

**REPORT OF THE OVERSIGHT COMMITTEE, NGT, U.P, LUCKNOW**

**IN THE MATTER OF:-**  
**ORIGINAL APPLICATION NO. 94/2022**

**IN RE: PUSHPENDRA KUMAR  
VERSUS  
NAGARPANCHAYAT, KADAURA & ORS.**

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**SUPPLEMENTARY REPORT OF THE OVERSIGHT COMMITTEE, NGT, UP, LUCKNOW IN COMPLIANCE OF THE ORDER OF THE HON'BLE NATIONAL GREEN TRIBUNAL PASSED IN O.A 94 OF 2022 IN RE: PUSHPENDRA KUMAR VS NAGAR PANCHAYAT, KADAURA & ORS**

**I. INTRODUCTION**

The issue in this application relates to the encroachment and pollution of ponds in the Nagar Panchayat, Kadaura with a prayer that the concerned authorities may be directed to remove the encroachment, clean up and maintain fresh water in pond at Plot No. 22 (Urban area settlement), Bhairav Pond and the pond at Plot No. 311.

**II. ORDER PASSED BY THE HON'BLE NGT ON 17.02.2022**

Vide order dated 17.02.2022, the Hon'ble NGT directed as follows:

*"We have heard the learned Counsel for the applicant. Since Hon'ble Mr. Justice SVS Rathore, Former Judge of Allahabad High Court is already looking into similar kind of grievance relating to main pond (Sadar Bazar) of Kadaura Town, District Jalaun, UP, the present application be also, therefore, forwarded to the Hon'ble Judge for considering the issue raised by the applicant. The Hon'ble Judge is requested to look into the grievance raised by the applicant and submit a report before this Tribunal within four months".*

**III. Compliance Status**

1. The Oversight Committee had filed a report dated 12.07.2022 with the recommendation that the District Magistrate, Jalaun may be given one month more to complete the demarcation and initiate legal action as per law against the encroachers. As per the reports dated 26.08.2022 and 26.09.2022 received from the District Magistrate, Jalaun, there are 13 ponds in the Nagar Panchayat area of Kadaura, out of which 09 are encroachment free which includes Plot No.22 of Urban Area Settlement (Revenue Plot No. 585/2), Plot No. 946 (Bhairav Pond) and Plot No. 311. Ponds bearing Plot Nos. 292/2 and 60 are encroached by 02 and 14 persons respectively to whom notices have been issued. Final order is yet to be passed. Plot No. 566 and 61 are completely encroached by 35 and 07 persons respectively to whom also the notices have been issued and final order is yet to be passed. The details of the encroachment is given in **Annexure – 1**.

**2. Water quality of the ponds:** The water quality report dated 19.09.2022 (**Annexure - 2**) for 11 of the 13 ponds has been submitted by Regional Officer, Jhansi, UPPCB. The report reveals that for all the ponds the Biological Oxygen Demand (BOD)<sup>1</sup> is beyond the permissible limit and the level of Dissolved Oxygen(DO)<sup>2</sup> for 08 ponds out of the 11 sampled ponds is 4.00-4.50 mg/l which suggests that the water quality of the ponds falls in category 'D' i.e. suitable for propagation of fisheries and wildlife. Moreover, the level of total hardness<sup>3</sup>, calcium<sup>4</sup> and magnesium<sup>5</sup> are above the prescribed limits while the other parameters viz. pH<sup>6</sup>, CoD<sup>7</sup>, total dissolved solids<sup>8</sup>, total suspended solids<sup>9</sup>, and total solids<sup>10</sup> in all the ponds are within the permissible limit. Further, it is observed that two key parameters viz. total coliform (TC) and faecal coliform (FC) have not been included in the analysis report which are essential to assess sewage contamination in the ponds. Therefore, a letter has been issued to the Regional Officer (RO), Jhansi, UPPCB to include TC and FC essentially while analysing the water samples for their quality.

#### **IV. Observations of the Oversight Committee**

1. 03 ponds regarding which the complaint has been made, were found to be free from any encroachment and the entire area as recorded in the Khatauni is intact. However, 04 other ponds of the Nagar Panchayat, Kadaura viz. plot no. 292/2, 566, 60 and 61 were found to be encroached by the local people. It is recommended that the District administration takes steps to remove the encroachments as per the law and submit an action taken report within 03 months to this Committee for onwards submission to the Hon'ble NGT.
2. The water quality report of the ponds does not include total coliform and faecal coliform concentrations. Therefore, the Member Secretary, UPPCB may be directed to instruct the field officers/laboratories to include testing of TC & FC essentially for analysing samples of STP effluents, drain water and water bodies near the human habitation.

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<sup>1</sup> BoD: Permissible limit- 2 to 3 mg/l

<sup>2</sup> Dissolved oxygen – 4mg/l or more (category D)

<sup>3</sup> Total hardness – Max 300

<sup>4</sup> Calcium- Max 200

<sup>6</sup> ph (6.5-8.5)

<sup>7</sup> CoD: Permissible limit – 250 mg/l

<sup>8</sup> TDS (500-1500)

<sup>9</sup> TSS (150mg/l)

3. It is observed from the water quality report that the quality of water in these ponds falls in category 'D' i.e., suitable for propagation of fisheries and wildlife. This must be due to the negligent behaviour of the local people towards preservation of the water bodies. RO, Jhansi; EO, Nagar Panchayat, Kadaura may be directed to undertake periodic awareness campaigns in the locality to educate people on the need of adopting hygiene practices and preserving the water bodies, greeneries for healthy living. They should also be made aware of the legal consequences of polluting the environment. If the situation does not improve, the RO, Jhansi may be directed to initiate legal action against the polluters.

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of Uttar Pradesh for necessary action. The report also be uploaded on the website of the Committee.

03-Oct-22

03-Oct-22

**X** Anant Kumar Singh

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Anant Kumar Singh  
Member, Oversight Committee  
Signed by: ANANT KUMAR SINGH

**X** SVS Rathore

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Justice SVS Rathore  
Chairman, Oversight Committee  
Signed by: SURENDRA VIKRAM SINGH RATHORE

October 03, 2022

Annexures: As above

Please visit our website: [oscngt.upsdc.gov.in](http://oscngt.upsdc.gov.in) for more information.

## Annexure – 1

### Status of encroachment on 13 ponds in Nagar Panchayat, Kadaura

S.No.	Gata no.	Type (Z.A/ Non Z.A)	No. of encroachments	Total Area (In hectares)	Area under encroachment (In hectares)	Action taken to remove encroachment
1.	292/2	Non Z.A	2 encroachments	0.3530	0.0061	First notice issued on 19.07.2022 and second notice issued on 12.09.2022
2.	566	Non Z.A	35 encroachments	0.6110	0.2324	Notice issued to all encroachers on 05.09.2022
3.	585/2	Non Z.A	Secured	0.2350	-	-
4.	586	Non Z.A	Secured	2.6790	-	-
5.	657	Non Z.A	Secured	0.1010	-	-
6.	659	Non Z.A	Secured	0.1010	-	-
7.	946	Non Z.A	Secured	1.2260	-	-
8.	60	Non Z.A	14 encroachments	0.4740	0.1012	First notice issued on 01.09.2022 and second notice issued on 12.09.2022
9.	61	Non Z.A	7 encroachments	0.0690	0.0570	First notice issued on 05.09.2022 and second notice issued on 23.09.2022
10.	266	Z.A	Secured	1.3150	-	-
11.	311	Z.A	Secured	0.3160	-	-
12.	430/994	Z.A	Secured	0.130	-	-
13.	112	Z.A	Secured	0.7850	-	-

Annexure – 2

Water quality report of 13 ponds located in Kadaura, Jalaun, UP																
S. No.	Sampling location	Gata no.	Sampling date	pH	Conductivity	Turbidity (NTU)	DO (mg/l)	BOD (mg/l)	COD (mg/l)	TSS (mg/l)	TDS (mg/l)	TS (mg/l)	Ca (mg/l)	Mg (mg/l)	Chloride (mg/l)	Total Hardness (mg/l)
1	Sadar pond	586	14.09.2022	7.6	993	45	3.9	16	38	69	572	641	230	110	40	340
2	Baheri talab	946	14.09.2022	7.7	987	40	4.5	14	34	64	568	632	240	105	45	345
3	Pond of kabristan	311	14.09.2022	7.6	998	45	4.3	18	42	71	561	632	240	100	40	340
4	Jagnaha talab	266	14.09.2022	7.6	991	40	3.8	20	46	68	609	677	220	120	45	340
5	Pond of mansa devi	112	14.09.2022	7.5	993	35	4.5	14	34	62	561	623	225	110	40	335
6	Nagin Sakti talab	430/994	19.09.2022	7.5	989	45	4.5	10	36	71	576	647	240	110	Nil	350
7	Vaisno Mata Mandir talab	657	19.09.2022	7.6	991	45	4.3	12	32	67	570	637	250	110	Nil	360
8	Vaisno Mata Mandir talab	659	19.09.2022	7.4	996	50	4.2	14	38	76	566	642	245	105	Nil	350
9	Bamhauri ka talab	60	19.09.2022	8.6	993	45	2	32	96	78	611	689	230	120	Nil	350
10	Seer Mohalla ka talab	585/2/22	19.09.2022	7.7	996	45	4.2	14	36	81	570	651	230	120	Nil	350
11	Dhobipura ka talab	292/2	19.09.2022	7.6	997	35	4.4	16	38	76	575	651	225	130	Nil	355
12	Bamhauri ka talab	61	19.09.2022	Pond does not exist as it is encroached entirely												
13	Kherapati ka talab	566	19.09.2022	Pond does not exist as it is encroached entirely												