

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (P.I.L.) No. 137 of 2018

Ajay Gautam

.....Petitioner

Versus

Union of India and others

.....Respondents

Mr. Sanjay Bhatt, Standing Counsel for the Union of India/ respondent no. 1.

Mr. N.S. Pundir, Deputy, Advocate General for the State of Uttarakhand.

Dated: 12.09.2018

Hon'ble V.K. Bist, J.

Hon'ble Lok Pal Singh, J.

Mr. Ajay Gautam has sent a letter requesting Hon'ble the Chief Justice to entertain his letter as Public Interest Litigation. In the letter, he has raised issue regarding cleanliness of rivers Ganga and Yamuna.

2. By the order of Hon'ble the Acting Chief Justice, the letter sent by Mr. Ajay Gautam has been treated as Public Interest Litigation. By means of letter written by Mr. Ajay Gautam, issue of public importance has been raised.

3. The present writ petition (Public Interest Litigation) has been sent seeking the following reliefs:

“A. Treat/consider this letter petition as Writ petition;

B. Issue an appropriate direction to the State of Uttarakhand and Union of India to maintain quality of water at least to the extent it is safe for performing religious rituals by

Hindus and followers of other religions, in rivers Maa Ganga and Maa Yamuna and their tributaries;

C. Issue an appropriate direction to the State of Uttarakhand and Union of India to release/maintain of sufficient flow of water in the above named rivers (throughout the year) so that worshipers/ believers/ Hindus can perform various rituals including last rite and rituals after last rite of the worshipers/ believers/ Hindus,

D. Issue an appropriate direction to the State of Uttarakhand and Union of India to release/ maintain sufficient flow of water in the above named rivers (throughout the year) so that rivers are rejuvenated & are fit for performing various rituals by the worshipers/ believers/ Hindus like Achmen to Snaan (Shodash Senskar Etc.)

4. Mr. Ajay Veer Pundir, is present in the Court. We requested him to assist the Court in the present case. He has expressed his willingness to assist the Court. Mr. Ajay Veer Pundir is appointed as *Amicus Curiae* to assist the Court in the present case.

5. Learned Amicus Curiae submitted that, for proper adjudication of the P.I.L., apart from respondent nos. 1 to 3, “the State Mission for Clean Ganga, through its Chairman, DULB Building, Plot-18, Sector-7, Gomti Nagar Extension, Lucknow-226010; the State of Uttar Pradesh through Principal Secretary, Civil Secretariat, Lucknow; the State of National Capital Territory, Delhi, through Principal Secretary, Civil Secretariat, Near Indira Gandhi Indoor Stadium, IP Estate, New Delhi-110002; the State of Haryana, through Principal Secretary, Civil Secretariat, Capital Complex, Sector-1,

Chandiagarh-160001 and the Uttarakhand Pollution Control Board, through its Chairman, Haridwar Road, Saket Colony Dharampur, Dehradun-248001” are to be heard.

6. Registry is directed to implead the aforementioned officers as respondent nos. 4, 5, 6, 7 and 8 in the writ petition (P.I.L).

7. Heard Mr. Ajay Veer Pundir, learned Amicus Curiae, Mr. Sanjay Bhatt, Standing Counsel for the Union of India/ respondent no. 1 and Mr. N.S. Pundir, Deputy, Advocate General for the State of Uttarakhand/ respondent nos. 2 & 3.

8. Admit.

9. Let notices be issued to the newly impleaded parties fixing 10.10.2018.

10. List this matter on 10.10.2018.

11. Mr. Ajay Veer Pundir, learned Amicus Curiae would submit that, by the grace of Almighty God, now this year there is heavy rainfall; therefore, both the holy rivers Ganga and Yamuna are now clean due to flow of sufficient water. Thus, now the respondents have to maintain the cleanliness and sanctity of these two rivers known as Maa Ganga and Yamuna.

12. It is also submitted that the respondents be directed to file their response/reply so that the respondents may make suggestions in regard to the

maintenance and cleanliness of holy rivers Ganga and Yamuna. It is further submitted that an interim mandamus be issued against the respondents to maintain the cleanliness of rivers Ganga and Yamuna. It is further submitted that the respondents be directed to take immediate steps to stop garbage, drainages, sewerage and industrial effluents entering into rivers Ganga and Yamuna, so that, large sum of money, spent in the name of cleanliness of holy rivers Ganga and Yamuna, can be saved.

13. We find force in the contention of the learned Amicus Curiae.

14. Accordingly, this Court issues the following interim directions for cleanliness and maintenance of rivers Ganga and Yamuna in their respective territories:

(i) It is directed that the respondents shall maintain the cleanliness and piousness of Ganga and Yamuna;

(ii) It is further directed that the respondents shall take into consideration that the rivers Ganga and Yamuna are not only the source of supply of drinking water for the national capital of India and western parts of State of U.P.; but, these rivers have great contribution in bringing agrarian revolution in the region.

(iii) Respondents shall make an endeavor to maintain cleanliness, piousness of both the rivers and shall take immediate steps to stop

dumping of garbage, sewerage & industrial effluents in rivers Ganga and Yamuna.

(iv) Apart from complying the interim directions issued by this Court, the respondents shall fairly suggest to this Court as to what steps have been taken by them to maintain the cleanliness of rivers Ganga and Yamuna.

(v) In view of this Court merely calling meetings and holding seminars in regard to the cleanliness of rivers Ganga and Yamuna and not taking any concrete steps to maintain the cleanliness of rivers Ganga and Yamuna will not yield any fruitful result and if the position is not improved then by passage of time, in our opinion, both the rivers may lose their existence, their survival/ revival would become impossible and then we will just remain for the prayer and will say "*ab pachhtaye hot kya jab chiriya chug gayi khet*".

vi) We again request the respondents that they may submit their suggestions and do the needful to save these two rivers Ganga and Yamuna. We cannot forget that river Saraswati has already lost its existence by efflux of time. Thus, if all of us will not come together and make sincere efforts to maintain cleanliness of these two rivers, the generations to come will only be able to know about these rivers in documentary and films and millions

of people will have to suffer this irreparable loss.

15. Let copy of this order along with a copy of the writ petition be sent through registered post as well as after taking e-mail addresses from the respective offices to the respondents.

16. Registry is directed to take immediate steps in order to serve the respondents so that there may be no excuse on their part to say that they do not have sufficient time to submit their reply.

17. Similarly, we direct the Registry to serve the necessary papers to Mr. Ajay Veer Pundir, Amicus Curiae.

(Lok Pal Singh, J.)

12.09.2018

(V.K. Bist, J.)