

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No.595 / 2022

In the matter of : -

Sarita Singh ... Applicants

Versus

State of UP & Ors. ... Respondents

**REPORT ON SITE INSPECTION CONDUCTED BY
THE AMICUS CURIAE ON 15.10.2025 IN THE
PRESENCE OF THE APPLICANT, OFFICERS OF
UPPCB, DISTRICT ADMINISTRATION & FOREST
DEPARTMENT.**

THE BACKGROUND

1. The instant O.A has been instituted on the basis of a Letter Petition dt. 26.11.2022 written by Ms. Sarita Singh, Pradhan, Gram Panchayat, Nangla Gosain, Block Parikshitgarh, Tehsil Mawana, District Meerut, U. P. In her complaint she has alleged encroachment on the land of the Lake, Forest, Wildlife Sanctuary, all falling in Village Nangla Gosain, Block Parikshitgarh, Tehsil Mawana, District Meerut, U. P., thereby affecting bio-diversity and environment, in connivance with the concerned Lekhpal of the Village officials of the Tehsil and despite complaint no action has been taken by the concerned authorities. She has prayed that the land may be got vacated and action be taken against the concerned officials.

COGNIZANCE BY HON'BLE NGT

2. By the Order dt. 19.9.2022, this Hon'ble Tribunal has been pleased to constitute a Joint Committee, comprising of U.P. P.C.B., Divisional Forest

Officer and DM, Meerut, to examine the grievance, visit the site, verify the factual position and submit a Report within one month. By the same Order, the State of U.P., DFO, Meerut, UPPCB and DM, Meerut were impleaded as Respondent Nos.1 to 4.

FINDINGS IN THE REPORT OF THE JT. COMMITTEE

3. The said Committee, based on site inspection, submitted its report through the R.O., UPPCB, Meerut, the findings whereof are as under:

(i) The Khasra wise area and land use is as under :

Khasra No.	Area (in hectares)	Comments of the Committee
583M	0.4050	Forest.
569M	39.1150	Bengali Basti (which falls under forest area).
572M	14.8840	Bengali Basti (which falls under forest area).
571/1/1M	1.9600	Partially under cultivation.
600M	14.0620	Partially under cultivation.
607/2/1M	0.0250	Partially under cultivation.
624M	0.1770	Partially under cultivation.
602M	0.6320	Vacant.
622M	0.2280	Vacant
Total Area	71.4880 hect.	

(ii). the above 9 nos. of khasras, as per the Revenue record, is reported to be a Lake (Category 06/1).

(ii). there is a Bengali Basti for the last 40 years who are also cultivating the on the area for their livelihood.

- (iv). Khasra No 538 (area 0.4050 hect) is found to be Forest area.
- (v). any type of agriculture or housing "could not be allowed" and for rehabilitation, some other suitable place would have to be found out.

A site Map has been annexed to that Report. In this Report, names of 70 persons along with father's name and age, residing in the Bengali Basti has been stated.

APPOINTMENT OF AMICUS CURIAE

4. Subsequently, this Hon'ble Tribunal, considered it appropriate to appoint the Amicus to assist the Tribunal.

5. In compliance of the directions passed by the Hon'ble Tribunal to conduct site inspection, intimation of site inspection by the undersigned, with the help of R.O. UPPCB, Meerut was given to the Applicant, the Office of the concerned SDM and Tehsil, the Forest Department requesting then to make themselves available for site inspection in their presence on 15.10.2025, around noon. Accordingly on 15.10.2025, the following were present :

- (i). The Applicant, Smt. Sarita Singh, alongwith her husband;
- (ii). Sh. Bhuwan Prakash Yadav, R.O. Meerut, UPPCB
- (iii). Sh. Santosh Kumar Singh, S.D.M. alongwith his subordinate officials from Tehsil;
- (iv). Ms. Anshu Chawla, S.D.O. (Forest), Meerut alongwith Sh. Nirankar Singh, Ranger and Sh. Vinod Singh Sajwan, R.O. Parikshit Garh.
- (v). A number of persons claiming to be residents of the "Bengali Basti" had also come over and joined the site visit.

6. The site inspection has been conducted in the presence of the persons mentioned above. All vehicles were left at the metalled road and every one had walked to the site in question.

7. On the basis of site inspection, the following factual situation has emerged :

(i). The area under inspection falls on two sides of a broad kuchha raasta which starts somewhat perpendicular to the metalled road running alongside the Middle Ganga Canal and then meanders. The area is slightly away from the metalled road.

(ii). Area on the RIGHT SIDE of the Kuchha Raasta :

(a). On this side is situated the "Bengali Basti", right adjacent to the Kuchha Raasta. A bare look reveals development of a virtual colony. Inside the Basti, approach to the houses, at most of the places is laid with interlocking tiles. (Pls see Photograph No. 1, 2 and 3).

(b). Most of the houses are pucca construction with plastered brick walls, proper flooring and roof. (Pls see Photogrpah Nos. 4 TO 13). They also have a proper built up rooms, kitchen, bathing area and toilet.

(c). Most of the houses, apart from pucca construction, have interlocking tiles laid within the courtyard which is an area enclosed by means of hedging / green, thus, clearly demarcating the area of one house from another. (Pls see photograph nos.2, 5, 10 and 15)

(d) Most of the houses were visibly occupied with residents. (Pls see Photograph No.2, 3, 4, 5, 7, 9, 10, 11, 12, 13 and 15).

(e). Within the courtyard of some of the houses, Motor cycle was found to be parked. (Pls see photograph nos. 2 and 15).

(f). However, adjacent to Kuchha Raasta, just a couple of houses appeared to be vacant / locked.

(g) The Applicant alleged that some of the residents of the “Basti” have been indulging in sale purchase of houses. However, the undersigned would abstain from commenting on the same as it beyond the scope of site inspection.

(h). Electricity poles are found to laid with overhead wires alongside and within the Basti. Some of the houses were also found to be having solar panel erected on poles (Pls see photograph nos. 16 and 17). In one of the house an electric meter was visible. (Pls see photograph nos 18)

(i). Dish Antennae were noticed in some of the pucca houses. At least in one house where the door was open, a wall mounted Television was visible. (Pls. see Photograph No. 11).

(j). On the other side of the houses, there was large expanse of vacant flat land, without any construction, which is capable of cultivation. However, that area, at the time of inspection, appeared to be somewhat marshy, having very shallow water. Beyond this area, banana plantation was found to be standing at a slightly higher terrain alongwith some cultivation / grass which was incapable of identification from a distance. That area was incapable of being accessed by foot as there was shallow water in-between. (Pls see Photograph Nos. 19, 20, 21). However, on the day of inspection, on the other side of the houses / Basti, no cultivation on the land immediately adjacent to the houses, was noticed.

(k). At one place, some building appears to be planned and under construction as there are standing RCC columns and beams. (Pls see Photograph No. 8 and 14).

(l). On certain portion of the land adjacent to the Basti, the area was fenced and having tree plantation. These trees were identified by the officers of the Forest Department as "Popular". The Officers of the Tehsil and Forest department further informed that these trees were standing on enclosed private patta land which enclosed area was outside the encroached land (Pls see Photograph No. 22).

(m). In order to maintain the right to privacy of the occupants, it was ensured that no portion of the constructed area – rooms, verandah etc., within the constructed area, was entered into by anyone during the visit.

(iii). Area on the LEFT SIDE of the Kuchha Raasta appeared to be visibly larger in size, though no measurements were taken as the same would be a tedious effort. None demanded taking of measurements either.

(a). On this side, the area is in different flatted levels. A part of the area was still inundated with shallow rain water. The remaining portion, where the land is at a comparatively higher level, was having a few shrubs and tree saplings.

(b). No standing crops / cultivation was found on this side.

(c) The officers of the Forest Department informed that earlier this large area was under cultivation but they had removed the same and are ensuring that the area is not put under cultivation. They also proposed to plant suitable vegetation / trees.

NEED FOR FURTHER SURVEY WITH MEASUREMENTS & REPORT FROM THE DISTRICT ADMINISTRATION AND FOREST DEPARTMENT.

8. The Tehsil staff, the Lekhpal in particular, informed that for calculating the area under occupation as a "Basti" they had taken into account the actual constructed area and the same does not include the area being used as a courtyard / within the boundary of each house, demarcated by temporary fencing / hedging / green, as noticed earlier.

9. It is observed that the open green area on the other side of the house appears to be accessible by the concerned house. Therefore, this area, though without any standing crops, as also the slightly far away area where there is a mango grove with visible Banana plantation and some medium height plants, which on the date of inspection was inaccessible, also possibly appears to be under the control of the residents of the "Basti". This area needs to be demarcated, measured and necessary plantations made by the Forest Department or District Administration, as the case may be.

10. The exact area under occupation by each house and the total area of the "Basti" be got measured by a drone. This would be relevant as this area spreads over several acres and it continues to be visibly encroached. If after due verification no person is found to be residing in any house, then possession thereof be resumed by the Administration. The District Administration and / or the Forest Department, in whose jurisdiction the area falls, may be directed to verify this factual position and then place on record the total area which is still under encroachment on the left side of the Kuchha Raasta. It needs to be ensured that after survey, no further construction, whether of temporary or permanent nature, be allowed to come up.

11. The relocation of the residents of the "Basti" merits to be expedited by the Administration as the case has been pending before this Hon'ble

Tribunal since the year 2022. It is obvious that with passage of time the number of residents of the "Basti" would have and continue to increase further.

12. This Report is submitted for kind consideration of this Hon'ble Tribunal.

16.10.2024
New Delhi.

Submitted by:



(RAVINDRA KUMAR)

Sr. Advocate / Amicus Curiae

867

PHOTO NO. 1

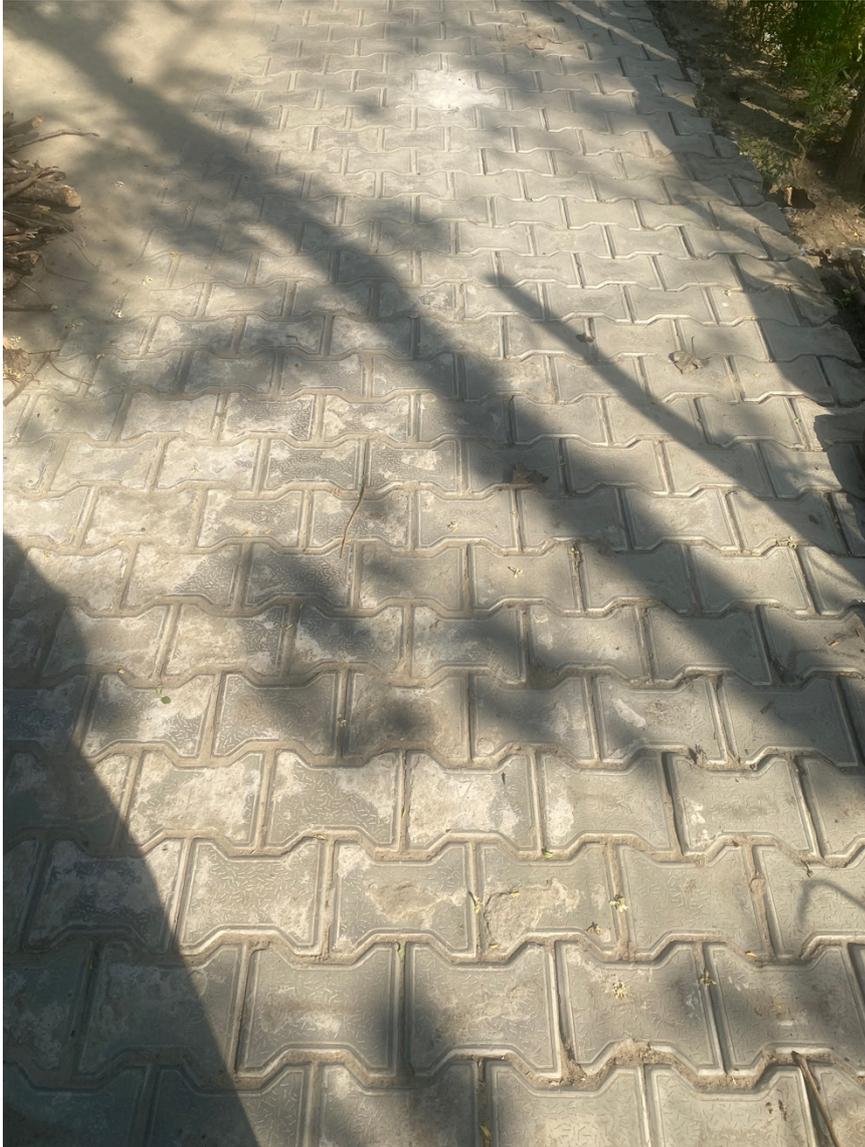


PHOTO NO. 2



869

PHOTO NO. 3



Latitude: 29.03203
Longitude: 78.024383
Elevation: 211.63m
Accuracy: 2.2m
Time: 10-15-2025 14:38
Note: hastinaur

870

PHOTO NO. 4



871

PHOTO NO. 5



872

PHOTO NO. 6



873

PHOTO NO. 7



874

PHOTO NO. 8



875

PHOTO NO. 9



876

PHOTO NO. 10



877

PHOTO NO. 11



878

PHOTO NO. 12



Latitude: 29.031995
Longitude: 78.023903
Elevation: 215.83m
Accuracy: 1.7m
Time: 10-15-2025 14:32
Note: hastinaur

879

PHOTO NO. 13



Latitude: 29.032087
Longitude: 78.024847
Elevation: 218.63m
Accuracy: 1.7m
Time: 10-15-2025 14:41
Note: hastinaur

880

PHOTO NO. 14



881

PHOTO NO. 15



882

PHOTO NO. 16



883

PHOTO NO. 17



884

PHOTO NO. 18



885

PHOTO NO. 19



886

PHOTO NO. 20



887

PHOTO NO. 21



888

PHOTO NO. 22

