

Ganga Pollution Vs State of U.P. and Others

Court: Allahabad High Court

Date of Decision: Sept. 23, 2013

Citation: (2013) 8 ADJ 230

Hon'ble Judges: Ashok Bhushan, J; Arun Tandon, J

Bench: Division Bench

Advocate: Vijay Chandra Srivastava, A.K. Gupta, A.K. Srivastava, Amit Negi, 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, S.K. Tyagi, Shailesh Singh, Sharad Kr. Srivastava, Sunita Sharma, Tarun Agarwal, V.B. Singh, V.C. Mishra, Vivek Mishra and Yogesh Krishna Mishra, for the Appellant; A.K. Mishra, Ajay Bhanot, Anjani Kumar Mishra, B.D. Shukla, C.L. Pandey, Chandan Sharma, Dr. H.N. Tripathi, H.N. Singh, H.P. Dubey, Hem Pratap Singh, Iqbal Ahmad, J.J. Munir, Jyotindra Misra, A.G., Kashif Zaidi, M.C. Chaturvedi, M.C. Tripathi, M.K. Alam, Mehboob Ahmad, Mohd. Khursheed Alam, Mridul Tripathi, N. Misra, Omprakash Yadav, P.S. Baghel, Pankaj Kumar Shukla, R.B. Shukla, Rajendra Kumar Misra, Rajiv Lochan Shukla, Ravi Kant, S.A. Lari, S.G. Hasnain, Addl. A.G., S.M.A. Kazmi, S.P. Kesharwani, S.P. Singh, Saumya Misra, Suneel Dubey, T.M. Khan, Tahir Husain, Tanmay Agarwal, Udain Nandan, Umesh Narain Sharma, Vivek Birla, Vivek Verma and W.A. Hashmi, for the Respondent

Judgement

1. We have heard Sri A.K. Gupta, learned Amicus Curiae, Sri A.K. Mishra, learned Senior Counsel for the Allahabad Development Authority,

Shri M.C. Tripathi, Additional Chief Standing Counsel for the State, Sri S.D. Kautilya, learned counsel for Nagar Nigam, Allahabad, Dr. H.N.

Tripathi, learned counsel for the U.P. Pollution Control Board and Shri Ajay Bhanot for the Union of India. Affidavits have been filed on behalf of

the State of U.P., Allahabad Development Authority, Nagar Nigam, Allahabad, U.P. Pollution Control Board and the Union of India.

2. Sri A.K. Gupta, learned Amicus Curiae, has filed an application annexing the various reports published in the newspaper regarding adverse

effect on account of flooding of river Ganga and the damage caused to the two newly constructed STP's i.e. STP at Salori and STP at Rajaput.

Sri A.K. Gupta, learned Amicus Curiae, stated that this year the flood water reached 86.72 metres at Phaphamau while at Chatnag the maximum

water level reached 86.2 metres which were slightly less than the highest flood level recorded in the year 1978. It is stated that more than 75

villages were inundated and submerged due to flood in District Allahabad and more than 2/3rd area of the city side was also badly affected by the

flood. It has been stated that several colonies on the river bank were flooded and water submerged the ground floor of several houses endangering

the life of various houses in those localities. It has been submitted by Sri A.K. Gupta, learned Amicus Curiae, that in spite of the order of this Court

dated 22.4.2011, restraining construction activities within 500 metres from the highest flood level, illegal construction of houses continued and the

Allahabad Development Authority has failed to check such illegal construction which was its obligatory duty entrusted to it under the Uttar Pradesh

Urban Planning & Development Act, 1973 as well as under the order of this Court dated 22.4.2011.

3. Sri A.K. Mishra, learned Senior Counsel appearing for the Allahabad Development Authority has fairly submitted that several illegal

constructions have come up in the localities adjoining to the river Ganga. He further submitted that the Allahabad Development Authority has taken

measures to videograph the place up to which flood water reached this year. It is submitted that the extent of reach of flood water has been

compiled in six Compact Disc (CD) which he produced in the Court.

4. We by our earlier orders had directed the Allahabad Development Authority, to photograph the areas which were flooded by flood water of

river Ganga this year. We had also directed to record the said extent of flood water in a map and to produce the same in the Court. Shri A.K.

Mishra, submitted that the Allahabad Development Authority shall sketch the extent of flood water reached this year in a map which shall also

reflect 500 metres from the highest flood level of the river. He further submitted that apart from taking action against the illegal construction of the

houses within the 500 metres of highest flood level, the Allahabad Development Authority with the collaboration of the District Administration shall

mark all existing open areas adjacent to river Ganga within 500 metres from highest flood level for freezing all construction activities in that area. It

has further been stated that the Green Belt Area after flood plain of river Ganga had already been proposed by the Allahabad Development

Authority as Green Belt and steps for plantation of trees in the said area shall be undertaken.

5. Sri A.K. Gupta, learned Amicus Curiae, submitted that due to lapses on the part of the officials of the U.P. Jal Nigam, Ganga Pollution Control

Unit of U.P. Jal Nigam and Irrigation Department both the newly constructed STP's at Salori and Rajapur have suffered extensive damage by the

flood water this year. He submits that no steps were taken by the officials and authorities who were entrusted with the construction of the STP for

protecting the same by flood water although, both the STP's were within the flood zone of river Ganga. It is submitted that the Ring Embankment

(Ring Bandh) constructed for protecting the Salori STP was only by sandy mud. It was also pointed out by the learned Amicus Curiae, that neither

Boulders nor the Iron Mesh has been used for construction of ring embankment which lead to damage of the STP's. He submitted that in

construction of both the STP's huge public money running into 100 crores have been spent, but due to lapses on the part of the officials entrusted

with the construction of STP, no measures for protecting the Ring Bandh from the flood water have been taken which is a serious lapse.

6. The construction of both the STP's i.e. at Salori and Rajapur have been undertaken under the project sanctioned by the Government of India.

Huge public money running into hundred of crores have been allocated by the Government of India for construction of both the STP's.

7. Both the STP's have been constructed adjacent to the river Ganga which were clearly in the flood danger zone. Sri A.K. Gupta, learned

Amicus Curiae, has pointed out that in respect of the Rajapur STP, even certain machines and equipments have flown in the river water and the

entire STP was submerged in the flood water causing damage to the machines. The agencies who have been entrusted to oversee the construction

of STP design and supervise the construction of STP are the technical experts who were supposed to take all care by utilizing the huge public

money. The authorities have not taken proper care in constructing the Ring Bandh in a manner to save it from the river water which is an act of

negligence and cannot be excused. Huge public funds cannot be allowed to be wasted and mis-utilised in this manner. The responsibility and

accountability of such negligence has to be fixed by the Government and stern action need to be taken.

8. Shree Prakash Singh, Special Secretary, Urban Development Department has filed affidavit in compliance of our earlier order dated 19.7.2013,

by which we had directed the Principal Secretary, Urban Development Department to inspect the STP, specially the newly constructed STP. An

inspection was made by the Principal Secretary, Urban Development Department on 5.8.2013 and 8.8.2013. With regard to the Salori STP

following was recorded in the inspection:

After 22.7.2013 this STP was closed because of closer of flood control gate of buxi bund due to rise of water level in the river Ganga at

Allahabad. After closer of the Gate, no sewage is received at STP as it is being pumped directly into the river Ganga through Allapur Flood

pumping station. During inspection, STP was closed. This STP can be made operational only after opening of the sluice gate of buxi bund which is

possible only after receding the river water below the invert of the Gate.

With regard to the Rajapur STP following was recorded in the inspection:

Presently, this STP is submerged in flood water of river Ganag. Ring bund all around the STP has to be constructed for the flood protection of the

STP. Because of incomplete work of the ring bund, floodwater entered into STP premises on 30.7.2013 and all the instruments are submerged.

During the time of inspection this STP was also closed.

9. Extensive damaged caused to both the STP's i.e. at Salori and Rajapur is a matter of serious concern and alarm.

10. As observed above, the responsibility and accountability has to be fixed and action taken against all those slack officials due to whose misdeed

STP's have been damaged. Appropriate action is also required to be taken against the construction company which was entrusted in construction

of STP & Ring Bandh and inquiry and action need to be taken at the highest level.

11. We direct the Principal Secretary, Urban Development Department, to institute an inquiry in the above matter and complete the same within a

short span of time and place before the Court the action taken. We, further observe that the Principal Secretary, Urban Development Department,

shall bring into the notice of the Chief Secretary of the State this order who may ensure that appropriate enquiry is conducted and action taken in

the matter to fix the responsibility. We, further direct the Principal Secretary, Urban Development Department to take immediate measures to

make the both STP's functional and to take all remedial measures including the protection of both the STP's so that it cannot be damaged by any

further floods.

12. We have already noted that Sri A.K. Mishra, learned Senior Counsel for the Allahabad Development Authority, submitted that the Allahabad

Development Authority is immediately taking steps for drawing a line to freeze further construction on both sides of river Ganga and sketch that

freezing line (hereinafter referred to as the "red line").

13. In the above regard we issue following directions:

1. The Allahabad Development Authority with collaboration of the District Administration shall freeze all construction and draw a red line covering

the entire open area on both sides of river Ganga from Old Yamuna Pul to Draupadi Ghat at first stretch and prepare a map accordingly.

2. Red line shall be marked with permanent marks so that no further construction activity may be possible after red line and in event any

construction is reported, serious action be taken against the officials and employees of the Allahabad Development Authority.

3. In drawing the red line, the Allahabad Development Authority shall take within its fold the entire vacant area within 500 metres from highest

flood level which map has already been prepared.

4. Drawing of red line as indicated above, shall be completed within one month from today.

5. The Allahabad Development Authority shall also prepare a map marking the extent up to which the flood water has reached this year. This map

should conform to the videography of the area which has already been photographed by the Allahabad Development Authority.

Dredging Machine

14. An affidavit has been filed by Shri Deepak Singhal, Principal Secretary, Irrigation Depart, Government of U.P. in compliance of our earlier

order dated 19.7.2013. In our earlier order dated 19.7.2013, we had issued following directions:

On 15th May, 2013, we required the learned Chief Standing Counsel to bring on record the report regarding purchase of two dredging machines

at Allahabad for providing a dedicated course to the river Ganges towards the city side of Allahabad. On 29th May, 2013 a statement was made

on behalf of the State that a dredging machine had been provided for the river at Allahabad. Today, an affidavit has been filed by Mr. Sangram

Singh, Superintending Engineer, Irrigation Works Circle, Allahabad stating that despite best efforts, the department could not purchase the

required dredging machines. In paragraph-3 it has been stated that B tendering process was initiated in response to which only one tenderer made

a bid which had to be cancelled on technical ground.

The affidavit shows slackness on the part of the State to purchase the dredging machine. The machine is necessary for dredging specially in lean

season for maintaining the minimum flow of water in river Ganges at Allahabad.

We call upon the Principal Secretary, Irrigation Department, U.P. Government at Lucknow to explain as to what further steps for purchase of

dredging machine have been taken and as to why the orders of the Court are being treated so indifferently. If tenders are not received, why

purchase is not being made after negotiation with the manufacturers.

15. In the affidavit which has been filed by the Principal Secretary, Irrigation Department it has been stated that the State Government has directed

on 5.6.2012, to the Principal Secretary, Irrigation Department to purchase two dredging machines for Kumbh Mela. The order of the State

Government has been filed as Annexure-SA-2. It has further been stated in the affidavit that E-tender was invited which was opened in August,

2012, and only one bid was received by M/s. Tech Pro Infra Project Ltd. Kochin, Kerala hence the tender was cancelled. It has further been

stated in the affidavit that again the E-tender was called in the year 2013, but no bid was received. The Affidavit states that "".....since the last

tender notice had no bidder, hence the question of negotiation does not arise, due to the mentioned reasons the dredging machine could not be

purchased....

16. In para 10 of the affidavit following has been stated:

10. In view of the Kumbh Mela getting over and the report communicated by the requisitioner, there is no requirement of the dredging machine.

Presently there is no proposal to purchase the dredging machine.

17. We are surprised to note the stand taken by such high official of the rank of Principal Secretary, Irrigation Department regarding the purchase

of dredging machine. The State Government, in spite of our clear direction to purchase two dredging machines, has not complied with the order of

this Court and the Principal Secretary, Irrigation Department now comes up with the plea that since the Kumbh Mela is over, there is no

requirement of purchasing dredging machines. The Government Order dated 5.6.2012, filed by the Principal Secretary, Irrigation Department,

itself belies the above stand of the Irrigation Department. The State Government vide its order dated 5.6.2012, has directed for purchase of

dredging machines. The Government Order dated 5.6.2012, further contemplates that work of dredging machine shall start after rainy season in

accordance with the technical advice. The dredging machines were not contemplated to purchase only for the Kumbh Mela period i.e. between

January to March, 2013, rather, the dredging machines were to be purchased for being utilised for dredging of the river throughout the year. The

State Government cannot escape from its responsibility to purchase the dredging machines on such lame excuses as has been stated in the affidavit.

In our earlier order dated 19.7.2013, we had clearly directed the State Government to explain as to why the purchase of dredging machines have

not been made after negotiation with the manufacturers, if the tenders are not received, there was clear stipulation that even if there are no tenders

received, Government should negotiate with the manufacturers. The Principal Secretary, Irrigation Department in his affidavit in para 9 says that

since no bidder has come up, hence the question of negotiation does not arise. The above stand is clearly contrary to the directions of this Court

and shows the lack of will in the State Government to comply with the orders of the Court. The purchase of dredging machines was directed with

several objects as noted by us in our earlier order so that the river may contain sufficient water even in the lean period. We disapprove the stand

taken by the Principal Secretary, Irrigation Department, in its affidavit and again direct him to ensure buying of two dredging machines for purchase

as per our earlier directions. In event, no response is given to the tender notice, with the approval of the State Government, the Department can

proceed to directly order for purchase of the dredging machines from the manufacturers.

18. We direct the State Government and the Irrigation Department to ensure that all steps for purchase of dredging machines be completed within

three months from today and the Court be informed.

Maintenance of Green Belt in City of Allahabad and both sides of River Ganga

19. Article 48A of the Constitution of the India enjoins that ""The State shall endeavour to protect and improve the environment and to safeguard

the forests and wild life of the country.

20. Article 51A(g) of the Constitution of the India imposes a fundamental duty on every citizen of India ""to protect and improve the natural

environment including forests, lakes, rivers, and wild life, and to have compassion for living creatures.

21. Article 21 of the Constitution of the India protects the right to live as a fundamental right. Environmental, ecological, air and water pollution etc

are regarded amounting to violation of Article 21 of the Constitution. Environmental protection has now become a matter of great concern for

human existence.

22. The Apex Court in Virender Gaur and Others Vs. State of Haryana and Others, , in para 7 has laid down to the following effect:

7. Therefore, hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity without a humane

and healthy environment Environmental protection, therefore, has now become a matter of grave concern for human existence. Promoting

environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural environment Therefore,

there is a constitutional imperative on the State Government and the municipalities, not only to ensure and safeguard proper environment but also

an imperative duty to take adequate measures to promote, protect and improve both the man-made and the natural environment.

23. In U.P. Nagar Mahapalika Adhiniyam, 1959, Section 114 provides for ""Obligatory duties of the Mahapalika"".

24. Section 114(xxx) is quoted below:

114. Obligatory duties of the Mahapalika.--It shall be incumbent on the Mahapalika to make reasonable and adequate provision, by any means or

measures which it is lawfully competent to it to use or to take, for each of the following matters, namely-

(i).....

(ii).....

(iii).....

(xxx) planting and maintaining trees on road sides and other public places.

25. The protection of environment in all cities including the city of Allahabad which is surrounded by rivers Ganga and Yamuna on three sides has

become most important on account of increasing pollution, urbanization and increase of vehicular traffic day by day.

26. In the affidavit filed by the Nagar Nigam, Allahabad which has been brought on record it has been stated that the population of the city is

increasing by 21.74 percent per year and the number of vehicles in the city is increasing by 28%. Emission of Carbon Dioxide (CO₂) from over

increasing vehicles require substantial increase in greenery and plantation in the city. The Municipal Corporation is entrusted with the obligatory

duty of the plantation of trees in the city. Maintenance of greenery in the open area of the city has now become a must. Greenery in the city

functions as a lung of the society which functions as source of oxygen to the citizens.

27. The Apex Court had occasion to consider the necessity of open space, public parks in the context of town planning in Bangalore Medical

Trust Vs. B.S. Muddappa and others, . The Apex Court held that the protection of environment, open space for recreation and fresh air are the

matters of great public concern. The Apex Court held that a preservation of open space for parks and playground protects the residents of the

locality from the ill-effect of urbanization. It is useful to quote the observation made in para 36 which is to the following effect:

36. Public park as a place reserved for beauty and recreation was developed in 19th and 20th century and is associated with growth of the

concept of equality and recognition of importance of common man. Earlier it was a prerogative of the aristocracy and the affluent either as a result

of royal grant or as a place reserved for private pleasure. Free and healthy air in beautiful surroundings was privilege of few. But now it is a "gift

from people to themselves". Its importance has multiplied with emphasis on environment and pollution. In modern planning and development it

occupies an important place in social ecology. A private nursing home, on the other hand, is essentially a commercial venture, a profit oriented

industry. Service may be its moto but earning is the objective. Its utility may not be undermined but a park is a necessity not a mere amenity. A

private nursing home cannot be a substitute for a public park. No town planner would prepare a blueprint without reserving space for it. Emphasis

on open air and greenery has multiplied and the city or town planning or development Acts of different States require even private house owners to

leave open space in front and back for lawn and fresh air. In 1984, the BD Act itself provided for reservation of not less than fifteen per cent of the

total area of the lay out in a development scheme for public parks and playgrounds, the sale and disposition of which is prohibited under Sec. 38A

of the Act. Absence of open space and public park, in present day when urbanisation is on increase, rural exodus is on large scale and congested

areas are coming up rapidly, may give rise to health hazard. May be that it may be taken care of by a nursing home. But it is axiomatic that

prevention is better than cure. What is lost by removal of a park cannot be gained by establishment of a nursing home. To say, therefore, that by

conversion of a site reserved for low lying park into a private nursing home, social welfare was being promoted was being oblivious of true

character of the two and their utility.

28. As noted above, the city of Allahabad is surrounded by river on three sides, emission of carbon dioxide by way of traffic in the city of

Allahabad and around river is also a cause of increase of river pollution. The emission of carbon dioxide in the city has to be contained by taking

measures to lessen the adverse impact on the river by maintaining green belt in the city of Allahabad. In our earlier order dated 19.7.2013, we

have observed as follows:

An affidavit has been filed by Sri Vikram Singh, Municipal Commissioner, Nagar Nigam, Allahabad. With regard to development of green belt

after the road patry, averments made in the affidavit are supported by the photographs. It has been stated by Sri S.D. Kautilya, learned counsel for

the Nagar Nigam that an advertisement has been published in newspaper requesting institutions and other Non-Government Organizations to

submit their proposals for maintaining greenery at the sides of various roads in the city of Allahabad. Mr. Kautilya submits that certain proposals

have been received in reply to the notice published in the newspaper. He states that concrete guidelines for maintaining the green belt in city of

Allahabad are under consideration.

We are of the view that Nagar Nigam, Allahabad has not done the needful in the matter. Necessary guidelines for maintaining the green belt at the

side of various roads of Allahabad should have been framed first before inviting offers. Let the guidelines be framed and reported to the Court by

the next date.

We may record that the Nagar Nigam may first determine the area road-wise, which is to be preserved as green belt. This area must be especially

demarcated in the map to be prepared for the purpose.

It has to be kept in mind that maintenance of green belt at the sides of the roads should not be confused with setting up of nurseries, where

commercial activity of selling of plants, seeds etc. is undertaken. The Nagar Ayukt shall ensure that at all the places, where nurseries are running in

the garb of maintenance of green belt are closed immediately and in no case any commercial activity is permitted from such nurseries. The Nagar

Ayukt, Allahabad shall file his personal affidavit enclosing the action taken report, as per the direction.

29. The Nagar Nigam, Allahabad, in compliance of our earlier order dated 19.7.2013, has filed an affidavit of Additional Municipal

Commissioner, Nagar Nigam, Allahabad, bringing on record the ""Green Belt Development Plan of Allahabad Urban Area"".

30. Shri Anand Mohan, who has been permitted to intervene in this Public Interest Litigation as a public spirited person has also filed an

intervention application. It has been stated in the affidavit that the maintenance of green belt/greenery is the duty of the Municipality. Referring to a

news item dated 9.9.2013, issued by the Nagar Nigam, Allahabad he has brought on record the objections filed before the Nagar Nigam on

behalf of the nurseries for not removing the nurseries. It is submitted by Shri Anand Mohan who appears in person that nurseries serve a public

purpose and help greenery to be maintained in the city to improve the environment and they should not be removed.

31. We have gone through the Green Belt Development Plan submitted by the Nagar Nigam, Allahabad which has been brought on record by the

affidavit dated 12.9.2013, and noted the various proposals for maintaining the green belt in the open space on the road side after patry. Different

proposals have been given re grading the manner of maintaining the Green Belt relating to the extent of open area available.

32. Land spacing and plantation has been proposed for open area available of more than 18 metres in width. Land spacing fencing by iron welding

and plantation has been proposed. Similarly, proposals have also been given for the areas up to 3 metres. Maintenance of green belt in all open

areas on the road side after road patry has now become a necessity for combating the over increasing pollution. In the city of Allahabad nurseries

provide a green cover to the earth and serve the residents of the city for maintaining greenery in their respective houses also.

33. We had earlier directed that road parties should not be occupied or encroached by anyone including the nurseries. For smooth traffic our road

parties have to be cleared from encroachment including the encroachment by nursery, if any. Our order thus has to be read as directing the

removal of all encroachments including the removal of all nurseries from the road patry, but after road parry if there are sufficient space, nurseries

may be established. However, for maintaining the greenery according to green belt development plan of the Nagar Nigam, if the nurseries have to

be shifted to some other place reasonable time be allowed to them. We, however, further emphasise that there should be proper and fair allotment

to all individuals/organisations to maintain the green belt/nurseries. Nagar Nigam can also grant permission as has been suggested in its Green Belt

Development Plan to the owner of the houses to maintain the greenery according to the terms and conditions and plan as provided in the

permission. All permissions for allotment granted for maintaining the green belt/nursery can be cancelled by the Nagar Nigam, if there is any

violation of any terms and conditions.

34. We again emphasise that no permanent construction can be permitted in any of the area which is being used for green belt or for nursery. The

nurseries can carry out commercial activity of selling and purchasing plant subject to the terms and conditions as laid down by the Nagar Nigam.

Nurseries cannot be made a dwelling place for persons running a nursery. The persons maintaining the nursery can utilise the place only for the

purposes of protection of plants and trees by temporary construction only.

35. In view of the foregoing discussions, we approve the Green Belt Development Plan submitted by the Nagar Nigam, Allahabad as quoted

above, and direct the Nagar Nigam, Allahabad to maintain the Green Belt Development Plan as per its plan and implement the same. However,

the implementation of Green Belt Development Plan shall be subject to some general conditions hereinafter laid down which shall be treated to be

in modification of any of our earlier orders passed by us:

1. There shall be no Green Belt or nursery on the road patry of a road, all encroachment from road patry including that of green belt/nursery have

to be removed forthwith.

2. Maintenance of Green Belt/Nursery if undertaken by an individual/organization/institution, the same has to be with appropriate

permission/allotment by the Nagar Nigam to be so done in a fair and proper manner.

3. For maintenance of Green Belt, organization/institution who are situate in the vicinity of the said area may be given some preference as per the

policy framed by the Nagar Nigam in that regard.

4. In event the existing nurseries which are running on in the open area are required to be shifted, they be allowed reasonable time say about 2

months to shift at appropriate place after due allotment.

5. A transparent method for permission/allotment of maintenance of Green Belt/Nursery shall be published by the Nagar Nigam in the newspaper

so that the public in general may know the procedure and method for obtaining such permission.

36. The Green Belt Development Plan, submitted by the Nagar Nigam, Allahabad itself has proposed constitution of a Urban Environmental

Protection Agency headed by Divisional Commissioner, Allahabad. We fully approve the aforesaid proposal of the Nagar Nigam Allahabad and

direct that a committee headed by the Divisional Commissioner, Allahabad namely: ""Urban Environmental Protection Agency"" be constituted which

may supervise the environmental plan and issue necessary directions to all concerned including the Nagar Nigam, Allahabad, Allahabad

Development Authority, Forest Department, Zila Udyan Adhikari and other concerned departments. The Divisional Commissioner, Allahabad,

shall constitute an appropriate committee as proposed in the Green Belt Development Plan which shall supervise the implementation of the Green

Belt Development Plan.

37. The Allahabad Development Authority shall with collaboration of Forest Department shall start plantation of suitable trees in the green belt area

on both sides of river alongwith red line to be drawn as per our abovementioned directions. The appropriate map and plan for above plantation of

trees in the green belt area of on both bank of river Ganga shall be prepared and submitted in the Court within one month.

Construction on raised Foot Path.

38. An affidavit of Dr. Rajneesh Dube, Principal Secretary, P.W.D. has been filed bringing on record the Government Order dated 12.8.2013, by

which the financial sanction has been given for construction of raised foot path at Mahatma Gandhi Marg, Kamla Nehru Marg and Stanley Road.

We direct that the work of construction on raised foot path may be initiated immediately and completed within reasonable time.

STP"s at Cantonment, Allahabad.

39. An affidavit has been filed by Col. Sunil Kumar, in which the date of commencement of various STP"s in 3 Cantonment Areas, Allahabad has

been given. The date of commencement has been indicated as 26.12.2013. We direct all the three STP"s may be made functional by the aforesaid

date and affidavit of compliance may be filed. Dr. H.N. Tripathi, has also filed an affidavit on behalf of the U.P. Pollution Control Board, which

shall be considered on the next date of hearing i.e. 30.9.2013, at 2 p.m.