

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writs No. 11153/2011

Suo Motu

-----Petitioner

Versus

State Of Raj

-----Respondent

Connected With

D.B. Civil Contempt Petition No. 1364/2012

Ramesh Meena And Another

-----Petitioner

Versus

C K Mathew And Others

-----Respondent

D.B. Civil Writs No. 6512/2017

Lok Sampati Sanrakshan Samiti

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

D.B. Civil Writs No. 14139/2017

Khem Karan Singh Toli

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

For Petitioner(s) : Mr.Virendra Dangi, Sr.Adv.]
Mr.AK Bhargava – Members of the
Monitoring Committee
Mr.Saransh Saini with Mr.Shrinath
Shrimali
Mr.SP Singh for Mr.Karanpal Singh
Mr.PN Mandola – present in person

For Respondent(s) : Mr.RP Singh, AAG with Mr.SK Saini
Ms.Sheetal Mirdha, AAG with
Mr.Prateek Singh – for Jaipur
Municipal Corporation
Mr.RD Rastogi, Sr. Adv. with Mr.CS
Sinha – for Rajasthan State Pollution
Control Board
Mr.Amit Kuri – for JDA

Mr.SS Hora
Mr.Bipin Gupta
Mr.HV Nandwana

Mr.Mahesh Chand Sharma, RO
(North), Jaipur – present in person
Mr.Vivek Goyal, RO (South),
Rajasthan State Pollution Control
Board – present in person

HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI
HON'BLE MR. JUSTICE BANWARI LAL SHARMA

Order

30/01/2019

Pursuant to the directions of this Court, the compliance report has been submitted by the Revenue Department. It is to indicate the catchment area of the Ramgarh dam under the Revenue Department and Jaipur Development Authority (for short "the JDA"). It is stated that around 930.92 hectare land is under the JDA, whereas, according to the JDA, it is only 548.05 hectare, as noted in the order dated 29th November, 2018.

We find huge variance in the figures about catchment area under the JDA and Revenue Department. No explanation to it could be given.

Learned counsel Mr.Amit Kuri, appearing for the JDA, submits that they were given 548.05 hectare catchment area under them but thereupon, few orders have been passed by the Board of Revenue on the references against illegal allotment. The references have been answered followed by possession of the land as a consequence thereupon. The area aforesaid has not been included and for which, some time may be given to find out the total area out of it.

The fact aforesaid shows that even after passing the orders seven years back, the JDA and the Revenue Department are not aware of exact catchment area under them, therefore, contradictory figures about areas have been given. It may be due to lack of coordination between the departments.

At this stage, learned Additional Advocate General Mr.RP Singh and Ms.Sheetal Mirdha submit that a dedicated government officer may be nominated to monitor the affairs in relation to this case. It is to see that every department works in coordination to achieve the goal set by the Court. It is not only to save the reservoir but to see that polluted water is not released so as to make ground water unusable.

The suggestion aforesaid has been noted by this Court. We find that the different departments are not working in coordination to save reservoirs in the State of Rajasthan. It may be the Revenue Department or Irrigation Department and Public Health Engineering Department (PHED) or for that, the Forest Department. It can be a Local Body and even other institutions, like JDA and the Rajasthan State Pollution Control Board (for short "the Pollution Board"). They need to work in coordination, thus we direct the Chief Secretary, State of Rajasthan to look into it and nominate a dedicated government officer to see compliance of the order of this Court where all the departments may work in coordination, which include the Collectors. The name of Mr.Rohit Kumar Singh, IAS has been given. It is for the reason that for compliance of the order, technology need to be used. It is not only to take satellite image of the areas falling under the forest or catchment area of the reservoir or the reservoir itself and for that, even use the Google Earth to find out whether any illegal activity

in such area is carried out because even the forest areas have also been destructed.

We further find that no utility could be certified about anicuts created in the catchment area of Ramgarh. In all four hundred anicuts exist, which are obstruction in the flow of water. The height of those anicuts was reduced under the order of this Court but obstruction still exists in flow of water. The Forest Department and for that any other department was under obligation to make survey to certify utility of those anicuts. If the ground water is not recharged and at the same time, anicuts dry within a month or two or in any case, not serving at the time when it is required, we do not find its utility. If those anicuts are in the forest area then the Forest Department need to certify growth of forestry nearby out of the anicuts otherwise, there remains no purpose to keep it as an obstruction in the flow of water.

The aforesaid illustration needs to be applied for all other reservoirs, where anicuts have been constructed. They are coming as obstruction in the flow of water, which may even for Chhaparwal dam near Dudu. It is also facing the same sufferance as of Ramgarh dam.

The action, as directed, to nominate a dedicated government officer would be taken within a period of ten days from today and thereupon, whoever is nominated as an officer, would see compliance of this order. It should be with the coordination of the departments and the institutions. If need be, to prepare a computerised programme to monitor the complete area so that not only manually but with involvement of technology, things may be controlled in best possible manner. Otherwise, we do not find that reservoir can be saved because one

after another reservoir in the State of Rajasthan are dying. It may be due to illegal allotment of land by the officers or for any other reason.

At this stage, an application has been filed by NIMS University to implead them as party. It is on the ground that despite surrender of the encroached area, the JDA is harassing them.

Learned counsel Mr.SS Hora, appearing for the NIMS University, is directed to file an affidavit as to how much area lies under their title. A copy of which would be given to the JDA and immediately thereupon, the JDA would earmark the area of NIMS University leaving others to be taken in their possession being land in the name of the JDA. The affidavit aforesaid would be submitted by the NIMS University along with title deeds for its verification. The left out area may be of "Charagah" or catchment area but then the JDA would see that it is restored to its position as it was prior to the encroachment by NIMS University and for that, even to have trenches in the land so that water may flow through it. The JDA would file an affidavit for the aforesaid along with fresh affidavit to indicate the catchment area under them and as to how much area is still under the encroachment. It is for Ramgarh dam.

Learned Additional Advocate General Ms.Sheetal Mirdha, appearing for the Jaipur Municipal Corporation, undertakes to file an affidavit about latest position of the Sewerage Treatment Plant (STP) to treat the polluted sewerage water of Jaipur city and for it, at the first instance, at Brahmpuri and Jaisinghpura Khor.

Learned Senior Advocate Mr.RD Rastogi assisted by learned counsel Mr.CS Sinha, appearing for the Pollution Board, on

instructions of the Court would see not only compliance of the order effectively by the Pollution Board but to see that the Pollution Board launch prosecution and take steps against the industries, which are discharging the water without treatment. The prosecution may be against individual and if needed against the government officials, if they have failed to take care for treatment of trade effluent water.

Learned Senior Advocate Mr.Virendra Dangi and learned counsel Mr.AK Bhargava, Members of the Monitoring Committee have stated that even at Ajmer, STP has been established but it is not working, thereby, Anasagar is again getting untreated sewerage water polluting the water of the dam. The prayer is to call for the Collector, Ajmer and the Commissioner, Ajmer Development Authority for the aforesaid.

Learned Additional Advocate General Mr.RP Singh and Ms.Sheetal Mirdha, AAG are directed to see that how the order of this Court has been complied in District Ajmer. It is not only for "Anasagar" but all other reservoir. It is after taking care that in the rural belt, encroachments are not addressed by the authorities concerned resulting in destruction of reservoir. For that, Mr.RP Singh, Additional Advocate General would see that one village is adopted as a pilot project and after remaining successful in it, replicate it for other villages. Apart from Ajmer, it would also be for its neighbouring district Nagaur. The Collector, Nagaur would also take steps in this regard and for that, would adopt Village Panchwa, Tehsil Nava, District Nagaur to see that encroachment is removed for revival of the reservoir and replicate it for other villages.

Learned counsel Mr.Amit Kuri, appearing for the JDA would also find out as to whether there is any proposal to regularise the scheme given by 250 co-operative societies in the area of Jamwaramgarh, Amer, Achrol and Virat Nagar, etc. and for that, similar exercise would be taken by the Collector Jaipur in the area falling under it, which would be monitored by learned Additional Advocate General, representing the Government.

Let these cases be listed on 20th February, 2019.

The matters related to Bharatpur district be listed on 11th February, 2019.

(BANWARI LAL SHARMA),J

(M.N. BHANDARI),J

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