

Court No. - 2

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 Dr. Ashok Nigam, learned Assistant Solicitor General of India, Sri S.G. Hassnain, learned Additional Advocate General appearing for the State, Sri U.N. Sharma, learned Special Counsel for the State assisted by Sri S.P. Kesarwani, learned Additional C.S.C., Sri Arun Kumar Gupta, learned Amicus Curiae, Ms. Saumya Misra, learned counsel for the U.P. Leather Industries Association and Sri S.D. Kautilya, learned counsel for the Nagar Nigam, Allahabad. Sri Atul Kumar Gupta, Chief Secretary of the State, Sri Alok Ranjan, Principal Secretary, Urban Development and Sri Rajauria, Principal Secretary, Irrigation are also present.

An affidavit has been filed by the Additional Solicitor General of India in compliance of earlier order issued on 4.1.2011 bringing the inspection report of the Expert Committee. The learned Additional Advocate General and learned Special Counsel as well as learned Amicus Curiae may look into the report and submit their objections. The affidavits have been filed on behalf of the Urban Development Department, U.P. Jal Nigam as well as the Irrigation Department. Objections have also been filed by the Amicus Curiae which is taken on record. Counter affidavit has also been filed by U.P. Leather Industry Association which is taken on record. An affidavit has also been filed on behalf of the Union of

India that the report of the sub committee which was constituted by working group of the Government of India is still awaited. Further time has been prayed for in this context and it is submitted that the matter with regard to the issue of discharge of water be considered thereafter.

Learned counsel for the Nagar Nigam has also filed affidavit stating certain facts with regard to the land of sewage farms which was acquired by the Gazette dated 11.9.1915. Reference has also been made of a public interest litigation being PIL No. 54654 of 2009 filed before this Court where the Court notices that land in excess of 45 hectares can be utilized for the purpose of sewage farms. It was stated before the Division Bench that only 45 hectare has been given for the purposes of housing colony although the entire land was acquired for the purposes of sewage farm. Learned Amicus Curiae has pointed out that according to the affidavits submitted by the Nagar Nigam there has been other transfer of the said land details of which have been brought on record in the affidavit of Nagar Nigam, Allahabad, he further submits that there is another public interest litigation petition (being PIL No. 1408 of 2011) which has been filed challenging the proposal of a housing colony on the river front. He prays time to file an objection to the affidavit filed for by the Nagar Nigam and to bring other material on the record, he do so by the next date.

Learned Special Counsel Sri U.N. Sharma has submitted that looking to the acute problem of untreated water of the sewerage of Allahabad being directly thrown in the river Ganges, and existing STPs treating only 93 MLD although sewage water in the District Allahabad is generated 232 MLD, hence, the State shall review the entire issue of sewage farm. Sri Atul Kumar Gupta, learned Chief Secretary assured the Court that the State shall review entire issue at its level with regard to the use of the land which was earlier acquired for the purpose of sewage farm by Gazette dated 11.9.1915. Learned Amicus Curiae has submitted that on the other side of the river Ganges near Sangam and adjoining river Yamuna there are proposals for constructions of housing colony which is being undertaken by the Allahabad Development Authority. After considering the entire aspects and taking into consideration that no effective management of treatment of discharge of the sewage from Allahabad have been taken or brought on record, we are of the view that permitting any construction on the river Bank at Allahabad near Sangam shall further pollute river water and cause difficulty in taking over the land for establishment of sewage treatment plant and other measures for treating the untreated

water. We direct that there shall be no construction within 500 meter from the mid stream of the Ganges and adjoining places across Sangam on the other side of the city by the Allahabad Development Authority or any private builder. The other relevant details may be brought before the court on the next date.

learned Special Counsel was asked to explain as to what measures have been taken with regard to repairing of the road which have been damaged in digging for the sewerage line, it has been pointed out by the learned Amicus Curiae that roads have not been repaired and big open pits are on the road causing great inconvenience to the public. Learned Special Counsel submitted that proper steps with regard to the repair of the road shall be urgently taken and by the next date an affidavit giving details of time table for completion of the work regarding repairing of the roads shall be provided.

In view of the aforesaid, we allow three weeks time to the State to file affidavit bringing on record the relevant time table for repairing of the roads.

Learned Amicus Curiae has pointed out that this Court by earlier order has directed the State Government to obtain report from NERI. It has been submitted that interim report has been submitted which discloses that the officials of NERI has not visited Jag Mau and are not actively associated in the project. Learned Chief Secretary has submitted that proper instruction in this regard shall be obtained and the Court shall be apprised with the same by the next date.

List on 22.4.2011 at 2.00 pm.

Order Date :- 28.3.2011

Ram Murti