिजले. त्यामुळे महावितरणला अंबाझरीसह इतरही अनेक भागातील वीज पुरवठा खंडित करावा लागला. शंकरनगरमधील उपकेंद्रात पाणी साचल्याने तेथून वीजपुरवठा करणारे दोन पॉवर ट्रान्स्फॉर्मर बंद केले गेले. नाशिवाय

अनेक वीज उपकेंद्र पाण्यात



महावितरणच्या शंकरनगर सबस्टेशनमध्ये असे पाणी तुंबले होते.

११ कॅब्रीच्या १७ वाहिन्या आणि २५० वितरण रोहित्रांचा वीजपुरवठा बंद करण्यात आला. यामुळे सुमारे २५ हजार वीज ग्राहकांची वीज गेली. महावितरणची तत्सत्ता आणि करण्यात आला.

या परिसरांना अंधाराचा विळखा....

अंबाझरी, धरनपेठ, दाडिगे लेआऊट, रामनगर, शिवाजीनगर, त्रिकोणी पार्क, कांचीपुत्रा, हील टॉप, शंकरनगर, गोकुळपेठ, बजाजानगर, विद्यापीठ परिसर, कळमना, विनाकी, वंडापेठ, वाजरा, सुभानगर, राऊत चौक, नाईक तलाव, सेमिनरी हिल्स, महेश नगर, अहबाव कॉलनी, काटोल रोड, कोलाबास्वामी नगर, गंगानगर, मानकापूर, ग्रेटनाग रोड, बाबुळखेडा, सुभाष रोड, मेडिकल चौक, सत्रा मार्केट, बाडोज, हीवरीनगर, राजाबधा, अयोध्यानगर, महजानावाडी, दाभा, वानाडोंगरी, त्रिमूर्तीनगर या आणि सभोवतालच्या भागातील वीजपुरवठा खंडित करण्यात आला होता.

महावितरणच्या अधिकारी- कर्मकरांच्याची समतयसुपकता

वीज पुरवठा खंडित झाल्याचे कळताच महावितरणच्या अधिकारी- कर्मकरांच्यांनी त्यांच्या अनेक कार्यालयात पाणी तुंबले असतानाही क्षणाचाही विलंब न लावता घटनास्थळ गाठले. भर पावसात त्यांनी दुरुस्तीचे काम हाती घेतले. दुसरीकडे स्वतःच्या कार्यालयातील पाणी काढत तेथील वीज यंत्रणेत पाणी काढत तेथी पुरवू केले गेले. दरम्यान वीज यंत्रणेच्या दुरुस्तीला गती देण्यासाठी महावितरणचे प्रादेशिक संचालक सुहास रागरी, मुख्य अभियंता दिलीप दोडेक, अधीक्षक अभियंता अमित पराजपे आणि इतरही अधिकार्यांनी विविध भागात भेट देत कर्मचाऱ्यांना प्रोत्साहित केले.

लाकडे ओली, अंत्यसंस्कार थांबले

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मोदल धंजवाही
वाफिर कुवाही

लोकसत्ता विशेष प्रतिनिधी

नागापूर : काळीपुरा चौकातील तीनशेहून जास्त झोपडपट्ट्यामध्ये शुक्रवारी रात्री पाणी शिरले होते. हातावर पोट असलेल्या या घरातील कुटुंबीयांकडे अद्याप नागापूर महापालिकेचे सर्वेक्षण सोडा जीवनावश्यक वस्तूंच्या 'किट्स'ही पोहचल्या नाहीत.

काळीपुरा झोपडपट्ट्यांच्या किनाऱ्यावर लाकडी फर्निचरचे काम करून कुटुंबाच्या उदरनिर्वाह करणाऱ्या भूवनेश्वरी रेशन सोनवणे म्हणाल्या, शुक्रवारी रात्री त्यांच्या घरातही पाणी शिरले. तीन ते चार फूट पाणी असल्याने घरातील धान्यासह बरेच साहित्य खराब झाले. त्यामुळे ते फेकाचे लागले. सलग तीन दिवसांपासून रव्यच्छतचे

काळीपुऱ्या

लोकमान्य लोकशावती

काळीपुऱ्यात 'कठीण काळ'



काळीपुरा झोपडपट्टी परिसरात बंद असलेले फर्निचरचे काम.

काम हाती घेतल्यावरही अद्याप दुर्गंध कमी झालेला नाही. सध्या फर्निचरचे कामे बंद आहे. त्यामुळे घर चालवण्यासाठी उत्पन्नही बंद झाले आहे. दोन घास खाण्यासाठी कसेतरी उचनवारीवर किराना आणत असून त्यावर कसेतरी दिवस काढत आहे. या विषयावर राष्ट्रवादी काँग्रेस पक्षाच्या अजित पवार गटाचे शहर अध्यक्ष प्रशांत पवार म्हणाले,

या भागात सुमारे दोन हजारांवर गरिबांच्या झोपडपट्ट्या आहेत. त्यापैकी सुमारे ३०० हून अधिक घरात पावसाचे पाणी शिरले. या कुटुंबीयांना अद्यापही महापालिकेकडून दोनवेळचे जेवण करण्यासाठी आवश्यक किट्सही मिळाल्या नाहीत. महापालिकेने तातडीने या भागातील नागरिकांना मदत करण्याची गरज आहे.

केअर घ्यावा लागणाऱ्या फाईवही निजल्या

पवशील चौकातील केअर

रुग्णालयात

पाणी तुंबल्याने

शनिवारी पहाटे

झटपट

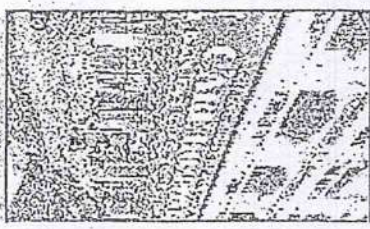
रुग्णांवाहिकेसून

येथील ७०

रुग्णां विविध

रुग्णालयात

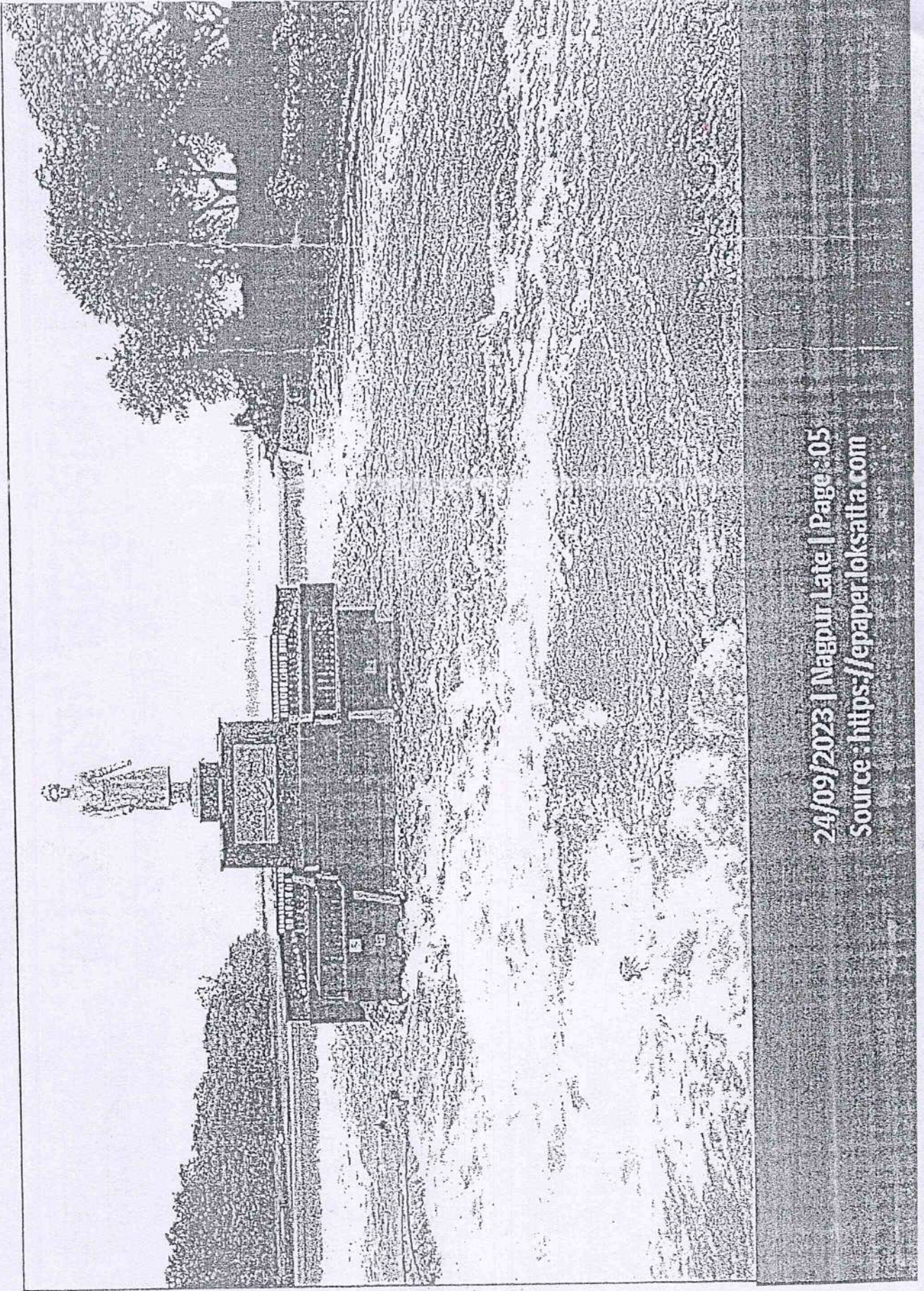
हलकण्यात



आले होते. परंतु, पावसाच्या तडख्यात येथील रुग्णांच्या फाईल भिजल्या. मगळवारी प्रशासनाकडून येथील जिऱ्यावर या फाईल वाळवण्याचे काम केले जात होते.

दरम्यान, महापालिका प्रशासनाने मात्र या भागात किट्स वाटल्याचा दावा केला.

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काव्यरत्न
लोकमान्य लोकशक्ती



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लोकशाखा

लोकमान्य लोकशाखा



TheHitavada Cityline

The complete city newspaper

EXCLUSIVE FOR THE READERS IN NAGPUR

cityline@thehitavada.com

WEDNESDAY, September 27, 2023

FLASH FLOOD

THE CULPRIT SPOT

COURTESY A LETHARGIC CIVIC ADMINISTRATION

Eichhornia a gift of Wadi sewage

By Kavak Shettacharya

By Kavak Shettacharya

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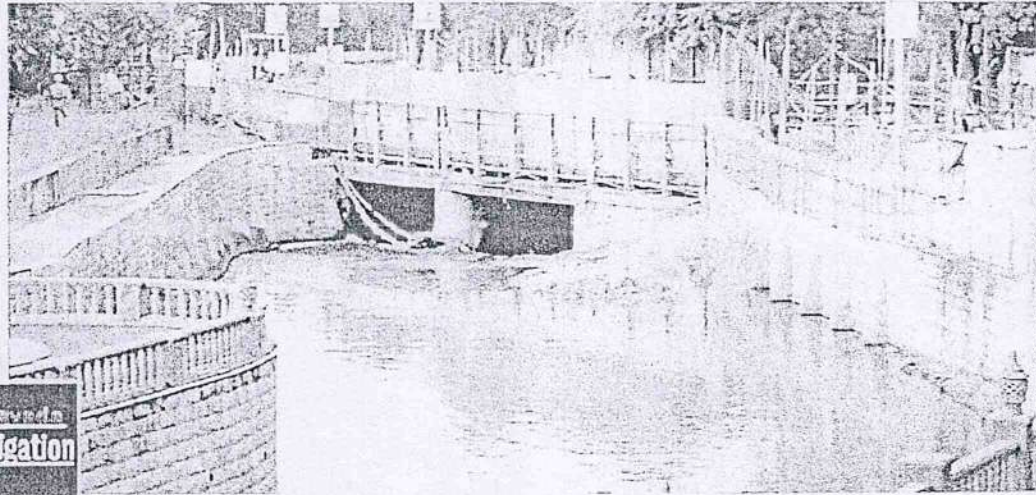
By Kavak Shettacharya

By Kavak Shettacharya

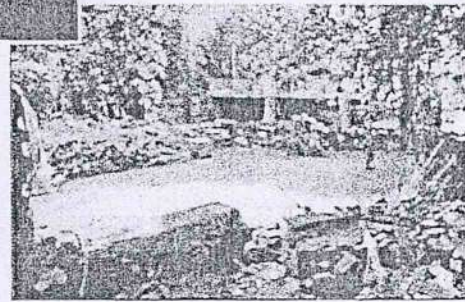
By Kavak Shettacharya

By Kavak Shettacharya

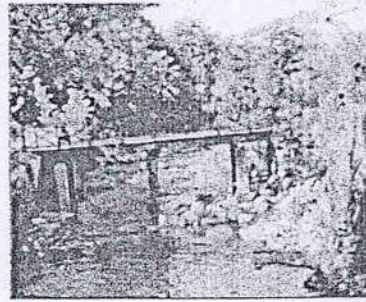
By Kavak Shettacharya



TheHitavada
Investigation



WADI WASTEWATER PROBLEM
The Nagpur Municipal Corporation (NMC) has been criticised for not taking adequate measures to prevent flooding in the Wadi area. The Corporation has been accused of not maintaining the drainage system properly and of not taking any steps to prevent the overflow of sewage into the streets. The Corporation has been accused of not taking any steps to prevent the overflow of sewage into the streets. The Corporation has been accused of not taking any steps to prevent the overflow of sewage into the streets.



'IRREVERSIBLE BLUNDER' - NAGPUR'S FATE ??

By Kavak Shettacharya

The Nagpur Municipal Corporation (NMC) has been criticised for not taking adequate measures to prevent flooding in the Wadi area. The Corporation has been accused of not maintaining the drainage system properly and of not taking any steps to prevent the overflow of sewage into the streets. The Corporation has been accused of not taking any steps to prevent the overflow of sewage into the streets.

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The road to the bridge in Nagpur, which is being hit by the floodwaters.

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- कानू मोदक
- कोकोनट मोदक
- पाँकलेट मोदक

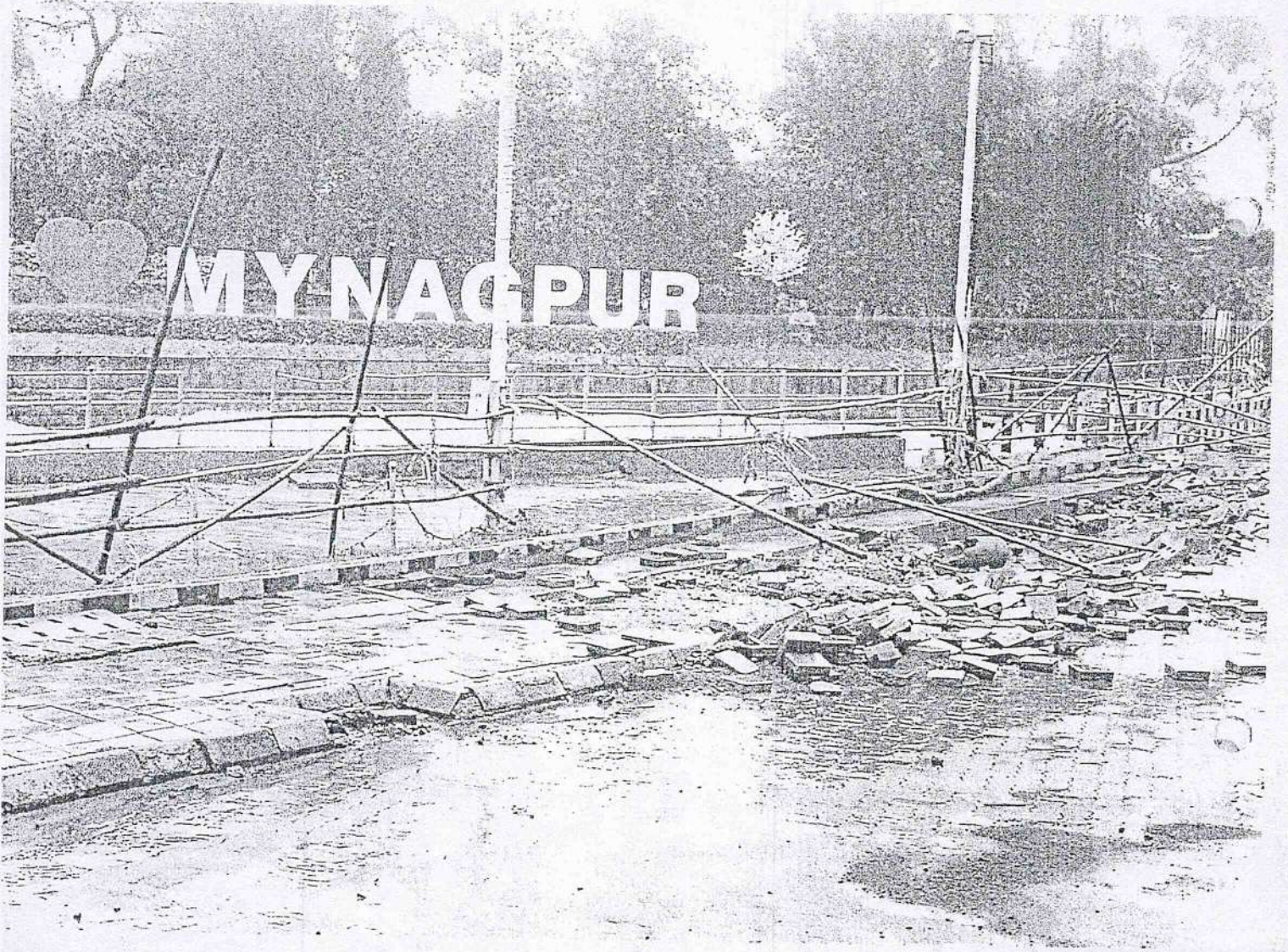
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Category	Rate
Group	100/-
Individual	50/-
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MYNAGPUR



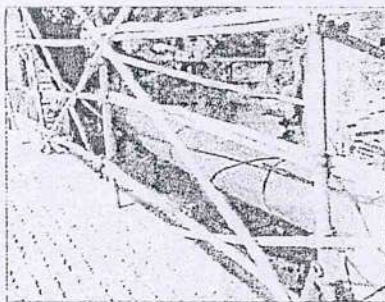
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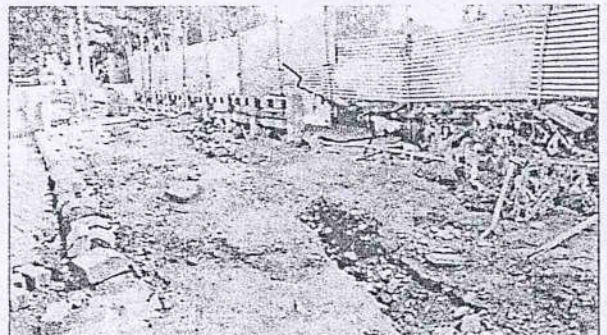
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'IRREVERSIBLE BLUNDER' - NAGPUR'S FATE??



(Clockwise from top) The bridge at the Ranga S. G. end of the Ambaran Lake, the collapsed wall of the culvert passing through Dana Layout, another stretch of the Nagar river where the retention wall has collapsed, the area behind Surajwadi Vihar Market, the damaged stretch on the North Ambaran flood. (Files by Satish Ghadi)



Continued from page 1

you already encouraged the traditional sources of water excavation and percolation in city. For example, there is no need to construct storm water drains on the slope of University Campus often the water can automatically find its way to low-lying areas," said Anis.

"Every dam must have open space for water excavation, but the Vivekanand Memorial at the overflow side of Ambaran lake is posing threat as it is obstructing the water flow during a flood-like situation," he added.

Sandeep Shirbhedar, eminent Structural Engineer and Hydrology Consultant of Nagpur, said, "The recent flood took place due to heavy rains in the catchment area of Ambaran lake. The flow of excess water crossed the retention point of the lake and moved further to Nagpur River. Low rain capture

that the flood water first damaged the bridge near the lake itself and then it damaged the bridge near Panchsheel Square."

Most of the bridges on Nagar River were constructed during British era and also they have already crossed their expected life. The space under these bridges is very narrow and it was not made to handle such a huge amount of water during monsoon. During the recent flood the space fails to handle the water flow and the flood water found its way into residential areas," adds Shirbhedar.

The lack of maintenance and proper management of garbage

under the bridges is also a major reason behind this flood. It is the main reason behind collapse of Panchsheel Square bridge during the recent flood," he said. Shirbhedar also said, the Vivekanand Memorial is a major cause of flood because it is obstructing the water flow of the lake at the time of heavy rains.

"Along with desilting of Nagar River there is an utmost need of widening of the river to handle such floods in future. The river conservation and proper and development to revive lost all tributaries of Nagar River. There is no natural outlet for Nagar River that helps to speed the flood water during

heavy rains," said the Hydrology Consultant.

According to Dr. Anjan Chatterjee, ex-Additional Director, Central Geological Survey of India, GSI, "The tonnes of garbage, industrial waste, human non-biodegradable and organic waste compounded by misbuilt civil structures impeded the seamless flow of all vulnerable rivers flowing across this city that have aided this disaster."

"Exhortations issued in the prevalence of the Ambaran Lake and also on the Nagar River aggravated the problem."

"The normal discharge of surface rain water to subsurface aquifers underground has

been severely been impaired by the cement roads, unscientific but licensed and illegal civil structures which were also culprits and are likely to be massive bottlenecks. These have the potential to cause immense loss of lives and property in future," said the Geologist.

"A scientific study needs to be conducted by an accredited institution and mitigation measures suggested thereafter need to be immediately acted upon, without any further delay from the non-scientific entities, many of whom have personal and non-social agendas," Dr Chatterjee added.

"Infrastructure development is need of the hour but the city fathers must know the importance of the city's environment. Nagpur is developing fast but the administration is ignored sustainable development and this flood is an eye-opener for all of us. Shirkanth Ekele, retired Assistant Chief Engineer, Water Resources Department said.

"In the name of development, we lost our natural sources of water that connects our Nagar River. As a result, the river is just conveying sewage through drainage lines connected with the water body," he further said.

The retired Chief Engineer

also blamed the spot of the Vivekanand Memorial which is proving a major obstruction to flood water.

"The recent flood took place due to heavy rains in Wardaria which is adjoining the catchment of Ambaran lake. The Vivekanand Memorial obstructed the flood water due to which it spilled over the residential areas. Dofrade claimed.

All the observations had been raised time and again by the media while warning of a major natural disaster. Yet, all of them seem to have left on deaf ears. This non-aidance has now put the fate of Nagpur city at stake."

Powered by the sun.

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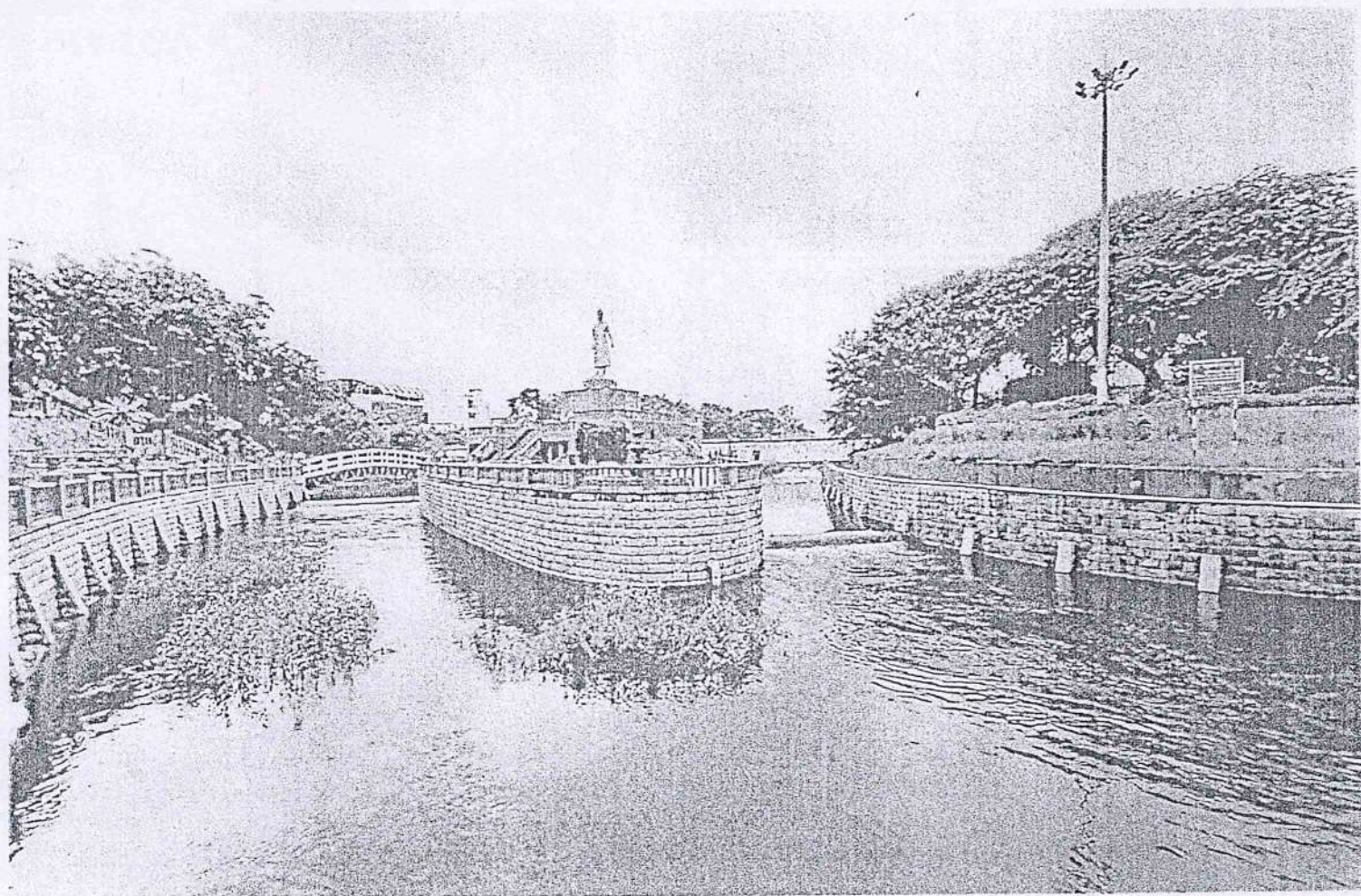


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Adv. J.V. Fadnis.

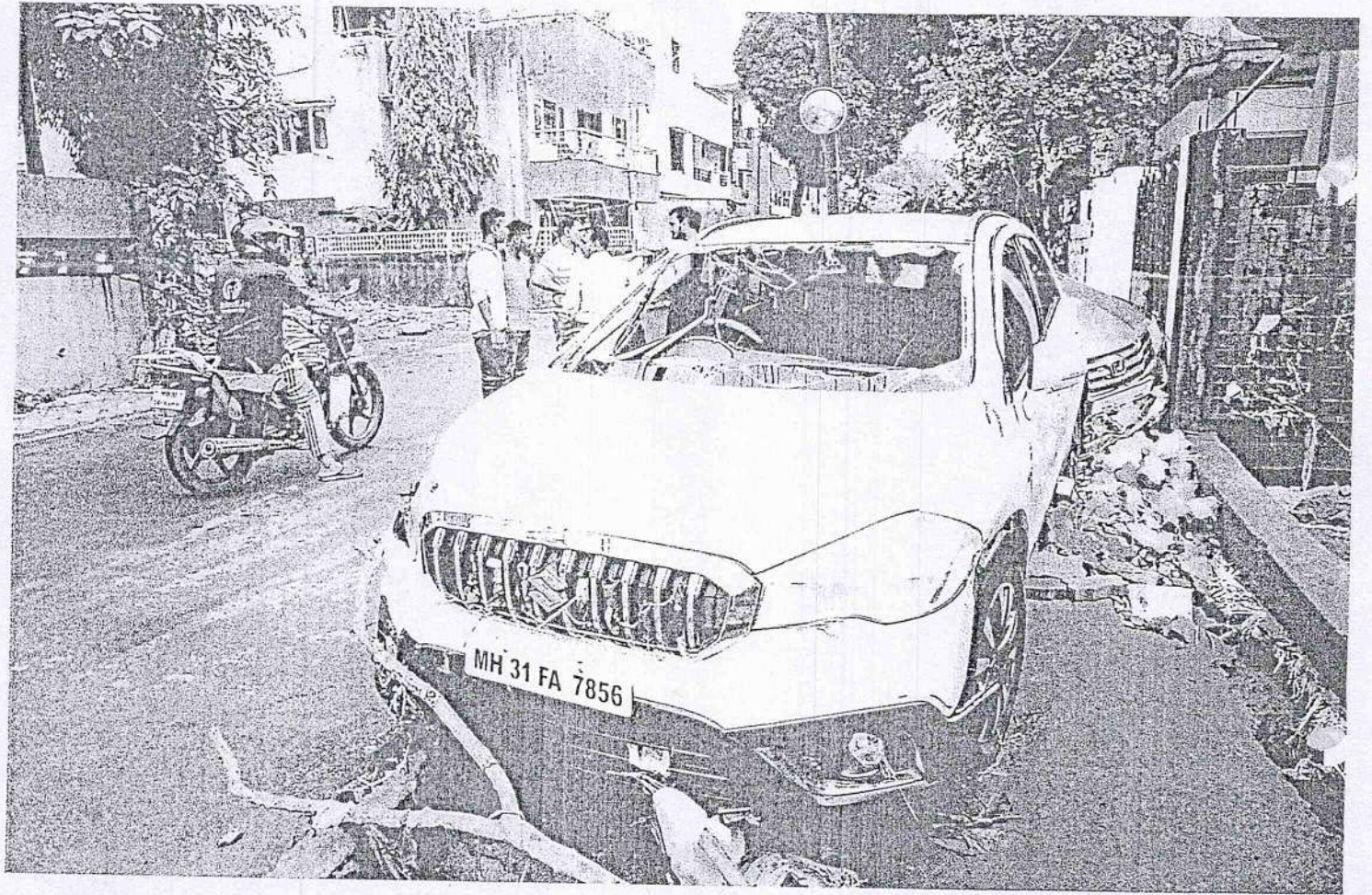
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ANNEXURE P-02

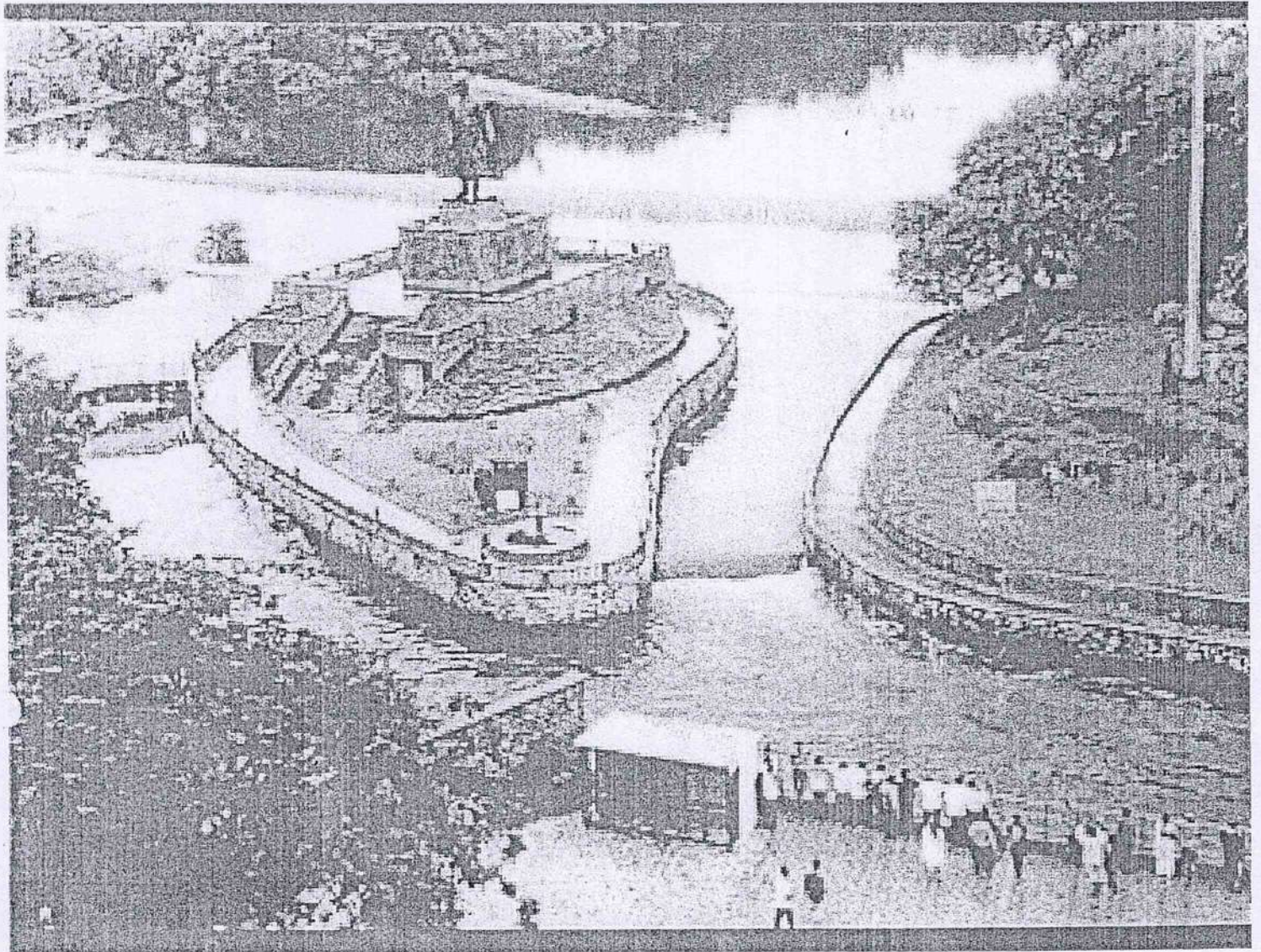


" VIVEKANAND SMARAK "
CONSTRUCTED BY NMC

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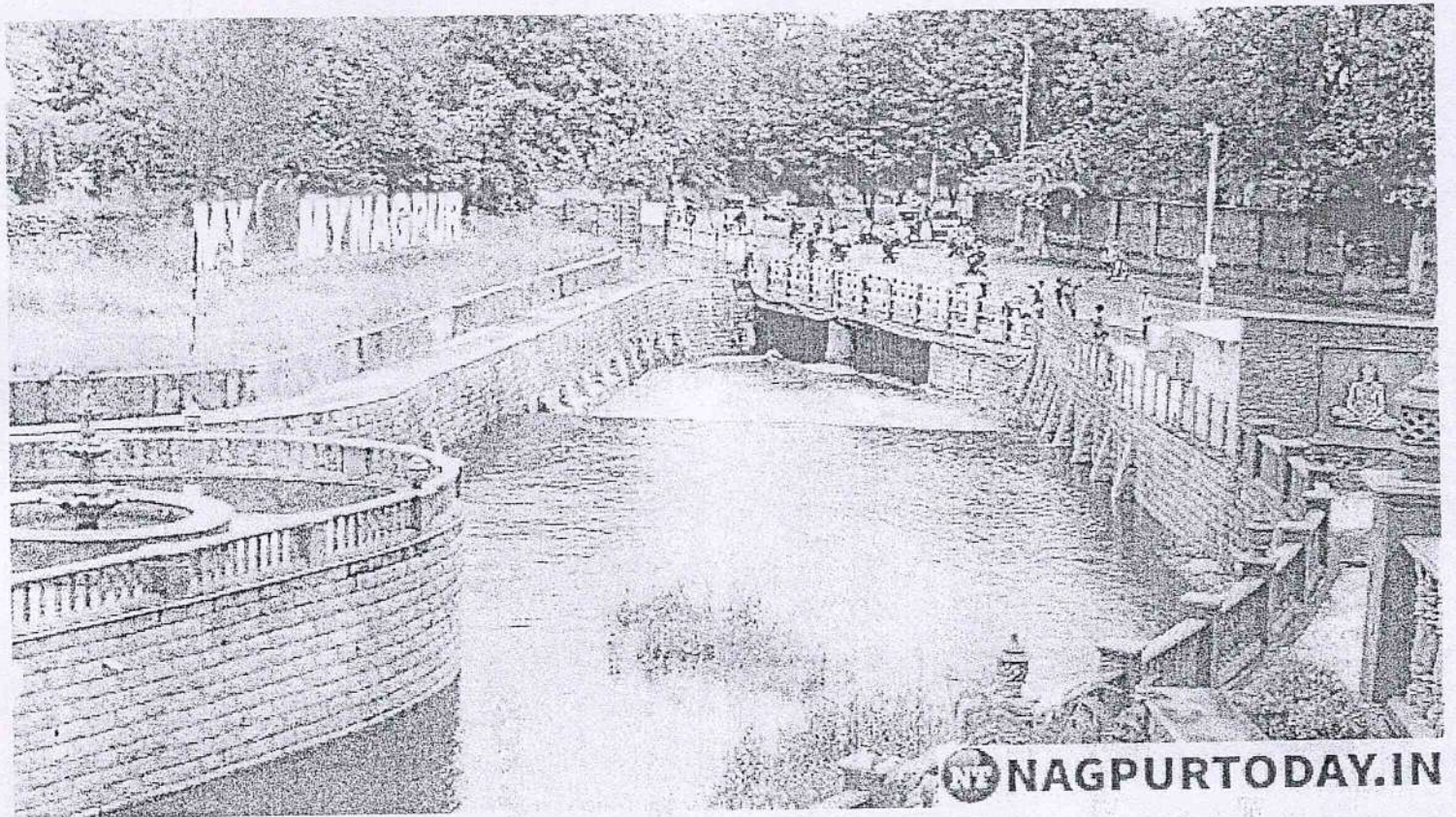


VIVEKAMAND SIKARAK
CONSTRUCTED BY NDMC

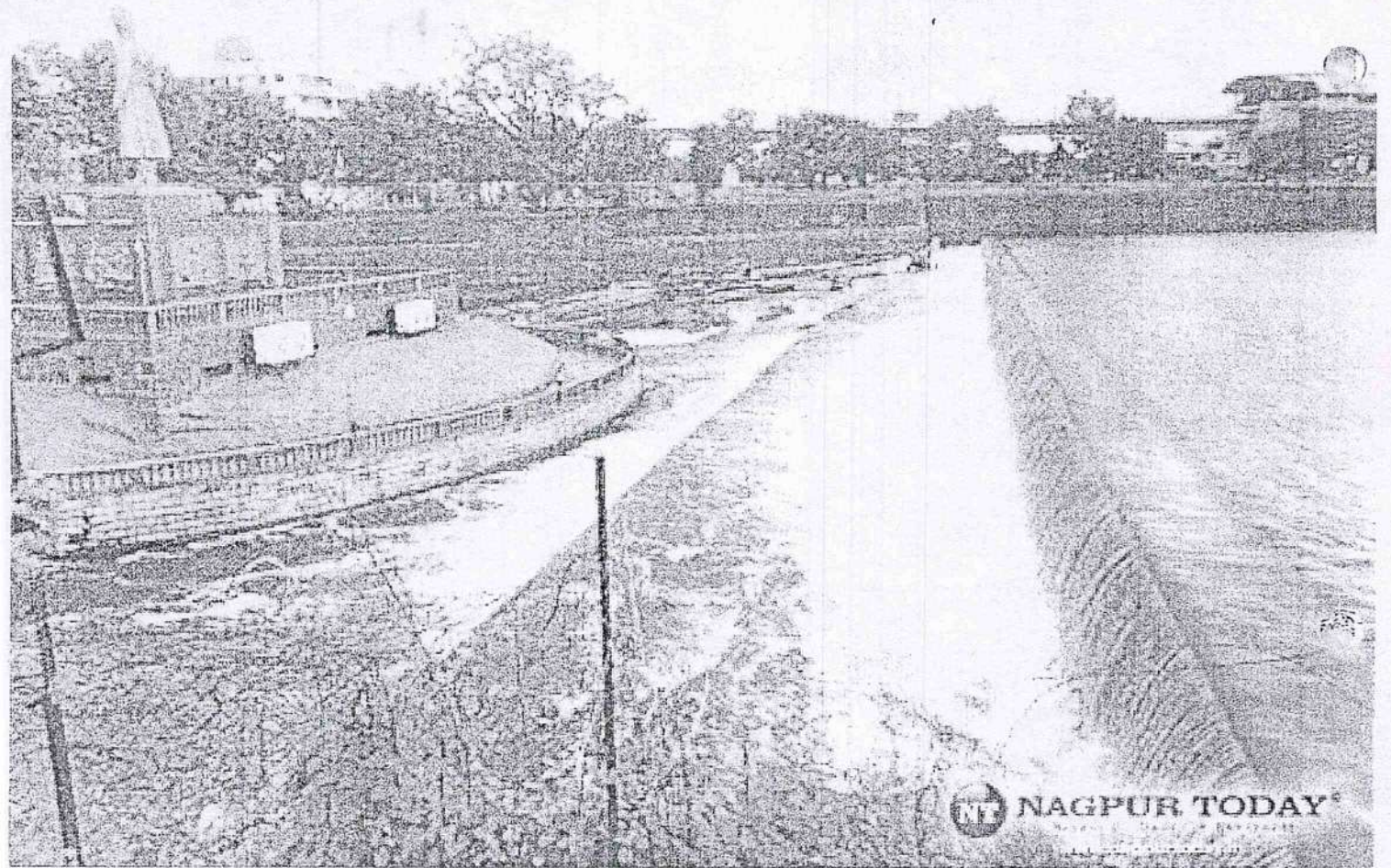
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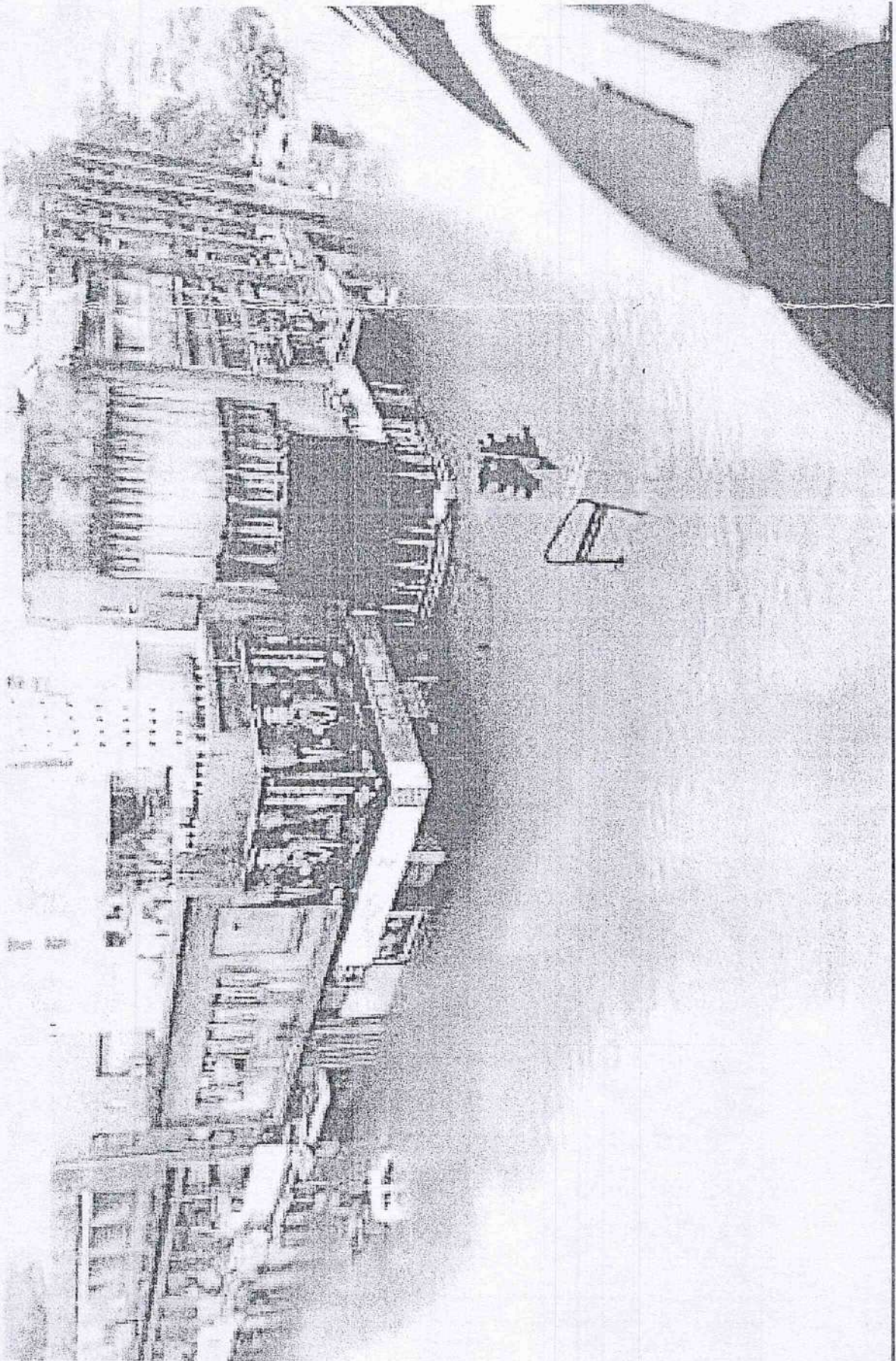
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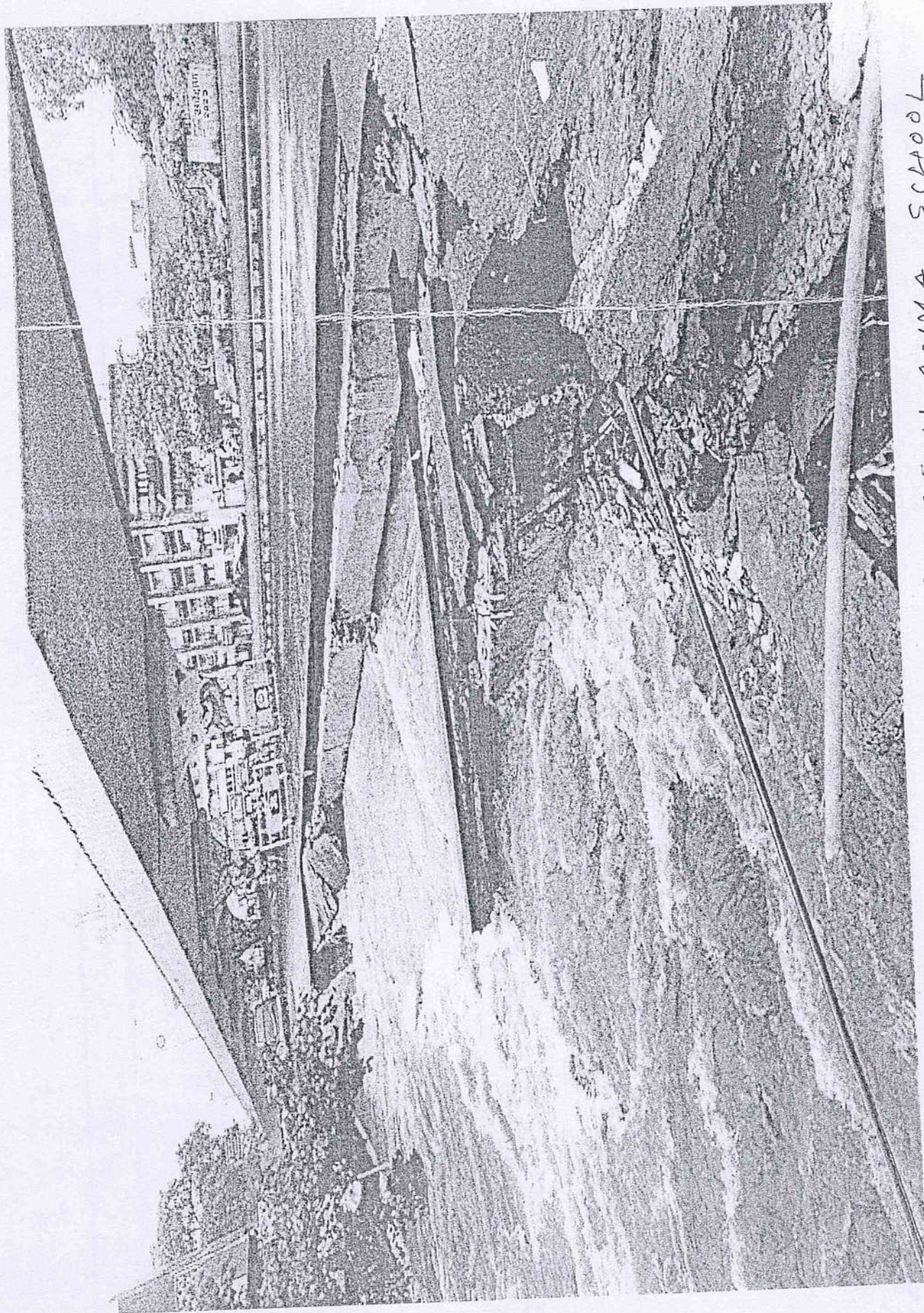
PANCHSHEEL SQUARE



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OPPOSITE DHIRENKANYA SCHOOL

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CANAL ROAD RADIDASPETH

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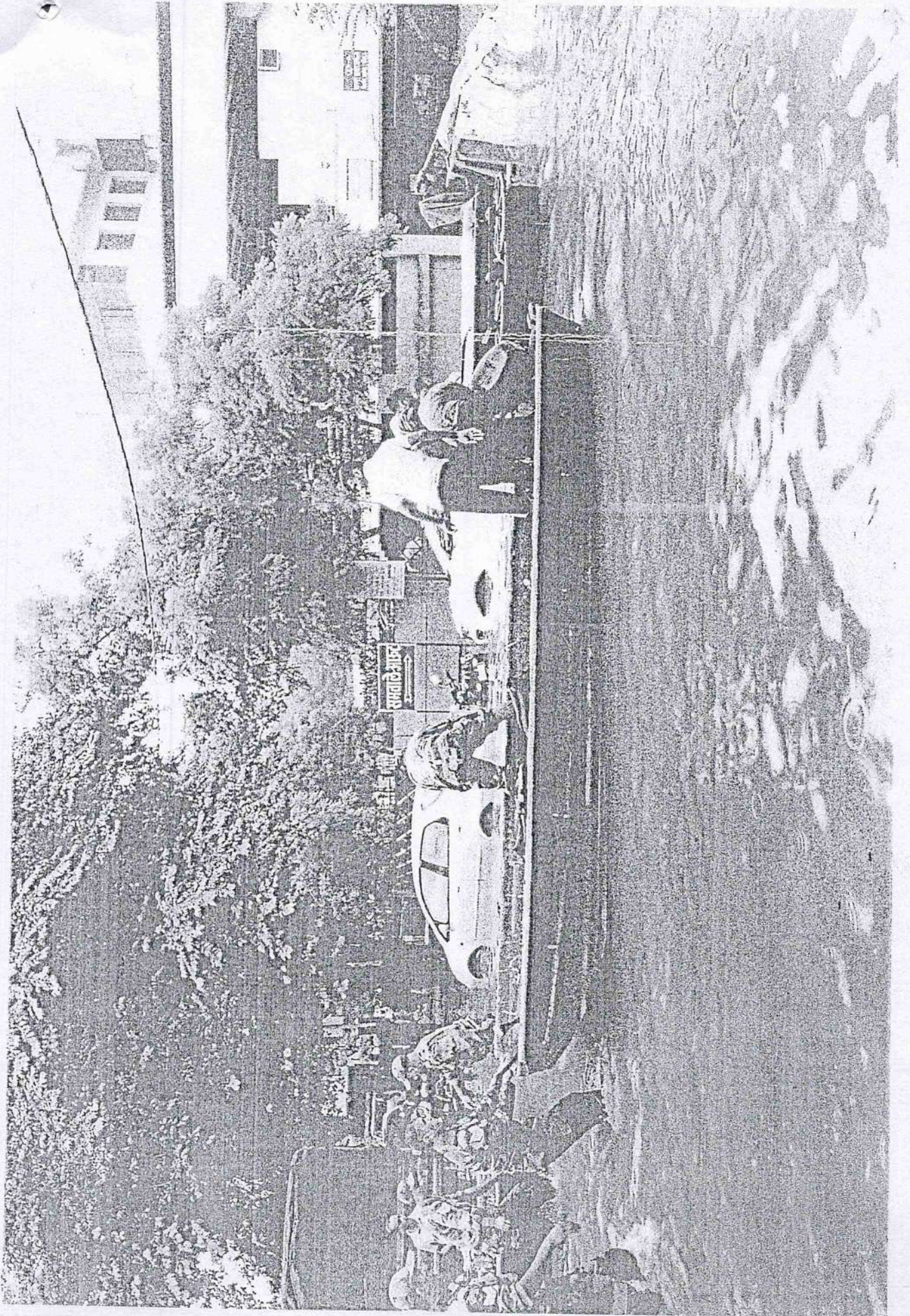


ARMY AT CORPORATION COLONY

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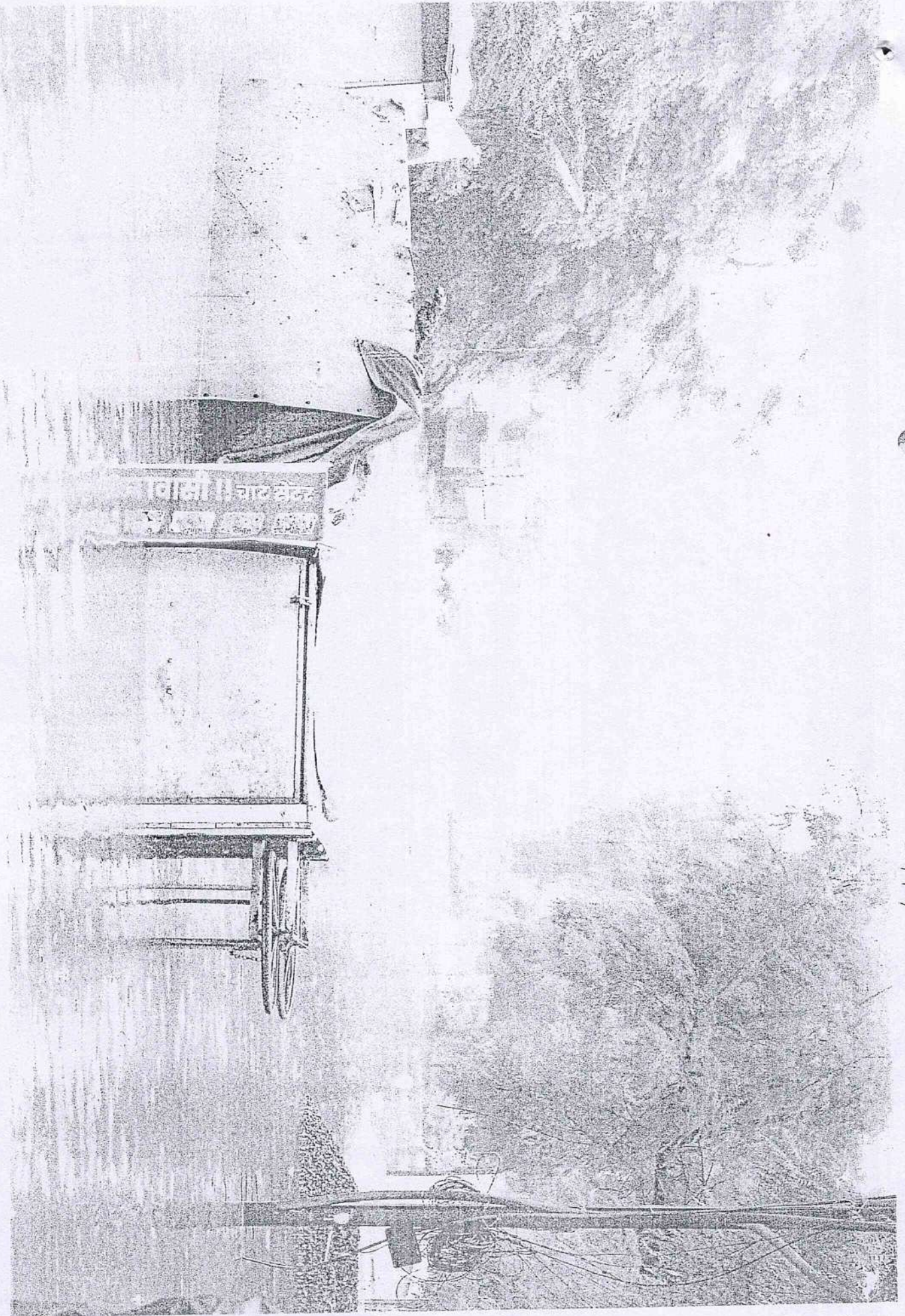
PANCHSHEEL SQUARE



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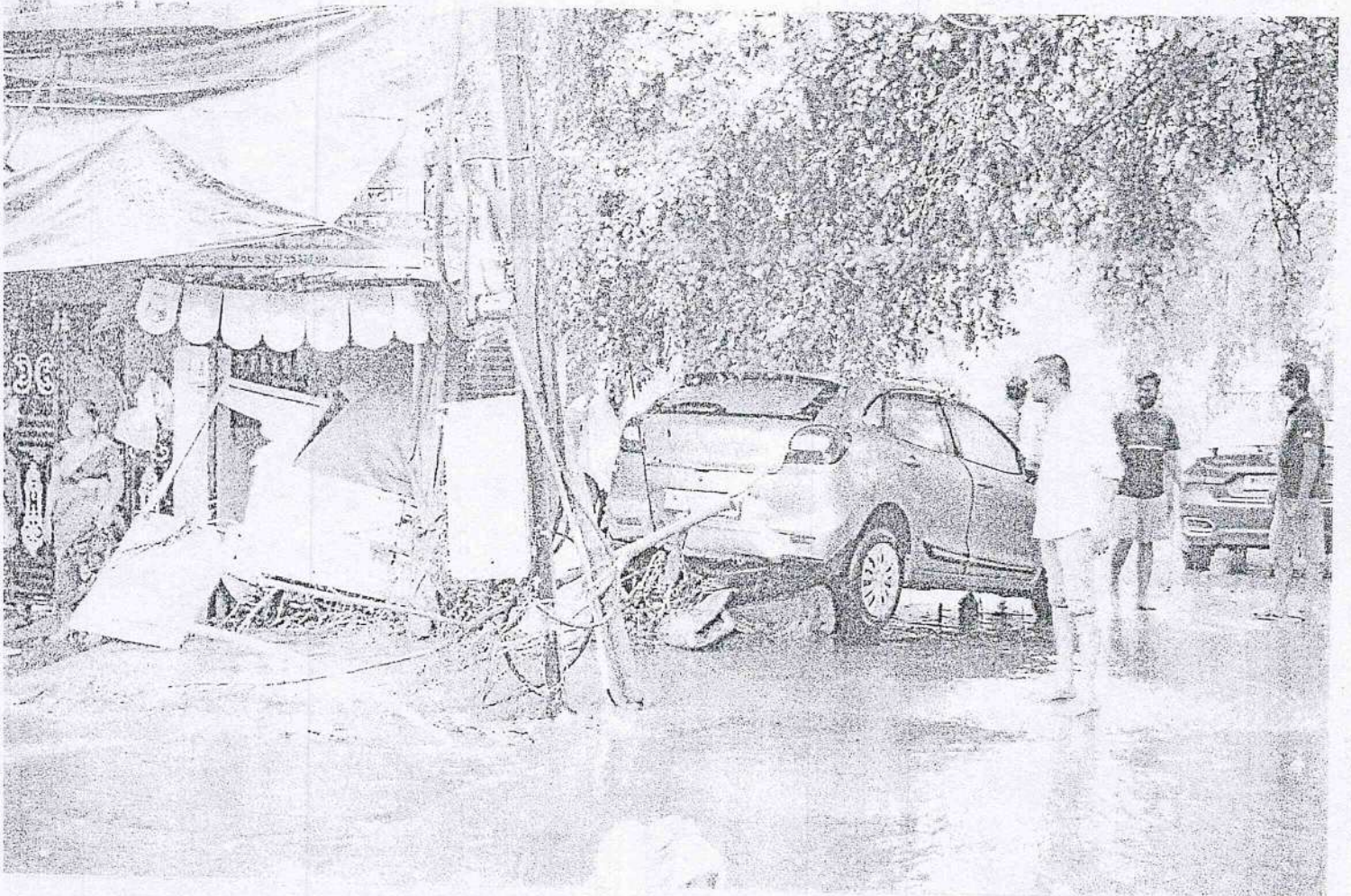
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CORPORATION
CELESTINE

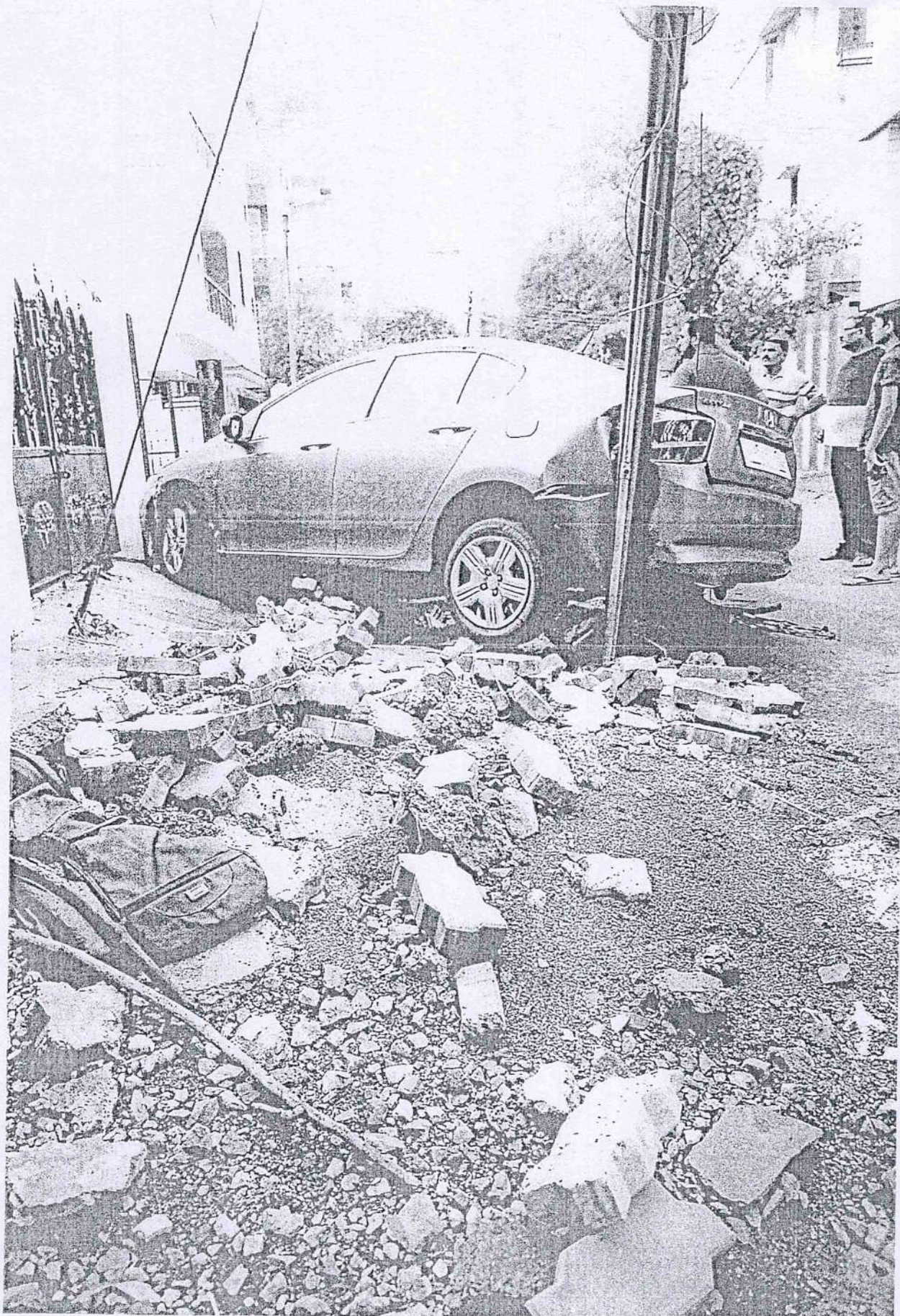


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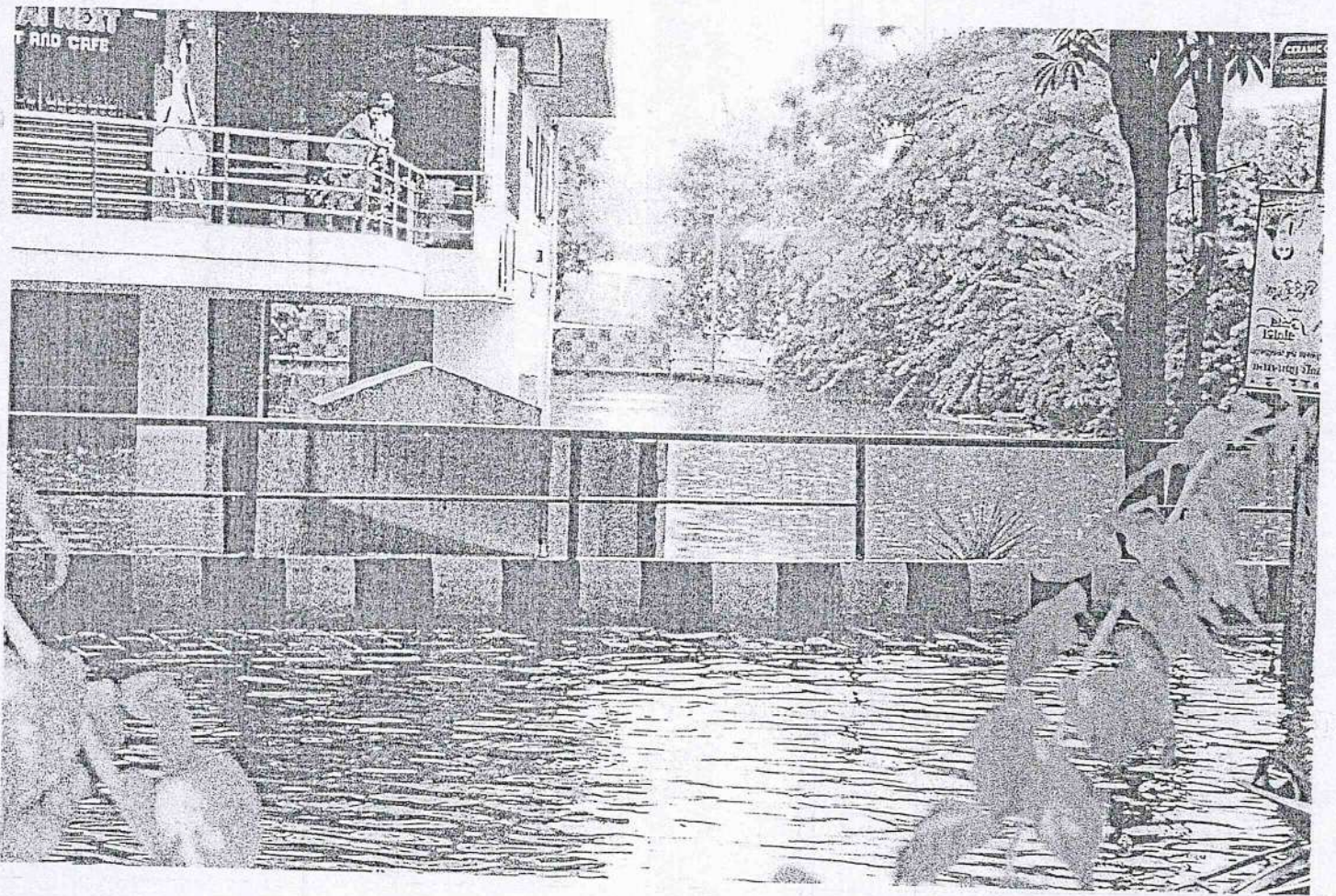


CORPORATION COLONY



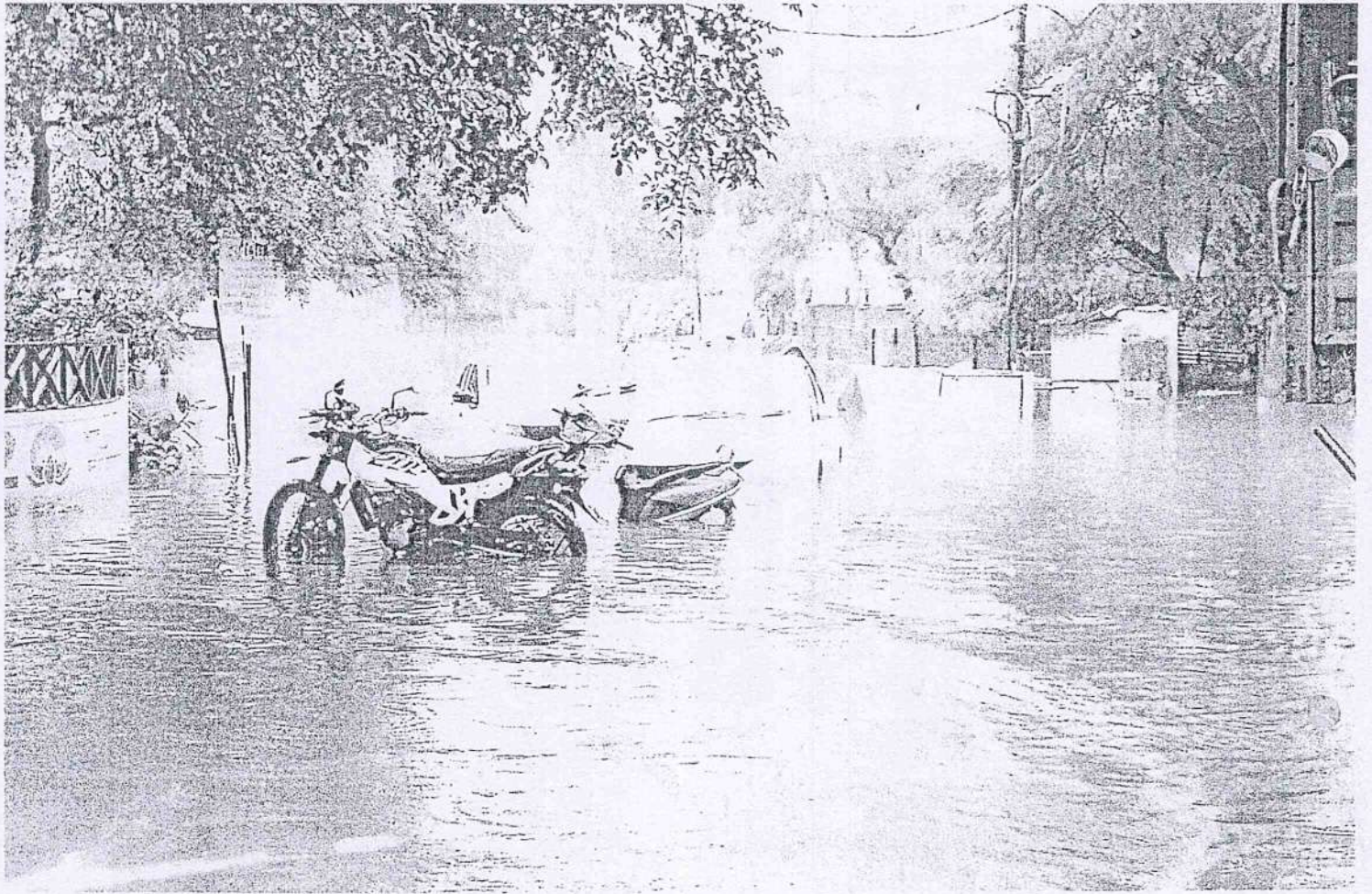
CORPORATION COLONY.

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NIT COMPLEX, AMBAZARI

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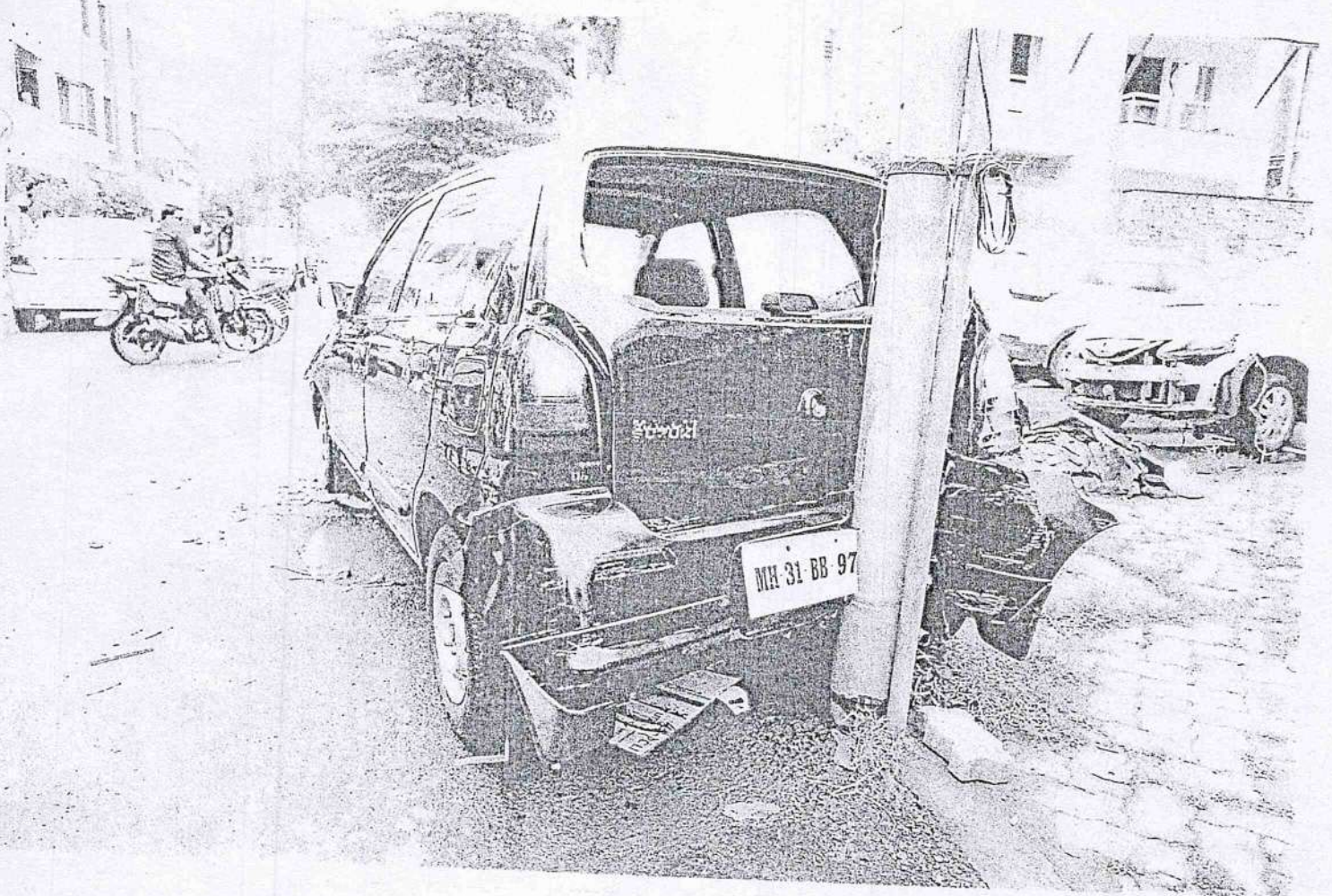


NIT COMPLEX, AMBAZARI

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CORPORATION COLONY

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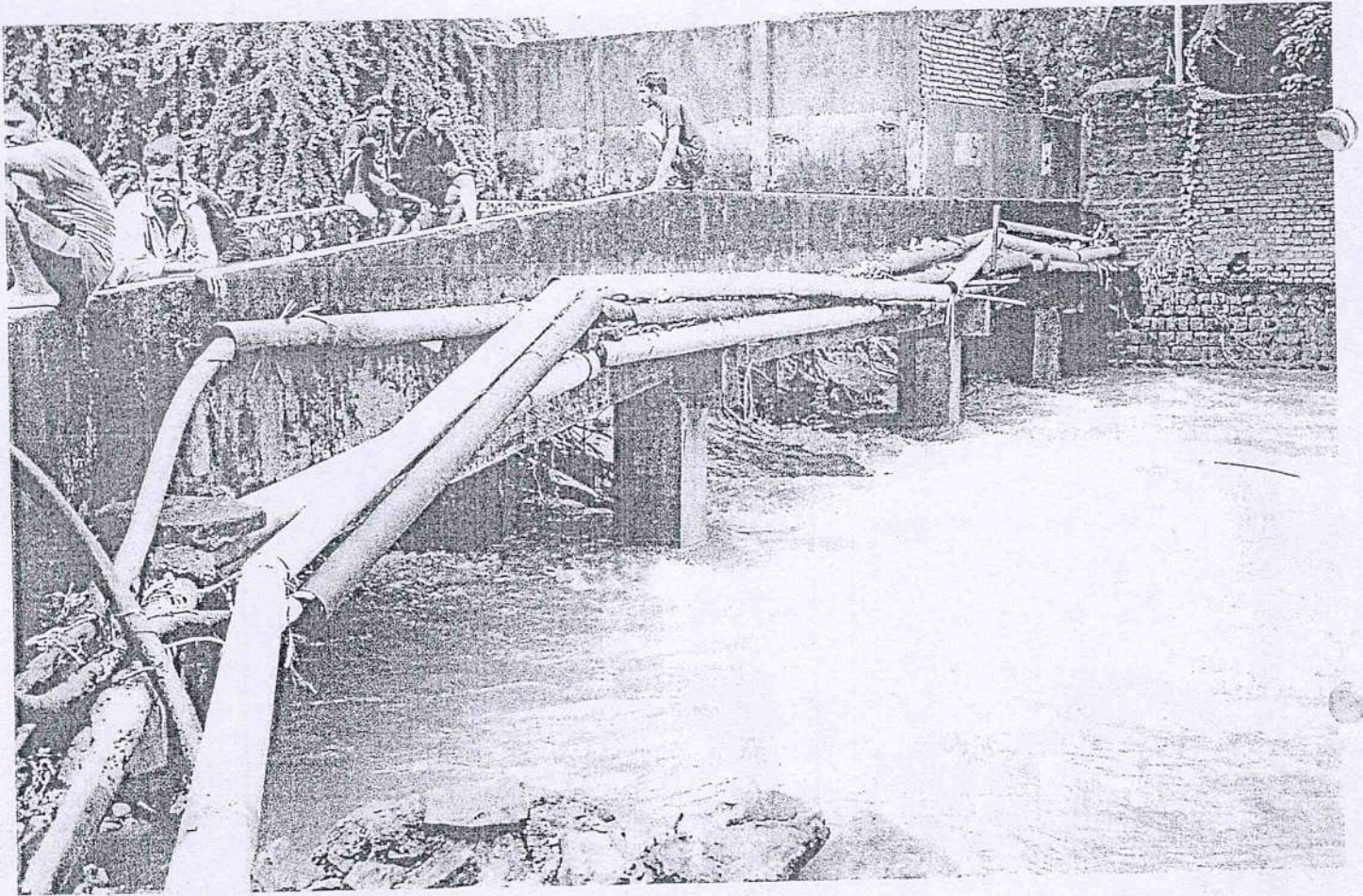
CORPORATION COLONY

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CORPORATION COLONY

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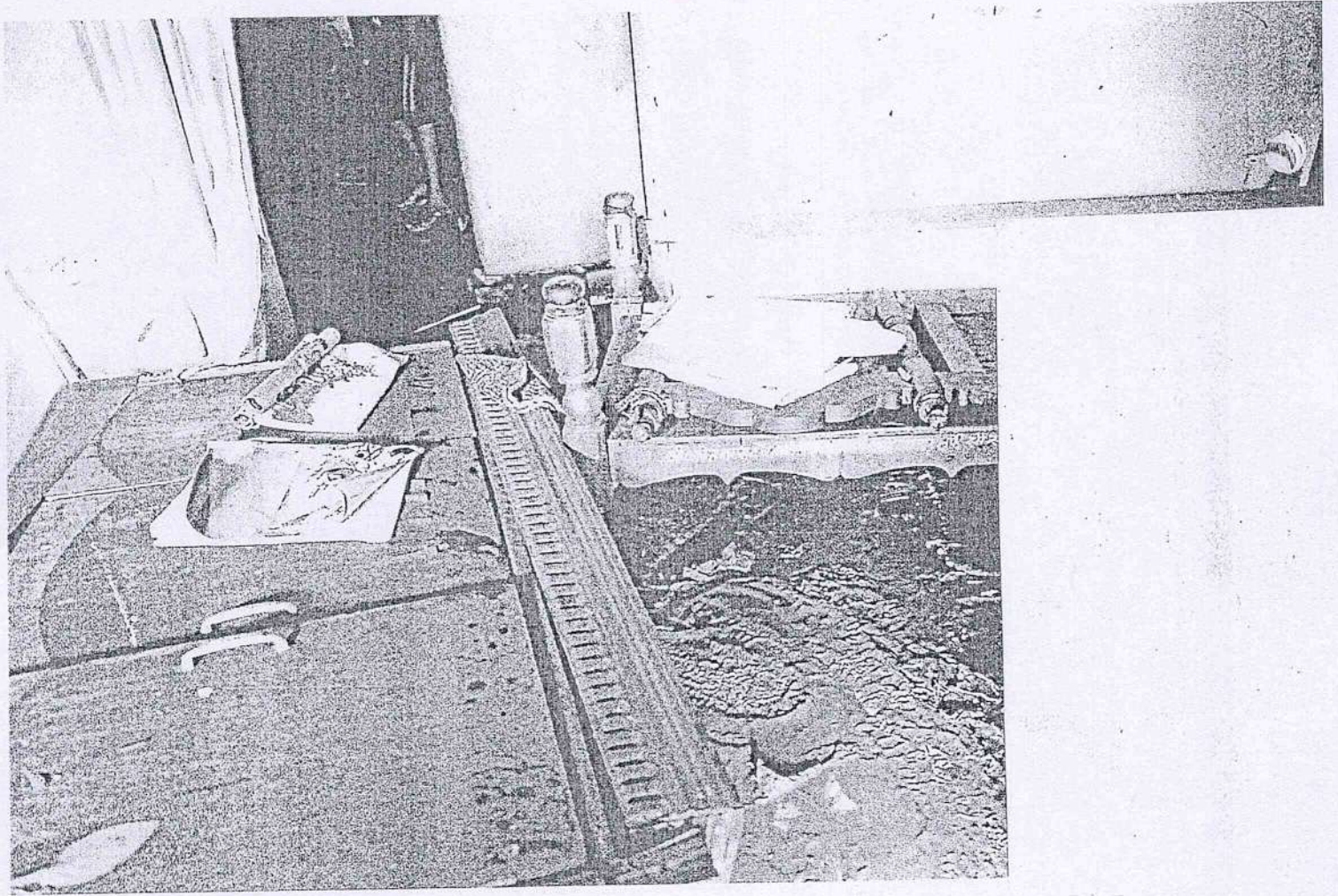
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SHANKAR NAGAR

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SHANKAR NAGAR



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SHANKAR NAGAR

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BEHIND SARASKATI SCHOOL

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TEENO
SPARK

NIT SWIMMING POOL

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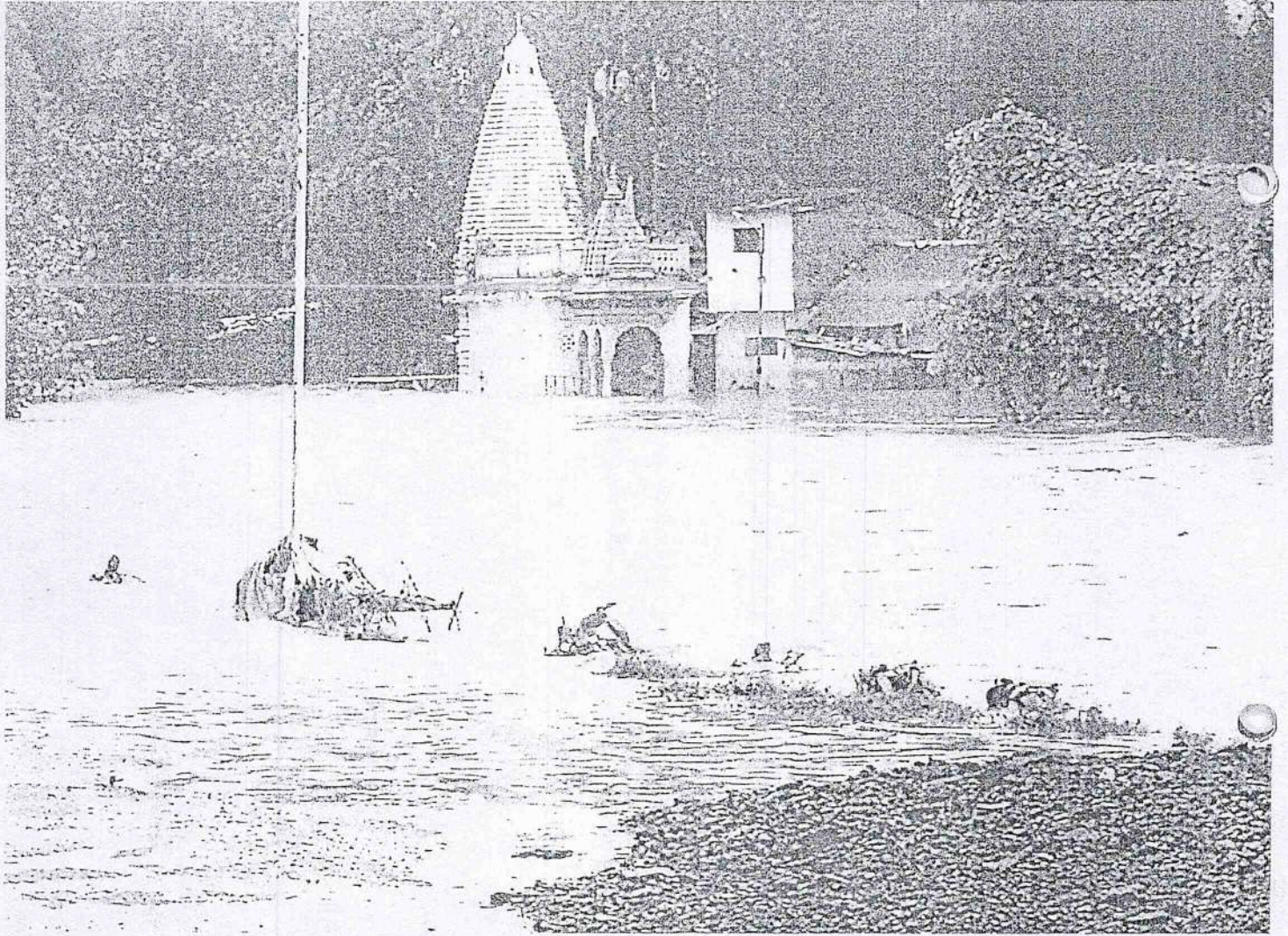
NIT SWIMMING POOL

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CORPORATION COLONY

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NIT SWIMMING POOL

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 **TECHO SPARK**

T.C.

Paul

Adv. T.V - Paduavis.



दूरध्वना ०२५३-२५३०५३८ (घ)
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महाराष्ट्र शासन, प्रशिक्षण, अर्थविज्ञान, संशोधन
सुरक्षितता
महाराष्ट्र अभियांत्रिकी संशोधन संस्था,
मि. १ योड, नाशिक - ४२२ ००४

महाराष्ट्र शासन
जलसंपदा विभाग

ANNEXURE P-03

www.merinashik.org

Email: dgdthrs.nashikwrld@maharashtra.gov.in,
patodgmori@gmail.com,

ना.क्र.निवज/धसुसं/धसुवि-२/२२५९/सन २०१७

दि. १६/०८/२०१७

प्रति,
आयुक्त,
नागपूर महानगरपालिका,
नागपूर

माहिती अधिकाऱ्याकडे - २०१९
अंतर्गत देण्यात आलेली माहिती

- विषय :- Permission to construct Metro viaduct foundation near the toe of Ambazari lake at Nagpur.
- संदर्भ :-
- १) नागपूर मेट्रो रेल कॉर्पोरेशन लिमिटेड, यांचे पत्र क्र. NMRCUPLG/2016/99 Dated. 28/01/2016.
 - २) अधीक्षक अभियंता, धरण सुरक्षितता संघटना, नाशिक यांचे पत्र क्र. DSO /DSD-2/Metro Rail/83/2016 Dated 04/03/2016.
 - ३) या कार्यालयाचे पत्र क्र. यांचे पत्र क्र. DSO/DSD-2/357/2016 Dated 24/10/2016.
 - ४) जलसंपदा विभाग मंत्रालय मुंबई यांचे पत्र क्र. सकीर्ण/2016/(प्र.क्र.486/2016) दि. 10.11.2016
 - ५) कार्यकारी अभियंता, नागपूर महानगरपालिका यांचे पत्र दि. 30.03.2017
 - ६) नागपूर महानगरपालिका नागपूर यांचे पत्र क्र. NMC/CE-29/2017 Dated 22/05/2017
 - ७) अधीक्षक अभियंता, धरण सुरक्षितता संघटना, नाशिक यांचे पत्र क्र. DSO /DSD-2/183/2017 Dated 22/06/2017
 - ८) अ.अ. धरण, मसंस, नाशिक यांचे पत्र क्र. 178 दि. 04.07.2017
 - ९) नागपूर महानगरपालिका नागपूर यांचे पत्र क्र. NMC/63/2017 Dated. 24/07/2017.
 - १०) मुख्य अभियंता, जलसंपदा, नागपूर यांचे पत्र क्र. 3430/तांशा-1/मेट्रो संरेखा/अंबाझरी तलाव/2017-दिनांक-14/08/2017

उपरोक्त विषयाबाबत संदर्भ पत्र क्र. १ अन्वये नागपूर महानगरपालिकेच्या मालकीच्या अंबाझरी तलावाच्या पायथ्याजवळून जात असलेल्या मेट्रो रेल्वे कामांचा अंबाझरी तलावाच्या माती धरणावर होणा-या परिणामाबाबत तांत्रिक अभिप्राय मिळणेबाबत प्रस्ताव नागपूर मेट्रो रेल कॉर्पोरेशनकडून प्राप्त झाला आहे. कृपया या विषयी संदर्भ क्र. २ ते १० वरील पत्रव्यवहाराचे अवलोकन करावे. प्रस्तावा संदर्भात कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांनी दि. १४/०८/२०१७ रोजी मेट्रोच्या सुरु असलेल्या प्रत्यक्ष स्थळी भेट देऊन निरीक्षण केले आहे. आतापर्यंतचा पत्रव्यवहार, प्राप्त कागदपत्रे व कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांच्या निरीक्षणावरून पुढील महत्वाच्या बाबी निदर्शनास आलेल्या आहेत.

मेट्रो रेल्वेने धरणालगत १७ पैकी ९ पिंडासंचे काम पूर्ण केलेले आहे. धरणाच्या पायथ्यापासून २०० मी. अंतरात अनेक रहीवाशी इमारती व रस्ता आहेत व आता मेट्रो रेल्वेची उभारणी होत आहे. मेट्रो रेल्वेमुळे तांत्रिक अडथळा येत नाही. तथापी अंबाझरी धरणाचे आयुष्यमान संपलेले आहे व नागपूर महानगरपालिकेने इतके Hazard Potential निर्माण करून ठेवलेले आहे. त्यामुळे भविष्यात रस्ते, वसाहती व मेट्रो रेल्वेला धरण फुटीमुळे कोणताही धोका होणार नाही याबाबत महापालिकेने खबरदारी घेणे गरजेचे आहे.

- म. प्र. महानगरपालिकेने ना-हरकत देणेबाबत या कार्यालयाचे अभिप्राय पुढील प्रमाणे आहेत.
- नागपूर शहराच्या नागरी वस्तीच्या जवळ असलेले हे धरण अभियांत्रिकी दृष्ट्या संपूर्ण स्थैर्यता असलेले व सुरक्षित कस राहिल यासाठी आवश्यक असणाऱ्या सर्व उपाययोजना महापालिकेने करणे व तातडीने करणे गरजेचे आहे. यासाठी धरणाच्या पूर्वीच्या बांधकाम साहित्याचा, काटछेदाचा, सांडवा व त्यामध्ये प्रवाहात बांधकाम करण्यात आलेल्या स्मारकामुळे होणाऱ्या परिणामांबाबत जलशास्त्रीय अभ्यास करण्यात यावा व धरण कायम सुरक्षित राहिल या दृष्टीने नागपूर महानगरपालिकेने उपाय योजना करणे आवश्यक आहे.
२. सदर उपाययोजना करतांना धरण सुरक्षितता संघटना, नाशिक, मध्यवर्ती संकल्पचित्र संघटना, नाशिक, महापालिकेचे /मेट्रो रेलचे तांत्रिक सल्लागार व जलसंपदा विभागाचे स्थानिक अभियंते यांचा तांत्रिक सल्ला घेण्यात यावा.
३. धरणावरील सर्व झाडे झुडपे, त्यांची मुळे धरणातून गळती होण्यास कारणीभूत ठरू शकतात. त्यामुळे अशी झाडे झुडपे काढून टाकण्यात यावीत. याबाबत कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांनी दि.१४/०८/२०१७ रोजी क्षेत्रीय भेट देऊन निदर्शनास आणलेल्या बाबी विचारात घ्याव्यात व सर्व उपाययोजना कराव्यात.
४. या कार्यालयाने दि.२४/१०/२०१६ चे पत्रान्वये कळविलेल्या तांत्रिक अभिप्रायामधे नमूद सर्व धरण सुरक्षा मुद्यांची पूर्तता होणे आवश्यक आहे.
५. कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांचे दि.१४/०८/२०१७ चे पत्रान्वये पाहणी अहवालातील सर्व मुद्यांची पूर्तता होणे आवश्यक आहे.
६. धरण सुरक्षेविषयी केलेला अभ्यास मध्यवर्ती संकल्पचित्र संघटना, नाशिक यांचेकडून तपासून घेण्यात यावा. तसेच सदर अभ्यास धरणाच्या स्थैर्यता तपासणी (माती धरण, सांडवा व इतर अनुषंगीक घटक) बरोबरच मेट्रो रेल मुळे निर्माण होणाऱ्या कंपना (Vibration) मुळे धरण सुरक्षेवर होणारा परिणाम ही अभ्यासणे आवश्यक आहे.
७. धरण सुरक्षिततेबाबत उपरोक्त नुसार कार्यवाही पूर्ण करण्याची व धरण सुरक्षिततेची सर्वस्वी जबाबदारी धरण मालकाची म्हणजेच नागपूर महानगरपालिकेची राहिल.

उपरोक्त अटीच्या पूर्ततेच्या अधीन राहून शासनाचे दि.१०/११/२०१६ च्या पत्रान्वये निर्देशित केल्यानुसार

नागपूर महानगरपालिकेने नागपूर मेट्रो रेल कार्पोरेशनला ना-हरकत देण्यास हरकत नाही.

माहिती अधिष्ठापक अधिकार्याच्या २०१५
अंतर्गत देण्यात आलेली माहिती

(अ. वा. सुर्वे)
महासंचालक

संकल्पन, प्रशिक्षण, जलविज्ञान, संशोधन व सुरक्षितता,

महाराष्ट्र अभियांत्रिकी संशोधन संस्था (मेरी),

नाशिक-४२२ ००४

प्रत : मा. प्रधान सचिव (जसंप्र व विकास), जलसंपदा विभाग, मंत्रालय, मुंबई यांना माहितीस्तव सविनय सादर.

प्रत : मा. सचिव (जसंव्य व लाक्षेवि) यांना माहितीस्तव सविनय सादर.

प्रत : कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांना माहितीस्तव सस्नेह अग्रेषित.

प्रत : मुख्य अभियंता, जलसंपदा विभाग, नागपूर यांना माहितीस्तव अग्रेषित.

प्रत : मुख्य अभियंता, मध्यवर्ती संकल्पचित्र संघटना, नाशिक यांना माहितीस्तव अग्रेषित.

TYPED COPY OF

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ANNEXURE P-03

महासंचालक

दुरध्वनी: 0253-2530528

संकल्पन, प्रशिक्षण, जलविज्ञान

फॅक्स 0253-2530532

संशोधन व सुरक्षितता

महाराष्ट्र अभियांत्रिकी संशोधन

संस्था, दिंडोरी रोड,

महाराष्ट्र शासन

नाशिक 422004

जलसंपदा विभाग

www.merinashik.org

Email: dgdthrs,nashikwrd@maharashtra.gov.in
patodgmori@gmail.com

जा.क.निवज/धसुसं/धसुवि-2/1259/सन 2017 दि. 16/08/2017

प्रति,

आयुक्त

नागपूर महानगर पालिका,

नागपूर

विषय: Permission to construct Metro Viaduct foundationm
near the toe of Ambazari Lake at Nagpur

- संदर्भ: 1) नागपूर मेट्रो रेल कॉर्पोरेशन लिमिटेड, यांचे पत्र क्र. NMRCL/PLG/2016/99 dated 28/01/2016
- 2) अधीक्षक अभियंता धरण सुरक्षितता संघटना, नाशिक यांचे पत्र क्र DSO/DSD-2/Metro Rail/83/2016 dated 04/03/2016
- 3) या कार्यालयाचे पत्र क्र. यांचे पत्र क्र. DSO/DSD -2/357/2016 dated 24/10/2016
- 4) जलसंपदा विभाग मंत्रालय, मुंबई यांचे पत्र क्र. संकीर्ण 2016/(प्र.क्र.486/2016)/सिं.व्य.(म) दि. 10.11.2016

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- 5) कार्यकारी अभियंता नागपूर महानगरपालिका यांचे पत्र दि. 30.03.2017
- 6) नागपूर महानगरपालिका नागपूर यांचे पत्र क. NMC/CE.29/2017 dated 22/05/2017
- 7) अधीक्षक अभियंता धरण सुरक्षितता संघटना, नाशिक यांचे पत्र क DSO/DSD-2/183/2017 dated 22/06/2017
- 8) अ.अ.धरण मसंसं, नाशिक यांचे पत्र क. 178 दिनांक 04.07.2017
- 9) नागपूर महानगरपालिका नागपूर यांचे पत्र क. NMC/63/2017 dated 24/07/2017
- 10) मुख्य अभियंता, जलसंपदा, नागपूर यांचे पत्र क. 3430/तांशा-1/मेट्रो संरेखा/अंबाझरी तलाव/2017 दिनांक 14/08/2017

उपरोक्त विषयाबाबत संदर्भ पत्र क. 1 अन्वये नागपूर महानगरपालिकेच्या मालकीच्या अंबाझरी तलावाच्या पायथ्याजवळून जात असलेल्या मेट्रो रेल्वे कामाचा अंबाझरी तलावाच्या माती धरणावर होणाऱ्या परिणामाबाबत तांत्रिक अभिप्राय मिळणेबाबत प्रस्ताव नागपूर मेट्रो रेल्वे कार्पोरेशनकडून प्राप्त झाला आहे. कृपया या विषयी संदर्भ क. 2 ते 10 वरील पत्रव्यवहाराचे अवलोकन व्हावे. प्रस्तावा संदर्भात कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांनी दि. 14/08/2017 रोजी मेट्रोच्या सुरु असलेल्या प्रत्यक्ष स्थळी भेट देऊन निरीक्षण केले आहे.

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आतापर्यंतचा पत्रव्यवहार, प्राप्त कागदपत्रे व कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांच्या निरिक्षणावरून पुढील महत्वाच्या बाबी निदर्शनास आलेल्या आहेत.

मेट्रो रेल्वेने धरणालगत 17 पैकी 9 पिअर्सचे काम पूर्ण केलेले आहे. धरणाच्या पायथ्यापासून 200 मी. अंतरावर अनेक रहीवाशी इमारती व रस्ता आहे व आता मेट्रो रेल्वेची उभारणी होत आहे. मेट्रो रेल्वेमुळे तांत्रिक अडथळा येत नाही. तथापी अंबाझरी धरणाचे आयुष्यमान संपलेले आहे व नागपूर महानगरपालिकेने इतके Hazard Potential निर्माण करून ठेवलेले आहे. त्यामुळे भविष्यात रस्ते, वसाहती व मेट्रो रेल्वेला धरण फुटीमुळे कोणताही धोका होणार नाही याबाबत महापालिकेने खबरदारी घेणे गरजेचे आहे.

मेट्रो रेल्वेला नागपूर महानगरपालिकेने ना हरकत देणेबाबत या कार्यालयाचे अभिप्राय पुढील प्रमाणे आहेत.

- 1) नागपूर शहराच्या नागरी वस्तीच्या जवळ असलेले हे धरण अभियांत्रिकी दृष्ट्या संपूर्ण स्थैर्यता असलेले व सुरक्षित कसे राहिल यासाठी आवश्यक असणाऱ्या सर्व उपाययोजना महापालिकेने करणे व तातडीने करणे गरजेचे आहे. यासाठी धरणाच्या पुर्वीच्या बांधकाम साहित्याचा, काटछेदाचा, सांडवा व त्यामध्ये प्रवाहात बांधकाम करण्यात

आलेल्या स्मारकामुळे होणाऱ्या परिणामांबाबत जलशास्त्रीय अभ्यास करण्यात यावा व धरण कायम सुरक्षित राहिल या दृष्टीने नागपूर महानगरपालिकेने उपाय योजना करणे आवश्यक आहे.

2) सदर उपाययोजना करतांना धरण सुरक्षितता संघटना, नाशिक मध्यवर्ती संकल्पचित्र संघटना, नाशिक, महापालिकेचे/मेट्रो रेलचे तांत्रिक सल्लागार व जलसंपदा विभागाचे स्थानिक अभियंते यांचा तांत्रिक सल्ला घेण्यात यावा.

3) धरणावरील सर्व झाडे झुडपे, त्यांची मुळे धरणातून गळती होण्यास कारणाभुत ठरू शकतात. त्यामुळे अशी झाडेझुडपे काढून टाकण्यात यावीत. याबाबत कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांनी दि. 14/08/2017 रोजी क्षेत्रीय भेट देऊन निदर्शनास आणलेल्या बाबी विचारात घ्याव्यात व सर्व उपाययोजना कराव्यात.

4) या कार्यालयाने दि. 24/10/2016 चे पत्रान्वये कळविलेल्या तांत्रिक अभिप्रायामध्ये नमूद सर्व धरण सुरक्षा मुद्यांची पूर्तता होणे आवश्यक आहे.

5) कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांचे दि. 14/08/2017 चे पत्रान्वये पाहणी अहवालातील सर्व मुद्यांची पूर्तता होणे आवश्यक आहे.

197 - e

6) धरण सुरक्षेविषयी केलेला अभ्यास मध्यवर्ती संकल्पचित्र संघटना, नाशिक यांचेकडून तपासून घेण्यात यावा. तसेच सदर अभ्यास धरणाच्या स्थैर्यता तपासणी (माती धरण, सांडवा व इतर अनुषंगीक घटक) बरोबरच मेट्रो रेल मुळे निर्माण होणाऱ्या कंपना (Vibration) मुळे धरण सुरक्षेवर होणारा परिणाम ही अभ्यासणे आवश्यक आहे.

7) धरण सुरक्षिततेबाबत उपरोक्त नुसार कार्यवाही पूर्ण करण्याची व धरण सुरक्षिततेची सर्वस्वी जबाबदारी धरण मालकाची म्हणजेच नागपूर महानगरपालिकेची राहिल.

उपरोक्त अटीच्या पुर्ततेच्या अधीन राहून शासनाचे दि. 10/11/2016 च्या पत्रान्वये निर्देशित केल्यानुसार नागपूर महानगरपालिकेने नागपुर मेट्रो रेल कार्पोरेशनला ना हरकत देण्यास हरकत नाही.

स्वाक्षरी

(अ. वा. सुर्वे)

संकल्पन, प्रशिक्षण, जलविज्ञान,
संशोधन व सुरक्षितता, महाराष्ट्र
अभियांत्रिकी संशोधन संस्था (मेरी)

नाशिक 422004

प्रत: मा. प्रधान सचिव (जसंप्र व विकास), जलसंपदा विभाग,
मंत्रालय, मुंबई यांना माहितीस्तव सविनय सादर.

19-11-11

- प्रतः मा. सचिव (जसंव्य व लाक्षेवि) यांना माहितीस्तव सविनय सादर
- प्रतः कार्यकारी संचालक, विदर्भ पाठबंधारे विकास महामंडळ, नागपूर
यांना माहितीस्तव सस्नेह अग्रेषित
- प्रतः मुख्य अभियंता, जलसंपदा विभाग, नागपूर यांना माहितीस्तव
अग्रेषित.
- प्रतः मुख्य अभियंता, मध्यवर्ती संकल्पचित्र संघटना, नाशिक यांना
माहितीस्तव अग्रेषित.

T.C.



Adv. T.V. Fadnis.

ANNEXURE P-04

ईमेल :- dolmr.wrd@maharashtra.gov.in
दूरध्वनी :- ०२२-२२०२७८९५/२२७९४०६८

महाराष्ट्र शासन

“जलसंपदा विभागाच्या संकेतस्थळास कृपया भेट द्या-<https://wrd.maharashtra.gov.in>”
क्र.संकिर्ण-२०१६/(प्र.क्र. ४८६/२०१६)/सि.व्य.(म.)

जलसंपदा विभाग, मादान कामा मार्ग,
धुताभा रस्त्यावर, चौक, मंत्रालय,
मुंबई - ४०० ०३२.
दिनांक: ३१ जानेवारी, २०१८.

प्रति,

आयुक्त,
नागपूर महानगर पालिका,
नागपूर.

माहिती अधिनियम २००५

विषय - नागपूर महानगर पालिकेच्या मालकीचे असल्याच्या अशक्यतेबाबत
मालकीचे असल्याच्या अशक्यतेबाबत नागपूर महानगर पालिकेच्या
सदस्य यांच्यासमोर प्रस्तावित दि. २०.११.२०१६ चे पत्र
१) नागपूर महानगर पालिका/१०६/२०१६ दि. २०.११.२०१६ चे पत्र
२) नागपूर महानगर पालिका/५२३/२०१७ दि. ०८.११.२०१७ चे पत्र.

उपरोक्त विषयाबाबत आपल्या सदस्यार्थी पत्राच्या अनुषंगाने कळविण्यात येत आहे की,

- १) धरण सुरक्षितता ही बाब तांत्रिक असल्याने शासन स्तरावरून कोणतेही नसत असल्याबाबत प्रमाणपत्र दिले जात नाही.
- २) अंबाझरी तलाव हे नागपूर महानगर पालिकेच्या मालकीचे असल्याने धरण सुरक्षितता संघटना नाशिक यांच्या अहवालात जमूद तांत्रिक मत येत असल्याबाबत याबाबत किंवा इतर संस्थेच्या अहवालातून प्राप्त तांत्रिक अहवालाबाबत आपल्या स्तरावरून योग्य ती निर्णय घेण्यात येईल.

माहिती अधिनियम २००५

(Signature)

अंतर्गत देण्यात आलेली माहिती

(सं. र. पाठ)

वावर अधिव्य, महाराष्ट्र शासन

प्रत :-

- १) महासंचालक, संचालन, प्रशिक्षण, जलविज्ञान, संशोधन व सुरक्षितता, महाराष्ट्र अभियांत्रिकी संशोधन संस्था (सी), नाशिक.
- २) कार्यकारी संचालक, विदर्भ प्रादेशिक विकास महामंडळ, नागपूर.
- ३) मुख्य अभियंता, जलसंपदा विभाग, नागपूर सांबा माहितीस्तव अग्रेषित.
- ४) मुख्य अभियंता, नियोजन व जलविज्ञान, नाशिक.
- ५) अतिरिक्त अभियंता, धरण सुरक्षितता संघटना, नाशिक.
- ६) महासंचालक, नागपूर मेट्रो रेल कार्पोरेशन लि. नागपूर
- ७) नागपूर महानगर पालिका (सं. र. पाठ) कर्मासून संग्रहार्थ.

TYPED COPY OF 198-A
ANNEXURE-P-04

ईमेल : dolmr.wrd@maharashtra.gov.in

दूरध्वनी: 022-22027895/22794068

महाराष्ट्र शासन

“जलसंपदा विभागाच्या संकेतस्थळास कृपया भेट द्या

<https://wrd@maharashtra.gov.in>

कं.संकिर्ण-2016/(प्र.क.486/2016) सिं.व्य(म)

जलसंपदा विभाग, मादाम कामा मार्ग,

हुतात्मा राजगुरु चौक, मंत्रालय

मुंबई 400032

दिनांक 31 जानेवारी 2018

प्रति

आयुक्त

नागपूर महानगर पालिका

नागपूर

विषय: नागपूर शहरातील अंबाझरी तलावाचे बंधाऱ्याच्या खालील

भागाजवळून मेट्रो रेलचे बांधकाम करण्यास नाहरकत प्रमाणपत्र

देण्याबाबत

संदर्भ: 1) शासनाचे समकमांक दि. 10.11.2016 चे पत्र

2) आपले क. एमसी/506/2016 दि. 09.12.2016चे पत्र

3) आपले क. एमसी/63/2017 दि. 08.12.2017 चे पत्र

उपरोक्त विषयाबाबत आपल्या संदर्भाधिन पत्राच्या अनुषंगाने

कळविण्यात येत आहे की,

198-13

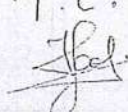
- 1) धरण सुरक्षितता ही बाबत तांत्रिक असल्याने शासन स्तरावरून कोणतेही 'ना हरकत' प्रमाणपत्र दिले जात नाही.
- 2) अंबाझरी तलाव हे नागपूर महानगर पालिकेच्या मालकीचे असल्याने धरण सुरक्षितता संघटना, नाशिक यांच्या अहवालात नमुद तांत्रिक मत व अन्यबाबी याबाबत किंवा इतर संस्थेकडून/तज्ञाकडून प्राप्त तांत्रिक अहवालाबाबत आपल्या स्तरावरून योग्य तो निर्णय घेण्यात यावा.

(रो. र. पोल)

अवर सचिव, महाराष्ट्र शासन

प्रत:

- 1) महासंचालक, संकल्पन, प्रशिक्षण, जलविज्ञान, संशोधन व सुरक्षितता, महाराष्ट्र अभियांत्रिकी संशोधन संस्था (मेरी) नाशिक
- 2) कार्यकारी संचालक, विदर्भ पाठबंधारे विकास महामंडळ, नागपूर
- 3) मुख्य अभियंता, जलसंपदा विभाग, नागपूर यांना माहितीस्तव अग्रेषित.
- 4) मुख्य अभियंता, नियोजन व जलविज्ञान, नाशिक
- 5) अधिक्षक अभियंता, धरण सुरक्षितता संघटना, नाशिक
- 6) महाक्यवस्थापक नागपूर मेट्रो रेल कॉर्पोरेशन लि. नागपूर
- 7) नस्ती (महसूल) कार्यासन संग्रहार्थ

T.C.

 Adv. T. V. Fadnis.

नागपूर महानगरपालिका, नागपूर

अश्विन मुदगल
भा.प्र.से.
आयुक्त

ANNEXURE P-05



कार्या. : 0712-2557003
घा : 0712-2567057
फॅक्स : 0712-2561584
ई-मेल : mmcc@nagpur.gov.in
कार्यालय : महानगरपालिका
सिन्धील लाईन्स, नागपूर-४८

क्रमांक :- २२६१ / १५/२०१७

दिनांक :- २८/०८/२०१७

प्रति,

मा. व्यवस्थापकीय संचालक,
नागपूर मेट्रो रेल कॉर्पोरेशन लि.
नागपूर.

माहिती अधिष्ठाता अधिनियम-२००५

अंतर्गत देण्यात आलेली माहिती

विषय :- अंदाजरी घटकचे प्रयोजनावर मेट्रो रेलचे बांधकाम करणेबाबतचा अहवाल देणेबाबत.

अतिरिक्त अभियंता	अतिरिक्त अभियंता, धरण सुरक्षा संघटना, नाशिक यांचे पत्र क्र. DSO/USD-2357/2016, दि. 24.10.2016.
सुरक्षितता संघटना	या दिवसाचे पत्र क्र. एम.सी./506/2016, दि. 08.12.2016.
नाशिक - ४	अतिरिक्त अभियंता, धरण सुरक्षा संघटना, नाशिक यांचे पत्र क्र. DSO/USD-2124/2017, दि. 06.05.2017.
	या दिवसाचे पत्र क्र. एम.सी./63/2017, दि. 24.07.2017.
	सप्त. मुख्य अभियंता यांचे पत्र क्र. 3430/तांशा-1/मेट्रो सरिखा/अंदाजरी तलाव/2017, दि. 14.08.17 (घरण पाहणी निरीक्षण अहवालासह)
	मा. महासंचालक संकल्पन, प्रशिक्षण, जलविज्ञान, संशोधन व सुरक्षितता, महाराष्ट्र अभियांत्रिकी संशोधन संस्था यांचे पत्र क्र. निवज/घसुस/घसुति/2/1259/सन 2017, दि. 16.08.2017.
3533	
211090	
मा. आयुक्त	
घरण, DSP	

दिनांक 14.08.2017 ला कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांनी मेट्रो

रेलच्या बांधकामाकरिता धरण सुरक्षिततेच्या दृष्टीने अंदाजरी बांधाचे निरीक्षण करून अहवाल मुख्य अभियंता, जलविज्ञान

विभाग, नाशिक यांना देण्यात आला. त्या अहवालास अनुसरून महासंचालक संकल्पन, प्रशिक्षण, जलविज्ञान, संशोधन व

सुरक्षितता, महाराष्ट्र अभियांत्रिकी संशोधन संस्था यांनी मा. आयुक्त, म.न.पा. यांना दि. 16.08.2017 ला दिलेल्या

नाशिक पत्रात उल्लेखित बाबी नमुद करण्यात आल्यात.

अ.	१.	नागपूर शहराच्या नागरी वस्तीच्या जवळ असलेले हे धरण अभियांत्रिकीदृष्ट्या संपूर्ण स्वैर्यता असलेले व सुरक्षित.
क्र.	२.	कधी राहिल: यासाठी आवश्यक असणाऱ्या सर्व उपाययोजना महानगरपालिकेने करणे व तातडीने करणे गरजेचे आहे. यासाठी धरणाच्या पूर्वीच्या बांधकाम साहित्याचा, काटछेदाचा, सांडवा व त्यामध्ये प्रवाहात बांधकाम करण्यात आलेल्या स्मारकामुळे होणाऱ्या परिणामांबाबत जलशास्त्रीय अभ्यास करण्यात यावा व धरण कायम सुरक्षित राहिल या दृष्टीने उपाययोजना करणे आवश्यक आहे.
तांक	२११११०	
कारण	कारण	

२. तदर उपाययोजना करताना धरण सुरक्षितता संघटना, नाशिक, मध्यवर्ती संकल्पन संघटना, नाशिक,

महानगरपालिकेचे अभियंता, मेट्रो रेलचे तांत्रिक सल्लागार व जलसंधारण विभाग यांचे आभार यांचे तांत्रिक ताला

कारण देण्यात यावा

दिनांक २८/०८/२०१७

माहिती अधिष्ठाता अधिनियम-२००५

अंतर्गत देण्यात आलेली माहिती

२८/०८/२०१७
अभिष्ठाता

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3. घटनातील तीन वाडे मुडने, यांची मुळे वरणातून गळती होण्यास कारणीभूत ठरू शकतात. आदेशानुसार काढून टाकण्यात यावीत. याबाबत कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, यांनी दि. 14.08.2017 रोजी क्षेत्रीय मेट देऊन निदर्शनास आणलेल्या बाबी विचारात घ्याव्यात उपाययोजना कराव्यात.
4. या कार्यालयाने दि. 24.10.2016 चे पत्रान्वये कळविलेल्या तांत्रिक अभिप्रायामध्ये नमुद सर्व धरण सुरक्षा मुद्द्यांची पूर्तता करून घेणे आवश्यक आहे.
5. कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांचे दि. 14.08.2017 चे पत्रान्वये पाहणी उद्दयालातील सर्व मुद्द्यांची पूर्तता होणे आवश्यक आहे.
6. धरण सुरक्षेविषयी केलेला अभ्यास मध्यवर्ती संकल्पचित्र संघटना, नाशिक यांचेकडून तपासून घेण्यात यावे. तसेच सदर अभ्यास घरणाच्या स्थैर्यता तपासणी (माती धरण, सांडवा व इतर अनुषंगीक घटक) क्रोवररच वेद्रे रेलमुळे निर्माण होणाऱ्या कंपन्या (Vibration) मुळे धरण सुरक्षेवर होणारा परिणाम ही अभ्यासणे आवश्यक आहे.

उपरोक्त 1 ते 6 मध्ये नमुद तसेच धरण सुरक्षितता संघटना, नाशिक यांनी त्यांचे दि. 24.10.2016 चे पत्रासोबत दिलेल्या Technical Opinion मध्ये निर्देशित केलेली कामे करावी असे निर्देश दिलेले आहेत.

त्यामुळे संदर्भाय पत्र क्र. 1 ते 6 मधील महासंचालक संकल्पन, प्रशिक्षण, जलविज्ञान, संशोधन व सुरक्षितता, महाराष्ट्र अभियांत्रिकी संशोधन संस्था व धरण सुरक्षितता संघटना, नाशिक यांनी सुचविलेली संपूर्ण कामे व इतर अटीची पूर्तता NMRC, यांनी धरण सुरक्षितता संघटना, नाशिक यांचे देखरेखीखाली घ्यावे म्हणून करावी या अटीवर वेद्रे रेलचे बांधकाम करण्यास नागपूर महानगरपालिकेची हरकत राहणार नाही.

माहिती अधिकार अधिनियम-२००५
अंतर्गत देण्यात आलेली माहिती

M. N. Patil
अनुक्त,
म.न.पा., नागपूर

प्रतिलिपी सादर :-

1. मा. प्रधान सचिव (जसंघ व विकास) जलसंपदा विभाग, मंत्रालय, मुंबई-यांना माहितीस्तव सविनय सादर.
2. मा. सचिव (जसंघ व लाक्षेवि) यांना माहितीस्तव सविनय सादर.
3. कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांना माहितीस्तव.
4. मुळा अभियंता, जलसंपदा विभाग, नागपूर यांना माहितीस्तव.
5. मुख्य अभियंता, मध्यवर्ती संकल्पचित्र संघटना, नाशिक यांना माहितीस्तव.
6. अधीक्षक अभियंता, धरण सुरक्षितता संघटना, नाशिक.

जा.अ/धसुसं/प्र.शा/१४९९/सं. २०१७

दि. २४/०९/२०१७

प्राप्ति ~~कार्यकारी अभियंता~~
धरण सुरक्षा विभाग क्र २, नाशिक

यांना माहितीस्तव व सुरक्षेस आवश्यक त्या कार्यवाह्याची अत्रे

W. S. Patil
उपविभागीय अभियंता
प्रती : अधीक्षक अर्
धरण सुरक्षितता संघटना.

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Annexure - P-05.

नागपूर महानगरपालिका, नागपूर

अश्विन मुदगल
भा.प्र.से.
आयुक्त

कार्या. : 0712-2557003
घर : 0712-2587057
फॅक्स : 0712-2561584
ईमेल: nmcnagpur@gmail.
कार्यालय महानगरपालिका
सिद्धील लाईन्स, नागपूर-4

क्रमांक : एनसी/95/2017

दिनांक 28/08/2017

प्रति,
मा. व्यवस्थापकीय संचालक,
नागपूर मेट्रो रेल कॉर्पोरेशन लि.
नागपूर

विषय: अंबाझरी धरणाचे पायथ्यावर मेट्रो रेल्वे बांधकाम करण्याकरिता ना
हरकत देणे बाबत

- संदर्भ: 1) अधिक्षक अभियंता धरण सुरक्षा संघटना नाशिक यांचे पत्र
क्र. DSO/DSD-2/357/83/2016 dated 24/10/2016
2) या विभागाचे पत्र क्र.एमसी/506/2016 दि.08.12.
2016
3) अधिक्षक अभियंता धरण सुरक्षा संघटना नाशिक यांचे पत्र
क्र DSO/DSD-2/124/2017 dated 06/05/2017
4) या विभागाचे पत्र क्र.एमसी/63/2016 दि.24.07.2017
5) सहा. मुख्य अभियंता यांचे पत्र क्र. जा.क्र.
3430/तांशा-1/मेट्रो संरेखा/अंबाझरी तलाव/2017 दिनांक
14.08.17 (धरण पाहणी निरीक्षक अहवालासह)

२००-१३

- 6) मा. महासंचालक संकल्पन, प्रशिक्षण जलविज्ञान, संशोधन व सुरक्षितता महाराष्ट्र अभियांत्रिकी संशोधन संस्था याचे पत्र जा.क्र. निवज/धसुस/धसुति/२/१२५९/सन २०१७ दि. १६.०८.२०१७

दिनांक १४.०८.२०१७ ला कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांनी मेट्रो रेलच्या बांधकामाकरिता धरण सुरक्षिततेच्या दृष्टीने अंबाझरी बांधाचे निरीक्षण करून अहवाल मुख्य अभियंतार, जलविज्ञान प्रकल्प नाशिक यांचेकडे पाठविला. त्या अहवालास अनुसरून महासंचालक, संकल्पन, प्रशिक्षण, जलविज्ञान, संशोधन व सुरक्षितता, महाराष्ट्र अभियांत्रिकी संशोधन संस्था यांनी मा. आयुक्त म. न.पा. यांना दि. १६.०८.२०१७ ला दिलेल्या पत्रात खालील बाबी नमुद करण्यात आल्यात.

- १) नागपूर शहराच्या नागरी वस्तीच्या जवळ असलेले हे धरण अभियांत्रिकीदृष्ट्या संपूर्ण स्थैर्यता असलेले व सुरक्षित कसे राहिल. यासाठी आवश्यक असणाऱ्या सर्व उपाययोजना महानगरपालिकेने करणे व तातडीने करणे गरजेचे आहे. यासाठी धरणाच्या पूर्वीच्या बांधकाम साहित्याचा, काटछेदाचा, सांडवा व त्यामध्ये प्रवाहात बांधकाम करण्यात आलेल्या स्मारकामुळे होणाऱ्या परिणामांबाबत जलशास्त्रीय अभ्यास

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करण्यात यावा व धरण कायम सुरक्षित राहिल या दृष्टीने उपाययोजना करणे आवश्यक आहे.

2) सदर उपाययोजना करतांना धरण सुरक्षितता संघटना, नाशिक, मध्यवर्ती संकल्पनित संघटना, नाशिक महापालिकेचे अभियंता, मेट्रो रेलचे तांत्रिक सल्लागार व जलसंपदा विभागाचे अभियंता सेवा तांत्रिक सल्ला घेण्यात यावा.

3) धरणावरील सर्व झाडे झुडपे, त्याची मुळे धरणातून गळती होण्यास कारणीभूत ठरू शकतात. तरी झाडेझुडपे काढून टाकण्यात यावीत. याबाबत कार्यकारी संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांनी दि. 14.08.2017 रोजी क्षेत्रीय भेट देऊन निदर्शनास आणलेल्या बाबी विचारात घ्यावात व सर्व उपाययोजना कराव्यात.

4) या कार्यालयाने दि. 24.10.2016 चे पत्रान्वये कळविलेल्या तांत्रिक अभिप्रायामध्ये नमुद सर्व धरण सुरक्षित मुद्यांची पुर्तता करून घेणे आवश्यक आहे.

5) कार्यकारील संचालक, विदर्भ पाटबंधारे विकास महामंडळ, नागपूर यांचे दि. 14.08.2017 चे पत्रान्वये पाहणी अहवालातील सर्व मुद्यांची पुर्तता होणे आवश्यक आहे.

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6) धरण सुरक्षेविषयी केलेला अभ्यास मध्यवर्ती संकल्पचित्र संघटना, नाशिक यांचेकडून तपासून घेण्यात यावा. तसेच सदर अभ्यास धरणाच्या स्थैर्यता तपासणी (माती धरण, सांडवा व इतर अनुषंगीक घटक) बरोबरच मेट्रो रेलमुळे निर्माण होणाऱ्या कंपन्या (Vibration) मुळे धरण सुरक्षेवर होणारा परिणाम ही अभ्यासणे आवश्यक आहे.

उपरोक्त 1 ते 6 मध्ये नमुद तसेच धरण सुरक्षितता संघटना, नाशिक यांनी त्यांचे दि. 24.10.2016 चे पत्रारोबत दिलेल्या Technical Opinion मध्ये निर्देशित केलेली कामे करावी असे निर्देश दिलेले आहेत.

त्यामुळे संदर्भीय पत्र क. 1 ते 6 मधील महासंचालक संकल्पन, प्रशिक्षण, जलविज्ञान, संशोधन व सुरक्षितता महाराष्ट्र अभियांत्रिकी संशोधन संस्था व धरण सुरक्षितता संघटना, नाशिक यांनी सुचविलेली संपूर्ण कामे व इतर अटीची पूर्तता NMRCI यांनी धरण सुरक्षितता संघटना, नाशिक यांचे देखरेखीखाली स्वतःचे खर्चाने करावी या अटीवर मेट्रो रेलचे बांधकाम करण्यास नागपूर महानगरपालिकेची हरकत राहणार नाही.

आयुक्त
म.न.पा. नागपूर

प्रतिलिपी सादर :

- 1) मा. प्रधान सचिव (जसंप्र व विकास), जलसंपदा विभाग, मंत्रालय, मुंबई यांना माहितीस्तव सविनय सादर.
- 2) मा. सचिव (जसंव्य व लाक्षेवि) यांना माहितीस्तव सविनय सादर
- 3) कार्यकारी संचालक, विदर्भ पाठबंधारे विकास महामंडळ, नागपूर यांना माहितीस्तव
- 4) मुख्य अभियंता, जलसंपदा विभाग, नागपूर यांना माहितीस्तव अग्रेषित.
- 5) मुख्य अभियंता, मध्यवर्ती संकल्पचित्र संघटना, नाशिक यांना माहितीस्तव अग्रेषित.
- 6) अधिक्षक अभियंता, धरण सुरक्षितता संघटना नाशिक

जाक./धसुसं/प्रशा/1499/सन 2017

दि. 29.09.2017

प्रति,

कार्यकारी अभियंता

धरण सुरक्षा विभाग क्र.2 नासिक यांना माहितीसाठी व पुढील आवश्यक त्या कार्यवाहीसाठी अग्रेषित

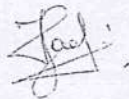
- sct -

उपविभागीय अभियंता (प्रशा)

प्रती अधिक्षक अभियंता

धरण सुरक्षितता संघटना नाशिक

T.C.



Adv. T.V. Fadnis

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ANNEXURE...P-06

1/11

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO. 96 OF 2017

(Mohammad Shahid Sharif s/o Jamshed Sharif vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders Court's or Judge's orders
 or directions and Registrar's orders.

Shri M.G. Bhangde, Senior Advocate with Shri A.R. Patil, Advocate for petitioner.

Shri D.P. Thakare, Additional Government Pleader for respondent nos.1 and 6.

Shri S.M. Puranik, Advocate for respondent no.2.

Shri S.M. Ukey, Advocate for respondent no.3.

Shri S.K. Mishra, Senior Advocate with Shri K. Deogade, Advocate for respondent no.5.

CORAM : B.R. GAVAI AND M.G. GIRATKAR, JJ.

DATED : MARCH 21, 2018

The petitioner, who is a public spirited citizen, has approached this Court by way of present public interest litigation praying for calling entire record relating to permissions granted by Nagpur Municipal Corporation, Nagpur Improvement Trust, Heritage Conservation Committee, Town Planning Department, etc. under the provisions of various Acts for construction of Metro Rail Project, Metro Railway Station at the bottom of the earthen dam of Ambazari lake and around Nag river by suitable writ, order or direction for perusal of this Court. The petitioner has also prayed for setting aside all such permissions, which have been granted without looking into the safety of people residing down stream of Nag river as well as the safety of earthen dam of Ambazari lake. The petitioner has also prayed for

issuance of directions to respondents to stop construction of pillars for Metro Rail at the viaduct of earthen dam of Ambazari lake as well as Metro Rail Station around Nag river.

2) Respondent no.5 is an implementing Agency for execution of project of laying down of Metro Rail in the city of Nagpur and adjoining areas, which project is jointly owned by Union of India, State of Maharashtra, Nagpur Improvement Trust and Nagpur Municipal Corporation. For the purpose of execution of said project, respondent no.5 is laying down viaducts on different routes. One of such routes abuts Ambazari lake. It is the contention of petitioner that construction, which is being carried out by respondent no.5 abutting Ambazari dam, is in violation of Government Circular, which prohibits construction within 200 metres of dam and the same is also without obtaining valid permission.

3) We have heard Shri Bhangde, learned Senior Counsel for petitioner, Shri Mishra, learned Senior Counsel for respondent no.5, Shri Thakare, learned Additional Government Pleader for respondent nos.1 and 6, Shri Puranik, learned Counsel for respondent no.2, and Shri Ukey, learned Counsel for respondent no.3.

4) Shri Bhangde, learned Senior Counsel for petitioner, submits that perusal of material placed on record would reveal that respondent no.5 is working in a manner, which depicts that it has no respect for rule of law. He further submits that respondent no.5 having applied to respondent no.6 for grant of no objection certificate for construction of viaducts and after respondent no.6 informed it to

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submit its plans, etc. for appraisal by respondent no.6, record shows that respondent no.5 has not submitted anything to respondent no.6. He submits that the documents, which are received by petitioner under Right to Information Act, would reveal that as late as upto January 2018, respondent no.5 had not submitted its plans to respondent no.6. The learned Senior Counsel submits that the construction, which is being carried out without obtaining necessary permission, would pose a great threat to the safety of residents and as such, it is in the larger interest that this Court should stop the said work until requisite permissions are obtained from the competent Authority.

5) Shri Mishra, learned Senior Counsel for respondent no.5, on the contrary submits that Division Bench of this Court (B.P. Dharmadhikari and A.D. Upadhye, JJ.) vide order dated 1/3/2018 had directed respondent no.5 to file an affidavit explaining as to how work of digging pits and elevated corridor near the hill does not in any way endanger the dam. He submits that accordingly respondent no.5, respondent no.3 and respondent no.6 have filed their affidavits. He submits that perusal of affidavits would reveal that there is no leakage to the dam and as such, there is no danger as is contended by petitioner.

6) Shri Mishra, learned Senior Counsel further submits that as a matter of fact in pursuance of the concern of respondent no.5 that safety measures should be executed, it had applied to the State Government as well as respondent no.6 for grant of necessary no objection certificates. However, respondent no.1 has informed

respondent no.5 that since respondent no.3 Corporation is owner of the dam, permission ought to be obtained by respondent no.5 from respondent no.3 and not respondent no.1. He submits that accordingly there has been correspondence between respondent no.3 Corporation and respondent no.5 and finally it has culminated into permission granted by respondent no.3 Corporation on 28/8/2017. The learned Senior Counsel further submits that permission, which is granted by respondent no.3 Corporation, is on the basis of certain conditions as have been found necessary by respondent no.6 for ensuring safety of dam.

7) Shri Mishra, learned Senior Counsel further submits that only mistake that respondent no.5 committed was of writing to respondent no.3 that since it does not possess the necessary expertise for carrying out the works for ensuring safety of dam, respondent no.3 should get the work executed through respondent no.6 for which it is willing to make payment. He submits that even as on today, respondent no.5 undertakes to execute all such works, which are necessary for ensuring safety of part of the dam, which abducts the Metro Rail. He, however, submits that report as submitted by respondent no.6 would reveal that entire dam, which is more than 146 years old and which is having length of 952 metres is in a dangerous condition. He submits that Metro Rail abuts only 342 metres of the total length of 952 metres of dam. Shri Mishra further submits that as a matter of fact, various buildings including commercial buildings, which are constructed within prohibited area of 200 metres and which are having no requisite no objection certificates are permitted to exist and on the contrary, if relief as

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claimed by petitioner is granted, respondent no.5, which is having all requisite permissions, would be prohibited from proceeding further with its works. The learned Senior Counsel submits that such an order would result in permitting illegal activities to be continued and prohibiting an activity, which is in the larger public interest and which is being executed after necessary permissions are obtained.

8) Shri Ukey, learned Counsel appearing on behalf of respondent no.3 Corporation, submits that in a joint inspection, which was carried out after the orders passed by this Court, no leakage in the dam has been found.

9) Shri Thakare, learned Government Pleader for respondent nos.1 and 6, submits that if respondent no.5 is willing to get the works executed as per suggestions of respondent no.6, there would be no danger to the said dam. He submits that State Government has granted permission to respondent no.5 after considering all the aspects.

10) From the perusal of the material placed on record, it would reveal that there has been continuous correspondence between various Authorities of State Government and respondents. It appears that initially on 28/1/2016, respondent no.5 had addressed a communication to respondent no.6 seeking its technical opinion regarding impact of Metro viaduct pier foundation over the earthen bund of Ambazari lake. It also appears that on 13/10/2016, respondent no.5 had addressed a communication to respondent no.1 seeking its permission to make construction within a distance of 200

metres since Nagpur Metro Rail Project is an important urban transport project as notified by State of Maharashtra vide Government Resolution dated 30/7/2016. To the communication addressed by respondent no.5 to respondent no.1, respondent no.1 replied that since the dam is owned by respondent no.3 Corporation, respondent no.5 should obtain permission from respondent no.3 Corporation. Respondent no.6 also vide communication dated 21/10/2016 informed respondent no.5 that no objection certificate be obtained from Water Resources Department of Government of Maharashtra and thereafter from the owner of dam, i.e. Nagpur Municipal Corporation. It further appears from record that various communications were addressed by respondent no.3 Corporation to respondent no.5 between 8/12/2016 and 30/3/2017 with regard to certain issues including construction being carried out without obtaining its no objection certificate and leakage of dam. Perusal of record would reveal that respondent no.6 has addressed a communication to respondent no.5 on 21/10/2016 pointing out various issues, which were noticed by it with regard to Ambazari dam.

11) It appears that lastly the State of Maharashtra vide its communication dated, 16/8/2017 has informed respondent no.3 Corporation that State Government has no objection for respondent no.3 Corporation issuing no objection certificate to respondent Metro Rail for carrying out works subject to condition nos. 1 to 6 mentioned in the said letter. Accordingly respondent no.3 Corporation has also granted its permission on 28/8/2017 thereby again incorporating the conditions as mentioned in the letter addressed by the State Government.

12) It could thus clearly be seen that construction, which was carried out by respondent no.5 prior to 16/8/2017 and/or 20/8/2017 was carried out by it without there being a valid permission in its favour. The respondent no.5 having applied to the State Government and to respondent no.3 Corporation for its no objection certificate ought to have waited for permission from the competent Authority before it undertook construction on the area abutting the site of dam. However, question that we pose to ourselves is as to whether at this stage, work which was already undertaken and work which is undertaken after August 2017, is admittedly in accordance with requisite permissions from State Government and Nagpur Municipal Corporation, should be stalled only because prior to that, no permission was obtained.

13) It is to be noted that the Metro Rail project is an important project for easing out traffic issues in the city. No doubt, it would be appropriate for Metro Rail to have obtained requisite permission prior to commencing the work. However, we find that if at this stage when a substantial work of project is already complete and the requisite permissions are already issued, any such directions as sought by petitioner rather than being in public interest, would be contrary to public interest at large.

14) Perusal of report prepared by respondent no.6 would reveal that it is not the work, which is being executed by respondent no.5 Metro, which is causing danger to the said dam. On the contrary, communication addressed by respondent no.6 to respondent

no.3 Corporation would reveal that life of Ambazari dam has already come to an end. It would further reveal that communication also states that respondent no.3 Corporation has created hazardous situation by permitting various residential structures and by construction of roads on the land abutting the dam to come up. On the contrary, it specifically states that on account of Metro Rail, there is no technical impediment to dam. It, therefore, informs the respondent no.3 Corporation that in order to prevent any hazardous situation in future on account of roads and buildings, which are already constructed and Metro Rail, which is to be constructed, certain precautions are necessary to be implemented. As such, respondent no.6 has found it necessary to impose six conditions while granting permission to Metro Rail, as mentioned in communication dated 16/8/2017 addressed by respondent no.6 to respondent no.3 Corporation.

15) We find that the present petition has come as a blessing in disguise for the residents residing in the Nagpur city. The technical opinion of respondent no.6, which is to be found out at pages 130-132 of paper book would reveal that there are various contributing factors, which may cause threat to said dam. One of the major contributing factors as has been found by respondent no.6 is a monumental structure, which is constructed immediately downstream of spillway bar in the tail channel. Perusal of paragraph 8 of inspection note would reveal that the said issue with regard to monumental structure poses much more threat to the safety of dam. It also specifically points out that construction of Metro Rail does not in any manner affect or encroach the flood discharging capacity of

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downstream spill channel or bridge. When an Experts' Body having expertise in the field of dam safety has itself opined that on account of construction of Metro Rail, there is no danger to dam, there is no reason to disbelieve the same.

16) It could thus be seen that over the years varieties of reasons, namely, the Planning Authorities; which have granted permission to buildings within the prohibited zone of 200 metres, Planning Authorities, which have constructed roads within the distance of 200 metres from site of dam, Authorities which have permitted commercial activities to be carried out within the distance of 200 metres, politicians who for the reasons best known to every one have permitted construction of monuments, have created a situation, which has potential of creating a flood like situation, etc. These are only illustrative in nature and not exhaustive. On the contrary, experts in the field do not find that there is any threat by construction of Metro Rail to the safety of dam.

17) No doubt, a public spirited citizen like the petitioner ought to have approached this Court much earlier when such illegal constructions were permitted by the Planning Authorities or when such monuments were erected or when such commercial activities were permitted. However, we find that though belatedly, petitioner's approaching this Court has given us an opportunity to issue directions to various Authorities so as to ensure safety of dam so that a flood like situation is avoided. We, therefore, dispose of the petition with following directions :

(i) Respondent no.6 is directed either itself or through

Irrigation Authorities situated at Nagpur to execute the entire works, which are necessary for ensuring safety of dam as could be found in the letter dated 16/8/2017 and in the inspection report, which is to be found at pages 130 to 132 of paper book.

(ii) The respondent no.6 in consultation with respondent no.3 Corporation, respondent no.5 and local irrigation Agency shall prepare plans for ensuring safety of dam, which has outlived its life. The said plans be finalized by 15th April 2018. After the plans are finalized, respondent no.6 either itself or through local Irrigation Agency as chosen by it, shall forthwith start work for execution of such measures. Needless to state that work would not be restricted only to 342 metres stretch, which is adjoining alignment of metro, but for entire length of dam.

(iii) Respondent Metro Rail shall bear costs for executing the works, which are adjoining its alignment, i.e. 342 metres. The expenditure towards costs of strengthening remaining stretch of dam shall initially be borne by State Government. State Government would be at liberty to recover full or part of the amount from respondent no.3 Corporation or other Planning Authorities, which in the opinion of State Government, have contributed to such illegal structures.

18) We make it clear that for executing the aforesaid works, paucity of funds will not be considered an excuse. We direct Chief Secretary of State of Maharashtra to ensure that aforesaid directions are followed scrupulously.

19) Before disposing of the petition, we place on record our appreciation for petitioner, because of whom we could issue aforesaid directions and avoid a situation, which may have disastrous consequences of Panshet like situation.

20) With above directions, the petition stands disposed of.

JUDGE

JUDGE

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धरणाच्या व पायथ्यालगतच्या क्षेत्रामध्ये कोणत्याही प्रकारच्या विकासाची कामे करण्यासाठी महत्तम पूर पातळीपासून अंतराच्या निकषामध्ये सुधारणा करणेबाबत.

ANNEXURE...P-07

महाराष्ट्र शासन
जलसंपदा विभाग

शासन परिपत्रक क्रमांक: संकीर्ण-२०१२/(प्र.क्र.२०/२०१२)/सि.व्य.(महसूल)
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई-४०० ०३२,
दिनांक: ०८ मार्च, २०१८.

वाचा:-

- १) महाराष्ट्र शासन, पाटबंधारे विभागाचे इंग्रजी परिपत्रक क्र.आयपीएम-३७६२/७१४८९-आयपी (१)/दिनांक - १७/१/१९७५
- २) शासन परिपत्रक, नियोजन विभाग क्र. पाझर/१८८७/प्र.२०/इएमपी-४, दि. २०.०३.१९८७
- ३) शासन परिपत्रक, जलसंपदा विभाग क्र.एफडीडब्ल्यु -१०८९/ २४३/ ८९ / सि.व्य.(कामे), दि. २१ .९ .१९८९
- ४) शासन परिपत्रक, जलसंपदा विभाग क्र. नौविप-२००३/१३५९/(१५/०३)/सि.व्य.(म), दि. ८.१२.२००३
- ५) शासन अधिसूचना, नगर विकास विभाग क्र.टीपीएस-१८०४/पुणे आरपीडीसीआर/युडी-१३, दि. १६.११.२००५
- ६) शासन निर्णय, पर्यावरण विभाग, क्र. मंमबै २००९/३२५/प्र.क्र.६१/तांक-१, दि.१३ जुलै, २००९.
- ७) शासन परिपत्रक, जलसंपदा विभाग क्र.संकीर्ण-२०१२/(प्र.क्र.१८२/२०१२)/सि.व्य.(म), दि.२४.०४.२०१२
- ८) शासन परिपत्रक, जलसंपदा विभाग क्र.संकीर्ण-२०१२/(प्र.क्र.२०/२०१२)/सि.व्य.(म), दि.२.०८.२०१३.

प्रस्तावना:-

जलसंपदा विभागाच्या मोठ्या, मध्यम व लघु प्रकल्पांच्या जलाशयातील प्रतिबंधित क्षेत्र वगळून धरणाच्या वरील बाजूस व पायथ्यालगतच्या क्षेत्रामध्ये पर्यटनाच्या दृष्टीने विकासाची कामे करण्यासाठी महत्तम पूर पातळीपासून अंतराच्या निकषामध्ये सुधारणा करण्याबाबत जलसंपदा विभागाचे परिपत्रक क्र.संकीर्ण-२०१२/(प्र.क्र.२०/२०१२)/सि.व्य.(म), दि.२.०८.२०१३ अन्वये सूचना निर्गमित करण्यात आलेल्या आहेत. सदर परिपत्रकाचा उद्देश धरणाच्या वरच्या भागातून जलाशयाचे होणारे संभाव्य प्रदूषण रोखणे, तसेच धरणाजवळ सुरक्षा (Security) व सुरक्षिततेला (Safety) धोक्या पोहोचू नये, या बाबी देखील विचारात घेतल्या होत्या.

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शासन परिपत्रक क्रमांक: संकीर्ण-२०१२/(प्र.क्र.२०/२०१२)/सि.व्य.(महसूल)

सदर अंतर हे जास्तीचे असून यामध्ये सुधारणा करण्याची मागणी अधिकारी व लोकप्रतिनिधींनी केली आहे, जेणेकरून पर्यटन व इतर विकास कामांना चालना मिळेल. या अनुषंगाने शासन परिपत्रकातील अंतराच्या निकषांमध्ये अधिक सुधारणा करण्याची बाब शासनाच्या विचाराधिन होती. त्यामुळे शासन परिपत्रक, जलसंपदा विभाग क्र.संकीर्ण-२०१२/ (प्र.क्र.२०/२०१२)/सि.व्य.(म) दि.२.०८.२०१३ अधिक्रमित करून खालीलप्रमाणे सुधारित निर्देश देण्यात येत आहेत.

परिपत्रक:-

जलसंपदा विभागाचे मोठे, मध्यम व लघु पाटबंधारेच्या जलाशयातील वा अन्य प्रतिबंधित क्षेत्र वगळून धरण व अन्य घटक बांधकामाच्या सुरक्षिततेला (Safety) व सुरक्षेला (Security) कोणताही धोका पोहोचणार नाही, तसेच खालील नमूद केल्या अंतरापलिकडे पर्यटन किंवा अन्य विकास कामे करता येतील.

१. धरणाच्या जलाशयाच्या वरच्या भागातील नागरी वसाहत (Township) सोडून इतर विकास कामांबाबत

अ) द्वार विरहित जलाशयासाठी (Storage With ungated spillway) - धरणाच्या वरच्या बाजूस AHFL पातळी (पूर फुगवट्याची) किंवा HFL +०.५ मी. Vertical किंवा २० मी. Horizontal यातील जे कमीत कमी अंतर.

ब) बांधसुलभ अंधारासाठी (Storage With gated spillway) - धरणाच्या वरच्या बाजूस (Submergence च्या बाजूला) HFL +१ मी. Vertical किंवा ७५ मी. Horizontal यातील जे कमीत कमी अंतर.

२. नागरी वसाहतीसाठी (Township) व औद्योगिक वसाहतीसाठी (Industrial Township Estates)

१) मोठ्या व मध्यम प्रकल्पाबाबत - अ) व ब) येथील किंवा AHFL पासून किमान ५०० मीटर अंतर यापैकी जास्त असेल ते अंतर हे निषिद्ध क्षेत्र राहिल.

शासन परिपत्रक क्रमांक: संकीर्ण-२०१२/(प्र.क्र.२०/२०१२)/सि.व्य.(महसूल)

॥ लघु प्रकल्पाबाबत- अ) व ब) येथील किंवा AHFL पासून किमान २०० मीटर अंतर यापैकी जास्त असेल ते अंतर हे निषिद्ध क्षेत्र राहिल.

३. धरण किंवा प्रकल्प घटकाचे बांधकामापासूनचे अंतर खालीलप्रमाणे निश्चित करण्यात येत आहे. निषिद्ध क्षेत्र व इतर अंतरे ही माती धरणाच्या बाबतीत Toe drain च्या अधोबाजूकडील कडेपासून तसेच सांडव्याच्या EDA वरील end sill पासून मोजावेत, जिथे Toe drain नसेल तिथे हे अंतर $Toe + १०$ मीटर याच्यापुढे मोजावेत.

अ. क्र.	धरण/ घटक कामाची त्या ठिकाणची उंची	निषिद्ध अंतर	खोदकामाच्या खोलीची मर्यादा
१	० ते ३० मीटर	उंचीच्या पाचपट किंवा ३० मीटर यापैकी जे जास्त असेल ते	२०० मीटर किंवा उंचीचे १० पट यापैकी जे जास्त असेल त्या अंतरापर्यंत
२	३० मीटरपेक्षा जास्त	२०० मीटर किंवा उंचीच्या १० पट यापैकी जास्त असेल ते	जमीन पातळीपासून १ मीटरपेक्षा जास्त कायमस्वरूपी खोदकाम करता येणार नाही.

४. एकाच धरणातील वरीलप्रमाणे निषिद्ध अंतर धरणरेषेवर त्या-त्या ठिकाणाच्या उंचीनुरूप असतील, म्हणजेच कमी उंचीच्या ठिकाणी कमी अंतर व जास्त उंच बांधकामाच्या ठिकाणी जास्त अंतर असेल. सदर अंतर हे हवाई अंतर (Aerial Distance) असेल. म्हणजेच परवानगी घ्यायचे अंतर हे धरणाच्या महत्तम उंचीवर अवलंबून नसून, धरणरेषेवर त्या त्या ठिकाणाच्या भरावाच्या बांधकामाच्या उंचीवर अवलंबून राहिल.

५. धरणाच्या खालील बाजूस नदी पात्रापासूनच्या अंतर व करावयाच्या विकास कामाचे स्वरूप / बांधकाम इत्यादी पूर रेषा विषयक जलसंपदा विभाग, शासन परिपत्रक क्र.एफडीडब्ल्यू -१०८९/२४३/८९/ सि.व्य.(कामे), दि.२१.९.१९८९ प्रमाणे करावे.

६. एखादे विवक्षित धरण/ बांधकामाच्या सुरक्षिततेसाठी (Security) प्रवेश नियंत्रण (Access Control) करणे अथवा विशिष्ट भूगर्भिय परिस्थितीमुळे (Geological Condition) धरण सुरक्षिततेसाठी संबंधित प्रकल्पाचे मुख्य अभियंता हे अतिरिक्त अंतरापर्यंतचे/विशिष्ट ठिकाणाचे क्षेत्र हे विकासासाठी निषिद्ध क्षेत्र म्हणून घोषित करू शकतील. तथापि, असे करताना त्यासाठीची कारणे नमूद केली पाहिजे.

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शासन परिपत्रक क्रमांक संकीर्ण-२०१२/(प्र.क्र.२०/२०१२)/सि.व्य.(महसूल)

७. जलाशयातील / नदीतील पाणी प्रदूषित होणार नाही. तसेच सांडपाणी (effluent) जलाशयात गिरसळणार नाही (प्रत्यक्ष वा अप्रत्यक्ष) याची विकासकांनी खबरदारी घेणे आवश्यक राहिल.

८. या निर्णयात नमूद केलेले निषिद्ध अंतराचे निकष हे धरण / बांधकामाची सुरक्षा व सुरक्षिततेसाठी आहेत. याव्यतिरीक्त इतर विभागाकडून उदा. पर्यावरण, महसूल व वन विभाग, उद्योग, ऊर्जा व कामगार विभाग व नगर विकास विभाग इ. विभागांचे काही निकष असतील तर विकासकांनी त्याचे पालन करणे आवश्यक राहिल.

सदर शासन परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संकेतांक २०१८०३०८११३४२५७८२७ असा आहे. हे परिपत्रक डिजिटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

C. A.
Birajdar

Digitally signed by C.A. Birajdar
DN: cn=C.A. Birajdar, o=Government Of Maharashtra,
ou=Water Resources Department,
serial=4000022, email=birajdar@waterres.
gov.in, c=IN, postalCode=400002,
serial=4000022, email=birajdar@waterres.
gov.in, c=IN, postalCode=400002

(च.आ.बिराजदार)

सचिव (लाक्षेवि), महाराष्ट्र शासन

प्रत,

१. मा. राज्यपाल यांचे सचिव,
२. मा. मुख्यमंत्री यांचे कार्यालय,
३. मा. अध्यक्ष / उपाध्यक्ष, विधानसभा, विधानभवन, मुंबई,
४. मा. सभापती / उपसभापती, विधानपरिषद, विधानभवन, मुंबई,
५. मा. विरोधी पक्षनेते, विधानसभा, मुंबई, यांचे कार्यालय, विधानभवन, मुंबई,
६. मा. विरोधी पक्षनेते, विधानपरिषद, मुंबई, यांचे कार्यालय, विधानभवन, मुंबई,
७. मा. मंत्री, जलसंपदा यांचे खाजगी सचिव, मंत्रालय, मुंबई,
८. मा. राज्यमंत्री (जलसंपदा) यांचे खाजगी सचिव, मंत्रालय, मुंबई,
९. महालेखापाल, १ / २ (लेखा व अनुज्ञेयता) महाराष्ट्र राज्य, मुंबई/नागपूर
१०. महालेखापाल, १ / २ (लेखा परीक्षा) महाराष्ट्र राज्य, मुंबई/नागपूर,
११. अ.मु.स (गृह) यांचे स्वीय सहायक, गृह विभाग, मंत्रालय, मुंबई,
१२. अ.मु.स (महसूल) यांचे स्वीय सहायक, महसूल व वन विभाग, मंत्रालय, मुंबई
१३. अ.मु.स. (पर्यावरण) यांचे स्वीय सहायक, पर्यावरण विभाग, मंत्रालय, मुंबई,
१४. अ.मु.स. (उद्योग) उद्योग, ऊर्जा व कामगार विभाग, मंत्रालय, मुंबई.
१५. प्रधान सचिव (जलसंपदा) यांचे स्वीय सहायक, जलसंपदा विभाग, मंत्रालय, मुंबई,
१६. प्रधान सचिव (नगरविकास) यांचे स्वीय सहायक, नगरविकास विभाग, मंत्रालय, मुंबई,
१७. सचिव (जसंभ्य व लाक्षेवि) यांचे स्वीय सहायक, जलसंपदा विभाग, मंत्रालय, मुंबई,

पृष्ठ ५ पैकी ४

F. No. W-4/4/2022-WTL
Government of India
Ministry of Environment, Forest & Climate Change
(Wetlands Division)

ANNEXURE P-08

Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi -110003

Dated 8th March, 2022

OFFICE MEMORANDUM

Subject: Protection of Wetlands as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017

The Hon'ble Supreme Court vide Order dated 4th October, 2017 in W.P. (C) No. 230 of 2001 has inter-alia, directed that, "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".

2. The same has been communicated by this Ministry to all the States and UTs in November, 2017. Hon'ble NGT has also reiterated the same in various recent cases.

3. In view of above, it is once again clarified/reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules.

Ramesh

(Dr. M. Ramesh)
Scientist 'E'

Tel.: 011-20819249

Email: ramesh.motipalli@nic.in

To

The Member Secretaries of State and UT Wetlands Authorities

ANNEXURE.....P-09 217

THE WETLANDS (CONSERVATION AND MANAGEMENT) RULES, 2010¹

In exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules for conservation and management of wetlands, namely:—

1. Short title and commencement.—(1) These rules may be called the Wetlands (Conservation and Management) Rules, 2010.

(2) They shall come into force on the date² of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "Authority" means the Central Wetlands Regulatory Authority constituted under rule 5;
- (c) "dredging" means an excavation activity or operation usually carried out at least partly underwater, in shallow sea or fresh water areas with the purpose of gathering up bottom sediments and disposing them off at a different location;
- (d) "National Park" means an area declared, as National Park under section 35 or section 38, or deemed to be declared as a National Park under sub-section (3) of section 66, of the Wild Life (Protection) Act, 1972 (35 of 1972);
- (e) "Ramsar Convention" means the Convention on Wetlands signed at Ramsar, Iran in 1971;
- (f) "UNESCO" means the United Nations Educational, Scientific and Cultural Organisation;
- (g) "wetland" means an area or of marsh, fen, peatland or water; natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water, the depth of which at low tide does not exceed six metres and includes all inland waters such as lakes, reservoir, tanks, backwaters, lagoon, creeks, estuaries and manmade wetland and the zone of direct influence on wetlands that is to say the drainage area or catchment region of the wetlands as determined by the authority but does not include main river channels, paddy fields and the coastal wetland covered under the notification of the Government of India in the Ministry of Environment and Forest, S.O. No. 114(E), dated the 19th February, 1991 published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) of dated the 20th February, 1991;

1. Vide G.S.R. 951(E), dated 4th December, 2010, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 4th December, 2010.

2. Came into force on 4-12-2010.

- (h) "wildlife sanctuary" means an area declared as a wildlife sanctuary under the provisions of Chapter IV of the Wild Life (Protection) Act, 1972 (35 of 1972) and shall include an area deemed to be sanctuary under sub-section (4) of section 66 of the said Act.

(2) The word and expressions used in these rules and not defined but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Protected wetlands.—Based on the significance of the functions performed by the wetlands for overall well being of the people and for determining the extent and level of regulation, the following wetlands shall be regulated under these rules, namely:—

- (i) wetlands categorised as Ramsar Wetlands of International Importance under the Ramsar Convention as specified in the Schedule;
- (ii) wetlands in areas that are ecologically sensitive and important, such as, national parks, marine parks, sanctuaries, reserved forests, wildlife habitats, mangroves, corals, coral reefs, areas of outstanding natural beauty or historical or heritage areas and the areas rich in genetic diversity;
- (iii) wetlands recognised as or lying within a UNESCO World Heritage Site;
- (iv) high altitude wetlands or high altitude wetland complexes at or above an elevation of two thousand five hundred metres with an area equal to or greater than five hectares;
- (v) wetlands or wetland complexes below an elevation of two thousand five hundred metres with an area equal to or greater than five hundred hectares;
- (vi) any other wetland as so identified by the Authority and thereafter notified by the Central Government under the provisions of the Act for the purposes of these rules.

4. Restrictions on activities within wetlands.—(1) The following activities within the wetlands shall be prohibited, namely:—

- (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 the 27th November, 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 the 5th December, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008 notified *vide* S.O. No. 2265(E), dated the 24th September, 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.

(2) The following activities shall not be undertaken without the prior approval of the State Government within the wetlands, namely:—

- (i) withdrawal of water or the impoundment, diversion or interruption of water sources within the local catchment area of the wetland ecosystem;
- (ii) harvesting of living and non-living resources;
- (iii) grazing to the level that the basic nature and character of the biotic community is not adversely affected;
- (iv) treated effluent discharges from industries, cities or towns, human settlements and agricultural fields falling within the limits laid down by the Central Pollution Control Board or the State Pollution Control Committee, as the case may be;
- (v) plying of motorized boat, if it is not detrimental to the nature and character of the biotic community;
- (vi) dredging, only if the wetland is impacted by siltation;
- (vii) construction of boat jetties;
- (viii) activities within the zone of influence, as per the definition of wetlands, that may directly affect the ecological character of the wetland;
- (ix) facilities required for temporary use, such as pontoon bridges, that do not affect the ecological character of the wetland;
- (x) aquaculture, agriculture and horticulture activities within the wetland;
- (xi) repair of existing buildings or infrastructure including reconstruction activities;
- (xii) any other activity to be identified by the Authority.

(3) Notwithstanding anything in sub-rule (1) or sub-rule (2), the Central Government may permit any of the prohibited activities or non-wetland use in the protected wetland on the recommendation of the Authority.

(4) The State Government shall ensure that a detailed Environment Impact Assessment is carried out in accordance with the procedures specified in the notification of the Government of India in the Minister of Environment and Forests S.O. No. 1533(E), dated the September 14th, 2006 as amended from time-to-time.

(5) No wetland shall be converted to non-wetland use unless the Central Government is satisfied on the recommendation of the Authority that it is expedient in the public interest and reasons justifying the decision are recorded.

5. Constitution of Central Wetlands Regulatory Authority.—(1) The Central Government, in exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), hereby constitutes Central Wetlands Regulatory Authority consisting of the following Chairpersons and members for the purpose of these rules, namely:—

- (a) Secretary, Ministry of Environment and Forests, Government of India – Chairperson;
- (b) a representative (not below the rank of Joint Secretary) from Ministry of Tourism, Government of India – Member *ex-officio*;
- (c) a representative (not below the rank of Joint Secretary) from Ministry of Water Resources, Government of India – Member *ex-officio*;
- (d) a representative (not below the rank of Joint Secretary) from Ministry of Agriculture, Government of India – Member *ex-officio*;
- (e) a representative (not below the rank of Joint Secretary) from Ministry of Social Justice, Government of India – Member *ex-officio*;
- (f) Chairman or his nominee, the Central Pollution Control Board, – Member *ex-officio*;
- (g) Joint Secretary or Adviser, dealing with the wetland in the Ministry of Environment and Forests, Government of India – Member *ex-officio*;
- (h) Dr. Asad R. Rahmani, Director, Bombay Natural History Society, Hornbill House, Dr. Salim Ali Chowk, Shaheed Bhagat Singh Road, Mumbai - 400 023; Expert Ornithology – Member;
- (i) Dr. M.R.D. Kunadangar, Darul Aloom Qasmia Lane, Botshah Mohalla, Lal Bazar, Srinagar, Kashmir; Expert Limnology – Member;
- (j) Dr. C.K. Varshney, 88 Vaishali, Pitampura, New Delhi-110034; Expert Ecology – Member;
- (k) Dr E.J. James, Director, Water Institute, Karunya University, Coimbatore, Tamil Nadu; Expert Hydrology – Member.

¹[***]

²(2) The term of the Authority shall be upto 31st March, 2015.]

(3) The Authority shall exercise the following powers and perform the following functions, namely:—

- (i) appraise proposals for identification of new wetlands, projects or activities in consultations with the concerned local authorities;
- (ii) identify and interface with the concerned local authorities to enforce the provisions contained under these rules and other laws for the time being in force;

1. Clause (l) omitted by G.S.R. 617(E), dated 22nd August, 2014. Clause (l), before omission, stood as under:

“(l) Director or Additional Director or Joint Director dealing with the Wetland in the Ministry of Environment and Forests – Member Secretary.”

2. Subs. by G.S.R. 824(E), dated 14th November, 2014, for sub-rule (2). Earlier sub-rule (2) was substituted by G.S.R. 617(E), dated 22nd August, 2014. Sub-rule (2), before substitution by G.S.R. 824(E), dated 14th November, 2014, stood as under:

“(2) The term of the Authority shall be upto 30th September, 2014.”

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The Wetlands (Conservation and Management) Rules, 2010 [Rule 5]

- (iii) grant clearances or identify in consultation with the Local State Government, the areas for the grant of clearance for regulated activities in the wetlands within their respective jurisdictions;
- (iv) determine, in consultation with concerned local authority, the zone of direct influence of the wetlands;
- (v) issue whatever directions, necessary for the conservation, preservation and wise use of wetlands to the State Governments.

(4) The Authority shall periodically review the list of wetlands and the details of prohibited and regulated activities under the rules.

(5) The Authority shall specify the threshold levels for activities to be regulated and the mode and methodology for undertaking activities in wetland.

6. **Process for identification of wetlands under different categories.**—(1) Wetlands covered under item (i) of rule 3 specified under Schedule shall be the wetland to be regulated under these rules.

(2) The States Government shall prepare, within a period of one year from the commencement of these rules, 'Brief Document' identifying and classifying the wetlands within their respective territories in accordance with the criteria specified under rule 3 and submit the same to Authority.

(3) The 'Brief Document' of each wetland for identification shall comprise of following information, namely:—

- (i) broad geographic delineation of the wetland;
- (ii) its zone of influence along with a map (accurate and to scale);
- (iii) the size of the wetland;
- (iv) account of pre-existing rights and privileges, consistent or not consistent with the ecological health of the wetland.

(4) The Authority, shall on receipt of the 'Brief document' under sub-rule (2), if consider it necessary refer in consultation with the State Government to a research institute or university having relevant multi-disciplinary expertise related to wetlands, to conduct a comprehensive survey of the wetland within a period of thirty days:

Provided that the institute or university to which the matter has been referred under sub-rule (4) shall submit a report within next ninety days from the date of such reference to Authority, which shall contain information with respect to the criteria specified under rule 3.

(5) The Authority shall, thereafter, arrive at a decision in consultation with the State Government, on the proposal, within a period of ninety days from the date of receipt of the report under sub-rule (4).

(6) The Central Government shall on the receipt of the recommendation of the Authority notify the area of wetlands as recommended by the Authority for public information inviting objections and suggestions from the general public likely to be affected to make representation to the Central Government within a period of sixty days.

(7) The Authority shall consider all the representations which the Central Government may receive under sub-rule (6) and submit its recommendation on the

such representations to Central Government within a period of sixty days for final notification.

(8) The Central Government shall on receipt of the recommendations of the Authority under sub-rule (7) issue a final notification notifying therein the area of the wetland its category or classification to be regulated under these rules and display the said notification in public places in English and vernacular languages.

(9) The Authority may, *suo moto* or on application made to it, review any decision under these rules or issue direction for inclusion of wetland under these rules.

7. Overlapping provisions.—(1) The wetlands within the protected areas of the National Parks and Wildlife Sanctuaries shall be regulated by the provisions of Wild Life (Protection) Act, 1972 (35 of 1972).

(2) The wetlands within the protected or notified forest areas shall be regulated by the provisions of the Indian Forest Act, 1927 (16 of 1927); the Forest (Conservation) Act, 1980 (69 of 1980); and the Environment (Protection) Act, 1986 (29 of 1986).

(3) The gaps in the regulation of wetlands within the protected and notified forest areas, if any, under the provisions of the Indian Forest Act, 1927 (16 of 1927); Wild Life (Protection) Act, 1972 (35 of 1972); and Forest (Conservation) Act, 1980 (69 of 1980); shall be plugged by invoking provisions of the Environment (Protection) Act, 1986 (29 of 1986).

(4) The wetlands situated outside the protected or notified forest areas referred to in sub-rule (2) shall be regulated by the relevant provisions of the Environment (Protection) Act, 1986 (29 of 1986).

8. Enforcement of regulated activities.—(1) The identified activities for management and wise use of wetlands situated within the protected or notified forest areas referred to in sub-rule (2) of rule 7 shall be regulated by the Forest Department of the State concerned.

(2) The identified activities for management and wise use of wetlands situated outside the protected or notified forest areas shall be regulated by the nodal Department or the relevant local State agencies to be designated by the State Government within a period of six months from the date of commencement of these rules.

9. Appeals against the decisions of Authority.—Any person aggrieved by the decision of the Authority may prefer an appeal to the National Green Tribunal constituted under the National Green Tribunal Act, 2010 (19 of 2010) within a period of sixty days from the date of such decision:

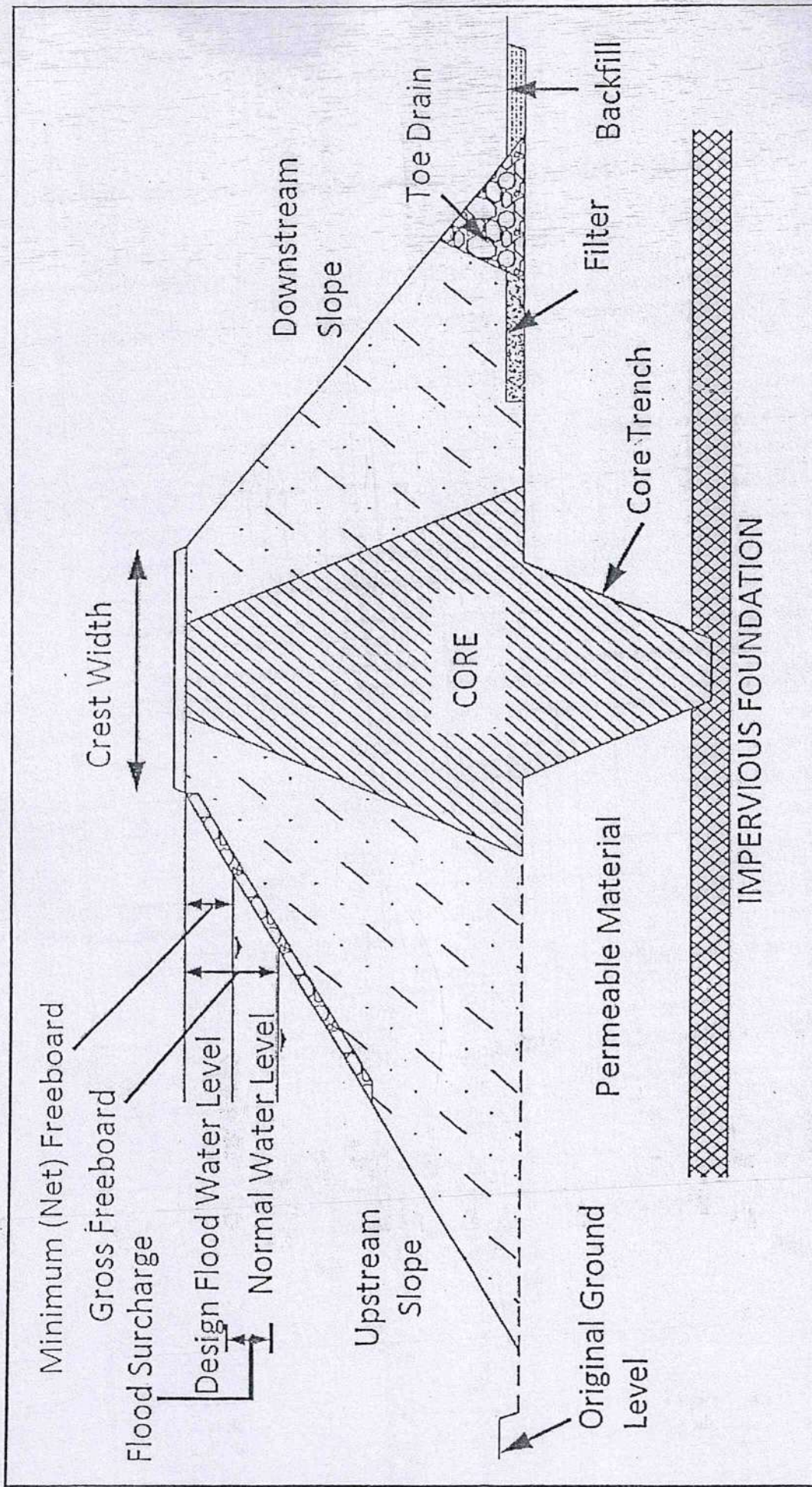
Provided the National Green Tribunal may entertain any appeal after the expiry of the said period of sixty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

THE SCHEDULE

[See rule 3(i)]

LIST OF WETLANDS IN INDIA IDENTIFIED AS RAMSAR SITES
UNDER RAMSAR CONVENTION ON WETLAND

Sl. No.	Name of Wetland	State
(1)	(2)	(3)
1	Ashtamudi Wetland	Kerala
2	Bhitarkanika Mangroves	Orissa
3	Bhoj Wetland	Madhya Pradesh
4	Chilika Lake	Orissa
5	Deepor Beel	Assam
6	East Calcutta Wetlands	West Bengal
7	Harike Lake	Punjab
8	Kanjli	Punjab
9	Keoladeo National Park	Rajasthan
10	Kolleru Lake	Andhra Pradesh
11	Loktak Lake	Manipur
12	Point Calimere Wildlife and Bird Sanctuary	Tamil Nadu
13	Pong Dam Lake	Himachal Pradesh
14	Ropar	Punjab
15	Sambhar Lake	Rajasthan
16	Sasthamkotta Lake	Kerala
17	Tsomoriri	Jammu and Kashmir
18	Vembanad-Kol Wetland	Kerala
19	Wular Lake	Jammu and Kashmir
20	Chandratat	Himachal Pradesh
21	Renuka	Himachal Pradesh
22	Rudrasagar	Tripura
23	Upper Ganga	Uttar Pradesh
24	Hokarsar (Hokera)	Jammu and Kashmir
25	Surinsar and Mansar (complex)	Jammu and Kashmir



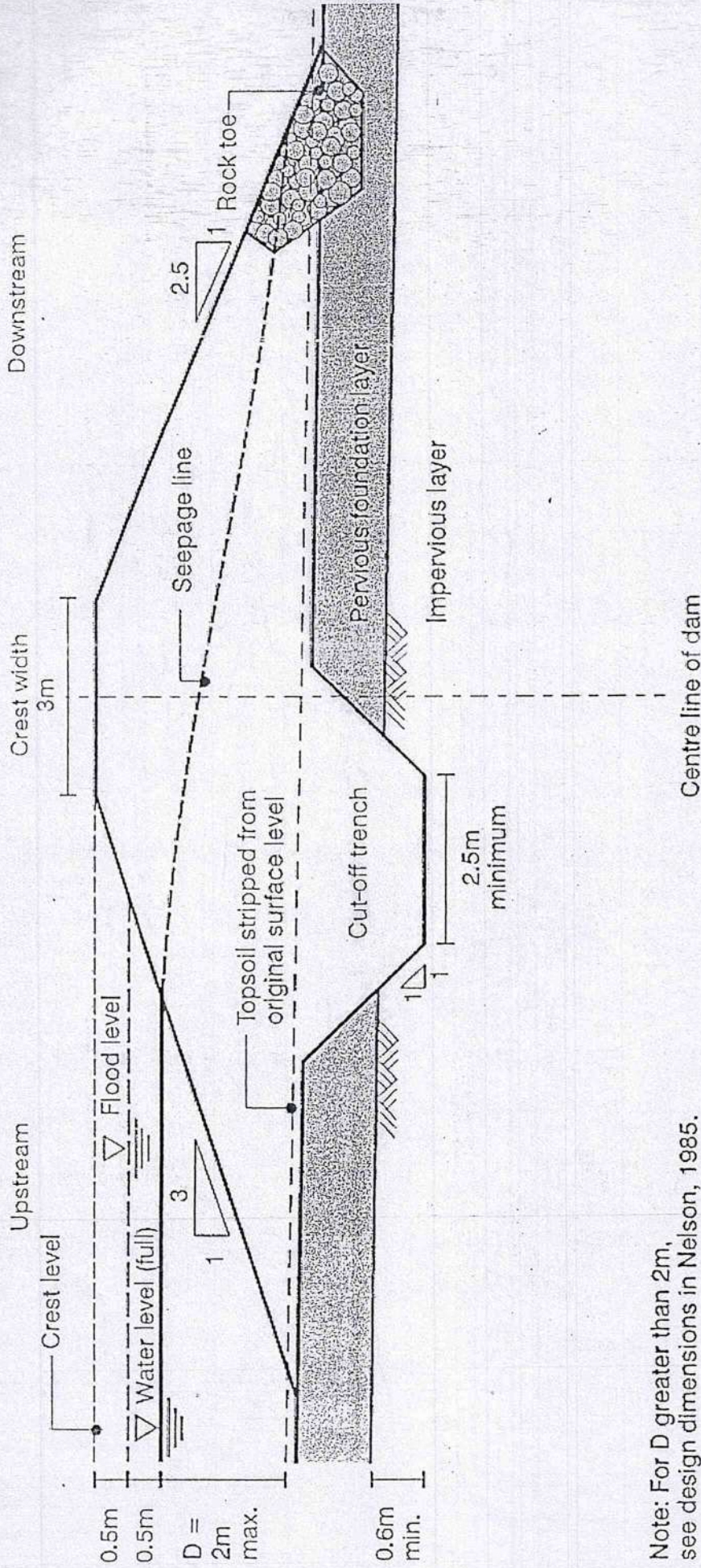


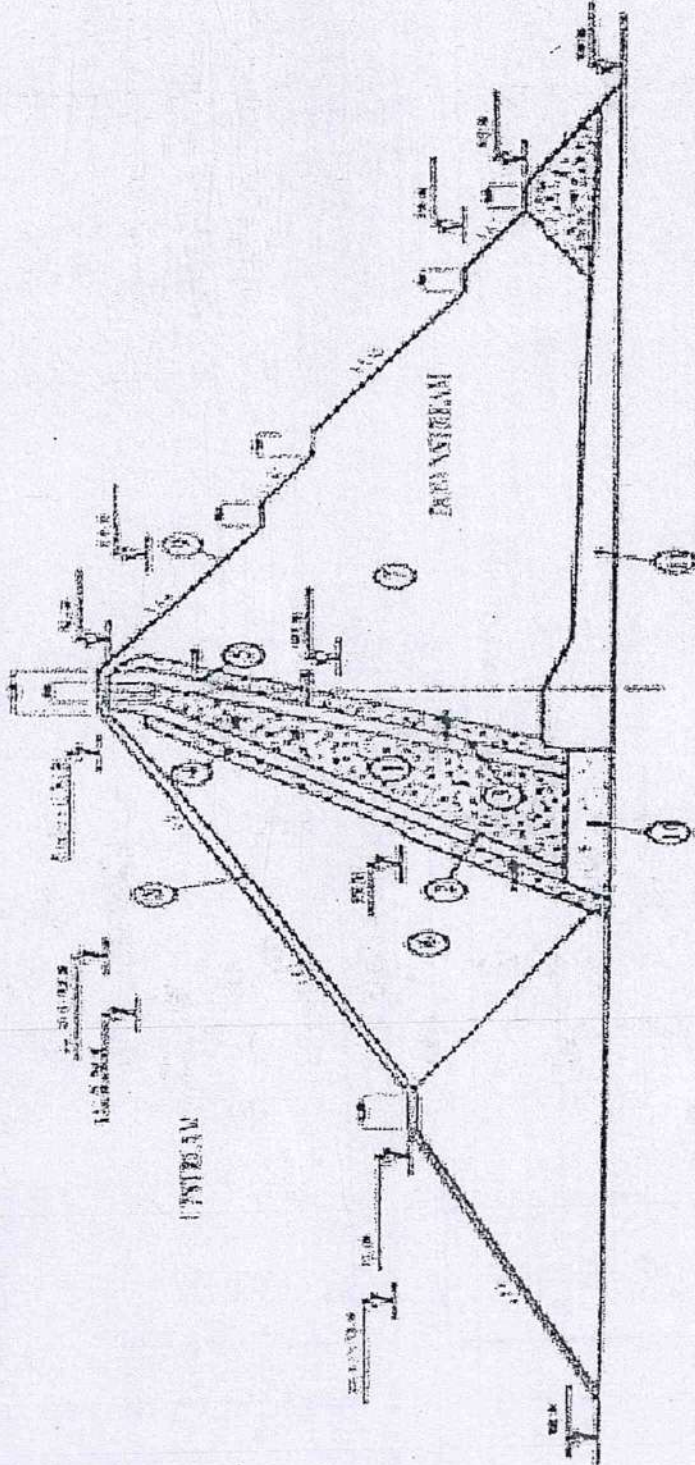
Figure 2. Section through a small earth dam (Source: Nelson, 1985)

Note: For D greater than 2m, see design dimensions in Nelson, 1985.

225

226

- 1) CLAY CORE
- 2) UPSTREAM FILTER
- 3) DOWNSTREAM FILTER
- 4) UPSTREAM TRANSITION ZONE
- 5) DOWNSTREAM TRANSITION ZONE
- 6) UPSTREAM SHELL
- 7) DOWNSTREAM SHELL
- 8) RIP-RAP LAYER
- 9) DOWNSTREAM PROTECTION LAYER
- 10) CONCRETE
- 11) DRAINAGE LAYER



CROSS SECTION OF DAM DAM

ANNEXURE..P-11

CRITERIA FOR SITING OF
INDUSTRIES WITH
REFERNECE TO RIVER
ZONES FROM
ENVIRONMENT POINT OF
VIEW

GOVERNMENT OF MAHARASHTRA
ENVIRONMENT DEPARTMENT, MANTRALAYA
GOVERNMENT RESOLUTION NO. -

2000/326/PK22/TK3

NEW ADMINISTRATIVE BLDG., 15th FLOOR,

MADAM CAMA ROAD. MUMBAI - 400 032

DATED 15th JULY, 2000

INTRODUCTION:-

Industries located on bank of the river do not provide adequate treatment facilities or do not treat effluent, due to which pollution of river occurs. There is no clear cut policy for siting of the industries from pollution potential. Hence Government of Maharashtra has framed the policy of distance criteria about the upcoming/siting of the industries which will be located at river beds/basins.

GOVERNMENT NOTIFICATION:-

Twenty river basins of the State of Maharashtra are classified as "A-I," "A-II," "A-III", and "A-IV" class of water as per the quality of river water. The standards/norms are prescribed for twenty river basins as per the quality of the river water are enclosed as an ANKEXURE; 1 & 2.. As per the criteria/policy, "origin of the river upto first designated Dam is 'classified, as A-I Class," "From first designated Dam upto A-II Class of water quality standards." "The A-III Class is designated/meant for fish and wild life propagation." and "A-IV Class of water is designated/meant to Agriculture industrial Cooling and Process having the water quality standards.

1. For "A-I" Class of River Water- From High Flood Level (HFL) of the river upto 3.0 k.m.s on either side of the river, "NO DEVELOPMENT ZONE" is specified. Beyond 3.0 kms (from high flood level) upto 5.0 k.m. on either side of the river, exclusively the industries falling under Green and Orange Categories with requisite pollution control devices are allowed/permitted. Beyond 8.0 k.m. from river (i.e. HFL) on either side of river, the industry/ies falling under any category with requisite pollution control devices is/are allowed/permitted.
2. For "A-II Class of River Water," one k.m. on either side of river from High Flood Level (HFL), THERE IS TOTAL, BAN FOR DEVELOPMENT. Beyond one k.m. from High Flood Level upto two k.m. on either side of the river, exclusively the industries falling under the category of

Green and Orange with requisite pollution control devices are allowed/permitted. Beyond two k.m. from river High Flood Level (HPL) on either side of the river, the industry/ies falling under any category with requisite pollution control devices is/are allowed/permitted.

3. In "A-III" & "A-IV Class of Water," from High Flood Level Point of river upto 1/2 k.m. on either side of the river, NO DEVELOPMENT ZONE specified. Beyond k.m.(from HFL) upto one k.m. on either side of the river, the industries falling under the category of Green and Orange with requisite pollution control devices are allowed/permitted. Beyond one k.m on either side of the river, the industry/ies falling under any category with requisite pollution control devices is/are allowed/permitted.
4. In case if the Ridge Line is nearer to prescribed zone boundry, the above policy is applicable only upto the Ridge Line for above four classes of water.
5. If the existing industries are falling under 'No Development Zone' as per above Notification and if there are any industries which are filling under Red Category which eating under o Development zone and an exiting permitted to operate their manufacturing activities and will be allowed for expansion, diversification, modernisation, substitution subject to reduction in pollution load at the source.
6. The non-polluting industries/pollution free activities/business will be allowed operate in No Development Zone subject to the condition that they

should take prior permission from Maharashtra Pollution Control Board. For this, the guidelines are enclosed in Annexure-III.

7. The policy of siting of the industries is also applicable to the industrial zones developed/to be developed by Maharashtra Industrial Development Corporation. But if in the existing MIDCs, where land is already acquired and developed, but the allocations of the industrial plot/s is/are still pending, there will be total ban for running any industrial activities for "A-II" Class of river water, from High Flood Level (HFL) of the river upto the distance of 500 Mtr., on either side of the river.
8. As the Government Notification from Industries Dept. No. ILP/1087/2477/Industry-2, dated 4-12-1987 for "Bhatsa River Basin" will remain continued, the above classification of river policy will not be applicable to "Bhatsa River Basin."
9. The industries are categorised in colour coding as per the pollution potential as enclosed in Annexure-IV.) Hence highly polluting industries are categorised as "Red Category," medium polluting industries are categorised as "Orange Category," and "less polluting industries are categorised as "Green Category." In case there is any doubt about categorisation, the same should be referred to the Expert Committee as constituted by the Environment Department.
10. Executive Engineer, Irrigation Department. Govt. of Maharashtra is hereby powered to certify the distance from High Flood Level (HPL) for siting the industries.

The above policy of siting of the industries and river classification issued as per powers conferred by Section 5 of the Environment (Protection) Act, 1986 and u/s 4(5) of the Environment (Protection) Rules, 1986.

The above Orders comes into force since the publication of this Notification.

This is as per the Order and in the name of Governor of Maharashtra.

ANNEXURE.....P-12**GOVERNMENT OF MAHARASHTRA****ENVIRONMENT DEPARTMENT, MANTRALAYA****GOVERNMENT RESOLUTION NO. MMB:-****२००९/१५५/प.क.६१/त.क.३****NEW ADMINISTRATIVE BLDG, 15TH FLOOR,****MADAM CAMA ROAD, MUMBAI - 400032****DATED 13TH JULY. 2009.**

- REF:** 1. Environment Department, Mantralaya, Mumbai, GR. No.MMB2000 326/PK22/TK3 dated 15th July, 2000.
2. Industry, Energy and Labour Department, Mantralaya, Mumbai, GR No, IDC-1822(8306)/Industry-14, dated 30/06/2004.

INTRODUCTION:

Government; of Maharashtra declared the Industrial Location Policy for location of industries in the river basins vide Government Resolution dated 15/07/2000. In the said Industrial Location Policy an amendment is being made in respect of some existing industries located in the Maharashtra Industrial Development Corporation estates. The proposal for amendment of the said industrial location policy was under consideration of the Govt. of Maharashtra on account of increased industrialization/urbanization, the development of environment friendly production; processes as well as establishment of 'advanced pollution control infrastructure. Proposed amendment was put up

for objections and suggestions This has been taken into consideration while formulating the policy.

GOVERNMENT RESOLUTION:

Twenty river basins of the state of Maharashtra are classified as "A-I", "A-II", "A-III", and "A-IV" class of water as per the prescribed quality of river water and the designated use of the said river water. The List of river basins and details regarding classification of riverine system into A-1, A-2, A-3, etc categories are prescribed for twenty river basins as an ANNEXURE 1. Similarly, the expected water quality standards as per classification of best designated uses in A-I, A-II, A-III and A-IV class has been prescribed in the- Annexure-II For the designated use of water for the prescribed quality and for the sitting of the industries, the following regulation has been prescribed.

1. For "A -1" Class of River-distance from the High Flood Level (HFL) of the river upto 3.0 Kms on either side of the river a 'NO DEVELOPMENT ZONE' is specified. Beyond 3.0 kms (from high flood level) upto 5.0 kms on either side of the river, only industries falling under Green and Orange Categories with requisite pollution control devices are allowed/permitted. After 8.0 kms distance from HFL, permission can be granted to any industry after installation of necessary pollution control devices. However, in the catchments area of both sides of the dam, upto a distance of 8 kms. in the mountain area no permission will be granted to any industry. If a new dam is constructed in A-1. Class of river, no change will be made in A-1 class of categorization.

of the river. The existing industries in operation in the A-I class of area will have to obtain zero discharge within 3 years from the issuance of this revised RRZ Policy.

2. For A-II Class of River, a distance of 500 meters on either side of HFL will not be permitted for any development. Beyond 500 meters from the bank of river upto 1000 meters, industries falling under the Green Category are allowed/ permitted. Beyond 1000 meters ie from 1000 meters upto 2000 meters, industries falling under the category of Green and Orange, and thereafter beyond 2000 meters from the bank of river, the industries falling under any category will be permitted.
3. In the Maharashtra Industrial Development Corporation area a distance of 500 meters from HFL will be 'No Development Zone', thereafter upto 250 meters i.e. from 500 meters to 750 meters of the bank of river, the industries falling under Green and Orange category, and thereafter from the 750 meters all categories of the industries are permissible. However, for that purpose the MIDC should have proper arrangement for collection of waste water, common effluent treatment plant and disposal arrangements.
4. The distance criteria ordinarily applicable to A-II Class of river water has been relaxed in the MIDC areas. on account of adequate regulation of industries operations and processes in the MIDC area, similarly, the availability of environmental infrastructure facilities in the MIDC areas. For the following purposes :

- a. From the high flood line upto 100 meters, there will be a prohibition on commercial use of the said area.
 - b. From 100 meters upto 500 meters from the high flood line, the requisite non-polluting activities listed in the Annexure III will be permissible for the ordinary use of public at large, as per Government Resolution dated 30th June, 2004
5. In "A-III" and "A-IV" Class of Water "from high flood level line of river upto $\frac{1}{2}$ km on either side of the river a "NO DEVELOPMENT ZONE' is specified. Beyond 112 km (from HFL) upto one km on either side of the river, the industries falling under the category of Green and Orange with requisite pollution control devices are allowed/permitted, and thereafter beyond 1000 meters from the bank of river, the industries falling under any category will be permitted after installation of necessary pollution control devices.
 6. If there are industries existing in "NO DEVELOPMENT ZONE or if there are Red category industries in the areas specified for Orange and Green categories, such industries will be allowed to continue. However their expansions, diversification/ modernization proposal will be permissible only on reduction of pollution load.
 7. Non-polluting industries/ pollution free activities business will be allowed to operate in No Development Zone as listed in the Annexure IV, subject to the condition that they should obtain prior permission from Maharashtra Pollution Control Board.
 8. In the 'No Development Zone', Maharashtra Pollution Control Board can give permission to Hotels, Resorts and

other Tourism Industries on the conditions that no waste water or solid waste allowed to be discharged into the River. Those Tourism Industries should install requisites waste water treatment facilities and then should dispose off treated water beyond 100 meters from the High Flood Line. The Hotels, Resorts which proposes to provide Soak Pit / Septic Tank will have to install it beyond 100 meters from the High Flood Line.

9. The orders issued by the Industries Department, Government of Maharashtra vide Government Resolution .No. ILP - 1087/2477/Industry -2, dtd. 4.12.1987 for Bhatsa River catchments areas hereby repealed and this Government Resolution will be applicable for the said Bhatsa River Catchments Area.
10. The Industries are categorized in colour coding as per pollution potential and the same has been available on the website of the Maharashtra Pollution Control Board viz. <http://mpcb.gov.in> From the Environmental point of view Cleaner Production Processes are being developed continuously. Similarly, Advanced Pollution Control Technologies are being made available. Maharashtra Pollution Control Board should take into consideration all these aspects and review the categorization of Industries after every two years and the information about the amended categorization should be made available on the Website of the Maharashtra Pollution Control Board and the Environment Department. Government <http://mpcb.gov.in> & <http://envis.maharashtra.nic.in> of Maharashtra viz.

11. The Executive Engineer, Irrigation Department, Government of Maharashtra will certify the arial parallel straight line distance in respect of the location of the industry from the High Flood Line of the River as per the Circular of Irrigation Department, Govt. of Maharashtra, Mantralaya, Mumbai, bearing No. F.D.W.1089/243/89/ Irrigation Management (Works) dtd. 21.9.1989. If the boundary of Industry Plot comes within the No Development Zone as per distance from the Average High Flood Line, the distance of Average High Flood Line of River, to the operational area of the Industry shall be taken into -consideration. A green belt shall be developed in the No Development Area by tree plantation.
12. The following decisions are taken in order to maintain the quality of river to the designated use of the river:
 - a. The Local Bodies discharging sewage without adequate treatment and disposal facilities in the nearby classified rivers will have to provide adequate and suitable treatment and disposal facilities within 3 years time from the issuance of the revised RRZ Policy dated 13/07/2009. The Urban Development Department, Govt. of Maharashtra to undertake time bound programme for the same and follow-up in implementation of the said programme.
 - b. The Sewage Treatment Plants on the premises of Local Bodies will be permitted 100 meters away from the High Flood Line and for that purpose the location of the STP should be finalized on the basis of natural slope of the

said area. The standards for such a treatment facility will be decided by the committee authorized on that behalf.

- c. The disposal of solid waste generated from the municipal area as per the Municipal Solid Waste (Management & Handling) Rules, 2000 with requisite solid waste management facility will be permitted outside 500 meters from the High Flood Line.
- d. The precaution should be taken to ensure that the said sewage treatment plant and solid waste management should be installed away from High Flood Line so that the said facilities will not go under water due to High Floods.

The Local Bodies should undertake special programme for the protection of the quality of the rivers and dams in their area. Similarly, the polluting activities such as washing of the vehicles, solid waste disposal etc. in the catchments area of the river and dams shall be prohibited.

13. It has been decided that in order to implement the above government decisions and to give the requisite clarification about the policy decision/ specific proposal the government will appoint a committee at Govt. level. The Secretaries of the Environment Deptt., Industry Deptt., Urban Development Deptt. and Water Resources Deptt. and Member Secretary, Maharashtra Pollution Control Board will be the members in the said committee. The Director, Environment Deptt., will be the Member Secretary of the said committee.

14. This order is issued under Section 5 of the Environment (Protection) Act, 1986 read with Rule 4 (5) of the Environment (Protection) Rules, 1986 as per the powers given to the State Govt. to implement the Location Policy in respect of the distance criteria for the industries from the environmental point of view.
15. The earlier Government Resolution on the above subject dated 15/07/2000 is hereby repelled by this Government decision. This Government decision will come into force from the date of issue of this Government Resolution. This is issued in the name of Governor of Maharashtra.

Sd/-

(G. N. Warade) Director

ANNEXURE...P-13

महाराष्ट्र प्रदूषण नियंत्रण मंडळ

फोन नं. २४०२०७८१/२४०२०४३७
फॅक्स नं. २४०२४०६८



कल्पतरू पॉइंट, २, ३, व ४ था मजला,
सायन माटुंगा स्किम रोड नं. ८,
सायन, मुंबई - ४०० ०२२.

क्र. गप्रनि/सहसंचालक (जप्रनि)/ब:८५७०

दिनांक: १६/०२/२०१५.

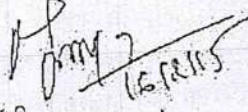
परिपत्रक

विषय : नदी नियमन धोरण, २००९ रद्द होणेबाबत.....

- संदर्भ : १. पर्यावरण विभाग शासन निर्णय क्र ममंवे २०००/३२६/प्र.क्र.२२/तां. क.३, दिनांक १५/०७/२०००.
२. पर्यावरण विभाग शासन निर्णय क्र ममंवे २०००/३२५/प्र.क्र.६९/तां. क.९, दिनांक १३/०७/२००९.
३. शासन परिपत्रक क्र. नउद्यो २०१५/प्र. क्र. ०६/तां. क.९, दिनांक ०३/०२/२०१५.

उपरोक्त संदर्भिय शासन निर्णय अन्वये जारी करण्यात आलेले नदी खोल्यांच्या क्षेत्रामध्ये उद्योगघंद्यांचे स्थान नियमन करण्यासाठी व नद्यांच्या पाणी गुणवत्तेमध्ये सुधारणा करण्याबाबतचे दि. १५ जुलै, २००० व दि. १३ जुलै, २००९ चे धोरण दिनांक २० जानेवारी, २०१५ रोजी झालेल्या मंत्रीमंडळाच्या बैठकीतील निर्णयानुसार रद्द करण्यात आलेले आहे.

या संदर्भातील संनतीपत्र इ. विषयक घकरणे जसे की, छाननी, प्रक्रिया व प्रदान या बाबी नियमाप्रमाणे निकाली काढावीत. असे निर्देश देण्यात येत आहेत.


(पी. अनबलगून)
सदस्य सचिव

प्रत:

सर्व विभागप्रमुख, म. प्र. नि. मंडळ, मुंबई.

सर्व प्रादेशिक/उप-प्रादेशिक अधिकारी, म. प्र. नि. मंडळ.

नद्यांच्या पाणी गुणवत्तेमध्ये सुधारणा
करण्याबाबत धोरण रद्द करण्याबाबत ..

महाराष्ट्र शासन

पर्यावरण विभाग,

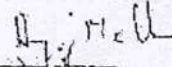
परिगत्रक क्र.नऊद्यो २०१५/प्र.क्र.०६/तां.क.१,
मंत्रालय, मुंबई-४०० ०३२ दि.०३ फेब्रुवारी, २०१५

याचा : १) पर्यावरण विभाग शासन निर्णय क्र.मंमंथे २०००/३२६/प्र.क्र.२२/तां.क.३, दि.१५ जुलै, २०००
२) पर्यावरण विभाग शासन निर्णय क्र.मंमंथे २०००/३२५/प्र.क्र.६१/तां.क.१, दि.१३ जुलै, २००९

शासन निर्णय :-

उपरोक्त शासन निर्णयान्वये जाहिर केलेले नदी खोऱ्यांच्या क्षेत्रामध्ये उद्योगधंद्यांचे स्थान नियमन करण्यासाठी व नद्यांच्या पाणी गुणवत्तेमध्ये सुधारणा करण्याबाबतचे दि. १५ जुलै २००० व सुधारित दि. १३ जुलै २००९ चे धोरण दिनांक २० जानेवारी, २०१५ रोजी झालेल्या मंत्रीमंडळाच्या निर्णयानुसार रद्द करण्यात येत असून यापुढे या धोरणातील तरतुदी राज्यातील अस्तित्वातील उद्योग या भविष्यातील प्रस्तावित उद्योगांना लागू असणार नाहीत.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,


(अजय मेहरा)

प्रधान सचिव, महाराष्ट्र शासन

प्रति.

मा.राज्यपाल यांचे सचिव.

मा.मुख्यामंत्री यांचे सचिव.

मा.मंत्री, पर्यावरण यांचे खाजगी सचिव.

मा.सर्व मंत्री यांचे खाजगी सचिव

मा.राज्यमंत्री, पर्यावरण यांचे खाजगी सचिव

मा.सर्व राज्यमंत्री यांचे खाजगी सचिव,

मा.मुख्य सचिव.

सर्व मंत्रालयीन विभागांचे ज्येष्ठ मुख्य सचिव / प्रधान सचिव / सचिव

सदस्य सचिव, महाराष्ट्र प्रदूषण नियंत्रण मंडळ, जीव, मुंबई

मुख्य कार्यकारी अधिकारी, महाराष्ट्र औद्योगिक विकास महामंडळ

महासंचालक, माहिती व जनसंपर्क महासंचालनालय

संचालक, उद्योग संचालनालय

संच.अधिकारी / कक्ष, पर्यावरण विभाग, मंत्रालय, मुंबई

निवड नस्ती / तां.क.१, पर्यावरण विभाग

ANNEXURE...P-14

REPRESENTATION BY FLOOD AFFECTED CITIZENS OF
NAGPUR

To,

03-10-2023

- (1) Shri Eknath Shinde,
The Chief Minister, Maharashtra State,
Mantralaya, Mumbai.
- (2) Shri Devendra Fadnavis,
Deputy Chief Minister, and Guardian Minister of Nagpur
-Mantralaya, Mumbai.

SUBJECT:

- (1) Detailed Representation to "fix the responsibility" of government officials for causing "water logging" due to "overflow" in Ambazari Lake, in twenty thousand houses in Nagpur on 23-09-2023.
- (2) Request to enhance "ex-gratia" payment of compensation to flood affected families from Rs.10,000/ to Rs.5,00000=00 per family
- (3) Request to conduct "Judicial Enquiry" by committee of three sitting High Court Judges be conducted for "fact finding" and "fixing responsibility" of government officials who have failed in their duties to protect, preserve, rejuvenate Ambazari Lake/ Dam/ Reservoir and Naag River in spite of sanction of Rs.2117/- Crores by the Central Government

REFERENCE: Regarding damages caused to property and the mental agony caused to the people due to "water logging" in houses

3/10/2023
आवक शिंदे
विकसितकारी कार्यालय
नागपूर.

Submitted to M C
03/10/23
P A - District Engineer
Nagpur Municipal Corporation

due to "overflow in Ambazari Reservoir" due to rainfall on 23rd September 2023 at 4 AM

Respected sir,

- (1) This letter is on behalf of the residents of localities in vicinity of "Ambazari Reservoir" regarding the loss and damage caused by the rains on 23rd September, 2023 in Nagpur. This is our humble effort to convey the original state and true events to you.
- (2) On 23rd September 2023 at early morning due to overflowing of Ambazari Lake and due to failure to maintain the "outflow" of the overflow of the water through Naag River/ Naag Nalha it is observed that a disastrous event occurred and water logged in thousands of houses in nearby areas like Purohit Lay Out, Ambazari Lay Out, Kasturba Lay Out, Samata Lay Out, Yashwant Nagar, Daga Layout, Corporation Colony, Dandige Lay Out, Shankar Nagar and several other areas. The flow of the water was such that it created havoc in the lives of the citizens causing the water to enter into the houses up to 5 ft. because of which all the furniture and other belongings were submerged in water for about 5-6 hours disturbing the normal human life for several days.
- (3) The unusual water logging for ten hours from 04-00 am to 2-00 pm on 23-09-2023 resulted in huge monetary loss to the citizens who mostly belonged to "middle class" families. The people had no choice but to watch their furniture, fridge, TV, washing machine, mattresses, clothes, valuables, blankets, food, grain in the house get

ruined just within a span of few hours and many other items like two wheelers and four wheelers washed away with the flood water.

- (4) The situation was so horrible that citizens were made to suffer without electricity, drinking water and without food for 24 hours. The manmade disaster killed five citizens and left thousands shocked to see their valuable goods being destroyed by "unusual water logging" in their houses, offices and shops.
- (5) The lower middle class citizens suffered huge financial losses due to sudden loss of their belongings which were destroyed due to "man made disaster" which could have been easily prevented. The citizens not only lost their personal properties like utensils, furniture, groceries, cloths, electronic items, automobiles etc but have also lost their peace of mind and are still under tremendous mental trauma. The offices, houses, and other means of livelihood were completely destroyed as the "unusual water logging" continued for ten hours.
- (6) Every family lost its valuables including their precious furniture, cloths, groceries, electronic items, files and stationaries, automobiles as these valuables were in water for long hours. It is found and observed that Water has entered into electric switches and boards because of which citizens faced fear of electric current. At this time the only serious question in front of people is how to restart their income/ livelihood once again.
- (7) The citizens were helpless and could not do anything except to watch that their valuables are being destroyed

due to "overflow of the Ambazari Lake" which is a man-made disaster. The citizens were crying and begging for the help from the administration and hundreds of calls were made to emergency numbers seeking police help and fire brigade, but only two vehicles were sent by the administration to rescue citizens from "water logged area". The NDRF team visited the Ambazari Lay Out and Purohit Lay Out at 6.30 am and rescued some senior citizens. No help was given to citizens who were tucked inside their houses for ten hours in a "water logged situation" in most of the other areas due to shortage of facilities and infrastructure with NDRF.

- (8) The rain god stopped at 11.00 am and water level started receding at its own pace but citizens had no choice than to watch everything getting destroyed in front of their own eyes and each citizen felt helpless. Everything was over before anything was understood and before anything was done. Unforgettable and heart-wrenching scenes were witnessed by all of us, some more and some less. It is necessary to know that whatever damage is caused is caused due to whom and whose fault is it? Why didn't anyone notice that the water of Ambazari lake can overflow due to continuous rains and the life of citizens in nearby areas can be ruined in spite of the warning given by Dam Safety Authority in 2017?
- (9) It is necessary to mention few things which will confirm that the "incident on 23-09-2023" was a man made disaster and it is a result of inaction on the part of government authorities:-

- (i) The failure of administration to clean and maintain the Naag River/ Naag Nalha which prevented the smooth flow of outflow of water after Ambazari Overflow and resulted in disaster of water logging in surrounding areas/ localities.
- (ii) The failure to utilize an amount of Rs.2117/ Crores sanctioned by Central Government for Ambazari Rejuvenation project/ Naag River Project
- (iii) The illegal construction of "concrete wall" of eight feets in height and hundred feets in length by MAHAMETRO on the Naag River, within 100 meters from "Ambazri Dam" {which is a no construction zone} which "diverted the water flow" from Ambazari Overflow Point to nearby localities and destroyed the lives of the citizens {In Violation of MRTP Act 1966 and UDCPR 2023}
- (iv) The illegal construction of "Vivekanand Smarak" within 50 meters of Ambazari Overflow point by NMC "which is a no construction zone" resulting in big obstacle of smooth water flow from Ambazari Overflow Point {In Violation of MRTP Act 1966 and UDCPR 2023}
- (v) The illegal construction of "skating ring" and "parking spot" on Naag River in Daga Lay Out/ Corporation Colony by Nagpur Improvement Trust {In Violation of MRTP Act 1966 and UDCPR 2023}

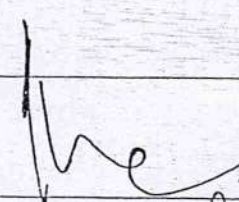
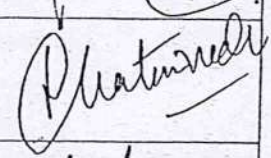
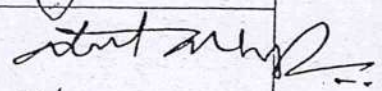
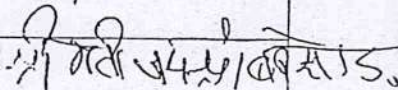
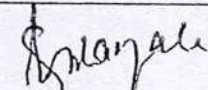
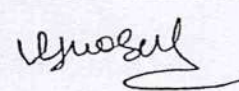
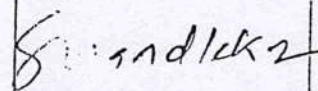
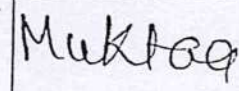
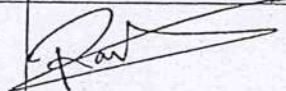

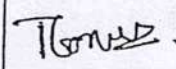
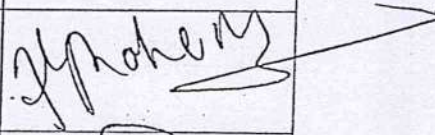

- (vi) Violation of Rule 11 {c}, 11 {d} of Regulations for Conservation of Heritage Buildings 2003 made under section 31 of MRTP Act 1966
 - (vii) The illegal flow of sewage and effluents from MIDC Industrial Area violating Environment Act 1986
 - (viii) Violation of Rule 4 read with Rule 2 {g} of The Wetlands {Conservation and Management} Rules 2010 made u/s 3, 25 of Environment Protection Act 1986
 - (ix) Violation of Rule 3.1.12 of Unified Development Control Regulations 2023 made u/s 37 of MRTP ACT 1966 by which no construction is allowed within 100 meters from High Flood Line of Natural Lakes
 - (x) The failure to repair and rebuilt the "wall between Daga Lay Out" and VNIT which has been demolished by NMC many years ago.
- (10) Even after such calamity citizens have calmly and patiently started working towards rebuilding and fixing everything, but if the administration gives support and courage, it would lift up people's hopes and encourage them. We all request the administration to provide financial assistance and infrastructural support for our extended events.
- (11) PRAYERS:-
- (i) Ex-Gratia compensation to flood affected families be increased to Rs. Five Lakh/ per family

- (ii) Judicial Enquiry by committee of three sitting High Court Judges be conducted for "fact finding" and "fixing responsibility" of government officials who have failed in their duties to protect, preserve, rejuvenate Ambazari Lake/ Dam/ Reservoir and Naag River in spite of ~~violation of Rules/ Orders~~ by the Central Government and ignoring illegal construction with in 200 meters of Ambazari Dam
- (iii) Immediate steps be taken to conduct the "structural audit" of Ambzari Lake/ Dam and "Naag River"/ Naag Naala in Nagpur.
- (iv) Give immediate directions for implementation of project in conservation, protection and rejuvenation of Naag Naala of 17 km so as to facilitate smooth flow of water after heavy rainfall
- (v) Give immediate directions to "relocate Vivekananda Smarak' from Ambazari Overflow Point to Ambazari Garden and clear Overflow Point for smooth flow of water
- (vi) Give immediate directions to demolish illegally constructed compound wall and Acqua Park made by MAHAMETRO with in 200 meters of Ambazari Dam in violation of Development Control Rules and Building Bye Laws

THANKING YOU SIR

- (1) COPY TO DISTRICT COLLECTOR, NAGPUR
- (2) COPY TO MUNICIPAL COMMISSIONER, NAGPUR

RESIDENTS OF YASHVANT NAGAR, NAGPUR

Sr. no.	Name of the Citizen	Signature
1	DR. RAVI WANKHEDE	
2	MAJOR. RAMESH CHATURVEDI	
3	ATUL W. WAKUNJKAR	
4	JAYSHREE BANSOD	
5	SATISH NATH NAYAK	
6	VANDANA GIRISH VASULE	
7	DHANANJAY MANDLEKAR	
8	ASHILATA NAJAR BAGWALE (MUKTAA)	
9	RAJKUMAR BACHUKA	
10	VIHAS MMATADE	
11	T. GANESH IYER	
12	HEMANT MAHAKHODE	
13	MILIND PAWAR	

1
4

REPRESENTATION BY FLOOD AFFECTED CITIZENS OF
NAGPUR

To,

05-10-2023

- (1) Shri Eknath Shinde,
The Chief Minister, Maharashtra State,
Mantralaya, Mumbai.
- (2) Shri Devendra Fadnavis,
Deputy Chief Minister, and Guardian Minister of Nagpur
Mantralaya, Mumbai.

SUBJECT:

- (1) Detailed Representation to "fix the responsibility" of government officials for causing "water logging" due to "overflow" in Ambazari Lake, in ten thousand houses in Nagpur on 23-09-2023.
- (2) Request to enhance "ex-gratia" payment of compensation to flood affected families from Rs.10,000/ to Rs.5,00,000=00 per family
- (3) Request to conduct "Judicial Enquiry" by committee of three sitting High Court Judges be conducted for "fact finding" and "fixing responsibility" of government officials who have failed in their duties to protect, preserve, rejuvenate Ambazari Lake/ Dam/ Reservoir and Nag River in spite of sanction of Rs.2117/ Crores by the Central Government



Received
6.10.2023

REFERENCE: Regarding damages caused to property and the mental agony caused to the people due to "water logging" in houses

due to "overflow in Ambazari Reservoir" due to rainfall on 23rd September 2023 at 4 AM

Respected sir

- (1) This letter is on behalf of the residents of Corporation Colony in the vicinity of "Ambazari Reservoir" regarding the loss and damage caused by the rains on 23rd September, 2023 in Nagpur. This is our humble effort to convey the original state and true events to you.
- (2) On 23rd September 2023 at early morning due to overflowing of Ambazari Lake and due to failure to maintain the "outflow" of the overflow of the water through Nag River/ Nag nalla it is observed that an disastrous event occurred and water logged in thousands of houses in nearby areas like Purohit Lay Out, Ambazari Lay Out, Kasturba Lay Out, Samata Lay Out, Yashwant Nagar, Daga Layout, Corporation Colony, Dandige Lay Out, Shankar Nagar and several other areas. The flow of the water was such that it created havoc in the lives of the citizens causing the water to enter into the houses up to 5 ft. because of which all the furniture and other belongings were submerged in water for about 5-6 hours disturbing the normal human life for several days.
- (3) The unusual water logging for ten hours from 04-30 am to 10-30 am on 23-09-2023 resulted in huge monetary loss to the citizens who mostly belonged to "middle class" families. The people had no choice but to watch their furniture, fridge, TV, washing machine, mattresses, clothes, valuables, blankets, food, grain in the house get ruined just within a span of few hours and many other items like two

wheelers and four wheelers washed away with the flood water.

- (4) The situation was so horrible that citizens were made to suffer without electricity, drinking water and without food for 24 hours. The manmade disaster killed five citizens and left thousands shocked to see their valuable goods being destroyed by "unusual water logging" in their houses, offices and shops.
- (5) The lower middle class citizens suffered huge financial losses due to sudden loss of their belongings which were destroyed due to "man-made disaster" which could have been easily prevented. The citizens not only lost their personal properties like utensils, furniture, groceries, cloths, electronic items, automobiles etc but have also lost their peace of mind and are still under tremendous mental trauma. The offices, houses, and other means of livelihood were completely destroyed as the "unusual water logging" continued for ten hours.
- (6) Every family lost its valuables including their precious furniture, cloths, groceries, electronic items, files and stationaries, automobiles as these valuables were in water for long hours. It is found and observed that water has entered into electric switches and boards because of which citizens faced fear of electric current. At this time the only serious question in front of people is how to restart their income/ livelihood once again.
- (7) The citizens were helpless and could not do anything except to watch that their valuables are being destroyed due to "overflow of the Ambazari Lake" which is a man-made disaster. The citizens were crying and begging for the

help from the administration and hundreds of calls were made to emergency numbers seeking police help and fire brigade, but only two vehicles were sent by the administration to rescue citizens from "water logged area". The NDRF team visited the Ambazari Lay Out and Purohit Layout at 6.30 am and rescued some senior citizens. No help was given to citizens who were trapped inside their houses for ten hours in a "water logged situation" in most of the areas due to shortage of facilities and infrastructure with NDRF.

- (8) The rain stopped at 11.00 am and water level started receding at its own pace but citizens had no choice but to watch everything getting destroyed in front of their own eyes and each citizen felt helpless. Everything was over before anything was understood and before anything was done. Unforgettable and heart-wrenching scenes were witnessed by all of us.

It needs utmost clarification whether the carelessness or negligence of the city authorities caused this and the those who ever are found guilty, would they ever be brought to justice?

The following below listed points may please draw your attention:

- i) Why didn't anyone notice that the water of Ambazari lake can overflow due to continuous rains and the life of citizens in nearby areas would be largely affected as a result of this and inspite of the warning given by Dam Safety Authority in 2017?

- ii) It is necessary to mention few things which will confirm that the "incident on 23-09-2023" was a man made disaster and it is a result of inaction on the part of government authorities:-
- iii) The failure of administration to clean and maintain the Nag River/ Nag nalla which has always prevented the smooth drainage of water after the Ambazari lake overflow and has resulted in disaster of water logging in surrounding areas/ localities.
- iv) The failure to utilise an amount of Rs.2117/ Crores even after this amount has been sanctioned by Central Government for Ambazari Rejuvenation project/ Nag River Project? Where has that money disappeared?
- v) The illegal construction of "concrete wall" of eight feet in height and hundred feet in length by MAHAMETRO on the Nag River, within 100 meters from "Ambazari Dam" {which is a no construction zone} which has led to "diversion of water" from Ambazari overflow point to nearby localities and destroyed the lives of the citizens {In Violation of MRTP Act 1966 and UDCPR 2023}
- vi) The illegal construction of "Vivekanand Smarak" within 50 meters of Ambazari overflow point by NMC "which is a no construction zone" resulting

in big obstacle of smooth water drainage from Ambazari overflow point {In Violation of MRTP Act 1966 and UDCPR 2023}

- vii) The illegal construction of concrete slab over Nag nalla for the provision of parking facility and in Daga Lay Out/ Corporation Colony by Nagpur Improvement Trust, which has led to obstruction and reduced smooth flow of water, resulting in overflow of nag nalla from the very small erected wall in between nag nalla and compound walls of the residents residing along nag nalla {In Violation of MRTP Act 1966 and UDCPR 2023}
- viii) The failure to repair and rebuild the “wall between Daga Layout NIT garden and VNIT “ which has been demolished by NMC many years ago to provide a convenient access for the JCB to help clean Nag nalla, has never been again rebuilt, resulting in an open Y-junction being created, which led to the diversion of Ambazari overflow water to gush out in Corporation Colony and Daga layout areas.
- a) Violation of Rule 11 {c}, 11 {d} of Regulations for Conservation of Heritage Buildings 2003 made under section 31 of MRTP Act 1966
 - b) The illegal drainage of sewage and effluents from MIDC Industrial Area violating Environment Act 1986

- c) Violation of Rule 4 read with Rule 2 {g} of The Wetlands {Conservation and Management} Rules 2010 made u/s 3, 25 of Environment Protection Act 1986
- d) Violation of Rule 3.1.12 of Unified Development Control Regulations 2023 made u/s 37 of MRTP ACT 1966 by which no construction is allowed within 100 meters from High Flood Line of Natural Lakes
- ix) Even after such calamity citizens have calmly and patiently started working towards rebuilding and fixing everything, but if the administration gives support and courage, it would lift up people's hopes and encourage them. We all request the administration to provide financial assistance and infrastructural support for our extended events.

(9) **PRAYERS:-**

- (i) Ex-gratia payment of compensation to flood affected families of Rs. 5,00,000=00 per family
- (ii) Judicial Enquiry by committee of three sitting High Court Judges be conducted for "fact finding" and "fixing responsibility" of government officials who have failed in their duties to protect, preserve, rejuvenate Ambazari Lake/ Dam/ Reservoir and Nag River in spite of sanction of Rs.2117/ Crores by the Central Government and ignoring illegal construction within 200 meters of Ambazari Dam

- (iii) Immediate steps to be taken for construction of retaining walls (with designed factor of safety to withstand the flowing water currents and water pressure) between the Nag nalla and the houses of the residents residing along the Nag nalla
- (iv) Immediate steps be taken to conduct the "structural audit" of Ambazari Lake/ Dam and "Nag River"/ Nag Nalla in Nagpur.
- (v) Provide immediate directions to reconstruct the wall between NIT garden and VNIT compound wall, which had been demolished by the authorities for convenience of cleaning of Nag nalla.
- (vi) Immediate steps to demolish the concrete slab over the Nag nalla provided as parking facility for NIT skating ground in Daga layout to facilitate the smooth flow of water in rainy season.
- (vii) Give immediate directions for implementation of project in conservation, protection and rejuvenation of Nag Nalla of 17 km so as to facilitate smooth flow of water after heavy rainfall
- (viii) Give immediate directions to "relocate Vivekananda Smarak' from Ambazari overflow Point to Ambazari Garden and clear overflow Point for smooth flow of water
- (ix) Give immediate directions to demolish illegally constructed compound wall and Aqua Park made by MAHAMETRO within 200 meters of Ambazar.

Dam in violation of Development Control Rules
and Building Bye Laws

Thanking You

(Residents of Corporation Colony)

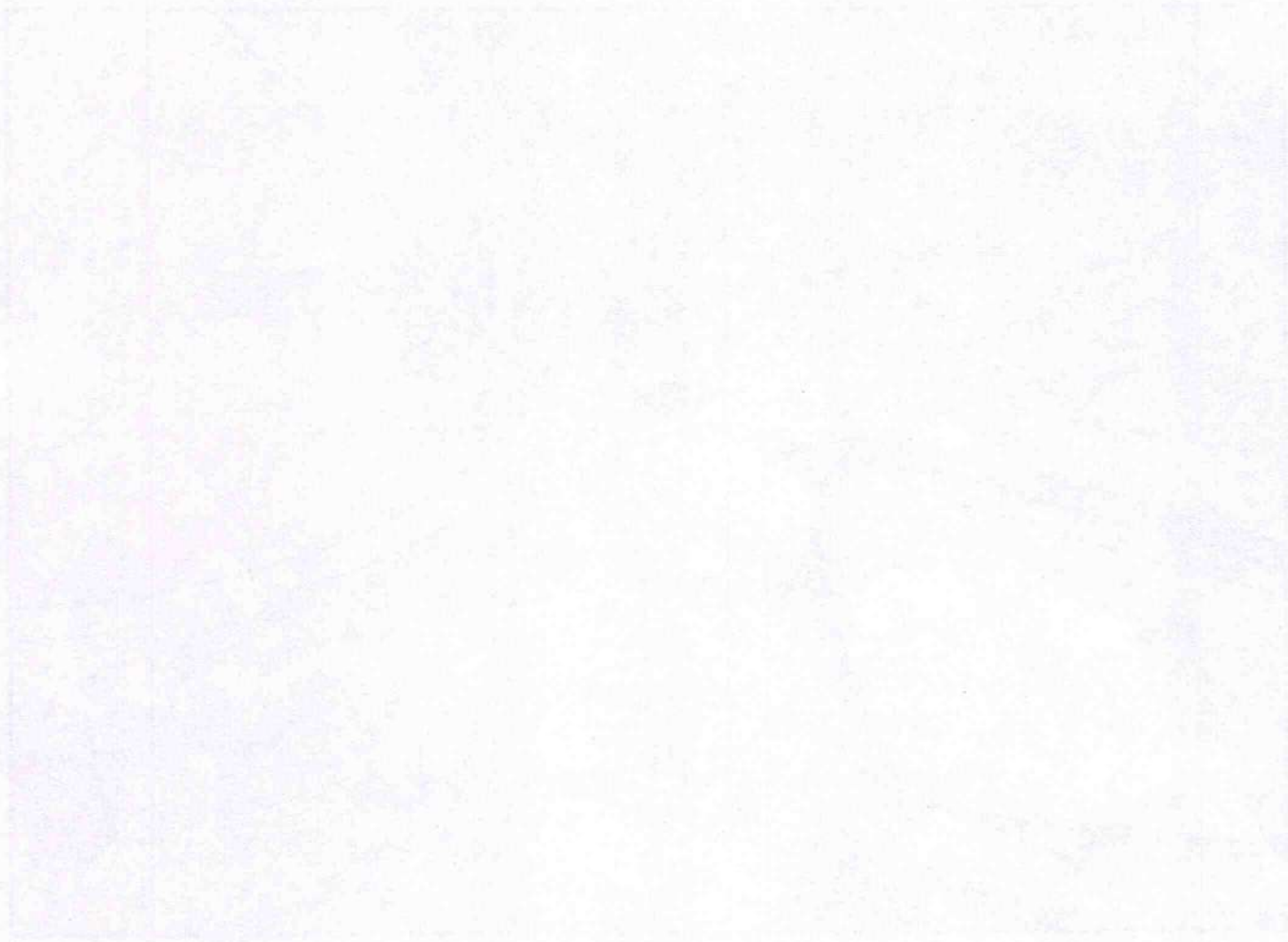
CC to:

- 1) Dr. Abhijeet Chaudhari (IAS)
NMC Commissioner, Nagpur

- 2) Dr. Vipin Itankar (IAS)
Collector, Nagpur

1) DBhanuamoy Gred	_____	<u>Bheed</u>	
2) Sachin Dhote	_____	<u>faey</u>	98230761
3) Krishna Kant Kadun	_____	<u>H.M.B.</u>	(9423101120)
4) Ar. Jayant Tikkar	_____	<u>Jayant Tikkar</u>	(942211)
5) Sanjay Pandharinath Dholie	_____	<u>S.P.D.</u>	(98122630)
6) Durgadas Lokhande	_____	<u>df</u>	937181741
7) Priti Prasad: Mat	→ <u>Mat</u>		9881998386
8) Lalita Barange		<u>Lalita</u>	942250699
9) Vandana Solankhe	<u>Des</u>		98907093
10) Ar. Anuradha Tikkar		<u>Anuradha</u>	9823412491
11) Mohan S. Telang		<u>Telang</u>	8655786659
12) Ranjana Patki		<u>R</u>	942280459
13) Khushbu T. Harinkhede		<u>Khushbu</u>	84592920
14) Alitya Bisen		<u>Alitya</u>	9171375030
15) Grayatri Khawase		<u>Grayatri</u>	876749091

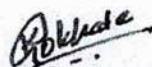
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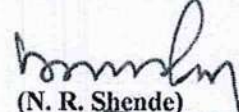
**UNIFIED
DEVELOPMENT
CONTROL AND
PROMOTION
REGULATIONS
FOR
MAHARASHTRA
STATE.**

(As updated upto 30th January, 2022)

1. These Unified Development control and Promotion Regulations are sanctioned by the State Government under Section 37(1AA) (c) and Section 20(4) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/DP&RP/Sec.37 (1AA) (c) & Sec.20 (4)/UD-13, Dated 02nd December, 2020. -
2. These Unified Development control and Promotion Regulations are published by the State Government under Section 20(3) of the Maharashtra Regional & Town Planning Act, 1966 vide Notice No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02nd December, 2020.
3. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.20(3)/UD-13, Dated 02nd December, 2020.
4. These Unified Development control and Promotion Regulations are published by the State Government under Section 37(1AA) (c) of the Maharashtra Regional & Town Planning Act, 1966 vide Notification No.TPS-1818/CR-236/18/Sec.37(1AA)/UD-13, Dated 02nd December, 2020.
5. Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No.TPS-1818/CR-236/18/Sec.37(1AA)/UD-13, Dated 02nd December, 2020.
6. Corrigendum under section 37 (1AA) (c) & 20(4) of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide No.TPS-1818/CR-236/18/DP & RP/Se. 37(1AA)(c)/Sec. 20(4)/Corrigendum/UD-13, Dated 9th December, 2020.
7. Notification under Section 37(1AA) & 20 (3) of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No. TPS-1818/CR-236/18(Part3)/UD-13, Dated 1st January, 2021.
8. Government Order No. TPS 1818/CR 236/18(Part-1)/UD-13, Dated 1st March, 2021.
9. Notification under Section 37(1AA)/(c) & 20 (4) of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No. TPS-1818/CR-236 /18(Part1) Sec 37 (1AA) (c)/ & Sec 20 (4)/modification/UD-13, Dated 16th June, 2021.
10. State Government Resolution No. TPS-1818/CR-236/18(Part1)/addendum/UD-13, Dated 23rd June, 2021.
11. Government Order No. TPS 1818/CR 236/18(Part-1)/UD-13, Dated 26th July, 2021.
12. State Government Resolution No. TPS-1818/CR-236/18(Part1)/addendum/UD-13, Dated 8th October, 2021.
13. Guidelines issued by State Government vide Order No. TPS 1818/CR 236/18 (Part 1)/UD-13 dated 02nd December 2021.
14. Notification under Section 37(1AA) (c) & 20 (4) of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No. TPS-1818/CR-236/18(Part 3)/ Sec.37(1AA) (c & Sec. 20 (4)/modification/UD-13, Dated 02nd December, 2021.
15. Corrigendum / Supplementary letter under Regulation No. 1.10 of Unified Development control and Promotion Regulations is issued by State Government vide Corrijendum / Supplementary letter No. TPS 1820/61-4/CR 79/2021/UD-13, Dated 02nd December, 2021.
16. Corrigendum / Addendum under Regulation No. 1.10 of Unified Development control and Promotion Regulations is issued by State Government vide Corrijendum / Addendum No. TPS 1821/575/CR 121/21/UD-13, Dated 02nd December, 2021.
17. Notice under Section 20 (3) of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No. TPS-1216/3196/CR-421/16/UD-12, Dated 21st December, 2021 & Directives under Section 154 of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution dt. 21st December, 2021.
18. Notification under Section 20 (4) of the Maharashtra Regional & Town Planning Act, 1966 issued by the State Government vide Resolution No. TPS-1919/CR-83/19/ Sec.20(4)/UD-13, Dated 23rd December, 2021.


(Kishor Gokhale)
Under Secretary
Government of Maharashtra




(N. R. Shende)
Director of Town Planning and Joint Secretary
Government of Maharashtra

CHAPTER - 3

GENERAL LAND DEVELOPMENT REQUIREMENTS.

3.1 REQUIREMENTS OF SITE

3.1.1 Site not Eligible for Construction of Building

No piece of land shall be used as a site for the construction of building,

- i) If the Authority considers that the site is insanitary, incapable of being well drained or is dangerous to construct a building on it;
- ii) If the entire site is within a distance of 6.0 m. from the edge of water mark of a minor water course (like nallah, canal) and 15.0 m. from the edge of water mark of a major water course (like river) shown on Development Plan / Regional Plan or village / city survey map or otherwise;

Provided that where a minor water course passes through a low lying land without any well-defined banks, the owner of the property may be permitted by the Authority to canalise water course within the same land without changing the overall alignment and the position of the inlet and outlet of the water course according to cross section as determined by the Authority. In such case, marginal open space shall be as stipulated under these regulation and shall be measured from edge of the trained nallah;
- iii) If the site is hilly and having gradient more than 1:5;
- iv) If the site is not drained properly or is incapable of being well drained;
- v) If the owner of the building has not proposed appropriate measures required to safeguard the construction from constantly getting damp to the satisfaction of the Authority;
- vi) In case the building is proposed on any area filled up with carcasses, excreta, filth and offensive matter, then certificate from the Authority to the effect that it is safe from the health and sanitary point of view, to be built upon, is required;
- vii) If the use of the site is for the purpose, which in the opinion of the Authority will be a source of annoyance to the health and comfort of the inhabitants of the neighbourhood;
- viii) If the proposed occupancy of the building on the site does not conform to the land use proposals in the development plans / Regional Plan or Zoning Regulations;
- ix) If the level of the site is less than prescribed datum level depending on topography and drainage aspects;
- x) If it doesn't derive access from an authorized street/means of access of adequate width as described in these Regulations;
- xi) If it is within the river and blue flood line of the river (prohibitive zone), unless otherwise specified in these regulations;
- xii) If the site is within the boundary of Coastal Regulation Zone where CRZ Regulation does not allow development;
- xiii) If the site is not developable by virtue of restrictions imposed under any law or guidelines of any Government Department;
- xiv) If the entire site is within a distance of 50.0 m. from the mean high flood level of a wetland. The mean shall be calculated as per the provisions of Wetlands (Conservation and Management) Rules, 2017.

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Provided that where a minor water course passes through a low lying land without any well-defined banks, the owner of the property may be permitted by the Authority to canalise water course within the same land without changing the overall alignment and the position of the inlet and outlet of the water course according to cross section as determined by the Authority. In such case, marginal open space shall be as stipulated under these regulation and shall be measured from edge of the trained nallah;
- iii) If the site is hilly and having gradient more than 1:5;
- iv) If the site is not drained properly or is incapable of being well drained;
- v) If the owner of the building has not proposed appropriate measures required to safeguard the construction from constantly getting damp to the satisfaction of the Authority;
- vi) In case the building is proposed on any area filled up with carcasses, excreta, filth and offensive matter, then certificate from the Authority to the effect that it is safe from the health and sanitary point of view, to be built upon, is required;
- vii) If the use of the site is for the purpose, which in the opinion of the Authority will be a source of annoyance to the health and comfort of the inhabitants of the neighbourhood;
- viii) If the proposed occupancy of the building on the site does not conform to the land use proposals in the development plans / Regional Plan or Zoning Regulations;
- ix) If the level of the site is less than prescribed datum level depending on topography and drainage aspects;
- x) If it doesn't derive access from an authorized street/means of access of adequate width as described in these Regulations;
- xi) If it is within the river and blue flood line of the river (prohibitive zone), unless otherwise specified in these regulations;
- xii) If the site is within the boundary of Coastal Regulation Zone where CRZ Regulation does not allow development;
- xiii) If the site is not developable by virtue of restrictions imposed under any law or guidelines of any Government Department;
- xiv) If the entire site is within a distance of 50.0 m. from the mean high flood level of a wetland. The mean shall be calculated as per the provisions of Wetlands (Conservation and Management) Rules, 2017.

CHAPTER - 3

GENERAL LAND DEVELOPMENT REQUIREMENTS.

3.1 REQUIREMENTS OF SITE

3.1.1 Site not Eligible for Construction of Building

No piece of land shall be used as a site for the construction of building,

- i) If the Authority considers that the site is insanitary, incapable of being well drained or is dangerous to construct a building on it;
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