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BEFORE THE NATIONAL GREEN TRIBUNAL,

CENTRAL ZONE BENCH, BHOPAL

EXECUTION APPLICATION NO. 09 OF 2024

(Under Section 25 of the National Green Tribunal Act, 2010)

for

Original Application No. 94/2023(CZ)

(O.A. No. 916/2022 (PB))

In the matter of:

Hakimuddin Hussain

.....Applicant/Decree Holder

//VERSUS//

State of Madhya Pradesh & Ors.

.....Respondent/Judgement Debtor

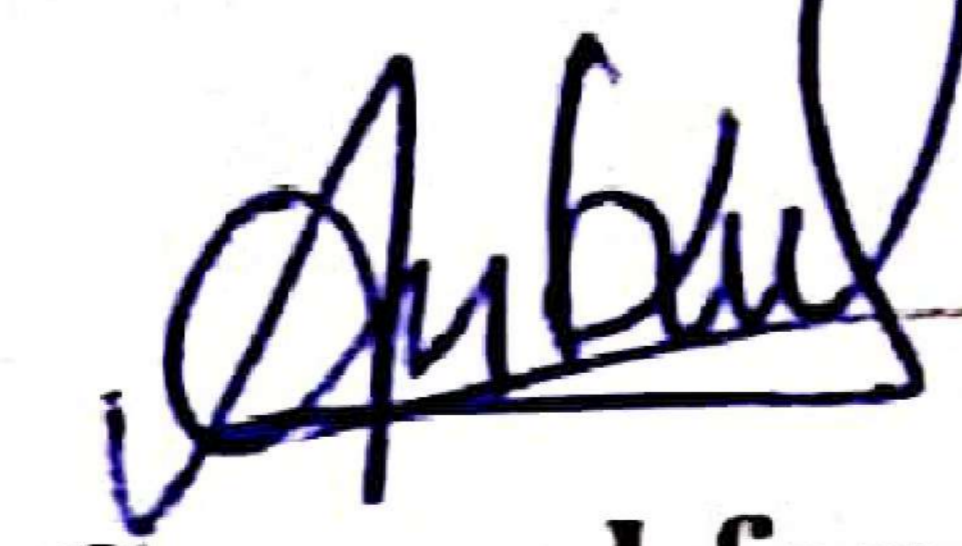
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Date: 07/10/24

Place: Bhopal

Ankur Pastor

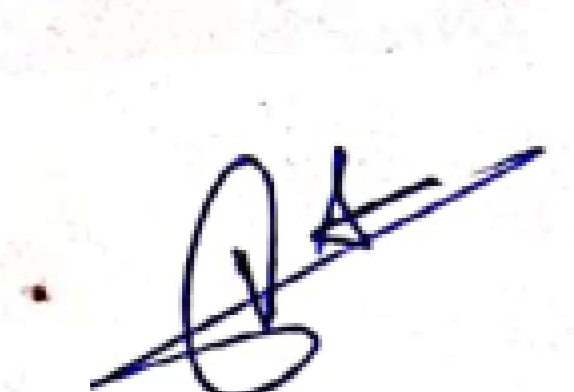


Counsel for the Applicant/Decree Holder

MIG: 704, Vijay Stambh, Zone - 1, M.P. Nagar,
Bhopal (M.P.) - 462011.

Email: bhopal@innovislawpartners.com

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CENTRAL ZONE BENCH, BHOPAL

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(O.A. No. 916/2022 (PB))

In the matter of:

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//VERSUS//

State of Madhya Pradesh & Ors.

.....Respondent/Judgement Debtor

MEMO OF PARTIES

Hakimuddin Husain

S/o Shabbir Husain

Aged: 41 Years old

R/o 25, Dadabhai Noroji Marg,

Manakpura, Ujjain, (M.P.) - 456001

.....Applicant/Decree Holder

//VERSUS//

1. State of Madhya Pradesh through Chief Secretary,
Government of Madhya Pradesh,
Mantralaya, VallabhBhawan,
Bhopal-462004
2. Principal Secretary, Revenue Department,
Government of Madhya Pradesh
Madhya Pradesh Revenue Department,
Ground Floor, Vallabh Bhawan-2, Mantralaya,
Arera Hills, Bhopal, Madhya Pradesh 462011
psrevenue@mp.gov.in
3. Principal Secretary, Environment Department,
Government of Madhya Pradesh,
Room no. - 234, 2nd Floor VB-2,
Vallabh Bhavan, Mantralaya,
Bhopal- 462004
psenvironment@mp.gov.in



4. Principal, Chief Conservator of Forest,
Government of Madhya Pradesh,
Forest Department, Satpuda Bhawan,
1st Floor, Bhopal-462006
pccfmp@mp.gov.in

5. Chief Executive Officer,
Panchayat and Rural Development Department,
Government of Madhya Pradesh
Panchayat & Rural Development Dept, Bhopal, M.P.
Phone: 0755-2552582
Email: dirpanchayat@mp.gov.in; and

6. The Collector, Ujjain
Collectorate,
Samrat Vikramaditya
Prashasnik Sankul Bhawan,
Kothi Road, Ujjain 456010
dmujjain@mp.gov.in

.....Respondent/Judgement Debtor

Date: 07/10/2024

Place: Bhopal

Ankur Pastor



Counsel for the Applicant/Decree Holder

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BEFORE THE NATIONAL GREEN TRIBUNAL,**CENTRAL ZONE BENCH, BHOPAL****EXECUTION APPLICATION NO. 09 OF 2024****(Under Section 25 of the National Green Tribunal Act, 2010)****for****Original Application No. 94/2023(CZ)****(O.A. No. 916/2022 (PB))****In the matter of:**

Hakimuddin Hussain

.....Applicant/Decree Holder

//VERSUS//

State of Madhya Pradesh & Ors.

.....Respondent/Judgement Debtor

SYNOPSIS

This present Execution Application is being filed under Section 25 of the National Green Tribunal Act, 2010 to bring to the fore the non-compliance of the Order dated 03.10.2023 of this Hon'ble Tribunal.

In brief, the Applicant/Decree Holder had filed Original Application No. 916/2022 (PB) before the Hon'ble Principal Bench, New Delhi bringing to the fore the issues pertaining to encroachments that have been made on Government Lands reserved for plantation in Ujjain District. Further, it is pertinent to mention that the Hon'ble Principal Bench, New Delhi vide its Order dated 05.01.2023 directed the constitution of a Joint Committee for establishing the factual position and filing a status report pertaining to the Government Lands reserved for plantation in District Ujjain.

In pursuance of the Order dated 05.01.2023, the Joint Committee submitted its report on 08.05.2023 via E-mail highlighting the encroachments on the total of 4.80 hectares of land in Tehsil Ghattiya which is marked at serial No. 4 in the table as contained in the report submitted by the Joint Committee. It is noteworthy that as per the report on 1.00 hectares out of the total land of 4.80 hectares of land, residential houses are constructed and a cow shelter is also built upon the same piece of land and on 0.05 hectare of kind a school is constructed, rest of the land has been encroached upon by the cultivation of the crop.

Similarly, at Serial No. 6 in the table as contained in the report submitted by the Joint Committee, pertaining to Mimi' Nagda, encroachment is done on 2.120 hectares of land out of which on 0.008 hectares of land the boundary wall of the School is constructed.



The Joint Committee also assured while submitting their report that soon the rest of the land will be made free from encroachment and encumbrances. Apart from the abovementioned, the land bearing Survey No. 155 having an area of 11.96 hectares provided by the Revenue Department for the purpose of compensatory afforestation at Village Sodang, Tehsil Ghattiya, the proposals for compensatory afforestation was also forwarded to the Forest Department. However, even after 11 months of the Order, the aforesaid land bearing Survey No. 155 remains only partially utilized.

In furtherance to the abovementioned Order dated 05.01.2023, the Hon'ble Principal Bench, New Delhi on 21.08.2023 ordered to transfer the Original Application No. 916/2022 (PB) to Central Zone Bench, Bhopal which got registered as Original Application No. 94/2023(CZ). The Hon'ble Central Zone Bench, Bhopal took the matter into consideration and vide its order dated 03.10.2023 directed the Forest Department to issue directions to implement the plantation and protections, and further directed to remove the encroachments under the supervision of the Collector, Ujjain and the area must be utilized for the plantation under the supervision of the Forest Department.

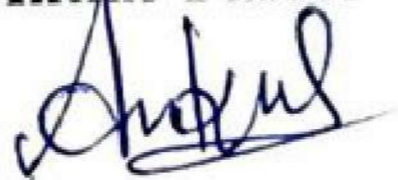
However, despite the clear directives issued vide Order dated 03.10.2023 regarding the transfer and utilization of these lands, the process remains mired in departmental procedures to date without any update on the status of the Government land at District Ujjain regarding transfer for plantation purposes. Furthermore, the land bearing Survey No. 155 in the village of Sodang, Tehsil Ghattiya, District Ujjain, which was transferred to the Forest Department of Ujjain for plantation purposes, remains only partially utilized. Significant areas, including two major pond regions and a large portion of this land, have not been fenced or utilised for the intended plantation.

Hence, this Execution Application.

Date: 07/10/2024

Place: Bhopal

Ankur Pastor



Counsel for the Applicant/Decree Holder

MIG: 704, Vijay Stambh, Zone – 1, M.P. Nagar,
Bhopal (M.P.) – 462011.

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Original Application No. 94/2023(CZ)
(O.A. No. 916/2022 (PB))

In the matter of:

Hakimuddin Hussain

.....Applicant/Decree Holder

//VERSUS//

State of Madhya Pradesh & Ors.

.....Respondent/Judgement Debtor

LIST OF DATES AND EVENTS

Dates	Events
16.11.2022	A letter was sent by the DFO, Ujjain to the Collector, Ujjain mentioning that land bearing Survey No. 155 was reserved for plantation and the same may be made available to the forest department for afforestation.
21.12.2022	The Applicant filed an Original Application No. 916/2022 (PB) before the Hon'ble Principal Bench, New Delhi bringing to the fore the issue pertaining to encroachments that have been made on the Government Land which has been reserved for plantation in every village of Ujjain District.
05.01.2023	The Hon'ble Principal Bench took cognizance of the matter and directed to constitute a Joint Committee so that the factual position and status report in respect to the entire land reserved by the Govt. Land in District Ujjain for plantation could be verified.
16.03.2023	The Joint Committee was supposed to submit its report; however, no report was filed by the Joint Committee and the matter was scheduled for 09.05.2023
08.05.2023	The Joint Committee filed its report vide email.
09.05.2023	The report that was submitted by the Joint Committee on 08.05.2023, reported encroachment of total 4.80 hectares of land in Tehsil Ghattiya and encroachment of 2.120 hectare at Serial No. 6 Mimi Nagda. It also provided that the land bearing Survey No. 155 having an area of 11.96 hectares provided by



	the Revenue Department for the purpose of compensatory afforestation at Village Sodang, Tehsil Ghattiya, the proposals for compensatory afforestation is also forwarded to the Forest Department.
21.08.2023	The matter was transferred to Central Zone, Bench, NGT, Bhopal.
03.10.2023	This Hon'ble Tribunal directed the Forest Department to issue directions to implement the plantation and protections of the plants. It also directed to remove the encroachments under the supervision of the Collector, Ujjain and directed to utilize the area for plantation under the supervision of the Forest Department.
	That, despite the lapse of over 11 (eleven) months, the land bearing Survey No. 155 in the village of Sodang, Tehsil Ghattiya, District Ujjain, which was transferred to the Forest Department of Ujjain for plantation purposes, remains only partially utilized. Significant areas, including two major pond regions and a large portion of this land, have not been fenced or utilized for the intended plantation. Even the Respondents have not provided any status report regarding the plantation at Government Land in District Ujjain. Hence this Execution Application.

Date: 07/10/2024

Place: Bhopal

Ankur Pastor



Counsel for the Applicant/Decree Holder

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(Under Section 25 of the National Green Tribunal Act, 2010)

for
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In the matter of:

Hakimuddin Husain
S/o Shabbir Husain
Aged: 41 Years old

R/o 25, Dadabhai Noroji Marg,
Manakpura, Ujjain, (M.P.) - 456001

.....Applicant/Decree Holder

//VERSUS//

1. State of Madhya Pradesh through Chief Secretary,
Government of Madhya Pradesh

2. Principal Secretary, Revenue Department,
Government of Madhya Pradesh

3. Principal Secretary, Environment Department,
Government of Madhya Pradesh,

4. Principal, Chief Conservator of Forest,
Government of Madhya Pradesh,

5. Chief Executive Officer,
Panchayat and Rural Development Department,
Government of Madhya Pradesh; *and*

6. The Collector, UjjainRespondent/Judgement Debtor

To,

THE HON'BLE
MEMBERS OF THE NATIONAL GREEN TRIBUNAL,
CENTRAL ZONE (BHOPAL BENCH)

Most Respectfully Showeth:

1. That, the Applicant/Decree Holder is an ERN Member-Wildlife Trust of India.
2. That, the Respondents No. 1 to 6 were impleaded by the Hon'ble Principal Bench, New Delhi vide order dated 05.01.2023 to have their responses over the same matter.



3. That, the Original Application No. 94/2023(CZ) (O.A. No. 916/2022 (PB)) was filed by the Applicant/Decree Holder at the Hon'ble National Green Tribunal, Principal Bench, New Delhi regarding the encroachments that have been made on the Government land which has been reserved for plantation in every village of Ujjain District.
4. That, the Applicant/Decree Holder during his survey observed the land reserved for plantation has not been utilized and encroachments have been made on the said lands thereby hindering a substantial green cover in the city of Ujjain.
5. That, the matter was taken into cognizance by the Hon'ble Principal Bench, New Delhi on 05.01.2023 wherein the Hon'ble Tribunal ordered for Constitution of Committee comprising of Principal Chief Conservator of Forest (HoFF), Chief Executive Officer, Panchayat and Rural Development, Collector, Ujjain and thereby directed them to verify the factual position and submit status report within 2 months in respect of the entire land reserved by the Government in District Ujjain for plantation. **(Copy of the Order dated 05.01.2023 is attached as Annexure - 1)**
6. That, it needs to be mentioned before the Hon'ble Tribunal that, the Committee failed to submit its report beforehand or on 16.03.2023 **(Copy of the Order dated 16.03.2023 is annexed as Annexure - 2)** and subsequently submitted their report on 08.05.2023. The Hon'ble Tribunal vide order dated 09.05.2023 observed that in the report, the land that was reserved for the plantation were:

S.No.	Tehsil	Land for Plantation	
		Total Reserved Land	Encroachment
1.	2.	3.	4.
1.	Ujjain	15.960	0.000
2.	Ujjain Nagar	232.008	0.000
3.	Kothimehel	0.000	0.000
4.	Ghattiya	267.273	4.80
5.	Khachrod	17.950	0.000
6.	Nagda	3.740	2.120
7.	Badnagar	38.700	0.000
8.	Mahidpur	12.630	0.000
9.	Jharda	10.680	0.000
10.	Tarana	0.000	0.000
11.	Makdone	0.000	0.000
	District Ujjain	598.941	6.92



(Copy of the Order dated 09.05.2023 is annexed as Annexure - 3)

7. That, in the report wherein certain vital observations were made out by the Joint Committee which are as follows:

- i. *At S.No. 4 Tehsil Ghattiya approximately 4.80 of the land is subject of encroachment;*
 - a. *Out of this, 1.00-hectare land is encroached and is being used for residential purposes or Gaushala without any authority of the State;*
 - b. *On 0.05 hectare of the land there is a construction of the School; and*
 - c. *On rest of the land, agriculture work is being done by way of encroachment.*

- ii. *At S.No. 6 in Tehsil Nagda, there are encroachment of 2.120 hectare of the land and out of this 0.008-hectare Land was encroached by the School by way of boundary wall.*

8. That, further it is pertinent to mention here that a letter dated 16.11.2022 was sent by the DFO, Ujjain to the Collector, Ujjain mentioning that land bearing Survey No. 155 was reserved for plantation and the same may be made available to the Forest Department for afforestation.

9. That, in the course of hearing PCCF (HoFF), the Government of Madhya Pradesh has submitted that compensatory afforestation is being done but part of the land allocated has not been handed over to the Forest Department due to encroachments and that requisite steps are required to be taken for removal of encroachments and handing over the land to the Forest Department.

10. That, it is pertinent to mention here that the Hon'ble Principal Bench vide order dated 21.08.2023, transferred the matter having case no. Original Application No. 916/2022 (PB) to the Central Zone Bench, Bhopal which was then registered as Original Application No. 94/2023(CZ). (Copy of the Order dated 21.08.2023 is annexed as Annexure - 4)

11. That, it needs to be mentioned here that the Hon'ble Central Zone Bench, Bhopal vide its order dated 12.09.2023 directed to allot another land of the

State which shall be two times of areas taken by School for plantation to be done by the Forest Department. (Copy of the Order dated 12.09.2023 is annexed as Annexure – 5)

12. That, the Hon'ble Tribunal vide its Final Order dated 03.10.2023 categorically mentioned that:

9. The district administration is directed to remove encroachments on the public land and be immediately handed over to the Forest Department for afforestation.

10. Similarly, in village Chakravadha at Survey no. 160, there are encroachments and further in village Vanada at Survey no. 69/2 there are encroachments. The District Magistrate is directed to remove the encroachments according to rules.

17. In view of the above facts, we direct as follows: -

- i. The Forest Department and a committee constituted (noted above) is directed to periodically monitor the plantation and its protection and survival from time to time, with geotagging of the plantation done and issue directions to implement the plantation and protections.*
- ii. The committee is further directed to remove the encroachments under the supervision of the Collector, Ujjain and the area must be utilized for the plantation under the supervision of the Forest Department.*

(Copy of the Order dated 03.10.2023 is annexed as Annexure - 6)

13. That, despite the Hon'ble Tribunal's Order dated 03.10.2023, the Respondent/Judgement Debtor are not adhering to the orders of the Hon'ble Tribunal and the process remains mired in departmental procedures without any update on the status of the land transfer for plantation purposes.

14. That, it is pertinent to mention that the land bearing Survey No. 155 in the village of Sodang, Tehsil Ghatiya, District Ujjain, was transferred to the Forest Department. However, despite the transfer of land, the Respondent/Judgement Debtors have partially utilized the land which was transferred to the Forest Department of Ujjain for plantation purposes and in significant areas, including two major pond regions and a large portion of this land, have not been fenced or utilized for the intended plantation to date.

15. That, the Respondents have also not provided the status report about the plantation work at the Government land.
16. That, the Applicant/Decree Holder is concerned that even at this juncture, the Respondent/Judgement Debtors are not periodically monitoring the plantation from time to time and issuing guidelines for implementing the plantation on the land that was transferred for the said purpose.
17. That, this Hon'ble Tribunal, Central Bench at Bhopal has proper jurisdiction to entertain this instant execution application as it arises out of non-compliance of the judgement of this Tribunal namely, O.A. 94/2023 (CZ) dated 03.10.2023.
18. That, the present execution Application is being filed under the relevant Section 25 of the NGT, Act, 2010 which grants this Tribunal powers of a civil court in matters of execution.
19. This present execution Application is filed within the period of limitation.
20. That, this application is made bonafide and in the interest of justice.

GROUNDS

- A. Because, the transfer and utilization of Government land at District Ujjain, the process remains mired in departmental procedures without any update on the status of the land transfer for plantation purposes.
- B. Because, the land bearing Survey No. 155 in the village of Sodang, Tehsil Ghatiya, District Ujjain, which was transferred to the Forest Department of Ujjain for plantation purposes, remains only partially utilized
- C. Because, areas, including two major pond regions and a large portion of land bearing Survey No. 155, have not been fenced or utilized for the intended plantation.
- D. Because, the Respondent/Judgement Debtors have failed to follow the order passed by this Hon'ble Tribunal.



PRAYER

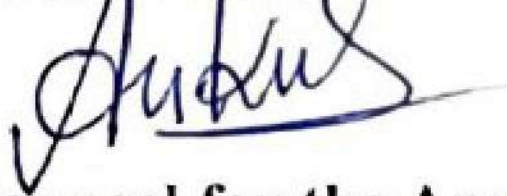
That in light of the above facts and circumstances, it is most respectfully prayed by the appropriate orders or directions, this Hon'ble Tribunal may be pleased to:

- i. Execute the Final Order dated 03.10.2023 passed by the Hon'ble Tribunal;
- ii. Direct the Respondent/Judgement Debtors to prepare a comprehensive report on the status of lands reserved for plantation in Ujjain land utilization;
- iii. Direct the Respondents to utilize the land of Survey No. 155 for the intended plantation; *and*
- iv. Pass such other Order/Orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

Date: 07/10/2024

Place: Bhopal

Ankur Pastor



Counsel for the Applicant/Decree Holder

MIG: 704, Vijay Stambh, Zone – 1, M.P. Nagar,
Bhopal (M.P.) – 462011.

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EXECUTION APPLICATION NO. 09 OF 2024
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(O.A. No. 916/2022 (PB))

In the matter of:

Hakimuddin HussainApplicant/Decree Holder

Versus

State of Madhya Pradesh & Ors.Respondent/Judgement Debtor

AFFIDAVIT

I, Hakimuddin Husain, S/o Shabbir Husain, Aged: 41 Years old, R/o 25, Dadabhai Noroji Marg, Manakpura, Ujjain, (M.P.) - 456001 hereby solemnly affirm and declare as under:

1. That I am fully conversant with facts and circumstances of this matter, and thereby competent to swear this Affidavit.
2. That the contents of the accompanying Execution Application are true and correct, best to my knowledge and belief and nothing material has been concealed therefrom.
3. That the contents of the Execution Application have been drafted under my instructions and I have understood the same as explained to me by my Counsel.


DEPONENT



VERIFICATION

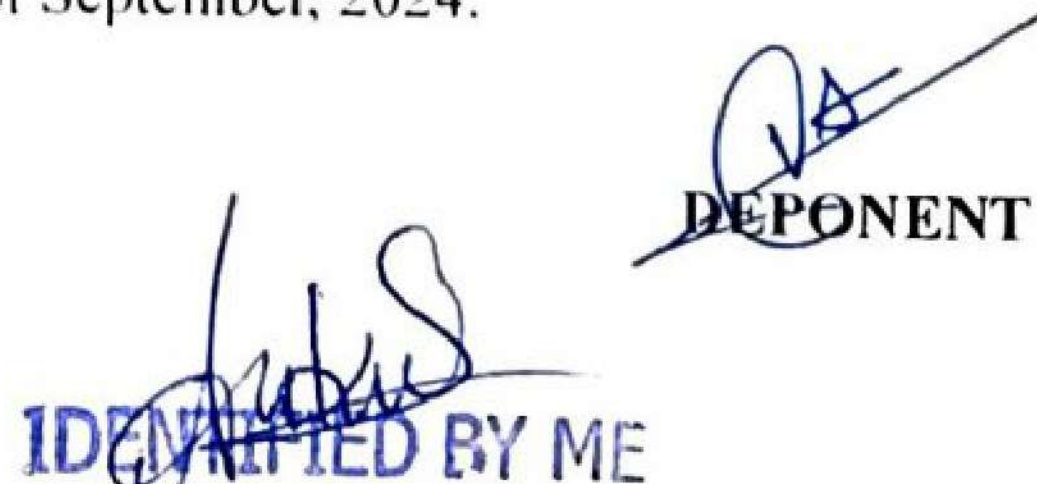
श्री. Hakimuddin Husain S/o Shabbir Husain
 निवासी- 25, Dadabhai Noroji Marg, Manakpura, Ujjain (M.P.)
 आज दिनांक 07/10/24 गेरे वरिष्ठ अधिकारी द्वारा प्रमाणित किया गया है कि शपथ पत्र सही और सत्य है।
 श्री. Ankur Patil (Adv) correct to my knowledge and belief and no part of it is false or has been concealed

therefrom सत्य है।

Verified at Bhopal on this 07/10/24 Day of September, 2024.

प्रमाणित किया जाता है कि शपथ पत्र सही और सत्य है।
 शपथ-पत्र सुनवाया, समझाया गया। उसने सही
 समझकर हस्ताक्षर, अंगूठा गेरे समक्ष अंकित किया
 07/10/24

विजय सिटोके
 शपथ आयुक्त भापाल


IDENTIFIED BY ME

Annexure - 1

Item No. 2

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 916/2022

Hakimuddin Husain

...Applicant

Versus

State of Madhya Pradesh & Ors.

...Respondents

Date of hearing: 05.01.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in person (through VC).

Application under provisions of the National Green Tribunal Act, 2010

ORDER

1. Mr. Hakimuddin Husain, ERN Member-Wildlife Trust of India has sent the present letter petition, which has been treated and registered as original application complaining that in his recent survey in the Ujjain District the applicant observed that in every village Government land has been reserved for plantation but encroachments have been made on the same and the same are not being utilised for plantation.

2. The applicant has submitted in the application that Ujjain is being developed as a prominent tourist destination in Madhya Pradesh but Ujjain is having only 0.69 % forest cover area. The applicant has further submitted that if a drive is conducted for plantation in land reserved by the Government for the same, substantial green cover can be added in Ujjain District. In support of his application, the applicant has attached copy of letter dated 16.11.2022 sent by the DFO, Ujjain to the Collector, Ujjain

mentioning that land bearing survey no. 155 was reserved for plantation and the same may be made available to the forest department for afforestation.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. In view of the averments in the application, we consider it appropriate to have response of (1) State of Madhya Pradesh through Chief Secretary, Government of Madhya Pradesh, (2) Principal Secretary, Revenue Department, Government of Madhya Pradesh (3) Principal Secretary, Environment Department, Government of Madhya Pradesh, (4) Principal Chief Conservator of Forest, Government of Madhya Pradesh, (5) Chief Executive Officer, Panchayat and Rural Development Department, Government of Madhya Pradesh and (6) The Collector, Ujjain, who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents No. 1 to 6 requiring them to file their reply/response within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of the Principal Chief Conservator of Forests (HoFF), Government of Madhya Pradesh, Chief Executive Officer, Panchayat and Rural Development Department, Government of Madhya Pradesh, and the Collector, Ujjain and direct the same to verify the factual position and submit status report in respect of the entire land reserved by the Government in District Ujjain for plantation within two months at judicial-ngt@gov.in preferably in the form of

searchable PDF/OCR Supported PDF and not in the form of Image PDF. The Collector, Ujjain will be the nodal agency for coordination and compliance.

6. List for further consideration on 16.03.2023.
7. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Chief Executive Officer, Panchayat and Rural Development Department, Government of Madhya Pradesh, Principal Chief Conservator of Forests (HoFF), Government of Madhya Pradesh and the Collector, Ujjain, by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 05, 2023
AG

Annexure - 2

Item No. 9

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 916/2022

Hakimuddin Husain

...Applicant

Versus

State of Madhya Pradesh & Ors.

...Respondents

Date of hearing: 16.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in person (through VC).

Application under provisions of the National Green Tribunal Act, 2010**ORDER**

1. Mr. Hakimuddin Husain, ERN Member-Wildlife Trust of India has sent the present letter petition, which has been treated and registered as original application complaining that in his recent survey in the Ujjain District the applicant observed that in every village Government land has been reserved for plantation but encroachments have been made on the same and the same are not being utilised for plantation.

2. Vide order dated 05.01.2023, notices were ordered to be issued to the respondents. As per officer report notices were ordered to be issued to the respondents.

3. Vide order dated 05.01.2023, this Tribunal constituted a Joint Committee with direction to submit factual and action taken report. In compliance thereof, no report has been filed by the Joint Committee.

4. List the matter for further consideration on 09.05.2023.
5. In view of the facts and circumstances of the case, we consider presence of the Principal Secretary, Revenue Department, Government of Madhya Pradesh, Principal Secretary, Environment Department, Government of Madhya Pradesh, Principal Chief Conservator of Forest, Government of Madhya Pradesh, Chief Executive Officer, Panchayat and Rural Development Department, Government of Madhya Pradesh and the Collector, Ujjain though VC to be essential for assisting this Tribunal in just and fair adjudication of the questions involved in the case and accordingly, they shall remain present before this Tribunal through VC on the date fixed.
6. A copy of this order be sent to the Principal Secretary, Revenue Department, Government of Madhya Pradesh, Principal Secretary, Environment Department, Government of Madhya Pradesh, Principal Chief Conservator of Forest, Government of Madhya Pradesh, Chief Executive Officer, Panchayat and Rural Development Department, Government of Madhya Pradesh and the Collector, Ujjain by email for requisite compliance

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 16, 2023

AG

Annexure - 3

Item No. 6

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 916/2022

Hakimuddin Husain

...Applicant

Versus

State of Madhya Pradesh & Ors.

...Respondents

Date of hearing: 09.05.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in person (through VC).

Respondent: Mr. Sachin Kumar Verma, Advocate for State of Madhya Pradesh (through VC).
Mr. Gulshan Bamra, Principal Secretary, Environment, Government of Madhya Pradesh, Mr. R. Gupta, PCCF (HoFF), Government of Madhya Pradesh and Mr. Kumar Purushottam, District Magistrate, Ujjain (through VC).**Application under provisions of the National Green Tribunal Act, 2010****ORDER**

1. Mr. Hakimuddin Husain, ERN Member-Wildlife Trust of India has sent the present letter petition, which has been treated and registered as original application complaining that in his recent survey in the Ujjain District the applicant observed that in every village Government land has been reserved for plantation but encroachments have been made on the same and the same are not being utilised for plantation.

2. Vide order dated 05.01.2023, notices were ordered to be issued to the respondents and this Tribunal constituted a Joint Committee with direction to submit factual and action taken report.

3. Report of the Joint Committee has been filed vide email dated 08.05.2023. the relevant part of the report is reproduced below:-

"REPORT OF THE JOINT COMMITTEE IN COMPLAINEE WITH ORDER DATED 05/01/2023 OF THE HONBLE NATIONAL GREEN TRIBUNAL (PB) AT NEW DELHI IN THE MATTER OF OA NO. 916/2022 , HAKIMUDDIN HUSAIN V. STATE OF M.P & ORS.

X X X X X X X

S. No	Tehsil	Land for plantation	
		Total Reserved Land	Encroachment
1.	2.	3.	4.
1.	Ujjain	15.960	0.000
2.	Ujjain Nagar	232.008	0.000
3.	Kothimehel	0.000	0.000
4.	Ghattiya	267.273	4.80
5.	Khachrod	17.950	0.000
6.	Nagda	3.740	2.120
7.	Badnagar	38.700	0.000
8.	Mahidpur	12.630	0.000
9.	Jharda	10.680	0.000
10.	Tarana	0.000	0.000
11.	Makdone	0.000	0.00
	District Ujjain	598.941	6.92

It is noteworthy that the verification work of the aforementioned land has been carried out. Encroachment is shown on the total 4.80 hectares of land in Tehsil Ghattiya which is marked at serial no. 4 in the table, out of which on 1.00 hectares of land residential houses are constructed and cow shelter is also built upon the same piece of land and on 0.05 hectare of kind a school is constructed, rest of the land has been encroached upon by the cultivation of crop which will be removed soon. Similarly at serial no. 6 Mimi' Nagda Out of 2.120 hectare on 0.008 hectare land the boundary wall of the school is constructed and soon the rest of the land will be made free from encroachment and encumbrances.

According to the information received from the Forest Department, after removal of the encroachment the possession of the land bearing Survey No. 155 Area 12.960 hectare of Village Sodang, Tehsil Ghattiya is already handed over to the Forest Department for compensatory afforestation.

The continuous efforts are being made for plantation in the entire District. According to the information received from the Forest Department the work of compensatory afforestation is carried out in area of 53.481 hectare at Village Divel, Tehsil Khachrod District Ujjain. Similarly in the area of 15.14 hectares of land at Village Runija Tehsil Badnagar the proposal for

plantation work is forwarded to the Forest Department, Further in the land having an area of 65.69 hectares situated at Village Lasudiyadhandhu Tehsil Makdone the proposal for compensatory afforestation is forwarded to the Forest Department. The land bearing Survey No. 155 having an area of 11.96 hectares provided by the Revenue Department for the purpose of compensatory afforestation at Village Sodang, Tehsil Ghattiya, the proposals for compensatory afforestation is also forwarded to the Forest Department".

4. Vide order dated 16.03.2023, presence of the Principal Secretary, Revenue Department, Government of Madhya Pradesh, Principal Secretary, Environment Department, Government of Madhya Pradesh, Principal Chief Conservator of Forest, Government of Madhya Pradesh, Chief Executive Officer, Panchayat and Rural Development Department, Government of Madhya Pradesh and the Collector, Ujjain were ordered to be present before this Tribunal through VC.
5. In compliance thereof Mr. Gulshan Bamra, Principal Secretary, Environment, Government of Madhya Pradesh, Mr. R. Gupta, PCCF (HoFF), Government of Madhya Pradesh and Mr. Kumar Purushottam, District Magistrate, Ujjain have appeared through VC and we have interacted with them.
6. In the course of hearing PCCF (HoFF), Government of Madhya Pradesh has submitted that compensatory afforestation is being done but part of the land allocated has not been handed over to the Forest Department due to encroachments and that requisite steps are required to be taken for removal of encroachments and handing over the land to the Forest Department.
7. The District Magistrate, Ujjain has submitted that the land available for plantation which is free from encumbrance will be handed over to the Forest Department and after due consultation with them suitable action plan will be evolved for carrying out plantation programs.

Accordingly, the concerned Departments will evolve mechanism for undertaking plantation programs.

8. We are of the considered view that once the land has been allocated by the State Government for afforestation, the concerned instrumentalities of the State are duty bound to carry out requisite plantation in the same.

9. Accordingly, we direct the PCCF (HoFF), Government of Madhya Pradesh, Chief Executive Officer, Zila Panchayat and District Magistrate, Ujjain to formulate and submit an action plan for carrying out the plantation on the land allocated in various Tehsils in District Ujjain. The requisite information be given in the Action Plan regarding the land where plantation is to be done, species to be planted, budgetary allocation and specific timelines for carrying out the plantation and monitoring mechanism for ensuring the survival of the plants.

10. The Action Plan may be filed by PCCF (HoFF), Government of Madhya Pradesh, Chief Executive Officer, Zila Panchayat and District Magistrate, Ujjain on or before 30.06.2023 by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

11. List the matter for further consideration on 06.07.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 09, 2023
AG

Annexure - 4

Item No. 17

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI****(BY VIDEO CONFERENCE)**

Original Application No. 916/2022

Hakimuddin Husain

Applicant

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 21.08.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Raghav Sharma, Advocate for MPPCB

ORDER

1. Since the matter relates to the Central Zone Bench, NGT, thus, the matter is transferred to Central Zone Bench, Bhopal.
2. Thus, the Registry is directed to transfer and transmit the records of this matter to Central Zone Bench, Bhopal where the Registrar shall register the case and place before the Bench for further proceedings according to Rules.
3. List this matter before NGT Central Zone Bench, Bhopal on the date already fixed.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 21, 2023
SN

Item No.2

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. No.94/2023(CZ)
(O.A.No.916/2022 - PB)

Hakimuddin Hussain

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing : 12.09.2023

CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL EXPERT MEMBER

For Applicant(s):

Applicant in Person

For Respondent(s):

Mr. Prashant M. Harne, Adv.
Mr. Kumar Purushottam, Adv.
Mr. M.R. Baghel, Adv.
Ms. Parul Bhadoria, Adv.
Mr. Mohit Buch, Adv.
Mr. P.K. Singh, PCCF

ORDER

1. Issue raised in this application is encroachment on the public land or the land reserved by the Government for plantation and substantial green cover in city of Ujjain. The grievance of the applicant is encroachment on the land reserved for plantation.
2. The matter was taken in cognizance by the Tribunal and a committee was constituted to submit the factual and action taken report. In compliance thereof a Joint Committee has submitted the report with the following facts :
 - (i) At sl. No. 4 Tehsil Ghattiya approximately 4.80 of the land is subject of encroachment.
 - (ii) Out of this 1.00 hectare land is encroached and is being used for residential purposes or *Gaushala* without any authority of the State.

- (iii) On .05 hectare of the land there are a construction of the School and on rest of the land agriculture work is being done by way of encroachment.
- (iv) At sl. No. 6 in Tehsil Nagda, there are encroachment of 2.120 hectare of the land and out of this .008 hectare Land was encroached by the School by way of boundary wall.

3. It is further submitted that the encroachment shall be removed immediately. The report was filed in the month of May, 2023 but no progress has been shown with regard to the removal of encroachments. Accordingly, District Magistrate/Collector, Ujjain (M.P.) is directed to ensure the removal of encroachment of the public land reserved for the plantation and the land should be handed over to the Forest Department for deep plantation and its maintenance. The Applicant appearing in person has submitted that it is Government School.
4. In view of the above, the District Collector is directed to allot other land of the State which will be two times of areas taken by School for plantation to be done by the Forest Department. The Joint Report by the DFO and the Collector be filed with regard to the compliance within 10 days.
5. List it on **3rd October, 2023**.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

12th September, 2023
O.A No.94/2023(CZ)
K

Item No. 4

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No. 94/2023(CZ)
(O.A. No. 916/2022(PB))

Hakimuddin Hussain

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing: **03.10.2023**

CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD EXPERT MEMBER

For Applicant(s):

Mr. Hakimuddin Hussain
(Applicant in Person)

For Respondent(s):

Mr. Prashant M. Harne, Adv.
Ms. Parul Bhadoria, Adv.
Mr. Mehul Bhardwaj, Adv.
Mr. Kumar Purushottam, DM, Ujjain
SDM, Ujjain
Mr. P.K. Singh, PCCF, M.P.
Chief Engineer, Ujjain.
DFO, Ujjain

ORDER

1. Issue raised in this application is plantation in District Ujjain on the land allocated for plantation by the Forest Department and removal of the encroachment from this land.
2. Mr. Hakimuddin Husain, ERN Member-Wildlife Trust of India has sent the present letter petition, which has been treated and registered as original application complaining that in his recent survey in the Ujjain District the applicant observed that in every village Government land has been reserved for plantation but encroachments have been made on the same and the same are not being utilised for plantation. The applicant has submitted in the application that Ujjain is being developed as a prominent tourist destination in Madhya Pradesh but Ujjain is having only 0.69 % forest cover area. The applicant has further submitted that if a drive is

conducted for plantation in land reserved by the Government for the same, substantial green cover can be added in Ujjain District. In support of his application, the applicant has attached copy of letter dated 16.11.2022 sent by the DFO, Ujjain to the Collector, Ujjain mentioning that land bearing survey no. 155 was reserved for plantation and the same may be made available to the forest department for afforestation.

3. The matter was taken up on 05.01.2023 and this Tribunal constituted a committee comprising Principal Chief Conservator of Forest (HoFF), Chief Executive Officer, Panchayat and Rural Development, Collector, Ujjain and directed them to verify the factual position and submit status report in respect of the entire land reserved by the Govt. in District Ujjain for plantation.
4. Report of the Joint Committee has been filed vide email dated 08.05.2023. the relevant part of the report is reproduced below:-

“REPORT OF THE JOINT COMMITTEE IN COMPLAINEE WITH ORDER DATED 05/01/2023 OF THE HON'BLE NATIONAL GREEN TRIBUNAL (PB) AT NEW DELHI IN THE MATTER OF OA NO. 916/2022 , HAKIMUDDIN HUSAIN V. STATE OF M.P & ORS.

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S. No	Tehsil	Land for plantation	
		Total Reserved Land	Encroachment
1	2	3	4
1.	Ujjain	15.960	0.000
2.	Ujjain Nagar	232.008	0.000
3.	Kothimehel	0.000	0.000
4.	Ghattiya	267.273	4.80
5.	Khachrod	17.950	0.000
6.	Nagda	3.740	2.120
7.	Badnagar	38.700	0.000
8.	Mahidpur	12.630	0.000
9.	Jharda	10.680	0.000
10.	Tarana	0.000	0.000
11.	Makdone	0.000	0.00
	District Ujjain	598.941	6.92

It is noteworthy that the verification work of the aforementioned land has been carried out. Encroachment is shown on the total 4.80 hectares of land in Tehsil Ghattiya which is marked at serial no. 4 in the table, out of which on 1.00 hectares of land residential houses are constructed and cow shelter is also built upon the same piece of land and on 0.05 hectare of kind a school is constructed, rest of the land has been encroached upon by the cultivation of crop which will be removed soon. Similarly at serial no. 6 Mimi' Nagda Out of 2.120 hectare on 0.008 hectare land the boundary wall of the school is constructed and soon the rest of the land will be made free from encroachment and encumbrances.

According to the information received from the Forest Department, after removal of the encroachment the possession of the land bearing Survey No. 155 Area 12.960 hectare of Village Sodang, Tehsil Ghattiya is already handed over to the Forest Department for compensatory afforestation.

The continuous efforts are being made for plantation in the entire District. According to the information received from the Forest Department the work of compensatory afforestation is carried out in area of 53.481 hectare at Village Divel, Tehsil Khachrod District Ujjain. Similarly in the area of 15.14 hectares of land at Village Runija Tehsil Badnagar the proposal for plantation work is forwarded to the Forest Department, Further in the land having an area of 65.69 hectares situated at Village Lasudiyadhandhu Tehsil Makdone the proposal for compensatory afforestation is forwarded to the Forest Department. The land bearing Survey No. 155 having an area of 11.96 hectares provided by the Revenue Department for the purpose of compensatory afforestation at Village Sodang, Tehsil Ghattiya, the proposals for compensatory afforestation is also forwarded to the Forest Department.

5. In the course of hearing PCCF (HoFF), Government of Madhya Pradesh has submitted that compensatory afforestation is being done but part of the land allocated has not been handed over to the Forest Department due to

- encroachments and that requisite steps are required to be taken for removal of encroachments and handing over the land to the Forest Department.
6. The District Magistrate, Ujjain has submitted that the land available for plantation, which is free from encumbrance will be handed over to the Forest Department and after due consultation with them suitable action plan will be evolved for carrying out plantation programs. Accordingly, the concerned Departments will evolve mechanism for undertaking plantation programs.
 7. Main contention of the applicant was encroachment on Survey No. 155 and the joint committee consisting one senior officer from the forest department had submitted the report that the encroachments on survey no. 155 has been removed and the possession have been given to the forest department for plantation.
 8. A report has been filed by Tehsildar, Tehsil-Ghattiya, District-Ujjain pointing out the encroachment and cultivation on survey no. 4 at Sr. No. 22 in village Gunaya and also encroachment on survey no. 100,136 at Sr. No. 23 in village Madhavgarh and someone has encroached on public land and cultivating and being used for agriculture purposes.
 9. The district administration is directed to remove encroachments on the public land and be immediately handed over to the Forest Department for afforestation.
 10. Similarly, in village Chakravadha at Survey no. 160, there are encroachments and further in village Vanada at Survey no. 69/2 there are encroachments. The District Magistrate is directed to remove the encroachments according to rules.

11. Vide letter dated 30.06.2023, the Sub-divisional Officer, Revenue, District Ujjain has submitted that a committee has been constituted consisting Forest Department, Municipal Corporation, Ujjain Development Authority and Rural Development Department with direction to start a drive for plantation and to remove the encroachments. The Committee is working for implementation of the orders.

12. Details of plantation carried out by the Department has been enumerated in the report which is as follows :-

Sr. No.	Gram Panchayat	Village	Tehsil	Total No. of Plants	Spendture Made (in Lakh)	Area Plantation on Ha.	Coordinat or of Plantation Area	Period of Maintenance including period of Plantation	Survival Rate
1.	Alampur Udana	Alampur Udana	Ujjain	275	0.87	1.30	-	-	60
		Sewarkhedi	Ujjain	200	0.68	1.00	-	-	60
2.	Ramwasa	Matanakhurd	Ujjain	75	0.51	0.30	-	-	90
3.	Ninora	Kithodarao	Ujjain	75	0.51	0.30	-	-	90
		Ninora	Ujjain	75	0.51	0.30	-	-	90
4.	Navakhedi	Karadiya	Ujjain	275	0.68	1.30	-	-	50
5.	Dhediya	Mendiya	Ujjain	200	0.71	1.00	-	-	70
		Dhediya	Ujjain	355	1.06	1.75	-	-	70
6.	Sikaridari	Gothada	Ujjain	75	0.51	0.30	-	-	90
		Sikandari	Ujjain	75	0.51	0.30	-	-	90
7.	Daudkhedi	Daudkhedi	Ujjain	75	0.51	0.30	-	-	90
8.	Mangrola	Mangrola	Ujjain	75	0.51	0.30	-	-	90
9.	Kasampur	Nikewadi	Ujjain	200	0.64	1.00	-	-	40
		Kasampur	Ujjain	275	0.64	1.30	-	-	50
		Khokariya	Ujjain	200	0.68	1.00	-	-	30
10.	Bolasa	Dewarkhedi Khurd	Ujjain	275	0.87	1.30	-	-	52
		Bolasa	Ujjain	75	0.51	0.30	-	-	90
11.	Semliya Nasar	Bhanwri	Ujjain	200	0.77	1.00	-	-	60
		Semliya Nasar	Ujjain	275	0.93	1.30	-	-	62
12.	Khajuriya Rehwari	Kalyanpura	Ujjain	200	0.56	1.00	-	-	42
		Khajuriya Rehwari	Ujjain	275	0.56	1.30	-	-	38
13.	Chandesari	Chandesari	Ujjain	275	0.51	1.30	-	-	42
14.	Chandesara	Kuwariya	Ujjain	200	0.76	1.00	-	-	45

13. Similarly, in town area approximately 65000 plantation have been done and another plantation was done which is approximately 157385.
14. In view of the above facts, following are the encroachments, which require the removal -

Sr. No.	Area / Village	Survey No. (ha)
1.	Tehsil Ghatiya	4.80 ha
2.	Village Nagda	2.120 ha
3.	Village Gunaya	Survey no. 4 - encroachment by way of cultivation
4.	Village Madhavgarh	Survey no. 100,136 and 60 ha. - encroachment on 1.60 ha
5.	Village Barkhedi Khalsa	Survey no. 1- encroachment on .85 ha by cultivation and agriculture use.
6.	Village Santdiya	Survey no.-232 encroachment on 1.26 ha
7.	Village Chakravdha	Survey no.-160 encroachment of 1 ha

15. Learned counsel for the State has submitted that in light of the order of this Tribunal the land in two times as directed in para 4 of the order dated 12.09.2023 has been handed over to the forest department for plantation and in this way the compensatory land has been allotted. It is further argued that the encroachment in the Village Ghattiya there are various residential constructions for more than 20 years and the forest department has submitted that the area is not suitable for plantation this land is revenue land and does not belong to the forest department.
16. The applicant in person attended the proceedings and submitted that the compulsory plantation must be done on the site which is of forest department and is now free from any encroachments. Accordingly, we are of the view that in place of construction of school the other suitable land has been allotted to the forest department and there is no need of removal of the school and further the residential construction which is more than 20 years on the revenue land is left to the decision of the Collector/ Revenue Authorities to proceed in accordance with law.

17. In view of the above facts, we direct as follows :-

- i. The Forest Department and a committee constituted (noted above) is directed to periodically monitor the plantation and its protection and survival from time to time, with geotagging of the plantation done and issue directions to implement the plantation and protections.
- ii. The committee is further directed to remove the encroachments under the supervision of the Collector, Ujjain and the area must be utilized for the plantation under the supervision of the Forest Department.

18. With theses directions **Original Application No. 94/2023 stands disposed of.**

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

03rd October, 2023
O.A No.94/2023(CZ)
PN



34

VAKALATNAMA



(Rule 4(1) of the Rules framed under the Advocate Act, 1961)
BEFORE THE NATIONAL GREEN TRIBUNAL,
CENTRAL ZONE BENCH, BHOPAL

EXECUTION APPLICATION NO. 09 OF 2024

Hakimuddin Hussain

.....Applicant/Decree Holder

//VERSUS//

State of Madhya Pradesh & Ors.

.....Respondent/Judgment/Debtor

I the Plaintiff/Applicant/Claimant/Petitioner/Appellant Or Defendant/Respondent/Non-applicant named below do hereby appoint, engage and authorize advocate (s) named below to appear, act and plead in aforesaid case/proceedings, which shall include applications for restoration, setting aside of ex-parte orders, corrections, modifications, review and recall of orders passed in these proceedings, in this Court or in any other Court in which the same may be tried/heard/proceeded with and also in the appellate revisional or executing Court in respect of proceedings arising from this case/proceedings as per agreed terms and conditions and authorize him/ them to sign and file pleadings, appeals, cross objections, petitions, applications, affidavits, or other document as may be deemed necessary or proper for the prosecution/ defense of the said case in all its stages and also agree to ratify and confirm acts done by him/ them as if done by me/us:

In witness whereof I/We do hereunto set my/our hand to these presents, the contents of which have been duly understood by me/ us, this 07th day of October, 2024 AT Bhopal.

Particulars (in block letters) of each Party Executing Vakalatnama

Table with 6 columns: Name, Registered Address, E-mail Address, Telephone number, Status in the case, Full Signature/Thumb Impression. Row 1: Hakimuddin Husain, R/o 25, Dadabhai Noroji Marg, Manakpura, Ujjain, (M.P.) - 456001, 975515-9991.

Particulars (in Block Letters) of each advocate accepting Vakalatnama.

Table with 6 columns: Full name & Enrollment No. in State Bar Council, Reg. No., Address for Service, E-mail Address, Telephone Number, Full Signature. Rows include Ankur Pastor, Shubhi Dubey, Rishabh Mishra, Ayush Bhardwaj, Mohit Soni, Mayuri Vani.