

Response of responded No. 2 "Uttar Pradesh Pollution Control Board" in compliance of order passed by Hon'able National Green Tribunal in OA No. 466/2023 "Prempal V/s State of UP and others" on dated 19.12.2023.

Hon'able National Green Tribunal, New Delhi have passed following order in in OA No. 466/2023 "Prempal vs. State of UP and others" on dated 19.12.2023 .

"..... 2. In view of the observations made in the report of the Joint Committee, we consider it appropriate to seek response of (i) State of Uttar Pradesh, through the District Magistrate, Bareilly, (ii) UPPCB, (iii) Mr. Hariom S/O Girdhari resident of village Jam Masihabad, Karampur, Tilmas Gotia, Karora, Behrauli, Tahseel Mirganj, District Bareilly and (iv) Mrs. Mamta w/o Hariom resident of village Jam Masihabad, Karampur, Tilmas Gotia, Karora, Behrauli, Tahseel Mirganj, District Bareilly who are impleaded as respondents no. 1 to 4.

3. Memo of parties be prepared and attached with the application. 2

4. Registry is directed to issue notices to respondents no. 1 to 4 requiring them to file their reply/response within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. Notices issued to respondents no. 3 and 4 be served on them through the District Magistrate, Bareilly and for this purpose notices be sent to the District Magistrate, Bareilly through e-mail for getting the same served on them and submitting his report within one month.

6. List for further consideration on 06.03.2024....."

In compliance of above order District Magistrate Bareilly issued direction to sub-District Magistrate Meerganj wide letter No. 931/OA-466/23/ dated 11-01-2024 to insure compliance of the order passed by Honorable National Green Tribunal, New Delhi on point no. 05 of OA No. 466/2023 "Prempal vs. State of UP and others". 2024 (photocopy attached at Annexure-1).

Representative of Sub-District Magistrate, Meerganj, Bareilly handed over notice/ NGT order dated 19-12-2023 to respondent No. 03 Sri. Hariom, son of sri Girdhari, resident of Jam Masihabad, Karampur, Tilmas Gautia, Karaura Bahrauli, Tehsil-Mirganj, Bareilly and respondent no. 04 Mrs. Mamta, w/o Sri Hariom, resident of Jam Masihabad, Karampur, Tilmas Gautia, Karaura Bahrauli, Tehsil-Mirganj, Bareilly on 15.01.2024. (Photocopy attached at Annexure-2).

The survey of proposed construction by respondent no. 03 village Bahrauli, Tehsil-Mirganj, Bareilly conducted by representative of State Pollution Control Board on dated 02.02.2024 and 06-02-2024 in the presence of respondent no. 03 and the villagers. (Photographs attached at Annexure-3). During the inspection/survey, the complainant Shri Prempal was informed on mobile number 6396645009 and requested to be present at the spot, but the complainant expressed his inability to come to the spot. The following facts came to light during the inspection/survey-







(P.O.)

1. Due to rainfall during monsoon in the said area, rain water runoff gets collected and to flow through a culvert (size 3.5m width × 1.8m depth) located at a distance of about 40 m in the south direction of Mirganj-Bahrauli road and a Hume pipe (size about 1 m in diameter), located at a distance of about 100 m in north direction in road, from the proposed site and ultimately meets to Ramganga river.
2. During inspection respondent no. 03 informed that he propose to construct a 09 meter width house on 3 meter high column and sufficient distance from the road. On the spot, digging of soil for the foundation of the column was found and no other construction work was found taking place.
3. As per the office records of the State Pollution Control Board No complaint received against the construction of the house proposed by the respondent no. 03 and no permission is applicable from the State Board for the construction of the house.

The response is submitted for kind consideration.


(Sunil Kumar)
Scientific Asstt.


(Jitendra Lal)
Environmental Engineer


07/02/24
(Rohit Singh)
Regional Officer
UPPCB
Bareilly

Item No.07

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No.466/2023

Prempal

Applicant

State of U.P. & Ors.

Versus

Respondents

Date of hearing: 19.12.2023

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.

Applicants: None for the Applicant.

Respondents: Mr. Pradeep Misra and Mr. Daleep Dhyani Advocates
for UPPCB (Through VC).

Application is registered based on a letter petition received by Post

ORDER

1. In compliance of order dated 03.08.2023 report of the Joint Committee has been filed vide email dated 09.12.2023.

2. In view of the observations made in the report of the Joint Committee, we consider it appropriate to seek response of (i) State of Uttar Pradesh, through the District Magistrate, Bareilly, (ii) UPPCB, (iii) Mr. Hariom S/O Girdhari resident of village Jam Masihabad, Karampur, Tilmas Gotia, Karora, Behrauli, Tahseel Mirganj, District Bareilly and (iv) M.s. Mamta w/o Hariom resident of village Jam Masihabad, Karampur, Tilmas Gotia, Karora, Behrauli, Tahseel Mirganj, District Bareilly who are impleaded as respondents no. 1 to 4.

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मजिस्ट्रेट
गवाए
21/12/2023
श्री केशव शर्मा (S/O गिरधरी शर्मा)
पिन 922101
श्री ममता देव
श्री ममता देव (S/O गिरधरी शर्मा)
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15/12/2023
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21/12/23
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मै १९५५

जिलाधिकारी मधौदम कैलाश के संलग्न पत्रांक १३१/०
 - ८-५६६/२३/२०२५ दिनांक ११-१-२०२५ का अठम
 क्रम का कठक करे जिसके द्वारा पत्र के अंतर्गत
 प्रतिवादी अर्थात् ३ हरिकौम पुत्र गिर धारी व
 प्रतिवादी अर्थात् ५ ममला पत्नी हरिकौम सिंह
 व धरणी लक्ष्मी मरिगज जिला कैलाश के
 मधौदम काड के प्रतिवादी प्राप्त कर की गयी है
 एवं राकेश शर्मा पुत्र श्रीमती कल्याण देवी
 व लक्ष्मी मरिगज के अर्थात् प्राप्त कर की
 गयी है तामीलाशुदा प्रति संलग्न है

जुगल सिंह

15-1-2024

जुगल सिंह
 रा० नि० बहरोली
 त० मीरगज (बरेली)

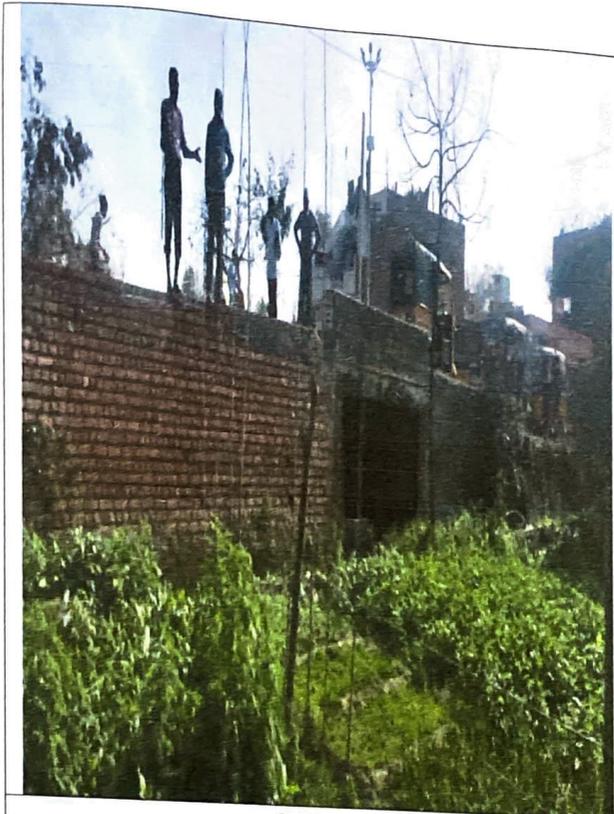
मधौदम

मधौदम २१/०१/२४

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15/01/24

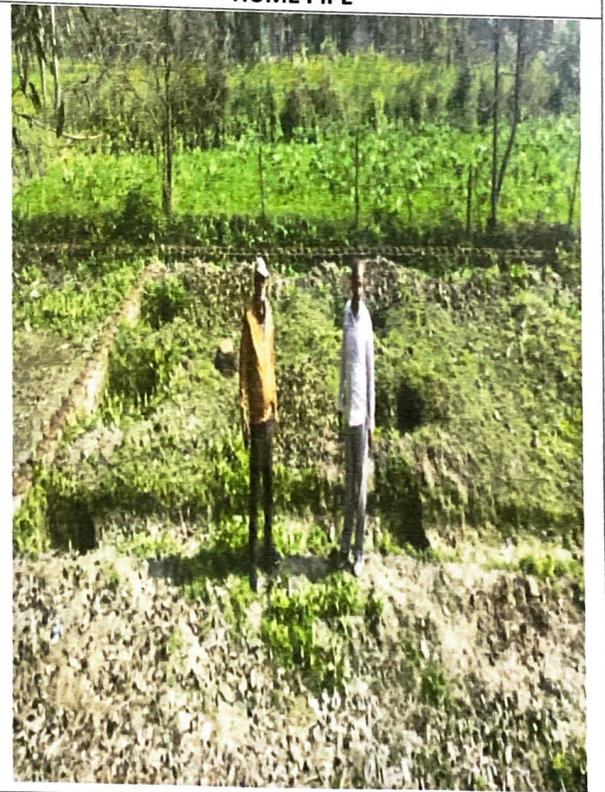
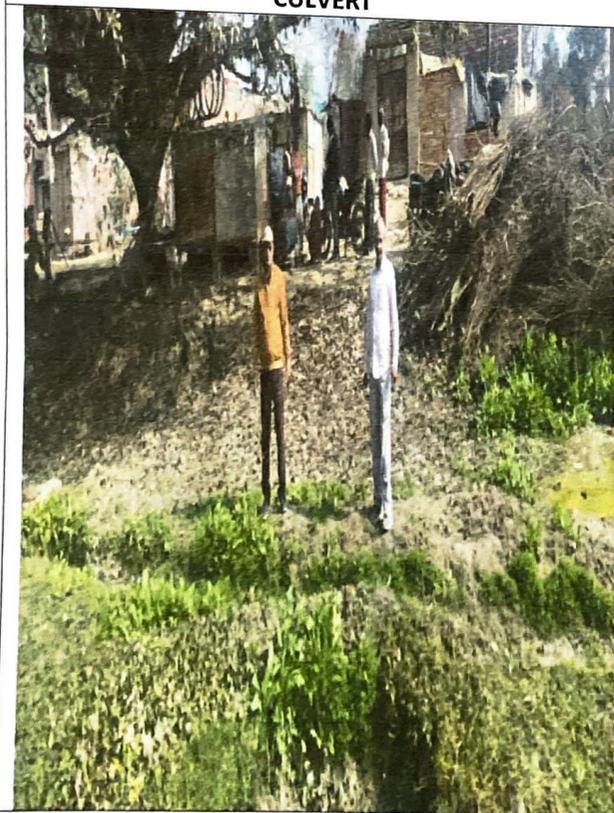




CULVERT



HUME PIPE



PLOT OF RESPONDENT NO. 03 SHRI HARIOM, Village- Bahrauli, Meerganj, Bareilly