

**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT PUNE (WESTERN ZONE) BENCH**

ORIGINAL APPLICATION NO. 75/2023 (WZ)

IN THE MATTER OF:

Hasanali Nurabhai Nodoliya

...Applicant

Versus

Collector and District Magistrate (Banaskantha)

& Ors

...Respondents

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Applicant:

Hasanali Nurabhai Nodoliya

Village-Badargadh, Taluka-Palanpur,

Banaskantha, Gujarat - 385410.

Date: 07.10.2023

Place: Badargadh

**BEFORE THE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO. 75/2023 (WZ)

IN THE MATTER OF:

Hasanali Nurabhai Nodoliya

...Applicant

Versus

Collector and District Magistrate (Banaskantha)
& Ors

...Respondents

Date of Hearing : 12.10.2023

TO,
THE HON'BLE CHAIRMAN,
HIS COMPANION JUDICIAL MEMBER, EXPERT MEMBERS OF
THE NATIONAL GREEN TRIBUNAL

HUMBLE REPLY FOR 12.10.2023 SUBMITTED
BY THE APPLICANT ABOVE - NAMED

MOST RESPECTFULLY SHOWETH:

1. That Initially the Order dated: 15.05.2023 of this Hon'ble Court was not executed correctly by the Respondents and District Administration, and the Applicant had submitted Objections in written to the Respondents via an Email & physical direct service on dated: 10.07.2023 but the Respondent did not even reply it. The Copy of Email sent on dated: 10.07.2023 and Objections Filed from the Applicant to the Respondents are attached annexed herewith as **ANNEXURE B-1** (From Page No. 19 to 23 of the Current Document/Reply).

OBJECTIONS OF THE APPLICANT REGARDING THE NON-COMPLIANCES OF THE ORDERS OF THE HON'BLE COURT

ABSENCE OF THE RESPONDENTS:

2. That the Notice dated: 27.05.2023 of the Hon'ble Court was served immediately and served correctly; but the Respondent No. 1, 3, 4 were absent in the hearing placed on 21.08.2023 before this Hon'ble Court.

3. Objections of The Applicant Regarding the Non-Compliances of the Orders of The Hon'ble Court is mentioned below;

ORDER DATED: 15.05.2023		
SOURCE OF ORDER	PARTICULAR(S) OF THE ORDER	OBJECTION OF THE APPLICANT
Order of 15.05.2023 Page No. 2 Para No. 6	<i>“Respondents are directed to submit their reply within 04(four) weeks providing copies of the same to the other parties in advance.”</i>	As per my knowledge, None of the Respondent has filed or conveyed their Reply till now.
Order of 15.05.2023 Page No. 3 Para No. 10	<i>“The Committee is directed to visit the spot and conduct the inspection in presence of the Applicant after giving prior notice and submit a report on factual aspects and action taken report within a period of one month.”</i>	Joint Committee did not follow the instruction & directions given vide this order dated: 15.05.2023.

ORDER DATED: 21.08.2023		
SOURCE OF ORDER	PARTICULAR(S) OF THE ORDER	OBJECTION OF THE APPLICANT
Order of 21.08.2023 Page No. 1 Para No. 2	<i>“When we enquired from respondent No.2 – the District Development Officer (Banaskantha), as to whether he would engage a counsel and file reply, he says that he was relying on the GPCB, but he says that he will file the reply by engaging panel counsel, for which he seeks two weeks’ time.”</i>	As per my knowledge, No reply has been filed by the Respondent till now.
Order of 21.08.2023 Page No. 2 Para No. 5	<i>“...The District Rural Development Agency (DRDA), Banaskantha has constructed “Grey Water Treatment Plant” of 200 KLD capacity under the scheme of Swachh Bharat Mission (Gramin) for the treatment of domestic waste water. The same has been set up but is yet to be made operational. The learned counsel for GPCB has apprised us that it would be made operational within a week’s time.”</i>	The Plant is not made operational. Zero Ltr. water has been filtered till now.

<p>Order of 21.08.2023</p> <p>Page No. 3</p> <p>Para No. 8</p>	<p><i>“In view of the above objections, which are stated by the applicant through his e-mail, against the Joint Committee report, we direct the Joint Committee to submit a detailed report in the light of these new allegations made in the e-mail dated 21.08.2023, within a period of three weeks.”</i></p>	<p>The Additional Report is prepared with factually incorrect details & without any proper assessment & spot visit of the site-in-question.</p>
<p>Order of 21.08.2023</p> <p>Para No. 3</p> <p>Page No. 8</p>	<p><i>“We also direct respondent No. 5 – GPCB to submit a full-fledged reply stating therein as to what should be done in this regard on the part of respondent No.4 – Badargadh Gram Panchayat in order to take care of solid waste management as well as sewage.”</i></p>	<p>As per my knowledge, The separate full-fledge reply from GPCB, The Respondent No. 5 is not filed till now.</p>

4. That none from the Respondents have filed their reply till date as it was instructed clearly in the order dated: 15.05.2023 and the order dated: 21.08.2023.

(a) That the Applicant also submitted a request to the Respondents to give their Reply via an email as well as physically direct service on 03.08.2023 but there is no reply till now. The copy of the email & the notice is annexed herewith as **ANNEXURE B-2** (From Page No. 24 To 27 of the Document/Reply).

- (b) That The Respondent No. 2, The District Development Officer was ensured this Hon'ble Court to file their reply within two weeks' time but any respondent have not filed their reply till date. The Para 2 of Order dated: 21.08.2023 of this Hon'ble Court can be referred for the same.
- (c) That the Respondent No. 2, The District Development Officer was submitted orally that he will file his reply on Affidavit, during the hearing of dated: 21.08.2023 before this Hon'ble Court. But he did not file his reply on Affidavit till now.
- (d) That after hearing of dated: 21.08.2023, The Head of Badargadh Gram Panchayat, Sarpanch Shri who is the Respondent No. 4 went on the medical leave from 23.08.2023 and the leave was approved immediately on urgent priority by the Respondent No. 3, The Taluka Development Officer.

OBJECTION ON THE ORIGINAL REPORT OF THE JOINT COMMITTEE, RECEIVED BY EMAIL @ 04.08.2023

NO DETAILS ARE MENTIONED OF THE TECHNICAL ANALYSIS & LAB REPORTS OF SAMPLES COLLECTED:

5. That the samples of drinking water, samples of soil and samples of sewage waste-water were collected by the Official of GPCB, The Respondent No. 5; No data and results of technical analysis have been shared even after more than 2 months of collection of the samples. The Applicant sent an Email on 19.08.2023 to remind the Respondents to share the results of collected samples from the site-in-question [Gauchar Land] but there is no reply from the Respondents till now. The Copy of Email sent dated: 19.08.2023 is annexed herewith as **ANNEXURE B-3** (From Page No. 28 To 29 of the Current Document/Reply).

ABSENCE OF PANCH-NAAMA OF THE INAUGURATION OF THE GREY WATER TREATMENT PLANT

6. That the Applicant raised few objections in written in the Roj-Kaam [Panch-Naama] at the Inauguration [Opening Ceremony] of The Grey Water Treatment Plant, on: 22.07.2023. The District Development Officer- Respondent No. 2, The Taluka Development Officer- Respondent No. 3, The Sarpanch Shri of Gram Panchayat- Respondent No. 4 were remained present in the event, and a Roj-Kaam [Panch-Naama] of the Inauguration carried out at the site-in-question [Gauchar Land] on 22.07.2023 but very surprisingly the said Roj-Kaam [Panch-Naama] is intentionally included in the Report of the Joint Committee. The reason behind this is because of objections written by the Applicant. The intention to remove the Roj-Kaam (Panch-Naama) from the Report is raising serious concern. The Copy of Roj-Kaam (Panch-Naama) is attached annexed herewith as **ANNEXURE B-4** along with its English Translation (From Page No. 30 To 32 of the current Document/Reply).
7. That the Joint Committee found that the presence of untreated sewage waste in the site-in-question [Gauchar Land]. The admitting of the issue arisen *prima facie* enough to prove the genuineness of the Applicant; but none from the Joint Committee taken any statement exclusively from the Applicant intentionally.

NO INQUIRY ON DRINKING WATER POLLUTION AT THE SITE-IN-QUESTION [GAUCHAR LAND]

8. That the Badargadh Gram Panchayat, Respondent No. 4, has constructed 2 drinking-water bore(s) during the last 2-3 year at the site-in-question [Gauchar Land]; and the constructed drinking water bore(s) are just by to the dumping site of sewage waste-water which can lead to impact adversely on the drinking water quality.

It is submitted that the concern of the Applicant regarding drinking water is mentioned in the Original Application; as well the concern was conveyed to the Joint Committee on the day of site inspection. The legal jurisdiction of management of drinking water facilities is given to The Water (Management) Committee of the Badargadh Gram Panchayat under the Gujarat Panchayat Rules.

It is further submitted that the Applicant filed an Application under the R.T.I. Act, 2005 to get the Resolution Copy of the drinking water bore, and surprisingly the Applicant came to know that there were no Resolution of the Water Management Committee is available from past 2 years. It means the Sarpanch Shri of Badargadh Gram Panchayat has misused their powers and made these drinking water bores without following due procedure; which lead hundreds of family be in danger of drinking-water pollution. The copies of Answer given by the Public Information Officer (PIO) of the Badargadh Gram Panchayat are annexed herewith as **ANNEXURE B-5** along with its English Translation (From Page No. 33 To 36 of the Current Document/Reply).

NO DETAILS ARE MENTIONED REGARDING THE REVENUE RECORDS OF THE SITE-IN-QUESTION AND NO ACTION IS MADE FOR USING GAUCHAR LAND FOR THE DUMPING OF SEWAGE WASTE WHICH IS PROHIBITATED BY THE BOMBAY LAND REVENUE CODE, 1879

9. That the Land of Survey No. 498 is designated as a Gauchar Land. As per the Section 38, 39 of The Bombay Land Revenue Code, 1879, The Land assigned for special purposes cannot be used for the other purposes. Also the Gauchar Land is the only land available in the village which is a reserved Green-Belt; and the Gauchar Land can be considered i.e. Forest Land. No Non-Agricultural Activities can be performed in the Land.

It is submitted that if the Badargadh Gram Panchayat will seek the Consent from GPCB to install any Gutter-line, dumping solid waste, or developing anything in the Gauchar Land, Such Consent cannot be granted to anyone because it is not permissible to use Gauchar Land as per The Bombay Land Revenue Code, 1879. The same was admitted orally by the Learned Counsel for the GPCB on 21.08.2023 during the hearing before this Hon'ble Court.

It is further submitted that in the matter of **Rameshbhai Virabhai Chaudhari Vs State of Gujarat & Ors (Civil Appeal No. 5135 of 2021)**, The Apex Court of India ordered/stated that -

“ It is trite to say that Gouchar Land can be used only for purposes for which it is permitted to be used. If there is a user contrary to the permissible user, whether by the State or by any third party, the same cannot go on...”

That the order dated: 06.09.2021 in the matter of *Rameshbhai Virabhai Chaudhari Vs State of Gujarat & Ors* (Civil Appeal No. 5135 of 2021) is annexed herewith as **ANNEXURE B-6** (From Page No. 37 To 40 of the Current Document/Reply).

It is also further submitted that the Badargadh Gram Panchayat not only violated the Environmental Norms but also caused a protected public property; and the reserved land for specially designated for Animals is being misused for the discharge of sewage waste & dumping solid waste. No coercive actions have been taken on the Badargadh Gram Panchayat by the district administration or anyone from the Respondent. The Badargadh Gram Panchayat is discharging of the untreated sewage in the Gauchar Land which is prohibited in such land.

**OBJECTIONS ON ADDITIONAL REPORT OF THE
JOINT COMMITTEE, RECEIVED ON 03.09.2023**

10. The Objections & Concerns of The Original Report of the Joint Committee received on 04.08.2023 are applies in this Additional Report (03.09.2023), too. And The Applicant mentioned his objections and concerns from Para 5 to 10 also to be applicable on the Additional Report of the Joint Committee, received on 03.09.2023.

**INSTALLATION OF A NEW GUTTER-LINE TO
DISCHARGE THE UNTREATED SEWAGE WASTE
WITHOUT DUE PROCEDURE AND COMPLIANCES:**

11. That this Hon'ble Court directed the Joint Committee to submit a detailed report in light of new allegations made in the e-mail dated: 21.08.2023 by the applicant, within a period of three weeks, vide the Para No. 8 of the order dated: 21.08.2023 of the Hon'ble Court.

(a) That the Joint Committee has mentioned factually incorrect details in their Additional Report received on dated: 03.10.2023. Para 5 of Section 2(A) of the Additioanl Report says -

“ Gram Panchayat - Badargadh is constructing separate pipeline, which passes through said Gauchar Land (Sr. No. 498), exclusively for discharge of storm water overflow from village road Gam Talav (Sr. No. 478) leading to natural nallah, finally meets river Umerdashi. Consent of GPCB is not required for the construction of said pipleline.”

(b) That these details are factually incorrect and false. The Applicant strongly believes that none can misguide this Hon'ble Court but the Joint Committee has tried to misguide to overcome from their accountability.

It is further submitted that the newly installed gutter-line has an inlet (input) from a Village Pond of Survey No. 478 which is also filled with untreated sewage waste-water and the same is not meeting the river Umardashi but it is discharged (output) to an open road attached with the site-in-question [Gauchar Land]. Also the same gutter-line is passing through the site-in-question [Gauchar Land]. The GPS-enabled Colour Photographs (marked with the date, time, location details) of the Pond of Survey No. 478 where input of the said Gutter-line is installed, is attached annexed herewith as **ANNEXURE B-7** (From Page No. 41 of the Current Document/Reply).

NO INQUIRY MADE ON DAMAGES & UPROOTING SEVERAL TREES DURING THE INSTALLATION OF THE NEW GUTTER-LINE AT THE SITE-IN-QUESTION:

12. That the Joint Committee has not mentioned any details Intentionally regarding the damages and uprooting trees during the installation & construction of this new Gutter-line.

It is further submitted that the Applicant has informed the Respondents immediately via an email on 19.08.2023 about the incident of uprooting & damages to the trees of the site-in-question. Several Trees were damaged and uprooted by the Respondent No. 4. No action has been taken so far; and no details are mentioned in the Additional Report of the Joint Committee.

That the Copy of Complaint of the incident (via an Email dated: 19.08.2023), and the GPS-enabled Colour Photographs (marked with the date, time, location details) of uprooted & damaged trees are annexed herewith as **ANNEXURE B-8** (From Page No. 42 To 48 of the Current Document/Reply).

13. That last hearing was placed on 21.08.2023 and the very responsible Respondent No. 2 & 5 were remained present; but they are not taking the issue seriously and no strong observations are conducted on the Activities regarding the matter at Site-in-Question [Gauchar Land].

It is submitted that the Respondent No. 4 has installed a new inlet to discharge the sewage waste in the said site-in-question [Gauchar Land] on 26.08.2023; thus it is proven that the Respondent No. 4 is continuously violating the Environmental Norms and it is not barred from such activities. It is to the time to fix accountability for their irresponsible, illegal, unethical activities and their disrespect to this Hon'ble Court.

It is further submitted that the GPS-enabled Colour Photographs (marked with the date, time, location details) of the newly installed inlets of untreated sewage waste are annexed herewith as **ANNEXURE B-9** (From Page No. 49 To 52 of the Current Document/Reply).

THE ADDITIONAL REPORT PREPARED WITHOUT SITE INSPECTION & PROPER ASSESSMENT OF THE SITE:

14. That the Additional Report by the Joint Committee was prepared without any physical site inspection and without any proper assessment. The Report is not supposed to be prepared from the Air-conditioned Office itself. No reply, statements, details were asked from the Applicant and also no details from the Applicant were recorded and/or analyzed. The Report prepared is seems to be biased and covering-up the facts.

THE GREY WATER TREATMENT PLANT IS NOT MADE OPERATIONAL TILL TODAY, BUT THE ADDITIONAL REPORT SAYS IT HAS BEEN MADE OPERATIONAL:

15. That the Additional Report, on Page No. 3 vide Para 2.(A) says -

“...

At this Gauchar land “Grey Water Treatment Plant” of capacity 200 KLD is constructed by DRDA under the scheme of Swatch Bharat Mission which has been made operational on 22-7-2023 and treated waste water is being discharged for the irrigation purpose in nearby agriculture farm through fix pipeline.

...”

It is submitted that the Grey Water Treatment Plant is constructed without proper planning and feasibility studies. The Applicant has raised several objections which are mentioned below;

- (a) The Feasibility Study of the Plant was not done;
- (b) The Capacity of Plant is not tested & not examined;
- (c) The Consent From GPCB is not taken;
- (d) The Trial of the Plant is not tested;
- (e) The Data of Treatment isn't available & not known;
- (f) Technical Specification of the Plant is not as per the notified Guidelines;
- (g) The Certification of the Plant is not available;
- (h) The Data of Required Raw-Materials for the daily operations of the Plant is not available or not known;
- (i) The Manpower to Manage the Plant, or such arrangement for the routine management & maintenance is not available & not known;
- (j) ZERO Ltr Waste Water Treated till date;

It is further submitted that the Respondents are just doing formalities in the name of the Grey Water Treatment Plant. Doing only construction and setting up 2-3 peripherals in it, is not a solution.

THE ADDITIONAL REPORT FOUND THE ILLEGAL DUMPING OF SOLID WASTE AND DISCHARGE OF UNTREATED SEWAGE WASTE IN GAUCHAR LAND:

16. The Para 2.(B) (Page No. 3) of The Additional Reports Says -

“... For the period of last seven months (Since March, 2023 till end of September, 2023) total quantity of garbage @ 10 MT, which is found dumped at this location.”

It is further submitted that the Additional Report found the Solid Waste dumping at the site-in-question by The Respondent No. 4 that too without any authorization or permission. It is now they are planned to convert this land into a proposed processing site for the Solid Waste; that means now the Administration is converting the valuable Gauchar Land into a Dumping Site. Why this land only? There are several other waste land available in the village but the Administration is only looking to disturb and damage the Gauchar Land, which is a protected land and only a reserved Green-Belt of the Village.

It is also further submitted that the Main Question will be unanswered that, Who to held Responsible for the dumping the Solid Waste till today without any permission from competent authority? The Respondent No. 4 - Badargadh Gram Panchayat is dumping the Solid Waste till today in the Site-In-Question [Gauchar Land] as found in the Additional Report.

17. That Para 2.(A) (Page No. 3) of the Additional Report says -

“Untreated sewage gets accumulated at said Gauchar Land,....”

It is further submitted that The Badargadh Gram Panchayat has installed several inlets of the untreated sewage in the site-in-question from 2021 to 2023; the environmental issues has increased massively through these inlets of the untreated sewage. The GPS-enabled Colour Photographs (marked with the date, time, location details) of the inlets installed between 2021-2023 of untreated sewage are attached annexed herewith as **ANNEXURE B-10** (From Page No. 53 To 54 of the Current Document/Reply).

It is also further submitted that the Second Main Question will be unanswered that, Who to held Responsible for the discharging the Untreated Sewage Waste till today without any permission from competent authority? The Respondent No. 4 - Badargadh Gram Panchayat is discharging the Untreated Sewage Waste till today in the Site-In-Question [Gauchar Land] as found in the Additional Report.

18. That it is proven and found in the Report of Joint Committee that the Respondents have violated the Environmental Norms and not filing their replies hence a **HEAVY PENALTY** should be imposed on the Respondents.

19. None can misguide this Hon'ble Court, but the Respondents are not only tried to misguide the court but the Respondents are not taking the instructions & directions of the Court seriously; not obeyed the instructions & directions of this Court; and they are not filing their reply even after ordered twice in both orders; hence the Applicant is requesting this Hon'ble Court consider to take the **PERFORMANCE GAURANTEE** from the Respondents.

20. That the Applicant has collected several documentary evidences which can fix the accountabilities of Respondents on the accusation of Pollution. The collections of evidences by were done via several applications under the Right to Information Act, 2005; which is a legal way to gather information. The Public Information Officer (PIO) under the RTI Act was the Talati Cum Secretary of Badargadh Gram Panchayat.

That I have also written my objections in the Panch Rojkaam (Panch Naama) of the opening ceremony of Grey Water Treatment Plant, and the Panch Rojkaam (Panch Naama) was prepared the Talati Cum Secretary of Badargadh Gram Panchayat.

That immediately after collecting evidences through RTI Applications, and writing my objections in Panch Rojkaam (Panch-Naama), The Respondent No. 3, Taluka Development Officer issued a Show-Cause Notice to the Talati Cum Secretary to take disciplinary actions for the favorable actions to the Applicant. This is how the local administration is misusing the power to save the accused came under their direct jurisdiction.

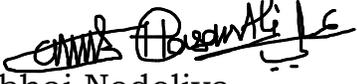
21. That the Applicant has received a Show-Cause Notice dated: 15.08.2023 under the Section 57(1) of The Gujarat Panchayat Act, 1993 from The District Development Officer, just to pressurize the Applicant.

That the notice to the Applicant for his presence on 12.10.2023 was issued by the District Development Officer who is in knowledge that the Applicant has a hearing on 12.10.2023 in this Hon'ble Court, thus the date for the explanation for the Show-Cause Notice is allocated on 12.10.2023 intentionally to made Applicant's absence before this Hon'ble Court for the court proceeding.

22. That an illegal Gram Sabha Meeting was called by the Respondent No. 4 in the name of water crises on 18.05.2023 (Immediately after the order of this Hon'ble Court dated: 15.05.2023). The Public Notice of The Gram Sabha Meeting is attached annexed herewith as **ANNEXURE B-11** along with its English Translation (From Page No. 55 To 56 of the Current Document/Reply).

That there was no agenda published before calling the Gram Sabha, as per Rules of the Panchayat. Also members of Gram Panchayat and Secretary of Gram Panchayat were not informed about the Gram Sabha Meeting which is required as per Rules of Panchayat. The mob of around 200 supporters of the Respondent No. 4 were gathered in the so-called Gram Sabha on 18.05.2023, and the Mob tried to attack the Applicant. The GPS-enabled Colour Photographs (marked with date, time, location of the capturing photo) of Mob are attached annexed herewith as **ANNEXURE B-12** (From Page No. 57 To 58 of the Current Document/Reply). The applicant had to move to an another city, Vadodara for 2 days for the safety of the life. The travelling tickets, Hotel Bills can be produced as the evidences for the same. Since the Applicant does not feel the safe in the village, after the attack by the Mob; the Applicant is currently residing in the farm instead of his house. The Applicant is praying for an urgent intervention of this Hon'ble Court to protect the life and freedom of the Applicant.

FOR WHICH ACT OF KINDNESS, THE APPLICANT SHALL AS INDUTY BOUND, EVERPRAY.


Hasanali Nurabhai Nodoliya
Bandhaani Vaas, Nr Husaini Masjid,
Village-Badargadh, Taluka-Palanpur,
Banaskantha, Gujarat - 385410.

Date: 07.10.2023
Place: Palanpur

Phone No.: 8347614814
Email: hasanalinri@gmail.com

**BEFORE THE NATIONAL GREEN TRIBUNAL
SITTING AT PUNE (WESTERN ZONE) BENCH**

ORIGINAL APPLICATION NO. 75/2023 (WZ)

IN THE MATTER OF:

Hasanali Nurabhai Nodoliya

...Applicant

Versus

Collector and District Magistrate (Banaskantha)

& Ors

...Respondents

VERIFICATION

I, Hasanali Nurabhai Nodoliya, Son of Nurabhai Jamalbhai Nodoliya, Aged about 30 Year, Resident of Bandhaani Vaas, Near Husaini Masjid, Village-Badargadh, Taluka-Palanpur, District-Banaskantha, Gujarat - 385410 (India), do hereby verify that:-

That I am the Applicant in the above-mentioned Original Application No. 75/2023 (WZ). The contents of the reply filed today in the Application are true and correct to my personal knowledge and all paras are believed to be true on legal advice and that I have not suppressed any material fact.

That the Annexure(s) are the true copies of their respective original. And nothing is false herein nor has anything material been concealed.

Deponent / Applicant

Hasanali Nurabhai Nodoliya

Bandhaani Vaas, Nr Husaini Masjid,

Village-Badargadh, Taluka-Palanpur,

Banaskantha, Gujarat - 385410.

Phone No.: 8347614814

Email: hasanalinri@gmail.com

Date: 07.10.2023

Place: Palanpur



OA No. 75/2023 WZ before Honorable NGT

3 messages

HasanAli Nodoliya <hasanalinri@gmail.com> 10 July 2023 at 13:31
To: collector-ban <collector-ban@gujarat.gov.in>, ddo-ban@gujarat.gov.in, chairman-gpcb@gujarat.gov.in

Respected Sir(s),

Please find attached submission from the Applicant of OA No. 75/2023 WZ before Honorable NGT, Thanks.

Regards,
HasanAli Nodoliya,
Ph. No. 8347614814

 **DM-DDO-GPCB-NOTICE.pdf**
132K

HasanAli Nodoliya <hasanalinri@gmail.com> 21 August 2023 at 10:56
To: collector-ban <collector-ban@gujarat.gov.in>, ddo-ban@gujarat.gov.in, chairman-gpcb@gujarat.gov.in, National Green Tribunal Pune <ngt-pune@gov.in>

On Mon, 10 Jul, 2023, 13:31 HasanAli Nodoliya, <hasanalinri@gmail.com> wrote:

Respected Sir(s),

Please find attached submission from the Applicant of OA No. 75/2023 WZ before Honorable NGT, Thanks.

Regards,
HasanAli Nodoliya,
Ph. No. 8347614814

HasanAli Nodoliya <hasanalinri@gmail.com> 21 August 2023 at 11:01
To: National Green Tribunal Pune <ngt-pune@gov.in>

----- Forwarded message -----

From: **HasanAli Nodoliya** <hasanalinri@gmail.com>

Date: Mon, 10 Jul, 2023, 13:31

Subject: OA No. 75/2023 WZ before Honorable NGT

To: collector-ban <collector-ban@gujarat.gov.in>, <ddo-ban@gujarat.gov.in>, <chairman-gpcb@gujarat.gov.in>

Respected Sir(s),

Please find attached submission from the Applicant of OA No. 75/2023 WZ before Honorable NGT, Thanks.

Regards,
HasanAli Nodoliya,
Ph. No. 8347614814

 **DM-DDO-GPCB-NOTICE.pdf**
132K

TO,

- (1) Collector & District Magistrate (Banaskantha)
Member of Joint Committee (Constituted by Honorable NGT)
Collector Office, Jilla Seva Sadan, Palanpur,
Banaskantha, Gujarat - 385001.
- (2) District Development Officer (Banaskantha)
Member of Joint Committee (Constituted by Honorable NGT)
DDO Office, Jilla Panchayat, Palanpur,
Banaskantha, Gujarat - 385001.
- (3) Gujarat State Pollution Control Board
Member of Joint Committee (Constituted by Honorable NGT)
Paryavaran Bhavan, CHH Road,
Opp Gujarat Rajya Beej Nigam Ltd., Sector 10A,
Sector 10, Gandhinagar, Gujarat 382010.

ORIGINAL APPLICATION NO. 75/2023 WZ

IN THE MATTER OF:

HasanAli Nurabhai Nodoliya

...APPLICANT

Vs

Collector & District Magistrate (Banaskantha)

& Ors

...RESPONDENTS

SUBMISSION FROM THE APPLICANT

Respected Sir(s),

As per the order dated: 15/05/2023 of The Honorable National Green Tribunal, you have visited the spot and conducted the inspection. My submissions for the said event are mentioned below;

1. That the dumping side/location of solid waste (plastic garbage) located in the survey no. 498 (Gauchar/Grazing Land) of Village-Badargadh (Taluka-Palanpur, District-Banaskantha) is not visited and not inspected.

2. That the Sample(s) of Soil from the survey no. 498 for soil testing and lab analysis is/are not taken, as we have mentioned not only water pollution, but also soil pollution too!
3. That The Badargadh Gram Panchayat, Respondent No. 5 has admitted in writing that the dumping of plastic waste and discharge of untreated sewage waste is being done in the survey no. 498's Gauchar/Grazing land.

That The Badargadh Gram Panchayat, Respondent No. 5 has submitted in written their act of polluting the land of survey no. 498 by accepting the allegation of the dumping of solid waste and discharge of untreated sewage waste.

4. That there was a call from the supporters of the Respondent No. 5 that, the gutter-line in Survey no. 498 is exists since last 25 year. The committee did not examine the statement and accepted the statement without any further investigation, or by checking revenue records.

That if we consider 25 year for the installation of gutter-line in the survey no. 498 then it would be the year of 1998. There was no gutter-line in the year of 1998, not only in survey no. 498 but no gutter-line was installed anywhere in village in the year of 1998.

That a new gutter-line was installed by The Badargadh Gram Panchayat, Respondent No. 5 in the survey no. 498 in the financial year of 2022-23, and we have also drew your attention towards it.

5. That I have also given my written consent to install the STP (Sewage Treatment Plant), Installation for Filter Plant of Drinking Water, and a proper gateway of discharge of solid waste.

That as far as I know, the proposed plan for the STP did not match the compatibility of treatment the sewage. You may check the proposed plan and confirm.

6. That there was no plan has been executed for proper discharge of Solid Waste, as there was no installation of Compost-Pit in whole village till date. There was no planning is known to me for the proper discharge of solid-waste till now.
7. That there was no revenue records examined and no documents related to the matter were inspected.

That The resolution no. 5 of the meeting of Badargadh Gram Sabha dated: 17/10/2023 and the resolution no. 3 of the meeting of Badargadh Gram Sabha dated: 19/12/2022 were clearly said that the new underground bore-well and drinking water facilities to be constructed in Survey no. 478, but the Badargadh Gram Panchayat, Respondent No. 5 has intentionally constructed these all drinking-water facilities in the land of survey no. 498 instead of survey no. 478. The copies of both resolutions are attached in enclosures.

The construction of drinking-water facilities in the land of survey no. 498 is not only a misuse of power and government's money but the act is against the legal framework of environment protection, as the drinking-water facilities was very closed and attached to the site/location of pollution.

8. That before your inspection and visit to the survey no. 498, on the date of 04/07/2023, The Badargadh Gram Panchayat, Respondent No. 5 has openly fired the solid waste and committed the offense of the air-pollution. The GPS-enabled Photos are attached marked with GPS Location, Date, and Time of captured photos.

9. That kindly send me the factual report of your inspection, if prepared. If the report is not prepared yet, let me send a copy wherever it prepared.

10. That I did not received any copy of your response(s) in the said matter as per the order dated: 15/05/2023 of The honorable National Green Tribunal, kindly do the needful for it.

Date:

Place: Palanpur

(Applicant of the OA No. 75/2023 WZ)

Hasanali Nurabhai Nodoliya

Bandhaani Vaas, Nr Husaini Masjid,

Village-Badargadh, Taluka-Palanpur,

Banaskantha, Gujarat - 385410.

Phone No.: 8347614814

Email: hasanalinri@gmail.com



Original Application No. 75/2023 WZ

HasanAli Nodoliya <hasanalinri@gmail.com>

3 August 2023 at 10:45

To: ddo-ban@gujarat.gov.in, collector-ban <collector-ban@gujarat.gov.in>, chairman-gpcb@gujarat.gov.in, tdo-palanpur@gujarat.gov.in

Respected Sir,

Please find the attached application from the applicant of OA No. 75/2023 WZ. Thank you.

Regards,
HasanAli Nurabhai Nodoliya
Applicant of OA No. 75/2023 WZ
Filed Before the Hon'ble N.G.T.
Ph. No. 8347614814

 dm-ddo-tdo-bgp-gpcb NOTICE 2.pdf
236K

Mr. HasanAli Nurabhai Nodoliya
Applicant of OA No. 75/2023 WZ
Res. Address: Bandhaani Vaas,
Village - Badargadh, Palanpur,
Banaskantha, Gujarat 385410.
Ph. No. +91 8347 614 814
Email: hasanalinri@gmail.com

TO,

- (1) Collector & District Magistrate (Banaskantha),
Collector Office, Jilla Seva Sadan, Palanpur,
Banaskantha, Gujarat - 385001.
[Also sent by Email]
- (2) District Development Officer, DDO Office,
Palanpur, Banaskantha, Gujarat - 385001.
[Also sent by Email]
- (3) Taluka Development Officer, TDO Office,
Palanpur, Banaskantha, Gujarat - 385001.
[Also sent by Email]
- (4) Badargadh Gram Panchayat,
Through its Sarpanch, Zahedaben Idrisbhai Khorajiya,
Village-Badargadh, Taluka - Palanpur,
Banaskantha, Gujarat - 385410
[Also sent by Email]
- (5) Gujarat Pollution Control Board,
Through Regional Office, Palanpur,
Banaskantha, Gujarat - 385001.
[Also sent by Email]

**Subject : Original Application No. 75/2023 WZ filed
before the Hon'ble National Green Tribunal, Western
Zone (Pune) Bench.**

Respected Sir,

Jai Hind!

1. That I have received the letter dated: 24/07/2023 from the respondent no. 1, The Collector & D.M. (Banaskantha) which ref no. is: K/VHT-General/VASHI/2675/2023 [ક/૧૩૨-જનરલ/વશી/૨૬૭૫/૨૦૨૩]. The copy of letter is attached with this application for your kind attention.
2. That the letter mentioned that I have filed an Original Application No. 75/2023 before the Hon'ble National Green Tribunal, Western Zone (Pune) Bench against the State of Gujarat; which is factually incorrect and false. You may recheck the list of respondents and memo of parties which is already supplied to you earlier.
3. That I have supplied the all required evidences, copy of OA No. 75/2023, Order of the Hon'ble National Green Tribunal, Western Zone (Pune) Bench dated: 15/05/2023 in the month of May-2023. And as per the letter attached dated: 24/07/2023 ref. no. mentioned in para 1; The copies of documents has been dispatched to Regional Officer of Gujarat Pollution Control Board on 24/07/2023, after almost 2 month which is unexpected from your end.
4. That as per your letter dated: 24/07/2023 ref. no. mentioned in para 1; you have directed The Regional Officer of Gujarat Pollution Control Board to take appropriate actions, on 24/07/2023. It is my painful duty to inform you that no information of action taken has been supplied to me till now.
5. That as per the order dated: 15/05/2023 of the Hon'ble National Green Tribunal, Western Zone Bench, you all the respondents are directed to submit your reply within four weeks and directed to provide me a copy of the submitted reply. It is my painful duty to inform you that after a clear order of the Hon'ble NGT, you did not provided me the copy of your reply till now.

6. That the copy of factual report made by the Joint Committee (Constituted under the order of the Hon'ble NGT dated: 15/05/2023) is not shared with me till now.
7. That the spot-visit and inspection report by the same committee is not provided to me till now. And I did not received any copy of panch-naama or Daily-Work [Roj-Kaam] of said spot-visit dated: 05/07/2023 till now.
8. That I did not received any information in written, regarding action taken by any respondents till now.

Date:

Place: Palanpur

(Applicant of the OA No. 75/2023 WZ)

Hasanali Nurabhai Nodoliya

Bandhaani Vaas, Nr Husaini Masjid,

Village-Badargadh, Taluka-Palanpur,

Banaskantha, Gujarat - 385410.

Phone No.: 8347614814

Email: hasanalinri@gmail.com

OA NO. 75/2023

1 message

HasanAli Nodoliya <hasanalinri@gmail.com>

19 August 2023 at 13:09

To: ddo-ban@gujarat.gov.in, collector-ban <collector-ban@gujarat.gov.in>, tdo-palanpur@gujarat.gov.in, chairman-gpcb@gujarat.gov.in, ro-gpcb-pala@gujarat.gov.in, ms-gpcb@gujarat.gov.in

Respected Sir(s),

Kindly acknowledge below mentioned;

1. That the samples of drinking water, soil, waste-water were collected from the Gauchar/Grazing Land of S.No. 498 of the Village-Badargadh. No data and No technical analysis of collected samples are shared with the applicant.

Kindly do the needful at the earliest. Thanking you!

Enclosed:

1. Photographs of sample collection by the Officials of GPCB, and a copy of Roj-Kaam.

Regards,

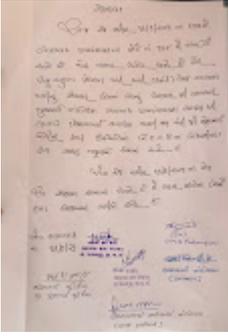
HasanAli Nodoliya,

Applicant of OA No. 75/2023

Village-Badargadh, Taluka-Palanpur, Dist-Banaskantha, Gujarat.

Ph. No. +91 8347 614 814

4 attachments**IMG-20230722-WA0795.jpg**
177K**IMG-20230722-WA0782.jpg**
163K**IMG-20230722-WA0793.jpg**
169K



GPCB REVISIT PANCHNAAMA.jpg
102K

આજરોજ તા. 22/01/2023 ને શનિવાર ના બાદરોજ ગામે માન. જિલ્લા વિદ્યુત અધિકારી સાહેબજી બા.પા. - પાલનપુર ના બંદરેસને બાદરોજ ગામે સ.નં. ૪૯૯ ગોચર માં આવેલ તલાવની પાલે બનાવેલ ગ્રો-વોટર ટ્રીટમેન્ટ પ્લાન નું લેસરિપેલ કરવામાં આવેલ છે. અદર લેસરિપેલ કાર્યક્રમ માં તાલુકા વિદ્યુત અધિકારી પાલનપુર, અરપંચજી, વડવેળીજી બાદરોજ ગ્રામ પંચાયત અને ઉપઅરપંચજી બાદરોજ ગ્રામ પંચાયત તથા બંદરેલી સંખ્યામાં ગ્રામજનો હાજર રહેલ છે. અદર સ.નં. ૪૯૯ માં મૂખ્ય બાજનેની સુચારુ ઈન્સ્ટોલેશન અરજદારજી હસનઅલી નુસાલી નાંદોલીયા પાલે હાજર રહેલ છે. આ ગ્રો-વોટર ટ્રીટમેન્ટ પ્લાન કાર્યરત થવાથી અદર તલાવના ગંદા પાણીને ટ્રીટ કરી પાણી સુધિકરણ કરી અદર પાણીને ગામના વ્યવસ્થાપન મંદ ખુલ્લોને દરજીની આપવામાં આવશે. આ ગ્રો-વોટર ટ્રીટમેન્ટ પ્લાન કાર્યરત થવામાં સ.નં. ૪૯૯ માં આવેલ ગંદા પાણીના પ્રશ્નોને નિરાકર થયેલ છે. આ સંબંધમાં સમાપ્ત લખાયા પુસ્તકનું હોદ્દા જે બંદરેલીએ અમારી સહી કરી આપેલ છે.

- (1) અરજદારજી બંદરેલી નંદોલીયા બંદરેલી - અરપંચજી
- (2) ઉપઅરપંચજી બંદરેલી નંદોલીયા બંદરેલી - ઉપઅરપંચજી
- (3) વીજી સમીક્ષક બંદરેલી નંદોલીયા બંદરેલી - ગ્રા.પં. અરપંચજી
- (4) ડાહ્યાજી સમીક્ષક બંદરેલી નંદોલીયા બંદરેલી - ઉપઅરપંચજી
- (5) એમ. ઈ.સી. મોડી બંદરેલી નંદોલીયા બંદરેલી - ગ્રા.પં. અરપંચજી
- (6) The consent from GPCB not presented, single phase 3HP motor installed, no arrangement for output, technical certification is not available till now, it is not a proper Sewage-Treatment-Plant (STP) as per guidelines and specified, capacity of treatment is not examined. HasanAli N. Nodoliya
[HasanAli N. Nodoliya]

ANNEXURE B-4

AN ENGLISH TRANSLATION

: Roj-Kaam (Panch-Naama) Date: 22.07.2023 :

Today on the date 22.07.2023 and Saturday, The Grey Water Treatment Plant has been launched by the blessing hands of the Respected District Development Officer [Respondent No. 2] at By the Pond situated in the Gauchar Land of Survey No. 498 of the Village-Badargadh. In the Said Launching (Opening Ceremony), The Taluka Development Officer [Respondent No. 3], Sarpanch Shri [Respondent No. 4], Talati cum Secretary Shri of Badargadh Gram Panchayat and Deputy Sarpanch Shri of Badargadh Gram Panchayat and Villagers in large numbers are present. The complainant Shri HasanAli Nurabhai Nodoliya is also present who complained about the pollution in the Survey No. 498. By This Grey Water Treatment Plant made operational, Filthy Waste-Water of the pond will be treated and the treated waste-water will be given to the needy farmers of the village. By this Grey Water Treatment Plant made operational, The question of Polluted Water from the Survey No. 498 is resolved. This Rojkaam (Panch Naama) is be as we wrote, for which our signatures are given below.

- | | |
|---|---------------------|
| (1) Khorajiya Zaheda Idrishbhai
Sarpanch Shri | s/d Zaheda |
| (2) Iqbalbhai Jamalbhai Varaliya
Deputy Sarpanch Shri | s/d illegible |
| (3) Idrishbhai Daudbhai Khorajiya
Member, Badargadh Gram Panchayat | s/d illegible |
| (4) s/d illegible | SBM Ta.Pan.Palanpur |

ANNEXURE B-4
AN ENGLISH TRANSLATION

- (5) M. S. Modi s/d illegible
Talati Cum Secretary, Badargadh Gram Panchayat
- (6) [Objections From The Applicant]

**The Consent From the GPCB not presented,
Single Phase 3HP Motor Installed,
No Arrangement For Output,
Technical Certification is not available till now,
It is not a proper Sewage-Treatment-Plant (STP)
as per guidelines and specified,
Capacity of Treatment is not examined.**

s/d illegible
HasanAli Nurabhai Nodoliya [Applicant]

That I certified that the translation of the ANNEXURE B-4 is factual and correct. I personally verified and signed on 07.09.2023 at Palanpur.

(Applicant) 
Hasanali Nurabhai Nodoliya
Bandhaani Vaas, Nr Husaini Masjid,
Village-Badargadh, Taluka-Palanpur,
Banaskantha, Gujarat-385410 (India)
Phone No.: 8347614814
Email: hasanalinri@gmail.com

07.10.2023
Date: ~~08.10.2023~~
Place: Palanpur



મહર માહિતી અધિકારીશ્રી 33
 બાદરગઢ ગ્રામ પંચાયત,
 ગામ- બાદરગઢ, તા-પાલનપુર,
 જિલ્લો- બનાસકાંઠા, ગુજરાત.
 પિન કોડ નં. : 385410
 તારીખ : 25/04/2023

પ્રતિ,

શ્રી હસનઅલી નુરાભાઈ નીદાલીયા,
 જંધાણી વાસ, હુસૈની મસ્જિદની પાસે,
 ગામ- બાદરગઢ, પાલનપુર, બનાસકાંઠા.

વિષય :- આપની તા. 16/03/2023 ની પ્રથમ અપીલ નં.
 66/2023 અને આપની તા. 30/01/2023 ની
 આર.ટી.આઈ. અરજી ફરજ કરેલી અરજીમાં માંગેલ
 માહિતી પૂરી પાડવા બાબતે.

શ્રીમાન,
 આપણની ઉપરોક્ત વિષયમાં બતાવેલ અરજીના
 સંદર્ભમાં માંગેલ માહિતી નીચે મુજબ છે;
 (૧) તા. 01/01/2022 થી તા. 01/01/2023 સુધીના
 બાદરગઢ ગ્રામ પંચાયતના ઠરાવોની નકલો માંગેલ છે જે
 આ સાથે શામેલ કરીને બિડેલ છે.

(૨) તા. 01/01/2022 થી તા. 01/01/2023 સુધીના
 બાદરગઢ ગ્રામ પંચાયતની પાણી સમિતિના તમામ ઠરાવોની
 નકલોની માહિતી અત્રેની કચેરીએ ઉપલબ્ધ નથી જે આપની
 જણા સારૂ. પાણી સમિતિના ઠરાવોનું કોઈ રેકર્ડ ઉપલબ્ધ નથી.

આભારસહ,

મલાદી કમ મત્રો

બાદરગઢ ગ્રામ પંચાયત
 તા. પાલનપુર, ગુ. જા. કાં

મહર માહિતી અધિકારીશ્રી,
 બાદરગઢ ગ્રામ પંચાયત,
 ગામ- બાદરગઢ, પાલનપુર,
 બનાસકાંઠા, ગુજરાત.

તારીખ : 25/04/2023

સ્થળ : બાદરગઢ.

ANNEXURE B¹⁵⁷



મહાર માહિતી અધિકારીશ્રી,
જાદશગઢ ગ્રામ પંચાયત,
જાદશગઢ, તા-પાલનપુર,
જનાસકાંઠા - ૩૪૬૫૧૦.
તારીખ : ૨૫/૦૪/૨૦૨૩.

પ્રતિશ્રી,

શ્રી હુસનઅલી નુરાબાઈ નોદોલિયા,
બંધાણી વાસ, હુસૈની મસ્જિદ પાસે,
મુ.પો. જાદશગઢ, તા-પાલનપુર,
જનાસકાંઠા, ગુજરાત - ૩૪૬૫૧૦.

વિષય :- આર.ટી.આઈ. અર્થે, ૨૦૦૬ હેઠળની આપની
અરજી તા. ૩૦/૦૧/૨૦૨૩ માં માંગલ માહિતી
લાગતે.

સંદર્ભ :- આપની પ્રથમ અપીલ નં. ૬૪/૨૦૨૩ [૧૬/૦૩/૨૦૨૩]

શ્રીમાન,
આપની ઉપરોક્ત માહિતી અધિકાર કાયદા હેઠળની
અરજીમાં માંગલ માહિતી નીચે મુજબ છે;

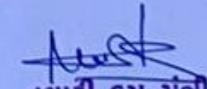
(૧) તા : ૦૧/૦૧/૨૦૨૧ થી તા : ૦૧/૦૧/૨૦૨૨
સુધીના જાદશગઢ ગ્રામ પંચાયતના તમામ ઠરાવોની નકલો
આ સાથે શામેલ કરીને બિડલે છે.

(૨) તા : ૦૧/૦૧/૨૦૨૧ થી તા : ૦૧/૦૧/૨૦૨૨
સુધીના જાદશગઢ ગ્રામ પંચાયતની પાણી સમિતિના
તમામ ઠરાવોની નકલ માંગલ છે તે માહિતી અપ્રેતની
કચેરીમાં ઉપલબ્ધ નથી અને આવી કોઈ માહિતી/રેકર્ડ
મળેલ નથી જે આપની બહા સારું.

આભારસહ,

તારીખ : ૨૫/૦૪/૨૦૨૩

સ્થળ : જાદશગઢ


તલાટી કમ મંત્રી
જાદશગઢ ગ્રામ પંચાયત
તા. પાલનપુર, જી. બ. ઘં.

મહાર માહિતી અધિકારીશ્રી,
જાદશગઢ ગ્રામ પંચાયત,
ગામ - જાદશગઢ.

ANNEXURE B-5

ENGLISH TRANSLATION



The Public Information Officer Shri,
Badargadh Gram Panchayat,
Village - Badargadh, Ta - Palanpur,
Dist - Banaskantha, Gujarat.
Pin Code No. : 385410
Date : 25.04.2023

To,

Shri HasanAli Nurabhai Nodoliya,
Bandhaani Vaas, Near Husaini Masjid,
Village-Badargadh, Palanpur, Banaskantha.

Subject -: Your First Appeal No. 66/2023 dated: 16.03.2023 and
Regarding providing the Requested Information in your
Application dated: 30.01.2023 under the R.T.I. Act.

Sir,

The following is the information sought in respect of your
application shown in the above subject;

(1) The Requested Copies of Resolutions from 01.01.2022 to
01.01.2023 of Badargadh Gram Panchayat are enclosed
herewith.

**(2) For your kind information, The Requested Copies of
Resolutions from 01.01.2022 to 01.01.2023 of Water
(Management) Committee of Badargadh Gram Panchayat
are not available. The Records of the Resolutions of The
Water (Management) Committee are not available.**

Thankfully,

s/d illegible

Stamp of the Officer

The Public Information Officer,
Badargadh Gram Panchayat,
Village - Badargadh, Palanpur,
Banaskantha, Gujarat.

Date : 25.04.2023
Place : Badargadh

ANNEXURE B-5 36
ENGLISH TRANSLATION

The Public Information Officer Shri,
Badargadh Gram Panchayat,
Badargadh, Ta - Palanpur,
Banaskantha - 385410.
Date : 25.04.2023

To,

Shri HasanAli Nurabhai Nodoliya,
Bandhaani Vaas, Near Husaini Masjid,
At & Post -Badargadh, Ta - Palanpur,
Banaskantha, Gujarat - 385410.

Subject -: Regarding the Information Sought in Your
Application dated: 30.01.2023 under the R.T.I. Act.
Reference -: Your First Appeal No. 64/2023 (16.03.2023)

Sir,

The following is the information sought in respect of your application under Right to Information Act shown in the above;

- (1) The Requested Copies of Resolutions from 01.01.2021 to 01.01.2022 of Badargadh Gram Panchayat are enclosed herewith.
- (2) **[You] sought the Copies of Resolutions from 01.01.2021 to 01.01.2022 of Water (Management) Committee of Badargadh Gram Panchayat; are not available at this Office; and For your kind information, such information/records is not available.**

Thankfully,

s/d illegible

Stamp of the Officer

The Public Information Officer,
Badargadh Gram Panchayat,
Village - Badargadh.

Date : 25.04.2023
Place : Badargadh

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5135 OF 2021
(Arising out of SLP(CIVIL) No. 14222/2019)

RAMESHBHAI VIRABHAI CHAUDHARI APPELLANT(s)

VERSUS

THE STATE OF GUJARAT & ORS. RESPONDENT(S)

O R D E R

Leave granted.

The appellant seeks to assail the order dated 12.04.2019 passed by the Division Bench of the Gujarat High Court on a public interest litigation filed under Article 226 of the Constitution of India seeking removal of unauthorized encroachment on the gauchar land of Village Bhandu (Laxmipura), Taluka: Visnagar, District: Mehsana, belonging to Gram panchayat/Government. The petition was dismissed after obtaining affidavit in reply predicated on a reasoning that all the people who are unauthorizedly occupying are from the low income strata of society and are residing there since number of years and thus it would not be appropriate to direct their immediate removal unless alternative accommodation is provided to them by the State and its authorities in accordance with its policy.

On notice being issued, counter affidavit has been filed by respondent No. 6, Sarpanch of the Panchayat. No doubt a preliminary submission has been raised that even the brother of the appellant is one of the persons who has encroached in the gouchar Land but then that only implies that he has to be treated at par with anybody else who may have encroached.

In our view, what is material is that on survey being conducted, 72 persons have been found to have made encroachment in the gouchar land being Survey Nos in question bearing Nos. 1938/1, 198/2 and 1939. Out of these persons, 3 persons are included in scheduled caste category and the 2 persons are Socially Economically Backward Class. The Scheduled caste persons concerned are stated to have already got benefit of another Government Scheme namely, Amedkar Aavas Yojana. The other encroachers are having residential houses at other places along with agricultural lands adjacent thereto and are thus not entitled to get any alternative accommodation. The land in question is being used for making shelters for their cattle and not being used for residential purposes. In fact on 07.08.2019, 29 persons are

stated to have made a statement that they were keeping cattle on the land while other persons did not appear. Thus only three persons are entitled to the alternative accommodation as stated above. Out of these, one person is stated to be doing ritualistic puja called Pujari and other two persons are stated to be under SEBC category and also coming under poverty line.

In respect of user of the gouchar land it is stated that Government is running Anganvadi, school in the said premises. One cooperative society is running dairy and there is one temple of Hanumanji.

It is trite to say that gouchar land can be used only for purposes for which it is permitted to be used. If there is a user contrary to the permissible user, whether by the State or by any third party, the same cannot go on.

Rehabilitation of persons is really not required in the present case as only three persons are entitled to an alternative site as per rules. There is of course some dispute whether the encroachers have made permanent structures or kuchha construction for keeping cattle but be that as it may, the user cannot be contrary to what is being permitted for gouchar land, which is a grazing land.

In view of the aforesaid, a direction is issued to bring the land in conformity with its use by the State Government taking appropriate action within a maximum period of three months from today.

The impugned order is set aside with the direction aforesaid and the appeal is, accordingly, allowed.

The parties to bear their own costs.

The Compliance report be filed by the State Government within two weeks thereafter, to be verified by the Registrar of this Court.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[M.M. SUNDRESH]

NEW DELHI,
SEPTEMBER 06, 2021.

ANNEXURE B-7

THE VILLAGE POND (SURVEY NO. 478 OF VILLAGE-BADARGADH) WHICH IS ALSO FILLED WITH UNTREATED SEWAGE WASTE. (THIS IS THE INPUT FOR THE NEWLY INSTALLED GUTTER-LINE)



INPUT OF NEWLY INSTALLED GUTTER-LINE :

**SR. NO. 478, VILLAGE POND, VILLAGE-BADARGADH,
TA-PALANPUR, BANASKANTHA, GUJARAT- 385410.**

OA NO. 75/2023 [Complaint: Trees were uprooted and damaged at Gauchar/Grazing Land of S.No. 498 of the Village-Badargadh]

1 message

HasanAli Nodoliya <hasanalinri@gmail.com>

19 August 2023 at 12:33

To: mam-palanpur@gujarat.gov.in, tdo-palanpur@gujarat.gov.in, ddo-ban@gujarat.gov.in, collector-ban <collector-ban@gujarat.gov.in>, ms-gpcb@gujarat.gov.in, chairman-gpcb@gujarat.gov.in, ro-gpcb-pala@gujarat.gov.in

Respected Sir(s),

I, the Applicant named Mr HasanAli Nodoliya, am filing you the complaint of uprooting several trees from the Gauchar/Grazing Land of Survey No. 498 of the Village-Badargadh, Taluka-Palanpur, Dist-Banaskantha, Gujarat.

The Badargadh Gram Panchayat is installing a new Gutter-line for discharging the untreated sewage waste-water from the pond, the said Gutter-line is passing from the Gauchar/Grazing land of Survey No. 498 of Village-Badargadh. Several trees were damaged and several trees have been uprooted [Taken out from land] during the construction and installation today [dated: 19/08/2023].

As per my knowledge, there was no prior permission has been taken by the Badargadh Gram Panchayat to uproot the trees from the Gauchar/Grazing Land of Survey No. 498 of the Village-Badargadh, Taluka-Palanpur, Dist-Banaskantha, Gujarat. I demand strong legal action on the Sarpanch of Badargadh Gram Panchayat for damaging the environment and public properties.

I am requesting you to acknowledge my complaint and take necessary action asap. Thanking you!

Enclosed:

I am attaching GPS-enabled color photographs (marked with date, time, location of captured photographs) along with this email.

Regards,

Mr HasanAli Nodoliya

Village-Badargadh, Taluka-Palanpur, Dist-Banaskantha, Gujarat.

Ph. No. +91 8347 614 814

3 attachments



20230819_92555AMByGPSMapCamera.jpg
4366K



20230819_92439AMByGPSMapCamera.jpg
4702K

ANNEXURE B-8

TREES UPROOTED AND DAMAGED DURING THE CONSTRUCTION & INSTALLATION OF THE NEW GUTTER-LINE



GPS Map Camera



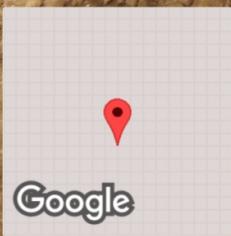
Banaskantha, Gujarat, India
Unnamed Road, Gujarat 385410, India
Lat 24.089494°
Long 72.462072°
20/08/23 01:17 PM GMT +05:30

ANNEXURE B-8

**TREES UPROOTED AND DAMAGED DURING THE CONSTRUCTION
& INSTALLATION OF THE NEW GUTTER-LINE**



GPS Map Camera



Banaskantha, Gujarat, India
Unnamed Road, Gujarat 385410, India
Lat 24.089095°
Long 72.462228°
19/08/23 09:25 AM GMT +05:30

ANNEXURE B-8

TREES UPROOTED AND DAMAGED DURING THE CONSTRUCTION & INSTALLATION OF THE NEW GUTTER-LINE



Badargadh, Gujarat, India
Unnamed Road, Badargadh, Gujarat 385410, India
Lat 24.088954°
Long 72.461974°
20/08/23 01:14 PM GMT +05:30

GPS Map Camera

ANNEXURE B-8



ANNEXURE B-8

TREES UPROOTED AND DAMAGED DURING THE CONSTRUCTION & INSTALLATION OF THE NEW GUTTER-LINE



ANNEXURE B-8

**TREES UPROOTED AND DAMAGED DURING THE CONSTRUCTION
& INSTALLATION OF THE NEW GUTTER-LINE**



ANNEXURE B-9

**NEW INLET INSTALLED TO DISCHARGE THE UNTREATED
SEWAGE WASTE IN SITE-IN-QUESTION ON 26.08.2023**



ANNEXURE B-9

NEW INLET INSTALLED TO DISCHARGE THE UNTREATED SEWAGE WASTE IN SITE-IN-QUESTION ON 26.08.2023



ANNEXURE B-9

NEW INLET INSTALLED TO DISCHARGE THE UNTREATED SEWAGE WASTE IN SITE-IN-QUESTION ON 26.08.2023



ANNEXURE B-9

**NEW INLET INSTALLED TO DISCHARGE THE UNTREATED
SEWAGE WASTE IN SITE-IN-QUESTION ON 26.08.2023**



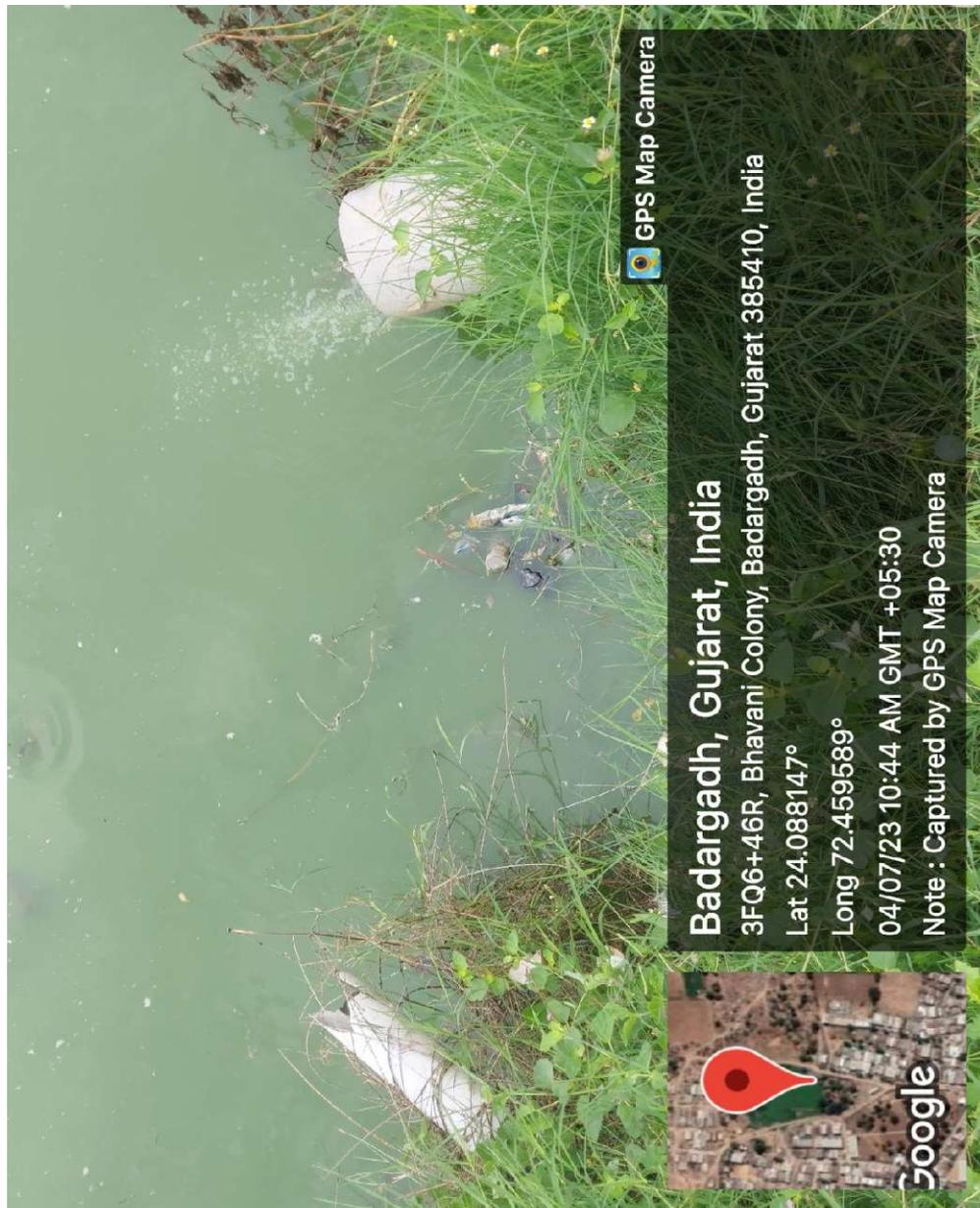
ANNEXURE B-10

**INLETS TO DISCHARGE UNTREATED SEWAGE INSTALLED
DURING THE 2021-2023 BY THE GRAM PANCHAYAT**



ANNEXURE B-10

**INLETS TO DISCHARGE UNTREATED SEWAGE INSTALLED
DURING THE 2021-2023 BY THE GRAM PANCHAYAT**



ANNEXURE B-11

—::: સુચના :::—

તા. ૧૮/૦૫/૨૦૨૩

બાદરગઢ ગામના તમામ ગામલોકોના પાણીના વિકટ પ્રશ્ન બાબતે મળેલ સુચનાઓ ધ્યાને લઈ આવતી કાલે તા. ૧૮/૦૫/૨૦૨૩ ના શુક્રવાર ના રોજ સમય ૦૮:૩૦ કલાકે ગામ વચ્ચે તમામ ગામ લોકોના પાણીના વિકટ પ્રશ્નનું નિરાકરણ આવે તે માટે ગામ લોકોને ભેગા કરવા જાણ કરવામાં આવે છે.

લિ. બાદરગઢ ગ્રામ પંચાયત

ANNEXURE B-11
AN ENGLISH TRANSLATION

-::: NOTICE :::-

Tomorrow on the date of 19/05/2023 Saturday, at morning 08:30 O'clock, at the middle of Village, all villagers are informed to be gathered for the solution of water crises, after receiving notices from the villagers about the water crises.

Written By
Badargadh Gram Panchayat.

That I certified that the translation of the ANNEXURE B-11 is factual and correct. I personally verified and signed on 07.09.2023 at Palanpur.

(Applicant) 
Hasanali Nurabhai Nodoliya
Bandhaani Vaas, Nr Husaini Masjid,
Village-Badargadh, Taluka-Palanpur,
Banaskantha, Gujarat-385410 (India)
Phone No.: 8347614814
Email: hasanalinri@gmail.com

Date: 07.10.2023
Place: Palanpur

ANNEXURE B-12





Reply By The Applicant in the Matter of OA No. 75/2023 (WZ)

1 message

HasanAli Nodoliya <hasanalinri@gmail.com>

7 October 2023 at 20:06

To: ddo-ban@gujarat.gov.in, collector-ban <collector-ban@gujarat.gov.in>, tdo-palanpur@gujarat.gov.in, chairman-gpcb@gujarat.gov.in, ro-gpcb-pala@gujarat.gov.in, ms-gpcb@gujarat.gov.in

O.A. NO. 75/2023 (WZ)**IN THE MATTER OF:**

Hasanali Nurabhai Nodoliya

*Versus*Collector and District Magistrate (Banaskantha)
& Ors

To,

- (1) The Collector & District Magistrate (Banaskantha) ...Respondent No. 1
- (2) The District Development Officer (Banaskantha) ...Respondent No. 2
- (3) The Taluka Development Officer (Palanpur) ...Respondent No. 3
- (4) The Sarpanch Shri - Badargadh Gram Panchayat ...Respondent No. 4
- (5) The Gujarat Pollution Control Board ...Respondent No. 5

Subject: Reply of the Applicant For the hearing of 12.10.2023 before The Hon'ble National Green Tribunal, Pune Bench.

The hearing of the above said matter is put up for next consideration on 12.10.2023 before The Hon'ble National Green Tribunal, Pune Bench. I am sending you my Reply for the same along with this email; and my Reply as an Applicant is enclosed with this mail. Kindly do the needful. Thanking you.

Mr HasanAli Nurabhai Nodoliya
Applicant of the O.A. No. 75/2023 (WZ)

 Reply of the Applicant For 12.10.2023.pdf
17634K