

**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. with Ms.Nidhi Khandelwal] Mr.Ashok Bhargava] Members of the Monitoring Committee Mr.Shreenath Sharma Mr.Saransh Saini Ms.Ashish Joshi Mr.SP Singh for Mr.Karanpal Singh Mr.PN Maidola – petitioner present in person
]For Respondent(s)	:	Mr.NM Lodha, Advocate General assisted by Mr.Sheetanshu Sharma Mr.GS Gill, AAG assisted by Mr.HC Kandpal Mr.Amit Kuri Mr.Akhil Simlote

Mr.KS Rawat for Mrs.Naina Saraf
Mr.Poonam Chand Bhandari with
Mr.Rakesh Chandel
Ms.Neerja Khanna
Mr.Atul Singh Chouhan for
Mr.Rajendra Prasad, AAG

Mr.Rajeev Pareek. Regional Officer,
Pali (RSPCB)
Mr.Jagdip Singh, Regional Officer,
Balotra (RSPCB)
Mr.Sandesh Naik, Collector, Bharatpur
Mr.Laxmikant Balot, Secretary, UIT
Mr.Birdi Chand Gangwal, DC-13, JDA
Mr.Rajkumar Singh, DC-12, JDA

HON'BLE MR. JUSTICE M.N. BHANDARI
HON'BLE MR. JUSTICE DINESH CHANDRA SOMANI

Order

17/05/2018

Learned Advocate General Mr.NM Lodha submits that pursuant to the direction of this Court, steps have been taken in regard to Balotra and Pali cities where number of processing houses exist. It is stated that report has been prepared but he wants time to file detailed affidavit giving out the complete picture of the efforts made by the State Government and other agencies to take care for implementation of the pollution laws. He wants his satisfaction before filing of affidavit thus a prayer is made to grant four weeks' time for the aforesaid.

In view of the above, learned Advocate General Mr.NM Lodha is granted four weeks time to submit report in reference to Balotra and Pali cities. The report would be self explanatory thus would cover all the aspects of the matter. It is, however, made clear that if any default is found in carrying out the direction of this Court or pollution laws, learned Advocate General Mr.NM Lodha would recommend for the action against defaulting officer,

failure therein, would invite an order by this Court, which includes, even their prosecution if the things have not been carried out in the manner required under the Pollution Laws. It is looking to the fact that the orders having been passed by the Principal Seat at Jodhpur way back in the year 2004 followed by another order for shifting of all the industries from city area to RIICO Industrial Area in the year 2007 due to water pollution, the period thereupon is of eleven years. If the Government, RIICO and Trust, maintaining the CTP, has failed to make it for appropriate capacity to treat the water then it is not only at the cost of public but revenue of the State. For the aforesaid, learned Advocate General Mr.NM Lodha will take care of the action at the instance of RIICO, Pollution Board and, lastly, of the Trust maintain CTP in Pali.

So far as the main case is concerned, learned Additional Advocate General Mr.GS Gill submits that affidavits on behalf of Revenue Department as well as Urban Development and Housing Department (UDH) have been submitted today with the copy thereof to the Members of the Monitoring Committee. He has received counter from the Monitoring Committee to the affidavits submitted earlier submitted for other Departments. The affidavit on behalf of the Municipal Corporation, Jaipur would be submitted during course of the day.

In view of the above, let the affidavits submitted on behalf of Urban Development and Housing Department (UDH), Revenue Department and the Municipal Corporation and counter submitted by the Members of the Monitoring Committee be placed on record and, at the same time, learned Additional Advocate General Mr.GS Gill is directed to look into the counter submitted by Members of the Monitoring Committee.

Accordingly, for the aforesaid, two weeks' time is given so that by the next date of hearing, pleadings can be completed in regard to the compliance of this order so as to proceed further.

It is stated that in the writ petition filed by Lok Sampati Sanrakshan Samiti (for short "the Samiti"), reply was filed in the year 2017 itself but could not be informed to the Court on the last date of hearing.

In view of the above, Mr.PN Maindola, appearing for the Samiti, prays for and is granted two weeks' time to file rejoinder, if any, with advance copy to Mr.GS Gill, AAG.

Certain other applications have been filed by different Advocates with the copy to learned Additional Advocate General Mr.GS Gill.

Let reply to the applications be filed within a period of two weeks with advance copy to the counsel concerned. Out of those applications, reply to the application submitted by Mr.Shreenath Sharma, Advocate has been filed today, which may be placed on record.

Mr.Sandesh Naik, Collector, Bharatpur and Mr.Laxmikant Balot, Secretary, UIT are present in the Court.

It is submitted that compliance of the judgment of this Court in the case of **Abdul Rehman Vs. State of Rajasthan, DB Civil Writ Petition No.1536/2003** decided on 02nd August, 2004 at Principal Seat, Jodhpur and in the present matter i.e. **DB Civil Writ Petition No.11153/2011, Suo Motu Vs. State of Rajasthan** decided vide order dated 29th May, 2012, would be made and, accordingly, while taking into consideration the revenue records of the year 1947 and 1955, width of Nalas would be maintained. No allotment would be made in the land belonging

to a Nala and, at the same time, constructions raised or going on would be removed, if it is in the land belonging to Nalas as per the revenue record of the year 1947 and 1955. The prayer is accordingly to give some reasonable time for the aforesaid.

As prayed, four weeks' time is granted and complete report would be submitted thereupon. In case of default in carrying out the direction given by this Court in the case of Abdul Rehman (supra) and in the present case then not only serious view would be taken but consequences may follow. Accordingly, the Collector, Bharatpur and the Secretary, UIT would carry out the directions given in the case of Abdul Rehman (supra) and in this petition for its implementation and, accordingly, maintain the position as was obtaining in the revenue record of the years 1947 and 1955. They would be expected to maintain reservoir and all the rivers and Nalas as otherwise the State of Rajasthan is facing acute scarcity of drinking water and irrigation, taking life of hundred people and even of the cattle, during drought.

Let these cases be listed on 05th July, 2018 to see compliance of this order. All the pleadings, affidavits and counters be exchanged within the period given in the order, as no further liberty for it would be given, rather, the matter would be heard on the next date of hearing.

The cost of Rs.25000/- imposed in the case of Lok Sampati Sanrakshan Samiti Vs. State of Rajasthan & Ors., DB Civil Writ Petition No.6512/2017 is exempted, as reply therein was filed in the year 2017 itself.

(DINESH CHANDRA SOMANI),J

(M.N. BHANDARI),J