

Factual Report by Joint Committee regarding original application number 94/2021 (CZ) pending before the National Green Tribunal Central Zone Bench, Bhopal.

In compliance of the order of dated 31.03.2022, in the matter of original application number 94/21 (CZ) Sh. Kapil Surana v/s State Government and others pending before the National Green Tribunal, Bhopal a committee has been constituted vide office order no. F5()/CEWR/SE(W)/OA No. of 2021/1121 dated 02.05.2022 with the direction of Principal Secretary, Water Resources. This committee comprises of District Collector, Executive Engineer Water Resource Division and District Level Officer of RSPCB from both districts Udaipur and Rajsamand.

In compliance of the above the said site was visited on May 08, 2022 by the members of the committee and other concerned officers mentioned as below:-

Rajsamand District:- District Collector Rajsamand, Executive Engineer Water Resources Department Rajsamand, Regional Officer Pollution Control Board Rajsamand, concerned Sub Divisional Officer, Tehsildar & Patwari etc.

Udaipur District:- Chief Executive Officer Zila Prishad Udaipur, Superintending Engineer Water Resources Department Udaipur, Executive Engineer Water Resources Department Udaipur, Regional Officer Pollution Control Board Udaipur, Sub Divisional Officer Badgaon, Block Development Officer Badgaon, concerned Tehsildar & Patwari etc. (District Collector Udaipur had already visited the site earlier).

The Raya anicut is situated on the nallah in village Raya, Gram Panchayat Kailashpuri, Panchayat Samiti Badgaon, District Udaipur and Village Ghati Ka Math, Gram Panchayat Ghodach, Panchayat Samiti Delwara, District Rajsamand and is therefore situated partly in both the districts. The nallah is the dividing line between both the districts Udaipur and Rajsamand.

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The important points discussed jointly at the site and the factual report is as follows:-

1. Regarding Increase of height of anicut

According to the letter and drawings received from Seva Mandir the said anicut was constructed by the village community in the year 2000 - 2001 with the help of Seva Mandir. Photocopy of the letter and the cross section of anicut provided by Seva Mandir is attached at Annexure-A.

Facts of the site are as follows:-

- (a) Differences have been found in spot measurements taken at site and drawing/detail provided by Seva Mandir. As per details provided by Seva Mandir, the height of the anicut from the NSL is 3.00 M., while as on date the height of the anicut found from the NSL is 4.20 M. That is 1.20 M greater than the height shown in the drawings provided by the Seva Mandir. Therefore it is clear that height of the anicut has been increased in the recent construction/repair from 3.00 M. to 4.20 M. i.e., the height is increased by 1.20 M. For this construction / increase of height permission has not been taken from Water Resource Department.
- (b) According to the representative of respondents 5 to 7, the repair work of anicut has been done by them after obtaining no objection certificate from gram panchayat Kailashpuri District- Udaipur and gram panchayat Godach District- Rajsamand to prevent leakage of the water from the anicut.
- (c) This repair/construction has been done in such a way that the old construction has been covered with RCC.
- (d) The anicut is situated in upstream on the nallah which is the catchment of Ghasa Talab/Gandharva sagar Talab. The capacity of Ghasa Talab/Gandharva sagar Talab is 209.04 mcft. Due to this increase of height the submergence area of anicut and its capacity has increased which will have very minor effect on yield of Ghasa Talab/Gandharva sagar Talab.

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(2) Regarding Approach Road

The bituminous road heading from the main road that is from village Raya to Matata and primary school is about 2.50 km. which was constructed by the Public Works Department as per information from villagers. Beyond that there is a kachha road about 1.6 km. up to anicut. This kachha/unpaved road is running around the nallah somewhere on the left and somewhere on the right side of nallah and also in the portion of nallah somewhere. As told by villagers It was access road for supply of material during the original construction of this anicut in year 2000-2001. This kachha/unpaved road will not create obstruction to the natural flow of water. The kachha road cannot be used for movement during monsoon period.

(3) Regarding Construction of Bridge

A RCC bridge was found constructed recently on the nallah upstream to the anicut by the respondents 5 to 7 to connect one end of the hotel to the other. It was told by respondents representative that it has been built after taking permission. On asking to show the permission letter, they were unable to provide it.

(4) Regarding Kachha road across the nallah

A kachha earthen road/temporary path was also built across in the nallah portion on upstream side of anicut which was now removed. Although some portion of it was still visible for which direction were given to representative of respondents 5 to 7 to remove it properly.

(5) Regarding Excavation of river/nallah bed

There was some excavation activity found on the sides of nallah portion on the upstream side of anicut within the premises of the respondents 5 to 7. It was advised to the representative of respondents to restore the nallah to its original shape.

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(6) Regarding Permission of Rajasthan Pollution Control Board:-

It was apprised by the officers from RPCB that consent to establish has been accorded by RPCB, Jaipur for the hotel/resort.

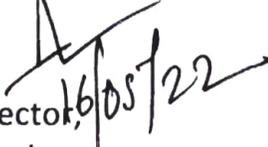

Executive Engineer,
W R Dn., Udaipur


Executive Engineer,
W R Dn., Rajsamand


District Level Officer,
R.P.C.B., Udaipur


District Level Officer,
R.P.C.B., Rajsamand


District Collector,
Udaipur


District Collector,
Rajsamand
16/05/22



दिनांक: 05-10-2021/645

श्री जे.आर. मीना
सहायक अभियंता, राजस्थान सरकार
जल संसाधन उपखंड गिर्वा, उदयपुर

विषय – ग्राम राया एनीकट के संबंध में।

संदर्भ – आपका पत्र दिनांक 21-09-2021

ग्राम समूह राया द्वारा सेवा मंदिर के सहयोग से वर्ष 2000-01 में एक राया गाँव में एनीकट का निर्माण किया गया था। एनीकट का निर्माण, ग्रीष्म ऋतु में पशुओं हेतु पेयजल पूर्ति तथा डाउन स्ट्रीम स्थित कुँओं के रिचार्ज को दृष्टिगत रखते हुए किया गया था। निर्माण के समय, एनीकट की ऊँचाई नदी तल से 3 मीटर थी।

एनीकट के क्रॉस सेक्शन की फोटो प्रति, आपको पत्र के साथ संलग्न कर प्रेषित की जा रही है।

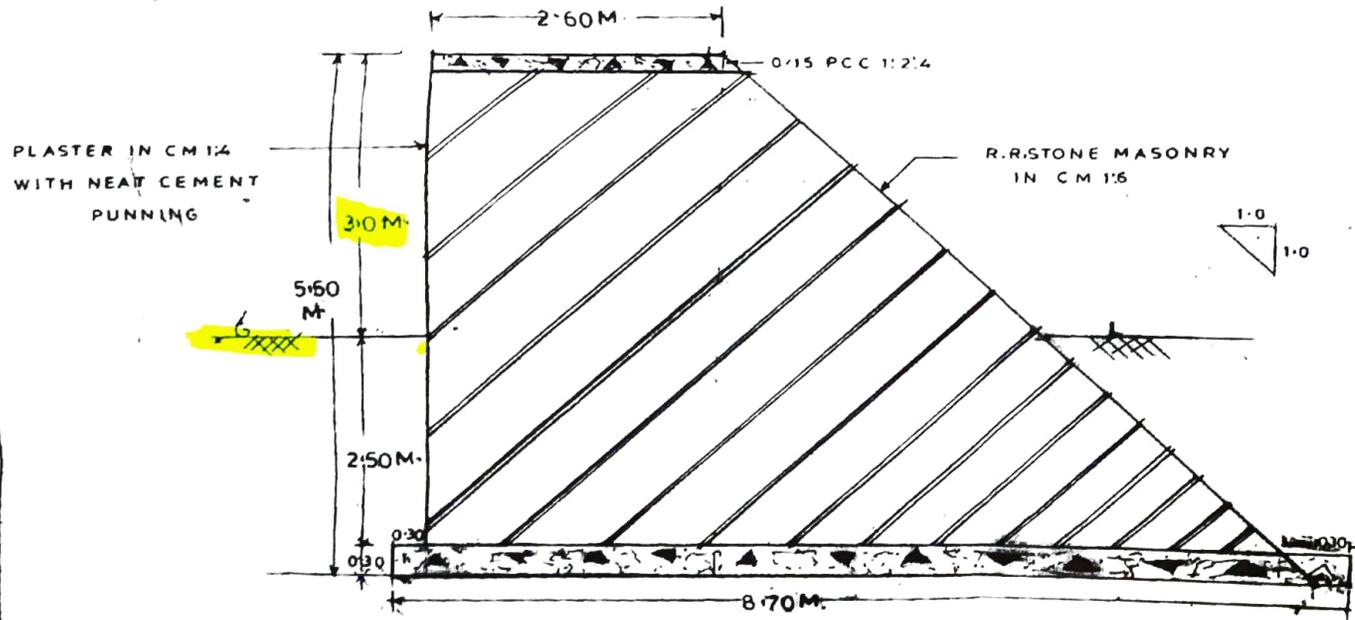
धन्यवाद।

(शैलेन्द्र तिवारी)
महासचिव

संलग्न – क्रॉस सेक्शन ऑफ एनीकट की फोटो प्रति

C-SECTION OF RAYA ANICUT

SCALE :- 1:50



CALL DIMENSIONS ARE IN METRE)

**Government of Rajasthan
Water Resources Department**

No. F.5 (/CEWR/SE (W)/OA No.94 of 2021/ 1121

Date : 02/05/2022

OFFICE ORDER

Hon'ble NGT vide order dated 31.03.2022 (copy enclosed) in OA no. 94/2021(CZ), Shri Kapil Surana V/S State of Rajasthan & Ors. has directed as under:

"1. Learned counsel appearing for the state has submitted that the reply has been filed but the area under question falls within the zone of two districts, thus, officers of the two districts or any other person may be deputed to submit the factual report. Without going to the controversy we direct the Secretary (Irrigation), Rajasthan to see the matter personally and nominate any official or officers of two districts to jointly visit and after site visit submit the factual and action taken report.

2. Copy of the order be sent to the Secretary (Irrigation), Rajasthan through available e-mail and/or the advocate concerned. Report may be submitted before next date of listing."

In this context, Principal Secretary, Water Resources has directed to constitute a committee of following officers to jointly visit the site and submit the factual and action taken report up to 10.05.2022.

1. District Collector, Udaipur (Raj.)
2. District Collector, Rajsamand (Raj.)
3. Executive Engineer, Water Resources Division, Udaipur (Raj.)
4. Executive Engineer, Water Resources Division, Rajsamand (Raj.)
5. District level officer of Rajasthan State Pollution Control Board, Udaipur
6. District level officer of Rajasthan State Pollution Control Board, Rajsamand

Next Date of hearing: 18.05.2022

Encl – As above


(Mukesh Kumar Vijay)
Deputy Secretary

No. F.5 (/CEWR/SE (W)/OA No.94 of 2021/ 1122-1130

Date : 02/05/2022

Copy to following for information & needful action please: -

1. District Collector, Udaipur.
2. District Collector, Rajsamand.
3. Member Secretary, Rajasthan State Pollution Control Board, Jaipur.
4. Additional Chief Engineer, Water Resources Zone, Udaipur.
5. Superintending Engineer, Water Resources Circle, Udaipur & OIC.
6. Executive Engineer, Water Resources Division, Udaipur.
7. Executive Engineer, Water Resources Division, Rajsamand.
8. District level officer of Rajasthan State pollution Control Board, Udaipur
9. District level officer of Rajasthan State pollution Control Board, Rajsamand

~~Deputy Secretary~~