

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

**Petitioner :-** Re Ganga Pollution

**Respondent :-** State of U.P. and Others

**Counsel for Petitioner :-** Vijay Chandra Srivastava,A.K. Gupta,A.K. Srivastava,Amit Negi,Amit Shukla,Anil Tiwari,Arun Kumar,Arvind Agarwal,Ashfaq Husain,B.P. Singh Kachhawah,Baij Nath Yadav,Baleshwar Chaturvedi,D.B. Mishra,D.S. Mishra,Indramani Tripathi,Jagdish Tewari,K.C. Pandey,P.N. Mishra,Ravi Prakash Pandey,S.K. Srivastava,S.K. Tyagi,Shailesh Singh,Sharad Kr. Srivastava,Sunita Sharma,Surya Pratap Singh Parmar,Tarun Agarwal,Uttar Kumar Goswami,V.B. Singh,V.C. Mishra,Vivek Mishra,Yogesh Krishna Mishra

**Counsel for Respondent :-** C.S.C.,A.K. Mishra,Ajay Bhanot,Ajit Singh,Anjani Kumar Mishra,Anoop Trivedi,B.D. Shukla,Bheem Singh,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,Mahesh Narain Singh,Manoj Kumar Singh,Mayank Agrawal,Mehboob Ahmad,Mohd.Khursheed Alam,Mridul Tripathi,N. Misra,Omprakash Yadav,P.S. Baghel,Pankaj Kumar Shukla,Prabhash Pandey,Pradeep Pandey,R.B. Shukla,Rajendra Kumar Misra,Rajesh Tripathi,Rajiv Lochan Shukla,Ravi Kant,S.A. Lari,S.G.Hasnain Addl.A.G.,S.M.A. Kazmi,S.P. Kesharwani,S.P. Singh,Santosh Kumar Shukla,Saumya Misra,Sudeep Harkauli,Sudhanshu Srivastava,Suneel Dubey,T.M.Khan,Tahir Husain,Tanmay Agarwal,Udai Chandani,Udain Nandan,Udayan Nandan,Umesh Narain Sharma,Vijay Kumar Rai,Vivek Birla,Vivek Verma,W.A. Hashmi

**Hon'ble Manoj Kumar Gupta,J.**

**Hon'ble Siddhartha Varma,J.**

**Hon'ble Ajit Kumar,J.**

Heard Sri V.C. Srivastava and Ms. Sunita Sharma for the intervenor Ms. Tripti Verma, Sri Vibhu Rai for the Prayagraj Development Authority, Prayagraj, Sri Shailesh Singh learned counsel for the petitioner in a connected petition, Dr. H.N.

Tripathi for the U.P. Pollution Control Board, Sri Vijay Kumar Rai and Sri Prabhas Pandey learned counsel for M/s Pancham Realcon Pvt. Ltd., Sri Rajesh Tripathi learned counsel for the respondents no. 6,7 and 8, Sri Satyavrat Sahai holding brief of Sri S.D. Kautilya, learned counsel for the Nagar Nigam Prayagraj, Sri Manoj Kumar Singh, learned counsel for the Union of India and Sri Manu Gildyal brief holder for the State.

An application seeking intervention has been filed by Ms. Tripti Verma, Advocate. It is alleged that she visited Magh Mela recently, being held on the banks of rivers Ganga and Yamuna at Prayagraj and found that water of both the rivers had deteriorated to such an extent that it had turned dirty and blackish and was stinking. It was neither fit for bathing nor drinking. It is also alleged that Kalpwasees and Sadhoos who have assembled on the bank of two rivers during the auspicious month of Magh are drinking R.O. water as the water of two rivers is not fit for human consumption. It is also alleged that the Sewage Treatment Plants are not functioning properly. Untreated water is being discharged directly into Ganga and Yamuna rivers. The water level has also fallen.

Sri Shailesh Singh, learned counsel for the petitioner, in one of the connected petitions, has drawn our attention towards the order dated 20.10.2010 whereby a direction was issued to the State to produce notification, if any, issued for imposing ban on

the use of polythene/plastic within a radius of two kilo meters of the holy river Ganga and in all the major cities situated on its bank. It is submitted that despite the above direction, the plastic/polythene is being permitted to be used by shopkeepers and Kalpwasees. The authorities are not taking any action. It is adding to the pollution of the rivers.

Dr. H.N. Tripathi, learned counsel appearing for the U.P. Pollution Control Board, submitted that he would take instructions from the Board and apprise the Court of the latest position regard quality of water in the two rivers, working of the Sewage Treatment Plants, and discharge of effluents.

Sri Satyavrat Sahai, Advocate, holding brief of Sri S. D. Kautilya, learned counsel for the Nagar Nigam, seeks time to apprise the Court of the latest position regarding drains which flow into two rivers and measures being taken to prevent industrial effluents and other pollutants entering the rivers.

Learned Standing Counsel and learned brief holder appearing on behalf of the State also seek time to apprise the Court of the latest status regarding any notification being in place banning use of polythene/plastic in areas adjoining the two rivers and with regard to actual user of the polythene/plastic by those presently staying in Magh Mela area.

Having regard to the above submissions, we issue the following

directions:-

A. The U.P. Pollution Control Board shall forthwith take three samples of water from three different places of the rivers Ganga and Yamuna in Prayagraj and after getting it tested, submit report relating to its quality on the next date. The report shall specifically state whether the water is fit for human consumption and if not what steps are being taken to make it fit for human consumption.

B. The District Magistrate, Prayagraj, is directed to submit status report regarding the working of the sewage treatment plants in and around Prayagraj in the light of the allegation that most of the S.T.P.'s are not in working condition. Necessary documentary evidence including photographs shall be annexed with his report. He shall also state in his report the steps taken to ensure uninterrupted water supply in the two rivers during the auspicious month of Magh. In this respect it is open to him to obtain requisite data from the relevant authorities.

C. The Municipal Commissioner, Nagar Nigam, shall file his personal affidavit giving details of the number of drains flowing directly into river Ganga and Yamuna in District Prayagraj and what measures are in place to tap the impurities and pollutants. He shall also submit a report regarding the use of plastic/polythene in Magh Mela area.

D. The State Government shall bring on record notification, if any, issued by it regulating use of polythene/plastic in and around river Ganges and Yamuna.

On the next date, learned counsel for the parties shall place on record, a list of surviving issues which are required to be dealt with.

List on 28.1.2021 at 2:00 pm.

**Order Date :- 21.1.2021**

PK

(Manoj Kumar Gupta,J.)

(Siddhartha Varma,J.)

(Ajeet Kumar,J.)