

**FACTUAL REPORT**

**Ref: Factual Report of Joint Committee in compliance to the Hon'ble NGT order dated 03/09/2024 in the matter of OA 892/2024 (PB)Mahendra Singh Mourya V/s State of M.P.: -**

Hon'ble NGT issued following instructions on dated 03/09/2024 in the matter of OA 892/2024 (PB) Mahendra Singh Mourya V/s State of M.P.: -

- “1. This Original Application has been registered in exercise of suomoto jurisdiction under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as ‘NGT Act, 2010’) on a letter petition dated 26.10.2023 sent by Mahendra Singh Mourya.*
- 2. Complainant has said that he is resident of Rajharsh, C-Sector Gharah Nirman Society, (96-B Revera Hills View Bunglow near BalmikPul, Kolar Road), Bhopal. The above society has been developed near Kaliya Sot river, just at a distance of 33 meters. The Builder-Vijay Gautam has carried out mining activities and constructed a metallic road from Balmiki Pul to Colony, in an illegal manner, causing damage to environment since within a distance of 33 meters from the river bank, no such construction could have been raised.*
- 3. In our view, allegations made in the complaint do give rise to a substantial question relating to environment arising out of the implementation of enactments mentioned in Schedule I of NGT Act, 2010. However, before taking any further action in the matter, we find it appropriate to obtain a Factual Report for which we constitute a Joint Committee Comprising District/Collector Magistrate, Bhopal; Madhya Pradesh Pollution Control Board; and Integrated Regional Office, Ministry of Environment Forest and Climate Change, Bhopal.*

4. *District Magistrate/Collector, Bhopal shall be the Nodal Agency for co-ordination and compliance of this order.*
5. *Above Committee shall visit the site, collect relevant information and submit a Factual Report within one month with Registrar General of this Tribunal.*

In compliance to the order of Hon`ble NGT dated 03/09/2024, a joint committee consisting of the following officials of the concerned department has been constituted: -

<b>S. No</b>	<b>Name of Department</b>	<b>Name of Committee Member</b>
1.	District Magistrate/Collector, Bhopal.	Shri Ravishankar Rai, SDM (Kolar), Bhopal.
2.	Madhya Pradesh Pollution Control Board, Bhopal.	Shri Brajesh Sharma, Regional Officer, RO, MPPCB, Bhopal
3.	Integrated Regional Office, Ministry of Environment Forest and Climate Change, Bhopal.	Dr. Yogesh Gairola, Technical Officer, MoEF&CC, Regional Office, Bhopal.

### **1. FIELD OBSERVATION:**

Joint committee conducted a site visit of Rajharsh, C Sector Grah Nirman Society situated in Village-Damkheda, Tehsil- Kolar, District- Bhopal and the the River Kaliyasot in its surrounding on dated 28/10/2024. The Joint Committee members Shri Ravishankar Rai, SDM (Kolar), Bhopal and Shri Brajesh Sharma, Regional Officer, RO, MPPCB, Bhopal visited the site. Following officials, Ms. Prakamya Tiwari, AE, RO, MPPCB, Bhopal, Shri Hariom Maheshwari, Assistant Director, Town and Country Planning Department, Bhopal, Shri Atul Sharma, Nayab Tehsildar, Ms. Ruchi Sharma,

Revenue Inspector, Shri Ankur Sahu, Patwari, Halka-Damkheda, Tehsil-Kolar, District- Bhopal were also present during inspection. The photographs are enclosed as **Annexure- I**. The Geographical locations, photographs and visual observations were recorded during inspection and the observations are as under: -

- 1.1. The society is called Rajharsh Grah Nirman Samiti located at Village-Damkheda, Tehsil-Kolar, District-Bhopal, Madhya Pradesh.
- 1.2. The geographical location of the site is latitude 23° 11' 21.2274" N and longitude 77° 24' 35.6754" E. The site is duly marked on Google image.
- 1.3. The waste weir channel (spill channel) of Kaliasote reservoir is located adjacent to Rajharsh Colony on its west side.
- 1.4. A bridge namely Walmi Bridge is constructed along the waste weir channel (spill channel) of Kaliasote reservoir.
- 1.5. The approach road of the Rajharsh colony is metallic road and passing through the Walmi Bridge.
- 1.6. The length of the metallic road from Walmi Bridge to main gate of Rajharsh Colony is approximately 290 meters.
- 1.7. The Kaliyasot Dam is on the North West side of the said society.
- 1.8. The Rajharsh colony is a residential colony and approximately 40 % plots are found constructed with houses. Colony is having a main entry gate and a temple constructed adjacent to that main entry gate of the society.
- 1.9. The site is surrounded with plantation on the both sides of the entry gate.

## **2. INFORMATION PROVIDED BY REVENUE DEPARTMENT, TEHSIL KOLAR, DISTRICT BHOPAL:**

- 2.1. Information of land record of Rajharsh colony and its surrounding is provided by the Revenue Department, Bhopal vide letter dated 28/10/2024 along with a KML. The KML file is showing the River Kaliyasot and the khasra nos' of the Rajharsh colony and its surrounding areas. Copy of the letter is enclosed as **Annexure II**. The KML file is shown on Google Earth Pro and enclosed as **Annexure III**. The main points of the information as per revenue record are as under: -

- 2.1.1. The approach road from Walmi Bridge to Rajharsh Colony is constructed on Khasra 28 and Khasra 31 as per the current revenue records of village Damkheda, Tehsil- Kolar, District Bhopal.
- 2.1.2. The Khasra no. 28 is having area of 20.30 hectares and Khasra no. 31 having area of 6.07 hectares for the construction of Kaliyasot Canal by MP Government.
- 2.1.3. The waste weir channel (spill channel) is constructed parallel to the approach road from Walmi Bridge to colony and is built on a part of Khasra no. 25,26,27,36,37,21, 29, 30.
- 2.1.4. The Rajharsh Grah Nirman Samiti, Village-Damkheda, Tehsil-Kolar, District-Bhopal is on Khasra No 29 with area of 5.680 Hectares.
- 2.1.5. The waste weir channel (spill channel) is located on the East side of the society and parallel to south boundary of colony.
- 2.1.6. The KML file is showing the path of River Kaliyasot as per revenue record.
- 2.1.7. As per the KML file, the east side boundary of the Rajharsh colony is the nearest from River Kaliyasote and which is measuring approximately 80 Meters away from River Kaliyasot as per Google Earth Pro web application (Imagery date 15/06/2024).
- 2.1.8. As per the KML file, the metallic road from the main gate of Rajharsh colony is nearest to River Kaliyasot and which is measuring approximately 435 Meters away from River Kaliyasot as per Google Earth Pro web application (Imagery date 15/06/2024).

### **3. SIMILAR MATTER IN OA 209/2024 (CZ):**

It is humbly submitted, that a similar matter is listed in Central Zone “OA 209/2024 (CZ) Mahendra Singh Mourya & Ors. V/s State of Madhya Pradesh & Ors.” regarding the unauthorized construction from Walmipul, Kolar Road to the colony, raising gate within the 33 meters of radius, mining stone soil and gravel from the Kaliyasot River. The colony mentioned in this matter is the same Rajharsh Colony which is addressed in OA 892/2024 (PB) as well. The petition is pending before the Hon’ble

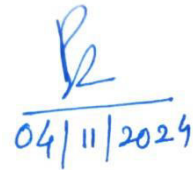
Court and listed for hearing on dated 14/11/2024. The copy of the order is enclosed as **Annexure IV**.

#### **4. OBSERVATIONS OF THE JOINT COMMITTEE:**

- 4.1. As per the revenue record and the KML file showing the geographical locations on Goole Eart Pro web application, the east side boundary of the Rajharsh Colony at Village-Damkheda, Tehsil-Kolar, District-Bhopal, Madhya Pradesh is nearest to River Kaliasote and measuring a distance of approximately 80 meters from River Kaliyasot.
- 4.2. The metallic road from the main gate of Rajharsh colony is nearest to River Kaliyasot and which is measuring approximately 435 meters away from River Kaliyasot.
- 4.3. In light of above, it is humbly submitted that as per the available revenue record the Rajharsh colony at Village-Damkheda, Tehsil-Kolar, District-Bhopal, Madhya Pradesh and its metallic approach road is located away from the 33 meters restricted area.



**Ravishankar Rai,**  
SDM (Kolar),  
Bhopal.



**Brajesh Sharma,**  
Regional Officer,  
MPPCB, Bhopal.

**Inspection Photographs in OA 892/2024 (PB)  
dated 28/10/2024**



प्रति,

श्रीमान् अनुविभागीय अधिकारी महोदय,  
तहसील कोलार, जिला भोपाल

विषय :- वाल्मी पुल से राजहर्ष तक निर्मित रास्ते की वस्तुस्थिति के संबंध ।

संदर्भ :- माननीय न्यायालय एन.जी.टी. प्रिंसीपल बेंच नई दिल्ली के प्रकरण क्रमांक 0892/2024 के संबंध में।

महोदय संदर्भित विषयांतर्गत निवेदन है कि ग्राम दामखेडा प.ह.न. 16 तहसील कोलार जिला भोपाल स्थित वाल्मी पुल से राजहर्ष कालोनी तक पहुँच मार्ग निर्मित जो कि ग्राम दामखेडा प.ह.न. 16 तहसील कोलार के वर्तमान राजस्व खसरा अभिलेख अनुसार खसरा नम्बर 28 एवं खसरा नम्बर 31 पर निर्मित है।


उपरोक्त खसरा नम्बर की भूमि ग्राम दामखेडा प.ह.न 16 तहसील कोलार के वर्तमान राजस्व खसरा अभिलेख में खसरा नम्बर 28 एवं खसरा नम्बर 31 रकबा क्रमशः 20.300 हे0 एवं 06.0700 हे0 कैफियत म.प्र. शासन कलियासोत केनाल निर्माण हेतु के रूप में दर्ज है।

उपरोक्त वाल्मी पुल से राजहर्ष कालोनी तक निर्मित पहुँच मार्ग के समानांतर कलियासोत बांध का बेस्टवियर चैनल (स्पिल चैनल) निर्मित है। जो कि खसरा नम्बर 25, 26, 27, 37, 36, 31, 29, 30 के अंश भाग पर निर्मित है।

उक्त खसरा नम्बर ग्राम दामखेडा प.ह.न 16 तहसील कोलार के वर्तमान राजस्व खसरा अभिलेख में निम्नानुसार दर्ज है :-

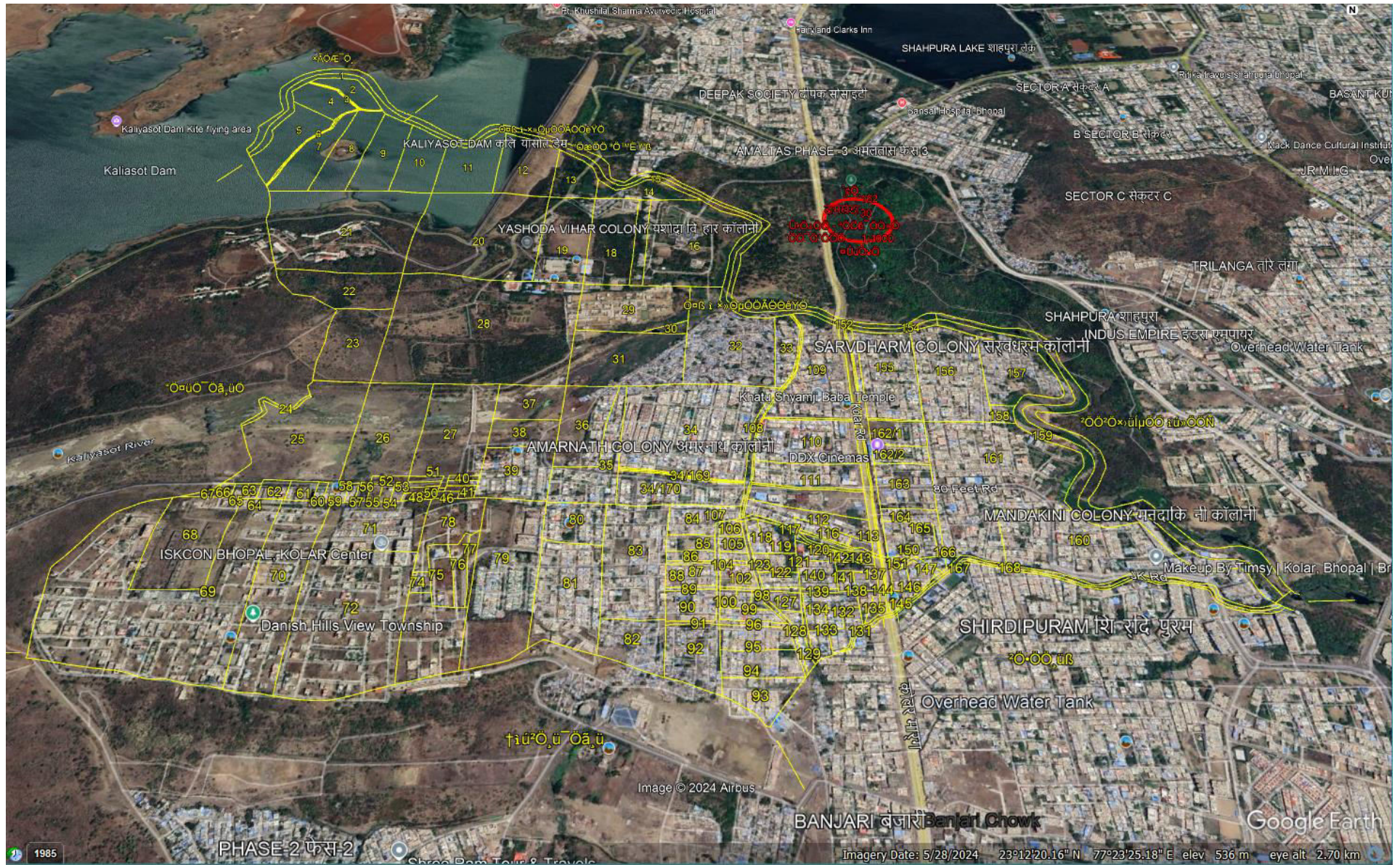
क्रं	खसरा नम्बर	रकबा हेक्टेयर	भूमिस्वामी का नाम
1	25	7.7100	म.प्र. शासन कलियासोत केनाल निर्माण हेतु
2	26	5.32000	
3	27	5.3800	
4	37	2.0200	
5	36	3.3500	
6	31	6.0700	
7	30	0.3800	
8	29	5.6800	राजहर्ष गृह नि.समि.मर्या.अध्यक्ष वी.एस.वाजपेई जी.एस.वाजपेई पता दामखेडा कोलार भोपाल मध्यप्रदेश निजी संस्था रजिस्टार सहकारी समिति की अनुमति के बगैर अहस्तान्तरणीय

अतः महोदय माननीय न्यायालय एन.जी.टी. प्रिंसीपल बेंच नई दिल्ली के प्रकरण क्रमांक 0892/2024 के संबंध में वर्तमान मौका स्थल एवं राजस्व अभिलेख की वस्तुस्थिति का प्रतिवेदन महोदय की ओर उचित कार्यवाही हेतु सादर प्रस्तुत है।

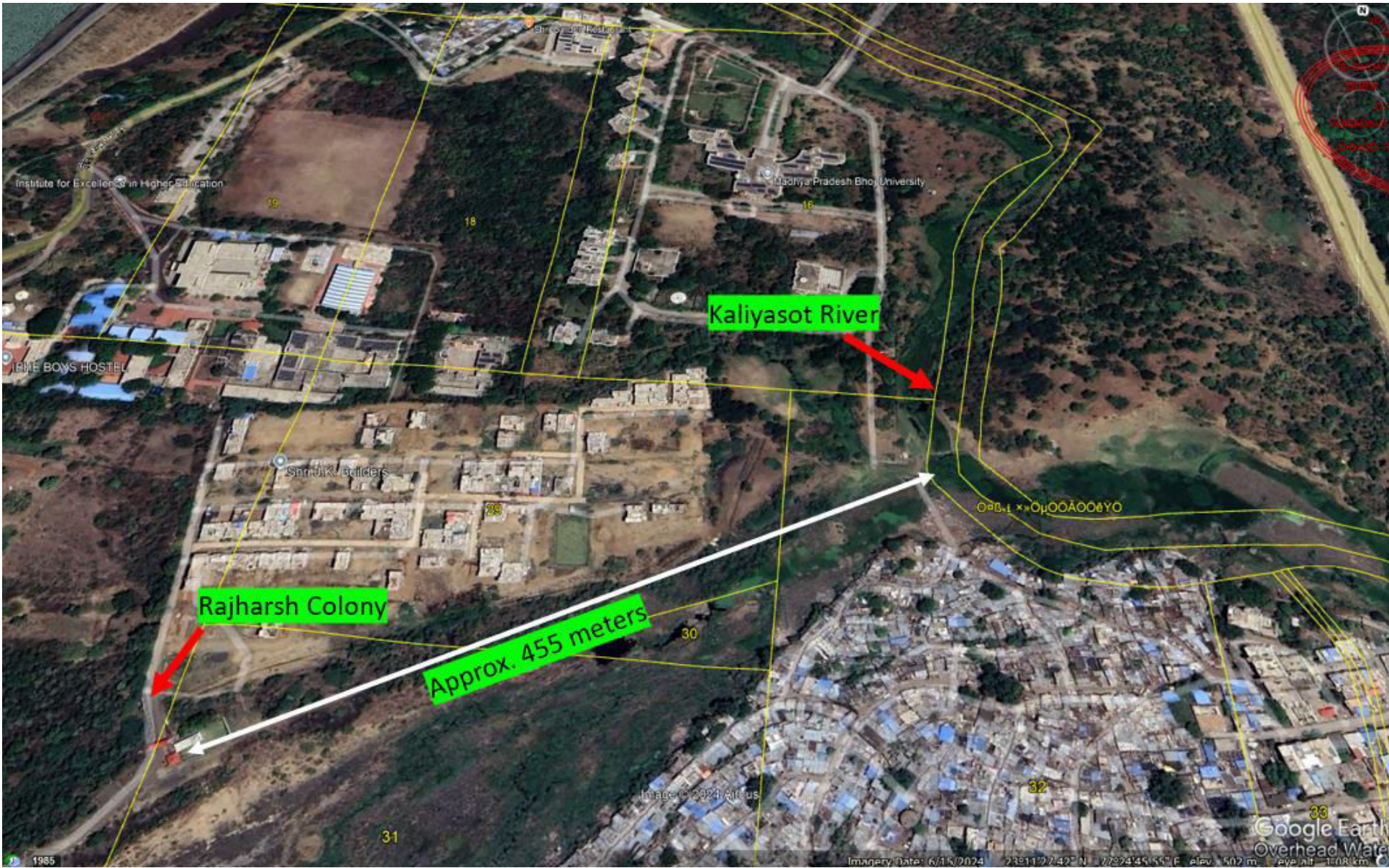
  
**राजस्व निरीक्षक**  
 तहसील कोलार जिला भोपाल

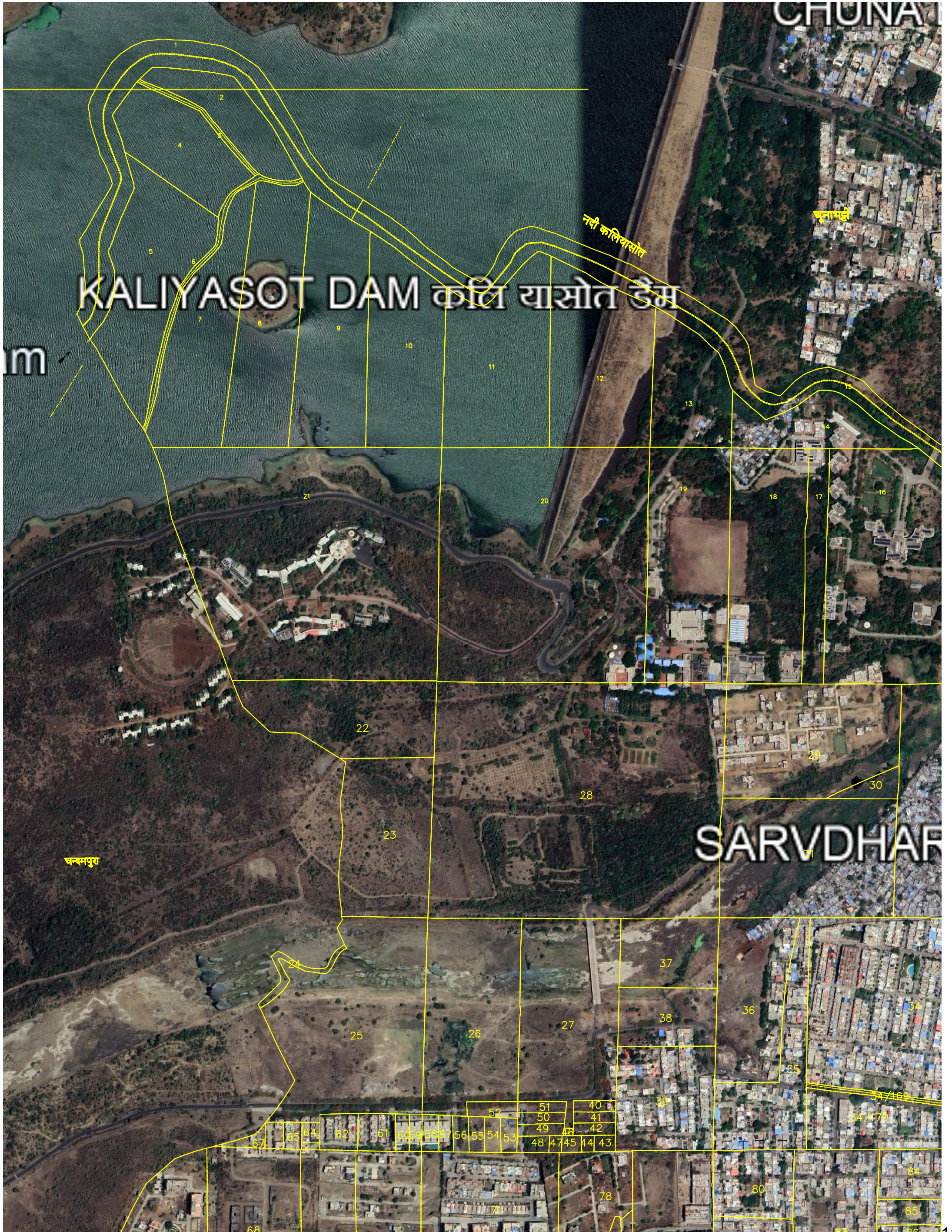
संलग्न :- सुलभ संदर्भ हेतु उपरोक्त उल्लिखित खसरा नम्बरों की खसरा एवं नक्शा नकल प्रतिवेदन के साथ संलग्न है।

Google Earth Map showing KML file in OA 892/2024









Item No. 02

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

**Original Application No.209/2024(CZ)**

Mahendra Singh Maurya & Ors.

Applicant (s)

Vs.

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing: **05.09.2024**

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

For Applicant (s):           None

For Respondent(s):

**ORDER**

1. Issue raised in this application is illegal mining by the builder Vijay Kumar Gautam within 33 mtrs. of the river and raising the unauthorised construction from Valmipur, Kolar Road to the colony, raising gate within the 33 mtrs of radius, mining stone soil and gravel from the river, discharging the sewage into the kaliyasot river in violation of environmental rules polluting the water body.
2. A substantial issue of environmental has been raised.
3. In view of the above, following persons should be impleaded as party respondent:
  - i. State of Madhya Pradesh through District Collector, Bhopal, M.P.
  - ii. Member Secretary, Madhya Pradesh Pollution Control Board, Bhopal, MP.
  - iii. The Commissioner Cum Director of the Town and Country Planning (TNCP) Directorate in Bhopal, Paryavaran Parisar, E-5, Arera Colony, Bhopal, Madhya Pradesh
  - iv. The Commissioner, Bhopal Municipal Corporation, 2nd Floor, A Wing, ISBT Campus, Dr. Ambedkar Marg, Bhopal, M.P.
  - v. The District Mining Officer, Directorate of Geology and Mining, Khanij Bhawan, Arera Hills, Bhopal.
  - vi. Mr. Vijay Kumar Gautam, Builder

4. Issue notice to the respondents. Returnable within four weeks.
5. Applicant/Registry is directed to take necessary steps for service to the respondents by both ways and also on available email.
6. Respondents are directed to submit their reply within six weeks through e-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
7. In view of the circumstances, we constitute a Joint Committee consisting the following members to visit the site and submit the action taken report.
  - i. One representative from the Commissioner-cum-Director, Town and Country Planning, (M.P.)
  - ii. One representative from the Madhya Pradesh State Pollution Control Board
8. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
9. Registry/ Applicant is directed to supply the required documents and copy of the application to the committee and respondents within a week.
10. The report in the matter be filed by the Committee through email at [ngtczbbho-mp@gov.in](mailto:ngtczbbho-mp@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on **16<sup>th</sup> October, 2024.**

**Sheo Kumar Singh, JM**

**Dr. Afroz Ahmad, EM**

5<sup>th</sup> September 2024  
Original Application No.209/2024(CZ)  
K

Item No.5

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

**Original Application No. 209/2024(CZ)**

Mahendra Singh Maurya & Ors. Applicant (s)

Vs.

State of Madhya Pradesh & Ors. Respondent(s)

Date of Hearing: **16.10.2024**

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

For Applicant (s): Mr. Mahendra Singh Maurya, Adv.

For Respondent(s): Mr. Prashant M. Harne, Adv.  
Ms. Disha Chouksey, Adv. along with  
Ms. Gunjan Chouksey, Adv.  
Mr. Pranjal Pandey, Adv. on behalf of  
Ms. Parul Bhadoria, Adv.

**ORDER**

1. Learned Counsel for the state sought a short time to file the reply.  
Rest of the respondents are directed to submit their reply before the next date of listing.
2. List it on **14<sup>th</sup> November, 2024.**

**Sheo Kumar Singh, JM**

**Dr. A Senthil Vel, EM**

16<sup>th</sup> October 2024  
O.A. No. 209/2024 (CZ)  
K