

Allahabad High Court

Madhu Mangal Shukla Vs. Union Of India Thru. Secr. Ministry Of ... on 21 January, 2010

Court No. - 9

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2593 of 2010

Petitioner :- Madhu Mangal Shukla

Respondent :- Union Of India Thru. Secr. Ministry Of Environment & Others Petitioner Counsel :- A. Chaturvedi, Amit Verma, G.N. Verma Respondent Counsel :- A.S.G.I., C.S.C. (2010/2052), D.S. Chauhan

Hon'ble Vijay Manohar Sahai, J.

Hon'ble Virendra Kumar Dixit, J.

Statement has been made by Sri A. Chaturvedi learned counsel for the petitioner that Shri G.N. Verma Senior Counsel has withdrawn from this case and he will not appear as Counsel in this writ petition. Sri A. Chaturvedi with Sri Amit Verma will only appear as Counsel for the petitioner in view of the statement made by him.

We have heard learned counsel for the petitioner, Dr. A.K. Nigam, Additional Solicitor General of India assisted by Mr. Irfan Ali for respondent no. 1, 2, 3 and 10, Standing Counsel appearing for respondents no. 4, 5 and 6, Sri Rajesh Mishra appearing for respondent no. 7 and Sri D.S. Chauhan for respondent no. 8.

Counter affidavit may be filed within three weeks thereafter rejoinder affidavit may be filed within one week. The petitioner shall take steps to serve notice by Registered Post as well as Dasti notice within a week.

It has been argued by learned counsel for the petitioner that Vrindavan has its religious importance and along the river Yamuna there is Panchkosi Parikrama Marg which passes through the Ghats situated on the banks of river Yamuna. The pilgrims do parikrama on their feet as well as by crawling on the Parikrama Marg to worship Lord Krishna. That some persons in collusion with the authorities had encroached the bank of river Yamuna by raising construction and making their houses, ashrams, hotels etc. between the Ghat and river Yamuna along the Parikrama Marg in the flood plain area. That the land over which these illegal constructions have been raised, in fact is a nazul land. That the drains and sewerage of the aforesaid area falls in river Yamuna making the river unfit for drinking, washing and bathing purposes. It is further submitted that the garbage of the city also being dumped in the aforesaid ghats. That allowing the constructions which is being raised on the ground that the same is in the interest of public, question still remains whether interest of ecology and environment and right to the citizens guaranteed under article 21 of Constitution of India would have priority over the interest of public. It is also submitted that the respondents had started construction of bridge along the river Yamuna which starts from Shringarvat and ends in Badikunj (Keshi Ghat). The aforesaid constructions have been started without obtaining No Objection Certificate from the Ministry of Environment for the construction of bridge over river Yamuna that too not across the river but along the river bank. That Vrindavan comes under the Taj Trapezium Zone and the authorities had also not obtained No Objection Certificate from the Hon'ble Apex Court before starting construction. That due to construction of aforesaid bridge not only Ghats will perish but the flow of the river which has been diverted from construction of bridge will also leave only ghats from where at present river flows.

Learned counsel for the petitioner further submitted that the office of the respondent no. 8 had admitted that Vrindavan Samagra Vikas Pariyojana, Tourism Master Plan of Vraj Region is yet not sanctioned and the fund for the aforesaid construction has been sanctioned by Tourism Department. That the construction work of the bridge is against the rules of the Indian Archaeological Act and the same was stopped by District Magistrate, Mathura but the same has again started and work on the bridge is being carried out without

obtaining the necessary permission from the concerned departments. It is also submitted that to permit constructions along with river amounts to breach of the statutory provision of the Environment (Protection) Act, the Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act. Learned counsel for the Mahtura Vrindavan Development Authority urged that the authorities have given notice to the persons who are raising illegal constructions. Prima facie, it appears that no firm action has been taken by the concerned authorities to stop the illegal constructions raised between the ghats and river by local citizens. Dumping of garbage in the ghats of river Yamuna, illegal encroachments constructions on the side of bank of river, permitting raising construction of bridge along river Yamuna without being any permission from the Hon'ble the Apex Court which comes under the Taj Trapezium Zone is a serious matter. On all these aspects of the matter, a detailed counter affidavit shall be filed by the respondents.

List for further hearing on 23.2.2010.

Until further order of the Court, the respondents are directed to stop further constructions over the bridge which is being constructed along side river Yamuna and other illegal constructions on the land which falls between the ghats and river Yamuna on both the sides and to stop dumping of garbage in river Yamuna or its bank. Respondents are further directed to ensure that no constructions are raised in the aforesaid area by any person.

Order Date :- 21.1.2010

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