

Inspection Report

of

Committee

In the Matter

of

**Original Application No.145/2023 (CZ)
Bhagwati Gandhe Vs State of Madhya Pradesh & Ors.**

in compliance of

**Hon`ble National Green Tribunal [Central Bench]
Bhopal order dated 16.10.2023**

Date of Visit: 23rd November, 2023

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Report

Report in the Matter of OA No. 145/2023 (CZ) (Bhagwati Gandhe V/s State of Madhya Pradesh & Ors) in compliance of the order issued by Hon'ble NGT, Central Bench, Bhopal on dated 16/10/2023

Background :

1. A letter petition has been moved by Smt. Bhagwati Gandhe W/o late Shri Ramchandra Gandhe, R/O 188, Panchwati Nagar, Airport Road, Indore (M.P.) with affect that her neighbour Shri Daluram R/O 189, Panchwati Nagar, Gali No. 3, Airport Road, Indore (M.P.) has made the illegal encroachment over the public land and regularly by way of plastic waste and smoke causing air pollution adversely effecting her health and life.
2. She further alleged that the trees standing on public land are being destroyed by the respondent Daluram and inspite of the complaint to the Police Station, no action has been taken by the authorities concerned and therefore the petition has been submitted to Hon'ble NGT.

Hon'ble NGT has constituted a committee consisting of :

- i. One representative from Collector, Indore (M.P.)
- ii. One representative from State Pollution Control Board,(M.P.)

And Committee has been directed to visit the place examine the facts and take remedial measures and submit the factual and action taken report.

In compliance of aforesaid directions of the Hon'ble NGT, MPPCB Bhopal and Collector Indore has nominated following Officers in the Joint Committee :

- i. Sub Divisional Magistrate Malharganj, Indore
- ii. Regional Officer, MPPCB Indore

As per the directions of Hon'ble NGT following Officer has visited the place on dated 23/11/2023 to verify the facts :

- i. Shri S.N. Dwivedi Regional Officer, MPPCB Indore
- ii. Shri Omkar Managare, Nayab Tehsildar, Malharganj
- iii. Shri Sanjay Jain, Scientist, MPPCB Indore
- iv. Shri Arun Tiwari, Revenue Inspector, Panchwati Area
- v. Shri Pawan Sharma, Patwari, Panchwati Area

During inspection Smt. Bhagwati Gandhe and Shri Daluram were present. A Panchnama during inspection was prepared, copy of which is enclosed as **Annexure-1**.

Observations during inspection :

1. The applicant Mrs. Bhagwati Gandhe resides at house number 188, Panchvati Nagar, Street Number 3, Indore, her house is built on the ground floor and first floor. Mr. Daluram resides in house number 189, Panchvati Nagar, Street Number 3, Indore, on the left side of the house of Mrs. Bhagwati Gande, his house is also built on the ground floor and first floor. Smt. Bhagwati Gandhe and Shri Daluram are neighbour of each other. Other houses on the same line are also located. Width of Gali/Concrete Road is approx 10-15 feet and on both sides of the road, houses are built and all the houses are in row touching to the road. No space is available in between road and houses.
2. The house of the complainant Smt. Gandhe and Shri Daluram is on private land. Since their houses are in the same line on the road, there is no evidence of encroachment made by Shri Daluram.
3. There is a tree standing in front of Daluram's house which is very close and touching to Daluram's house wall. The branches of the tree spread towards Daluram's house. The branch of the tree towards inside of his house wall was pruned by Shri Daluram. Shri Daluram has submitted copy of application submitted to Municipal Corporation

Indore dated 07.12.2020 along with other neighbour stating with to prune the branches of the tree which were spreading over the nearby houses and electricity line. Copy of the application submitted to Municipal Corporation Indore was provided during inspection by Shri Daluram, which is enclosed for perusal. **Annexure-2**.

4. A line map and google map is enclosed for perusal, which shows the locations of the houses and the tree. **Annexure-3 & 4**.
5. Photographs of tree and houses taken during inspection are also enclosed as **Annexure-5**.
6. Complainant has mentioned in complaint that Shri Daluram regularly burns plastic waste which causes smoke and air pollution in her house. It was asked by Shri Daluram but he denied to burn any plastic waste in his house. During inspection the Committee has not observed any plastic waste in Shri Daluram house inside also. Therefore, burning of plastic waste was not found.

Conclusion :

1. There is dispute between both neighbour persons Smt. Bhagwati Gandhe and Shri Daluram regarding cutting of tree branches. This is stated that the tree is in front of the Shri Daluram house adjacent to the road and touching with the wall of Shri Daluram house. Some branches of the tree are spreading inside the house of Shri Daluram and a branch was observed pruned or cut, which was going inside the house.
2. The tree is already in existence and its height is about 40-45 feet spread over the road.
3. The tree is neither on the land of the applicant Smt. Bhagwati Gandhe nor in front of her house.
4. Both the houses are located on private land and no encroachment was observed since outer wall along the road of the house is on the same line of other houses of the colony.
5. The complaint regarding abusing to Smt. Bhagwati Gandhe by Shri Daluram, Shri Daluram has stated during inspection that he never

- abused her while the complainant Smt. Bhagwati Gandhe abused him many times but he never made complaint to the authorities.
6. The complaint is not concerned with environmental issues as the tree has not been cut by Shri Daluram, only those branches have been pruned which were spreading inside his house. The tree is already in existence.
 7. There is personal dispute between two neighbours Smt. Bhagwati Gandhe & Shri Daluram, which may be solved by the local police/administration.

Enclosed : Annexure 1 to 5



(Sanjay Jain)
Scientist
MPPCB, Indore



(Omkar Managare),
Nayab Tehsildar,
Malharganj Indore



(S.N. Dwivedi)
Regional Officer,
MPPCB, Indore



(Om Narayan Singh)
Sub Divisional Magistrate
Malharganj Indore

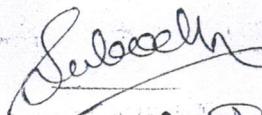
हम निम्न हस्ताक्षर कर्ता इस प्रकार लिखा देते हैं,
 ग्राम-सुल्काखेड़ी तह. मल्हारगोव जिना-हैदरे के अंतर्गत
 ग्राम-सुल्काखेड़ी की प्राथमिक भावती मंघे परी समुच्चय
 ने कले. महोदय को पुरीजी के द्वारा सरकारी गोकुल की भूमि
 में अवैध अतिक्रमण व वृक्ष के संबंध में आवेदन पर विधा
 गया है, जिसके संबंध में मौका स्थल पर मापन तहसीलदार
 एवं शजहन नियामक हल्का पटवारी व म.प्र. प्रदूषण नियंत्रण बोर्ड
 क्षेत्रीय अधिकारी व स्टाफ मॉडे पर उपस्थित हुए तथा मॉडे
 पर शिकायतकर्ता भावती मंघे व आवेदक डालूराम
 की उपस्थिति में नाच की गई, तथा मॉडे पर खजपुत्रे
 21/11/20 ग्राम सुल्काखेड़ी खजपुत्रे 2-485 में शिकायतकर्ता व
 आवेदक मणों का मकान बना है शिकायतकर्ता के अनुसार
 सरकारी गोकुल पर कब्जा किया है परंतु मॉडे पर शिकायतकर्ता
 व पुरीजी डालूराम का मकान निजी भूमि पर है मॉडे पर
 कालोनी का रास्ता है जिस पर वृक्ष खड़ा है जो डालूराम के
 मकान के सामने व दीवार से सटा है। मकान में उपर की
 तश्तु डालियां चूकी हुई थी जिससे मकान की स्तंभियों में
 जाने में बाधा होती थी, जिसे दिनांक 07/11/20 को नगरपालिका
 आवेदन देकर घेयर्ड कवाई गई। प्राथमिक भावती द्वारा
 शाना उपकारी एरोडम व डी.पी.पी. एरोडम व नगर निगम क्षेत्र
 कूल उपकारी अधिकारी को शिकायती आवेदन प्रस्तुत किया है,
 मॉडे पर खड़े वृक्ष की प्रजाति सात नहीं है, वृक्ष लगभग 40-45
 फुट अंचाई का है। वृक्ष दीवाल से सटे होने के कारण आवेदक
 के मकान को प्रभावित करने की संभावना प्रतीत है।
 भूमि शासकीय नहीं है, आवेदक द्वारा शाना
 उपकारी एरोडम को प्रस्तुत आवेदन में गैररी में लाबिक तार
 जमाना व धुआं होने से परेशान करने की शिकायत

मै प्रॉब्लेम पर कोई तथ्य/जमान नहीं पाये गये
पंचनामा सिधा व पदकर खुनाया गया

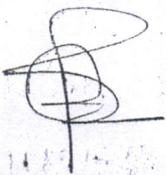
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भारवती मेले


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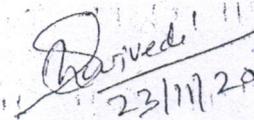

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184 Panchwadi
nager

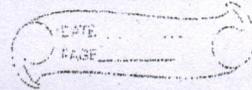
श्रीशा वमा




23/11/23
S.K. Jais
P.O., MPPCB
Indore


श-ज - अक्षय
23/11/23
कोमल वमा
म.प. महाराष्ट्र


23/11/2023
(S.A. Divedi)
Regional officer
MPPCB Indore



श्री मान मुख्य अधिकारी

दि. 7/12/2020

सदस्य

हथानी विभाग-नगर निगम-

हन्ना

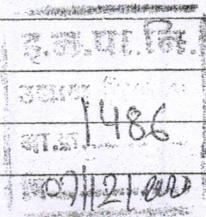
विषय -> पेड़ की कटाई (हटाई) करने का पत्र ।

श्रीमान,

उपरोक्त विषयान्तर्गत निवेदन करने वाले वारे हम समस्त रहवासी पंचवटी नगर एरोडम रोड गली नं. 3 कुंठवाली गल्ली के लु घना पेड़ हो रहा है जिससे बरतों के उपर आ रहा है एवं बिजली की रईग के उपर भी पेड़ की रहनियां लटक रही है जिसके कारण लुघी का कोई ज्ञान हावी हारसा हो सकता है।

आतः श्रीमान को हम समस्त रहवासी निवेदन करते हैं की उक्त पेड़ की हटाई/कटाई करने का कार्य जल्द ही उदाय करने की हुमा करें।

धन्यवाद ।



पार्थिव
रहवासी

[Signature]

अभिमान असेरा

राजेश

एफ

रहवासी

मा. नं.

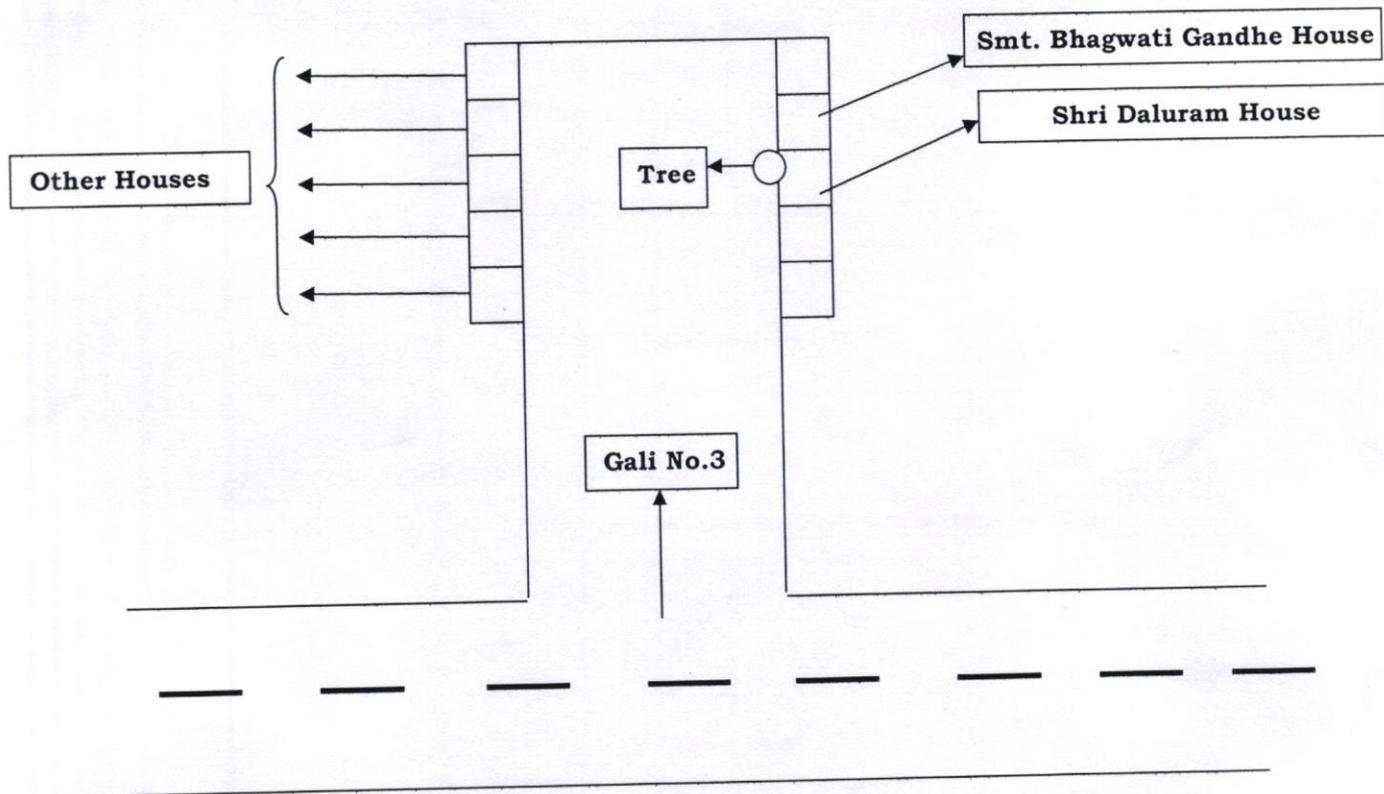
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श्री. प्र. राम वर

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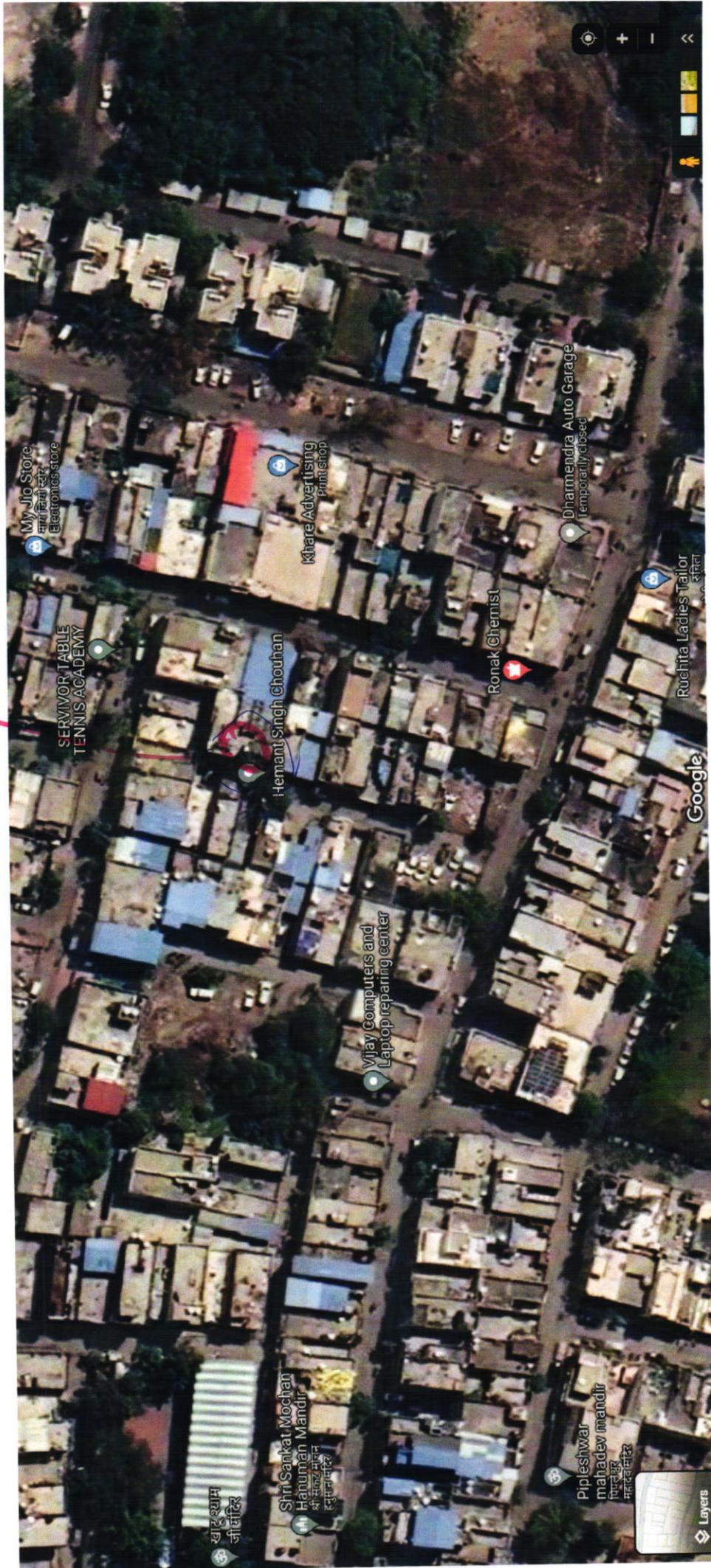
पता नं. 20/22 चं. च. वली नगर 576221 म. म.

Line Map Panchwati Nagar, Indore



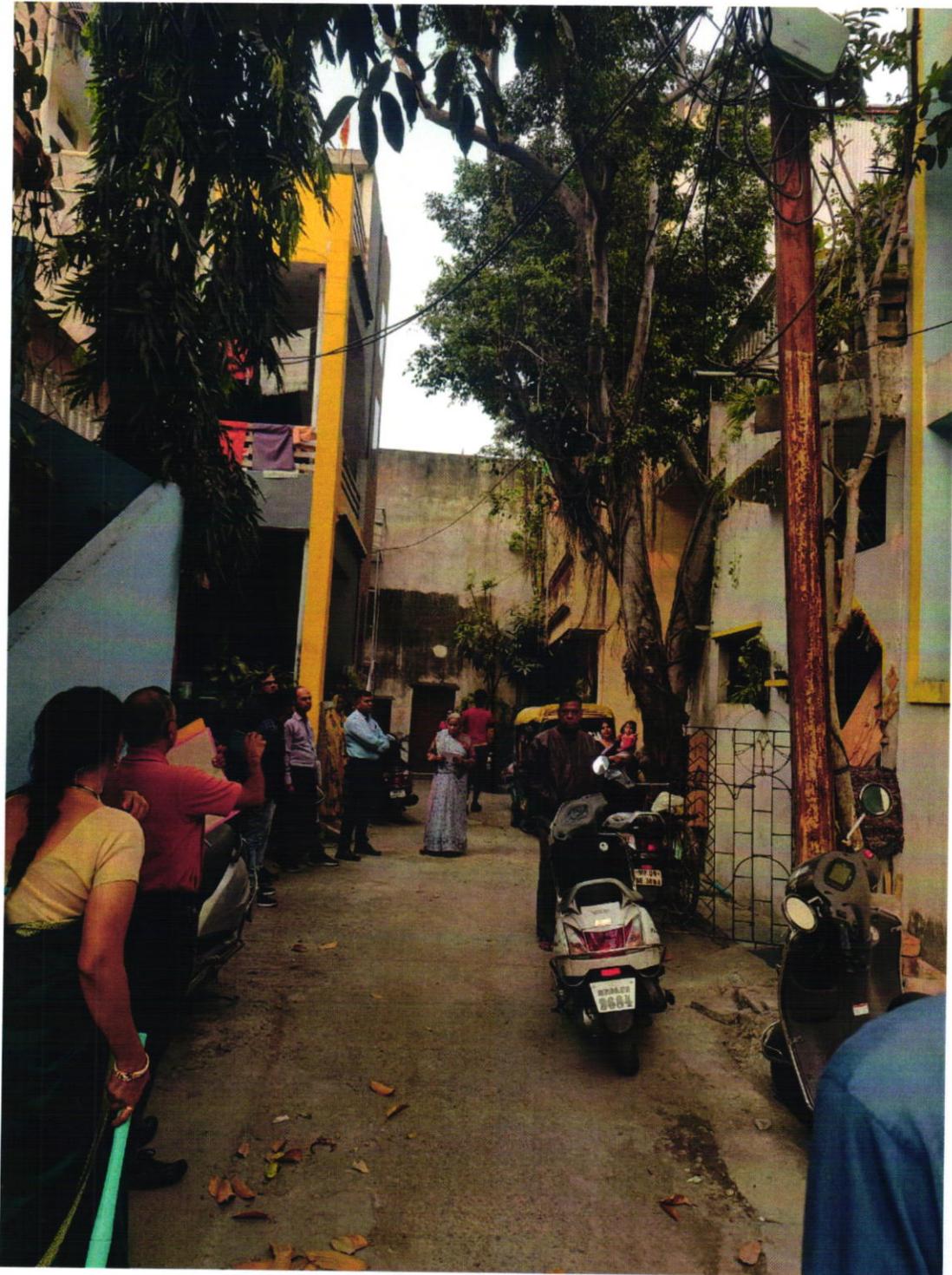

S.K. Jain
Sri, MPPCA

House of Bhagwan Gandhi & Shri Dalaram
Ranchurahi Nagar
Street no 03,
Indore

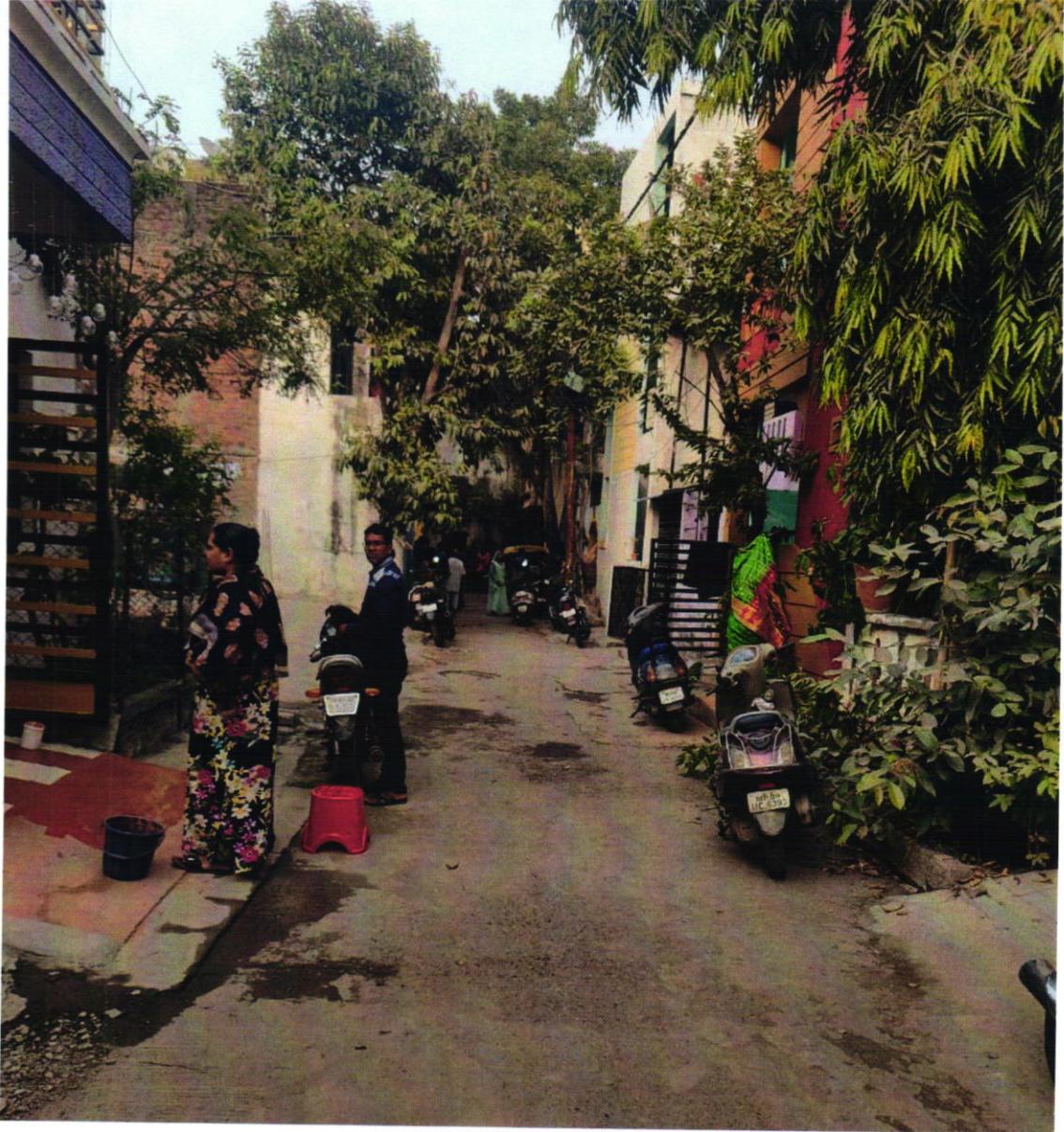


Ann-4

Photographs taken during inspection



Location of Tree and houses in Gali No. 3, Panchwati
Nagar, Indore



Location of Tree and houses in Gali No. 3, Panchwati
Nagar, Indore



Indore, Madhya Pradesh, India
32, Panchvati Nagar, Indore, Madhya Pradesh 452005, India
Lat 22.726887°
Long 75.833337°
23/11/23 04:23 PM GMT +05:30

Tree & Houses of Smt. Bhagwati Gandhe & Shri Daluram



Houses of Smt. Bhagwati Gandhe & Shri Daluram and Tree in front & touching with wall of Shri Daluram's house



Tree in front of Shri Daluram's house



Tree branch spreading inside of Shri Daluram's house,
which was pruned.