

FACTUAL REPORT
BY
JOINT COMMITTEE

IN
ORIGINAL APPLICATION NO. 33/2021 (CZ)

Rishikesh Vihar Welfare Society &Ors.

V/S

State of Madhya Pradesh &Ors..

FACTUAL REPORT

Ref: Inspection of the joint committee as per the order of Hon'ble NGT dated 08/06/2021 in OA 33/2021 (CZ) of Rishikesh Vihar Welfare society v/s State of Madhya Pradesh & Ors .

Hon'ble National Green Tribunal (CZ) vide its order dated 08/06/2021 in OA No. 33/2021 (CZ) Rishikesh Vihar Welfare Society v/s State of Madhya Pradesh & Ors., instructed as under:-

- 1. The issue raised in this original application is unauthorized, illegal construction of open sewage line for discharging untreated water/sludge in the Government/private land and construction of building/residential accommodation without getting any approval or permission from the competent authority in violation of environmental norms by Respondent No. 4 Gayatri Vihar, Phase-I & others in Zone 13, Ward – 53 & 55 within the limits of Bhopal Municipal Corporation known as Gayatri Vihar (Coloniser Kamdhenu GrihNirman). It is further alleged that the respondents are illegally and unauthorisedly encroaching the public land, road and damaging the 60 ft. wide master plan coordination road against which the information was sent to the competent authority and the construction was restrained but after some days the violators of law, respondent again through the means of JCB machine started to encroach the public/private land and started the constructions of sewage line and discharge of untreated water / sludge water into the public land.*

8. *We deem it just and proper to call a report on the matter in issue in present application, from a Joint Committee consisting of:-*
- (i) Collector, District Bhopal (M.P.).*
 - (ii) Municipal Commissioner, Bhopal (M.P.)*
 - (iii) State Pollution Control Board(M.P.)*
9. *The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.*

As per order dated 08/06/2021 of the Hon'ble NGT, following Committee members of the concerned departments visited the site on dated 21/08/2021:-

1. Shri Kshitij Sharma, SDM, Tehsil - Kolar, Collector Office, Distt- Bhopal
2. Shri Santosh Gupta, SE, Bhopal Municipal Corporation (BMC), Bhopal
3. Shri B. S. Sengar, Executive Engineer, Bhopal Municipal Corporation (BMC), Bhopal
4. Shri Brajesh Sharma, Regional Officer, MPPCB, Bhopal

Other officials present during the inspection were Shri Chandan Piplad, Sub Engineer, BMC, Bhopal and RI, Bagmugaliya. Committee members hadan interaction with members of Rishikesh Vihar Welfare Society (Petitioner) and residents of Gayatri Vihar, Phase 1. The facts observed during the site visit of the Committee are as follows:-

1. The residents of Rishikesh Vihar Welfare Society (Petitioner) Shri Sanjay Shrivastava, House no. 15, Shri Pawan Singh, House no. 46 and Shri Santosh Choudhaery, House no. 37 were present at the time of visit.
2. GPS location of the site is recorded using a mobile-based GPS application. The location of Gayatri Vihar, Phase 1, Rishikesh Vihar colony and places visited by the committee are marked on the Google Map and photographs taken during the inspection are attached. (Annexure-2).
3. The Gayatri Vihar, Phase 1 colony and Rishikesh Vihar colony are two distinct colonies in the area and the distance between these two colonies are approx 200 meters.
4. During visit, Rishikesh Vihar Welfare Society representative informed that the Gayatri Vihar, Phase 1 residents were intended to lay down an open sewage line from the land located in front of their Rishikesh Vihar Colony. They have shown the area to the committee. The area shown by the Rishikesh Vihar Welfare Society representative (Petitioner) is approx 70 meters away from Rishikesh Vihar colony and approx 300 meters away from the Gayatri Vihar, Phase 1 colony septic tank.
5. Committee inspected the area during the visit and found that a RCC road is passing through this area and connecting it to Bagmugaliya - Katara road. Committee has not found laying of open sewer line in the area and no excavation for laying of sewer line is observed. Also, no flow of treated or untreated sewage observed during the visit in that area. JCB machine was also not seen in the locality.
6. Committee visited the Gayatri Vihar, Phase 1 colony and observed that a septic tank / soak pit is provided at the middle of the colony inside a park. The park is surrounded by a road and then by residential plots. No drain is found passing across the road from the septic tank. The size of the

septic tank is approx. 20 feet x 15 feet and depth of 8 feet. No overflow of sewage from septic tank is observed and no drain is observed connecting to any open drain from the septic tank.

7. The resident of the Gayatri Vihar, Phase 1 colony informed the committee that there are around 70-74 houses in the colony. The colony was established in Year 2002 as plotted development project with area of around 6.00 acre. Presently the colony maintenance is being carried out by the resident welfare society.
8. Committee visited the area around the Gayatri Vihar, Phase 1 colony and found that it is a covered colony and no drain of sewage found outside the premises.
9. Committee also visited the Rishikesh Vihar Colony and the covered colony has provided one septic tank for around 40 houses.
10. In view of above points the committee has not found unauthorized, illegal construction of open sewage line for discharging untreated water/sludge in the Government/private land in the area.



(Brajesh Sharma)
Regional Officer
MPPCB, Bhopal



(Santosh Gupta)
Superintending Engineer
Bhopal Municipal Corporation,
Bhopal

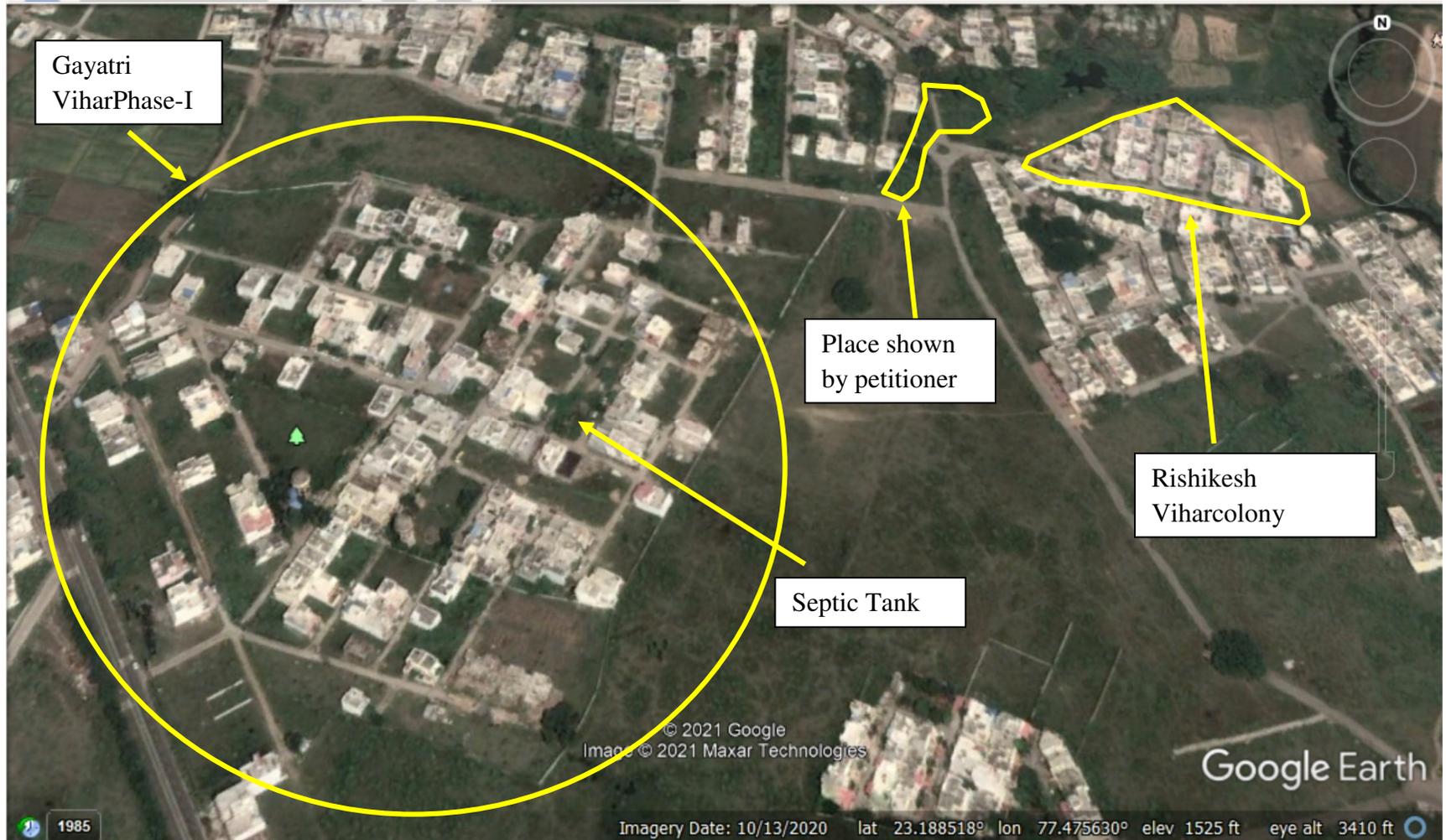


(Kshitij Sharma)
SDM, Tehsil -Kolar
Collectorate Office, Bhopal

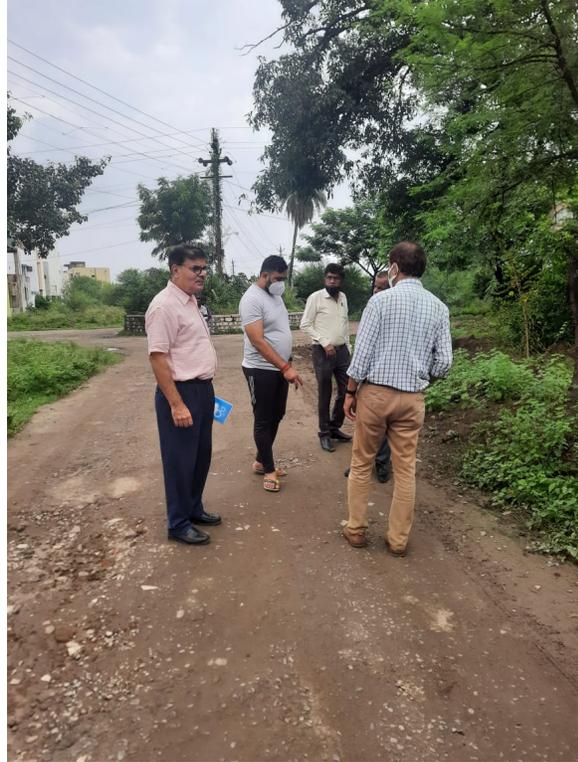


(B. S. Sengar)
Executive Engineer
Bhopal Municipal Corporation,
Bhopal

Location of Gayatri Vihar colony on Google Map



Photographs of Inspection dated 21/08/2021



Committee visiting area in front of Rishikesh Vihar with Petitioners



Committee visiting area in front of Rishikesh Vihar with Petitioners



Committee visiting Gayatri Vihar Colony Phase -1



Septic Tank



Septic Tank and Soak pit



Committee inspecting the surrounding area of Septic tank



Committee inspecting the surrounding area of Septic tank