

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 6469/2024

NAGAR NIGAM HERITAGE JAIPUR & ANR.

Appellant(s)

VERSUS

RAJENDRA TIWARI & ORS.

Respondent(s)

(IA No.105794/2024-EX-PARTE STAY
IA No.202410/2024 - EXEMPTION FROM FILING O.T.
IA No.202411/2024 - CONDONATION OF DELAY IN FILING
IA No.298868/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No.298869/2024 - EXEMPTION FROM FILING O.T.
IA No.51810/2025 - EXEMPTION FROM FILING O.T.
IA No.51830/2025 - EXEMPTION FROM PERSONAL APPEARANCE)

Date : 28-02-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) :

Mr. Sarvam Ritam Khare, AOR
Mr. Kushagra Sharma, Adv.
Mr. Anuj Agarwal, Adv.
Mr. Akarsh Khare, Adv.

For Respondent(s) :

Mr. Raj Singh Rana, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Ms. Saubhagya Sundriyal, Adv.
Ms. Nidhi Jaswal, AOR

Mr. Nishant Awana, Adv.
Ms. Rini Badoni, Adv.
Ms. Rebecca Mishra, Adv.
Mr. G.s. Awana, Adv.
Mr. Sahil, Adv.
Mr. Mayank Choudhary, Adv.
Mr. Niteen Kumar Sinha, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. We have again perused the report of the Assistant Conservator of Forest dated 20th June, 2023. It records that Jalmahal lake has been completely damaged. As indicated in paragraphs 5 and 6 of the said report, the water in the lake has been contaminated. A night market was allowed to operate in the vicinity and around the lake which created pollution. It is also found that the Municipal Corporation Headquarters releases sewage water into the lake from time to time. It is also noted that the waste material of Indira Rasoi Yojana run by the Municipal Corporation is also immersed in the Jalmahal lake due to which water has been completely contaminated. Moreover, Municipal Corporation releases sewage line into the natural drains coming from the forest into the Jalmahal lake. In short, due to neglect and illegal acts and omissions on the part of the first petitioner, Jalmahal lake has been completely damaged. The Commissioner of the first petitioner is present virtually. He has filed an affidavit relying upon some development projects of the State Government and that also of the Tourism Department. These projects have nothing to do with the restoration and preservation of the Jalmahal lake. The damage to environment eventually affects the right of the citizens to live in a pollution

free atmosphere guaranteed by Article 21 of the Constitution of India.

2. Today we see the Commissioner appearing online with a name board of Smart City behind him. We wonder how the city of Jaipur will become smart by damaging Jalmahal lake. Notwithstanding the report of the Assistant Conservator, an expert agency has not been engaged by the first petitioner to give suggestions for restoration and preservation of the lake.

3. We, therefore, direct the first petitioner to appoint National Environmental Engineering Research Institute (NEERI) as an expert agency to give a comprehensive report to the first petitioner on immediate measures to be taken for stopping pollution and long term measures for restoration and preservation of the lake. Necessary appointment order shall be issued by the first petitioner to the NEERI within a period of one week from today.

4. We make it clear that unless the NEERI's recommendations are received, the development of Jalmahal lake as contemplated by the Government indicated in the letter dated 26th November, 2024 shall not be undertaken without permission of the Court.

5. We direct the first petitioner to ensure that no vending activity or market is allowed in the vicinity of Jalmahal lake. The dumping of waste in the lake must be stopped immediately. We also direct the first petitioner

to report compliance with this direction by filing an affidavit by 21st March, 2025.

6. List on 24th March, 2025.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER