

Court No. - 29

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Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 48661 of 2016

Petitioner :- Mahant Madhu Mangal Sharan Daas Shukla

Respondent :- Union Of India And 11 Ors.

Counsel for Petitioner :- Krishna Mohan Tripathi, Anuruddh Chaturvedi

Counsel for Respondent :- C.S.C., A.S.G.I., Dharmendra Singh Chauhan, Hari Nath Tripathi, Nisheeth Yadav, Not Known, Pankaj Kumar Mishra, Pranjal Mehrotra, Rajesh Kumar Gautam, Satish Kumar Rai, Vashishtha Tiwari

Hon'ble Munishwar Nath Bhandari, Acting Chief Justice

Hon'ble Anil Kumar Ojha, J.

After hearing the writ petition at length, the case is adjourned to seek an affidavit of the highest officer of department/ body concerned managing the affairs of treatment of the sewerage and trade effluent through STP or ETP. The affidavit would be furnished to the effect that sewerage and trade effluent would not be drained without treatment. If after filing of affidavit and work of pipe line for draining the sewerage or trade effluent, the untreated water is found in the river, the deponent would be made responsible which includes their prosecution by the process under Section 430 Cr.P.C. Therefore, the officer would not give affidavit for the sake of it but with responsibility.

The effort of the Court is that while permitting the work of pipe line, the untreated sewerage or trade effluent should not be drained in the river. It is for the reason that even after putting STPs and ETPs, the untreated water is also drained. It is for the reason that the capacity of ETPs/STPs remain less than the water drained or the STPs/ETPs are not maintained so as to treat the entire volume of water coming in it. At many times, we have seen foul practices played by the officer in connivance with the other resulting the drain of water without treatment.

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As a result of it the polluted water is also drained in the river having serious consequence.

The learned Advocate General is to clarify as to why the rivers are taken as easy targets for drain of sewerage and trade effluent. Despite establishing STPs/ETPs, untreated water is drained polluting the rivers. This has been seen by the Court while hearing the matter of Kanpur where huge money has been spent for establishment of ETPs/STPs, yet untreated water is coming in river Ganga. This Court further found that even in the affidavit furnished by Jal Nigam, pollution board and District Magistrate, Kanpur facts and figures were given in contradiction. It proves that system is not working in coordination. Despite good intention of State government as well as Central Government to keep Ganga clean and diversion of huge amount for the aforesaid purpose, the polluted water still exist.

Let this petition be listed on 09.09.2021, at 02:00 PM.

Order Date :- 3.9.2021
VPS

(Anil Kumar Ojha, J.) (Munishwar Nath Bhandari, A.C.J.)