

Court No. - 35

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

Petitioner :- Re: Ganga Pollution

Respondent :- State Of U.P. And Others

Petitioner Counsel :- Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Anil Tiwari,Arun Kumar,Arvind Agarwal,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Jagdish Tewari,K.C. Pandey,P.N. Mishra,S.K. Srivastava,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,V.B. Singh,V.C. Mishra,Vivek Mishra

Respondent Counsel :- C.S.C.,A.K. Mishra,Ajay Bhanot,Anjani Kumar Mishra,C.L.Pandey,Chandan Sharma,Dr. H.N.Tripathi,H.N. Singh,Hem Pratap Singh,Iqbal Ahmad,M.C. Chaturvedi,N. Misra,P.S. Baghel,R.B. Shukla,Rajiv Lochan Shukla,S.A. Lari,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,T.M.Khan,Vivek Birla,Vivek Verma,W.A. Hashmi

Hon'ble Ashok Bhushan,J.

Hon'ble Arun Tandon,J.

Heard Sri Arun Kumar Gupta, Amicus curiae, learned Advocate General assisted by Sri S.P. Kesharwani, learned Chief Standing Counsel for the State, Sri Ajay Bhanot, learned counsel for the Union of India and Dr. H.N. Tripathi, learned counsel for the U.P. Pollution Control Board.

We had fixed today's date for considering the status of the S.T.Ps to be established. An affidavit has been filed today giving certain details with regards to S.T.Ps in districts Kanpur, Varanasi and Allahabad. Learned Advocate General, however, submits that with regard to laying of sewer lines under the JNNRUM Scheme at Allahabad a detailed project report (DPR) was submitted to Central Government which was approved. He may file a copy of the approved DPR along with the details of deviation if any made and the entire correspondence in that regard with the Central Government. For the purpose, affidavit may be filed by the Secretary of the State Level Steering Committee constituted under the JNNRUM Scheme.

The Managing Director of the Jal Nigam, which is the executing agency of the scheme, shall file his affidavit specifically stating as to whether the laying of the sewer lines at Allahabad is in accordance with the D.P.R. as approved and whether necessary concrete beds etc. are being constructed before laying down the sewer lines as and where required.

Sri Ajay Bhanot has filed an affidavit stating that so far as the S.T.Ps to be established at Old and New Cantt., Allahabad are concerned, modified project

report has been forwarded to the Army Headquarter which is under consideration. So far as the Fort is concerned, it has been stated that a project has been prepared for the financial year 2010-2011 and forwarded to the Headquarter.

We are of the view that the establishment of the S.T.P.s in Old and New Cantt. as well as at Fort Cantt. is of some urgency, as the pollution in river Ganges is to be controlled urgently. The projects which have been forwarded for Old and New Cantt. may be considered by the Army Headquarter and appropriate decision be communicated, so that the work may start at the earliest. In so far as the S.T.P. project for Fort is concerned, we require the Army Headquarter to consider the sanctioning and execution of the project in this financial year itself. An affidavit be filed by Army Headquarter, disclosing the action taken within two weeks.

Learned Advocate General has assured that repair and restoration of the roads of city of Allahabad which were dug for laying of sewer lines, shall be carried out in a time bound manner, which he shall inform the Court, by filing an affidavit by 11.11.2010.

Learned Advocate General submits that the matter be heard on 01.11.2010 and thereafter on 11.11.2010.

With regard to our earlier order regarding ban on the use of polythene/plastics within a radius of two kilometers from the middle of river Ganges a Government order dated 21.10.2010 has been filed before us. The statutory power under which the said Government order has been issued, could not be disclosed. The learned Advocate General seeks adjournment to look into the matter and to take appropriate steps on behalf of the State Government for issuance of notification/statutory rules for the purposes of banning the use of polythene/plastics within a radius of two kilometers from the mid stream of the river Ganges, before 11.11.2010. An appropriate affidavit bringing on record the action taken be filed on the next date.

The Court has been assured by learned Advocate General that for cleaning of Ghats and Banks of river Ganges at Allahabad, Varanasi and Kanpur appropriate mechanism will be worked out in consultation with local

authorities and other bodies and a proposal in that regard shall also be placed before the Court on next date. The District Authorities of Allahabad shall ensure that the entire plastic waste which has been collected at the banks of the river Ganges is removed by 11.11.2010.

For the Magh Mela which is to commence in January, 2011, appropriate measure as are proposed, be brought on record by means of an affidavit by 11.11.2010.

The status of the S.T.Ps under construction be informed to the Court on the next date.

List again on 01.11.2010 at 3:00 P.M. and thereafter on 11.11.2010 at 2:00 P.M.

The matter pertaining to tanneries at Kanpur shall be heard on 22.11.2010 at 2:00 P.M. Learned Advocate General as well as Sri H.N. Tripathi may assist the Court.

Order Date :- 25.10.2010

Kpy