

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
OA 160/2024

IN THE MATTER OF:

RASHID NOOR KHAN

.....APPLICANT

VERSUS

Principal Chief Conservator Of Forest, M.P. & Ors.

.....RESPONDENT

INDEX

SR.	PARTICULARS	ANNEXURE	PAGE
1.	Action Taken Report of the Joint Committee in compliance to the Hon'ble NGT order dated 18/07/2024 in the matter of OA 160/2024 (CZ) Rashid Noor Khan V/s Principal Chief Conservator of Forest, M.P. & Ors.		1-21
2.	The Photographs taken during inspection and Google Maps	Annexure- 1	22-27
3.	The order issued by Hon'ble NGT in OA 7/2022 and OA 12/2022	Annexure- 2	28-29
4.	The order issued by Hon'ble NGT in OA 44/2024	Annexure- 3	30-31
5.	The order issued by Hon'ble NGT in OA 19/2019 (CZ)	Annexure- 4	32-69
6.	The copy of letter sent to forest department vide letter no. 1968B dated 30/08/2024.	Annexure- 5	70
7.	Copy of letter no. 10760 dated 14/10/2024 recieved from Forest Department	Annexure- 6	71-77

8.	The copy of letter letter no. 8717 dated 04/10/2024 recieved from MPRDC	Annexure- 7	78-133
9.	The copy of the letter no. 1968A dated 30/08/2024 seeking information from owner of Harshita Farms	Annexure- 8	134
10.	Copy of the reply submitted by Harshita Farms dated 23.09.2024	Annexure- 9	135-174
11.	The copy of the letter no. 1972 dated 30/08/2024 seeking information from Jagran Social Welfare Society.	Annexure-10	175
12.	Copy of the reply dated 25.09.2024 submitted by Jagran Social Welfare Society	Annexure-11	176-196

Date: 15.10.2024

Place: Bhopal

Submitted by MPPCB:-

through Counsel



Adv. Parul Bhadoria

Ph. No.: (+91)-8085977111;

Email: parul.bhadoria04@gmail.com

ACTION TAKEN REPORT

Ref: Action Taken Report of the Joint Committee in compliance to the Hon`ble NGT order dated 18/07/2024 in the matter of OA 160/2024 (CZ) Rashid Noor Khan V/s Principal Chief Conservator of Forest, M.P. & Ors.: -

1. Hon`ble NGT issued following instructions on dated 18/07/2024 in the matter of OA 160/2024 (CZ) Rashid Noor Khan V/s Principal Chief Conservator of Forest, M.P. & Ors.: -

“1.The submission of the applicant is that the Chandanpura Forest Region, situated between Kerwa and Kaliyasote Dam acts as safety Valve in maintaining this delicate Ecological balance, is also a Tiger Habitat and breeding ground due to which this forest has been notified as protected forest and the entire Ecology is thus safeguarded or regulated by Forest Protection Act, Environmental Protection Act, Biodiversity Act, Wildlife Protection Act and the State being signatory of various international conventions, is bound to preserve, protect and conserve this forest region, alongwith its peripheral areas which are part of and forms the buffer zone for Chandanpura Forest Region.

...11. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:

-

i. One representative from MoEF&CC, Bhopal.

ii. One representative from the Principal Chief Conservator of Forest, M.P.

iii. One representative from the Secretary (Environment), M.P.

iv. One representative from Central Pollution Control Board

v. One representative from Madhya Pradesh Pollution Control Board

12. The Committee is directed to visit the place and submit the factual and action taken report and the violation, if any, noted within the area

within six weeks. The State PCB will be the nodal agency for coordination and logistic support.

2. In compliance to the order of Hon`ble NGT dated 18/07/2024, a joint committee consisting of the following officials of the concerned department has been constituted: -

No	Name of the Officer	Representative Department
1.	Dr. Yogesh Gairola, Technical Officer, MoEF&CC, Regional Office, Bhopal.	MoEF&CC, Bhopal
2.	Shri Alok Pathak, DFO, Bhopal.	Principal Chief Conservator of Forest, Bhopal (M.P.)
3.	Shri Lokendra Thakkar, Chief Scientific Officer, Environment Department, Bhopal.	Principal Secretary Environment Department, State of MP, Bhopal (M.P.)
4.	Dr. Poulami C Patil, Scientist B, CPCB, RD, Bhopal.	Central Pollution Control Board
5.	Shri Brajesh Sharma, Regional Officer, RO, MPPCB, Bhopal.	Member Secretary State Pollution Control Board, (M.P.)

3. The joint committee members have discussed the issues mentioned in the petition during the following meeting held on dated 29/08/2024, 30/08/2024, 25/09/2024, 07/10/2024 and on 08/10/2024. The joint committee also conducted field visit on above days. The main issues raised in the petition are as under: -

- 3.1. The movement of wildlife is being restricted by the encroachment of human related activities in the Natural Habitat of Tiger corridor.
- 3.2. The anthropogenic activities in the Tiger corridor have resulted in disturbing the ecological balance of the Tiger corridor and Tiger Habitat in particular.
- 3.3. The World Wildlife Day celebration on 3rd March 2024 as Jagran Lakecity Carnival just adjoining to the Kaliyasot Chandanpura Forest Area, which is a deemed forest.

- 3.4. The operation of a full-fledged university in the midst of Tiger Habitat and Breeding ground, without taking any Forest Clearance,
- 3.5. The main entry gate of Jagran Lakecity University is the encroached and illegally built on the Forest land, outside its registered land parcel in close proximity to the operational infrastructure.
- 3.6. Harshita farms (Poly House), which is situated on Khasra no. 88 & 89, is a farmhouse engaged in agricultural activities had forested area and substantial tree cover till 2003 and which has been slowly degraded and entire tree cover has been lost by uprooting hundreds of trees,
- 3.7. The entire Danish hill, along with its slope is facing Kaliyasot River which in earlier report was deemed forest has been completely denuded of tree cover and mountain has been cut to make plots for human settlements, is an area frequented by Tiger, this loss of mountain without proper Clearance.
- 3.8. The established Nagar van in the Chandanpura Forest Region has been created with the malafide and coercive intentions to divert the existing forest land which has to be governed and regulated by the Forest department, from the Forest department to the municipal corporation.
- 3.9. Club MN & Resort, is a marriage garden and commercial establishment within the Kaliyasot, Chandanpura Forest Area, which is in violation of Indian Forest Conservation Act, 1980, as No permission has been obtained by the Union of India for doing commercial activity in Forest Land.
- 3.10. WALMI covered its boundary area, used the "Blade Fencing" (नुकीलीतारधर) which is a very dangerous technique due to which any wild animal such as deer, tiger, peacock, monkey can get stuck, injured and even die.
- 3.11. The entire stretch of Damkheda, Chandanpura, Bairagarh-Chichali forest areas have become a dumping ground and anthropogenic waste are visible scattered all along the forest area.
- 3.12. A natural spring which is located at the junction of foothill of 3 hills near on Khasra No 64, 65, 66 is completely encroached and the downstream of this Spring, which is also a rivulet/ Tributary of

Kaliyasote River has been completely encroached.

3.13. The approved western bypass road connecting Mandideep industrial area with Sehore is bisecting Tiger corridor which will cease movement of animal into Chandanpura Forest Region.

Joint committee members discussed the above matter and identified that the petitioner main contention is the disturbance of tiger movement while moving within the Bhopal municipal boundary due to various activities in the area. In this regard, it is decided to visit the primary locations as mentioned in the petition and observed the activities. It is also discussed that the matter is primarily concerned with Forest department so the submission of Forest department should be incorporated in the reply. Letters were also written to the Jagaran Lakecity university, White Orchid Restaurant and Bar, Harshita Farms, Club MN & Resort to submit the information.

4. FIELD VISITS: -

4.1. The Joint committee members have conducted field visits to the following locations near Village- Chandanpura, Tehsil - Huzur, Distt -Bhopal and its surroundings. Apart from the joint committee members following officers namely Ms. Prakamya Tiwari, Assistant Engineer, Regional Office, MPPCB, Bhopal, Shri Shivpal Piparde, Forest Range Officer, Bhopal were present during the inspection. The Geographical locations, photographs and visual observations were recorded during inspection. The Photographs and Google Maps are enclosed as **Annexure-I: -**

- a. White Orchid Restaurant and Bar,
- b. Harshita Farms
- c. Danish Hills
- d. Nagar Van at Chandanpura
- e. Jagran Lakecity University,
- f. Club MN & Resort

- g. The natural spring and drainage located on Khasra No. 64,65,66

4.2. Joint Committee members visited the above locations and the details observed during the inspection in reference to the points concerned in the petition are mentioned as under: -

White Orchid Restaurant and Bar

- 4.2.1. White Orchid Restaurant and Bar is located at Chandanpura, Tehsil Huzur, District Bhopal, Madhya Pradesh. The geographical location of the site is latitude 23° 11' 30.3468" N and longitude 77° 22' 21.5256" E.
- 4.2.2. The restaurant is located on the west side of the Kaliyasot Dam and on the south side of the Kaliyasot Road. Kaliyasot dam water body is approximately 400 meters away. The restaurant is surrounded by agriculture land.
- 4.2.3. During visit restaurant was closed and as per the care taker, the restaurant is operated in the evening hours.
- 4.2.4. It was also observed that rooms for stay arrangement of visitors are under construction.
- 4.2.5. All the structure of the restaurant including sitting area, kitchen are temporary structures having roof of metal sheets. The restaurant area is surrounded by green belt.
- 4.2.6. No solid waste and waste water found in the restaurant. As per care taker Municipal corporation vehicle picks up garbage and solid waste.
- 4.2.7. A sound system was found installed at the time of inspection.

Harshita Farms

- 4.2.8. Harshita Farms is located at Chandanpura, Tehsil Huzur, District Bhopal, Madhya Pradesh. The geographical location of the site is latitude 23° 10' 45.5412" N and longitude 77° 23' 53.3148" E.
- 4.2.9. One office and one temporary guard room was found constructed at the time of inspection.
- 4.2.10. The approach road from the foot of Danish hill is on the North side of Harshita Farms.
- 4.2.11. It is informed by the care taker that plotting is done in some part of the land.

Nagar Van located at Chandanpura

- 4.2.12. Nagar Van is located at Chandanpura, Tehsil Huzur, District Bhopal, Madhya Pradesh. The geographical location of the site is latitude 23° 10' 29.352" N and longitude 77° 23' 30.0768" E.
- 4.2.13. It is developed by Forest Department and situated adjacent to the Jagran Lakecity University campus.
- 4.2.14. The forest area is having very thick plantation and dense forest. The area is covered with wire fencing.

Jagran Lakecity University

- 4.2.15. Jagran Lakecity University is located at Chandanpura, Tehsil Huzur, District Bhopal, Madhya Pradesh. The geographical location of the site is latitude 23° 10' 37.1172" N and longitude 77° 23' 21.2604" E.
- 4.2.16. The gate of Jagran Lake City University is on the north east of the site.
- 4.2.17. A 10 feet wide bitumen road connects the University for access.

The road passes through forest land. University is having only one approach road.

- 4.2.18. The surrounding of the access road and the main entry of the university is surrounded by forest land.
- 4.2.19. The area presently in possession of the forest department is separated by a 20 feet high wire mesh which represents the forest land from the said encroached land by the University.
- 4.2.20. Within the campus of university, the ornamental plants and green belt is developed all around the campus.

Natural Drainage (Spring)

- 4.2.21. The natural spring located on Khasra no. 64,65,66 as per the petition. Kaliyasot river is on the south side. A paved bituminous road was present on the north side of the said land.
- 4.2.22. There is a drain located on the north east side of the said land. The water was found flowing without any restriction or clogging. Proper culverts and drainage pipes are provided along the road of the said land.
- 4.2.23. No water logging was observed.

Club MN Resort

- 4.2.24. Club MN Resort is located at Chandanpura, Tehsil Huzur, District Bhopal, Madhya Pradesh. The geographical location of the site is latitude 23° 11' 21.7374" N and longitude 77° 23' 11.2636" E.
- 4.2.25. The site is located near to Kaliyasot Dam and on the south side of Kaliyasot Dam.
- 4.2.26. This resort is developed on the sloping terrain of a hill and inside area is filled with greenery and variety of ornamental plants on the sloppy terrain. A cement road is connecting the main

entrance to top of hillock.

- 4.2.27. There is one small lawn, kitchen and a small pool is present inside the resort. As per owners of the resort, the place is used for picnic stays and not marriage functions.
- 4.2.28. The design of the resort as it is on the sloping ground doesn't seem suitable for marriage functions.
- 4.2.29. The hutments constructed inside the resort are temporary structures having asbestos roofs. No RCC structure was observed at the time of inspection.
- 4.2.30. No waste or garbage dump was found at the site during inspection.

5. Similar matter addressed in Other Hon'ble NGT Cases:

5.1.OA 7/2022 & OA 12/2022 (CZ): -With reference to the Hon'ble NGT order dated 15/07/2022 in the matter of *OA 07/2022 (CZ) and OA 12/2022 (CZ) of "Dr. Shubhash C Pandey Vs. State of M.P. & Ors."*, the matter of protection of corridor for movement of tiger is mentioned in this case. The point no. 2 (xi) and (x) of the order dated 15/07/2022 of Hon'ble NGT are shown as under: -

"xi. Status of identification, demarcation and protection of corridor for movement of tiger.

xii. Action taken by the authorities to protect the risk to human life since these animals are being increasingly seen roaming in an around area adjacent to the reservoir."

The report of Joint Committee was submitted in this matter and the case is still pending before Hon'ble NGT. The next date of hearing in OA 7/2022 and OA 12/2022 is on 21/10/2024. The order issued by Hon'ble NGT in this regard is enclosed as **Annexure-II**.

5.2.OA 44/2024 (CZ): -With reference to the Hon'ble NGT order dated 05/03/2024 in the matter of *OA 44/2024 (CZ) of "Avadhesh Singh Vs. State of M.P. & Ors."*, the matter of encroachment over Gazette

Notified Protected Forest is taken up in this case. The Joint Committee submitted the Action Taken Report on 04/07/2024 in this matter and the case is still pending before Hon'ble NGT. The next date of hearing in OA 44/2024 is on 18/10/2024. The order issued by Hon'ble NGT in this regard is enclosed as **Annexure-III**.

5.3.OA 19/2019 (CZ): -With reference to the Hon'ble NGT order dated 22/07/2020 in the matter of *OA 19/2019 (CZ) of "Satish Nayak Vs State of MP & Ors"* the issue of encroachment of forest land by the State Authorities in the city of Bhopal, in Master Plan of Bhopal and encouraging the city for encroachment on the forest land, issue of Tiger Reserve, or the issue of the lake has been taken up in this case. The case was disposed of by Hon'ble NGT on dated 22/07/2020. The order issued by Hon'ble NGT in this regard is enclosed as **Annexure-IV**.

6. Information provided by the Forest Department:

6.1. In references to the petition, information was sought from the Forest Department vide letter no. 1968B dated 30/08/2024. The copy of letter is enclosed as **Annexure- V**. Forest Department vide letter no. 10760 dated 14/10/2024 has provided the information. The copy of letter is enclosed as **Annexure-VI**. The main points are mentioned as under: -

6.1.1. There is no declared deemed forest under Bhopal Forest Division.

6.1.2. The Revenue Department has transferred high-tech tree plantation to the Forest Department. A forest area of 238.141 hectares of "छोटे बड़े झाड़ का जंगल" has been declared protected under Section 29 of the Indian Forest Act, 1927 vide Notification No. F-25-61-10-3 dated 16/07/2021, which was published in the Gazette dated 30/07/2021. Since there is a state and urban area adjacent to that area in which colonies have been built.

6.1.3. The Revenue Department has transferred high-tech tree plantation to the Forest Department. A forest area of 119.639 hectares of "छोटे बड़े झाड़ का जंगल" has been declared as a protected forest by the government under following notifications, details of which are as follows: -

- (A) For Village Mendora-I, notification no./F-25-59-10-3 dated 06/07/2021 for area 8.139 hectares, published in the gazette on 16/07/2021.
- (B) For Village Mendora-II, notification no./F-25-60-10-3 dated 06/07/2021 for area 111.500 hectares, published in the gazette on 16/07/2021.

As per above, $(8.139+111.500=119.639)$ a total area of 119.639 hectares declared as a protected forest under section 29 of the Indian Forest Act, 1927. The notifications have been published in the Gazette. The presence of many wild animals including tigers has been recorded in the above-mentioned areas. The said area is covered with forests and rocks/mountains/rock shelters are available. The monitoring and movement of wild animals in the forest area is being done by e-surveillance system and camera traps. For the security of the area, a crack team has been formed, which immediately reaches the spot within 24 hours after getting information to take action. The crack team is sent to rescue the wild animals. Also, training has been provided and necessary equipment like nets, cages and other rescue resources have been provided. Special vehicles like Tata-207 have been made available for tiger monitoring. The work of protection and monitoring of wild animals is done by the staff. Wildlife is also protected by patrolling and with the help of forest protection committees by the regional staff. Also, as per the roster fixed under Forest Division Bhopal, night patrolling is done in tiger visiting areas by officers/staff every day of the month.

6.1.4. It is correct to say that the said area has been handed over by the Revenue Department to the Forest Department for high-tech plantation which is covered with dense forests and also for wildlife such as tigers to roam, but the condition of conflict between tigers and humans has still not arisen in the said area. Gaushalas, Sanskar Valley, Lake Jagran University are outside and a diversion case number FA/MP/OTHERS/149148/2021 related to encroachment on the gate part by Lake Jagran University is pending at the senior level.

6.1.5. There has been till now no conflict between tiger and human that occurred in Bhopal Forest Division neither has there been any incident of tiger hunting in the said area. The area under Forest

Division Bhopal is not a protected area and MP Tiger Foundation has been formed under the Forest Department of Madhya Pradesh Government.

- 6.1.6. The Chandanpura forest area is an important forest and the biodiversity of this area is conserved by the Forest Department. The said area is not notified under any Tiger Reserve under the Forest Department of Madhya Pradesh Government.
- 6.1.7. The Chandanpura forest area is not a deemed forest, which has been transferred by the Revenue Department to the Forest Department for high-tech plantation. There is movement of tigers in the said area and the presence of female tiger and cubs is constantly monitored, protected and safeguarded by the Bhopal Forest division.
- 6.1.8. It is true that Chandanpura is a very important forest area and along with it, other landscapes of Bhopal Forest Division and Sehore and neighbouring Raisen districts also have great importance for the wildlife and movement of wildlife is observed in these areas as well.
- 6.1.9. The Ratapani Sanctuary comes under Obedullaganj Forest Division and not under Bhopal Forest Division.
- 6.1.10. The movement of tiger has been observed in the forest area adjoining Kaliyasot, and the presence of female tigress and her cubs is also visible in the Mendora habitat.
- 6.1.11. The above forest areas are inhabited by tigers but the said areas have not been notified as Tiger Reserve by Forest Department of M.P. Government. It is also not correct to say that the forest area of Mendora and Kaliyasot is directly connected to the forest area of Raisen. The area is divided by Bhopal city.
- 6.1.12. The Bhoj University is adjacent to the Mandora/WALMI area and occasionally there is movement of wild animals here.
- 6.1.13. The said area mentioned in the point no. 29 of the petition is outside the area of Bhopal Forest Division and the said area is not a notified "Tiger Corridor" under the provision of Wildlife (Protection) Act, 1972.
- 6.1.14. The area near WALMI has dense forest and movement of wild animals including tiger is present in the said area.
- 6.1.15. It is correct to say that Mendora and Chandanpura are parts of the forest area which is rich in Biodiversity and many species of

Manual Reptiles, Birds and Butterflies are found which are protected, promoted and conserved by the Forest Department.

- 6.1.16. For the protection, promotion and conservation of the above-mentioned areas, various activities are carried out as per need by the site experts and Bagh Mitra awareness programs, e-surveillance daily foot patrolling, vehicle patrolling, and with the cooperation of various NGOs.
- 6.1.17. There is no encroachment or spreading of garbage or waste in the forest area under Bhopal Forest Division.
- 6.1.18. In the above-mentioned forest area, many works related to wildlife conservation are being done and in most of the areas, saucers are being made as per the requirement and the said work is being carried out on priority basis. The pollution of loud noises outside the forest area is not the concern of the department.
- 6.1.19. No tiger has died in the forest area of Bhopal. The distance of Ratapani Sanctuary from Chandanpura is 30 kms. There is no evidence of movement of the mentioned tiger in the petition under Bhopal district.
- 6.1.20. The Chandanpura Nagar Van is constructed under the approval of Central Forest and Environment Department of the Government of India vide letter no. F.No. E. 1-4/2020 B 1 (NAEB) dated 30/07/2020 and the letter no. /GIM/2020/357 dated 19/08/2020 of the Principal Chief Forest Conservator and Forest Force Chief, Madhya Pradesh (Circle-Green India Mission) in which the area has been developed as per the concept of city forest by combining the Khasra and forest area received from the Revenue Department.
- 6.1.21. The work of the above forest is done by the Forest Department only as per approvals given by the Ministry of Forest and Environment, Government of India and Forest Department of Madhya Pradesh Government.
- 6.1.22. The movement of deer and other wild animals occasionally takes place outside the forest area i.e, Mendora and Chandanpura area. Warning signs have been put up outside the forest area through boards and other means and continuous supervision and monitoring is done in case of movement of wild animals.
- 6.1.23. The main objective of setting up of Nagar Van is to provide pure clean air to the forests within the Municipal Boundary and to

create awareness and sensitivity towards forests and wildlife among the urban people as per rules and the said area is completely managed by the Forest Department.

- 6.1.24. Forest Department works in these areas for cleanliness and public awareness under various programs and schemes like “Mission Life”.
- 6.1.25. The point no. 70 of petition pertains to MPRDC, the application for diversion from the forest area has been made by the concerned agency after completing all the formalities and the concerned agency has been directed to provide animal passage plan and mitigation measures.
- 6.1.26. There is no encroachment by Jagran Lake University under Forest Division except the remaining encroachment measuring 0.194 hectare in Khasra No. 73 and 0.251 hectare in Khasra No. 84 by Jagran Lake University. The mentioned encroachment was present even before the transfer of the revenue land to the Forest Department, in respect of which their diversion case under Bhopal Sub-Division No. FC/MP/OTHERS/149148/2021 is pending at the senior level in the State of Madhya Pradesh.
- 6.1.27. The necessary efforts are being made to provide complete protection to the entire biodiversity and ecosystem so that the biodiversity is not only protected, but it is also being enhanced and the number of wild animals is increasing.
- 6.1.28. All the works assigned under this are being executed in full accordance with the rules. For the protection and promotion of wild animals in the forest areas under Bhopal Forest Division, work is being done with scientific approach and sufficient and timely animal compensation is being provided for habitat management security, availability of water, camera trap, monitoring, e-surveillance security, foot patrolling, barrier hut and to prevent man arrival conduct, cattle etc.
- 6.1.29. All the work under Forest Division Bhopal is done by the competent officers under the approval of the Principal Chief Conservator of Forests, Work Planning and Environment and Climate Change Department of the Government of India.
- 6.1.30. The mentioned area is neither PA (Protected Area) nor a Tiger Reserve under the provision of Wildlife (Protection) Act, 1972

and therefore, the rules and procedures related to core and buffer zone are not applicable to it.

- 6.1.31. The Chandanpura Nagar Van under Bhopal Forest Division has been constructed under a scheme approved by the Government of India with a view to creating public awareness.
- 6.1.32. No construction has been done in the forest area other than for the purpose of forest and wildlife management.
- 6.1.33. It is also pertinent to mention that there is no notified tiger corridor within the area mentioned in the petition.

7. Information provided by the M.P. Road Development Corporation Ltd.:

7.1. In references to the petition, information was sought from the MPRDC. MPRDC vide letter no. 8717 dated 04/10/2024 has provided the information regarding construction of Western Bhopal Bypass as 4-lane with paved shoulder along with service road in the State of Madhya Pradesh on Hybrid Annuity Mode. The copy of letter is enclosed as **Annexure-VII**. The main points are mentioned as under: -

- 7.1.1. With reference to the above petition in OA 160/2024, by Rashid Noor Khan, Para-70 related to MPRDC the Western Bhopal bypass is to be constructed with the aim of reducing traffic pressure in Bhopal district. This bypass will start from village Itayaklan situated on Jabalpur-Bhopal National Highway No. 46 and will be constructed, between village Phanda situated on Bhopal-Indore National Highway No.-28. This bypass is to be constructed in a length of about 40.90 km. Out of the total length of the bypass, about 6.095 k.m. bypass passes through the forest areas of Bhopal Forest Division. This forest area falls in compartment no. 211, 212, 215, 216, 217, 218, 219, 220 and 211 of Bhopal Forest Division.
- 7.1.2. The forest area affected in this bypass is not a part of any National Park or Sanctuary. The affected forest area is not in any Eco-Sensitive Zone and is not a part of any Tiger corridor/Elephant corridor. Hence, there is no need to obtain wildlife permission from the Government of India in this case.
- 7.1.3. As per the site inspection report of the Divisional Forest Officer, Bhopal, in the affected forest area, construction of underpasses of different spans of more than 5-meter height has been proposed at

12 places for the safe movement of wild animals including Tigers, Bears and other wild animals on both sides of the road. To ensure smooth movement of wildlife, necessary structures are being proposed as per eco-friendly measures to mitigate impacts of linear infra projects prepared by Wildlife Institute of India, Dehradun. The 12-foot-high chain-link fence with steel angles will be installed on both sides of the road passing through the forest area for a length of 6.095 km. This fence will direct the wildlife to use the designated underpasses to cross the road safely thereby preventing harm to animals due to traffic. Similarly, suitable plant species will be planted on both sides of the road passing through the forest area as per the provisions of the Forest Department.

- 7.1.4. Service roads will be constructed on both sides of the main road to facilitate monitoring of wildlife. This will be a kuchha road and no tree will be cut for its construction. This work will be done under the supervision of the Forest Department.
- 7.1.5. The in-principal approval of forest diversion 45 hectares land which is falling in the alignment accorded by MOEFCC on dated 30/07/2024 with the condition that the wild life mitigation plan wetted by PCCF wild life will be submitted by concern department the mitigation plan has been prepared and submitted to DFO Bhopal by the MPRDC.
- 7.1.6. This route will pass at a considerable distance from Kolar Dam, Kaliyasot Dam, Kerwa Dam and Bada Talab. It is worth mentioning that at present many such routes are in use which are at a much shorter distance from these water bodies than the proposed bypass. This route will pass 17 km from Kolar Dam water body, 10 km from Kaliyasot Dam water body, 3.30 km from Kerwa Dam water body and 3.00 km from Bada Talab water body. Bhopal is known as a city where the city has developed horizontally and not vertically. With the construction of this route, the identity of Bhopal will be preserved. As far as the catchment area of the mentioned dams is concerned, it is also worth considering that the catchment of the big pond goes up to Sehore district. Therefore, on this basis, it is not logical not to build any road between Bhopal and Sehore. The same situation applies to other dams as well. As far as the inflow of water in these ponds is concerned, it is clarified that in the design of the route, along with the construction of bridges of

sufficient length on all the water channels, 13 additional culverts will also be constructed.

7.1.7. As far as Ramsar site is concerned, it is clarified that Bada Talab located in Bhopal has been declared a Ramsar site. Wetland Rules-2017 are effective on Bhoj Wetland which is a Ramsar site. In the order dated 16 March 2022 of the Environment Department of Madhya Pradesh Government, a recommendation has been made regarding the determination of Prohibited, Regulated and Permitted activities within the limit of 50 meters from the wetland boundary and its zone of influence. According to this, any kind of permanent construction is prohibited up to a distance of 50 meters from the full tank level of Bada Talab. The proposed bypass is 3 km from the full tank level of Bada Talab. It is at a distance of 3 km. 6.1 km of this route passes through the forest area. 12 feet high wire fencing will be done on both sides of this area and 12 viaducts (Minor Bridge & Animal Underpass) have been provided for the movement of wild animals from one side to the other. For its construction, diversion of 45 hectares of forest land is required. 90 hectares of land has been made available to the forest department for compensatory plantation. A total of 3248 trees will be affected in the forest area. In lieu of this, 90000 trees will be planted. For this, a provision of Rs. 13.00 crore has been made in the project.

8. Information Provided by the Harshita Farms: -

8.1. In reference to the order of Hon`ble NGT dated 18.07.2024, information was sought from owner of Harshita Farms i.e., Shri Nitin Lalchandani. Harshita Farms vide letter no. 1968A dated 30/08/2024. The copy of the letter is enclosed as **Annexure-VIII**. The reply submitted by Harshita Farms on dated 23.09.2024 is enclosed as **Annexure-IX**. The main points stated by the respondent are mentioned as under: -

8.1.1. As per petition, Harshita Farms, is situated on Khasra No. 88 and 89 Village Chandanpura, Tehsil Huzur, District Bhopal. In actual situation, Harshita Farms having area of 6.080 Hectares is situated on Khasra No. 88/1/1/2/6, 89/2 Village Chandanpura, Tehsil Huzur, District Bhopal, and is private land. The said land is not

forest land, and according to the Bhopal Master Plan published by Town and Country Planning, the use of such land is shown as public and semi-public. No farmhouse has been built on this land, only security guards and labour rooms have been built, which are necessary for the security of the land.

- 8.1.2. The land bearing Khasra No. 89/2 is not the property of Shri Nitin Lalchandani nor have any trees been cut on such land. Since such land is not the property of the Shri Nitin Lalchandani, in such a situation there can be no purpose for trees to be cut on such land.
- 8.1.3. As far as polyhouse is concerned, such polyhouse has been set up by Shri Nitin Lalchandani for the last about 7-8 years and roses are being cultivated in the polyhouse. Hundreds of rose plants are planted in the polyhouse, which are pruned daily so that the rose plants can flower as desired.
- 8.1.4. The area with polyhouse is completely privately owned land, and the said land is not even forest land. Apart from this, no plotting has been done on the present approach road (kutchra road) leading to the said land. No trees have ever existed on the said land, so the question of cutting trees does not arise.
- 8.1.5. That as per the information of Shri Nitin Lalchandani, a similar case of *OA 19/2019 (CZ) Satish Nayak Vs State of MP & Ors.* village Chandanpura and in a related matter, an order was passed by the Hon'ble National Green Tribunal on 27/07/2020 in which the Hon'ble National Commission has passed orders.

9. Information Provided by the Jagran Social Welfare Society: -

9.1. In reference to the order of Hon'ble NGT dated 18.07.2024, information was sought from Jagran Social Welfare Society vide letter no. 1972B dated 30/08/2024. The copy of the letter is enclosed as **Annexure-X**. The reply submitted by Jagran Social Welfare Society dated 25.09.2024 is enclosed as **Annexure-XI**. The main points stated by the respondent are mentioned as under: -

- 9.1.1. It is mentioned in the petition that Jagran Lake City University is situated in the middle of Chandanpura forest which is factually incorrect and untrue. Jagran Lake City University is not situated in forest area rather the said University is situated on private land. It is noteworthy that Jagran Lake City University was constituted in

the year 2008-09. The construction work of Jagran Lake City University was completed by the year 2013. It is important to mention that under sub-section (3) of section 14 of National Green Tribunal Act 2010 the limitation period for hearing any case is six months from the date of occurrence of first cause of action. In such a situation, the limitation period of six months from the date of occurrence of cause of action has expired many years ago. That by stating this step today, the petitioner's objective is nothing but to mislead the court, the departments and the Joint Committee. It is also worth mentioning here that the forest mentioned by the petitioner has been notified in the year 2021 after the construction of Jagran Lake City University.

- 9.1.2. As stated in the petition, Jagran Lakecity University celebrated World Wildlife Day on 03.03.2024 as Jagran Lakecity Carnival. It is very important to mention that if World Wildlife Day is being celebrated by any educational institution, then it is not being celebrated with the intention of harming the environment. That the purpose of celebrating World Wildlife Day is to promote wildlife and environment and to make students and other people aware of wildlife and environment. Jagran Lakecity University celebrated World Wildlife Day to encourage students and other people to make the society and other people aware, but if Jagran Lakecity University is being accused of this attempt being against the environment, then the intention of the petitioner is clear from this allegation.
- 9.1.3. Further issue raised regarding more than 7 thousand people gathered in the Sunburn Festival organized in the Jagran Lake City University campus where a number of huge loudspeakers were installed. Due to which excessive noise pollution is mentioned which is factually incorrect and untrue. It is noteworthy that even in the last 3-5 years before the case was filed, no festival named Sunburn was held inside Jagran Lake City University nor was there any festival in which 7 thousand people came. It is noteworthy that whenever any event is organized in Jagran Lake City University, the university asks for its permission from the administration and informs them, only after that the event is organized.
- 9.1.4. It is also mentioned in as per petition that Jagran Lakecity University has not taken any approval from the forest department

for the construction of the institution. Jagran Lakecity University has cut hundreds of trees and built new buildings, which is completely wrong and untrue. That the construction of Jagran Lakecity University has been done only after taking full permissions. It is very important to mention that the construction of Jagran Lakecity University is not on forest land but on private land, for which it is not necessary to take permission from the forest department, and the university has taken the necessary permissions for the said construction.

- 9.1.5. It is mentioned that several incidents of forest fire have occurred within the periphery of JLU campus. J.L.U. has adopted the method of slash and burn to clear the forest area, which is completely wrong and untrue. That Jagran Lakecity University has never set fire anywhere either in the university campus or outside the campus, but if information of fire at any other place is received, then the university has tried to extinguish the fire by calling the fire tender. That there was an incident of fire on the land adjoining the university, which is the private land of Ratan Lalchandni, Nitin Lalchandni and Maya Lalchandni, the complaint of which was also made by Jagran Lakecity University itself to the Forest Department, Collector, and other departments.
- 9.1.6. Jagran Lake City University has been inspected several times under the orders of the Hon'ble National Green Tribunal, in which the last inspection was done on 30/08/2024. Prior to this, the university was inspected on 14/06/2024. It is very important to mention that Jagran Lake City University has not been found violating the provision in any way. It is also noteworthy that many trees have been planted in the campus of Jagran Lake City University and the university has been developed so environmentally friendly that the forest living there does not face any kind of trouble to the wildlife and other creatures. The proof of this is also that after the establishment of our university, the number of tigers living in the said forest has also increased. It is noteworthy that at present the Joint Inspection Committee Report has also been submitted in case number OA 160/2024 which is presented before the Hon'ble National Green Tribunal, even after that it seems that the objective of the petitioner is not environmental protection but to serve some other interest.

10. Comments of the Joint Committee: -

- 10.1. The Tiger is a wild animal and its presence is recorded within the Bhopal Nagar Nigam Boundary at various occasions. This is because of presence of thick green belt in the surroundings of Kerwa Dam and Kaliyasot dam which supports tiger to hide in these areas.
- 10.2. Under the provisions of Wild Life (Protection) Act, 1972, the above-mentioned tiger passage is not a notified tiger corridor though there is movement of wildlife observed for which all required precautionary measure are being taken by State Forest Department.
- 10.3. The fencing along the boundary of WALMI is installed in order to protect the students living in hostels and reduce the human-animal conflict in the WALMI campus. The committee has been informed by the State Forest Department that no damage to the wildlife has been reported so far due to the fencing/boundary of the WALMI.
- 10.4. The Forest department is taking all precautionary measures including installation of warning boards near the areas where tiger movement are reported and overlapped with the movement of general public in order to avoid the man-animal conflict.
- 10.5. Regarding the damage caused to nearby wildlife by noise pollution in the area mentioned above, the committee did not find anything that could confirm this allegation.
- 10.6. The committee believes that frequent tiger movement in this area is evident from the past findings of the State Forest Department and any area having frequent tiger movement indicates that the area is ecologically rich and stable. The vegetative richness of Chandanpura area is also visibly well in condition. Keeping this in mind, the committee is of the opinion that the State Government should prepare a consolidated development plan for the said area so that in near future this area can be conserved along with the wildlife as well as vegetation in the surrounding areas. This will definitely provide a road map in order to regulate all development activities taking place in adjoining non-forest areas of Chandanpura forest.
- 10.7. The committee observed that the proposal related to “Western Bypass

Road” is under process for necessary approval under the provisions of Forest (Conservation) Act, 1980 in the Regional Office, Ministry of Environment, Forest and Climate Change, Bhopal and all precautionary measures are being taken under consideration related to forest, wildlife and wetland conservation while considering the proposal for necessary clearance as per prevailing rules and guidelines. MPRDC, the project proponent of Western Bypass Road should be advised to comply with the conditions mentioned in the 16th March 2022 order issued by the Department of Environment, Government of MP.

10.8. The committee is of an opinion that while planning for any development infrastructure projects in the region subjected above, the department of town and country planning should ensure the advices of state forest department and other related departments in the state of MP working in the field of Environment planning in order to maintain the sustainable development in the region.



Dr. Yogesh Gairola
Technical Officer,
MoEF&CC, Regional
Office, Bhopal



Dr. Poulami C Patil
Scientist B,
CPCB, RD, Bhopal



Brajesh Sharma
Regional Officer,
RO, MPPCB, Bhopal



Lokendra Thakkar
Chief Scientific Officer,
EPCO, Environment
Department, Bhopal.



Lokpriya Bharti
DFO, Bhopal

Inspection Photographs in OA 160/2024



Joint Committee Meeting on dated 29.08.2024



White Orchard Restaurant



Harshita Farms



Jagran Lakecity University



Nagar Van



Time: 09-25-2024 12:08

Powered by NoteCam

Committee Discussion on dated 25.09.2024



Latitude: 23.234671
Longitude: 77.413771
Elevation: 549.19±1 m
Accuracy: 12.9 m
Time: 10-07-2024 16:13

Powered by NoteCam

Committee Discussion on dated 07.10.2024



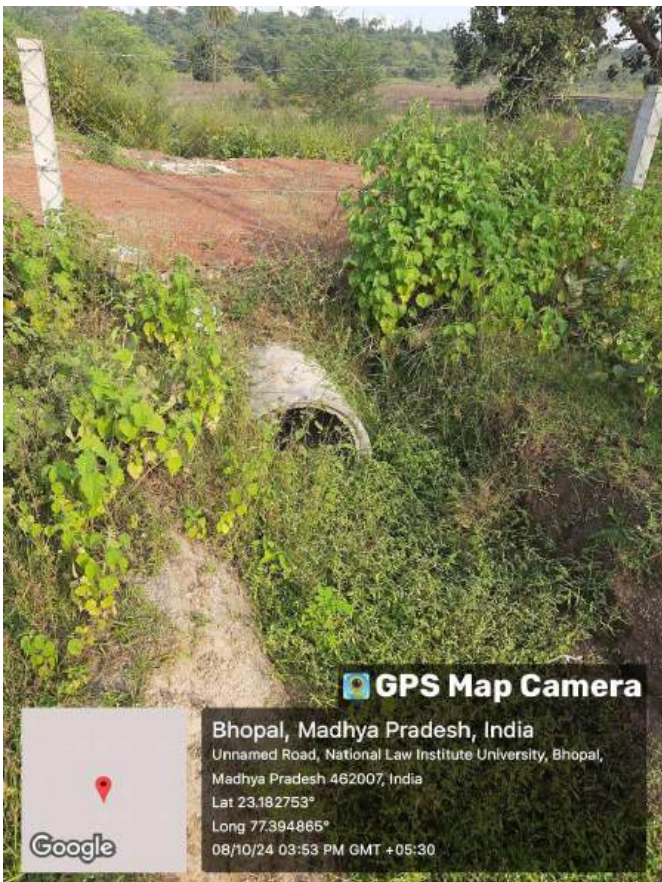
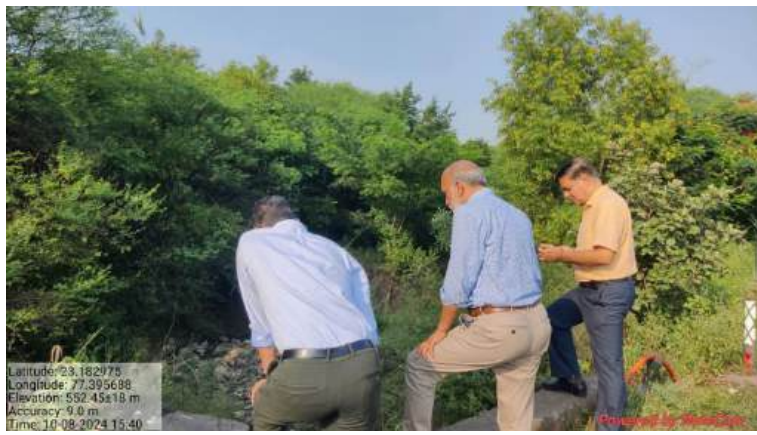
Latitude: 23.182817
Longitude: 77.394932
Altitude: 494.9±17 m
Accuracy: 8.7 m
Time: 10-08-2024 15:35

Powered by NoteCam



Latitude: 23.182829
Longitude: 77.394893
Altitude: 494.9±18 m
Accuracy: 8.1 m
Time: 10-08-2024 15:37

Powered by NoteCam





Club MN & Resort

Google Earth Map in OA 160/2024



Item No. 1 & 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**

(Through Video Conferencing)

**Original Application No. 07/2022(CZ)
(I.A. No. 46/2022)**

Dr. Subhash C. Pandey

Applicant (s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

WITH

**Original Application No. 12/2022(CZ)
(I.A. No. 47/2022)**

Dr. Subhash C. Pandey

Applicant (s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: **15.07.2022**

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

For Applicant (s):

Mr. Subhash C. Pandey
(Applicant in-Person)

For Respondent(s):

Mr. Sachin K. Verma, Adv.
Ms. Parul Bhadoria, Adv.

ORDER

1. Respondent Nos. 2 and 3 have filed the reply in Original Application No. 12/2022.
2. Rest of the respondents have not filed their replies in-spite of the repeated directions. Matter relates to Kaliyasot and Kerwa Reservoirs wherein there are allegations that the water-bodies are under the threat of encroachments and polluted due to discharge of untreated water. There is neither demarcation nor protection. In view of the contention raised by the parties, we are of the view to call a report on following points:-
 - i. Record of rights/possession (Khasra, Khatuni relating to the water-bodies Kaliyasot and Kerwa).

- ii. Total area of the Reservoirs and area around the Reservoirs - plot wise, area wise.
- iii. Status of identification of boundary and demarcation.
- iv. Status of protection by pillars or fencing or any other suitable means to pile plantation as permissible.
- v. Identification of encroachments and steps taken for removal of encroachments.
- vi. Steps to maintain the water quality.
- vii. Steps taken by the authorities to prevent discharge of untreated water into the reservoirs/water-bodies.
- viii. Provision and status of green belt and maintenance.
- ix. Status of identification, demarcation and protection of corridor for movement of tiger.
- x. Action taken by the authorities to protect the risk to human life since these animals are being increasingly seen roaming in an around area adjacent to the reservoir.

3. Learned counsel for the State has submitted that it is a joint action to be taken by the Collector, State Pollution Control Board, EPCO, Water Resource Department, Town and Country Planning, Forest Department. In view of the above facts, Principal Secretary, Environment is directed to constitute a committee consisting the concerned departments and relevant authorities for taking further action and submission of report on the above points. Action Taken Report be submitted within three weeks.

List it on **23rd August, 2022.**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

15th July, 2022
O.A. No. 07/2022 (CZ)
& O.A. No. 12/2022 (CZ)
PN

Item No. 01

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

Original Application No.44/2024(CZ)

Avadhesh Singh

Applicant(s)

Vs

State of Madhya Pradesh & Ors

Respondent(s)

Date of Hearing: **05.03.2024**

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

For Applicant (s): None

For Respondent(s):

ORDER

1. Issue raised in this application is encroachment over Gazette Notified Protected Forest, vide Gazette Notification dated 30.07.2021 bearing Khasra No. 73, 84 and 92 to the extent of 1.236, 0.846, 1.828 hectares respectively situated in village Chandanpura, Tehsil Huzur District Bhopal, Madhya Pradesh by Respondent No. 6. Aforementioned area was declared Protected Forest by the Government of Madhya Pradesh exercise of powers conferred under Section 29 of the Indian Forest Act, 1927, and even after multiple government agencies have carried out numerous demarcations and observed illegal encroachment of Respondent No. 6 over Protected Forest, in the tiger movement area no action has been taken by the authorities to remove the said illegal encroachment.
2. A substantial issue of environmental has been raised. Issue notice to the respondents. Returnable within four weeks.
3. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.

4. Respondents are directed to submit their reply/counter affidavit through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF, before the next date of listing.
5. We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:
 - (i) One Representative from the Principal Secretary Environment Department, State of MP, Bhopal (M.P.)
 - (ii) One Representative from the Principal Chief Conservator of Forest, Bhopal (M.P.)
 - (iii) One Representative from the Collector Bhopal
 - (iv) One Representative from the Member Secretary State Pollution Control Board, (M.P.)
6. The Committee is directed to submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
7. Applicant is directed to supply the required documents and copy of the application to the committee and the respondents within a week and after compliance of service, the Applicant has to submit an affidavit that notices and copy of the application have been served upon the committee and respondents.
8. The report in the matter be filed by the Committee by email at 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 **6th May, 2024.**

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

5th March, 2024
O.A. No. 44/ 2024(CZ)
K

Item No. 05

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 19/2019 (CZ)
(I.A. No. 29/2020)

Satish Nayak

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 22.07.2020

Date of uploading of order: 27.07.2020

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

For Applicant(s) : Mr. Dharamveer Sharma, Advocate

For Respondent(s): Mr. Sachin K. Verma, Advocate
Mr. Om Shankar Shrivastava, Advocate
Mr. Santanoo Saxena, Advocate
Mr. Deepesh Joshi, Advocate
Mr. Ronak Kanungo, Advocate
Mr. Shrey Raj Saxena, Advocate
Mr. Abhijit Saxena, Advocate
Mr. Yadvendra Yadav, Advocate
Mr. Rahul Ganesha, Advocate

ORDER

1. By filing the present application the issue of encroachment of forest land by the State Authorities in the city of Bhopal, in Master Plan of Bhopal and encouraging the city for encroachment on the forest land, issue of Tiger Reserve, or the issue of the lake has been raised. It is submitted that the Ministry of Environment Forest & Climate Change (hereinafter referred to as MoEF) also submitted a report in the case of *Rashid Noor Khan vs. State of M.P.* that the area in question is a forest land as defined in the landmark judgment of *T.N. Godhavarman vs. Union of India*. Hence it is important to take into consideration that the said forest area, if

reduced blatantly without any scientific study, not only an undefined tiger corridor would be lost but there would be high chances of human tiger conflicts in the area.

2. It is stated that the area in question is a continuation of the Ratapani wildlife sanctuary and it would be clear from various reports that this area forms a link between Ratapani and Satpura tiger reserve; hence the movement of the wildcat (tiger) is frequently noticed in the area. The area is recently being used as territory for various tigers and also according to the news reports different tigers are spotted in the said area on multiple, occasions every week. It is further necessary to draw the attention of this Hon'ble Tribunal that this forest area is also suitable and used by the tigers for the breeding of young cubs which were also spotted in the said territory very frequently. The news reports mentioned here above.
3. It is stated that land acquisition activities took place for the construction of the Kerwa Dam and also the Kaliasot Dam, and the Shahpura Lake in the city of Bhopal. Bhopal being the catchment of the Betwa River which is a Tributary of the River Ganga, is part of the Ganga River Basin. The water from the Upper Lake Bhopal, the Kaliosot River, the Kerwa River all eventually drain into the Betwa River and contribute to the River Ganga and as the said rivers and dams are in close proximity of the said forest area, the tigers use these un-notified tiger corridors in search of water and for breeding. The area in question which today has an extensive forest cover was acquired by the State Government and extensive plantation was carried out in the area by the Capital Project, it is a

matter of detailed enquiry that how land in the close vicinity of this dense forest and two major dams has been earmarked in the recent master plan of the city of Bhopal for the purpose of Residential and Public Semi-Purpose, without obtaining forest clearance from the concerned departments.

4. That the area in question was in close proximity to the forest, where in recent past, in the city of Bhopal, Tigers were frequently sighted and remained in the area for months. In one of the hearing of the matter in Original Application No. 16/2013 titled as Tribunal at its own motion vs. State of MP where matter with regard to the Tigers showing up in close proximity of the inhabited area of Bhopal was considered, the Forest officials had pointed out that the area near the Kaliyasot and Kerwa Dam was conducive and favourable for being included in the Ratapani Sanctuary as it was favourable habitat for the Tigers. In the said matter, Original Application No. 16/2013, directions had been given to the State of MP and the Tiger Conservation Board Authority for examining the issue of declaration of, the said area as a Tiger habitat / Eco Sensitive Zone (ESZ) but the same still remains to be considered as a final decision is not taken by the authorities for reasons best known to them. The Hon'ble Tribunal had further instructed the district administration to take action on the issue as per the Standard Operating Procedure for the states set up by the National Tiger Conservation Authority (NTCA) so that precautionary measures over the incidences taking place due to tigers could be taken.
5. The Bhopal Master Plan 2005 which demarcated for the said land in question Public and Semi-Public land low density housing land

use has not incorporated the essence of the orders passed by the Hon'ble Apex Court and the survey undertaken thereafter demarcating that the land in question falls within the definition of forest as laid down by the Hon'ble Apex Court nor have the area duly recorded on revenue records. It is further pertinent to draw the attention of this Hon'ble tribunal that no forest clearances have been obtained by majority of individuals for use of the above said land which is clearly severed under the provisions of forest conservation act 1980. In the minutes of the 48th Meeting of the Standard Committee of NBWL dated 18.04.18, the Ministry of Environment, Forest and Climate Change discussed, in order to create a balance between the wildlife and construction recommended to have no such construction work going in the radius of 3 km of the forest area. Similarly, in the present case, all the constructions should be deconstructed in the vicinity of the forest area being harmful for the wildlife population.

6. Further, it is stated that the Tiger is frequently seen in the forest area, it is dense forest following within the difference of forest, construction activities have been permitted in the area by the Bhopal Master Plan without considering the crucial aspect of environmental conservation, Bhopal Administration has initiated these constructions without obtaining forest clearance, and construction have been continued even after restraining orders passed by the Competent Tribunal, the State Government of Madhya Pradesh has not demarcated the forest area and thus it is prayed that the ongoing activities of the Bhopal city may be restrained and respondents be directed to make good the last caused by the forest and the Tiger habitat in the vicinity of the

Kaliasot Kerwa Dam by the construction of building in the forest area, construction and demolition of the building be immediately stopped, and the Judicial Committee be constituted to investigate all these matters with further prayer to award compensation.

7. By filing the preliminary objection the learned counsel for the Respondent No. 19 had submitted that the Master Plan of 1995 which was prepared by following the due procedure laid down in Section 23 (2) and 18 (1) of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 was implemented almost 24 years ago after due notification and achieved finality.
8. It is further submitted that any act done in accordance with the Master Plan cannot be undone after 24 years because subsequently Tigers in search of water and breeding have started to come into the area demarcated for Residential and Semi Public usage in the Master Plan in the year 1995 and not Master Plan of 2005. He has prayed to discharge his name or delete his name from the array of the parties. Similarly, Respondent No. 18 has also filed a preliminary objection to struck off his name from the array of the parties.
9. Respondent Nos. 1 and 2 have submitted that a detailed report has already been submitted before this Tribunal regarding the non-forestry activities that have been carried in the subjective area between Kerwa Dam and Kalisot Dam. This subjective area is not a notified forest area and is not under the control of Forest Department. This area is *de facto* situated a distance about 3.5 kms from the nearest forest block boundary of the forest of Bhopal Division.

10. It is further argued that 158.05 hectare of the land which is reported to be deemed forest as per *T.N. Godhavarman vs. Union of India* case is a matter of decision to be taken by the forest authorities with the concurrence of the state authorities in accordance with the law as laid down in the aforesaid judgment.
11. On 01.08.2019, this Tribunal had directed the Nodal Officer, who was present before the Bench, to file response in writing with regard to the allegation of non-forest activities as pointed out in the order dated 08.10.2018 by the Deputy Conservator of Forest (Central), Regional Office of the Ministry of Environment, Forests and Climate Change (MoEF & CC), Bhopal. This Tribunal had also directed the learned Counsel for the applicant to implead Sanskaar Valley School, Jagran Lake City University and all others against whom there are allegations that they are involved in non-forest activities in the area, as party respondent to this application. In compliance of this direction short reply had been filed on behalf of Respondent no. 1 and 2 on 04.09.2019 which *inter alia* states as under:

“2. Dr. Tajendra Singh, APCCF cum Regional Officer, MoEF, Bhopal under the directions of Hon'ble Tribunal has submitted a detailed report on 18/10/2018 regarding the non-forestry activities that have been carried in the subjective area between Kerwa dam and Kaliasot dam. This subjective area is not a notified forest area and is not under the control of forest department. This area is de-Facto situated at a distance of about 3.5 kms from the nearest forest block boundary of the forests of Bhopal Division.

3. The APCCF cum Regional Officer, MoEF, Bhopal in its report has pointed out that 158.05 hectares of forest cover has been put under non-forestry use as on 30/01/2018 in the area of village Chandanpur, Mindora, Mondori and Chawani of Bhopal district.

4. The status and classification of the subjective land in Government records is most probably deemed forest land recorded as revenue land in land records, thus no record is available with

the forest department regarding the status/classification of the land.

5. As per the Order/Judgment dated 12/12/1996 rendered by the Hon'ble Supreme Court in the case of T. N. Godhavarman v/s Govt. of India and others, the Government of Madhya Pradesh has issued instructions vide its letter dated 13/01/1997 to all the District Collectors regarding the determination and listing of forest areas in their districts. Copy of the letter dated 13/01/1997 is marked and enclosed herewith as Annexure-RR-3/1.

6. In aforesaid letter the Government of Madhya Pradesh has given the following instructions:

(i) Non-cultivable land which are bigger than 10 ha in area and containing more than 200 trees per ha is to be treated as forests. The list of these type of patches is to be compiled in a prescribed format.

(ii) All patches of land which are recorded as chote-bade jhad ka jungle etc in the revenue records shall be treated as forests. The list of these type of patches is to be compiled in a prescribed format.

7. The Government of Madhya Pradesh vide its above said letter has also instructed all District Collectors to keep this information in their offices and also to send the abstract to the office of Secretary, Revenue in a prescribed format by 05/02/1997, Thus the record of the revenue lands which are covered by the definition and category of Forests is available only with the Revenue department.

8. The Chief Conservator of Forest, Bhopal has tried to obtain the information and report prepared under the direction of Hon'ble Supreme Court from District Collector, Bhopal. The Chief Conservator of Forest, Bhopal has also requested Collector, Bhopal to provide the relevant data vide letter dated 24/08/2019. So far, this data has not been provided by the District Collector, Bhopal. Copy of letter dated 24/08/2019 is enclosed as Annexure – RR-3/2.

9. In the report submitted to Hon'ble Tribunal by the APCCF Cum Regional Officer, MoEF, Bhopal, it is specifically mentioned that 12 different non-forestry activities have been carried out in 158.05 hectares of deemed forest area in four villages.

10. As per the records of the answering Nodal Officer, prior diversion permissions have been taken only for 7.20 hectares of revenue forest land under Forest Conservation Act, 1980 and these permissions had been granted by the Regional office of MoEF&CC in the year 2005, 2006 and 2008. The details of the permissions granted by MoEF&CC are enclosed herewith as Annexure-RR-3/3.

11. These diversion permissions have been granted to various charitable trusts to establish education centre and to construct

approach road to education centre. On this subjective land at present, Respondent No. 8 Sanskar Valley School building allied administrative buildings and Stadium/Play Grounds are situated. The APCCF cum Regional Officer, MoEF, Bhopal, in its report submitted to Hon'ble NGT, observed that a total of 21.31 hectares of deemed forest land has been used for non-forest activities by Sanskar Valley School and others.

12 On observing these activities on google earth the office of answering Nodal Officer roughly calculated the area of the campus of Respondent No. 8 Sanskar Valley School and the area of this campus is found to be approximately 14.9244 hectares which is only an approximate area, the accurate area could only be ascertained only after proper ground level measurement. As the land in question is recorded as revenue land, thus the measurement could only be carried out by the revenue authorities. In respondent school campus 18 buildings/sheds, 03 play grounds and 02 parkings have been constructed. The approximate areas of these constructions have been given in Annexure-RR-3/4. The image of the google map is enclosed as Annexure-RR-3/5.

13. The APCCF cum Regional Officer, MoEF, Bhopal has observed that a total of 20.15 hectares of deemed forest land has been used for non-forestry activities by Respondent No.9 Jagran Lake University and others. On observing these activities on google earth, the answering Nodal Officer roughly calculated the area of the campus of respondent Jagran Lake University to be approximately 10.7594 hectares. As per the records of the Office of Nodal officer no prior approval of the MoEF & CC has been taken for these activities. The approximate areas of these constructions have been given in Annexure-RR-3/6. The image of the google map is enclosed as Annexure-RR-3/7.

14. Similarly, for the rest of the 10 non-forestry activities as mentioned in the report Bhopal of the APCCF cum Regional officer, MoEF, Bhopal no prior approval of the MoEF & CC has been taken.

15. The APCCF cum Regional Officer, MOEF, Bhopal in its report submitted to Hon'ble NGT, has reported the use of 158.05 hectares of deemed forest land for non-forestry use. This fact could also be ascertained from the revenue records. If this land is considered to be categorized as deemed forest land as per the report of the APCCF cum Regional Officer, MoEF, Bhopal then in that event in view of the Judgment/order rendered by the Hon'ble Supreme Court in the case of T.N. Godhavarman (Supra) prior approval/Forest Clearance of MoEF&CC under Forest Conservation Act, 1980 was necessary.

16. It is agreed that the area in question is an extremely important habitat for Tiger. The District Collector, Bhopal has permitted forest department to carry out plantation in 357.813 hectares of land in this area. The Forest department has already carried out plantation in or about 171 hectares of land thereupon. The Subjective land could also be transferred to the forest department for compensatory Afforestation work.

17. *The short reply is confined to Respondents No. submitted for the kind consideration of the Hon'ble Tribunal, on receipt of the additional details of the subjective land from District Collector, Bhopal and also for each of the newly impleaded respondents additional reply will be submitted. ”*

12. MoEF & CC filed their reply on 17.01.2020 wherein they have stated as follows:

“The MoEF&CC, Regional Office Bhopal had issued four (4) number of Stage-II approval under Forest (Conservation) Act 1980 for the area under this petition, details are as follows”:

1. Stage-II/Formal approval File no.6-MPB186/2007-BHO/2499 dated 13/10/2008: Diversion of 1.84 ha of revenue forest land for construction of school building in favour of Shri R.C. Agrawal Charitable trust (Annexure-III)

2. Stage-II/Formal approval File no.6-MPB069/2006-BHO/1134 dated 27/06/2006: Diversion of 1.360 ha of revenue forest land for construction of approach road in favour of Sharada Devi Charitable trust (Annexure-IV)

3. Stage-II/Formal approval File no.6-MPB050/2004-BHO/430 dated 04/03/2005: Diversion of 2.00 ha of revenue forest land (private owned) for construction of School infrastructure in favour of Kasturba Devi Charitable trust (Annexure-V)

4. Stage-II/Formal approval File no.6-MPB049/2006-BHO/431 dated 04/03/2005: Diversion of 2.00 ha of revenue forest land (Private owned) for construction of School infrastructure in favour of Sharada Devi Charitable trust (Annexure-VI).

Further, no proposal for diversion of forest land under the Forest (Conservation) Act 1980 is pending at MoEF&CC Regional office, Bhopal pertaining for consideration from area under this petition.”

13. It is noteworthy to mention that on 28.08.2018 in an Original Application No. 457/2018 (Earlier Original Application No. 159/2014 CZ) with regard to on-going activities in the area in question, this Tribunal had directed the Additional Principal Chief Conservator of Forests (APCCF), Regional Office, MoEF&CC at Bhopal to visit the site and observe as to whether there is any non-forest activity between Kerwa to Kaliasote which will also include villages of Chandanpur, Mindora and Mondori. In compliance of this Tribunal's order, the Additional Principal Chief Conservator of Forests, Regional Office, MoEF & CC at Bhopal filed a report which states as under:

“Hon’ble NGT vide its order dated 28.08.2018 directed the undersigned as follows:

We Direct the APCCF, Regional Office, MoEF at Bhopal to visit the site and observe as to whether there is any non-forest activity between Kerwa to Kaliasot which will also include villages of Chandanpur, Mindora and Mondori.

This Report is submitted in response to the aforesaid order of the NGT and while doing so the undersigned, at the outset, wishes to place on record the limitations with which this report has been prepared. The first limitation is that of lack of field record, the Regional Office has no land record, including forest, of the State. Therefore, most of the data used is the one which is available on the Decision Support System of the Forest Survey of India (FSI), the websites of the State Government and the boundary of the revenue forest, in possession of the forest department, provided by the State Forest Department of MP. The second limiting factor is lack of field staff with the Regional Office. Unlike the functional offices of the State Forest Department the Regional office of MoEF & CC has no field functionaries attached to it like forest guards, deputy rangers, patwari etc. Therefore the undersigned was largely guided by the field functionaries of the State Forest Department during the said inspection which was carried out on 29.09.2018.

The Hon’ble NGT in its order dated 28.08.2018 has used the phrase “non-forest activity” which is used with reference to the Forest Conservation Act, 1980. Therefore the undersigned assumes that the Hon’ble Tribunal desires to know the quantum and location of forest land, around the three villages of Chandanpur, Mandora and Mandori used for carrying out various non-forest activities. And while doing so the undersigned relied on the definition of forest as given by the Hon’ble Supreme Court in its order dated 12.12.1996 in Writ Petition (Civil) No. 171/96 T.N. Godavarman Thirumulkpad vs. Union of India & Others which reads as follows:

The Forest Conservation, Act 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance, and therefore, the provisions made therein for the conservation of forests and forest matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all the statutorily recognized forest, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forestland” occurring in section 2 will not only include “Forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act.

From the above definition, in the present case, there can be following four broad legal categories of forests

- 1. Land notified as protected or reserve forest under the Indian Forest Act or the State Forest Act.*
- 2. Land recorded as forest in any government record, mainly Jamabandi, but not notified and presently under the control of the forest department for which the State Forest Department has provided the boundary.*

3. Land recorded as forest in any government record, mainly Jamabandi, but not notified and presently under the control of the revenue department/private owner and for which no record is available with the State Forest Department of MP.
4. Land appearing as forest as per the dictionary meaning irrespective of the ownership including private lands, as can be deciphered from the Forest Cover Map of the FSI.

In this report the undersigned could work out only the three categories of forest (Notified, non notified but under the control of the forest department and the Dictionary meaning) which has been used for various non-forestry activities around the three villages. For dictionary meaning the undersigned has relied on the Forest Cover Map of the FSI. The Forest Survey of India in its India State of Forest Report (FSI), 2017 defines forest as follows:

The term "Forest Cover" as used in ISFR refers to all lands more than one hectare in area with a tree canopy of more than 10 % irrespective of land use, ownership and legal status.

From this it is clear that FSI maps a piece of land as forest going by tree canopy, as seen on the satellite imagery, and not by ownership or legal status. Therefore, the forest cover map of FSI showing areas under various densities of forest cover can be very well be used to know and calculate area of forest as per dictionary meaning. However, which of these FSI mapped forest patches have been considered and formally declared as Deemed Forest can only be clarified by the State Government.

The three density classes used by FSI are as follows:

1. Very dense Forest (VDF): Canopy Density > 70 %
2. Medium Dense Forest (MDF): Canopy Density between 40% and 70%
3. Open Forest (OF): Canopy density between 10% and 40 %

It is further reiterated here that in the FSI's Forest Cover Map even private area having good tree cover would qualify as forest.

For the forest area recorded as forest in the government record and presently under the control of the revenue department/private owners (Variously described as Chote Bade Jhad Ka Jundgle, Charaghan, Charnoi etc) the undersigned has written to the State Government vide letter dated 01.10.2018 (Annexure IV) to provide detailed information as it was not available with the field functionaries of the forest department. However the said information has not so far been provided by the State Government. The use of any such land for non-forest purpose after 12-1296, as per the order of the Hon'ble Supreme Court Order, would require clearance under the Forest Conservation Act, 1980.

In all the undersigned, along with the field staff of the MP Forest Department, noticed mainly 12 number of non-forest activities around the four villages of Chandanpur, Mandora, Mondori and Chawni. The details of the forest land used, including category, has been calculated and shown at Annexure I & II. This has been done through the use of the Decision Support System of FSI & Arc GIS 10.03.1. Since the area calculation has been done on computer using the GIS platform, the actual area on ground may

vary. Therefore to work out the exact figure a detailed ground truthing and field measurements need to be carried out by the Revenue Department of the State Government of MP.

In all following forest area has been used for non-forest purposes.

1. Notified Forest area used – Nil
2. Revenue Forest area under the control of Forest Department used- 4.74 Ha
3. Medium Dense/Open Forest as per FSI Map: 158.05 Ha

While submitting this report the undersigned would like to place on record that the area of inspection is an extremely important habitat for various categories of wildlife notably tiger. A report on this, prepared by the RCCF, Bhopal, is enclosed at Annexure V. From this it is clear that presently there are many tigers in the territorial forest area around the three villages under consideration notwithstanding all the non-forest activity going on around the place. This shows there is something inherently important in the habitat to support such a large number of tigers at one place despite the entire disturbance. Therefore on the face of it while we are trying to introduce tigers in places previously inhabited but now bereft of tiger population, it becomes incumbent upon the state to protect an area which already has abundance of tiger population. In this connection the undersigned most humbly places the following suggestions for the kind consideration of the Hon'ble Tribunal.

1. All the non-notified forest area between the Kaliasot and the Kerwa dams (as per the definition of forest laid down by the Hon'ble Supreme Court in its order dated 12.12.1996) presently under the control of the forest/revenue departments be notified as Protected or Reserve forest under the Indian Forest Act (Pictures of such forest at under Annexure III). This is not difficult as the State is routinely notifying plantations of CA (Compensatory Afforestation) to compensate the Forest diversion proposals under the Forest Conservation Act, 1980.
2. An appropriate decision be taken with regard to the use of private areas, which qualify as forest as per Hon'ble Supreme Court order dated 12.12.1996. the land use of such areas should be such that it is in consonance with the surrounding forest habitat.”

14. The Additional Principal Chief Conservator of Forests, Regional Office, MoEF&CC at Bhopal also gave details of 12 numbers of non-forest activities around the 4 villages of Chandanpur, Minora, Mondori and Chawani mentioned in the report above as follows:

TABLE SHOWING THE USE OF VARIOUS CATEGORIES FO FOREST FOR THE DFFERNENT NON-FOREST ACTIVITES

Area In Ha.

Sl. No.	Name of non-Forest activity	Notified Forest used	Revenue forest under forest Dept. Possession used	Forest Cover/ Area (Dictionary Meaning As per FSI) Used	
				Area used as on 05.01.2003 (Google Earth image)	Area used as on 30.01.2018 (Google earth image)
CHANDANPUR VILLAGE					
1.	Sanskaar valley school and others.	0.00	0.63	0.00	21.31
2.	Resort, nurseries and others	0.00	0.01	0.00	14.31
3.	Cluster of farm house and others	0.00	0.60	0.00	12.53
4.	Jagran Lake City University and others	0.00	2.07	0.00	20.15
5.	Farm Houses and others	0.00	0.00	0.00	15.25
6.	Approach road	0.00	0.17	0.00	1.89
7.	Pvt. House & Farm	0.00	0.00	1.96	2.50
	Sub-Total (A)	0.00	3.48	1.96	87.94
MINDORA VILLAGE					
8.	Agriculture & habitation	0.00	0.14	7.21	16.77
9.	Agriculture & resorts	0.00	0.00	5.03	11.91
10	Agriculture & farm	0.00	0.20	12.11	15.83
	Sub-Total(B)	0.00	0.34	24.35	44.51
MONDORI VILLAGE					
11.	Agriculture & Buildings	0.00	0.19	19.68	24.35
	Sub-Total(C)	0.00	0.19	19.68	24.35
Chawani Village					
12.	Approach road	0.00	0.73	0.00	1.25
	Total(A+B+C)	0.00	4.74	45.99	158.05

Note:

- The village boundaries were taken from Town and Country Planning. Govt. of Madhya Pradesh website www.emptownplan.gov.in:9999/masterplanbhupal/index.html. Further, the boundaries were rechecked with the village maps available on Commissioner Land Records & Settlement. Govt. of Madhya Pradesh web portal <http://landrecords.mp.gov.in/newweb/>.
- KML file of Revenue forest area under forest department possession was submitted by the State forest Department. Govt. of Madhya Pradesh.
- The activities taken for study were marked based on the noticeable changes observed on the time line images available on Google earth and as shown by the Forest Dept. on the date of inspection.
- The data were analysed on ArcGIS 10.3.1 software.
- Ground-truthing along with revenue details of the lands by Revenue & Forest Department, State Govt. of Madhya Pradesh is necessary for validation of the result.

15. The Section 2 of the Forest (Conservation) Act 1980 restricts de-reservation of forest or use of forest land for non-forest purposes as under :

“2. Restriction on the dereservation of forests or use of forest land for non-forest purpose. Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of checkpoints, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.”

16. The Rule 9 of the Forest (Conservation) Rules 2003 also provides for proceedings against persons guilty of offences under the act which are as under:

“9. Proceedings against persons guilty of offences under the Act.- (1) The Central Government may, by notification, authorize any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said offence is said to have been committed, to file complaints against the person (s) prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

Provided that no complaint shall be filed in the court, without giving the person (s) or officer (s) or authority (s) against whom the

allegations of offence exist, an opportunity to explain his or their conduct and to show cause, by issuing a notice in writing of not less than sixty days, as to why a complaint should not be filed in the court against him or them for alleged offences.

(2) The officer authorised by the Central Government in sub-rule (1) may require any State Government or its officer or any person or any other authority to furnish to it within a specified period any reports, documents, statistics and any other information related to contravention of the Act or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.”

17. The Hon’ble Supreme Court of India in T.N. Godavarman Thirumulkpad Vs. Union of India and others in W.P (c) No. 202 of 1995 with No. 171 of 1996 which was decided on 12.12.1996 had observed and directed as follows:

“1. In view of the great significance of the points involved in these matters, relating to the protection and conservation of the forests throughout the country, it was considered necessary that the Central Government as well as the Governments of all the States are heard. Accordingly, notice was issued to all of them. We have heard the learned Attorney General for the Union of India, the learned Counsel appearing for the States and the Parties/Applicants and, in addition, the learned Amicus Curiae, Shri H.N. Salve, assisted by Sarvashri U.U. Lalit, Mahender Das and P.K. Manohar. After hearing all the learned Counsel, who have rendered very able assistance to the Court, we have formed the opinion that the matters require a further in-depth hearing to examine all the aspects relating to the National Forest Policy. For this purpose, several points which emerged during the course of the hearing for some time to enable the learned counsel to further study these points.

2. However, we are of the opinion that certain interim directions are necessary at this stage in respect of some aspects. We have heard the learned Attorney General and the other learned Counsel on these aspects.

3. It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for Short “the Act”) and the meaning of the word “forest” used therein. There is also a resulting misconception about the need of prior approval of the Central government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forest, whether designated as reserved, protected or

otherwise for the purpose of Section 2 (i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forest so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works V. State of Gujarat*, *Rural Litigation and Entitlement Kendra V. state of U.P.* and recently in the order dated 29-11.1996 (*Supreme Court Monitoring Committee V. Mussorie Dehradun Development Authority*). The earlier decision of this court in *state of Bihar V. Banshi Ram Modi* has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any state government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.

5. We further direct as under:

I. General

1. In view of the meaning of the word "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". In accordance with Section 2 of the Act, all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease forthwith. It is, therefore, clear that the running of saw mills of any kind including veneer or plywood mills, and mining of any mineral are non-forest purposes and are, therefore, not permissible without prior approval of the Central Government. Accordingly, any such activity is prima facie violation of the provisions of the Forest conservation Act, 1980. Every State Government must promptly ensure total cessation of all such activities forthwith.

2. In addition to the above, in the tropical wet evergreen forests of Tirap and Changlang in the State of Arunachal Pradesh, there would be a complete ban on felling of any kind of trees therein because of their particular significance to maintain ecological balance needed to preserve bio-diversity. All saw mills, veneer mills and plywood mills in Tirap and Changlang in Arunachal Pradesh and within a distance of 100 kms from its border, in Assam, should also be closed immediately. The State governments of Arunachal Pradesh and Assam must ensure compliance of this direction.

3. The felling of trees in all forest is to remain suspended except in accordance with the working plans of the State Governments, as approved by the Central Government. In the absence of any working plan in any particular State, such as Arunachal Pradesh, where the permit system exists, the felling under the permits can be done only by the Forest Department of the State Government or the State Forest Corporation.

4. There shall be a complete ban on the movement of cut trees and timber from any of the seven North-Eastern States to any other State of the country either by rail, road or waterways. The Indian Railways and the State Government are directed to take all measures necessary to ensure strict compliance of this direction. This ban will not apply to the movement of certified timber required for defence or other Government purposes. This ban will also not affect felling in any private plantation comprising of trees planted in any area which is not a fores.

5. Each State Government should constitute within one month an Expert Committee to :

(i) Identify areas which are "Forests", irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;

(ii) identify areas which were earlier forests but stand degraded, denuded or cleared; and

(iii) Identify areas covered by plantation trees belonging to the Government and those belonging to private person.

6. Each State Government should within two months, file a report regarding:

(i) the number of saw mills, veneer and plywood mills actually operating within the State, with particulars of their real ownership.

(ii) the licensed and actual capacity of these mills for stock and sawing.

(iii) their proximity to the nearest forest.

(iv) their source of timber.

7. Each State Government should constitute within one month, an Expert Committee to assess:

(i) the sustainable capacity of the forests of the State qua saw mills and timber-based industry.

(ii) the number of existing saw mills which can safely be sustained in the State.

(iii) the optimum distance from the forest, qua that State, at which the saw mill should be located.

8. The Expert Committee so constituted should be requested to give its report within one month of being constituted.

9. Each State Government would constitute a Committee comprising of the Principal Chief Conservator of Forests and another Senior Officer to oversee the compliance of this order and file status reports."

8. In compliance of the order of the Hon'ble Supreme Court, the State Government of Madhya Pradesh has decided as follows:

“(i) Non-cultivable land which are bigger than 10 ha in area and containing more than 200 trees per ha is to be treated as forests. The list of these types of patches is to be compiled in a prescribed format.

“(ii) All patches of land which are recorded as chote-bade jhad ka jungle etc in the revenue records shall be treated as forests. The list of these type of patches is to be compiled in a prescribed format.”

18. Therefore, in the State of Madhya Pradesh other than those areas which are recorded as forest in Government records, the above two categories of land i.e., non-cultivable land which are bigger than 10 ha area and containing more than 200 trees per ha and all patches of land which are recorded as per “Chote-bade jhad ka jungle” etc., in the revenue records are treated as forest lands for the purpose of Forest (Conservation) Act 1980. It is quite clear from the report of Additional Principal Chief Conservator of Forests (APCCF), Regional Office, MoEF & CC at Bhopal that in his report submitted in compliance of this Tribunal direction in Original Application no. 457/2018 mentioned in above he has considered all above categories of forest lands keeping in view the orders of the Hon’ble Supreme Court in W.P (c) No. 202 of 1995 with No. 171 of 1996 which was decided on 12.12.1996 while considering in his report the non-forestry activities in the area in question. We therefore accept the Report of the Additional Principal Chief Conservator of Forests(APCCF), Regional Office, MoEF & CC at Bhopal and direct the State Government of Madhya Pradesh and the Regional Office of the MoEF & CC at Bhopal to take action in accordance with the Forest (Conservation) Act 1980 and Rules made thereunder and also the guidelines issued by the MoEF & CC from time to time in accordance with law in respect of the non-forest activities which have been reported in the report of

the Additional Principal Chief Conservator of Forests (APCCF), Regional Office, MoEF & CC at Bhopal and which have been done in contravention of Forest (Conservation) Act 1980. We also direct the state of Madhya Pradesh to make appropriate entries in the revenue records recording these lands as “deemed forest lands” in terms of the orders of the Hon’ble Supreme Court dated 12.12.1996.

19. The version of the applicant is that the revenue lands are basically the revenue forest land but the learned counsel appearing for the respondent has argued that this Principle can never be adopted because the land records contain the ownership of the land in the relevant column and all the revenue lands cannot set to be forest land unless and until declared to be forest by the State or Central Government or notified by the relevant notification.
20. It is further submitted that the order passed in O.A. No. 159/2014 in the matter of *Rashid Noor Khan Vs. State of M.P. & Ors.* has not been acted upon in which it was observed that despite the fact that the Tribunal has passed the order for restraining any further construction, it is reported that construction activity is still going on in the aforesaid area.
21. Learned counsel for respondent has further submitted that the Master Plan was executed in the year 1995 and this application was filed in the year 2019 and there is no explanation for filing delay and there is no application to condone the delay and thus on this ground the application is not maintainable.

22. The grounds and explanations submitted by the appellant are totally sketchy and superficial. The point of limitation is also applicable here and virtually no explanation as to why the matter was not taken up with due earnest, reasonably and expediency has not been properly explained.
23. It is true, when State or its instrumentality is a party, and file appeal with some delay, it may deserve some leverage for official hierarchical steps for permission etc. but a wholly unexplained, reckless and negligent approach of delay cannot be overlooked particularly when it is not the case of applicant that it has taken any action against erring individual.
24. The expression "sufficient cause" in Section 5 of Act, 1963 has been held to receive a liberal construction so as to advance substantial justice and generally a delay in preferring appeal may be condoned in interest of justice where no gross negligence or deliberate inaction or lack of bona fide is imputable to parties, seeking condonation of delay. In *Collector, Land Acquisition v. Katiji*, MANU/SC/0460/1987 : 1987(2) SCC 107, the Court said, that, when substantial justice and technical considerations are taken against each other, cause of substantial justice deserves to be preferred, for, the other side cannot claim to have vested right in injustice being done because of a non deliberate delay. The Court further said that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.
25. In the matters where action is brought by Government or statutory authority, no person is individually affected and in ultimate analysis it is the public interest which suffers. The decisions of

Government are collective and institutional and do not share the characteristic of decisions of private individuals. The law of limitation though is equal and apply at par to both private individual and Government but where the Government makes out a case of sufferings to public interest owing to acts of fraud and bad faith on the part of its officials and agents, and also, the intention of Government not to allow such officers of doubtful integrity to go scot free, the Court should also come forward to do justice in the interest of public at large, but, a mere eye wash kind of explanation, without any honest intention of State authorities to proceed against tainted officers, or, those who have acted in a bad faith, or, those who have worked negligently, the explanation that delay must be condoned in public interest would be superficial and lacking bona fide, hence difficult to be accepted by Court.

26. In *G. Ramegowda, Major v. Special Land Acquisition Officer, Bangalore*, MANU/SC/0161/1988 : AIR 1988 SC 897, in para 8 of the judgment, the Court said:

"8..... Therefore, in assessing what, in a particular case, constitutes 'sufficient cause' for purposes of Section 5 it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the Government. Governmental decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red-tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have 'a little play at the joints'. Due recognition of these limitations on Governmental functioning-of course, within a reasonable limits-is necessary if the judicial approach is not rendered unrealistic. It would, perhaps, be unfair and unrealistic to put Government and private parties on the same footing in all respects in such matters. Implicit in the very nature of Governmental functioning is procedural delay incidental to the decision making process. In the opinion of the High Court, the conduct of the law-officers of the Government placed the Government in a predicament and that it was one of these cases where the mala fides of the officers should not be imputed to Government."

27. In P.K. Ramachandran v. State of Kerala, MANU/SC/1296/1997 :
AIR 1998 SC 2276 the Court said:

"Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribe and the Courts have no power to extend the period of limitation on equitable grounds."
10. The Rules of limitation are not meant to destroy rights of parties. They virtually take away the remedy. They are meant with the objective that parties should not resort to dilatory tactics and sleep over their rights. They must seek remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The statute relating to limitation determines a life span for such legal remedy for redress of the legal injury, one has suffered. Time is precious and the wasted time would never revisit. During efflux of time, newer causes would come up, necessitating newer persons to seek legal remedy by approaching the courts. So a life span must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The statute providing limitation is founded on public policy. It is enshrined in the maxim *Interest reipublicae up sit finis litium* (it is for the general welfare that a period be put to litigation). It is for this reason that when an action becomes barred by time, the Court should be slow to ignore delay for the reason that once limitation expires, other party matures his rights on the subject with attainment of finality. Though it cannot be doubted that refusal to condone delay would result in foreclosing the suiter from putting forth his cause but simultaneously the party on the other hand is also entitled to sit and feel carefree after a particular length of time, getting relieved from persistent and continued litigation."

28. There is no presumption that delay in approaching the court is always deliberate. No person gains from deliberate delaying a matter by not resorting to take appropriate legal remedy within time but then the words "sufficient cause" show that delay, if any, occurred, should not be deliberate, negligent and due to casual approach of concerned litigant, but, it should be bona fide, and, for the reasons beyond his control, and, in any case should not lack bona fide. If the explanation does not smack of lack of bona fide, the Court should show due consideration to the suiter, but, when there is apparent casual approach on the part of suiter, the

approach of Court is also bound to change. Lapse on the part of litigant in approaching Court within time is understandable but a total inaction for long period of delay without any explanation whatsoever and that too in absence of showing any sincere attempt on the part of suiter, would add to his negligence, and would be relevant factor going against him.

29. We need not to burden this judgment with a catena of decisions explaining and laying down as to what should be the approach of Court on construing "sufficient cause" under Section 5 of Act, 1963 and it would be suffice to refer a very few of them besides those already referred.
30. In *Shakuntala Devi Jain v. Kuntal Kumari*, MANU/SC/0335/1968 : AIR 1969 SC 575 a three Judge Bench of the Court said, that, unless want of bona fide of such inaction or negligence as would deprive a party of the protection of Section 5 is proved, the application must not be thrown out or any delay cannot be refused to be condoned.
31. The Privy Council in *Brij Indar Singh v. Kanshi Ram* MANU/PR/0033/1917: ILR (1918) 45 Cal 94 observed that true guide for a court to exercise the discretion under Section 5 is whether the appellant acted with reasonable diligence in prosecuting the appeal. This principle still holds good, inasmuch as, the aforesaid decision of Privy Council has repeatedly been referred to, and, recently in *State of Nagaland v. Lipok AO and others*, MANU/SC/0250/2005: AIR 2005 SC 2191.
32. In *Vedabai @ Vaijayanatabai Baburao v. Shantaram Baburao Patil and others*, MANU/SC/0382/2001: JT 2001(5) SC 608 the Court said that under Section 5 of Act, 1963 it should adopt a pragmatic

approach. A distinction must be made between a case where the delay is inordinate and a case where the delay is of a few days. In the former case consideration of prejudice to the other side will be a relevant factor so the case calls for a more cautious approach but in the latter case no such consideration may arise and such a case deserves a liberal approach. No hard and fast rule can be laid down in this regard and the basic guiding factor is advancement of substantial justice.

33. In *Oriental Aroma Chemical Industries Ltd. v. Gujarat Industrial Development Corporation and Anr.*, MANU/SC/0141/2010 : (2010) 5 SCC 459, the Court observed that same yardstick should be applied for allowing application for condonation of delay filed by private individuals and the State, but certain amount of latitude is not impermissible in the latter case because the State represents collective cause of the community and the decisions are taken by the officers/agencies at a slow pace and encumbered process of pushing the files from table to table consumes considerable time causing delay.
34. The aforesaid decision further makes it clear that it is only certain amount of latitude and not an unguided and unlimited charity in the matter of delay, insomuch so, that ignoring the apparent laxity on the part of State officials, the same must be ignore and merely because delay is on the part of State, it should be condoned. Extension of certain amount of latitude and a complete go by are two different things while the former is permissible but later one is totally prohibited. It is for this reason, this Court find that later aspect has been further explained in much explicit and straight

manner in subsequent decisions rendered in 2012, which are noted herein below.

35. In *Pundlik Jalam Patil (dead) by LRS. v. Executive Engineer, Jalgaon Medium Project and Anr.* MANU/SC/4694/2008: (2008) 17 SCC 448, in para 17 of the judgment, the Court said:

"...The evidence on record suggests neglect of its own right for long time in preferring appeals. The court cannot enquire into belated and state claims on the ground of equity. Delay defeats equity. The court helps those who are vigilant and "do not slumber over their rights."

36. The Court also noticed earlier decisions observing that lenient view in condoning delay may be taken when defaulting parties are the Government and Government Undertaking and in this regard, it proceeded to hold in paras 29 and 30 as under:

"29. It needs no restatement at our hands that the object for fixing time-limit for litigation is based on public policy fixing a lifespan for legal remedy for the purpose of general welfare. They are meant to see that the parties do not resort to dilatory tactics but avail their legal remedies promptly. Salmond in his Jurisprudence states that the laws come to the assistance of the vigilant and not of the sleepy."

30. Public interest undoubtedly is a paramount consideration in exercising the courts' discretion wherever conferred upon it by the relevant statutes. Pursuing stale claims and multiplicity of proceedings in no manner subserves public interest. Prompt and timely payment of compensation to the land losers facilitating their rehabilitation/resettlement is equally an integral part of public policy. Public interest demands that the State or the beneficiary of acquisition, as the case may be, should not be allowed to indulge in any act to unsettle the settled legal rights accrued in law by resorting to avoidable litigation unless the claimants are guilty of deriving benefit to which they are otherwise not entitled, in any fraudulent manner. One should not forget the basic fact that what is acquired is not the land but the livelihood of the land losers. These public interest parameters ought to be kept in mind by the courts while exercising the discretion dealing with the application filed under Section 5 of the Limitation Act. Dragging the land losers to courts of law years after the termination of legal proceedings would not serve any public interest. Settled rights cannot be lightly interfered with by condoning inordinate delay without there being any proper explanation of such delay on the ground of involvement of public revenue. It serves no public interest."

37. The above view has been followed in Office of the Chief Post Master General and Ors. v. Living Media India Ltd. and Anr., MANU/SC/0132/2012 : AIR 2012 SC 1506, and in para 13 thereof, the Court as said as under:

"13. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay."

38. Following various earlier decisions, some of which have been referred hereinabove, including State of Nagaland v. Lipok AO and others (supra) in Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai, MANU/SC/0298/2012 : 2012 (5) SCC 157, in para 18 of the judgment, the Court said as under:

"What needs to be emphasized is that even though a liberal and justice oriented approach is required to be adopted in the exercise of power under Section 5 of the Limitation Act and other similar statutes, the Courts can neither become oblivious of the fact that the successful litigant has acquired certain rights on the basis of the judgment under challenge and a lot of time is consumed at various stages of litigation apart from the cost. What colour the expression 'sufficient cause' would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the Court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay. In cases involving the State and its

agencies/instrumentalities, the Court can take note of the fact that sufficient time is taken in the decision making process but no premium can be given for total lethargy or utter negligence on the part of the officers of the State and/or its agencies/instrumentalities and the applications filed by them for condonation of delay cannot be allowed as a matter of course by accepting the plea that dismissal of the matter on the ground of bar of limitation will cause injury to the public interest."

39. In our view, the kind of explanation rendered in the case in hand does not satisfy the observations of Apex Court that if delay has occurred for reasons which does not smack of mala fide, the Court should be reluctant to refuse condonation. On the contrary, we find that here is a case which shows a complete careless and reckless long delay on the part of applicants which has remained virtually unexplained at all. Therefore, we do not find any reason to exercise our judicial discretion exercising judiciously so as to justify condonation of delay in the present case.
40. It is further argued that basis of the application is satellite image which cannot be full proof to declare it as forest land or to deem it as forest land unless or until it is notified by the Government.
41. Before considering the issues which arose in this application it is necessary to look into the scheme and the nature of the proceedings which are holding under the provisions of the Indian Forest Act. This Act was enacted to consolidate the law relating to forest land, the transit of forest produce and other connected matter. Chapter XI of the Act relates to reserved forest. Section 3 provides the power to reserve forest. This section provides that the State Government may constitute any forest-land or waste-land which is property of the Government or over which the Government has proprietary rights, a reserved forest. Section 3, 4, 5, 6, 7, 8 and 9 are quoted as under:

3. Power to reserve forests—The State Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

4. Notification by State Government—(1) Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette—

(a) declaring that it has been decided to constitute such land a reserved forest;

(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called “the Forest Settlement-officer”) to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation—For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.

(3) Nothing in this section shall prevent the State Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

5. Bar of accrual of forest-rights—After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the State Government in this behalf.

6. Proclamation by Forest Settlement-officer—When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation

(a) *specifying, as nearly as possible, the situation and limits of the proposed forest;*

(b) *explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and*

(b) *fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section, 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.*

7. Inquiry by Forest Settlement-officer—*The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.*

8. Powers of Forest Settlement-officers—*For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:*

(a) *power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and*

(b) *the powers of a Civil Court in the trial of suits.*

9. Extinction of rights—*Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.*

42. Section 11 provides that the Forest Settlement Officer shall pass an order admitting or rejecting the claim to right on or any land. Sub-Section (2) of Section 11 provides that if claim is admitted in whole or in part then he will either exclude such land from the limits of the proposed forest and come to an agreement with the owner

thereof for the surrender of his rights, or proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

43. Section 17 provides for rights of appeal to a claimant against the order of Forest Settlement Officer to such officer of a Revenue Department of rank not lower than that of a Collector, as the State Government by notification in the Official Gazette appoint to hear appeals from such orders. The section also contemplates creation of a court named Forest Court. Section 20 Provides for issue of notification declaring reserve forest. Section 17, 18 and 20 are extract as below:

17. Appeal from order passed under section 11, section 12, section 15 or section 16—Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the State Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department of rank not lower than that of a Collector, as the State Government may, by notification in the Official Gazette, appoint to hear appeals from such orders:

Provided that the State Government may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the State Government, and when the Forest Court has been so established, all such appeals shall be presented to it.

18. Appeal under section 17—(1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same.

(2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

(4) The order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case

may be, shall, subject only to revision by the State Government, be final.

20. Notification declaring forest reserved—(1) When the following events have occurred, namely:—

(a) the period fixed under section 6 for preferring claims have elapsed and all claims (if any) made under that section or section 9 have been disposed of by the Forest Settlement-officer;

(b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under section 16 of that Act,

the State Government shall publish a notification in the Official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

44. Further Section 23, 24 and 26 are extract as below:

23. No right acquired over reserved forest, except as here provided—No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under section 20 was issued.

24. Rights not to be alienated without sanction—(1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease mortgage or otherwise, without the sanction of the State Government:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

26. Acts prohibited in such forests—(1) Any person who—

(a) makes any fresh clearing prohibited by section 5, or

(b) sets fire to a reserved forest, or, in contravention of any rules made by the State Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest; or who, in a reserved forest—

(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf,

(d) trespasses or pastures cattle, or permits cattle to trespass;

(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(f) fells, girdles, lops, or bums any tree or strips off the bark or leaves from, or otherwise damages, the same;

(g) quarries stone, bums lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;

(h) clears or breaks up any land for cultivation or any other purpose;

(i) in contravention of any rules made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares; or

(j) in any area in which the Elephants' Preservation Act, 1879 (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit

(a) any act done by permission in writing of the Forest-officer, or under any rule made by the state Government; or

(b) the exercise of any right continued under clause (c) of subsection (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the State Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof

the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit.

45. Further Section 27 (a) provides that act done, order made or certificate issued in exercise of any power conferred by or under this chapter shall, except as hereinafter provided be called in question in any court.
46. The scheme of the Forest Act, is evident from the various provisions as referred above, clearly provides that in the proceeding beginning by notification under Section 4 all claims regarding land included in the notification are adjudicated by an authorized officer all claims to the land can be made and adjudicated. Section 8 gives all powers of the Civil Courts to the Forest Settlement Officer available in trial of the suits. There is an appeal provided under Section 17 to the higher forum. The notification under Section 4 is to be published in Official Gazette appointing Forest Settlement Officer to enquire and determine any right in or any land. Forest Settlement Officer also issues a proclamation in every town and village in the neighbourhood to make the proceedings known to all concerned. The enquiry regarding claims is for the purpose of finding out as to whether the land in question can be declared as reserved forest or it cannot be declared reserved forest due to the rights or claims of claimants and the provision further contemplates that even if right or claim of claimants has been established that is procedure for coming to agreement with the owner for surrender of his right or acquire such land in the manner provided by the Land Acquisition Act. The provision of the Act contemplates extension of all rights regarding land included in the reserved forest. Section 27 (a) has been added giving finality to the orders passed in proceeding under the Indian Forest Act and section creates express bar of saying that

the order made or certificate issued in exercise to power conferred in Chapter-II shall not be called in question.

47. It is further alleged that the area in question is a continuation of Ratnapani Wildlife Sanctuary and it would be clear from various reports from the paper reporting that the Ratnagiri and Satpura Tiger Reserve have a link and there is a movement of the wild Cat, Tiger frequently noticed in the area and as per paper reporting Tigers spotted in the said area on multiple occasions. On the basis of above paper reporting or indirect information or any movement of Tigers, the city of Bhopal, a total area of the city or any area where there is a human habitation and there is a construction from long before 1995 cannot be said that this is a forest area. Further, the activities which is alleged by the applicant within the city area cannot be assessed on simply imagination that this is encroachment of the forest area. It is further alleged that the area in question which today has an extensive forest cover was acquired by the State Government and extensive plantation was carried out in the area by the capital project, it is a matter of detailed enquiry that how land in close vicinity of this dense forest and two major Dams has been earmarked in the recent Master Plan of the city of Bhopal the purpose of residential and public semi purpose, without obtaining forest clearance. It is a matter of Administrative Policy and Administrative decision and if the city has been planned and established and citizens are residing there now this is not matter of enquiry by this Tribunal and relief as prayed is also maintainable.
48. The relief as prayed by the applicant that the area of the forest has not been demarcated, conservation of Tiger in the Ratnapani

Wildlife Sanctuary and Satpura Tiger Reserve be maintained, loss caused to the forest needs to be compensated various individuals are flouting the laws or to issue prohibitory orders against ongoing activities in the city, demolition of constructed building in this area, constituting a Judicial Committee to enquire and investigate the total matter of habitation, construction of official or non-official buildings, within the area, regular check up on the area maintaining and ecological environment, declaration of the area as a protective area or buffer zone for the conservation of the wildcat habitats, compensation against the illegal constructions or recovery of compensation, directing the State Government of Madhya Pradesh to indicate the area which are forest as per directions, suitably considered the possibilities of the ensuring the protection of the forest cover in the vicinity of the city of the Bhopal are, all reliefs which are not concerned with this Tribunal. These are subjects of relevant department of Wildlife and we hope that they all are maintaining and protecting the wildlife in accordance with the procedure of the law. Simply making an allegations against all the constructions on the basis of paper news that to that Tiger was seen in the vicinity of the city cannot be said that if the Tiger is movement in the city, the city itself is a forest and or to be declared as a forest and demarcated.

49. The total allegation of the applicant is on the basis of the paper reporting, or movement of the Tiger or Google Map and all these cannot be set to be full proof evidence for declaring the area as desired by the applicant. The number of the respondents are more than forty and all the learned advocates appearing for the parties had submitted that they were unnecessary arrayed respondent in

the case and they have no concern with the allegation as leveled in the application. It is further argued that if there are any construction, it is regulated under the Municipal Law and if it is found to be illegal, the Competent Authority can proceed in accordance with the local laws. The applicant has not alleged any specific allegation against anyone that a particular construction is encroachment of the land. Even if it is a matter of encroachment the applicant or the person aggrieved may approach to the competent court having jurisdiction to decide it or before the revenue authorities for demarcation of the land.

50. To sum up the whole, if there is any dispute with regard to the question as to whether it is a forest land or not, it is the department concerned who has to agitate before the competent authority, to move the application before the authority concerned and to decide it in accordance with law. The Forest Act itself provides to issue a notification wherever a question is raised and matter is to be decided as to whether it is reserved a forest land or not and a officer as prescribed in Section 4 of Forest Act can be notified. Section 6 provides for the notification and the appointment of Forest Settlement Officer who will specify the situation and limits of the forest. The Forest Settlement Officer shall take down in writing all settlement made under Section 6 and shall at some convenient place enquire into all claims duly preferred under that section and the existence of the right mentioned in Section 4 and 5 are not claimed under Section 6 so far as same may be ascertainable from the records of the Government and the evidence of the any person likely to acquainted with the same. The Forest Settlement Officer shall pass an order admitting or rejecting the

claim to a right in or any land and any person aggrieved by the order of the Forest Settlement Officer may have right to appeal under Section 17 of the Act. Further, Section 20 provides the declaration with regard to forest region and Section 23 of Forest Act provides that no right of any description shall be acquired in or over a reserve forest except by succession or under a grant of any contract in writing made by or on behalf of the Government or some persons in whom such right was vested when the notification under Section 20 was issued.

51. Accordingly, we find no substance in Clause A to H and J of relief Clause of the application and are not maintainable before this Tribunal. The applicant may move an application before Competent Authority of the State or Wildlife Department.
52. For relief I and K, it is advisable that in case of any dispute with regard to forest area, the officer holding the safety and maintenance of the forest can proceed with in accordance with the provisions as laid down in the Indian Forest Act. Before parting with the order, we are of the view to direct the Chief Secretary of State of Madhya Pradesh to either decide himself or to constitute a Committee consisting; (i) Principal Chief Conservator of Forest (HoD), (ii) Principal Secretary, Revenue and (iii) Principal Secretary, Urban Development to examine and verify the records relating to land revenue, about land vested in the State Government/declared as forest reserved or forest land and by way of survey, identification, demarcation and by way of wiring or pillars to secure land of the forest and to ensure that the relevant entries, be made in the Land Revenue Records and one copy should be kept with the Department

of Forest, one copy with the Revenue Department, one copy should be kept in the Board of Revenue Secretariat and to ensure that the land actually vested in the State Government vide notification/order or by operation of any law, be entered in the relevant record and name of the State Government accordingly, be corrected and incorporated. While considering the entries in the Revenue Record Authorities may proceed in accordance with their Local Land Revenue Act or to Act in accordance with the Notification issued under Indian Forest Act as mentioned above, or by way of Notification and appointment of Settlement Officer. The exercise may be completed as early as possible not more than one year.

53. Further, while considering the above matter the report of Principal Chief Conservator of Forest mentioned above with regard to the land and question and suggestions of the Forest Department may also be considered accordingly and acted upon in accordance with law.
54. With these observations, the Original Application No. 19/2019 (CZ) and I.A. No. 29/2020 are finally disposed of.

Sheo Kumar Singh, JM

Dr. S.S. Garbyal, EM

July 27, 2020
Original Application No. 19/2019 (CZ)
MN



क्षेत्रीय कार्यालय
मध्य प्रदेश प्रदूषण नियंत्रण बोर्ड
पर्यावरण परिसर, ई-5, अरेरा कॉलोनी, भोपाल



Annexure V

Telephone:- 0755-2466392 Email:-romppcb_bpl@rediffmail.com

क्रमांक 19688 / क्षेका / प्रनिबो / 2024

भोपाल, दिनांक 30 / 08 / 2024

प्रति,

प्रधान मुख्य वन संरक्षक,
वन विभाग, तुलसी नगर,
भोपाल ।

विषय:- माननीय राष्ट्रीय हरित अधिकरण भोपाल बेंच के प्रकरण क्र. 160 / 2024 (सीजेड) "Rashid Noor Khan Vs. Principal Chief Conservator of Forst, M.P. & Ors." के संबंध में।

माननीय राष्ट्रीय हरित अधिकरण द्वारा ओ.ए. क्रमांक 160 / 2024 में दिनांक 18.07.2024 को पारित आदेश अनुसार वन विभाग, पर्यावरण विभाग, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय एवं म.प्र. प्रदूषण नियंत्रण बोर्ड के प्रतिनिधि की संयुक्त समिति गठित की गई। गठित संयुक्त समिति द्वारा दिनांक 30 / 08 / 2024 को निरीक्षण किया गया। प्रकरण की आगामी सुनवाई दिनांक 16.10.2024 को नियत है।

अतः आपसे निवेदन है कि इस प्रकरण के संबंध में की गई कार्यवाही से इस कार्यालय को अवगत कराने का कष्ट करें। ताकि माननीय एन.जी.टी. के समक्ष रिपोर्ट प्रस्तुत की जा सके।


क्षेत्रीय अधिकारी

o/c

कार्यालय वनमण्डलाधिकारी सामान्य वनमण्डल भोपाल

74 बंगला, खेल परिसर लिंक रोड, कं.-1 भोपाल फोन नं. 2674359 (कार्या.)

E-mail dfotbpl@mp.gov.in

क्रमांक/विधि/10760

भोपाल/दिनांक 14.10.2024

प्रति,

रीजनल ऑफिसर

भोपाल रीजन

मध्यप्रदेश नियंत्रण मण्डल,

एप्को परिसर बांसखेड़ी, भोपाल (म0प्र0)

विषय :- याचिका क्रमांक OA No. 160/2024 (CZ) द्वारा श्री राशिद नूर खान विरुद्ध म0प्र0 शासन एवं अन्य।

---000---

उपरोक्त विषयांतर्गत लेख है कि संदर्भित पत्र के माध्यम से याचिका क्रमांक OA No. 160/2024 (CZ) द्वारा श्री राशिद नूर खान विरुद्ध म0प्र0 शासन एवं अन्य इस कार्यालय को प्राप्त हुई है जिसमें बिन्दुवार प्रतिवेदन निम्नानुसार है :-

- (1) भोपाल वनमण्डल अंतर्गत कोई deemed forest नहीं है। मुख्य सचिव म0प्र0 शासन का पत्र संलग्न है।
- (2) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (3) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (4) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (5) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (6) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (7) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (8) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (9) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (10) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (11) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (12) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (13) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (14) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (15) यह कि राजस्व विभाग द्वारा वन विभाग को हाई-टेक वृक्षारोपण हेतु हस्तांतरित "छोटे-बड़े झाड़ का जंगल" क्षेत्रफल 238.141 हेक्टेयर को अधिसूचना क्र. /एफ-25-61-दस-3 दिनांक 16.07.2021 से भारतीय वन अधिनियम 1927 की धारा 29

के तहत संरक्षित वन घोषित किया जा चुका है जिसका राजपत्र में प्रकाशन दिनांक 30 जुलाई 2021 हो चुका है। चूँकि उक्त क्षेत्र से लगा हुआ राजस्व एवं नगरीय क्षेत्र है जिसमें कॉलोनिनों का निर्माण किया गया है।

(16) यह कि राजस्व विभाग द्वारा वन विभाग को हाई-टेक वृक्षारोपण हेतु हस्तांतरित "छोटे-बड़े झाड़ का जंगल" क्षेत्रफल 119.639 हेक्टेयर को निम्नानुसार अधिसूचनाओं द्वारा शासन ने संरक्षित वन घोषित किया है, जिसका विवरण निम्न है :-

(अ) ग्राम मेण्डोरा-I हेतु अधिसूचना क्र./एफ-25-59-दस-3 दिनांक 06.07.2021 रकबा 8.139 हेक्ट. जिसका राजपत्र में प्रकाशन दिनांक 16 जुलाई 2021 ।

(ब) ग्राम मेण्डोरी-II हेतु अधिसूचना क्र./एफ-25-60-दस-3 दिनांक 06.07.2021 रकबा 111.500 हेक्टेयर जिसका राजपत्र में प्रकाशन दिनांक 16 जुलाई 2021 ।

उपरोक्तानुसार रकबा (8.139+111.500=119.639) कुल रकबा 119.639 हेक्टेयर भारतीय वन अधिनियम 1927 की धारा 29 के तहत संरक्षित वन घोषित करने की अधिसूचनाओं का प्रकाशन राजपत्र में हो चुका है। उपरोक्त क्षेत्रों में कई वन्यप्राणियों की उपस्थिति दर्ज की गई है जिसमें बाघ भी सम्मिलित है उक्त क्षेत्र वनों से आच्छादित है तथा चट्टानें/पहाड़/राक शेहटरस उपलब्ध है। वनक्षेत्र में वन्यप्राणियों की निगरानी एवं आवाजाही की मॉनीटरिंग हेतु ई-सर्विलेंस सिस्टम एवं कैमरा ट्रैप का उपयोग किया जा रहा है। वन्यप्राणियों की सुरक्षा हेतु क्रेक टीम का गठन किया गया है जो 24 घण्टे सूचना मिलते ही तत्काल मौके पर जाकर कार्यवाही करने में सक्षम है। क्रेक टीम को वन्यप्राणियों को रेस्क्यू करने के लिये प्रशिक्षण दिया गया है एवं आवश्यक उपकरण जैसे - जाल, पिंजरा एवं अन्य रेस्क्यू संसाधन उपलब्ध कराये गये हैं। टाईगर मॉनीटरिंग के लिये विशेष वाहन टाटा-207 उपलब्ध है जिससे वन्यप्राणियों की सुरक्षा एवं मॉनीटरिंग का कार्य स्टाफ द्वारा किया जाता है। क्षेत्रीय स्टाफ द्वारा भी गश्ती करके एवं वन सुरक्षा समितियों का सहयोग लेकर वन्यप्राणियों की सुरक्षा की जाती है। साथ ही वनमण्डल भोपाल अंतर्गत निर्धारित रोस्टर अनुसार माह के प्रत्येक दिवस अधिकारी/कर्मचारियों द्वारा बाघ भ्रमण क्षेत्रों में रात्रि गश्ती की जाती है।

(17) यह कि यह कहना सही है कि उक्त क्षेत्र राजस्व विभाग द्वारा वन विभाग को हाई-टेक वृक्षारोपण हेतु हस्तांतरित किया गया है जो घनों वनों से आच्छादित है, एवं उक्त क्षेत्र वन्यप्राणी बाघ का विचरण क्षेत्र भी है, परंतु उक्त क्षेत्र में अभी तक बाघ तथा मानव के द्वन्द्व की स्थिति उत्पन्न नहीं हुई है। गौशालाएँ, संस्कार वैली, लेक जागरण यूनिवर्सिटी से बाहर है एवं लेक जागरण यूनिवर्सिटी के द्वारा गेट के हिस्से पर किये गये अतिक्रमण से संबंधित एक व्यपवर्तन का प्रकरण क्रमांक FA/MP/OTHERS/149148/2021 वरिष्ठ स्तर पर लंबित है।

(18) यह कि वनमण्डल भोपाल अंतर्गत अभी तक बाघ एवं मानव के द्वन्द्व की स्थिति उत्पन्न नहीं हुई है और न ही उक्त क्षेत्र में बाघ के शिकार की घटना हुई है। वनमण्डल भोपाल का

क्षेत्र (Protected Area) नहीं है तथा म०प्र० शासन वन विभाग अंतर्गत एम०पी० टाईगर फाउन्डेशन का गणना किया गया है।

(19) यह कि चंदनपुरा वनक्षेत्र महत्वपूर्ण वन है तथा इस क्षेत्र की जैव विविधता का संरक्षण वन विभाग द्वारा किया जाता है। उक्त क्षेत्र म०प्र० शासन वन विभाग अंतर्गत किसी भी टाईगर रिजर्व अंतर्गत नोटिफाईड नहीं है।

(20) यह कि चंदनपुरा वनक्षेत्र Deemed Forest नहीं है, जो कि राजस्व विभाग द्वारा वन विभाग को हाई-टेक वृक्षारोपण हेतु हस्तांतरित किया गया है, राजपत्र की छायाप्रति संलग्न है। उक्त क्षेत्र में टाईगर का मूवमेंट है तथा मादा बाघिन एवं शावक की उपस्थिति की लगातार वनमण्डल भोपाल द्वारा पर्यवेक्षण संरक्षण तथा सुरक्षा की जाती है।

(21) यह सही है कि चंदनपुरा एक अत्यधिक महत्वपूर्ण वनक्षेत्र है, इसके सहित भोपाल वनमण्डल के अन्य लेण्ड स्केप एवं सीहोर और समीपवर्ती रायसेन जिले में भी वन्यप्राणियों को मूवमेंट है।

(22) यह कि रातापानी अभ्यारण्य औबेदुल्लागंज वनमण्डल अंतर्गत आता है न कि भोपाल वनमण्डल अंतर्गत।

(23) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।

(24) यह कि रातापानी अभ्यारण्य में टाईगर की संख्या परिलक्षित होती है।

(25) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।

(26) यह कि कलियासोत से लगे हुये वनक्षेत्र में टाईगर का मूवमेंट परिलक्षित है तथा मेण्डोरा वनक्षेत्र में मादा बाघिन एवं शावकों की उपस्थिति भी परिलक्षित है।

(27) यह कि उपरोक्त वनक्षेत्रों में टाईगर का मूवमेंट है तथा उक्त क्षेत्रों को टाईगर रिजर्व के रूप में म०प्र० शासन वन विभाग द्वारा नोटिफाईड नहीं किया गया है। यह कहना भी सही नहीं है कि वनक्षेत्र मेण्डोरा तथा कलियासोत सीधे रायसेन के वनक्षेत्र से जुड़ा हुआ है। उक्त क्षेत्र भोपाल शहर के द्वारा विभाजित है।

(28) यह कि भोज विश्वविद्यालय मेण्डोरा/वाल्मी क्षेत्र से लगा हुआ है तथा यहाँ पर यदा-कदा वन्यप्राणियों को मूवमेंट होता रहता है।

(29) यह कि उक्त क्षेत्र भोपाल वनमण्डल के क्षेत्र से बाहर है तथा किसी नोटिफाईड टाईगर कॉरिडोर का पार्ट नहीं है।

(30) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।

(31) यह कि वाल्मी क्षेत्र के सीमाओं के अंदर घना वन विद्यमान है तथा उक्त क्षेत्र में टाईगर सहित अन्य वन्यप्राणियों की उपस्थिति परिलक्षित है।

- (32) यह कहना सही है कि मेण्डोरा तथा चंदनपुरा वनक्षेत्र का हिस्सा है जो जैव विविधता से भरपूर है जहाँ Mannual Reptiles, Birds and Butterflies की अनेक प्रजातियाँ यहाँ पर पाई जाती है जिनकी सुरक्षा, संवर्धन एवं संरक्षण का कार्य वन विभाग द्वारा किया जाता है।
- (33) यह कि उक्त क्षेत्र की सुरक्षा, संवर्धन तथा संरक्षण के क्षेत्र में साइट स्पेसिफिक आवश्यकता अनुसार विभिन्न कार्य तथा बाघ मित्र जागरूकता कार्यक्रम, प्रतिदिन पैदल तथा वाहनों से गश्ती, ई-सर्विलेंस तथा विभिन्न NGO के सहयोग से किया जाता है।
- (34) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (35) यह कि भोपाल वनमण्डल अंतर्गत वनक्षेत्र में कोई भी अतिक्रमण तथा गंदगी/वेस्ट को फैलाया नहीं जाता है। वनक्षेत्र के बाहर किये जाने वाले उक्त कृत्य भोपाल वनमण्डल से संबंधित नहीं है।
- (36) यह कि उपरोक्त वनक्षेत्र अंतर्गत वन्यप्राणियों के संवर्धन से संबंधित कई कार्य किये जा रह हैं तथा अधिकांश क्षेत्रों में प्राकृतिक स्रोतों तथा आवश्यकतानुसार सौसर बनाये जा रहे है तथा उक्त कार्य प्राथमिकता के आधार पर प्रक्रियारत भी है। वनक्षेत्र के बाहर तेज आवाजों का प्रदूषण वन विभाग से संबंधित नहीं है।
- (37),(38) एवं (39) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (40) एवं (41) यह कि उक्त बिन्दु जागरण लेक सिटी यूनिवर्सिटी से संबंधित है।
- (42) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (43) यह कि किसी अन्य बाघ की मृत्यु भोपाल वनमण्डल के वनक्षेत्र में नहीं हुई है, रातापानी अभ्यारण्य की चंदनपुरा से दूरी लगभग 30 कि.मी. से भी अधिक है तथा उक्त दर्शित बाघिन के भोपाल वनमण्डल अंतर्गत उपरोक्त क्षेत्र में मूवमेंट का कोई प्रमाण नहीं है।
- (44) यह कि उक्त क्षेत्र भोपाल वनमण्डल के वनक्षेत्र में सम्मिलित नहीं है तथा भोपाल वनमण्डल से संबंधित नहीं है।
- (45) एवं (46) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (47) यह कि चंदनपुरा नगर वन का निर्माण केन्द्रीय वन एवं पर्यावरण भारत सरकार की स्वीकृति क्रमांक F.No. E. 1-4/2020 B I (NAEB) दिनांक 30.07.2020 एवं प्रधान मुख्य वन संरक्षक एवं वन बल प्रमुख, मध्यप्रदेश (कक्ष-ग्रीन इंडिया मिशन) के पत्र क्रमांक/GIM/2020/357 दिनांक 19.08.2020 के द्वारा दी गई स्वीकृति से की गई है, जिसमें राजस्व विभाग से प्राप्त खसरोँ तथा वनक्षेत्र को जोड़कर नगर वन की अवधारणा अनुसार क्षेत्र विकसित किया गया है।
- (48) यह कि उपरोक्त वनक्षेत्र वन एवं पर्यावरण मंत्रालय भारत सरकार तथा म0प्र0 शासन वन विभाग द्वारा दी गई का कार्य वन विभाग द्वारा ही किया जाता है।

- (49),(50),(51) एवं (52) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (53) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है, किन्तु समय-समय पर प्राप्त सूचनाओं के आधार पर जिला प्रशासन को कार्यवाही हेतु लेख किया गया है।
- (54) एवं (55) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (56) यह कि मेण्डोरा, चंदनपुरा क्षेत्र में बाघ तथा अन्य वन्यप्राणियों को मूवमेंट यदा-कदा वनक्षेत्र के बाहर होता है। वनक्षेत्र के बाहर बोर्ड से तथा अन्य माध्यमों से चेतावनी, संकेत लगाये गये हैं और वन्यप्राणियों के मूवमेंट की स्थिति में लगातार पर्यवेक्षण एवं मॉनीटरिंग की जाती है।
- (57) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (58) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है, Respondent No.10 से संबंधित है।
- (59) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है। उक्त सीमा पर भोपाल वनमण्डल के द्वारा अच्छी सुरक्षा जाली लगाकर सुरक्षा करने संबंधी सुझाव दिया गया है।
- (60) यह कि नगर वन की स्थापना का मुख्य उद्देश्य नगरीय सीमा में वनों को विशुद्ध रूप से साफ हवा उपलब्ध कराने तथा नगरीय जनों को वन एवं वन्यप्राणियों के प्रति जागरूकता एवं संवेदनशीलता उत्पन्न करने हेतु नियमानुसार कराया गया है तथा उक्त क्षेत्र का प्रबंधन पूर्ण रूपेण वन विभाग द्वारा किया जावेगा।
- (61) एवं (62) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (63) यह कि उक्त क्षेत्र भोपाल वनमण्डल की सीमा के अंतर्गत नहीं है, विभिन्न अवसरों पर सूचना प्राप्त होने पर भोपाल वनमण्डल द्वारा संबंधित विभाग नगर निगम आदि को सूचना देकर सफाई आदि की कार्यवाही की जाती है। वन विभाग द्वारा सफाई एवं जन जागरूकता हेतु मिशन लाईफ के अंतर्गत कार्य किया जाता है।
- (64) एवं (65) यह कि बिन्दु में उल्लेखित उक्त क्षेत्र भोपाल वनमण्डल के वनक्षेत्र सीमा में नहीं है।
- (66),(67),(68) एवं (69) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (70) यह कि उक्त बिन्दु MPRDC से संबंधित है, भोपाल वनमण्डल अंतर्गत गुजरने वाले वनक्षेत्र से व्यपवर्तन हेतु सभी औपचारिकताएँ पूर्ण कर आवेदन संबंधित एजेन्सी द्वारा किया गया है तथा संबंधित एजेन्सी को एनिमल पैसेज प्लान सहित, मीटिंगेशन मेजर्स उपलब्ध कराये जाने के निर्देश दिये गये हैं।
- (71) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।

- (72) खसरा क्रमांक 72/2 राजस्व विभाग से संबंधित हैं ।
- (73),(74) एवं (75) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (76) यह कि वनक्षेत्र के व्यपवर्तन लैण्डस्केप से संबंधित नहीं है तथा भोपाल वनमण्डल अंतर्गत जागरण लेक यूनिवर्सिटी के द्वारा शेष बचे अतिक्रमण वनभूमि खसरा क्रमांक क्रमांक 73 में रकबा 0.194 हेक्टेयर एवं 84 में रकबा 0.251 हेक्टेयर के अतिरिक्त अन्य कोई भी अतिक्रमण नहीं है। जागरण लेक यूनिवर्सिटी का राजस्व भूमि को वन विभाग के हस्तांतरण के पूर्व से उक्त खसरों पर अतिक्रमण है जिस संबंध में उनके द्वारा भोपाल वनमण्डल अंतर्गत व्यपवर्तन का प्रकरण क्रमांक FA/MP/OTHERS/149148/2021 वरिष्ठ स्तर पर लंबित है।
- (77) यह कि भोपाल वनमण्डल अंतर्गत वनमण्डल में सम्पूर्ण जैव विविधता तथा वनक्षेत्र का पूर्णरूपेण संरक्षण दिये जाने हेतु आवश्यक प्रयास किये जा रहे हैं जिससे उक्त जैव विविधता न केवल संरक्षित है, अपितु इसका संवर्धन भी हो रहा है तथा वन्यप्राणियों की संख्या में इजाफा भी हो रहा है।
- (78) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (79) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है। भोपाल वनमण्डल अंतर्गत सौपें गये समस्त कार्यों का Exeute संपादन नियमानुसार पूर्ण से किया जा रहा है। भोपाल वनमण्डल अंतर्गत वनक्षेत्रों के अंतर्गत वनों एवं वन्यप्राणियों की सुरक्षा, संवर्धन हेतु वैज्ञानिक अपरोच के साथ कार्य किया जाकर हेबीटेट मैनेजमेंट सुरक्षा, पानी की उपलब्धता, कैमरा ट्रैप, मॉनीटरिंग, ई-सर्विलेंस सुरक्षा, फुट पेट्रोलिंग, बैरियर हट तथा Man Arrival Conduct रोकने हेतु मवेशियों आदि के लिये पर्याप्त एवं समय पर पशु हानि मुआवजा दिया जा रहा है।
- (80) यह कि वनक्षेत्रों के अंतर्गत उपरोक्त व्यवस्था सुदृढीकृत करते हुये समस्त आवश्यक उपाय किये जाते हैं, इसके लिये कार्य आयोजना से जो कि भारत सरकार द्वारा स्वीकृत हैं, के अंतर्गत विशिष्ट उपायों को सम्पादित किया जा रहा है।
- (81), (82) एवं (83) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (84) यह कि उक्त घटना स्थल रातापानी अभ्यारण्य औबेदुल्लागंज वनमण्डल से संबंधित है तथा उक्त क्षेत्र इस स्थल से काफी दूर है।
- (85) यह कि उक्त क्षेत्र सतुपड़ा टाईगर रिजर्व से संबंधित है, भोपाल वनमण्डल में कोई क्षेत्र टाईगर कोरिडोर अंतर्गत नोटिफाईड नहीं है।
- (86) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।
- (87) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है। वनमण्डल भोपाल अंतर्गत समस्त कार्य मध्यप्रदेश शासन प्रधान मुख्य वन संरक्षक, कार्य आयोजना तथा पर्यावरण एवं जलवायु परिवर्तन विभाग भारत सरकार द्वारा स्वीकृति के अंतर्गत सक्षम अधिकारियों की

तकनीकी स्वीकृति उपरांत कराये जाते हैं जो संपूर्ण रूप से उपरोक्त राष्ट्रीय एवं राज्य की वन नीति के अनुरूप है।

(88) यह कि उक्त बिन्दु पर्यावरण वानिकी वनमण्डल भोपाल से संबंधित है।

(89) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।

(90) यह कि उक्त बिन्दु में किया गया उल्लेख सत्य है।

(91) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।

(92) यह कि भोपाल वनमण्डल अंतर्गत PA (Protected Area) नहीं है और न ही टाईगर रिजर्व क्षेत्र है। अतः उससे संबंधित कोर एवं बफर जोन संबंधी नियम प्रक्रिया अवधारणा लागू नहीं होती है।

(93) यह कि उक्त बिन्दु रातापानी अभ्यारण्य से संबंधित है तथा वनमण्डल भोपाल का उक्त क्षेत्र प्रस्तावित रातापानी क्षेत्र का भाग नहीं है।

(94) यह कि उक्त बिन्दु का संबंध टाईगर रिजर्व से संबंधित है।

(95) Not Applicable

(96) यह कि उक्त बिन्दु वनमण्डल कार्यालय भोपाल से संबंधित नहीं है।


(97), (98) एवं (99) Not Applicable

(100) यह कि भोपाल वनमण्डल अंतर्गत चंदनपुरा नगर वन का निर्माण भारत सरकार की स्वीकृत योजना अंतर्गत जन जागरुकता बढ़ाने की दृष्टि से किया गया है।

(101) यह कि वन एवं वन्यप्राणी सुरक्षा प्रबंधन के उद्देश्यों के अतिरिक्त कोई निर्माण वनक्षेत्र में नहीं किया गया है।

प्रतिवेदन सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

संलग्न :- उपरोक्तानुसार।


वनमंडलाधिकारी
सामान्य वनमंडल, भोपाल



CIN : U45203MP2004SGC016758

M.P. Road Development Corporation Ltd.

(M.P. State Highway Authority)

(Govt. of M.P. Undertaking)

45-A, Arera Hills, Bhopal-462011

☎ : 0755-2597290 / 2765205 Fax : 0755-2572643, Website : mprdc.gov.in



Letter No. 8717/MPRDC/Western Bhopal Bypass/2024 Bhopal dated 04/10/2024

To,

The Regional Officer,
Pollution Control Board,
Paryavaran Parisar, E-5, Arera Colony,
Bhopal (M.P.) – 462016



Sub:- Construction of Western Bhopal Bypass as 4-lane with paved shoulder along with service road (Design length-40.90 km) in the State of Madhya Pradesh on Hybrid Annuity Mode.

Ref:- Petition No. 160/2024, by Rashid Noor Khan, Para-70 related to MPRDC.

With reference above Petition no. 160/2024, by Rashid Noor Khan, Para-70 related to MPRDC the Western Bhopal bypass is to be constructed with the aim of reducing traffic pressure in Bhopal district. This bypass will start from village Itayaklan situated on Jabalpur-Bhopal National Highway No. 46 and will be constructed between village Phanda situated on Bhopal-Indore National Highway No.-28. This bypass is to be constructed in a length of about 40.90 km. Out of the total length of the bypass, about 6.095 k.m. bypass passes through the forest areas of Bhopal Forest Division. This forest area falls in compartment no. 211, 212, 215, 216, 217, 218, 219, 220 and 211 of Bhopal Forest Division.

The forest area affected in this bypass is not a part of any National park or Sanctuary. The affected forest area is not in any Eco-Sensitive Zone and is not a part of any Tiger corridor/Elephant corridor. Hence, there is no need to obtain wildlife permission from the Government of India in this case.

As per the site inspection report of the Divisional Forest Officer, Bhopal, in the affected forest area, construction of underpasses of different spans of more than 5 meter height has been proposed at 12 places for the safe movement of wild animals including Tigers, Bears and other wild animals on both sides of the road. To ensure smooth movement of wildlife, necessary structures are being proposed as per eco-friendly measures to mitigate impacts of linear infra projects prepared by Wildlife Institute of India, Dehradun. The 12-foot high chain-link fence with steel angles will be installed on both sides of the road passing through the forest area for a length of 6.095 km. This fence will direct the wildlife to use the designated underpasses to cross the road safely,

Page 1 of 3

Connecting People Through quality infrastructure

thereby preventing harm to animals due to traffic. Similarly, suitable plant species will be planted on both sides of the road passing through the forest area as per the provisions of the Forest Department.

Service roads will be constructed on both sides of the main road to facilitate monitoring of wildlife. This will be a kuchha road and no tree will be cut for its construction. This work will be done under the supervision of the Forest Department.

The in-principal approval of forest diversion 45 hec. land which is falling in the alignment accorded by MOEF on dated 30/07/2024 with the condition that the wild life mitigation plan wetted by PCCF wild life will be submitted by concern department the mitigation plan has been prepared and submitted to DFO Bhopal by the MPRDC. The copy of mitigation plan is enclosed.

This route will pass at a considerable distance from Kolar Dam, Kaliyasot Dam, Kerwa Dam and Bada Talab. It is worth mentioning that at present many such routes are in use which are at a much shorter distance from these water bodies than the proposed bypass. This route will pass 17 km from Kolar Dam water body, 10 km from Kaliyasot Dam water body, 3.30 km from Kerwa Dam water body and 3.00 km from Bada Talab water body. Bhopal is known as a city where the city has developed horizontally and not vertically. With the construction of this route, the identity of Bhopal will be preserved. As far as the catchment area of the mentioned dams is concerned, it is also worth considering that the catchment of the big pond goes up to Sehore district. Therefore, on this basis, it is not logical not to build any road between Bhopal and Sehore. The same situation applies to other dams as well. As far as the inflow of water in these ponds is concerned, it is clarified that in the design of the route, along with the construction of bridges of sufficient length on all the water channels, 13 additional culverts will also be constructed. The location of culverts shown in Topo sheet is here enclosed.

As far as Ramsar site is concerned, it is clarified that Bada Talab located in Bhopal has been declared a Ramsar site. Wetland Rules-2017 are effective on Bhoj Wetland which is a Ramsar site. In the order dated 16 March 2022 of the Environment Department of Madhya Pradesh Government, a recommendation has been made regarding the determination of Prohibited, Regulated and Permitted activities within the limit of 50 meters from the wetland boundary and its zone of influence. According to this, any kind of permanent construction is prohibited up to a distance of 50 meters from the full tank level of Bada Talab. The proposed bypass is 3 km from the full tank level of Bada Talab. It is at a distance of 3 km. 6.1 km of this route passes through the

forest area. 12 feet high wire fencing will be done on both sides of this area and 12 viaducts (Minor Bridge & Animal Underpass) have been provided for the movement of wild animals from one side to the other. For its construction, diversion of 45 hectares of forest land is required. 90 hectares of land has been made available to the forest department for compensatory plantation. A total of 3248 trees will be affected in the forest area. In lieu of this, 90000 trees will be planted. For this, a provision of Rs 13.00 crore has been made in the project.

Encl.:- As above.

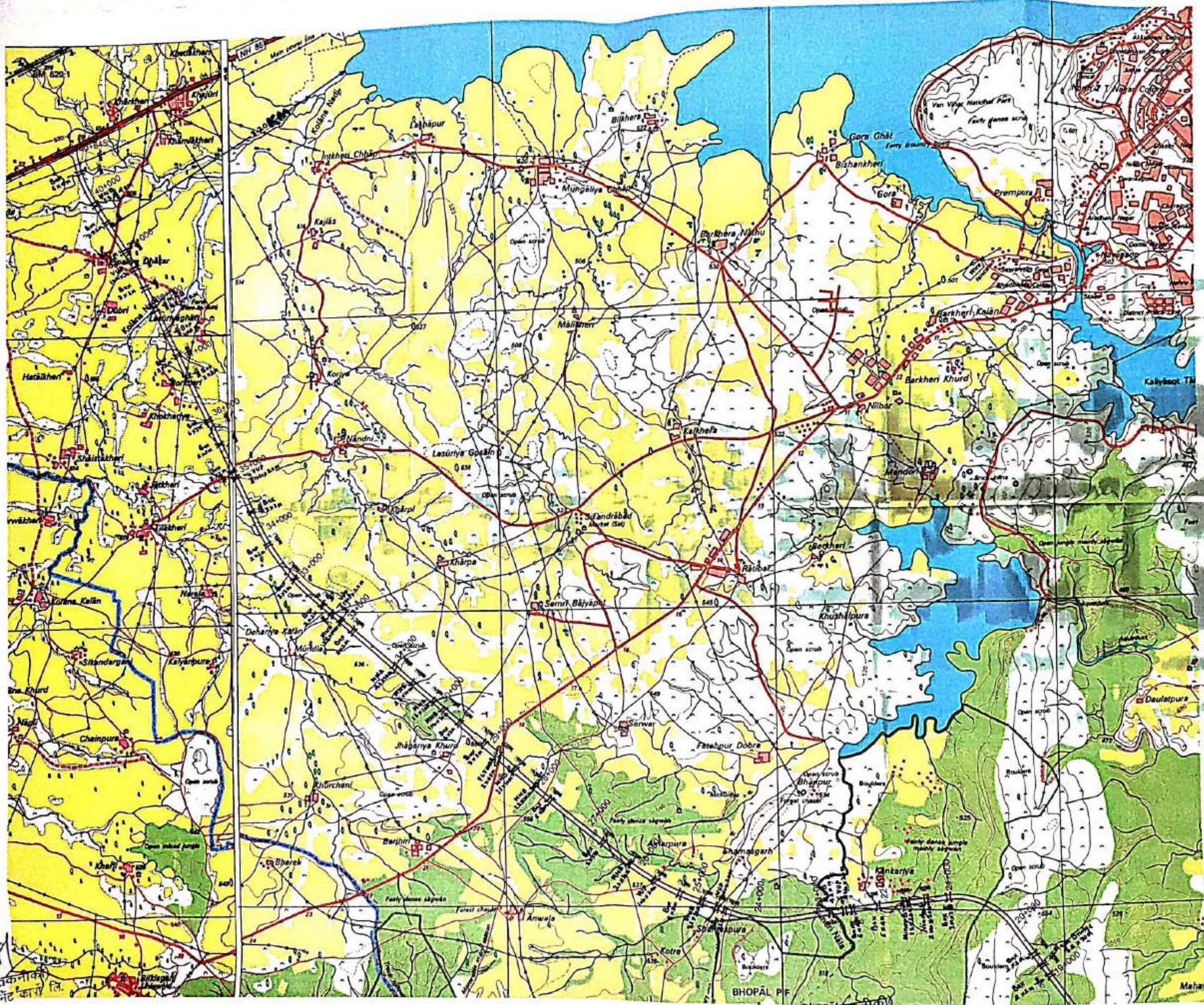
9/03/10/2024
(B. S. Meena)
Chief Engineer
MPRDC, Bhopal

Endt. No...../MPRDC/Western Bhopal Bypass/2024 Bhopal dated...../10/2024

Copy to;

1. PA to MD, MPRDC, Bhopal.
2. Shri M.H. Rizvi, General Manager, MPRDC, Bhopal

sd
Chief Engineer
MPRDC, Bhopal




महाप्रबंधक (वि.क.वि.) लि.
 एम.पी.रोड डेवलपमेंट कार्पोरेशन लि.
 भोपाल

महाप्रबंधक (वि.क.वि.) लि.
 एम.पी.रोड डेवलपमेंट कार्पोरेशन लि.
 भोपाल

Details of Structure

4-Lane Western Bhopal Bypass

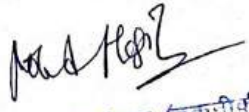
S.No.	Km. CH.	Provision	Span Arrangement	Total Width	Remarks
1	2	3	4	5	6
1	0.000	Trumpet	2 X 35.0m	2x14.5m	PSC Girder
2	0.000	Box	1 X 6.0 X 4.0		1 Nos. for Trumpet Interchange Ramp
3	0.000	Box	1 X 2.0 X 2.0		4 Nos. for Trumpet Interchange
4	0.000	Box	1 X 2.0 X 2.0		4 Nos. for Trumpet Interchange
5	0.250	Box	1 X 3.0 X 3.0		
6	0.620	Box	1 X 2.0 X 2.0		
7	0.785	Road Over Bridges	1x20 + 3x37.280 + 1x20	2x17.0	Steel Composite Girder
8	1.100	Box	1 X 3.0 X 3.0		
9	1.660	Box	1 X 2.0 X 2.0		
10	1.890	Box	1 X 2.0 X 2.0		
11	2.385	VUP	1x20.0m	2x14.5m	RCC Girder
12	2.460	Box	1 X 2.0 X 2.0		
13	2.890	Box	1 X 2.0 X 2.0		
14	3.460	Box	1 X 2.0 X 2.0		
15	3.700	Box	1 X 3.0 X 3.0		
16	4.210	Box	1 X 2.0 X 2.0		
17	4.250	VUP	1x30.0m	2x14.5m	RCC Girder
18	4.490	Box	1 X 6.0 X 3.0		
19	4.775	Minor Bridge	4 x 10.0m	61.50	
20	5.080	Box	1 X 3.0 X 3.0		
21	5.550	Box	1 X 2.0 X 2.0		
22	5.960	Box	1 X 3.0 X 3.0		
23	6.400	VUP	1x20.0m	2x14.5m	RCC Girder
24	6.600	Box	1 X 2.0 X 2.0		
25	6.850	Box	1 X 2.0 X 2.0		
26	7.090	Box	1 X 2.0 X 2.0		
27	7.610	Box	1 X 2.0 X 2.0		
28	8.200	Box	1 X 2.0 X 2.0		
29	8.380	VUP	1x20.0m	2x14.5m	RCC Girder
30	8.580	Box	1 X 2.0 X 2.0		
31	8.800	Box	1 X 3.0 X 3.0		
32	9.300	Box	1 X 2.0 X 2.0		
33	9.400	VUP	1x30.0m	2x14.5m	RCC Girder
34	9.720	Box	1 X 2.0 X 2.0		


 महाप्रबन्धक (प्रकल्प-पी)
 एम.पी.रोड डेव्हलपमेंट
 नोपाल

No.	Km. CH.	Provision	Span Arrangement	Total Width	Remarks
35	10.050	Minor Bridge	1x10.0m	61.50	
36	10.455	Minor Bridge	3x10.0m	61.50	
37	10.945	Minor Bridge	3x10.0m	61.50	
38	11.590	Box	1 X 2.0 X 2.0		
39	11.725	Box	1 X 2.0 X 2.0		
40	12.400	Box	1 X 6.0 X 3.0		
41	12.920	Box	1 X 3.0 X 3.0		
42	13.160	VUP	1x30.0m	2x14.5m	RCC Girder
43	13.500	Box	1 X 2.0 X 2.0		
44	13.940	Box	1 X 2.0 X 2.0		
45	14.450	Box	1 X 2.0 X 2.0		
46	15.100	Box	1 X 3.0 X 3.0		
47	15.400	Minor Bridge	3 x 10.0m	62.50	
48	15.575	Flyover	3x45.0m	2x14.5m	PSC Girder
49	15.740	Minor Bridge	6x10.0m	62.50	
50	16.070	Box	1 X 6.0 X 4.0		
51	16.400	Minor Bridge	4 x 10.0m	55.50	
52	16.850	Viaduct	2 X 30.0m	2x14.5m	PSC Girder
53	17.050	Box	1 X 3.0 X 3.0		
54	17.980	Major Bridge	6 X 40.0m	2X16.0 m	
55	19.020	Box	1 X 2.0 X 2.0		
56	19.225	Major Bridge	3 X 30.0m	2X16.0 m	
57	19.420	Box	1 X 2.0 X 2.0		
58	21.070	Box	1 X 3.0 X 3.0		
59	21.400	Viaduct	2 X 30.0m	2x14.5m	PSC Girder
60	21.720	Minor Bridge	1x20.0m	2X16.0	
61	22.230	Box	1 X 6.0 X 4.0		
62	22.530	Box	1 X 6.0 X 4.0		
63	22.640	VUP	1x20.0m	2x14.5m	RCC Girder
64	22.955	Minor Bridge	4x10.0m	55.50	
65	24.500	Box	1 X 2.0 X 2.0		
66	24.610	VUP	1x20.0m	2x14.5m	RCC Girder
67	24.870	Minor Bridge	3x10.0m	55.50	
68	25.220	Box	1 X 2.0 X 2.0		
69	25.630	VUP	1x20.0m	2x14.5m	RCC Girder
70	26.115	Minor Bridge	2x10.0m	61.50	
71	26.680	Box	1 X 3.0 X 3.0		
72	27.740	Box	1 X 6.0 X 3.0		
73	28.030	Minor Bridge	1x10.0m	68.50	

Handwritten signature
 सहायक (निकासी)
 एम.पी.रोड डेवलपमेंट कॉर्पोरेशन लि.
 भोपाल

No.	Km. CH.	Provision	Span Arrangement	Total Width	Remarks
74	28.425	Minor Bridge	1x10.0m	55.50	
75	28.815	Flyover	3x45.0m	2x14.5m	PSC Girder
76	29.100	Box	1 X 3.0 X 3.0		
77	29.600	Box	1 X 2.0 X 2.0		
78	29.925	Minor Bridge	1x10.0m	61.50	
79	30.030	Minor Bridge	1x10.0m	61.50	
80	30.465	Minor Bridge	2x10.0m	61.50	
81	30.940	Minor Bridge	4x10.0m	61.50	
82	31.830	Box	1 X 2.0 X 2.0		
83	32.040	Minor Bridge	2x10.0m	55.50	
84	32.140	VUP	1x20.0m	2x14.5m	RCC Girder
85	32.470	Box	1 X 2.0 X 2.0		
86	33.050	Box	1 X 3.0 X 3.0		
87	33.790	Box	1 X 2.0 X 2.0		
88	34.380	Box	1 X 3.0 X 3.0		
89	34.975	VUP	1x20.0m	2x14.5m	RCC Girder
90	35.070	Box	1 X 2.0 X 2.0		
91	35.550	Box	1 X 2.0 X 2.0		
92	35.990	Box	1 X 6.0 X 3.0		
93	36.730	Box	1 X 2.0 X 2.0		
94	37.110	Box	1 X 2.0 X 2.0		
95	37.490	Box	1 X 2.0 X 2.0		
96	37.935	Minor Bridge	6x10.0m	61.50	
97	38.300	Box	1 X 3.0 X 3.0		
98	38.650	VUP	1x20.0m	2x14.5m	RCC Girder
99	38.960	Box	1 X 2.0 X 2.0		
100	39.500	Box	1 X 2.0 X 2.0		
101	39.865	Minor Bridge	1x40.0m	2X16.0	
102	40.410	Box	1 X 6.0 X 4.0		
103	40.900	Trumpet	2 X 35.0m	2x14.5m	PSC Girder


 महाप्रबंधक (निकासीकी)
 एम.पी.रोड डेवलपमेंट कार्पो. लि.
 भोपाल



कार्यालय वनमण्डल भोपाल

74 बंगले सोल परिसर, भोपाल -482003 दूरभाष 2674322 (कार्या.) 2672323 (नि.)
E-mail - dftbpl@mp.gov.in

क्रमांक/सा.चि./10133

/भोपाल/दिनांक/27/9/24

प्रति,

प्रधान मुख्य वन संरक्षक

(वन्यप्राणी), मध्यप्रदेश, वन भवन, भोपाल

विषय:-

वेस्टर्न बायपास, भोपाल हेतु 45 हेक्ट. वनभूमि प्रत्यावर्तन के प्रकरण में वन्यप्राणी मिटिगेटिव प्लान का वन्यप्राणी कक्ष से अनुमोदन वास्त।

संदर्भ:-

मुख्य अभियंता (बायपास) एमपीआरडीसी, भोपाल का पत्र क्रमांक/8036 पश्चिम भोपाल बायपास/एमपीआरडीसी/2024 दिनांक 20.09.2024

—000—

उपरोक्त विषयांगत संदर्भित पत्र के अनुक्रम में अनुरोध है कि, मुख्य अभियंता (बायपास) एमपीआरडीसी, भोपाल का मिटिगेटिव प्लान इस कार्यालय में प्रस्तुत किया गया है। मुख्य अभियंता (बायपास) एमपीआरडीसी, भोपाल द्वारा प्रस्तुत मिटिगेटिव प्लान (दो प्रतियों में) अनुमोदनार्थ प्रेषित कर अनुरोध है कि, मिटिगेटिव प्लान अनुमोदन उपरांत एक प्रति इस कार्यालय में प्रेषित करने का कष्ट करें।

संलग्न :- उपरोक्तानुसार।

(आलोक पाठक)
वन संरक्षक

एवं पदेन वनमण्डलाधिकारी
सामान्य वनमण्डल भोपाल

भोपाल/दिनांक 27/9/24

पृ.क्र./सा.चि./10134

प्रतिलिपि:- वन संरक्षक, भोपाल वृत्त भोपाल की ओर सूचनार्थ प्रेषित।

वन संरक्षक

एवं पदेन वनमण्डलाधिकारी
सामान्य वनमण्डल भोपाल

4-लेन पश्चिम भोपाल बाँयपास का निर्माण



Eco - Friendly Mitigation Plan



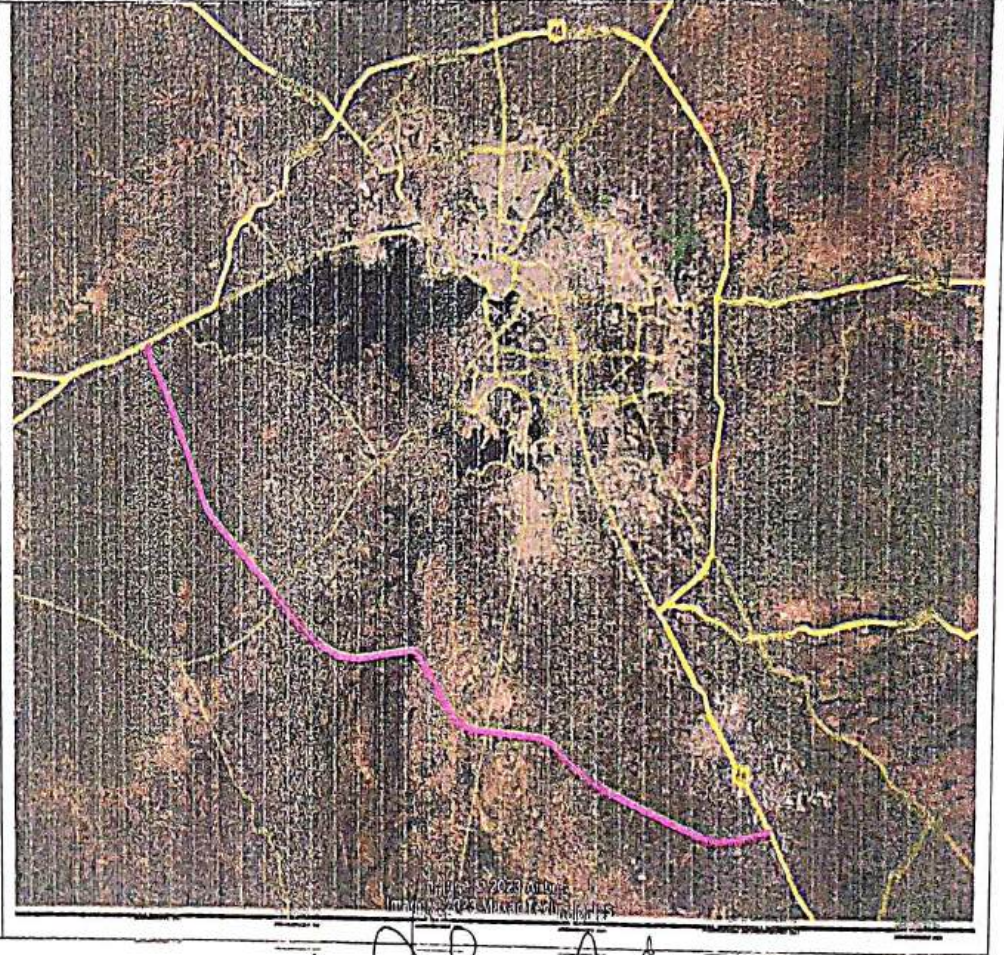
भोपाल वेस्टर्न बायपास निर्माण

कार्य में वन्यप्राणियों के सुगम

आवागमन हेतु

4-लेन पश्चिम भोपाल बायपास का निर्माण

भोपाल जिले में यातायात के दबाव को कम करने के उद्देश्य से एक बायपास का निर्माण किया जाना है। यह बायपास जबलपुर- भोपाल राष्ट्रीय राजमार्ग क्रमांक 46 पर स्थित ग्राम इटायलाकलाँ से प्रारम्भ होकर भोपाल-इन्दौर राष्ट्रीय राजमार्ग क्रमांक-28 पर स्थित ग्राम फंदा के बीच निर्मित किया जायेगा।



अनुमोदित किया जाता है।

Divisional Forest Officer
Bhopal Division, Bhopal

4-लेन पश्चिम भोपाल बायपास का निर्माण

यह बायपास लगभग 40.900 कि.मी. की लम्बाई में बनाया जाना है। बायपास की कुल लम्बाई में से लगभग 6.095 कि.मी. की लम्बाई भोपाल वनमण्डल के वनक्षेत्रों से होकर गुजरती है। यह वनक्षेत्र भोपाल वनमण्डल के कक्ष क्र. 211, 212, 215, 216, 217, 218, 219, 220 एवं 211 में आता है।



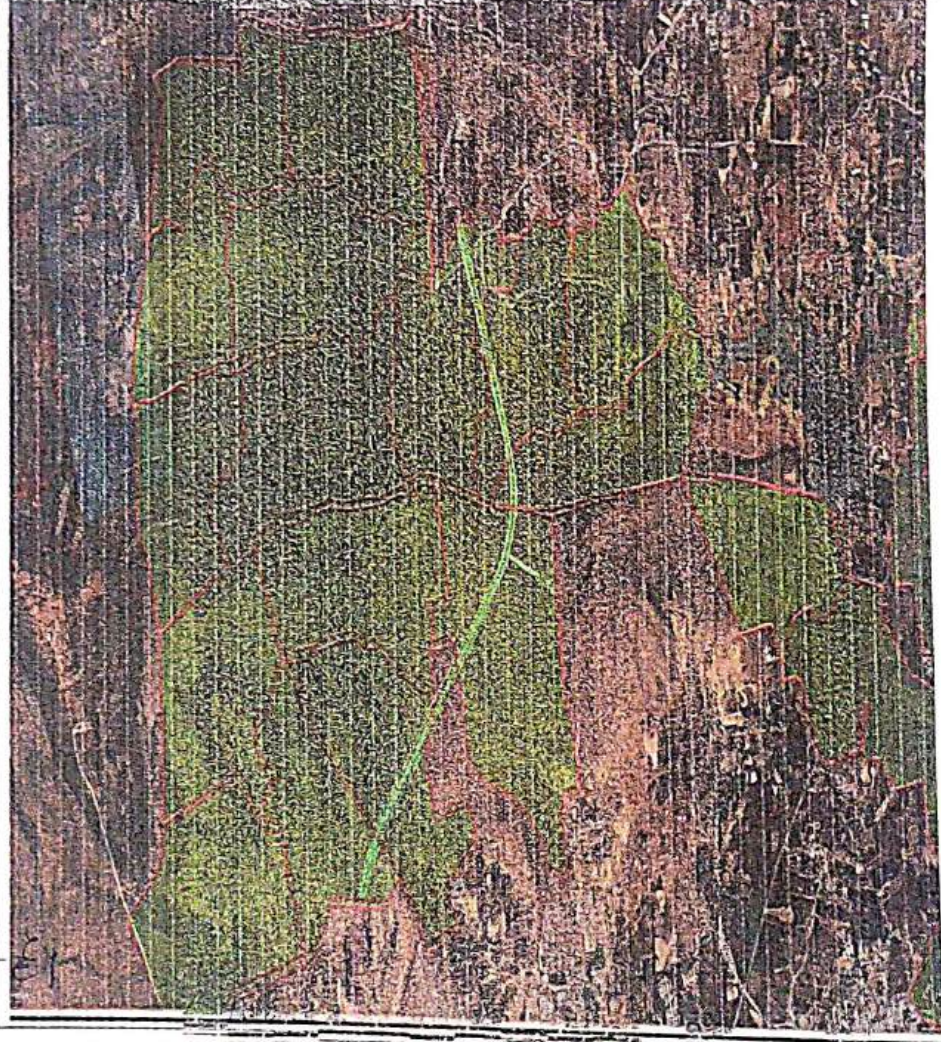
अनुमोदन के लिये है

Divisional Forest Officer

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

इस बायपास में प्रभावित होने वाला वनक्षेत्र किसी भी राष्ट्रीय उद्यान या अभ्यारण्य का भाग नहीं है। प्रभावित वनक्षेत्र किसी ईको सेसेंटिव जोन में नहीं है और न ही किसी टाईगर कॉरिडोर/ हाथी कॉरिडोर का भाग है। अतः प्रकरण में भारत सरकार से वन्यप्राणी अनुमति प्राप्त किये जाने की आवश्यकता नहीं है।

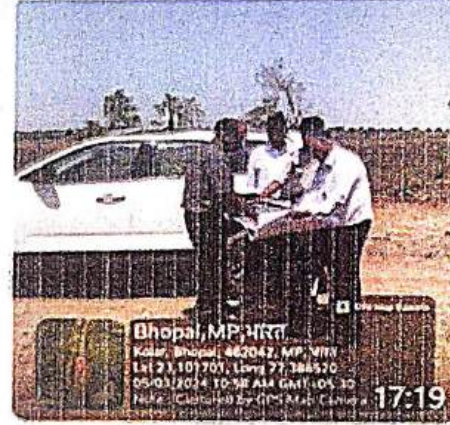
अनुमति की जाती है।



Divisional Forest Officer

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

प्रभावित वनक्षेत्र में वन विभाग के मुख्य वन संरक्षक, वनमण्डलाधिकारी, वन विभाग के अन्य अधिकारीयों तथा एमपीआरडीसी अधिकारीयों के साथ संयुक्त निरीक्षण कर स्थल निरीक्षण रिपोर्ट के अनुसार वन्यप्राणियों के सुगम आवागमन हेतु अंडरपास का निर्माण प्रस्तावित किया गया है।

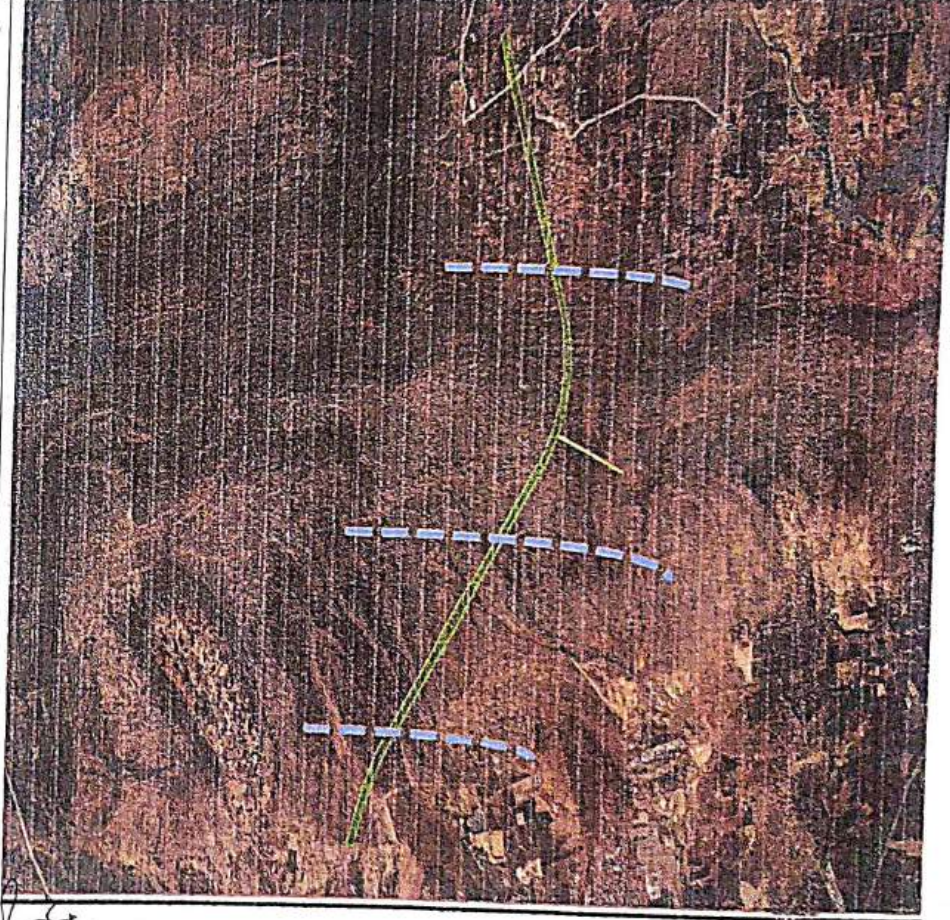


अनुमोदित जारी है।

Divisional Forest Officer

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

प्रभावित वनक्षेत्र में वनमण्डलाधिकारी, भोपाल की स्थल निरीक्षण रिपोर्ट के अनुसार वन्यप्राणियों जिसमें बाघ, भालू एवं वन्य प्राणियों का मार्ग के दोनों ओर आने जाने हेतु 12 स्थानों पर 5 मीटर से अधिक ऊंचाई के विभिन्न स्पानों के अंडरपास का निर्माण प्रस्तावित किया गया है।



अनुमोदन की देखा है

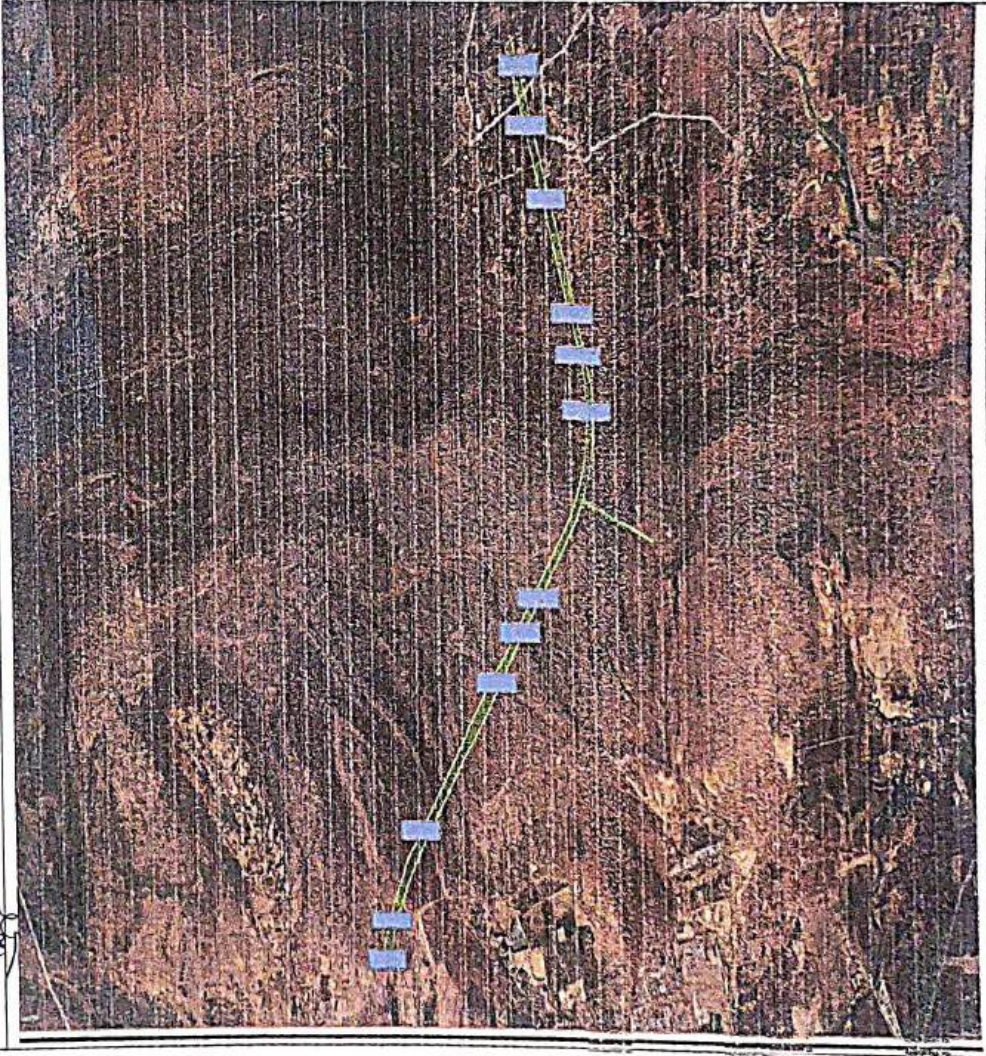
Divisional Forest Officer
Forest Division, Bhopal

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

वन्यप्राणियों के सुगम आवागमन को सुनिश्चित करने के लिये भारतीय वन्यप्राणी संस्थान, देहरादून द्वारा तैयार eco-friendly measures to mitigate impacts of linear infra projects के अनुसार आवश्यक संरचनाएँ प्रस्तावित की जा रही हैं।

अनुमोदन के लिये

Divisional Forest Officer



4-लेन पश्चिम भोपाल बाँयपास का निर्माण

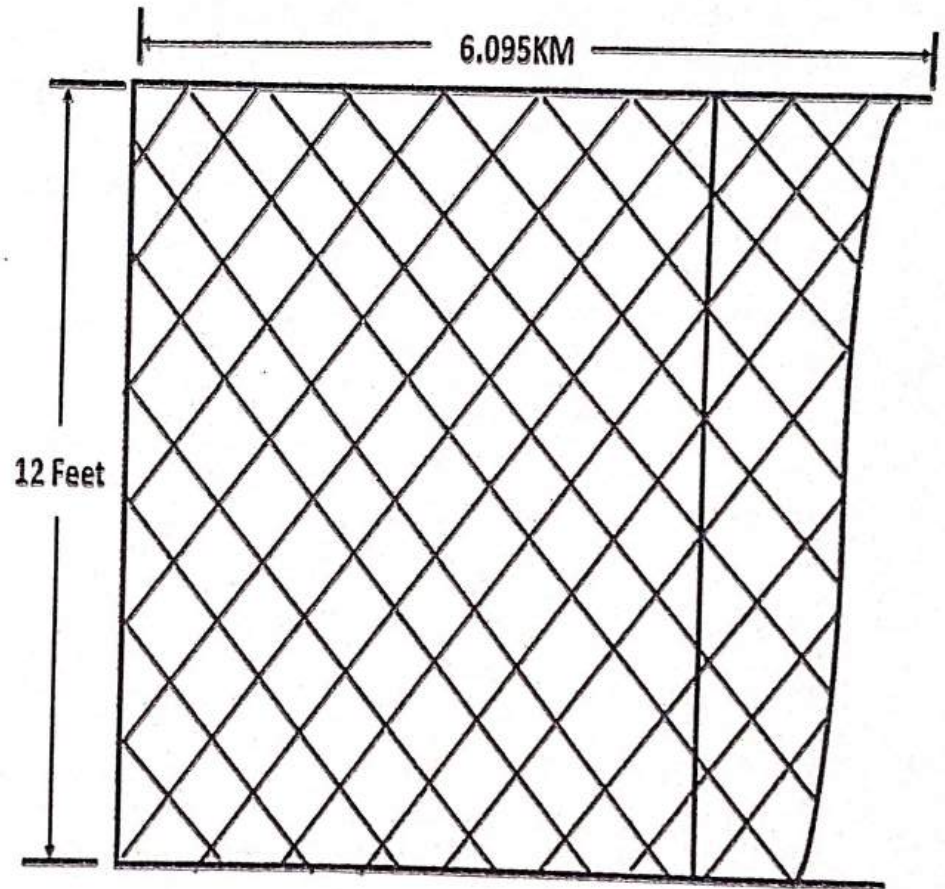
<u>S.No.</u>	<u>Chainage</u>	<u>Width of Structures "W"</u> <u>(m)</u>	<u>Min. Height</u> <u>"H" (m)</u>	<u>Length of Structure</u> <u>"L" (m)</u>	<u>Openess Ratio</u> <u>(HXW)/L</u>
<u>1</u>	<u>16+880</u>	<u>60</u>	<u>5.0</u>	<u>32.0</u>	<u>9.38</u>
<u>2</u>	<u>18+000</u>	<u>300</u>	<u>5.0</u>	<u>32.0</u>	<u>46.88</u>
<u>3</u>	<u>19+000</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>4</u>	<u>19+200</u>	<u>90</u>	<u>5.0</u>	<u>32.0</u>	<u>14.06</u>
<u>5</u>	<u>19+420</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>6</u>	<u>21+000</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>7</u>	<u>21+400</u>	<u>60</u>	<u>5.0</u>	<u>32.0</u>	<u>9.38</u>
<u>8</u>	<u>21+700</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>9</u>	<u>22+200</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>10</u>	<u>22+500</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>11</u>	<u>22+700</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>12</u>	<u>22+900</u>	<u>40</u>	<u>5.0</u>	<u>32.0</u>	<u>6.25</u>

अनुमोदा की जाती है।

Divisional Forest Officer

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

वन क्षेत्र 6.095 कि.मी. की लम्बाई से होकर जाने वाली सड़क के दोनों ओर स्टील के एंगल वाली 12-फुट ऊंची चेन-लिंग बाड़ लगाई जाएगी। यह बाड़ वन्यजीवों को सुरक्षित रूप से सड़क पार करने के लिए निर्दिष्ट अंडरपास का उपयोग करने के लिए निर्देशित करेगी, जिससे यातायात से जानवरों को होने वाले नुकसान को रोका जा सकेगा।



अनुशासक एच. एम. ई.

Divisional Forest Officer

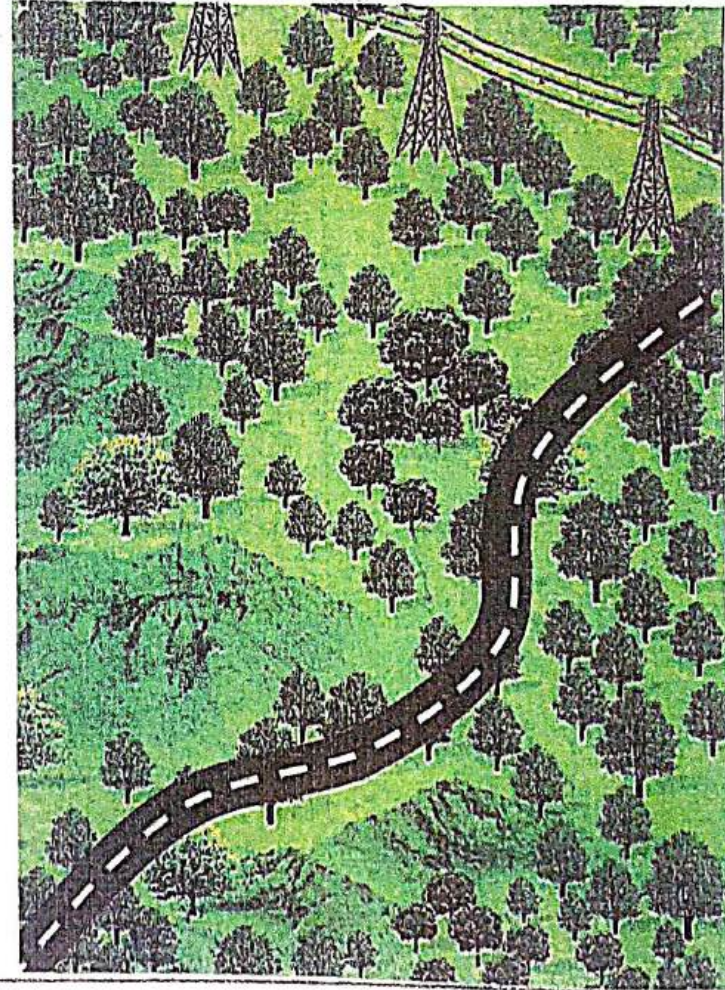
4-लेन पश्चिम भोपाल बाँयपास का निर्माण

इसी प्रकार वन क्षेत्र से गुजरने वाली सड़क के दोनों वन विभाग के प्रावधान अनुसार उपयुक्त पौधों की प्रजातियां लगाई जाएंगी।

वन्यजीवों की निगरानी की सुविधा के लिए मुख्य सड़क के दोनों ओर सर्विस रोड का निर्माण किया जाएगा। यह कच्ची सड़क होगी और इसके निर्माण के लिए कोई पेड़ नहीं काटा जाएगा। यह कार्य वन विभाग की देखरेख में किया जाएगा।

अनुमोदित की जाती है।

Divisional Forest Officer



4-लेन पश्चिम भोपाल बाँयपास का निर्माण

इंटरएक्टिव संकेत: इसमें नई तकनीक शामिल है जो ऐसे संकेतों को शामिल करती है जो केवल तभी सक्रिय होते हैं जब वन्यजीव राजमार्ग आरओडब्लू में मौजूद होते हैं। इंटरएक्टिव संकेतों की सबसे अच्छी क्षमता कम ट्रैफिक वॉल्यूम वाली सड़कों पर होती है, और ये केवल बड़े जानवरों का पता लगाते हैं। रखरखाव एक विचारणीय बात है और इंटरएक्टिव संकेतों की प्रभावकारिता का अभी भी परीक्षण



FIG. 1

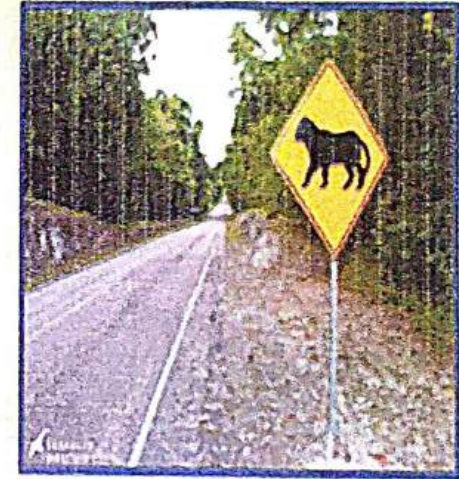


FIG. 2

अनुसंधान में लगी है।

Divisional Forest Officer

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

किया जा रहा है। आवेदन कम वॉल्यूम वाली सड़कों तक सीमित हैं जहाँ बड़े जानवर जैसे हिरण, एल्क, पहाड़ी भेड़, मूस, पहाड़ी शेर या भालू हैं। रात के समय गति कम करने वाले संकेत और परिवर्तनशील संदेश संकेत कुछ राज्यों में पारंपरिक स्थिर संकेतों के बजाय ड्राइवर के व्यवहार को प्रभावित करने के वैकल्पिक साधन के रूप में उपयोग किए जा रहे हैं। इंटरएक्टिव संकेतों की लागत मध्यम है।



FIG. 3

अनुसंधान जारी है।

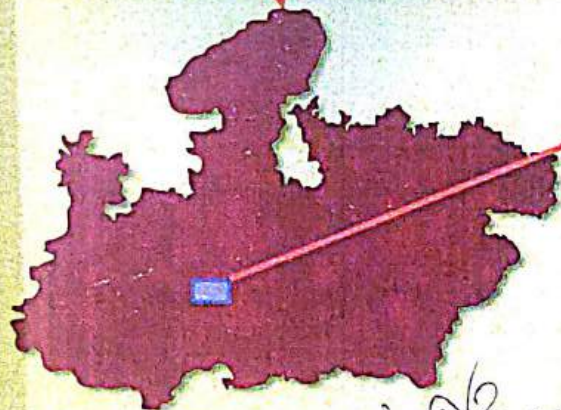
Divisional Forest Officer

1. Introduction of the Project Road

- Proposed Bypass Start from Jabalpur - Bhopal (NH-46) near Village Itayakalan & End at Bhopal-Indore (SH-28) Village Phanda.
- Total Length of Project Road 40.90 Km.
- Proposed New bypass in the west-south part of city is Completely Greenfield alignment.
- Proposed Alignment falls approx. 6.10 km into the forest land.
- Proposed ROW Minimum 70.0 meter for Bypasses.
- Proposed 1 no. ROB (Bhopal-Hoshangabad-Itarsi Broad-Gauge railway LINE).
- 2 Nos. Interchange (SH-28 Bhopal-Indore Road & NH 46 Bhopal-Betul Road)
- 2 Nos. Flyover (Neelbad-Ratibad Road & Kolar Road)
- 12 Nos. Viaduct for animal Crossing.

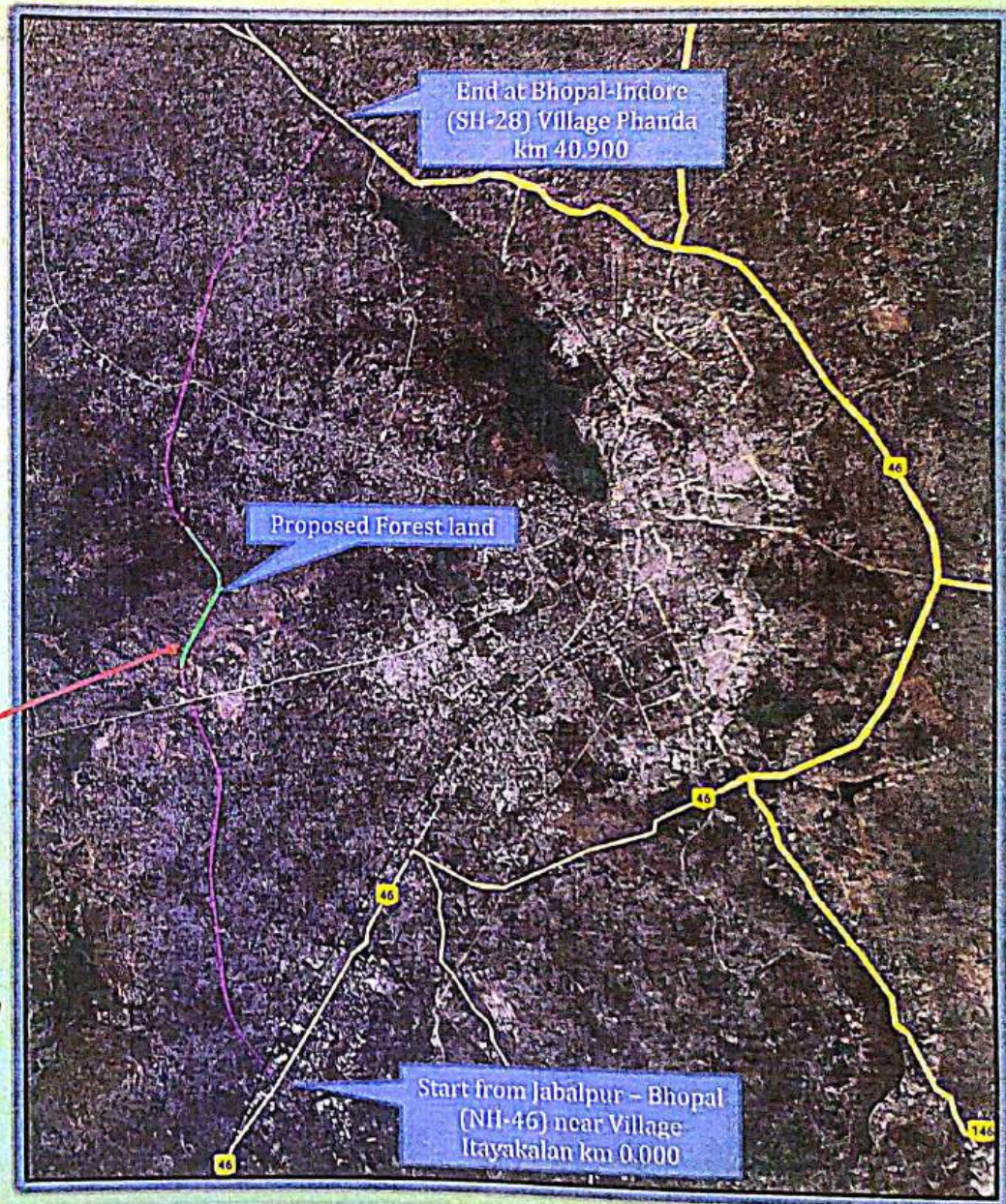
31/5/2011
Divisional Forest Officer

2. Location of the Project Road

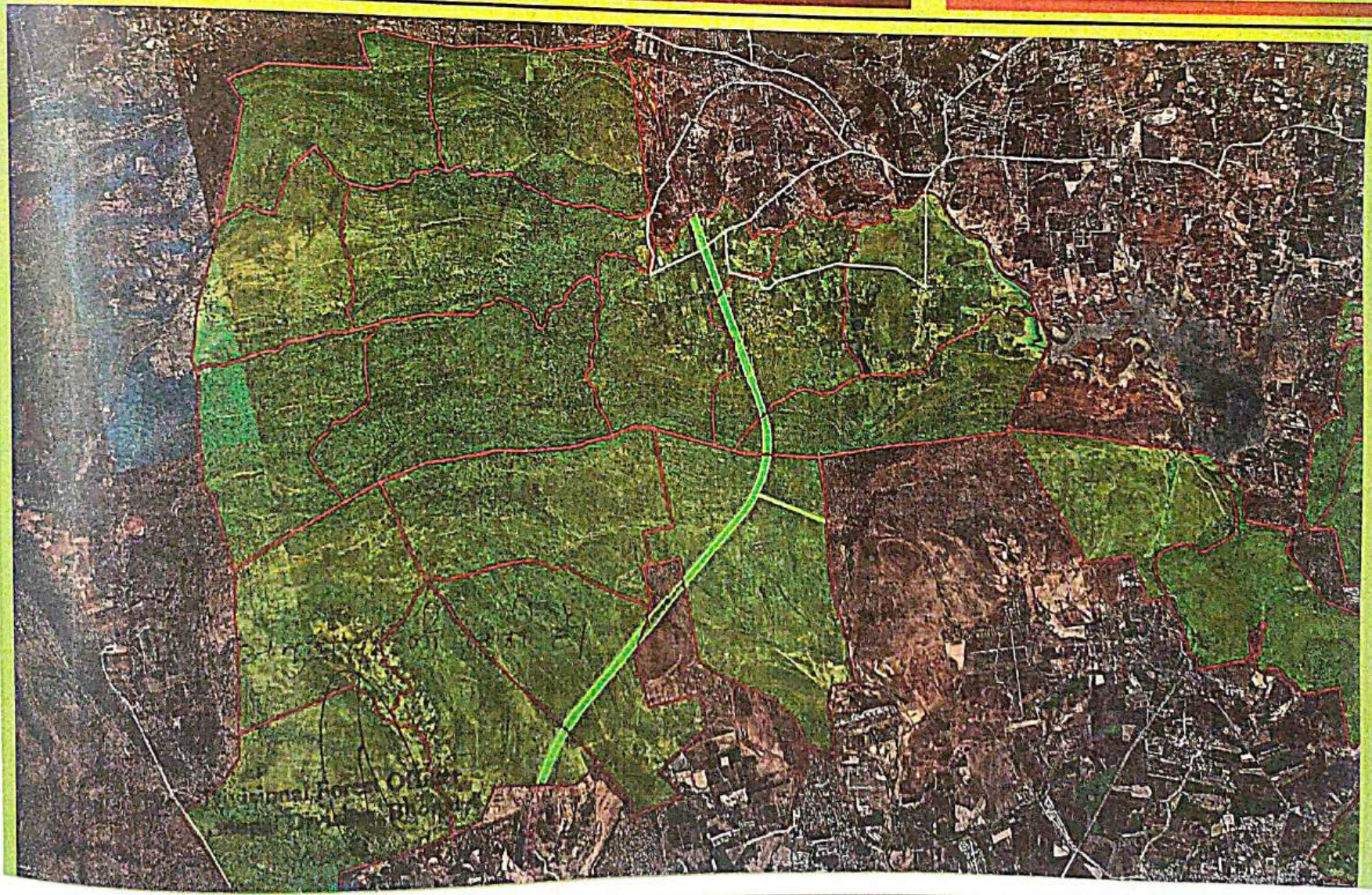


अनुशासक की कार्यालय

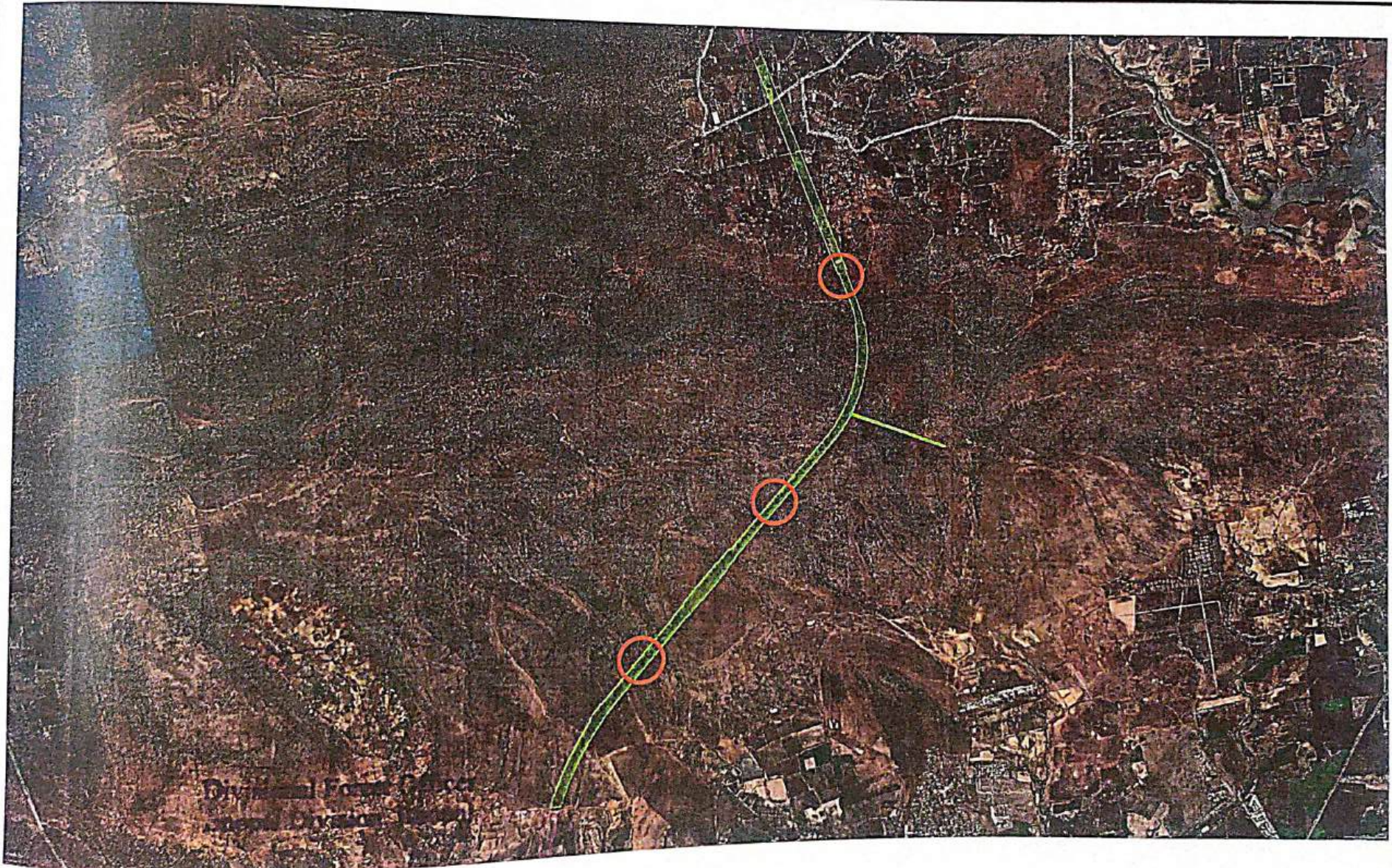
Divisional Forest Officer
Bhopal



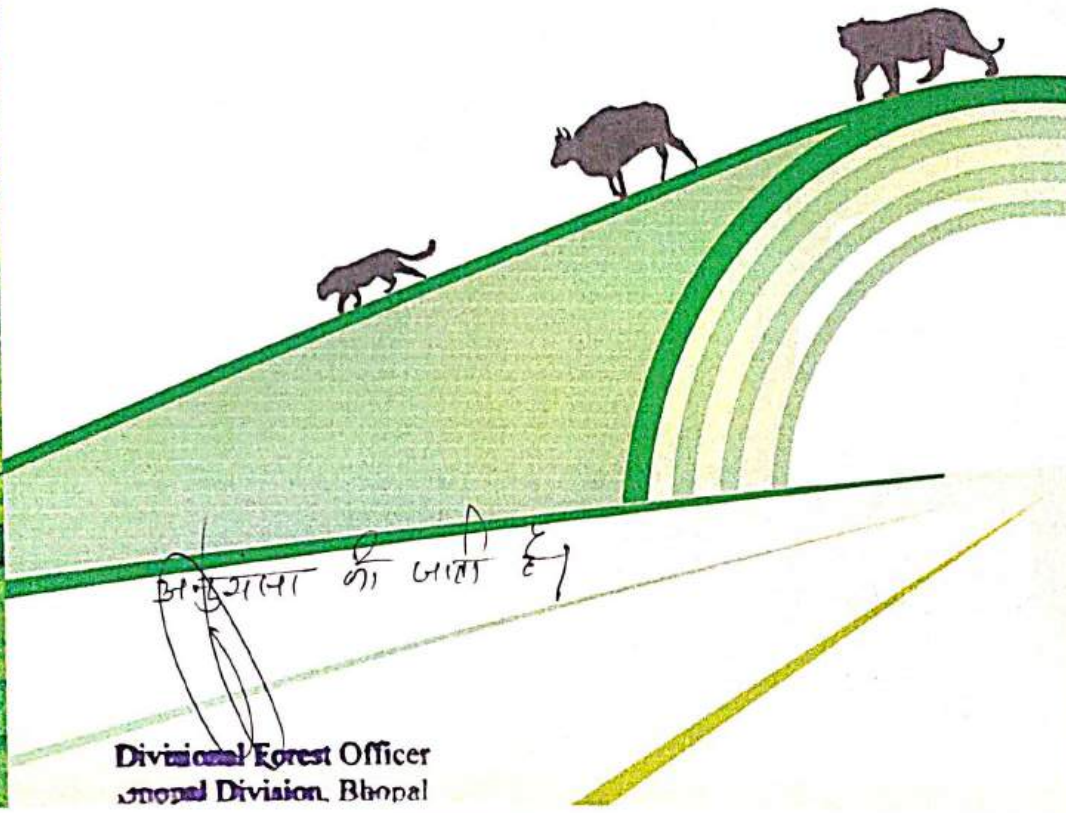
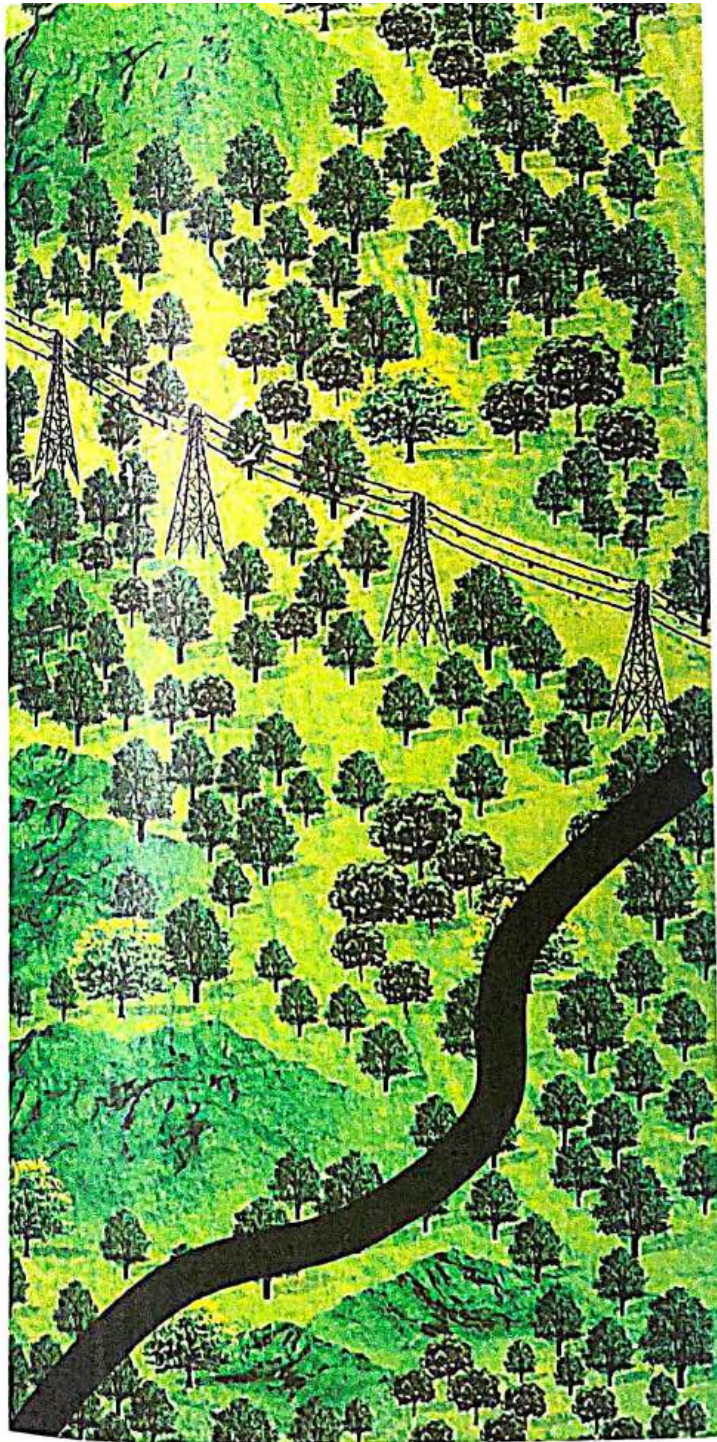
3. Map Location of the Forest Area



4. Location of the Animal Crossing



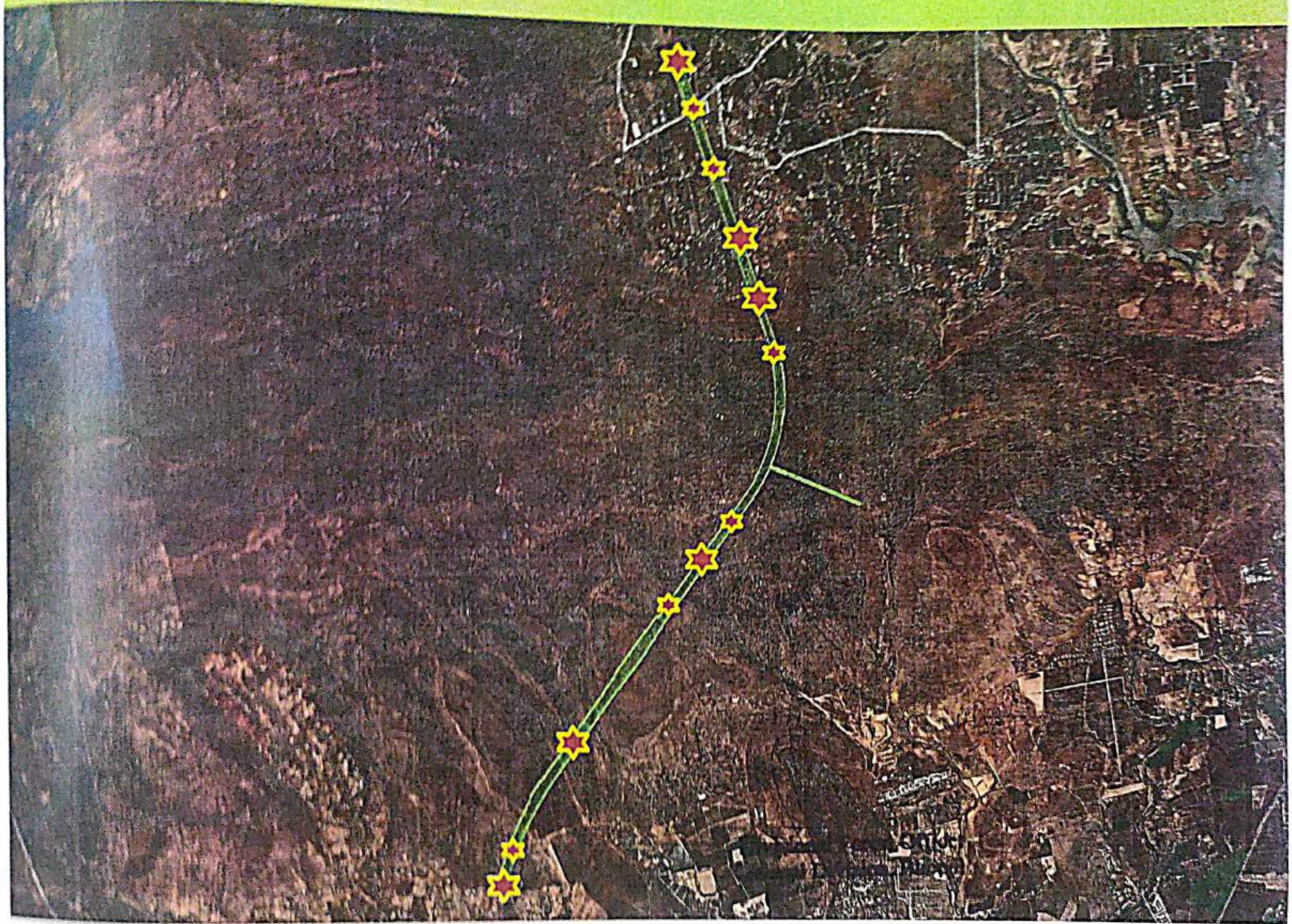
5. Details of Animal Viaduct



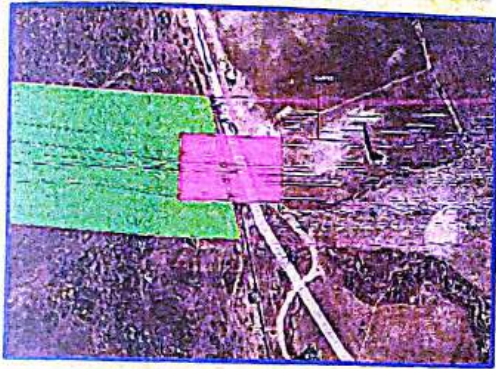
अ. ग. र. म. का. ज. म. ए.

Divisional Forest Officer
Bhopal Division, Bhopal

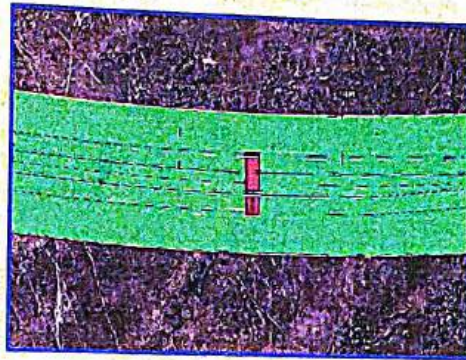
Viaduct Location in Google map



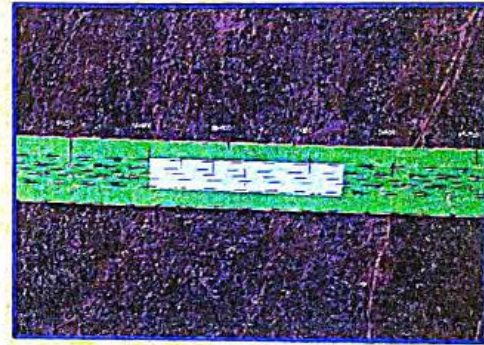
1



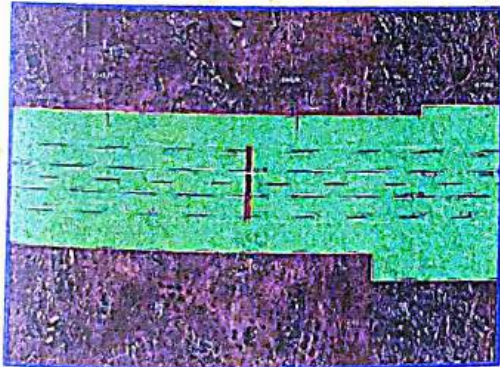
2



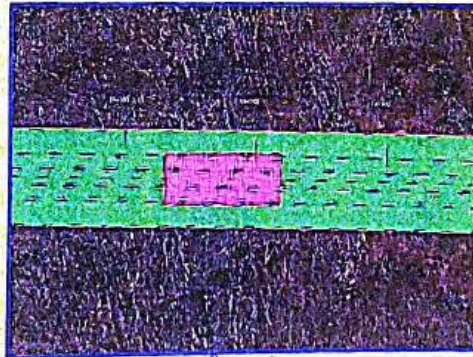
3



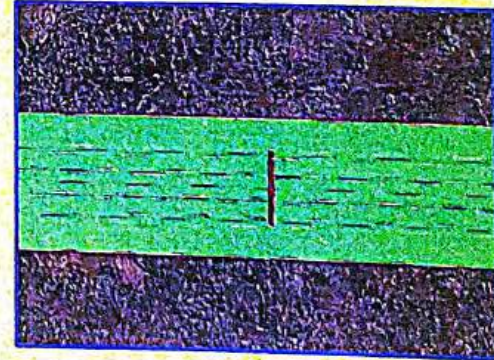
4



5



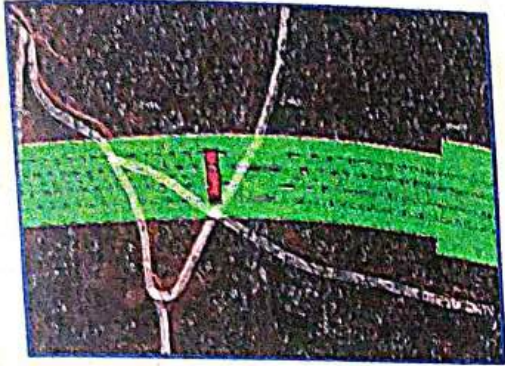
6



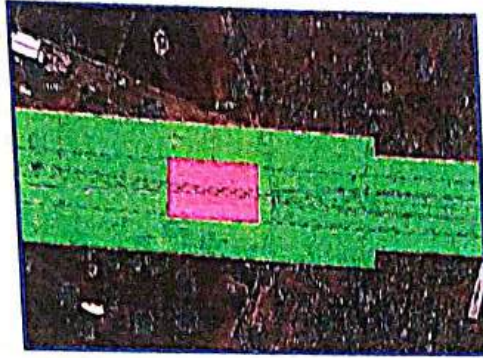
ठानुसंख्या की जा रही है

Divisional Forest Officer
Forest Division, Bhopal

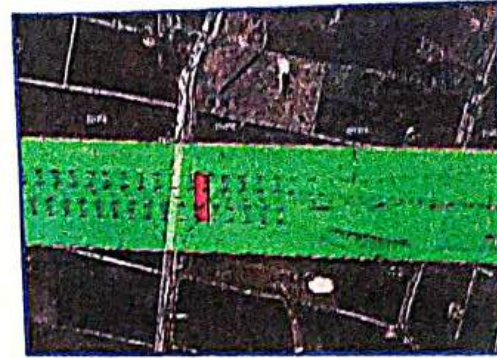
7



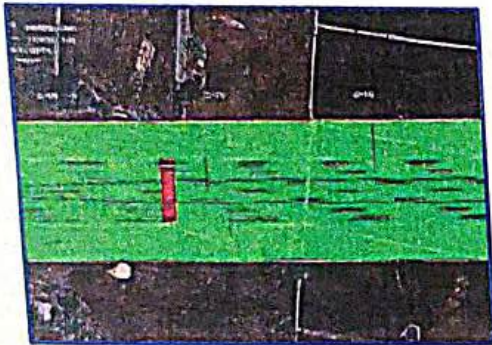
8



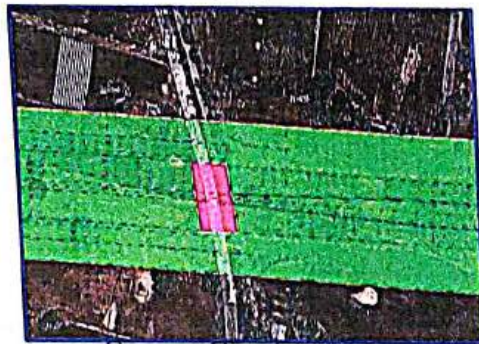
9



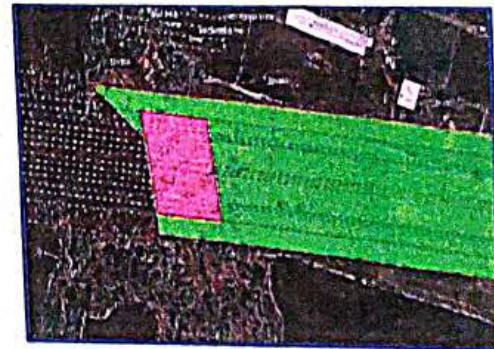
10



11



12



अनुशासक के कार्यालय

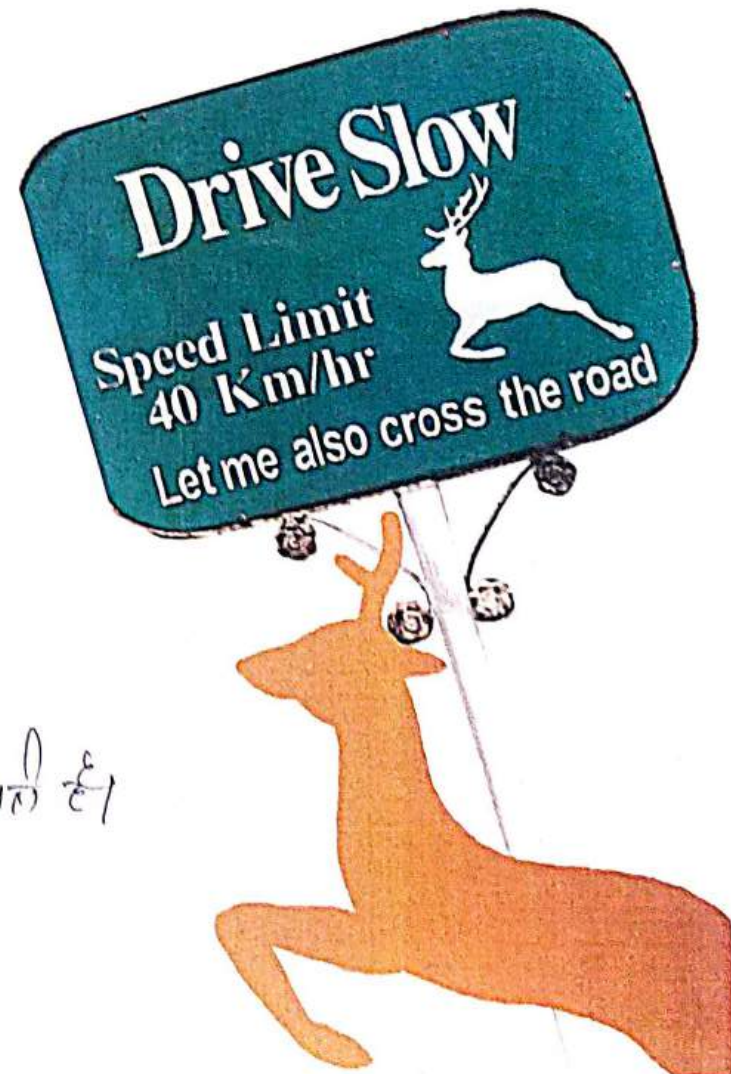
Divisional Forest Officer
Forest Division, Bhopal

Types of wildlife signs:

Choosing the appropriate wildlife mitigation measures on a segment of highway is a complex decision. To be successful, you may need a variety of treatments. The critical elements of wildlife crossings include target species, structure effectiveness, and engineering constraints due to terrain, cost for construction, maintenance, and improvements to highway safety, and aesthetics. The following is a summary of the more common types of wildlife crossings.

6. Drive Slow Signs Board in Wildlife Area

The purpose of animal warning signs and detection systems is to prevent or reduce the number of Animal-Vehicle Collisions (AVCs). Animal Detection Systems (ADS) detect large animals before they enter the road or rail corridor to alert drivers of their presence and warn drivers of collision risk.



अनुशासक वन विभाग
Bhopal

Divisional Forest Officer
Bhopal Division, Bhopal

Deer/Tiger crossing sign: This category includes signs with deer and Tiger or other animals commonly observed on highway rights-of-way. Fig 1&2

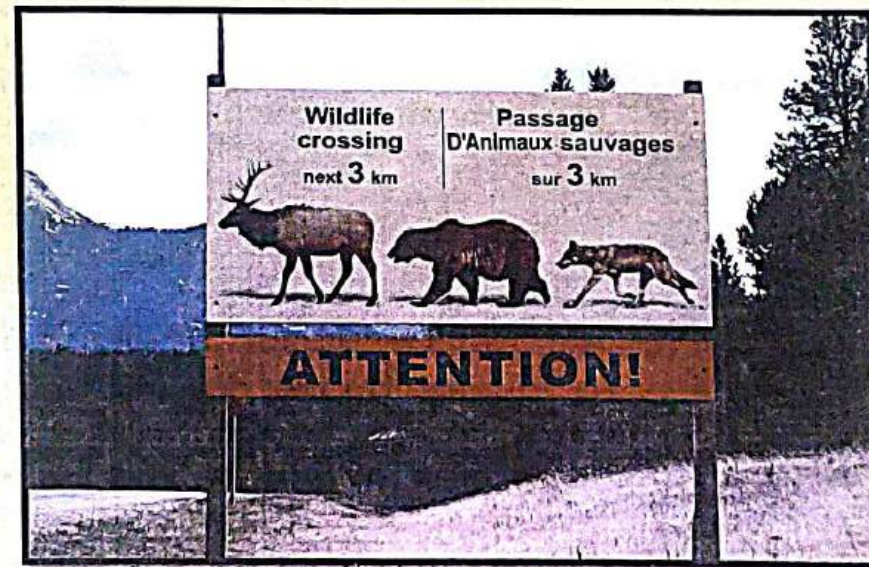


Fig. 1



Fig. 2

Interactive signs: include new technology that incorporates signs that activate only when wildlife is present in highway rights-of-way. Interactive signs have the best potential on lower traffic volume roads, and only detect large animals. Maintenance is a consideration and the efficacy of interactive signs is still being tested. Applications are limited to low volume roads with large animals like deer, elk, mountain sheep, moose, mountain lion, or bears. Night-time speed reduction signs and variable message signs are being utilized in some states as an alternative means of impacting driver behaviour rather than the traditional static signs. The cost of interactive signs is moderate. Fig - 3



अनुबन्धित की जा रही है Fig. 3

Divisional Forest Officer

4-लेन पश्चिम भोपाल बाँयपास का निर्माण



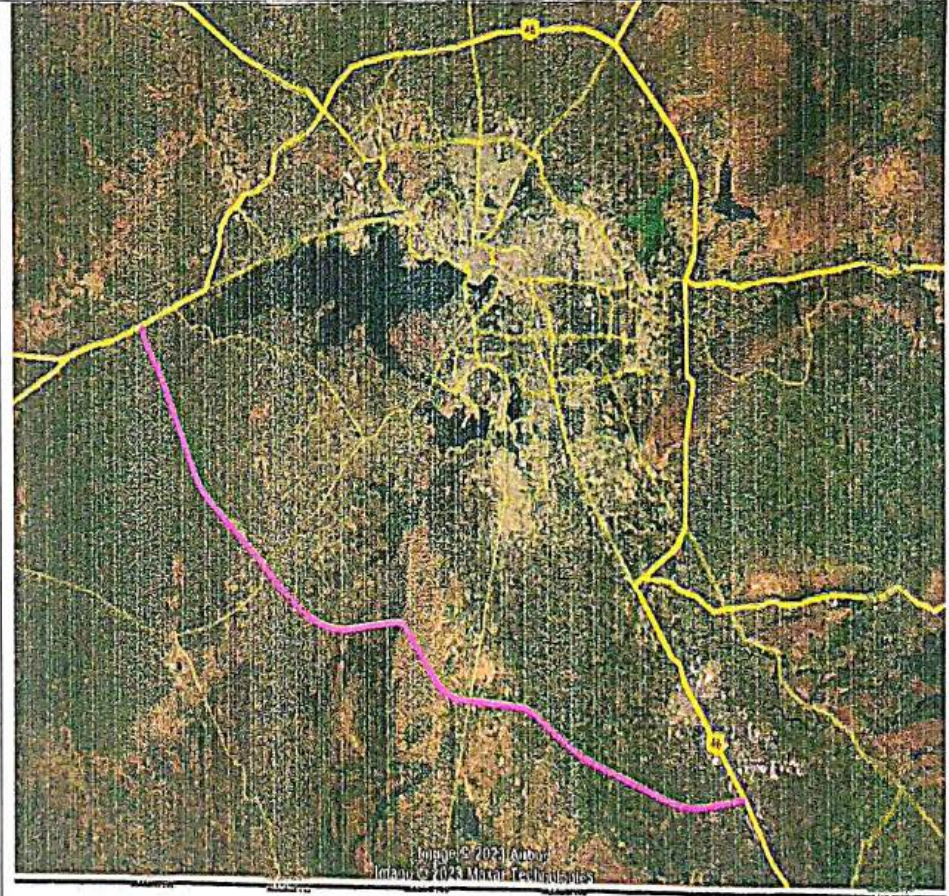
Eco - Friendly Mitigation Plan



भोपाल वेस्टर्न बायपास निर्माण कार्य में वन्यप्राणियों के सुगम आवागमन हेतु

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

भोपाल जिले में यातायात के दबाव को कम करने के उद्देश्य से एक बायपास का निर्माण किया जाना है। यह बायपास जबलपुर- भोपाल राष्ट्रीय राजमार्ग क्रमांक 46 पर स्थित ग्राम इटायलाकलाँ से प्रारम्भ होकर भोपाल-इन्दौर राष्ट्रीय राजमार्ग क्रमांक-28 पर स्थित ग्राम फंदा के बीच निर्मित किया जायेगा।



Handwritten signature: Nand Hegde
 महाप्रबंधक (तकनीकी)
 एन.पी.रोड डेवलपमेंट कार्पो. लि.
 भोपाल

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

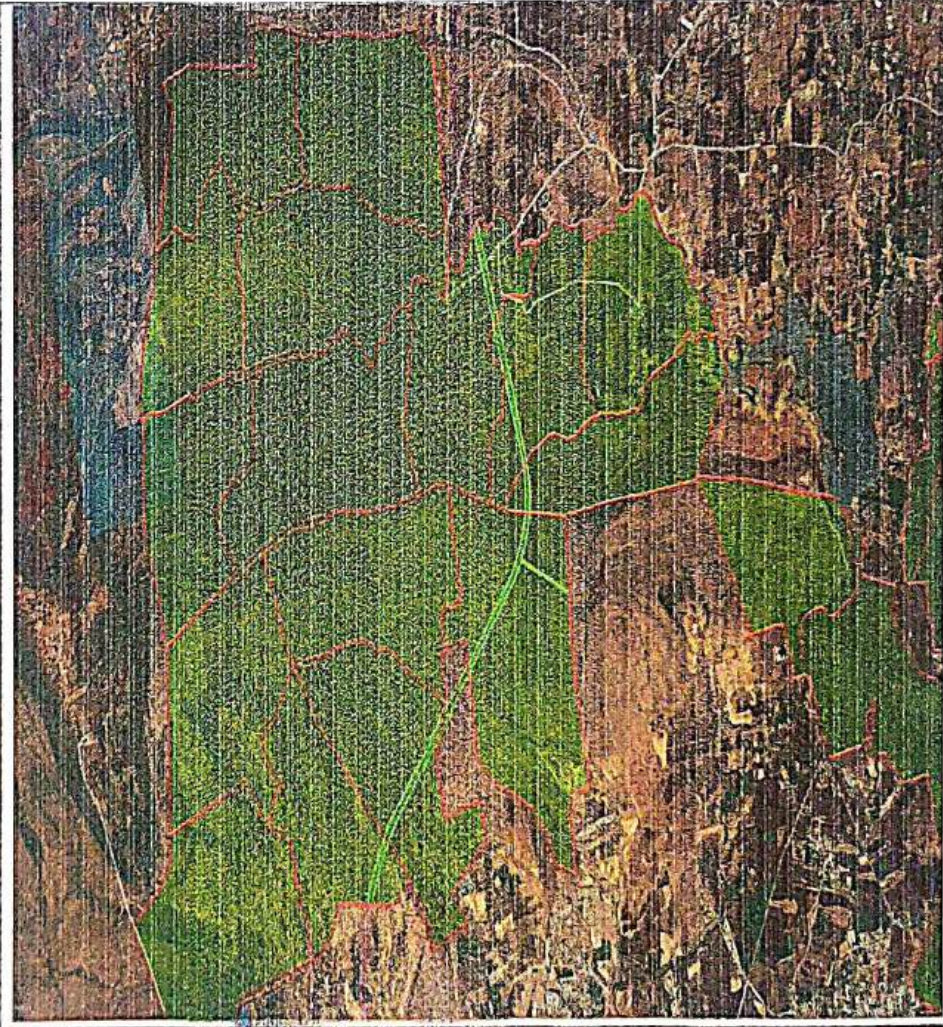
यह बायपास लगभग 40.900 कि.मी. की लम्बाई में बनाया जाना है। बायपास की कुल लम्बाई में से लगभग 6.095 कि.मी. की लम्बाई भोपाल वनमण्डल के वनक्षेत्रों से होकर गुजरती है। यह वनक्षेत्र भोपाल वनमण्डल के कक्ष क्र. 211, 212, 215, 216, 217, 218, 219, 220 एवं 211 में आता है।



Handwritten signature and stamp:
 एन.पी.रोड डेवलपमेंट कॉर्पोरेशन लि.
 भोपाल

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

इस बायपास में प्रभावित होने वाला वनक्षेत्र किसी भी राष्ट्रीय उद्यान या अभ्यारण्य का भाग नहीं है। प्रभावित वनक्षेत्र किसी ईको सेसेंटिव जोन में नहीं है और न ही किसी टाईगर कॉरिडोर/ हाथी कॉरिडोर का भाग है। अतः प्रकरण में भारत सरकार से वन्यप्राणी अनुमति प्राप्त किये जाने की आवश्यकता नहीं है।



New Leaf
 एम.पी. डेवेलपमेंट कार्पोरेशन लि.
 भोपाल

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

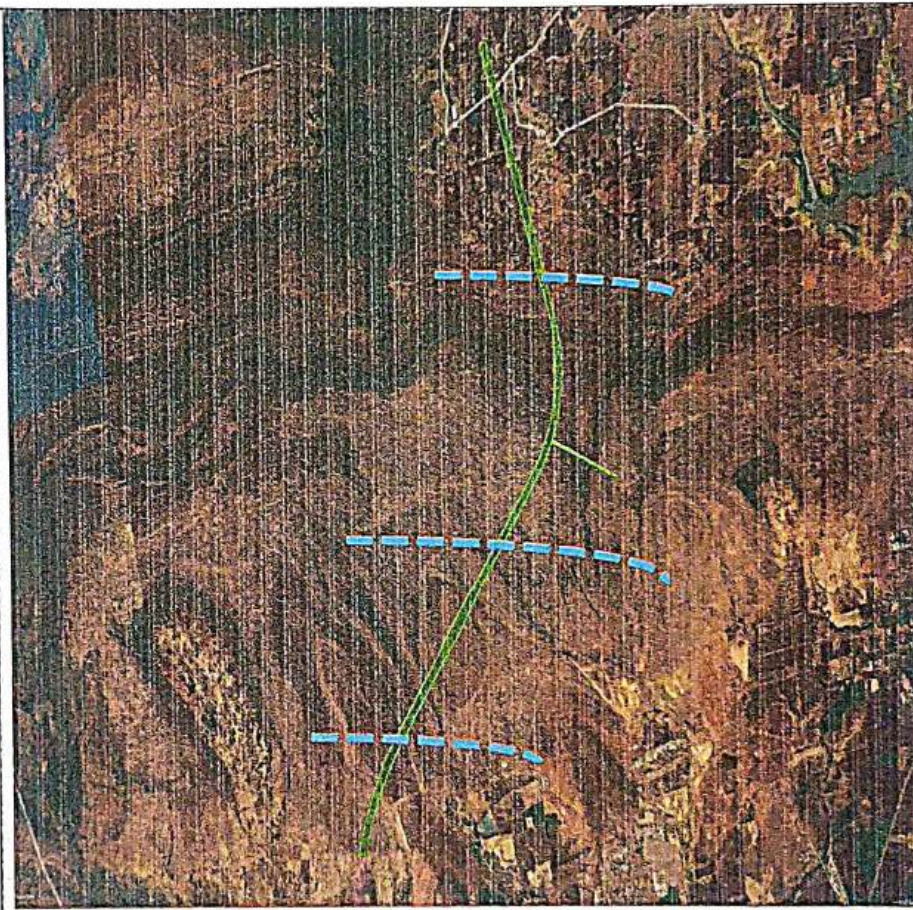
प्रभावित वनक्षेत्र में वन विभाग के मुख्य वन संरक्षक, वनमण्डलाधिकारी, वन विभाग के अन्य अधिकारीयों तथा एमपीआरडीसी अधिकारीयों के साथ संयुक्त निरीक्षण कर स्थल निरीक्षण रिपोर्ट के अनुसार वन्यप्राणियों के सुगम आवागमन हेतु अंडरपास का निर्माण प्रस्तावित किया गया है।



महाप्रबंधक (विज्ञानीकी)
एम.पी.रोड डेवलपमेंट कार्पो. लि.
भोपाल

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

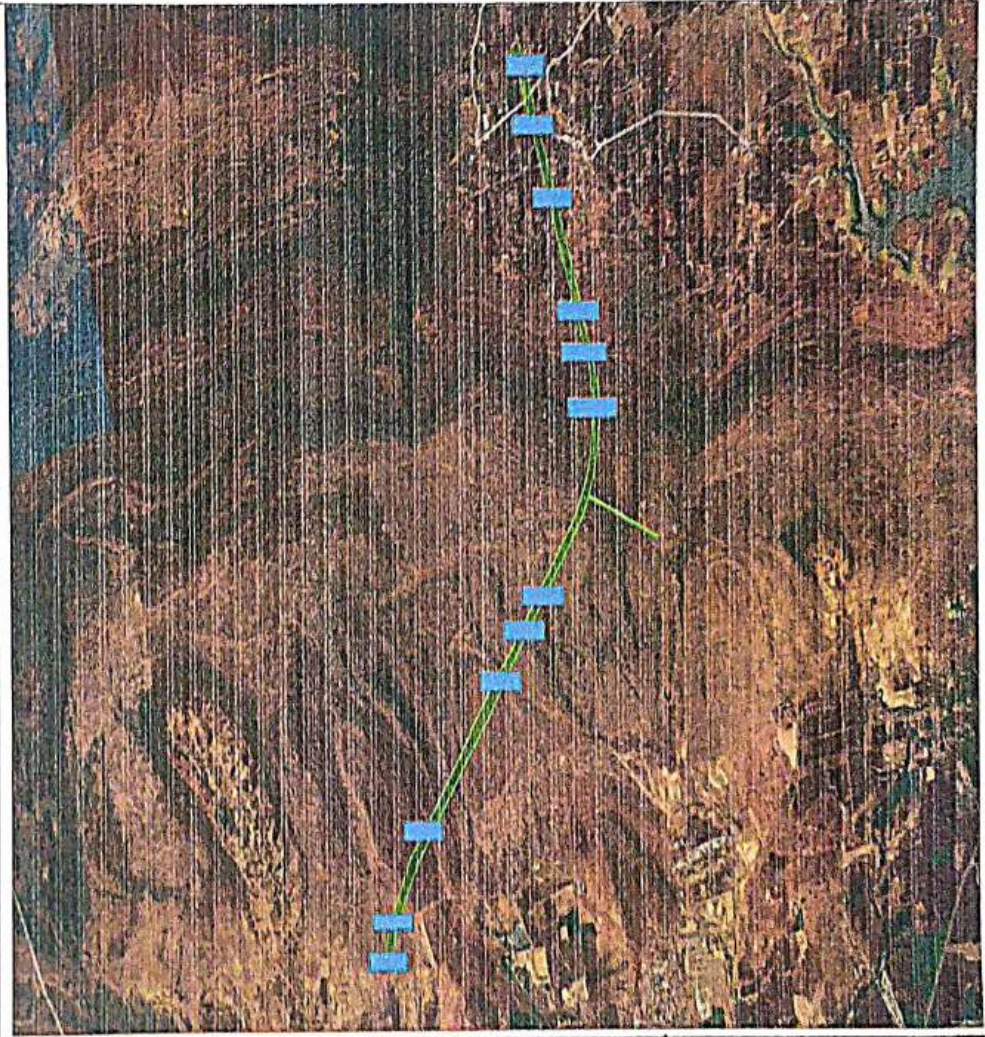
प्रभावित वनक्षेत्र में वनमण्डलाधिकारी, भोपाल की स्थल निरीक्षण रिपोर्ट के अनुसार वन्यप्राणियों जिसमें बाघ, भालू एवं वन्य प्राणियों का मार्ग के दोनों ओर आने जाने हेतु 12 स्थानों पर 5 मीटर से अधिक ऊंचाई के विभिन्न स्पानों के अंडरपास का निर्माण प्रस्तावित किया गया है।



Mohd. H. P. S.
 महाप्रबंधक (वन्य प्राणियों)
 एन.पी.सि.डी. इन्स्टीट्यूट ऑफ वन्य प्राणियों, भोपाल

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

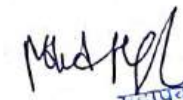
वन्यप्राणियों के सुगम आवागमन को सुनिश्चित करने के लिये भारतीय वन्यप्राणी संस्थान, देहरादून द्वारा तैयार eco-friendly measures to mitigate impacts of linear infra-projects के अनुसार आवश्यक संरचनाएँ प्रस्तावित की जा रही हैं।



10/10/19
 नैतिकवाक (नन्दीजी)
 एम.पी.ए. संरचनाएँ का.ने. वि.
 भोपाल

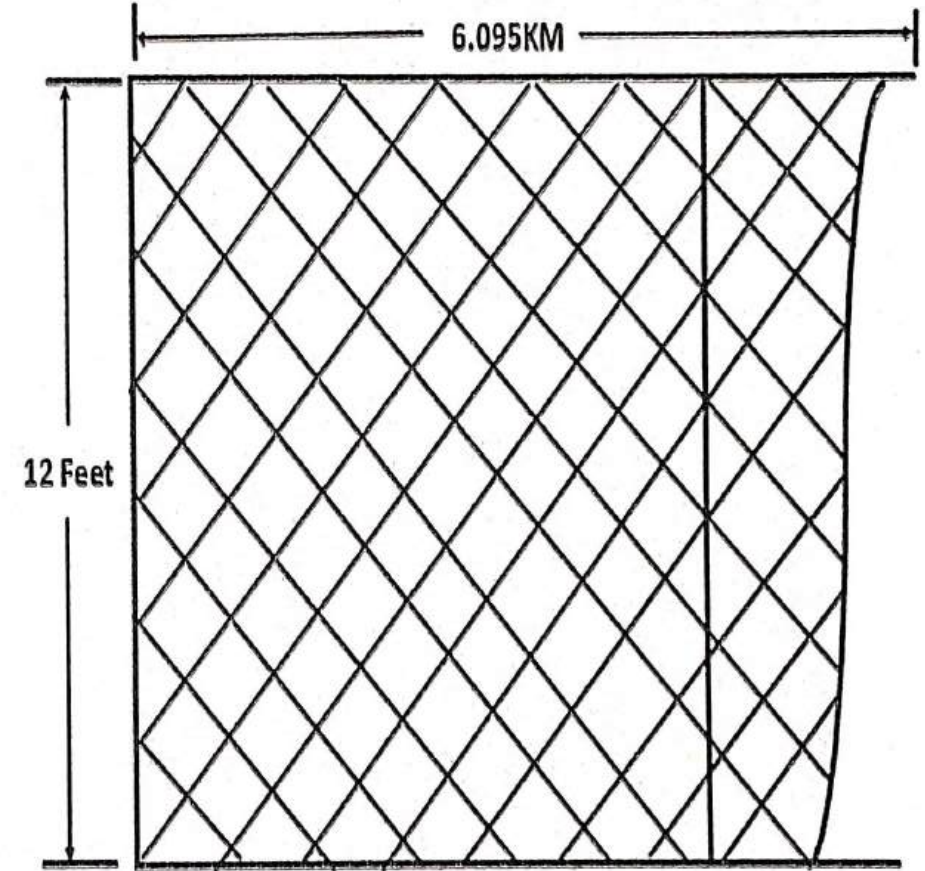
4-लेन पश्चिम भोपाल बाँयपास का निर्माण

<u>S.No.</u>	<u>Chainage</u>	<u>Width of Structures "W"</u> <u>(m)</u>	<u>Min. Height</u> <u>"H" (m)</u>	<u>Length of Structure</u> <u>"L" (m)</u>	<u>Openess Ratio</u> <u>(HXW)/L</u>
<u>1</u>	<u>16+880</u>	<u>60</u>	<u>5.0</u>	<u>32.0</u>	<u>9.38</u>
<u>2</u>	<u>18+000</u>	<u>300</u>	<u>5.0</u>	<u>32.0</u>	<u>46.88</u>
<u>3</u>	<u>19+000</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>4</u>	<u>19+200</u>	<u>90</u>	<u>5.0</u>	<u>32.0</u>	<u>14.06</u>
<u>5</u>	<u>19+420</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>6</u>	<u>21+000</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>7</u>	<u>21+400</u>	<u>60</u>	<u>5.0</u>	<u>32.0</u>	<u>9.38</u>
<u>8</u>	<u>21+700</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>9</u>	<u>22+200</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>10</u>	<u>22+500</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>11</u>	<u>22+700</u>	<u>20</u>	<u>5.0</u>	<u>32.0</u>	<u>3.13</u>
<u>12</u>	<u>22+900</u>	<u>40</u>	<u>5.0</u>	<u>32.0</u>	<u>6.25</u>


 महाप्रबन्धक (निकासीजी)
 एम.पी.रोड डेवलपमेंट कार्पो. लि.
 भो.पा.न.

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

वन क्षेत्र 6.095 कि.मी. की लम्बाई से होकर जाने वाली सड़क के दोनों ओर स्टील के एंगल वाली 12-फुट ऊंची चेन-लिंक बाड़ लगाई जाएगी। यह बाड़ वन्यजीवों को सुरक्षित रूप से सड़क पार करने के लिए निर्दिष्ट अंडरपास का उपयोग करने के लिए निर्देशित करेगी, जिससे यातायात से जानवरों को होने वाले नुकसान को रोका जा सकेगा।

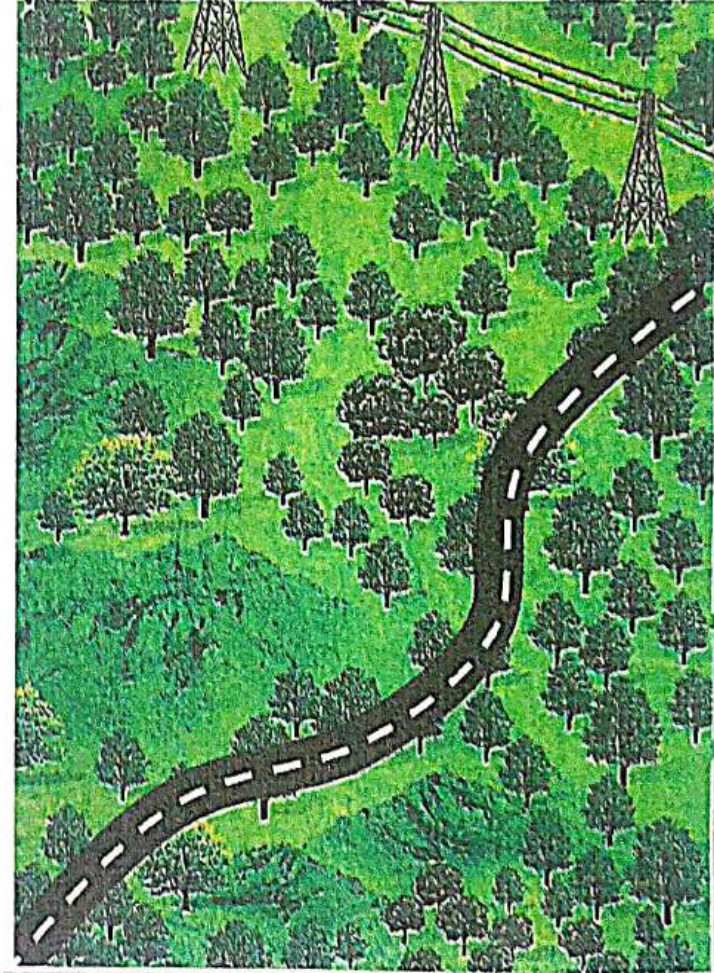


Mondal
 नवाभवन (प.स. 10)
 एम.पी.रोड डेवलपमेंट का.पी. लि.
 भोपाल

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

इसी प्रकार वन क्षेत्र से गुजरने वाली सड़क के दोनों वन विभाग के प्रावधान अनुसार उपयुक्त पौधों की प्रजातियां लगाई जाएंगी।

वन्यजीवों की निगरानी की सुविधा के लिए मुख्य सड़क के दोनों ओर सर्विस रोड का निर्माण किया जाएगा। यह कच्ची सड़क होगी और इसके निर्माण के लिए कोई पेड़ नहीं काटा जाएगा। यह कार्य वन विभाग की देखरेख में किया जाएगा।



Hand Sign
 राजपुत्राकर (पुनर्निर्माणा)
 एम.पी.रोड डेवेलपमेन्ट कारपो. लि.
 भोपाल

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

इंटरएक्टिव संकेत: इसमें नई तकनीक शामिल है जो ऐसे संकेतों को शामिल करती है जो केवल तभी सक्रिय होते हैं जब वन्यजीव राजमार्ग आरओडब्लू में मौजूद होते हैं। इंटरएक्टिव संकेतों की सबसे अच्छी क्षमता कम ट्रैफिक वॉल्यूम वाली सड़कों पर होती है, और ये केवल बड़े जानवरों का पता लगाते हैं। रखरखाव एक विचारणीय बात है और इंटरएक्टिव संकेतों की प्रभावकारिता का अभी भी परीक्षण



FIG. 1

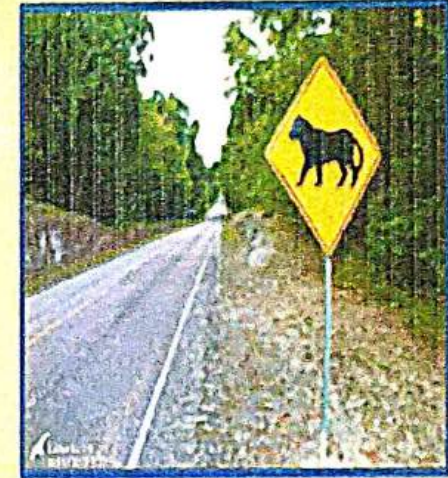


FIG. 2

Handwritten signature
 महाप्रबंधक (वि.सि.)
 एम.पी.रोड डेवलपमेंट कार्पो. लि.
 भोपाल

4-लेन पश्चिम भोपाल बाँयपास का निर्माण

किया जा रहा है। आवेदन कम वॉल्यूम वाली सड़कों तक सीमित हैं जहाँ बड़े जानवर जैसे हिरण, एल्क, पहाड़ी भेड़, मूस, पहाड़ी शेर या भालू हैं। रात के समय गति कम करने वाले संकेत और परिवर्तनशील संदेश संकेत कुछ राज्यों में पारंपरिक स्थिर संकेतों के बजाय ड्राइवर के व्यवहार को प्रभावित करने के वैकल्पिक साधन के रूप में उपयोग किए जा रहे हैं। इंटरएक्टिव संकेतों की लागत मध्यम है।



Handwritten signature
 महाप्रबंधक (तकनीकी)
 एनपी रोड डेवलपमेंट कार्पो. लि.
 भोपाल

1. Introduction of the Project Road

- Proposed Bypass Start from Jabalpur – Bhopal (NH-46) near Village Itayakalan & End at Bhopal-Indore (SH-28) Village Phanda.
- Total Length of Project Road 40.90 Km.
- Proposed New bypass in the west-south part of city is Completely Greenfield alignment.
- Proposed Alignment falls approx. 6.10 km into the forest land.
- Proposed ROW Minimum 70.0 meter for Bypasses.
- Proposed 1 no. ROB (Bhopal-Hoshangabad-Itarsi Broad-Gauge railway LINE).
- 2 Nos. Interchange (SH-28 Bhopal-Indore Road & NH 46 Bhopal-Betul Road)
- 2 Nos. Flyover (Neelbad-Ratibad Road & Kolar Road)
- 12 Nos. Viaduct for animal Crossing.



[Signature]
महाप्रबंधक (लक्ष्मीको)
एम.पी.रोड डेवलपमेंट कार्पो. लि.
भोपाल

2. Location of the Project Road

(14)

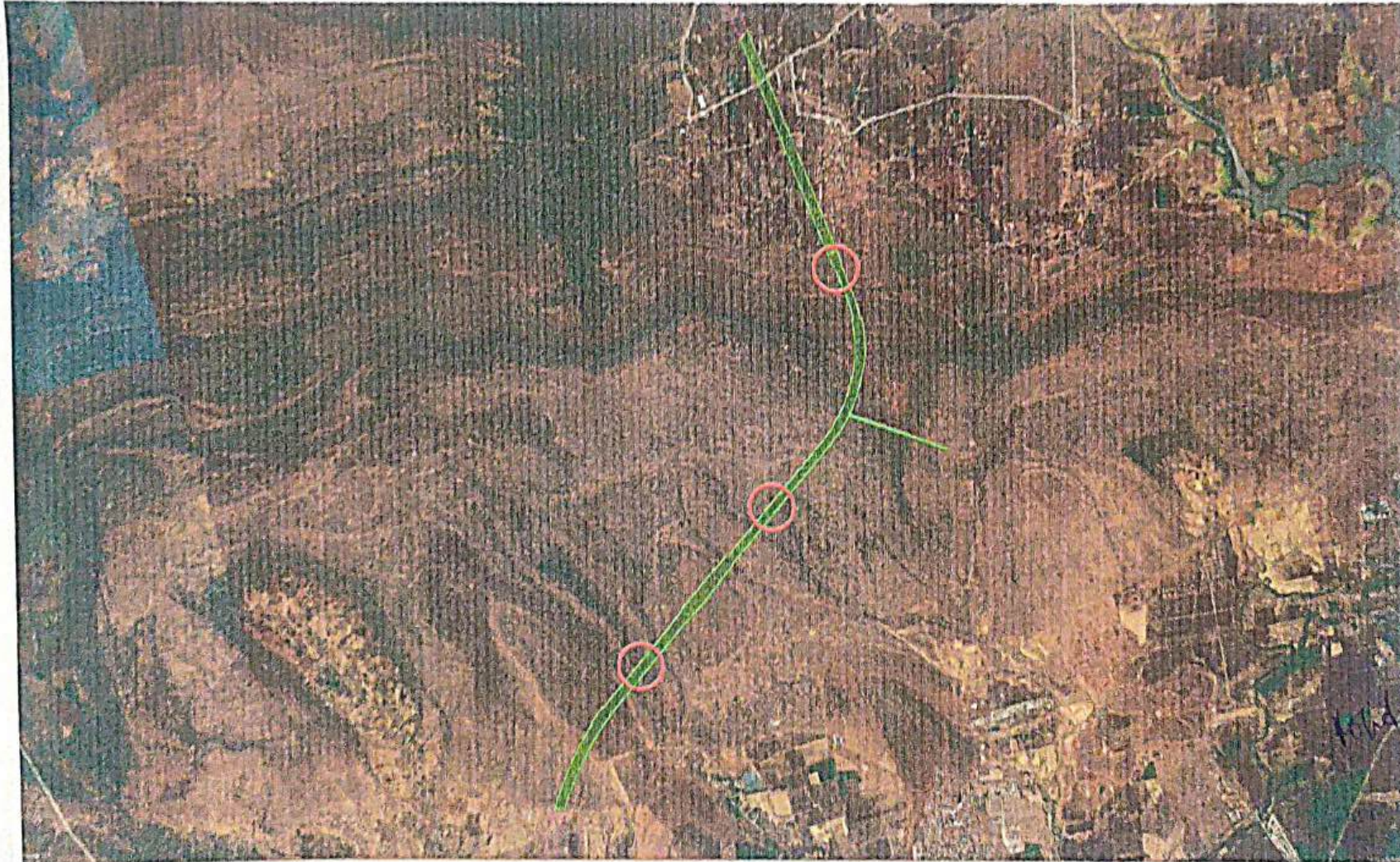


Mud Hg
महानियंत्रक (सि.मो.वि.)
एन.पी.रोड डिविजन का. वि.
भोपाल

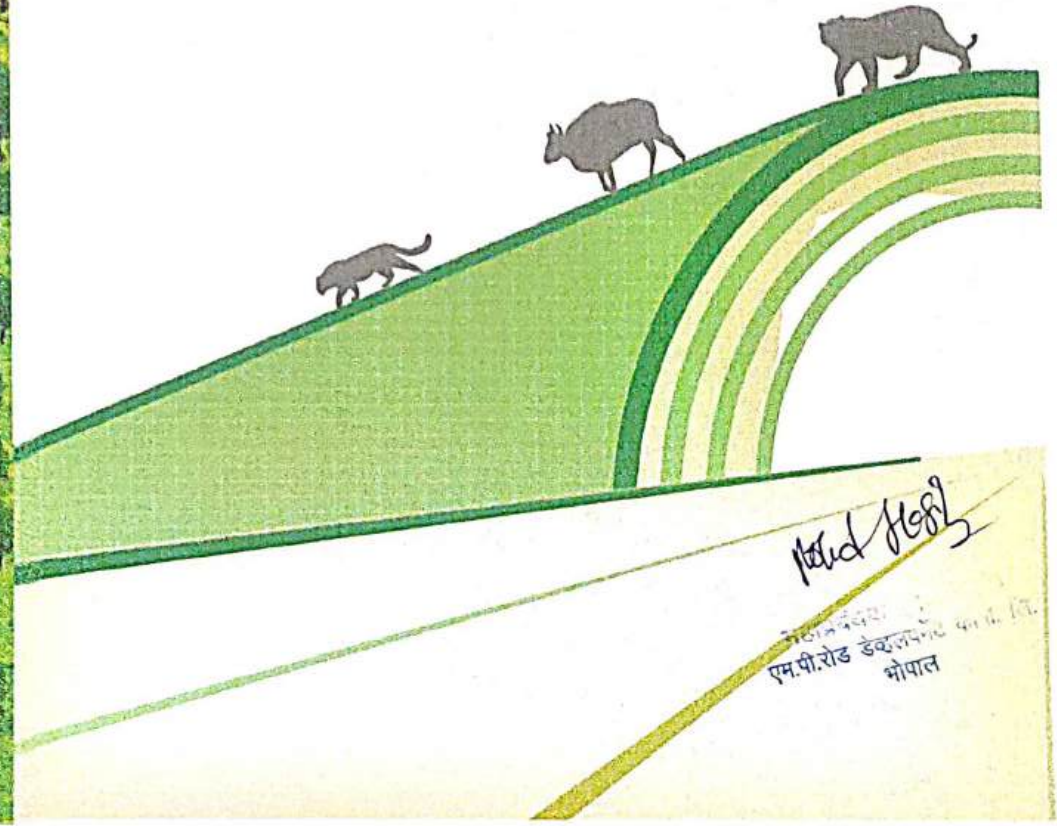
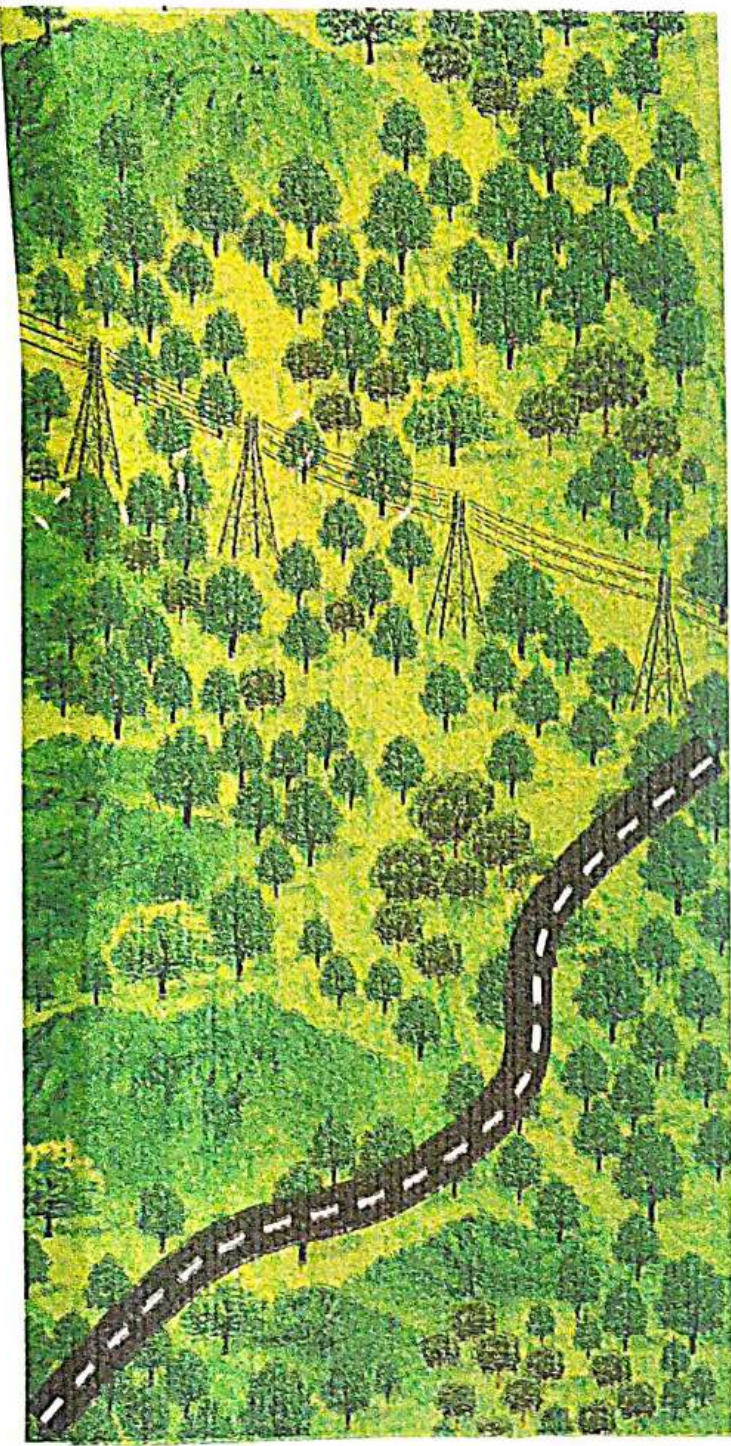
3. Map Location of the Forest Area



4. Location of the Animal Crossing



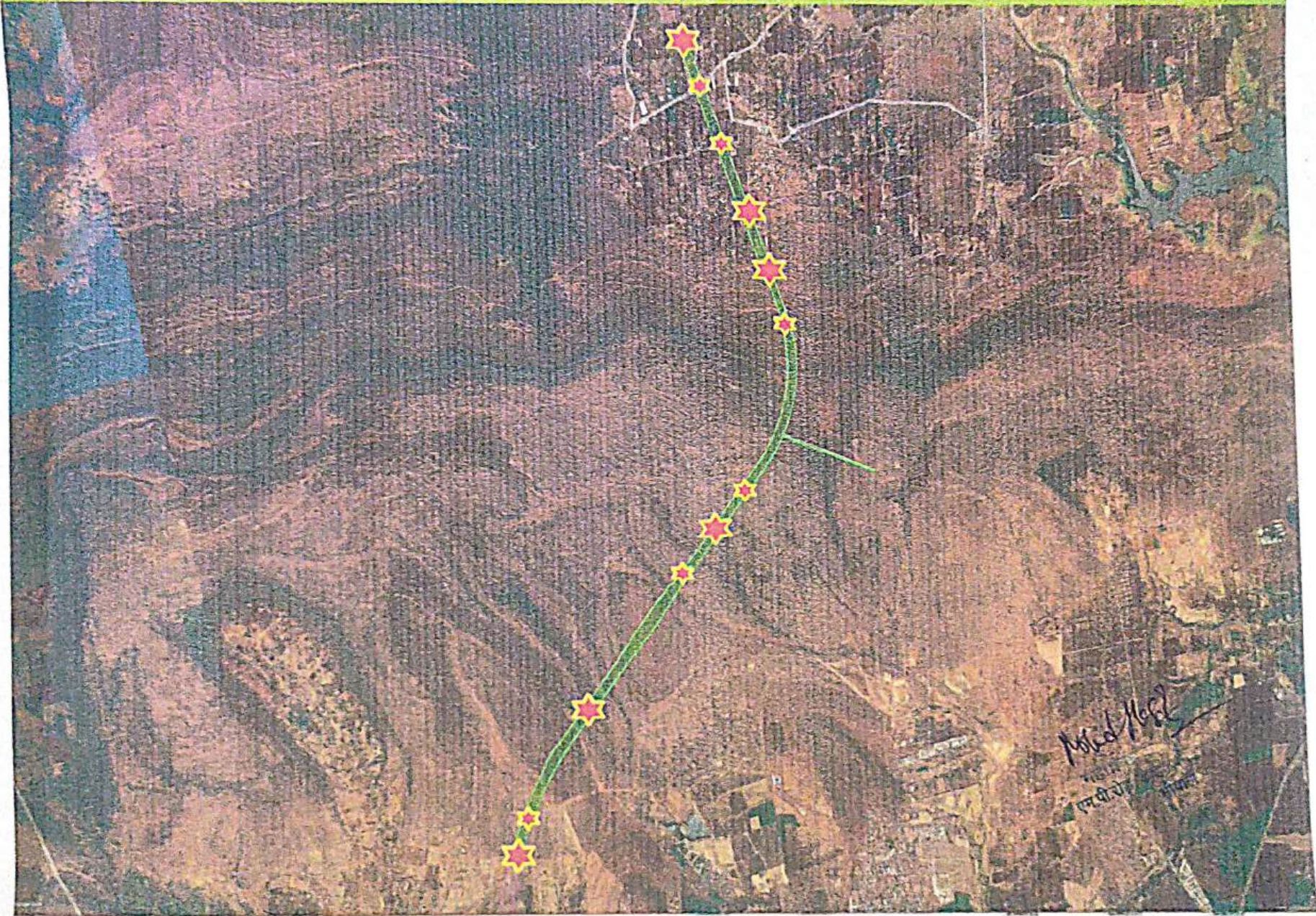
5. Details of Animal Viaduct



Handwritten signature
एम.पी.रोड इन्वेलपमेंट कार्पो. लि.
भोपाल

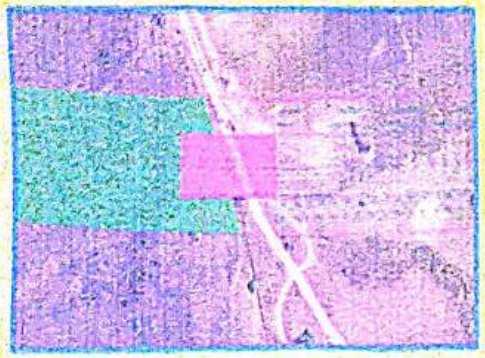
Viaduct Location in Google map

18

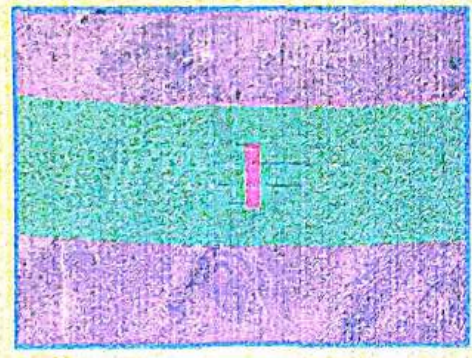


19

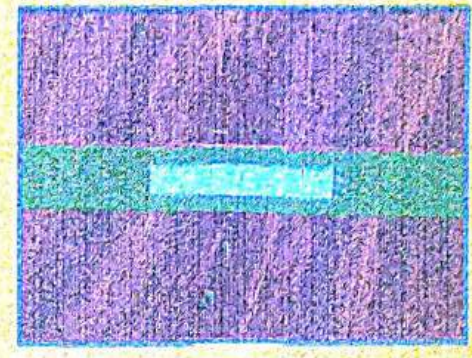
1



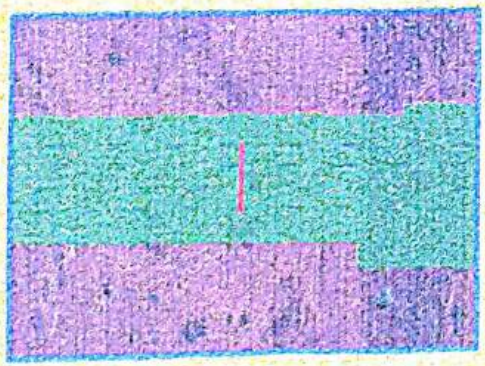
2



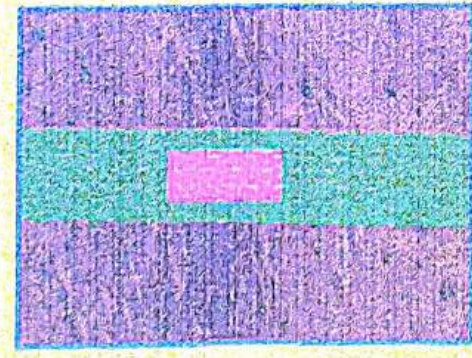
3



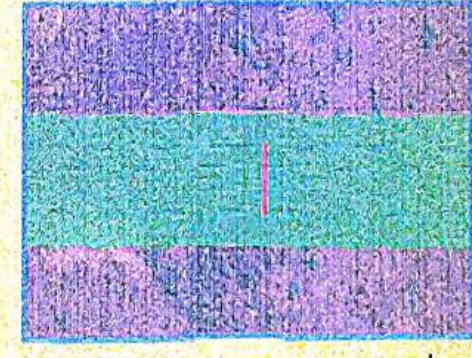
4



5

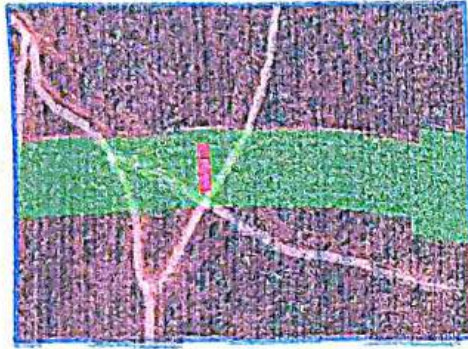


6

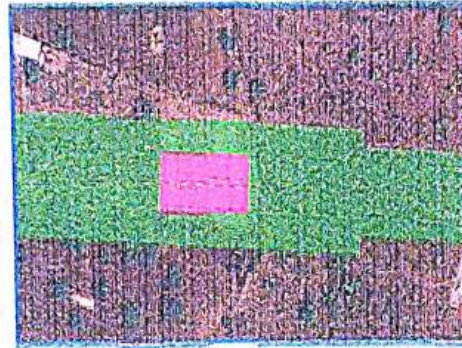


Hand Post

7



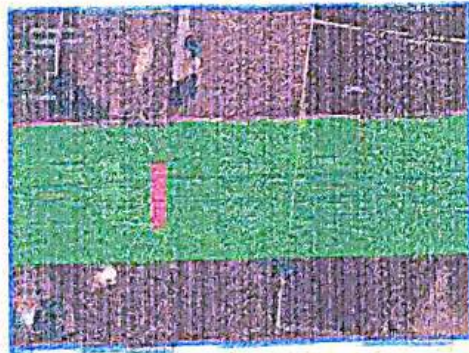
8



9



10



11



12



Handwritten signature
महाप्रबंधक (जि.)
एम.पी.रोड डेकलपमेंट क.सि.सि.
भोपाल

Viaduct Structure Details

S.no.	Chainage	Width of Structures "W" (m)	Min. Height "H" (m)	Length of Structure "L" (m)	Openess Ratio (HXW)/L
1	16+880	60	5.0	32.0	9.38
2	18+000	300	5.0	32.0	46.88
3	19+000	20	5.0	32.0	3.13
4	19+200	90	5.0	32.0	14.06
5	19+420	20	5.0	32.0	3.13
6	21+000	20	5.0	32.0	3.13
7	21+400	60	5.0	32.0	9.38
8	21+700	20	5.0	32.0	3.13
9	22+200	20	5.0	32.0	3.13
10	22+500	20	5.0	32.0	3.13
11	22+700	20	5.0	32.0	3.13
12	22+900	40	5.0	32.0	6.25

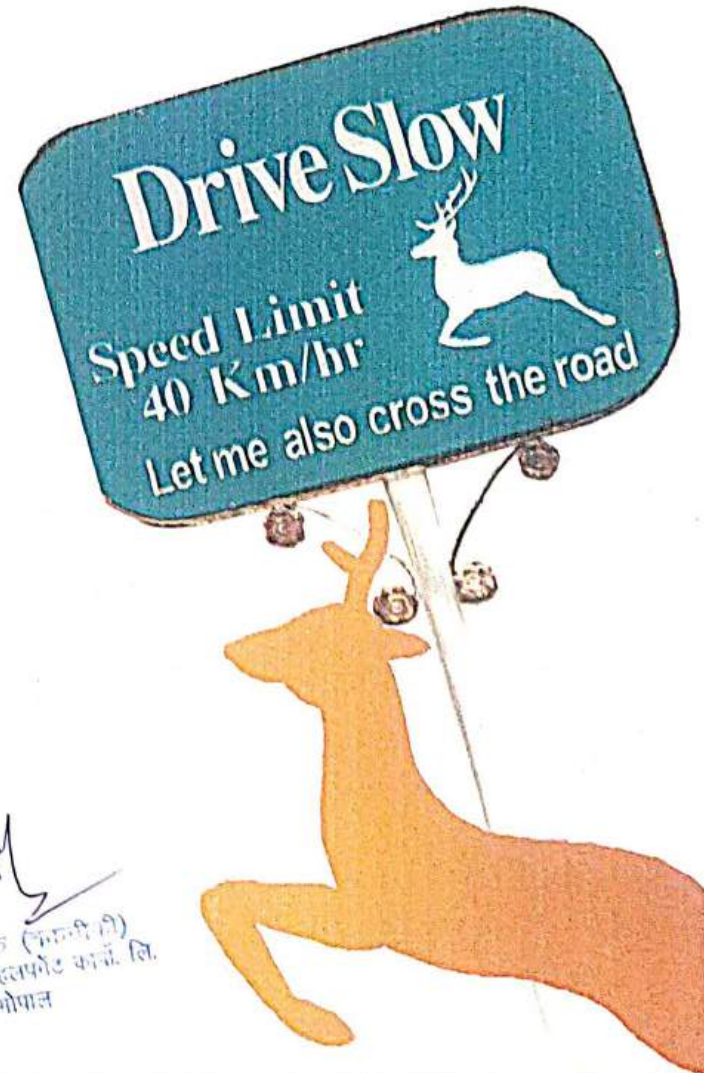
Mohd Rafiq
REGISTERED CIVIL ENGINEER
 NO. 123456789
 STATE OF PUNJAB

Types of wildlife signs:

Choosing the appropriate wildlife mitigation measures on a segment of highway is a complex decision. To be successful, you may need a variety of treatments. The critical elements of wildlife crossings include target species, structure effectiveness, and engineering constraints due to terrain, cost for construction, maintenance, and improvements to highway safety, and aesthetics. The following is a summary of the more common types of wildlife crossings.

6. Drive Slow Signs Board in Wildlife Area

The purpose of animal warning signs and detection systems is to prevent or reduce the number of Animal-Vehicle Collisions (AVCs). Animal Detection Systems (ADS) detect large animals before they enter the road or rail corridor to alert drivers of their presence and warn drivers of collision risk.



Deer/Tiger crossing sign: This category includes signs with deer and Tiger or other animals commonly observed on highway rights-of- way. Fig 1&2



FIG. 1



FIG. 2

Interactive signs: include new technology that incorporates signs that activate only when wildlife is present in highway rights-of-way. Interactive signs have the best potential on lower traffic volume roads, and only detect large animals. Maintenance is a consideration and the efficacy of interactive signs is still being tested. Applications are limited to low volume roads with large animals like deer, elk, mountain sheep, moose, mountain lion, or bears. Night-time speed reduction signs and variable message signs are being utilized in some states as an alternative means of impacting driver behaviour rather than the traditional static signs. The cost of interactive signs is moderate. Fig - 3



FIG. 3

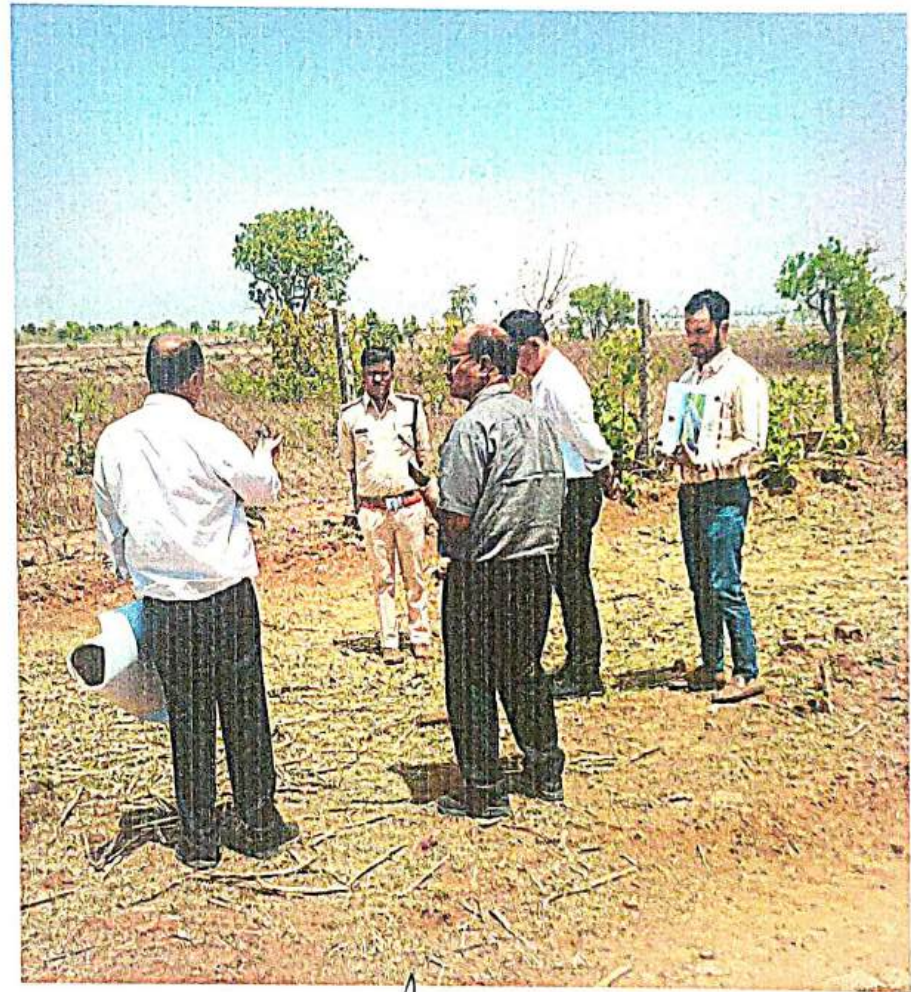
Mudhu
महाप्रबंधक (सि.स. वि.)
एम.पी.रोड डेवलपमेंट कार्यालय,
भोपाल

पेड़ पौधों की करेंगे रक्षा,
तभी बनेगा जीवन अच्छा,,

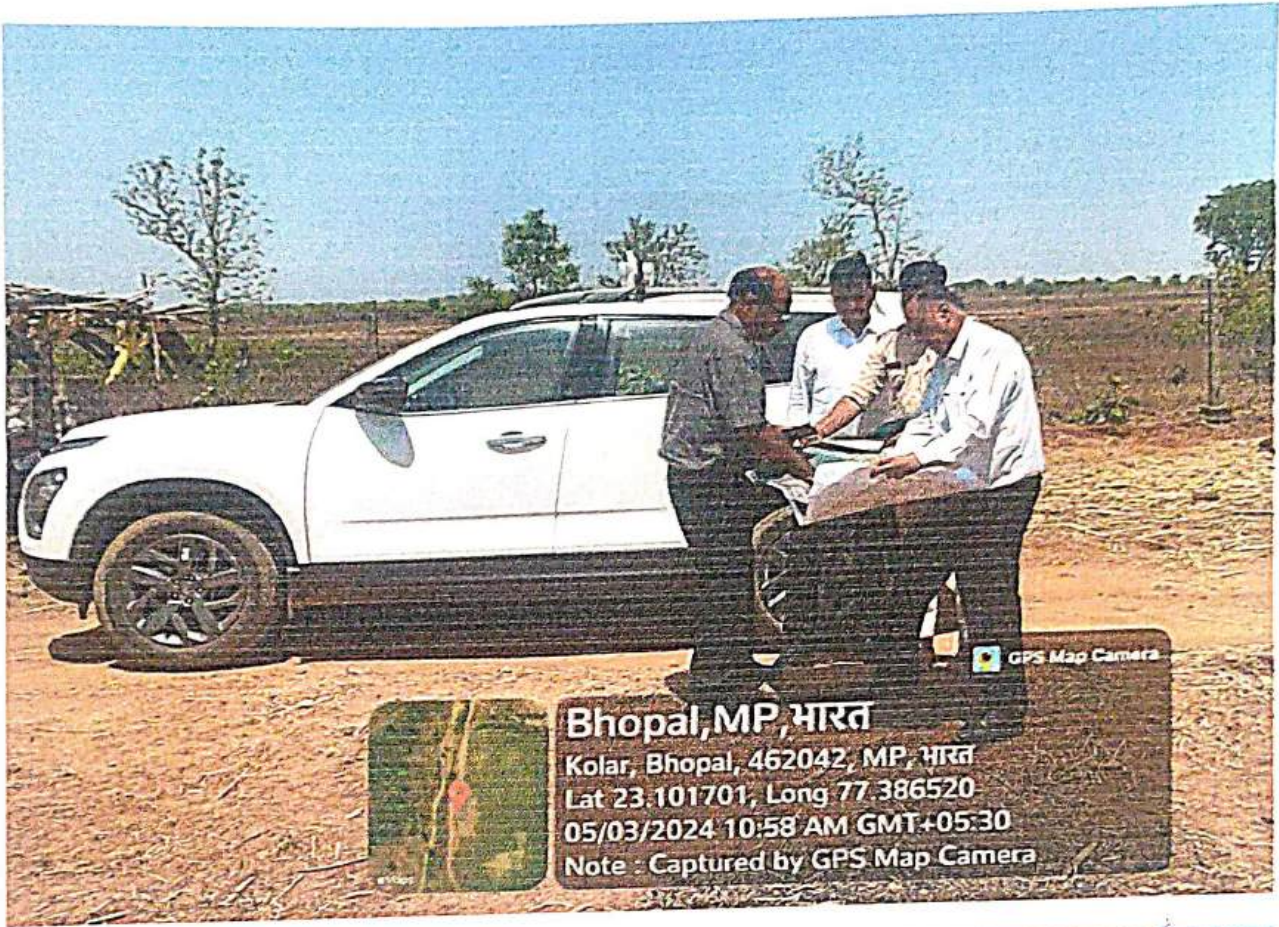
धन्यवाद



M. S. K. P.
महाप्रबंधक (वि.)
एम.पी. रोड डेक्कलमेट का. वि. वि.
भोपाल



Handwritten signature
महाप्रशासक, एम.पी.रोड डेव्हलपमेंट कॉ.वा. लि.
गोपाल





क्रमांक 1968A/क्षेका/प्रनिबो/2024
प्रति,

भोपाल, दिनांक 30/08/2024

श्री नितिन लालचंदानी,
हर्षिता फार्मस,
हॉल नं.-2, फस्ट फ्लोर,
जी.टी.बी. कॉम्प्लेक्स,
टी.टी. नगर, भोपाल।

विषय:- माननीय राष्ट्रीय हरित अधिकरण भोपाल बेंच के प्रकरण क्र. 160/2024 (सीजेड) "Rashid Noor Khan Vs. Principal Chief Conservator of Forst, M.P. & Ors." के संबंध में।

माननीय राष्ट्रीय हरित अधिकरण द्वारा ओ.ए. क्रमांक 160/2024 में दिनांक 18.07.2024 को पारित आदेश अनुसार गठित संयुक्त समिति द्वारा दिनांक 30.08.2024 को हर्षिता फार्मस, बिहाईन्ड दानिश हिल्स, नियर कलियासोत बराज ग्राम-चंदनपुरा, भोपाल का निरीक्षण किया गया था। आदेश की प्रति इस पत्र के साथ संलग्न है। उपरोक्त विषयान्तर्गत लेख है कि माननीय एन.जी.टी. के समक्ष प्रस्तुत पिटिशन में निम्नलिखित बिन्दु हर्षिता फार्मस से संबंधित है:-

1. हर्षिता फार्मस खसरा क्रमांक 88 एवं 89 पर स्थित फार्म हाउस है। जो कि बिना किसी फॉरेस्ट क्लीयरेन्स के व्यवसाय उपयोग एवं मानव निवास के लिए भूमि उपयोग को बदल रहा है। खसरा क्रमांक 89/2 से वृक्षों को काटकर प्लॉटिंग की जा रही है।
2. हर्षिता फार्मस (पॉली हाउस) जो कि नगर वन से सटे पहाड़ के शीर्ष पर स्थित है। जो कि 2003 तक पर्याप्त वृक्षों वाला एक वन क्षेत्र था जिसे धीरे-धीरे वृक्षों को उखाड़ नष्ट कर दिया गया है।
3. हर्षिता फार्मस तक पहुंचने के लिए अपरोच रोड पर भी बिना किसी फॉरेस्ट क्लीयरेन्स के प्लॉटिंग की जा रही है।

कृपया उपरोक्त के संबंध में निम्नानुसार जानकारी प्रदान करें ताकि माननीय एन.जी.टी. द्वारा गठित संयुक्त समिति प्रकरण की जांच कर सके:-

1. नगर निगम, भोपाल से प्राप्त अनुमतियों की प्रति।
2. नगर तथा ग्राम निवेश की अनुमति।
3. वन विभाग की अनुमति।
4. वृक्षों की जानकारी, कुल कितने वृक्ष थे एवं कितने वृक्ष काटे गये।

कृपया इससे संबंधित जानकारी 03 दिवस में प्रदान करने का कष्ट करें।

संलग्न :- उपरोक्तानुसार।

१८

क्षेत्रीय अधिकारी

23/09/2024

प्रति,

श्रीमान क्षेत्रीय अधिकारी
म.प्र. प्रदूषण नियंत्रण बोर्ड
पर्यावरण परिसर, ई-5,
अरेरा कॉलोनी, भोपाल



संदर्भ:- आपका पत्र क्रमांक 1968ए/क्षेका/प्रनिबो/2024 दिनांक 30/08/24

विषय:- संदर्भित पत्र का उत्तर, स्पष्टीकरण एवं आपत्ति ।

महोदय,

प्रार्थी नितिन लालचंदानी की ओर से निवेदन है कि :-

1. यह कि आपके द्वारा संदर्भित पत्र प्रेषित कर व्यक्त किया है कि माननीय राष्ट्रीय हरित अधिकरण भोपाल बेंच के प्रकरण क्रमांक 160/2024 में पारित दिशानिर्देशों के तहत गठित संयुक्त समिति द्वारा जांच की जाना है जिसमें आपके द्वारा वांछित जानकारी अपेक्षित की है।
2. यह कि वास्तविक अवस्था में संदर्भित पत्र में दर्शित हर्षिता फार्मर्स, खसरा क्रमांक 88 एवं 89 की भूमि के संबंध में स्पष्ट लेख यह है कि प्रार्थी की भूमि मूल रूप से ग्राम चंदनपुरा तहसील हुजूर जिला भोपाल में खसरा क्रमांक 88/1/1/2/6, 89/1 क्षेत्रफल 6.080 हेक्टेयर के रूप में विद्यमान होकर निजी स्वत्व की भूमि है एवं उक्त भूमि वन भूमि भी नहीं है तथा नगर तथा ग्राम निवेश द्वारा प्रकाशित भोपाल मास्टर प्लान के अनुसार ऐसी भूमि का उपयोग सार्वजनिक एवं अर्द्धसार्वजनिक रूप में दर्शाया गया है। इस भूमि पर कोई फार्महाउस भी निर्मित नहीं है मात्र सुरक्षा गार्ड एवं लेबर रूम बने हैं जो भूमि की सुरक्षा हेतु आवश्यक है।
3. यह कि संदर्भित पत्र में दर्शित अनुसार खसरा क्रमांक 89/2 की भूमि प्रार्थी की सम्पत्ति नहीं है न ही ऐसी भूमि पर प्रार्थी द्वारा कोई वृक्ष काटे गये हैं चूंकि ऐसी भूमि प्रार्थी की सम्पत्ति नहीं है ऐसी अवस्था में ऐसी भूमि पर प्रार्थी द्वारा वृक्ष काटे जाने का कोई प्रयोजन हो ही नहीं सकता है।
4. यह कि जहां तक पॉलीहाउस का प्रश्न है, ऐसे पॉलीहाउस में प्रार्थी द्वारा विगत लगभग 7-8 वर्षों से गुलाब की खेती की जा रही है। पॉलीहाउस में गुलाब के सैकड़ों पौधे मौके पर लगे हैं, जिनकी प्रतिदिन कटाई छटाई की जाती है ताकि गुलाब के पौधे वांछित रूप से फूल दे सकें।

R.O. P. P. C. B.

AK (C)

23/9/2024

Nitin Lalchandani

5. पॉलीहाउस वाला क्षेत्र पूर्णतः निजी स्वामित्व की भूमि है, एवं उक्त भूमि वन भूमि भी नहीं है। इसके अतिरिक्त उक्त भूमि पर आने जाने वाले वर्तमान अपरोच रोड (कच्चे मार्ग) पर कोई प्लॉटिंग नहीं की गयी है। उक्त भूमि पर कोई वृक्ष कभी भी विद्यमान नहीं रहे हैं तब वृक्षों को काटे जाने का प्रश्न ही उत्पन्न नहीं होता है।
6. यह कि प्रार्थी की जानकारी के अनुसार ग्राम चंदनपुरा के इसी प्रकार के एक मामले में एवं सम्बंधित विषय में माननीय राष्ट्रीय हरित प्राधिकरण द्वारा एक आदेश दिनांक 27/07/2020 को पारित किया गया था जिसमें माननीय राष्ट्रीय आयोग ने आदेश पारित किये हैं जिसकी प्रति आपके त्वरित अवलोकनार्थ संलग्न कर प्रस्तुत की जा रही है। निवेदन है कि उपरोक्त आदेश के अनुसार न्यायसंगत निर्णय लिया जाना उचित होगा।

भोपाल

दिनांक— 23/09/24

Nitin Lalchandani

प्रार्थी

श्री नितिन लालचंदानी
हर्षिता फार्म्स (पॉलीहाउस)
जी.टी.वी. काम्पलेक्स,
टी.टी. नगर, भोपाल म.प्र.

संलग्न— माननीय राष्ट्रीय हरित प्राधिकरण द्वारा आदेश दिनांक 27/07/2020

Item No. 05

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 19/2019 (CZ)
(I.A. No. 29/2020)

Satish Nayak

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 22.07.2020

Date of uploading of order: 27.07.2020

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

For Applicant(s) : Mr. Dharamveer Sharma, Advocate

For Respondent(s): Mr. Sachin K. Verma, Advocate
Mr. Om Shankar Shrivastava, Advocate
Mr. Santanoo Saxena, Advocate
Mr. Deepesh Joshi, Advocate
Mr. Ronak Kanungo, Advocate
Mr. Shrey Raj Saxena, Advocate
Mr. Abhijit Saxena, Advocate
Mr. Yadvendra Yadav, Advocate
Mr. Rahul Ganesha, Advocate

ORDER

1. By filing the present application the issue of encroachment of forest land by the State Authorities in the city of Bhopal, in Master Plan of Bhopal and encouraging the city for encroachment on the forest land, issue of Tiger Reserve, or the issue of the lake has been raised. It is submitted that the Ministry of Environment Forest & Climate Change (hereinafter referred to as MoEF) also submitted a report in the case of *Rashid Noor Khan vs. State of M.P.* that the area in question is a forest land as defined in the landmark judgment of *T.N. Godhavarman vs. Union of India*. Hence it is important to take into consideration that the said forest area, if

reduced blatantly without any scientific study, not only an undefined tiger corridor would be lost but there would be high chances of human tiger conflicts in the area.

2. It is stated that the area in question is a continuation of the Ratapani wildlife sanctuary and it would be clear from various reports that this area forms a link between Ratapani and Satpura tiger reserve; hence the movement of the wildcat (tiger) is frequently noticed in the area. The area is recently being used as territory for various tigers and also according to the news reports different tigers are spotted in the said area on multiple, occasions every week. It is further necessary to draw the attention of this Hon'ble Tribunal that this forest area is also suitable and used by the tigers for the breeding of young cubs which were also spotted in the said territory very frequently. The news reports mentioned here above.
3. It is stated that land acquisition activities took place for the construction of the Kerwa Dam and also the Kaliasot Dam, and the Shahpura Lake in the city of Bhopal. Bhopal being the catchment of the Betwa River which is a Tributary of the River Ganga, is part of the Ganga River Basin. The water from the Upper Lake Bhopal, the Kaliosot River, the Kerwa River all eventually drain into the Betwa River and contribute to the River Ganga and as the said rivers and dams are in close proximity of the said forest area, the tigers use these un-notified tiger corridors in search of water and for breeding. The area in question which today has an extensive forest cover was acquired by the State Government and extensive plantation was carried out in the area by the Capital Project, it is a

matter of detailed enquiry that how land in the close vicinity of this dense forest and two major dams has been earmarked in the recent master plan of the city of Bhopal for the purpose of Residential and Public Semi-Purpose, without obtaining forest clearance from the concerned departments.

4. That the area in question was in close proximity to the forest, where in recent past, in the city of Bhopal, Tigers were frequently sighted and remained in the area for months. In one of the hearing of the matter in Original Application No. 16/2013 titled as Tribunal at its own motion vs. State of MP where matter with regard to the Tigers showing up in close proximity of the inhabited area of Bhopal was considered, the Forest officials had pointed out that the area near the Kaliyasot and Kerwa Dam was conducive and favourable for being included in the Ratapani Sanctuary as it was favourable habitat for the Tigers. In the said matter, Original Application No. 16/2013, directions had been given to the State of MP and the Tiger Conservation Board Authority for examining the issue of declaration of, the said area as a Tiger habitat / Eco Sensitive Zone (ESZ) but the same still remains to be considered as a final decision is not taken by the authorities for reasons best known to them. The Hon'ble Tribunal had further instructed the district administration to take action on the issue as per the Standard Operating Procedure for the states set up by the National Tiger Conservation Authority (NTCA) so that precautionary measures over the incidences taking place due to tigers could be taken.
5. The Bhopal Master Plan 2005 which demarcated for the said land in question Public and Semi-Public land low density housing land

use has not incorporated the essence of the orders passed by the Hon'ble Apex Court and the survey undertaken thereafter demarcating that the land in question falls within the definition of forest as laid down by the Hon'ble Apex Court nor have the area duly recorded on revenue records. It is further pertinent to draw the attention of this Hon'ble tribunal that no forest clearances have been obtained by majority of individuals for use of the above said land which is clearly severed under the provisions of forest conservation act 1980. In the minutes of the 48th Meeting of the Standard Committee of NBWL dated 18.04.18, the Ministry of Environment, Forest and Climate Change discussed, in order to create a balance between the wildlife and construction recommended to have no such construction work going in the radius of 3 km of the forest area. Similarly, in the present case, all the constructions should be deconstructed in the vicinity of the forest area being harmful for the wildlife population.

6. Further, it is stated that the Tiger is frequently seen in the forest area, it is dense forest following within the difference of forest, construction activities have been permitted in the area by the Bhopal Master Plan without considering the crucial aspect of environmental conservation, Bhopal Administration has initiated these constructions without obtaining forest clearance, and construction have been continued even after restraining orders passed by the Competent Tribunal, the State Government of Madhya Pradesh has not demarcated the forest area and thus it is prayed that the ongoing activities of the Bhopal city may be restrained and respondents be directed to make good the last caused by the forest and the Tiger habitat in the vicinity of the

Kaliasot Kerwa Dam by the construction of building in the forest area, construction and demolition of the building be immediately stopped, and the Judicial Committee be constituted to investigate all these matters with further prayer to award compensation.

7. By filing the preliminary objection the learned counsel for the Respondent No. 19 had submitted that the Master Plan of 1995 which was prepared by following the due procedure laid down in Section 23 (2) and 18 (1) of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 was implemented almost 24 years ago after due notification and achieved finality.
8. It is further submitted that any act done in accordance with the Master Plan cannot be undone after 24 years because subsequently Tigers in search of water and breeding have started to come into the area demarcated for Residential and Semi Public usage in the Master Plan in the year 1995 and not Master Plan of 2005. He has prayed to discharge his name or delete his name from the array of the parties. Similarly, Respondent No. 18 has also filed a preliminary objection to struck off his name from the array of the parties.
9. Respondent Nos. 1 and 2 have submitted that a detailed report has already been submitted before this Tribunal regarding the non-forestry activities that have been carried in the subjective area between Kerwa Dam and Kalisot Dam. This subjective area is not a notified forest area and is not under the control of Forest Department. This area is *de facto* situated a distance about 3.5 kms from the nearest forest block boundary of the forest of Bhopal Division.

10. It is further argued that 158.05 hectare of the land which is reported to be deemed forest as per *T.N. Godhavarman vs. Union of India* case is a matter of decision to be taken by the forest authorities with the concurrence of the state authorities in accordance with the law as laid down in the aforesaid judgment.
11. On 01.08.2019, this Tribunal had directed the Nodal Officer, who was present before the Bench, to file response in writing with regard to the allegation of non-forest activities as pointed out in the order dated 08.10.2018 by the Deputy Conservator of Forest (Central), Regional Office of the Ministry of Environment, Forests and Climate Change (MoEF & CC), Bhopal. This Tribunal had also directed the learned Counsel for the applicant to implead Sanskaar Valley School, Jagran Lake City University and all others against whom there are allegations that they are involved in non-forest activities in the area, as party respondent to this application. In compliance of this direction short reply had been filed on behalf of Respondent no. 1 and 2 on 04.09.2019 which *inter alia* states as under:

“2. Dr. Tajendra Singh, APCCF cum Regional Officer, MoEF, Bhopal under the directions of Hon'ble Tribunal has submitted a detailed report on 18/10/2018 regarding the non-forestry activities that have been carried in the subjective area between Kerwa dam and Kaliasot dam. This subjective area is not a notified forest area and is not under the control of forest department. This area is de-Facto situated at a distance of about 3.5 kms from the nearest forest block boundary of the forests of Bhopal Division.

3. The APCCF cum Regional Officer, MoEF, Bhopal in its report has pointed out that 158.05 hectares of forest cover has been put under non-forestry use as on 30/01/2018 in the area of village Chandanpur, Mindora, Mondori and Chawani of Bhopal district.

4. The status and classification of the subjective land in Government records is most probably deemed forest land recorded as revenue land in land records, thus no record is available with

the forest department regarding the status/classification of the land.

5. *As per the Order/Judgment dated 12/12/1996 rendered by the Hon'ble Supreme Court in the case of T. N. Godhavarman v/s Govt. of India and others, the Government of Madhya Pradesh has issued instructions vide its letter dated 13/01/1997 to all the District Collectors regarding the determination and listing of forest areas in their districts. Copy of the letter dated 13/01/1997 is marked and enclosed herewith as Annexure-RR-3/1.*

6. *In aforesaid letter the Government of Madhya Pradesh has given the following instructions:*

(i) Non-cultivable land which are bigger than 10 ha in area and containing more than 200 trees per ha is to be treated as forests. The list of these type of patches is to be compiled in a prescribed format.

(ii) All patches of land which are recorded as chote-bade jhad ka jungle etc in the revenue records shall be treated as forests. The list of these type of patches is to be compiled in a prescribed format.

7. *The Government of Madhya Pradesh vide its above said letter has also instructed all District Collectors to keep this information in their offices and also to send the abstract to the office of Secretary, Revenue in a prescribed format by 05/02/1997, Thus the record of the revenue lands which are covered by the definition and category of Forests is available only with the Revenue department.*

8. *The Chief Conservator of Forest, Bhopal has tried to obtain the information and report prepared under the direction of Hon'ble Supreme Court from District Collector, Bhopal. The Chief Conservator of Forest, Bhopal has also requested Collector, Bhopal to provide the relevant data vide letter dated 24/08/2019. So far, this data has not been provided by the District Collector, Bhopal. Copy of letter dated 24/08/2019 is enclosed as Annexure – RR-3/2.*

9. *In the report submitted to Hon'ble Tribunal by the APCCF Cum Regional Officer, MoEF, Bhopal, it is specifically mentioned that 12 different non-forestry activities have been carried out in 158.05 hectares of deemed forest area in four villages.*

10. *As per the records of the answering Nodal Officer, prior diversion permissions have been taken only for 7.20 hectares of revenue forest land under Forest Conservation Act, 1980 and these permissions had been granted by the Regional office of MoEF&CC in the year 2005, 2006 and 2008. The details of the permissions granted by MoEF&CC are enclosed herewith as Annexure-RR-3/3.*

11. *These diversion permissions have been granted to various charitable trusts to establish education centre and to construct*

approach road to education centre. On this subjective land at present, Respondent No. 8 Sanskar Valley School building allied administrative buildings and Stadium/Play Grounds are situated. The APCCF cum Regional Officer, MoEF, Bhopal, in its report submitted to Hon'ble NGT, observed that a total of 21.31 hectares of deemed forest land has been used for non-forest activities by Sanskar Valley School and others.

12 On observing these activities on google earth the office of answering Nodal Officer roughly calculated the area of the campus of Respondent No. 8 Sanskar Valley School and the area of this campus is found to be approximately 14.9244 hectares which is only an approximate area, the accurate area could only be ascertained only after proper ground level measurement. As the land in question is recorded as revenue land, thus the measurement could only be carried out by the revenue authorities. In respondent school campus 18 buildings/sheds, 03 play grounds and 02 parkings have been constructed. The approximate areas of these constructions have been given in Annexure-RR-3/4. The image of the google map is enclosed as Annexure-RR-3/5.

13. The APCCF cum Regional Officer, MoEF, Bhopal has observed that a total of 20.15 hectares of deemed forest land has been used for non-forestry activities by Respondent No.9 Jagran Lake University and others. On observing these activities on google earth, the answering Nodal Officer roughly calculated the area of the campus of respondent Jagran Lake University to be approximately 10.7594 hectares. As per the records of the Office of Nodal officer no prior approval of the MoEF & CC has been taken for these activities. The approximate areas of these constructions have been given in Annexure-RR-3/6. The image of the google map is enclosed as Annexure-RR-3/7.

14. Similarly, for the rest of the 10 non-forestry activities as mentioned in the report Bhopal of the APCCF cum Regional officer, MoEF, Bhopal no prior approval of the MoEF & CC has been taken.

15. The APCCF cum Regional Officer, MOEF, Bhopal in its report submitted to Hon'ble NGT, has reported the use of 158.05 hectares of deemed forest land for non-forestry use. This fact could also be ascertained from the revenue records. If this land is considered to be categorized as deemed forest land as per the report of the APCCF cum Regional Officer, MoEF, Bhopal then in that event in view of the Judgment/order rendered by the Hon'ble Supreme Court in the case of T.N. Godhavarman (Supra) prior approval/Forest Clearance of MoEF&CC under Forest Conservation Act, 1980 was necessary.

16. It is agreed that the area in question is an extremely important habitat for Tiger. The District Collector, Bhopal has permitted forest department to carry out plantation in 357.813 hectares of land in this area. The Forest department has already carried out plantation in or about 171 hectares of land thereupon. The Subjective land could also be transferred to the forest department for compensatory Afforestation work.

17. *The short reply is confined to Respondents No. submitted for the kind consideration of the Hon'ble Tribunal, on receipt of the additional details of the subjective land from District Collector, Bhopal and also for each of the newly impleaded respondents additional reply will be submitted. ”*

12. MoEF & CC filed their reply on 17.01.2020 wherein they have stated as follows:

“The MoEF&CC, Regional Office Bhopal had issued four (4) number of Stage-II approval under Forest (Conservation) Act 1980 for the area under this petition, details are as follows”:

1. *Stage-II/Formal approval File no.6-MPB186/2007-BHO/2499 dated 13/10/2008: Diversion of 1.84 ha of revenue forest land for construction of school building in favour of Shri R.C. Agrawal Charitable trust (Annexure-III)*

2. *Stage-II/Formal approval File no.6-MPB069/2006-BHO/1134 dated 27/06/2006: Diversion of 1.360 ha of revenue forest land for construction of approach road in favour of Sharada Devi Charitable trust (Annexure-IV)*

3. *Stage-II/Formal approval File no.6-MPB050/2004-BHO/430 dated 04/03/2005: Diversion of 2.00 ha of revenue forest land (private owned) for construction of School infrastructure in favour of Kasturba Devi Charitable trust (Annexure-V)*

4. *Stage-II/Formal approval File no.6-MPB049/2006-BHO/431 dated 04/03/2005: Diversion of 2.00 ha of revenue forest land (Private owned) for construction of School infrastructure in favour of Sharada Devi Charitable trust (Annexure-VI).*

Further, no proposal for diversion of forest land under the Forest (Conservation) Act 1980 is pending at MoEF&CC Regional office, Bhopal pertaining for consideration from area under this petition.”

13. It is noteworthy to mention that on 28.08.2018 in an Original Application No. 457/2018 (Earlier Original Application No. 159/2014 CZ) with regard to on-going activities in the area in question, this Tribunal had directed the Additional Principal Chief Conservator of Forests (APCCF), Regional Office, MoEF&CC at Bhopal to visit the site and observe as to whether there is any non-forest activity between Kerwa to Kaliasote which will also include villages of Chandanpur, Mindora and Mondori. In compliance of this Tribunal's order, the Additional Principal Chief Conservator of Forests, Regional Office, MoEF & CC at Bhopal filed a report which states as under:

“Hon’ble NGT vide its order dated 28.08.2018 directed the undersigned as follows:

We Direct the APCCF, Regional Office, MoEF at Bhopal to visit the site and observe as to whether there is any non-forest activity between Kerwa to Kaliasot which will also include villages of Chandanpur, Mindora and Mondori.

This Report is submitted in response to the aforesaid order of the NGT and while doing so the undersigned, at the outset, wishes to place on record the limitations with which this report has been prepared. The first limitation is that of lack of field record, the Regional Office has no land record, including forest, of the State. Therefore, most of the data used is the one which is available on the Decision Support System of the Forest Survey of India (FSI), the websites of the State Government and the boundary of the revenue forest, in possession of the forest department, provided by the State Forest Department of MP. The second limiting factor is lack of field staff with the Regional Office. Unlike the functional offices of the State Forest Department the Regional office of MoEF & CC has no field functionaries attached to it like forest guards, deputy rangers, patwari etc. Therefore the undersigned was largely guided by the field functionaries of the State Forest Department during the said inspection which was carried out on 29.09.2018.

The Hon’ble NGT in its order dated 28.08.2018 has used the phrase “non-forest activity” which is used with reference to the Forest Conservation Act, 1980. Therefore the undersigned assumes that the Hon’ble Tribunal desires to know the quantum and location of forest land, around the three villages of Chandanpur, Mandora and Mandori used for carrying out various non-forest activities. And while doing so the undersigned relied on the definition of forest as given by the Hon’ble Supreme Court in its order dated 12.12.1996 in Writ Petition (Civil) No. 171/96 T.N. Godavarman Thirumulkpad vs. Union of India & Others which reads as follows:

The Forest Conservation, Act 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance, and therefore, the provisions made therein for the conservation of forests and forest matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all the statutorily recognized forest, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forestland” occurring in section 2 will not only include “Forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act.

From the above definition, in the present case, there can be following four broad legal categories of forests

- 1. Land notified as protected or reserve forest under the Indian Forest Act or the State Forest Act.*
- 2. Land recorded as forest in any government record, mainly Jamabandi, but not notified and presently under the control of the forest department for which the State Forest Department has provided the boundary.*

3. Land recorded as forest in any government record, mainly Jamabandi, but not notified and presently under the control of the revenue department/private owner and for which no record is available with the State Forest Department of MP.
4. Land appearing as forest as per the dictionary meaning irrespective of the ownership including private lands, as can be deciphered from the Forest Cover Map of the FSI.

In this report the undersigned could work out only the three categories of forest (Notified, non notified but under the control of the forest department and the Dictionary meaning) which has been used for various non-forestry activities around the three villages. For dictionary meaning the undersigned has relied on the Forest Cover Map of the FSI. The Forest Survey of India in its India State of Forest Report (FSI), 2017 defines forest as follows:

The term "Forest Cover" as used in ISFR refers to all lands more than one hectare in area with a tree canopy of more than 10 % irrespective of land use, ownership and legal status.

From this it is clear that FSI maps a piece of land as forest going by tree canopy, as seen on the satellite imagery, and not by ownership or legal status. Therefore, the forest cover map of FSI showing areas under various densities of forest cover can be very well be used to know and calculate area of forest as per dictionary meaning. However, which of these FSI mapped forest patches have been considered and formally declared as Deemed Forest can only be clarified by the State Government.

The three density classes used by FSI are as follows:

1. Very dense Forest (VDF): Canopy Density > 70 %
2. Medium Dense Forest (MDF): Canopy Density between 40% and 70%
3. Open Forest (OF): Canopy density between 10% and 40 %

It is further reiterated here that in the FSI's Forest Cover Map even private area having good tree cover would qualify as forest.

For the forest area recorded as forest in the government record and presently under the control of the revenue department/private owners (Variously described as Chote Bade Jhad Ka Jundgle, Charaghan, Charnoi etc) the undersigned has written to the State Government vide letter dated 01.10.2018 (Annexure IV) to provide detailed information as it was not available with the field functionaries of the forest department. However the said information has not so far been provided by the State Government. The use of any such land for non-forest purpose after 12-1296, as per the order of the Hon'ble Supreme Court Order, would require clearance under the Forest Conservation Act, 1980.

In all the undersigned, along with the field staff of the MP Forest Department, noticed mainly 12 number of non-forest activities around the four villages of Chandanpur, Mandora, Mondori and Chawni. The details of the forest land used, including category, has been calculated and shown at Annexure I & II. This has been done through the use of the Decision Support System of FSI & Arc GIS 10.03.1. Since the area calculation has been done on computer using the GIS platform, the actual area on ground may

vary. Therefore to work out the exact figure a detailed ground truthing and field measurements need to be carried out by the Revenue Department of the State Government of MP.

In all following forest area has been used for non-forest purposes.

1. Notified Forest area used – Nil
2. Revenue Forest area under the control of Forest Department used- 4.74 Ha
3. Medium Dense/Open Forest as per FSI Map: 158.05 Ha

While submitting this report the undersigned would like to place on record that the area of inspection is an extremely important habitat for various categories of wildlife notably tiger. A report on this, prepared by the RCCF, Bhopal, is enclosed at Annexure V. From this it is clear that presently there are many tigers in the territorial forest area around the three villages under consideration notwithstanding all the non-forest activity going on around the place. This shows there is something inherently important in the habitat to support such a large number of tigers at one place despite the entire disturbance. Therefore on the face of it while we are trying to introduce tigers in places previously inhabited but now bereft of tiger population, it becomes incumbent upon the state to protect an area which already has abundance of tiger population. In this connection the undersigned most humbly places the following suggestions for the kind consideration of the Hon'ble Tribunal.

1. All the non-notified forest area between the Kaliasot and the Kerwa dams (as per the definition of forest laid down by the Hon'ble Supreme Court in its order dated 12.12.1996) presently under the control of the forest/revenue departments be notified as Protected or Reserve forest under the Indian Forest Act (Pictures of such forest at under Annexure III). This is not difficult as the State is routinely notifying plantations of CA (Compensatory Afforestation) to compensate the Forest diversion proposals under the Forest Conservation Act, 1980.
2. An appropriate decision be taken with regard to the use of private areas, which qualify as forest as per Hon'ble Supreme Court order dated 12.12.1996. the land use of such areas should be such that it is in consonance with the surrounding forest habitat.”

14. The Additional Principal Chief Conservator of Forests, Regional Office, MoEF&CC at Bhopal also gave details of 12 numbers of non-forest activities around the 4 villages of Chandanpur, Minora, Mondori and Chawani mentioned in the report above as follows:

TABLE SHOWING THE USE OF VARIOUS CATEGORIES FO FOREST FOR THE DFFERNENT NON-FOREST ACTIVITES

Area In Ha.

Sl. No.	Name of non-Forest activity	Notified Forest used	Revenue forest under forest Dept. Possession used	Forest Cover/ Area (Dictionary Meaning As per FSI) Used	
				Area used as on 05.01.2003 (Google Earth image)	Area used as on 30.01.2018 (Google earth image)
CHANDANPUR VILLAGE					
1.	Sanskaar valley school and others.	0.00	0.63	0.00	21.31
2.	Resort, nurseries and others	0.00	0.01	0.00	14.31
3.	Cluster of farm house and others	0.00	0.60	0.00	12.53
4.	Jagran Lake City University and others	0.00	2.07	0.00	20.15
5.	Farm Houses and others	0.00	0.00	0.00	15.25
6.	Approach road	0.00	0.17	0.00	1.89
7.	Pvt. House & Farm	0.00	0.00	1.96	2.50
	Sub-Total (A)	0.00	3.48	1.96	87.94
MINDORA VILLAGE					
8.	Agriculture & habitation	0.00	0.14	7.21	16.77
9.	Agriculture & resorts	0.00	0.00	5.03	11.91
10	Agriculture & farm	0.00	0.20	12.11	15.83
	Sub-Total(B)	0.00	0.34	24.35	44.51
MONDORI VILLAGE					
11.	Agriculture & Buildings	0.00	0.19	19.68	24.35
	Sub-Total(C)	0.00	0.19	19.68	24.35
Chawani Village					
12.	Approach road	0.00	0.73	0.00	1.25
	Total(A+B+C)	0.00	4.74	45.99	158.05

Note:

- The village boundaries were taken from Town and Country Planning. Govt. of Madhya Pradesh website www.emptownplan.gov.in:9999/masterplanbhupal/index.html. Further, the boundaries were rechecked with the village maps available on Commissioner Land Records & Settlement. Govt. of Madhya Pradesh web portal <http://landrecords.mp.gov.in/newweb/>.
- KML file of Revenue forest area under forest department possession was submitted by the State forest Department. Govt. of Madhya Pradesh.
- The activities taken for study were marked based on the noticeable changes observed on the time line images available on Google earth and as shown by the Forest Dept. on the date of inspection.
- The data were analysed on ArcGIS 10.3.1 software.
- Ground-truthing along with revenue details of the lands by Revenue & Forest Department, State Govt. of Madhya Pradesh is necessary for validation of the result.

15. The Section 2 of the Forest (Conservation) Act 1980 restricts de-reservation of forest or use of forest land for non-forest purposes as under :

“2. Restriction on the dereservation of forests or use of forest land for non-forest purpose. Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of checkpoints, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.”

16. The Rule 9 of the Forest (Conservation) Rules 2003 also provides for proceedings against persons guilty of offences under the act which are as under:

“9. Proceedings against persons guilty of offences under the Act.- (1) The Central Government may, by notification, authorize any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said offence is said to have been committed, to file complaints against the person (s) prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

Provided that no complaint shall be filed in the court, without giving the person (s) or officer (s) or authority (s) against whom the

allegations of offence exist, an opportunity to explain his or their conduct and to show cause, by issuing a notice in writing of not less than sixty days, as to why a complaint should not be filed in the court against him or them for alleged offences.

(2) The officer authorised by the Central Government in sub-rule (1) may require any State Government or its officer or any person or any other authority to furnish to it within a specified period any reports, documents, statistics and any other information related to contravention of the Act or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.”

17. The Hon’ble Supreme Court of India in T.N. Godavarman Thirumulkpad Vs. Union of India and others in W.P (c) No. 202 of 1995 with No. 171 of 1996 which was decided on 12.12.1996 had observed and directed as follows:

“1. In view of the great significance of the points involved in these matters, relating to the protection and conservation of the forests throughout the country, it was considered necessary that the Central Government as well as the Governments of all the States are heard. Accordingly, notice was issued to all of them. We have heard the learned Attorney General for the Union of India, the learned Counsel appearing for the States and the Parties/Applicants and, in addition, the learned Amicus Curiae, Shri H.N. Salve, assisted by Sarvashri U.U. Lalit, Mahender Das and P.K. Manohar. After hearing all the learned Counsel, who have rendered very able assistance to the Court, we have formed the opinion that the matters require a further in-depth hearing to examine all the aspects relating to the National Forest Policy. For this purpose, several points which emerged during the course of the hearing for some time to enable the learned counsel to further study these points.

2. However, we are of the opinion that certain interim directions are necessary at this stage in respect of some aspects. We have heard the learned Attorney General and the other learned Counsel on these aspects.

3. It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for Short “the Act”) and the meaning of the word “forest” used therein. There is also a resulting misconception about the need of prior approval of the Central government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forest, whether designated as reserved, protected or

otherwise for the purpose of Section 2 (i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forest so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works V. State of Gujarat*, *Rural Litigation and Entitlement Kendra V. state of U.P.* and recently in the order dated 29-11.1996 (*Supreme Court Monitoring Committee V. Mussorie Dehradun Development Authority*). The earlier decision of this court in *state of Bihar V. Banshi Ram Modi* has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any state government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.

5. We further direct as under:

I. General

1. In view of the meaning of the word "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". In accordance with Section 2 of the Act, all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease forthwith. It is, therefore, clear that the running of saw mills of any kind including veneer or plywood mills, and mining of any mineral are non-forest purposes and are, therefore, not permissible without prior approval of the Central Government. Accordingly, any such activity is prima facie violation of the provisions of the Forest conservation Act, 1980. Every State Government must promptly ensure total cessation of all such activities forthwith.

2. In addition to the above, in the tropical wet evergreen forests of Tirap and Changlang in the State of Arunachal Pradesh, there would be a complete ban on felling of any kind of trees therein because of their particular significance to maintain ecological balance needed to preserve bio-diversity. All saw mills, veneer mills and plywood mills in Tirap and Changlang in Arunachal Pradesh and within a distance of 100 kms from its border, in Assam, should also be closed immediately. The State governments of Arunachal Pradesh and Assam must ensure compliance of this direction.

3. The felling of trees in all forest is to remain suspended except in accordance with the working plans of the State Governments, as approved by the Central Government. In the absence of any working plan in any particular State, such as Arunachal Pradesh, where the permit system exists, the felling under the permits can be done only by the Forest Department of the State Government or the State Forest Corporation.

4. There shall be a complete ban on the movement of cut trees and timber from any of the seven North-Eastern States to any other State of the country either by rail, road or waterways. The Indian Railways and the State Government are directed to take all measures necessary to ensure strict compliance of this direction. This ban will not apply to the movement of certified timber required for defence or other Government purposes. This ban will also not affect felling in any private plantation comprising of trees planted in any area which is not a fores.

5. Each State Government should constitute within one month an Expert Committee to :

(i) Identify areas which are "Forests", irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;

(ii) identify areas which were earlier forests but stand degraded, denuded or cleared; and

(iii) Identify areas covered by plantation trees belonging to the Government and those belonging to private person.

6. Each State Government should within two months, file a report regarding:

(i) the number of saw mills, veneer and plywood mills actually operating within the State, with particulars of their real ownership.

(ii) the licensed and actual capacity of these mills for stock and sawing.

(iii) their proximity to the nearest forest.

(iv) their source of timber.

7. Each State Government should constitute within one month, an Expert Committee to assess:

(i) the sustainable capacity of the forests of the State qua saw mills and timber-based industry.

(ii) the number of existing saw mills which can safely be sustained in the State.

(iii) the optimum distance from the forest, qua that State, at which the saw mill should be located.

8. The Expert Committee so constituted should be requested to give its report within one month of being constituted.

9. Each State Government would constitute a Committee comprising of the Principal Chief Conservator of Forests and another Senior Officer to oversee the compliance of this order and file status reports."

8. In compliance of the order of the Hon'ble Supreme Court, the State Government of Madhya Pradesh has decided as follows:

“(i) Non-cultivable land which are bigger than 10 ha in area and containing more than 200 trees per ha is to be treated as forests. The list of these types of patches is to be compiled in a prescribed format.

“(ii) All patches of land which are recorded as chote-bade jhad ka jungle etc in the revenue records shall be treated as forests. The list of these type of patches is to be compiled in a prescribed format.”

18. Therefore, in the State of Madhya Pradesh other than those areas which are recorded as forest in Government records, the above two categories of land i.e., non-cultivable land which are bigger than 10 ha area and containing more than 200 trees per ha and all patches of land which are recorded as per “Chote-bade jhad ka jungle” etc., in the revenue records are treated as forest lands for the purpose of Forest (Conservation) Act 1980. It is quite clear from the report of Additional Principal Chief Conservator of Forests (APCCF), Regional Office, MoEF & CC at Bhopal that in his report submitted in compliance of this Tribunal direction in Original Application no. 457/2018 mentioned in above he has considered all above categories of forest lands keeping in view the orders of the Hon’ble Supreme Court in W.P (c) No. 202 of 1995 with No. 171 of 1996 which was decided on 12.12.1996 while considering in his report the non-forestry activities in the area in question. We therefore accept the Report of the Additional Principal Chief Conservator of Forests(APCCF), Regional Office, MoEF & CC at Bhopal and direct the State Government of Madhya Pradesh and the Regional Office of the MoEF & CC at Bhopal to take action in accordance with the Forest (Conservation) Act 1980 and Rules made thereunder and also the guidelines issued by the MoEF & CC from time to time in accordance with law in respect of the non-forest activities which have been reported in the report of

the Additional Principal Chief Conservator of Forests (APCCF), Regional Office, MoEF & CC at Bhopal and which have been done in contravention of Forest (Conservation) Act 1980. We also direct the state of Madhya Pradesh to make appropriate entries in the revenue records recording these lands as “deemed forest lands” in terms of the orders of the Hon’ble Supreme Court dated 12.12.1996.

19. The version of the applicant is that the revenue lands are basically the revenue forest land but the learned counsel appearing for the respondent has argued that this Principle can never be adopted because the land records contain the ownership of the land in the relevant column and all the revenue lands cannot set to be forest land unless and until declared to be forest by the State or Central Government or notified by the relevant notification.
20. It is further submitted that the order passed in O.A. No. 159/2014 in the matter of *Rashid Noor Khan Vs. State of M.P. & Ors.* has not been acted upon in which it was observed that despite the fact that the Tribunal has passed the order for restraining any further construction, it is reported that construction activity is still going on in the aforesaid area.
21. Learned counsel for respondent has further submitted that the Master Plan was executed in the year 1995 and this application was filed in the year 2019 and there is no explanation for filing delay and there is no application to condone the delay and thus on this ground the application is not maintainable.

22. The grounds and explanations submitted by the appellant are totally sketchy and superficial. The point of limitation is also applicable here and virtually no explanation as to why the matter was not taken up with due earnest, reasonably and expediency has not been properly explained.
23. It is true, when State or its instrumentality is a party, and file appeal with some delay, it may deserve some leverage for official hierarchical steps for permission etc. but a wholly unexplained, reckless and negligent approach of delay cannot be overlooked particularly when it is not the case of applicant that it has taken any action against erring individual.
24. The expression "sufficient cause" in Section 5 of Act, 1963 has been held to receive a liberal construction so as to advance substantial justice and generally a delay in preferring appeal may be condoned in interest of justice where no gross negligence or deliberate inaction or lack of bona fide is imputable to parties, seeking condonation of delay. In *Collector, Land Acquisition v. Katiji*, MANU/SC/0460/1987 : 1987(2) SCC 107, the Court said, that, when substantial justice and technical considerations are taken against each other, cause of substantial justice deserves to be preferred, for, the other side cannot claim to have vested right in injustice being done because of a non deliberate delay. The Court further said that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.
25. In the matters where action is brought by Government or statutory authority, no person is individually affected and in ultimate analysis it is the public interest which suffers. The decisions of

Government are collective and institutional and do not share the characteristic of decisions of private individuals. The law of limitation though is equal and apply at par to both private individual and Government but where the Government makes out a case of sufferings to public interest owing to acts of fraud and bad faith on the part of its officials and agents, and also, the intention of Government not to allow such officers of doubtful integrity to go scot free, the Court should also come forward to do justice in the interest of public at large, but, a mere eye wash kind of explanation, without any honest intention of State authorities to proceed against tainted officers, or, those who have acted in a bad faith, or, those who have worked negligently, the explanation that delay must be condoned in public interest would be superficial and lacking bona fide, hence difficult to be accepted by Court.

26. In *G. Ramegowda, Major v. Special Land Acquisition Officer, Bangalore*, MANU/SC/0161/1988 : AIR 1988 SC 897, in para 8 of the judgment, the Court said:

"8..... Therefore, in assessing what, in a particular case, constitutes 'sufficient cause' for purposes of Section 5 it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the Government. Governmental decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red-tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have 'a little play at the joints'. Due recognition of these limitations on Governmental functioning-of course, within a reasonable limits-is necessary if the judicial approach is not rendered unrealistic. It would, perhaps, be unfair and unrealistic to put Government and private parties on the same footing in all respects in such matters. Implicit in the very nature of Governmental functioning is procedural delay incidental to the decision making process. In the opinion of the High Court, the conduct of the law-officers of the Government placed the Government in a predicament and that it was one of these cases where the mala fides of the officers should not be imputed to Government."

27. In P.K. Ramachandran v. State of Kerala, MANU/SC/1296/1997 :
AIR 1998 SC 2276 the Court said:

"Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribe and the Courts have no power to extend the period of limitation on equitable grounds."
10. The Rules of limitation are not meant to destroy rights of parties. They virtually take away the remedy. They are meant with the objective that parties should not resort to dilatory tactics and sleep over their rights. They must seek remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The statute relating to limitation determines a life span for such legal remedy for redress of the legal injury, one has suffered. Time is precious and the wasted time would never revisit. During efflux of time, newer causes would come up, necessitating newer persons to seek legal remedy by approaching the courts. So a life span must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The statute providing limitation is founded on public policy. It is enshrined in the maxim *Interest reipublicae up sit finis litium* (it is for the general welfare that a period be put to litigation). It is for this reason that when an action becomes barred by time, the Court should be slow to ignore delay for the reason that once limitation expires, other party matures his rights on the subject with attainment of finality. Though it cannot be doubted that refusal to condone delay would result in foreclosing the suiter from putting forth his cause but simultaneously the party on the other hand is also entitled to sit and feel carefree after a particular length of time, getting relieved from persistent and continued litigation."

28. There is no presumption that delay in approaching the court is always deliberate. No person gains from deliberate delaying a matter by not resorting to take appropriate legal remedy within time but then the words "sufficient cause" show that delay, if any, occurred, should not be deliberate, negligent and due to casual approach of concerned litigant, but, it should be bona fide, and, for the reasons beyond his control, and, in any case should not lack bona fide. If the explanation does not smack of lack of bona fide, the Court should show due consideration to the suiter, but, when there is apparent casual approach on the part of suiter, the

approach of Court is also bound to change. Lapse on the part of litigant in approaching Court within time is understandable but a total inaction for long period of delay without any explanation whatsoever and that too in absence of showing any sincere attempt on the part of suiter, would add to his negligence, and would be relevant factor going against him.

29. We need not to burden this judgment with a catena of decisions explaining and laying down as to what should be the approach of Court on construing "sufficient cause" under Section 5 of Act, 1963 and it would be suffice to refer a very few of them besides those already referred.
30. In *Shakuntala Devi Jain v. Kuntal Kumari*, MANU/SC/0335/1968 : AIR 1969 SC 575 a three Judge Bench of the Court said, that, unless want of bona fide of such inaction or negligence as would deprive a party of the protection of Section 5 is proved, the application must not be thrown out or any delay cannot be refused to be condoned.
31. The Privy Council in *Brij Indar Singh v. Kanshi Ram* MANU/PR/0033/1917: ILR (1918) 45 Cal 94 observed that true guide for a court to exercise the discretion under Section 5 is whether the appellant acted with reasonable diligence in prosecuting the appeal. This principle still holds good, inasmuch as, the aforesaid decision of Privy Council has repeatedly been referred to, and, recently in *State of Nagaland v. Lipok AO and others*, MANU/SC/0250/2005: AIR 2005 SC 2191.
32. In *Vedabai @ Vaijayanatabai Baburao v. Shantaram Baburao Patil and others*, MANU/SC/0382/2001: JT 2001(5) SC 608 the Court said that under Section 5 of Act, 1963 it should adopt a pragmatic

approach. A distinction must be made between a case where the delay is inordinate and a case where the delay is of a few days. In the former case consideration of prejudice to the other side will be a relevant factor so the case calls for a more cautious approach but in the latter case no such consideration may arise and such a case deserves a liberal approach. No hard and fast rule can be laid down in this regard and the basic guiding factor is advancement of substantial justice.

33. In *Oriental Aroma Chemical Industries Ltd. v. Gujarat Industrial Development Corporation and Anr.*, MANU/SC/0141/2010 : (2010) 5 SCC 459, the Court observed that same yardstick should be applied for allowing application for condonation of delay filed by private individuals and the State, but certain amount of latitude is not impermissible in the latter case because the State represents collective cause of the community and the decisions are taken by the officers/agencies at a slow pace and encumbered process of pushing the files from table to table consumes considerable time causing delay.
34. The aforesaid decision further makes it clear that it is only certain amount of latitude and not an unguided and unlimited charity in the matter of delay, insomuch so, that ignoring the apparent laxity on the part of State officials, the same must be ignore and merely because delay is on the part of State, it should be condoned. Extension of certain amount of latitude and a complete go by are two different things while the former is permissible but later one is totally prohibited. It is for this reason, this Court find that later aspect has been further explained in much explicit and straight

manner in subsequent decisions rendered in 2012, which are noted herein below.

35. In *Pundlik Jalam Patil (dead) by LRS. v. Executive Engineer, Jalgaon Medium Project and Anr.* MANU/SC/4694/2008: (2008) 17 SCC 448, in para 17 of the judgment, the Court said:

"...The evidence on record suggests neglect of its own right for long time in preferring appeals. The court cannot enquire into belated and state claims on the ground of equity. Delay defeats equity. The court helps those who are vigilant and "do not slumber over their rights."

36. The Court also noticed earlier decisions observing that lenient view in condoning delay may be taken when defaulting parties are the Government and Government Undertaking and in this regard, it proceeded to hold in paras 29 and 30 as under:

"29. It needs no restatement at our hands that the object for fixing time-limit for litigation is based on public policy fixing a lifespan for legal remedy for the purpose of general welfare. They are meant to see that the parties do not resort to dilatory tactics but avail their legal remedies promptly. Salmond in his Jurisprudence states that the laws come to the assistance of the vigilant and not of the sleepy."

30. Public interest undoubtedly is a paramount consideration in exercising the courts' discretion wherever conferred upon it by the relevant statutes. Pursuing stale claims and multiplicity of proceedings in no manner subserves public interest. Prompt and timely payment of compensation to the land losers facilitating their rehabilitation/resettlement is equally an integral part of public policy. Public interest demands that the State or the beneficiary of acquisition, as the case may be, should not be allowed to indulge in any act to unsettle the settled legal rights accrued in law by resorting to avoidable litigation unless the claimants are guilty of deriving benefit to which they are otherwise not entitled, in any fraudulent manner. One should not forget the basic fact that what is acquired is not the land but the livelihood of the land losers. These public interest parameters ought to be kept in mind by the courts while exercising the discretion dealing with the application filed under Section 5 of the Limitation Act. Dragging the land losers to courts of law years after the termination of legal proceedings would not serve any public interest. Settled rights cannot be lightly interfered with by condoning inordinate delay without there being any proper explanation of such delay on the ground of involvement of public revenue. It serves no public interest."

37. The above view has been followed in Office of the Chief Post Master General and Ors. v. Living Media India Ltd. and Anr., MANU/SC/0132/2012 : AIR 2012 SC 1506, and in para 13 thereof, the Court as said as under:

"13. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay."

38. Following various earlier decisions, some of which have been referred hereinabove, including State of Nagaland v. Lipok AO and others (supra) in Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai, MANU/SC/0298/2012 : 2012 (5) SCC 157, in para 18 of the judgment, the Court said as under:

"What needs to be emphasized is that even though a liberal and justice oriented approach is required to be adopted in the exercise of power under Section 5 of the Limitation Act and other similar statutes, the Courts can neither become oblivious of the fact that the successful litigant has acquired certain rights on the basis of the judgment under challenge and a lot of time is consumed at various stages of litigation apart from the cost. What colour the expression 'sufficient cause' would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the Court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay. In cases involving the State and its

agencies/instrumentalities, the Court can take note of the fact that sufficient time is taken in the decision making process but no premium can be given for total lethargy or utter negligence on the part of the officers of the State and/or its agencies/instrumentalities and the applications filed by them for condonation of delay cannot be allowed as a matter of course by accepting the plea that dismissal of the matter on the ground of bar of limitation will cause injury to the public interest."

39. In our view, the kind of explanation rendered in the case in hand does not satisfy the observations of Apex Court that if delay has occurred for reasons which does not smack of mala fide, the Court should be reluctant to refuse condonation. On the contrary, we find that here is a case which shows a complete careless and reckless long delay on the part of applicants which has remained virtually unexplained at all. Therefore, we do not find any reason to exercise our judicial discretion exercising judiciously so as to justify condonation of delay in the present case.
40. It is further argued that basis of the application is satellite image which cannot be full proof to declare it as forest land or to deem it as forest land unless or until it is notified by the Government.
41. Before considering the issues which arose in this application it is necessary to look into the scheme and the nature of the proceedings which are holding under the provisions of the Indian Forest Act. This Act was enacted to consolidate the law relating to forest land, the transit of forest produce and other connected matter. Chapter XI of the Act relates to reserved forest. Section 3 provides the power to reserve forest. This section provides that the State Government may constitute any forest-land or waste-land which is property of the Government or over which the Government has proprietary rights, a reserved forest. Section 3, 4, 5, 6, 7, 8 and 9 are quoted as under:

3. Power to reserve forests—The State Government may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

4. Notification by State Government—(1) Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette—

(a) declaring that it has been decided to constitute such land a reserved forest;

(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called “the Forest Settlement-officer”) to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation—For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.

(3) Nothing in this section shall prevent the State Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

5. Bar of accrual of forest-rights—After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the State Government in this behalf.

6. Proclamation by Forest Settlement-officer—When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation

(a) specifying, as nearly as possible, the situation and limits of the proposed forest;

(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(b) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section, 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

7. Inquiry by Forest Settlement-officer—*The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.*

8. Powers of Forest Settlement-officers—*For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:*

(a) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(b) the powers of a Civil Court in the trial of suits.

9. Extinction of rights—*Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.*

42. Section 11 provides that the Forest Settlement Officer shall pass an order admitting or rejecting the claim to right on or any land. Sub-Section (2) of Section 11 provides that if claim is admitted in whole or in part then he will either exclude such land from the limits of the proposed forest and come to an agreement with the owner

thereof for the surrender of his rights, or proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

43. Section 17 provides for rights of appeal to a claimant against the order of Forest Settlement Officer to such officer of a Revenue Department of rank not lower than that of a Collector, as the State Government by notification in the Official Gazette appoint to hear appeals from such orders. The section also contemplates creation of a court named Forest Court. Section 20 Provides for issue of notification declaring reserve forest. Section 17, 18 and 20 are extract as below:

17. Appeal from order passed under section 11, section 12, section 15 or section 16—Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the State Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department of rank not lower than that of a Collector, as the State Government may, by notification in the Official Gazette, appoint to hear appeals from such orders:

Provided that the State Government may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the State Government, and when the Forest Court has been so established, all such appeals shall be presented to it.

18. Appeal under section 17—(1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same.

(2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

(4) The order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case

may be, shall, subject only to revision by the State Government, be final.

20. Notification declaring forest reserved—(1) When the following events have occurred, namely:—

(a) the period fixed under section 6 for preferring claims have elapsed and all claims (if any) made under that section or section 9 have been disposed of by the Forest Settlement-officer;

(b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under section 16 of that Act,

the State Government shall publish a notification in the Official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

44. Further Section 23, 24 and 26 are extract as below:

23. No right acquired over reserved forest, except as here provided—No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under section 20 was issued.

24. Rights not to be alienated without sanction—(1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease mortgage or otherwise, without the sanction of the State Government:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

26. Acts prohibited in such forests—(1) Any person who—

(a) makes any fresh clearing prohibited by section 5, or

(b) sets fire to a reserved forest, or, in contravention of any rules made by the State Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest; or who, in a reserved forest—

(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf,

(d) trespasses or pastures cattle, or permits cattle to trespass;

(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(f) fells, girdles, lops, or bums any tree or strips off the bark or leaves from, or otherwise damages, the same;

(g) quarries stone, bums lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;

(h) clears or breaks up any land for cultivation or any other purpose;

(i) in contravention of any rules made in this behalf by the State Government hunts, shoots, fishes, poisons water or sets traps or snares; or

(j) in any area in which the Elephants' Preservation Act, 1879 (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit

(a) any act done by permission in writing of the Forest-officer, or under any rule made by the state Government; or

(b) the exercise of any right continued under clause (c) of subsection (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the State Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof

the exercise of all rights of pasture or to forest produce shall be suspended for such period as it thinks fit.

45. Further Section 27 (a) provides that act done, order made or certificate issued in exercise of any power conferred by or under this chapter shall, except as hereinafter provided be called in question in any court.
46. The scheme of the Forest Act, is evident from the various provisions as referred above, clearly provides that in the proceeding beginning by notification under Section 4 all claims regarding land included in the notification are adjudicated by an authorized officer all claims to the land can be made and adjudicated. Section 8 gives all powers of the Civil Courts to the Forest Settlement Officer available in trial of the suits. There is an appeal provided under Section 17 to the higher forum. The notification under Section 4 is to be published in Official Gazette appointing Forest Settlement Officer to enquire and determine any right in or any land. Forest Settlement Officer also issues a proclamation in every town and village in the neighbourhood to make the proceedings known to all concerned. The enquiry regarding claims is for the purpose of finding out as to whether the land in question can be declared as reserved forest or it cannot be declared reserved forest due to the rights or claims of claimants and the provision further contemplates that even if right or claim of claimants has been established that is procedure for coming to agreement with the owner for surrender of his right or acquire such land in the manner provided by the Land Acquisition Act. The provision of the Act contemplates extension of all rights regarding land included in the reserved forest. Section 27 (a) has been added giving finality to the orders passed in proceeding under the Indian Forest Act and section creates express bar of saying that

the order made or certificate issued in exercise to power conferred in Chapter-II shall not be called in question.

47. It is further alleged that the area in question is a continuation of Ratnapani Wildlife Sanctuary and it would be clear from various reports from the paper reporting that the Ratnagiri and Satpura Tiger Reserve have a link and there is a movement of the wild Cat, Tiger frequently noticed in the area and as per paper reporting Tigers spotted in the said area on multiple occasions. On the basis of above paper reporting or indirect information or any movement of Tigers, the city of Bhopal, a total area of the city or any area where there is a human habitation and there is a construction from long before 1995 cannot be said that this is a forest area. Further, the activities which is alleged by the applicant within the city area cannot be assessed on simply imagination that this is encroachment of the forest area. It is further alleged that the area in question which today has an extensive forest cover was acquired by the State Government and extensive plantation was carried out in the area by the capital project, it is a matter of detailed enquiry that how land in close vicinity of this dense forest and two major Dams has been earmarked in the recent Master Plan of the city of Bhopal the purpose of residential and public semi purpose, without obtaining forest clearance. It is a matter of Administrative Policy and Administrative decision and if the city has been planned and established and citizens are residing there now this is not matter of enquiry by this Tribunal and relief as prayed is also maintainable.
48. The relief as prayed by the applicant that the area of the forest has not been demarcated, conservation of Tiger in the Ratnapani

Wildlife Sanctuary and Satpura Tiger Reserve be maintained, loss caused to the forest needs to be compensated various individuals are flouting the laws or to issue prohibitory orders against ongoing activities in the city, demolition of constructed building in this area, constituting a Judicial Committee to enquire and investigate the total matter of habitation, construction of official or non-official buildings, within the area, regular check up on the area maintaining and ecological environment, declaration of the area as a protective area or buffer zone for the conservation of the wildcat habitats, compensation against the illegal constructions or recovery of compensation, directing the State Government of Madhya Pradesh to indicate the area which are forest as per directions, suitably considered the possibilities of the ensuring the protection of the forest cover in the vicinity of the city of the Bhopal are, all reliefs which are not concerned with this Tribunal. These are subjects of relevant department of Wildlife and we hope that they all are maintaining and protecting the wildlife in accordance with the procedure of the law. Simply making an allegations against all the constructions on the basis of paper news that to that Tiger was seen in the vicinity of the city cannot be said that if the Tiger is movement in the city, the city itself is a forest and or to be declared as a forest and demarcated.

49. The total allegation of the applicant is on the basis of the paper reporting, or movement of the Tiger or Google Map and all these cannot be set to be full proof evidence for declaring the area as desired by the applicant. The number of the respondents are more than forty and all the learned advocates appearing for the parties had submitted that they were unnecessary arrayed respondent in

the case and they have no concern with the allegation as leveled in the application. It is further argued that if there are any construction, it is regulated under the Municipal Law and if it is found to be illegal, the Competent Authority can proceed in accordance with the local laws. The applicant has not alleged any specific allegation against anyone that a particular construction is encroachment of the land. Even if it is a matter of encroachment the applicant or the person aggrieved may approach to the competent court having jurisdiction to decide it or before the revenue authorities for demarcation of the land.

50. To sum up the whole, if there is any dispute with regard to the question as to whether it is a forest land or not, it is the department concerned who has to agitate before the competent authority, to move the application before the authority concerned and to decide it in accordance with law. The Forest Act itself provides to issue a notification wherever a question is raised and matter is to be decided as to whether it is reserved a forest land or not and a officer as prescribed in Section 4 of Forest Act can be notified. Section 6 provides for the notification and the appointment of Forest Settlement Officer who will specify the situation and limits of the forest. The Forest Settlement Officer shall take down in writing all settlement made under Section 6 and shall at some convenient place enquire into all claims duly preferred under that section and the existence of the right mentioned in Section 4 and 5 are not claimed under Section 6 so far as same may be ascertainable from the records of the Government and the evidence of the any person likely to acquainted with the same. The Forest Settlement Officer shall pass an order admitting or rejecting the

claim to a right in or any land and any person aggrieved by the order of the Forest Settlement Officer may have right to appeal under Section 17 of the Act. Further, Section 20 provides the declaration with regard to forest region and Section 23 of Forest Act provides that no right of any description shall be acquired in or over a reserve forest except by succession or under a grant of any contract in writing made by or on behalf of the Government or some persons in whom such right was vested when the notification under Section 20 was issued.

51. Accordingly, we find no substance in Clause A to H and J of relief Clause of the application and are not maintainable before this Tribunal. The applicant may move an application before Competent Authority of the State or Wildlife Department.

52. For relief I and K, it is advisable that in case of any dispute with regard to forest area, the officer holding the safety and maintenance of the forest can proceed with in accordance with the provisions as laid down in the Indian Forest Act. Before parting with the order, we are of the view to direct the Chief Secretary of State of Madhya Pradesh to either decide himself or to constitute a Committee consisting; (i) Principal Chief Conservator of Forest (HoD), (ii) Principal Secretary, Revenue and (iii) Principal Secretary, Urban Development to examine and verify the records relating to land revenue, about land vested in the State Government/declared as forest reserved or forest land and by way of survey, identification, demarcation and by way of wiring or pillars to secure land of the forest and to ensure that the relevant entries, be made in the Land Revenue Records and one copy should be kept with the Department

of Forest, one copy with the Revenue Department, one copy should be kept in the Board of Revenue Secretariat and to ensure that the land actually vested in the State Government vide notification/order or by operation of any law, be entered in the relevant record and name of the State Government accordingly, be corrected and incorporated. While considering the entries in the Revenue Record Authorities may proceed in accordance with their Local Land Revenue Act or to Act in accordance with the Notification issued under Indian Forest Act as mentioned above, or by way of Notification and appointment of Settlement Officer. The exercise may be completed as early as possible not more than one year.

53. Further, while considering the above matter the report of Principal Chief Conservator of Forest mentioned above with regard to the land and question and suggestions of the Forest Department may also be considered accordingly and acted upon in accordance with law.
54. With these observations, the Original Application No. 19/2019 (CZ) and I.A. No. 29/2020 are finally disposed of.

Sheo Kumar Singh, JM

Dr. S.S. Garbyal, EM

July 27, 2020
Original Application No. 19/2019 (CZ)
MN



क्षेत्रीय कार्यालय
मध्य प्रदेश प्रदूषण नियंत्रण बोर्ड
पर्यावरण परिसर, ई-5, अरेरा कॉलोनी, भोपाल



Telephone:- 0755-2466392 Email:-romppcb_bpl@rediffmail.com

क्रमांक 1972-N/क्षेका/प्रनिबो/2024
प्रति,

भोपाल, दिनांक 30/08 /2024

प्रबंधक,

मेसर्स जागरण सोसियल वेलफेयर सोसायटि,

जागरण लेक सिटी यूनिवर्सिटी,

33, जागरण भवन, इंदिरा प्रेस कॉम्प्लेक्स,

एम.पी. नगर, भोपाल म.प्र. 462042

विषय:- माननीय राष्ट्रीय हरित अधिकरण भोपाल बेंच के प्रकरण क्र. 160/2024 (सीजेड) "Rashid Noor Khan Vs. Principal Chief Conservator of Forst, M.P. & Ors." के संबंध में।

माननीय राष्ट्रीय हरित अधिकरण द्वारा ओ.ए. क्रमांक 160/2024 में दिनांक 18.07.2024 को पारित आदेश अनुसार गठित संयुक्त समिति द्वारा दिनांक 30.08.2024 को निरीक्षण किया गया था। आदेश की प्रति इस पत्र के साथ संलग्न है। उपरोक्त विषयान्तर्गत लेख है कि माननीय एन.जी.टी. के समक्ष प्रस्तुत पिटिशन में निम्नलिखित बिन्दु जागरण लेक सिटी यूनिवर्सिटी से संबंधित है:-

1. जागरण लेक सिटी यूनिवर्सिटी चंदनपुरा वन के बीच में स्थित विश्वविद्यालय में है।
2. जागरण लेक सिटी यूनिवर्सिटी ने 03.03.2024 को वर्ल्ड वाइल्ड लाइफ डे के अवसर पर जागरण लेक सिटी कार्निवल के रूप में मनाया।
3. जे.एल.यू. परिसर में 'सनवर्न' फेस्टिवल के आयोजन में 7 हजार से अधिक लोग एकत्र हुए जहां कई संख्या में विशाल लाउड स्पीकर लगाये गये थे। जिससे अत्यधिक ध्वनि प्रदूषण का उल्लेख है।
4. जागरण लेक सिटी यूनिवर्सिटी द्वारा संस्था के निर्माण के लिए वन विभाग से कोई मंजूरी नहीं ली गई है। जे.एल.यू. द्वारा सेकडों पेडों को काटकर नया निर्माण किया गया है।
5. जे.एल.यू. परिसर की परिधि में कई बार जंगल में आग लगने की घटनाओं का उल्लेख है। जे.एल.यू. द्वारा वन क्षेत्र को हटाने के लिए स्लैश एण्ड बर्न की विधि अपनाई है।

कृपया उपरोक्त के संबंध में अपने अभिमत से अवगत करावे। ताकि माननीय एन.जी.टी. के समक्ष अग्रिम कार्यवाही सुनिश्चित की जा सके।

कृपया इससे संबंधित जानकारी 03 दिवस में प्रदान करने का कष्ट करें।

संलग्न :- उपरोक्तानुसार।

०८

क्षेत्रीय अधिकारी

LEADING EDUCATIONAL
GROUP OF CENTRAL INDIA

RANKED NO.5 AMONG
TOP 10 INSTITUTES OF INDIA

RANKED NO.1 IN
MP & BHOPAL

27 Years of Excellence
50,000+ Students Taught
900+ Teachers
11 Institutes

OUR INSTITUTIONS



- Delhi Public School
- Neelbad, Bhopal
- Kolar Road, Bhopal
- Nipania, Indore
- Rau, Indore



Jagran Institute of
Communication and
Management, Bhopal



igniting minds, changing lives



JSWS FREE SCHOOLS



- Gurudev Shiksha Kendra
- Neelbad, Bhopal
- Rau, Indore

- Somvati Devi Shiksha Kendra
- Nipania, Indore
- Kolar Road, Bhopal



JAGRAN SOCIAL
WELFARE SOCIETY

प्रति,
श्रीमान क्षेत्रीय अधिकारी महोदय
क्षेत्रीय कार्यालय मध्य प्रदेश प्रदूषण
नियंत्रण बोर्ड पर्यावरण परिसर,
भोपाल मध्य प्रदेश



विषय: माननीय राष्ट्रीय हरित अधिकरण, भोपाल सेंद्रल जोन में प्रकरण क्रमांक OA 160/2024 Rashid Noor Khan Vs. Principal Chief Conservator of Forest, M.P. & Ors. के संबंध में जागरण लेकेसिटी विश्वविद्यालय द्वारा उत्तर आवेदन पत्र।

संदर्भ:- पत्र क्रमांक 1972B/क्षेका/ प्रनिबो/ 2024, दिनांकित 30/08/2024 के संदर्भ में।

माननीय महोदय,

यह कि आपका पत्र क्रमांक 1972B/क्षेका/ प्रनिबो/ 2024, दिनांकित 30/08/2024 जागरण लेकेसिटी विश्वविद्यालय को दिनांक 18/09/2024 को प्राप्त हुआ, क्योंकि उक्त पत्र आपके कार्यालय द्वारा गलत पते पर भेजा गया था, इसलिए उक्त पत्र जागरण लेकेसिटी विश्वविद्यालय को दिनांक 18/09/2024 को प्राप्त हुआ है जिसका उत्तर निम्नानुसार प्रस्तुत है:-

1. यह की जागरण लेकेसिटी विश्वविद्यालय का पता जागरण लेकेसिटी यूनिवर्सिटी, स्टूडेंट एंरीचमेंट हब, चंदनपुरा भोपाल, मध्य प्रदेश है, जो कि प्रकरण क्रमांक OA 160/ 2024 में भी लिखा गया है एवं उक्त पत्र हमारे सही पते पर संबोधित ना करके गलत पते पर भेजा जाना सही प्रतीत नहीं होता है।
2. यह कि माननीय राष्ट्रीय पर्यावरण प्राधिकरण के समक्ष प्रस्तुत प्रकरण OA 160/2024 जो कि दिनांक 28/06/2024 को फाइल की गई थी, एवं दिनांक 06/07/2024 को रजिस्टर्ड हुई थी, उक्त प्रकरण में हमारे विश्वविद्यालय के अध्यक्ष एवं निदेशक, जागरण लेकेसिटी यूनिवर्सिटी, भोपाल, को अनावेदक क्रमांक 9 बनाया गया है।

Registered & Corporate Office:

83/2, Chandanpura, Near Kaliyasot Barrage, Bhopal-462044 (M.P.), Ph: 0755-6611120

E-mail: admininfo@jsws.org.in, W: www.jsws.org.in





OUR INSTITUTIONS



- Delhi Public School
- Neelbad, Bhopal
 - Kolar Road, Bhopal
 - Nipania, Indore
 - Rau, Indore



- Jagran Institute of
Communication and
Management, Bhopal



Igniting minds; changing lives



JSWS FREE SCHOOLS



- Gurudev Shiksha Kendra
- Neelbad, Bhopal
 - Rau, Indore

- Somvati Devi Shiksha Kendra
- Nipania, Indore
 - Kolar Road, Bhopal

3. यह कि प्रकरण क्रमांक OA 160/2024 के प्रार्थना चरण 6 में याचिकाकर्ता द्वारा अनावेदक क्रमांक 9 के विरुद्ध में निम्नलिखित प्रार्थना की है:-

vi. To order Respondent No. 9 Jagran Lakecity University to restrict and regulate the movement of humans in the Student Enrichment Hub campus along with the directions to relocate the operations of this university to its registered campus situated at Mugaliyachap.

4. यह कि प्रकरण क्रमांक OA 160/2024 के प्रार्थना के चरण क्रमांक 6 से यह स्पष्ट प्रतीत होता है कि, जागरण लेकेसिटी विश्वविद्यालय के विरुद्ध दायर करी गई प्रकरण में याचिकाकर्ता का आशय किसी भी प्रकार से पर्यावरण संरक्षण एवं पर्यावरण से संबंधित ना होकर के जागरण लेकेसिटी विश्वविद्यालय के स्थापना एवं परिचलन से संबंधित है।

5. यह कि प्रकरण क्रमांक OA 160/2024 के प्रार्थना चरण 6 में माँगी गई प्रार्थना के अनुसार कोई विश्वविद्यालय या उसका दफ्तर कहां से संचालित होगा इसके संबंध में न्यायिक निर्णय का क्षेत्राधिकार माननीय राष्ट्रीय पर्यावरण प्राधिकरण के समक्ष nahi है।

6. यह कि प्रकरण क्रमांक OA 160/2024 के प्रार्थना चरण 6 में माँगी गई प्रार्थना के संबंध में यह उल्लेख है कि जागरण लेकेसिटी विश्वविद्यालय द्वारा S.E.H छात्र-छात्राओ की सुविधा एवं सहूलियत के लिए गठित किया गया है, एवं उक्त भूमि का Public and Semi Public (PSP) भूमि उपयोग अनुमोदित है, जिसमे शैक्षणिक गतिविधीय संचालन की अनुमति है।

7. यह कि प्रकरण क्रमांक OA 160/2024 के प्रार्थना चरण 6 में माँगी गई प्रार्थना के अनुसार जागरण लेकेसिटी विश्वविद्यालय के विरुद्ध इसके अतिरिक्त हमारे विरुद्ध कोई अन्य प्रार्थना इस प्रकरण में नहीं माँगी गई है।

8. यह कि पत्र क्रमांक 1972B/क्षेका/ प्रनिबो/ 2024, दिनांकित 30/08/2024 के संदर्भ में जो जागरण लेकेसिटी विश्वविद्यालय के विरुद्ध अभिकथित तथ्यों का उत्तर निम्नानुसार है:-

B



EDUCATIONAL
OF CENTRAL INDIA
RANKED NO.5 AMONG
10 INSTITUTES OF INDIA

RANKED NO.1 IN
MP & BHOPAL

27 Years of Excellence
50,000+ Students Taught
900+ Teachers
11 Institutes

OUR INSTITUTIONS



Delhi Public School
• Neelbad, Bhopal
• Kolar Road, Bhopal
• Nipania, Indore
• Rau, Indore



Jagran Institute of
Communication and
Management, Bhopal



igniting minds, changing lives



JSWS FREE SCHOOLS



Gurudev Shiksha Kendra
• Neelbad, Bhopal
• Rau, Indore

Somvati Devi Shiksha Kendra
• Nipania, Indore
• Kolar Road, Bhopal



JAGRAN SOCIAL
WELFARE SOCIETY

1. यह कि उक्त पत्र के चरण क्रमांक 1 में यह वर्णित है कि जागरण लेकसिटी विश्वविद्यालय चंदनपुरा वन के बीच में स्थित विश्वविद्यालय है जो की तथ्यात्मक तौर पर गलत होकर असत्य है। यह की जागरण लेकसिटी विश्वविद्यालय वन क्षेत्र में स्थित नहीं है अपितु, उक्त विश्वविद्यालय निजी भूमि पर स्थित है। यह उल्लेखनीय है कि जागरण लेकसिटी विश्वविद्यालय का गठन जो कि वर्ष 2008-09 में हुआ था। यह उल्लेख करना अति आवश्यक है कि राष्ट्रीय हरित अधिकरण अधिनियम 2010 के धारा 14 की उपधारा (3) के अन्तर्गत किसी भी प्रकरण को सुनने की सीमा, पहला कॉज ऑफ़ एकशन/ कारवाही के कारण उत्पन्न होने के छह महीने के अंदर की समय सीमा के अंतर्गत आता है। यह कि जागरण लेकसिटी विश्वविद्यालय का निर्माण कार्य वर्ष 2013 तक पूर्ण हो चुका था। ऐसी स्थिति में कारवाही के कारण के उत्पन्न होने की 6 माह की समय सीमा काफ़ी वर्ष पहले पूर्ण हो चुकी है। यह कि इस चरण को आज दिनांक में अभिकथित कर याचिकाकर्ता का उद्देश्य न्यायालय को एवं विभागों को एवं जॉइंट कमेटी/संयुक्त समिति को गुमराह करने के अतिरिक्त और कुछ नहीं है। यहाँ यह भी उल्लेखनीय है की जिस वन का उल्लेख याचिकाकर्ता द्वारा किया जा रहा है उक्त वन जागरण लेकसिटी विश्वविद्यालय के निर्माण के पश्चात वर्ष 2021 में अधिसूचित हुआ है।
2. यह कि उक्त पत्र के चरण क्रमांक 2 में यह वर्णित है कि जागरण लेकसिटी विश्वविद्यालय ने 03.03.2024 को वर्ल्ड वाइल्ड लाइफ डे के अवसर पर जागरण लेकसिटी कार्निवल के रूप में मनाया। यह उल्लेख करना अति आवश्यक है कि किसी भी शैक्षणिक संस्थान के द्वारा यदि विश्व वन्यजीव दिवस मनाया जा रहा है तो यह पर्यावरण को हानि पहुँचाने के उद्देश्य से नहीं मनाया जा रहा है। यह कि विश्व वन्यजीव दिवस मनाने का उद्देश्य वन्यजीवों एवं पर्यावरण को बढ़ावा देना एवं छात्र-छात्रों और अन्य लोगों को वन्यजीवों एवं पर्यावरण के प्रति जागरूक करना है। यह कि माननीय राष्ट्रीय हरित अधिकरण के अन्तर्गत लोगों को पर्यावरण के प्रति जागरूक करना एक आवश्यक भूमिका बतायी गई है। जागरण लेकसिटी विश्वविद्यालय द्वारा वर्ल्ड वाइल्ड लाइफ दिवस को मना कर छात्र-छात्राओं

8

Registered & Corporate Office:

83/2, Chandanpura, Near Kaliyasot Barrage, Bhopal-462044 (M.P.), Ph: 0755-6611120
E-mail: admininfo@jsws.org.in, W: www.jsws.org.in





OUR INSTITUTIONS



- Delhi Public School
- Neelbad, Bhopal
 - Kolar Road, Bhopal
 - Nipania, Indore
 - Rau, Indore



- Jagran Institute of
Communication and
Management, Bhopal



igniting minds, changing lives



JSWS FREE SCHOOLS



- Gurudev Shiksha Kendra
- Neelbad, Bhopal
 - Rau, Indore

- Somvati Devi Shiksha Kendra
- Nipania, Indore
 - Kolar Road, Bhopal

को एवं अन्य लोगों को जागरूक करने का प्रयास किया गया है, परंतु इस प्रयास को पर्यावरण के विरुद्ध होने का आरोप अगर जागरण लेकेसिटी विश्वविद्यालय पर लग रहा है तो इस आरोप से याचिकाकर्ता की मंशा स्पष्ट है।

3. यह कि उक्त पत्र के चरण क्रमांक 3 में यह वर्णित है कि जागरण लेकेसिटी विश्वविद्यालय परिसर में सनबर्न फेस्टिवल का आयोजन में 7 हजार से अधिक लोग एकत्र हुए जहां कोई संख्या में विशाल लाउडस्पीकर लगाए गए थे। जिससे अत्यधिक ध्वनि प्रदूषण का उल्लेख है जो की तथ्यात्मक तौर पर गलत होकर असत्य है। यह उल्लेखनीय है कि प्रकरण दायर होने के पूर्व 3-5 वर्ष पूर्व में भी जागरण लेकेसिटी विश्वविद्यालय के अंदर कोई भी सनबर्न नाम से फेस्टिवल नहीं हुआ है ना ही कोई ऐसा फेस्टिवल हुआ जिसमें कि 7 हजार लोगो की संख्या आयी हो। यह उल्लेखनीय है कि जागरण लेकेसिटी विश्वविद्यालय में जब भी कोई आयोजन होता तो विश्वविद्यालय द्वारा उसकी अनुमति प्रशासन से मांगी जाती है एवं सूचित किया जाता है उसके उपरांत ही आयोजन आयोजित किया जाता है।
4. यह कि उक्त पत्र के चरण क्रमांक 4 में यह वर्णित है कि जागरण लेकेसिटी विश्वविद्यालय द्वारा संस्था के निर्माण के लिए वनविभाग कोई मंजूरी नहीं ली गई है। जागरण लेकेसिटी विश्वविद्यालय द्वारा सेकड़ो पेड़ो को काटकर नया निर्माण किया गया है जो की पूर्णतः गलत होकर असत्य है। यह कि जागरण लेकेसिटी विश्वविद्यालय का निर्माण कार्य, संपूर्ण अनुमत्तियां लेने के उपरांत ही हुआ है। यह उल्लेख करना अति आवश्यक है कि जागरण लेकेसिटी विश्वविद्यालय का निर्माण जो निर्मित है वहाँ वन की भूमि पर ना होकर निजी भूमि पर निर्मित है, जिसके लिये वन विभाग द्वारा अनुमति ग्रहण करने की आवश्यक नहीं है, एवं उक्त निर्माण हेतु विश्वविद्यालय द्वारा आवश्यक अनुमत्तियां ली गई है।
5. यह कि उक्त पत्र के चरण क्रमांक 5 में यह वर्णित है कि जे.एल.यू परिसर की परिधि में कई बार जंगल में आग लगने की घटना का उल्लेख है।

82



OUR INSTITUTIONS



- Delhi Public School
- Neelbad, Bhopal
 - Kolar Road, Bhopal
 - Nipania, Indore
 - Rau, Indore



- Jagran Institute of
Communication and
Management, Bhopal



igniting minds; changing lives



JSWS FREE SCHOOLS



- Gurudev Shiksha Kendra
- Neelbad, Bhopal
 - Rau, Indore

- Somvati Devi Shiksha Kendra
- Nipania, Indore
 - Kolar Road, Bhopal

जे.एल.यू द्वारा वन क्षेत्र को हटाने के लिए स्लैश एण्ड बर्न की विधि अपनाई है जो की पूर्णतः गलत होकर असत्य है। यह कि जागरण लेकेसिटी विश्वविद्यालय द्वारा ना ही विश्वविद्यालय परिसर में ना ही परिसर के बाहर कभी भी कही भी आग लगाई गई है अपितु यदि कोई अन्य स्थान पर आग लगी हुई होने की सूचना प्राप्त हुई है, तब विश्वविद्यालय द्वारा फायर टेंडर को बुलाया जाकर आग बुझाने की कोशिश करी गई है। यह की विश्वविद्यालय से लगी हुई भूमि जो की रतन लालचाँदनी, नितिन लालचाँदनी एवं माया लालचाँदनी की निजी भूमि है, पर आग लगने की घटना हुई थी जिसकी शिकायत जागरण लेकेसिटी विश्वविद्यालय द्वारा स्वयं वनविभाग, कलेक्टर, एवं अन्य विभागों में भी करी गई थी, उक्त शिकायत की छायाप्रति संलग्न है।

6. यह कि जागरण लेकेसिटी विश्वविद्यालय का माननीय राष्ट्रीय हरित अधिकरण के आदेशों के अंतर्गत कई बार निरीक्षण किया जा चुका है जिसमें आखिरी निरीक्षण दिनांक 30/08/2024 को किया गया था। इसके पूर्व विश्वविद्यालय का निरीक्षण 14/06/2024 को हुआ था। यह उल्लेख करना अति आवश्यक है कि जागरण लेकेसिटी विश्वविद्यालय द्वारा किसी भी प्रकार से प्रावधान का उल्लंघन करता हुआ नहीं पाया गया है। यह भी उल्लेखनीय कि जागरण लेकेसिटी विश्वविद्यालय के परिसर में कई पेड़ लगाए गए हैं एवं विश्वविद्यालय को इतना पर्यावरण के अनुकूल विकसित किया है कि वहां रहने वाले जंगल को वन्य जीव एवं अन्य जीव को किसी प्रकार की कोई परेशानी उत्पन्न ना हो। इसका प्रमाण यह भी है कि हमारी विश्वविद्यालय के स्थापना के पश्चात उक्त जंगल में रहने वाले बाघों की संख्या भी बढ़ गई है। यह उल्लेखनीय है कि वर्तमान में प्रकरण क्रमांक OA 160/ 2024 जो की माननीय राष्ट्रीय हरित प्राधिकरण के समक्ष प्रस्तुत है उसमें जॉइंट इंस्पेक्शन कमिटी रिपोर्ट भी प्रस्तुत करी जा चुकी है उसके उपरांत भी एसा प्रतीत हो रहा है कि याचिकाकर्ता का उद्देश्य पर्यावरण संरक्षण ना होकर अन्य कोई हित साधना है

82

EDUCATIONAL
CENTRAL INDIA

RANKED NO.5 AMONG
10 INSTITUTES OF INDIA

RANKED NO.1 IN
MP & BHOPAL

27 Years of Excellence
50,000+ Students Taught
900+ Teachers
11 Institutes

OUR INSTITUTIONS



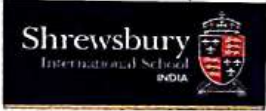
- Delhi Public School
- Neelbad, Bhopal
 - Kolar Road, Bhopal
 - Nipania, Indore
 - Rau, Indore



Jagran Institute of
Communication and
Management, Bhopal



empowering minds: changing lives



JSWS FREE SCHOOLS



Gurudev Shiksha Kendra

- Neelbad, Bhopal
- Rau, Indore

Somvati Devi Shiksha Kendra

- Nipania, Indore
- Kolar Road, Bhopal



JAGRAN SOCIAL
WELFARE SOCIETY

अतः माननीय महोदय से निवेदन है कि जॉइंट इंस्पेक्शन कमिटी के समक्ष प्रस्तुत होकर जागरण लेकेसिटी विश्वविद्यालय को सुनवाई का अवसर प्रदान किया जवे।

भोपाल

दिनांक: 20/09/2024

20/9/24

संजीव सक्सैना
प्रेसिडेंट

प्रोजेक्ट/लीगल/पी.आर.

संलग्न:-

1. जागरण लेकेसिटी विश्वविद्यालय द्वारा वनविभाग, कलेक्टर, एवं अन्य विभागों में करी गई शिकायत की छायाप्रति संलग्न है।



LEADING EDUCATIONAL
GROUP OF CENTRAL INDIA
RANKED NO.5 AMONG
TOP 10 INSTITUTES OF INDIA
RANKED NO.1 IN
MP & BHOPAL

25 Years of Excellence
35000+ Students Taught
900+ Teachers
9 Institutes



JAGRAN SOCIAL
WELFARE SOCIETY



दिनांक 2 जून, 2022

OUR INSTITUTIONS



Delhi Public School,
• Neelbad, Bhopal
• Kolar Road, Bhopal
• Nipania, Indore
• Rau, Indore



Jagran Institute of
Communication and
Management, Bhopal



Jagran Lakcity University
Bhopal

JSWS FREE SCHOOLS



Gurudev Shiksha Kendra
Bhopal

Somvati Devi Shiksha Kendra

• Nipania, Indore
• Kolar Road, Bhopal

प्रति,

श्रीमान प्रमुख सचिव (वन विभाग), वल्लभ भवन, भोपाल।

श्रीमान प्रधान मुख्य वन संरक्षक सतपुड़ा भवन भोपाल।

श्रीमान मुख्य वन संरक्षक भोपाल वृत्त, भोपाल।

श्रीमान वनमण्डलाधिकारी समान्य वनमण्डल, भोपाल।

श्रीमान आयुक्त, नगर पालिका निगम, भोपाल।

*श्रीमान कलेक्टर, भोपाल।

श्रीमान संभागायुक्त, भोपाल।

विषय: राजधानी भोपाल में भू-माफिया द्वारा वृक्षों की अवैध कटाई पर शासन मौन।

संदर्भ: 1. भूमि खसरा क्रमांक 81/1/1/1 ख, 81/1/1/1/2/ख एवं 81/1/1/ख/1 स्थित ग्राम चंदनपुरा भोपाल की भूमि स्वामी श्रीमती माया पत्नी श्री चंदर तथा पुत्र श्री रतन एवं नितिन लालचंदानी द्वारा की गई वृक्षों की अवैध कटाई।

2. भूमि खसरा क्रमांक 78/1 स्थित ग्राम चंदनपुरा भोपाल के भूमि स्वामी श्री नितिन एवं रतन लालचंदानी पुत्र श्री चंदर लालचंदानी एवं श्रीमती माया लालचंदानी द्वारा की गई आगजनी।

महोदय,
6-6-22

निवेदन है कि उपरोक्त प्रभावशाली शासकीय ठेकेदार, राजनैतिक पहुंच वाले एवं भोपाल शहर के बड़े भू-माफिया लालचंदानी परिवार के द्वारा वर्तमान में गंभीर अपराध जो किये गये हैं वह निम्नानुसार है :-

मान. एन.जी.टी. भोपाल के द्वारा पारित आदेश के अनुपालन में कलेक्टर महोदय द्वारा ग्राम चंदनपुरा क्षेत्र में स्थित वनों/वृक्षों की मैपिंग के लिये दिनांक 07.01.2021 को आदेशित किया गया था।

Registered & Corporate Office:

83/2, Chandanpura, Near Kallyasot Barrage, Bhopal-462044 (M.P.), Ph: 0755-6611120

E-mail: admininfo@jsws.org.in, W: www.jsws.org.in

Scanned with CamScanner

EDUCATIONAL
CENTRAL INDIA
RANKED NO.5 AMONG
INSTITUTES OF INDIA

RANKED NO.1 IN
MP & BHOPAL

25 Years of Excellence
35000+ Students Taught
900+ Teachers
9 Institutes

OUR INSTITUTIONS



Delhi Public School
• Neelbad, Bhopal
• Kolar Road, Bhopal
• Nipania, Indore
• Rau, Indore



Jagran Institute of
Communication and
Management, Bhopal



Jagran Lakecity University
Bhopal

JSWS FREE SCHOOLS



Gurudev Shiksha Kendra
Bhopal

Somvati Devi Shiksha Kendra

• Nipania, Indore
• Kolar Road, Bhopal



JAGRAN SOCIAL
WELFARE SOCIETY



EDUCATIONAL
CENTRAL INDIA
RANKED NO.5 AMONG
INSTITUTES OF INDIA

2. आदेश के अनुपालन में वन विभाग, नगर पालिका निगम, भोपाल एवं राजस्व विभाग का संयुक्त दल श्रीमती माया, श्री रतन एवं नितिन पुत्र श्री चंदर लालचंदानी द्वारा धारित भूमि ग्राम चंदनपुरा तहसील हुजूर, जिला भोपाल पर वृक्षों की गणना हेतु पहुंचे, तो उनके द्वारा पाया गया कि श्रीमती माया लालचंदानी द्वारा अपनी भूमि खसरा क्रमांक 81/1/1/1ख, 81/1/1/1/2/ख पर 122 वृक्षों को काटा गया है एवं श्री रतन लालचंदानी द्वारा भी अपनी भूमि खसरा क्रमांक 81/1/1/ख/1 पर 59 वृक्षों को अवैध रूप से काटा गया है। संयुक्त दल के ईमानदार और निष्ठावान अधिकारियों द्वारा मौके पर ही पंचनामा बनाया गया और अवैध रूप से काटे गये वृक्षों की एक सूची तैयार की गई।

इसके बाद भी आज दिनांक तक वन विभाग द्वारा श्री रतन लालचंदानी के विरुद्ध प्रकरण पंजीबद्ध नहीं किया गया एवं न ही कोई कार्यवाही की गयी। यह विचारणीय प्रश्न है। कतिपय भ्रष्ट अधिकारी/कर्मचारी को इंगित करता है। सुलभ संदर्भ हेतु पंचनामों तथा काटे गये वृक्षों की सूचियां एवं दैनिक समाचार पत्रों में प्रकाशित प्रकाशन की छायाप्रतियां संलग्न है।

3. राजस्व विभाग द्वारा श्रीमती माया एवं श्री रतन लालचंदानी के विरुद्ध न्यायालय तहसीलदार, राज.परि.टी.टी. नगर वृत्त, भोपाल में वृक्षों को काटने के संबंध में प्रकरण क्रमांक 601/बी-121/20-21 पंजीबद्ध भी किया गया है। छायाप्रति संलग्न।

2

Registered & Corporate Office:
83/2, Chandanpura, Near Kaliyasot Barrage, Bhopal-462044 (M.P.), Ph: 0755-6611120
E-mail: admininfo@jsws.org.in, W: www.jsws.org.in

Service Above
Self

EDUCATIONAL
CENTRAL INDIA
RANKED NO.5 AMONG
INSTITUTES OF INDIA
RANKED NO.1 IN
MP & BHOPAL
25 Years of Excellence
15000+ Students Taught
900+ Teachers
9 Institutes



JAGRAN SOCIAL
WELFARE SOCIETY



OUR INSTITUTIONS



Delhi Public School
• Neelbad, Bhopal
• Kolar Road, Bhopal
• Nipania, Indore
• Rau, Indore



Jagran Institute of
Communication and
Management, Bhopal



Jagran Lakecity University
Bhopal

FREE SCHOOLS



Surudev Shiksha Kendra
Bhopal

Mvati Devi Shiksha Kendra
• Nipania, Indore
• Kolar Road, Bhopal

4. श्री रतन लालचंदानी द्वारा अपनी भूमि खसरा कमांक 81/1/1/ख/1 पर पहुंच मार्ग हेतु वन विभाग से सड़क बनाने की अनुमति मांगी जा रही है, जिसका प्रस्ताव कमांक FP/MP/Road/147130/2021 है। अपने स्वार्थ के लिये भूमि को दो भागों में बांटा जा रहा है, जिस कारण से जानवरों का आवागमन नहीं हो पायेगा। इसे Green Highway के नागपुर जैसा बनाना चाहिए। विभाग द्वारा अनुशंसित करके शासन तक भिजवाया गया है।

अतः निवेदन है भू-माफिया को वन विभाग सड़क निर्माण की अनुमति प्रदान न करें अन्यथा यह व्यक्ति वनों को ओर अधिक नुकसान पहुंचा सकता है। छायाप्रति संलग्न है

शासन इसको संज्ञान में ले और इस प्रस्ताव को निरस्त करने की कृपा करें।

5. श्री नितिन एवं रतन भू-माफिया तथा श्रीमती माया लालचंदानी द्वारा अपने स्वत्व एवं स्वामित्व की भूमि खसरा कमांक 78/1 स्थित ग्राम चंदनपुरा में वर्षों पुराने सघन वृक्षों में दिनांक 20.04.2021 को आग लगा दी गई थी, जिससे वर्षों पुराने वृक्ष एवं वन्य प्राणियों की कई प्रजातियां जलकर खाक हो गई थी।

2

इसकी सूचना एवं घटना के संबंध में विभिन्न दैनिक समाचार पत्रों में प्रमुखता से खबरे प्रकाशित होने के पश्चात् भी वन विभाग, नगर पालिका

Service Above
Self

Registered & Corporate Office:
83/2, Chandanpura, Near Kaliyasot Barrage, Bhopal-462044 (M.P.), Ph: 0755-6611120
E-mail: admininfo@jsws.org.in, W: www.jsws.org.in

EDUCATIONAL
CENTRAL INDIA

RANKED NO.5 AMONG
INSTITUTES OF INDIA

RANKED NO.1 IN
MP & BHOPAL

25 Years of Excellence
35000+ Students Taught
900+ Teachers
9 Institutes

OUR INSTITUTIONS



Delhi Public School
• Neelbad, Bhopal
• Kolar Road, Bhopal
• Nipania, Indore
• Rau, Indore



Jagran Institute of
Communication and
Management, Bhopal



Jagran Lakecity University
Bhopal

JSWS FREE SCHOOLS



Gurudev Shiksha Kendra
Bhopal

Somvati Devi Shiksha Kendra

• Nipania, Indore
• Kolar Road, Bhopal



JAGRAN SOCIAL
WELFARE SOCIETY



निगम, भोपाल एवं राजस्व विभाग की ओर से सूचना/घटना के संबंध में कोई संज्ञान तक नहीं लिया गया। दैनिक समाचार पत्रों में प्रकाशित प्रकाशन की छायाप्रतियां संलग्न है।

उपरोक्त तथ्यों के आधार पर नम्र निवेदन है कि निम्नलिखित नियम विरुद्ध कार्यों पर उचित कार्यवाही करने की कृपा करें : -

- (1) (अ) भू-माफिया श्री रतन लालचंदानी द्वारा ग्राम चंदनपुरा स्थित खसरा कमांक 81/1/1/ख/1 पर 59 वृक्षों को काटने के संबंध में।
(ब) श्रीमती माया लालचंदानी के द्वारा ग्राम चंदनपुरा स्थित भूमि खसरा कमांक 81/1/1/1 ख, 81/1/1/1/2/ख पर 122 वृक्ष वृक्षों को काटने के संबंध में।
(स) भू-माफिया श्री नितिन लालचंदानी द्वारा खसरा कमांक 78/1 ग्राम चंदनपुरा में की गयी आगजनी के संबंध में किये गये अवैध कृत्यों के लिये प्रकरण पंजीबद्ध किये जाने एवं आवश्यक दण्डात्मक कार्यवाही समय-सीमा में किये जाने के संबंध में।
- (2) श्री रतन लालचंदानी द्वारा वन विभाग में पहुंच मार्ग आवेदित प्रस्ताव कमांक FP/MP/Road/147130/2021 को निरस्त करने की कृपा करें अन्यथा यह व्यक्ति वनों को ओर अधिक नुकसान पहुंचा सकता है।

8/c
2/6/22
(संजीव सक्सेना)
प्रेसिडेंट
(प्रोजेक्ट/लीगल/पी.आर.)



Registered & Corporate Office:
83/2, Chandanpura, Near Kaliyasot Barrage, Bhopal-462044 (M.P.), Ph: 0755-6611120
E-mail: admininfo@jsws.org.in, W: www.jsws.org.in

दिनांक 30 जून, 2021

OUR INSTITUTIONS



Delhi Public School
Bhopal

Delhi Public School
Kolar Road, Bhopal

Delhi Public School
Indore

Delhi Public School
Bhopal/Indore



Jagran Institute of
Communication and Management



Jagran Lakcity University
Bhopal

JWS FREE SCHOOLS



Gurudev Shiksha Kendra
Bhopal

Somvatl Devi Shiksha Kendra
Indore

Somvatl Devi Shiksha Kendra
Kolar Road Bhopal

RANKED AMONG TOP 10
INSTITUTES OF INDIA

23+ Years of Excellence

35000+ Students Taught

1000+ Teachers

9 Institutes

प्रति,

1. श्रीमान संभागायुक्त महोदय, भोपाल।
2. श्रीमान कलेक्टर महोदय, भोपाल।
3. श्रीमान आयुक्त महोदय, नगर पालिका निगम, भोपाल।
4. श्रीमान मुख्य वन संरक्षक भोपाल वृत्त, भोपाल।
5. श्रीमान वनमण्डलाधिकारी महोदय समान्य वनमण्डल, भोपाल।



राजधानी भोपाल में भू-माफिया द्वारा की गई वृक्षों की अवैध कटाई की शिकायत।

1. भूमि खसरा क्रमांक 81/1/1/2/ख स्थित ग्राम चंदनपुरा भोपाल की भूमि स्वामी श्रीमती माया लालचंदानी पत्नी श्री चंदर लालचंदानी द्वारा की गई वृक्षों की अवैध कटाई।
2. भूमि खसरा क्रमांक 81/1/1/ख/1 स्थित ग्राम चंदनपुरा भोपाल के भूमि स्वामी श्री रतन लालचंदानी पुत्र श्री चंदर लालचंदानी द्वारा की गई वृक्षों की अवैध कटाई।
3. भूमि खसरा क्रमांक 78/1 स्थित ग्राम चंदनपुरा भोपाल के भूमि स्वामी श्री नितिन लालचंदानी, श्री रतन लालचंदानी पुत्र श्री चंदर लालचंदानी एवं श्रीमती माया लालचंदानी द्वारा की गई आगजनी।

महोदय,

यह सर्वविदित है कि श्रीमती माया लालचंदानी पत्नी श्री चंदर लालचंदानी एवं श्री रतन लालचंदानी तथा श्री नितिन लालचंदानी पुत्र श्री चंदर लालचंदानी राजधानी भोपाल के प्रभावशाली परिवार से हैं, जो कि अपने राजनैतिक दबाव और पैसे के लेन-देन से शासन के नियमों की धज्जियां उड़ाने में जरा भी संकोच नहीं करते। शासन भी उन पर किसी भी प्रकार की कोई भी कार्यवाही नियमानुसार करने में अत्यधिक संकोच करते हैं या चिलंब करते हैं। वह अपने निजी लाभ के लिये शासन पर दबाव भी बनाते हैं।

उपरोक्त तीनों के द्वारा वर्तमान में गंभीर अपराध जो किया है वह निम्नानुसार है :-

1. ग्राम चंदनपुरा भोपाल में स्थित वनों, वृक्षों एवं वन्य प्राणियों के संरक्षण के लिये मान. नेशनल ग्रीन ट्रीब्यूनल, (N.G.T.) भोपाल के समक्ष प्रस्तुत की गई याचिका O.A. 159/2014 (CZ) में मान. N.G.T. द्वारा दिनांक 06.02.2020 को आदेश पारित करते हुए ग्राम चंदनपुरा क्षेत्र में स्थित विभिन्न खसरों की मैपिंग के आदेश दिये गये थे, ताकि ग्राम चंदनपुरा में स्थित वृक्षों की संख्या के आधार पर वन की सीमा को निर्धारित किया जा सके और वनों सहित वन्य प्राजातियों के संरक्षण को सुनिश्चित किया जा सके।



OUR INSTITUTIONS



Delhi Public School
Bhopal

Delhi Public School
Kolar Road, Bhopal

Delhi Public School
Indore

Delhi Public School
Rau, Indore



Jagran Institute of
Communication and Management



Jagran Lakshmi University
Bhopal

JSWS FREE SCHOOLS



Gurudev Shiksha Kendra
Bhopal

Somvati Devi Shiksha Kendra
Indore

Somvati Devi Shiksha Kendra
Kolar Road Bhopal

RANKED AMONG TOP 10
INSTITUTES OF INDIA

23+ Years of Excellence

35000+ Students Taught

1000+ Teachers

9 Institutes

2. मान. एन.जी.टी. भोपाल के द्वारा पारित आदेश के अनुपालन में कलेक्टर महोदय द्वारा ग्राम चंदनपुरा क्षेत्र में स्थित वनों/वृक्षों की मैपिंग के लिये दिनांक 07.01.2021 को आदेशित किया गया था। उक्त आदेश के अनुपालन में जब वन विभाग, नगर पालिका निगम, भोपाल एवं राजस्व विभाग का संयुक्त दल श्रीमती माया लालचंदानी एवं श्री रतन लालचंदानी पुत्र श्री चंदर लालचंदानी द्वारा धारित भूमि पर वृक्षों की गणना हेतु पुनः पहुंचे, तो उनके द्वारा पाया गया कि श्रीमती माया लालचंदानी द्वारा अपनी भूमि पर 122 वृक्षों को काटा गया है। (सुलभ संदर्भ हेतु पंचनामा एवं काटे गये वृक्षों की सूची संलग्न है) श्री रतन लालचंदानी द्वारा भी अपनी भूमि पर 59 वृक्षों को अवैध रूप से काटा गया है। संयुक्त दल द्वारा मौके पर ही पंचनामा बनाया गया और अवैध रूप से काटे गये वृक्षों की एक सूची तैयार की गई। (सुलभ संदर्भ हेतु पंचनामा एवं काटे गये वृक्षों की सूची संलग्न है)
3. उपरोक्त वर्णित घटना के उपरान्त श्री नितिन लालचंदानी पुत्र श्री चंदर लालचंदानी भू-माफिया एवं श्रीमती माया लालचंदानी द्वारा अपने स्वत्व एवं स्वामित्व की भूमि खसरा क्रमांक 78/1 स्थित ग्राम चंदनपुरा में वर्षों पुराने सघन वृक्षों में दिनांक 20.04.2021 को आग लगा दी गई थी, जिससे वर्षों पुराने वृक्ष एवं वन्य प्राणियों की कई प्रजातियां जलकर खाक हो गई थी। इस घटना की सूचना एवं घटना के संबंध में विभिन्न दैनिक समाचार पत्रों में प्रमुखता से खबरे प्रकाशित होने के पश्चात् भी वन विभाग, नगर पालिका निगम, भोपाल एवं राजस्व विभाग की ओर से घटना के संबंध में कोई संज्ञान तक नहीं लिया गया। आरोपीगण श्री नितिन लालचंदानी तथा श्री रतन लालचंदानी एवं श्रीमती माया लालचंदानी के खिलाफ कोई दण्डात्मक कार्यवाही नहीं की गई।
4. श्रीमती माया लालचंदानी पत्नी श्री चंदर लालचंदानी एवं श्री रतन लालचंदानी द्वारा ग्राम चंदनपुरा में स्थित अपने उपरोक्त संदर्भित भूमि को वृक्षों से आच्छादित न दर्शाने के दृष्टिकोण से अपनी भूमि पर स्थित वनों की निरंतर कटाई की जा रही है या उन्हें आग लगाकर नष्ट करने का कार्य निरंतर किया जा रहा है। यह इस बात का स्पष्ट संकेत है कि उक्त भू माफिया से कतिपय कर्मचारी/अधिकारियों की संलिप्तता है और वह अपने राजनैतिक व पैसे के लेन-देन से उक्त कार्य को राजधानी, भोपाल में शासन की मंशा के विरुद्ध बड़ी आसानी से कर पा रहे है।
5. उपरोक्तानुसार आरोपीगण श्री नितिन लालचंदानी, श्री रतन लालचंदानी एवं श्रीमती माया लालचंदानी के द्वारा मान. एन.जी.टी. भोपाल सहित कलेक्टर भोपाल के द्वारा जारी आदेश क्रमांक 05/अजदि/एनजीटी/2021 भोपाल दिनांकित 07.01.2021 के क्रियांवयन को बाधित किया जा रहा है, सरेआम उल्लंघन किया जा रहा है और अपनी भूमि को वृक्षों/वनों से मुक्त दर्शाने के लिये अपनी भूमियों पर स्थित वृक्षों की निरंतर कटाई की जा रही है और उन्हें आग लगाकर नष्ट किया जा रहा है।
6. आरोपीगण नितिन लालचंदानी पुत्र श्री चंदर लालचंदानी, श्री रतन लालचंदानी पुत्र श्री चंदर लालचंदानी एवं श्रीमती माया लालचंदानी लालचंदानी पत्नी श्री चंदर लालचंदानी द्वारा वृक्षों की कटाई एवं आगजनी का अवैध कार्य वन विभाग, नगर पालिका निगम, भोपाल एवं राजस्व विभाग के कतिपय कर्मचारियों से सांठगांठ करते हुए किया जा रहा है, इससे विभाग के कर्तव्यनिष्ठ एवं ईमानदार कर्मचारियों का मनोबल भी टूट रहा है।

OUR INSTITUTIONS



Delhi Public School
Bhopal

Delhi Public School
Kolar Road, Bhopal

Delhi Public School
Indore

Delhi Public School
Rau, Indore



Jagran Institute of
Communication and Management



Jagran Lakshya University
Bhopal

JSWS FREE SCHOOLS



Gurudev Shiksha Kendra
Bhopal

Somvati Devi Shiksha Kendra
Indore

Somvati Devi Shiksha Kendra
Kolar Road Bhopal

RANKED AMONG TOP 10
INSTITUTES OF INDIA

23+ Years of Excellence

35000+ Students Taught

1000+ Teachers

9 Institutes

जागरण रोशल वेलफेयर सोसायटी, भोपाल की ओर से अपने सामाजिक उत्तरदायित्वों का निर्वहन करते हुए अवैध कटाई एवं आगजनी की सूचनाएं समय-समय पर वन विभाग, नगर पालिका निगम, भोपाल एवं राजस्व विभाग को दी जाती रही है, परंतु संबंधित विभागों द्वारा आरोपीगण के खिलाफ कभी भी कोई कठोर दण्डात्मक कार्यवाही नहीं की गई, जिसके चलते आरोपीगण के हौसले इतने बुलंद हैं कि वे बे-खौफ होकर न्यायालयीन एवं प्रशासकीय आदेशों के खिलाफ जाते हुए वनों की कटाई का अवैध कार्य निरंतर कर रहे हैं।

7. आरोपीगण द्वारा अपनी ग्राम चंदनपुरा, भोपाल स्थित अपनी स्वत्व भूमियों तक एक डामरीकृत मार्ग का निर्माण किया जा रहा है। इस संबंध में आरोपीगण द्वारा नगर पालिका निगम, भोपाल/राजधानी परियोजना भोपाल के कतिपय अधिकारियों से सांठगांठ करते हुए सड़क निर्माण का टेण्डर जारी करवाया गया और स्वयं की भूमि तक सड़क निर्माण का ठेका स्वीकृत करवा लिया गया। अपने इस उद्देश्य को पूरा करने के लिये भूमि पर स्थित वृक्षों की अवैध कटाई की जा रही है एवं उन्हें आग लगाकर नष्ट किया जा रहा है।

उपरोक्त तथ्यों के आधार पर श्रीमान जी से नम्र निवेदन है कि भू-माफिया एवं आरोपीगण श्री नितिन लालचंदानी पुत्र श्री चंदर लालचंदानी, श्री रतन लालचंदानी पुत्र श्री चंदर लालचंदानी एवं श्रीमती माया लालचंदानी के विरुद्ध उनके द्वारा वनों की अवैध कटाई एवं आगजनी के संबंध में किये गये अवैध कृत्यों के लिये प्रकरण पंजीवद्ध किये जाने एवं आवश्यक दण्डात्मक कार्यवाही समय-सीमा में किये जाने के संबंध में अपने अधीनस्थों को उचित निर्देश देने की कृपा करें।


30/6/21
संजीव सक्सैना
संचालक
जागरण सोशल वेलफेयर सोसायटी, भोपाल

संलग्न : -

1. श्री रतन लालचंदानी पुत्र श्री चंदर लालचंदानी द्वारा अपनी भूमि पर की गई वृक्षों की अवैध कटाई के संबंध में बनाया गया पंचनामा एवं अवैध रूप से काटे गये वृक्षों की सत्यापित प्रतिलिपि सूची।
2. श्रीमती माया लालचंदानी पत्नी श्री चंदर लालचंदानी द्वारा अपनी भूमि पर की गई वृक्षों की अवैध कटाई के संबंध में बनाया गया पंचनामा एवं अवैध रूप से काटे गये वृक्षों की सत्यापित प्रतिलिपि सूची।
3. आरोपीगण नितिन लालचंदानी पुत्र श्री चंदर लालचंदानी, श्री रतन लालचंदानी पुत्र श्री चंदर लालचंदानी एवं श्रीमती माया लालचंदानी पत्नी श्री चंदर लालचंदानी द्वारा अपनी भूमियों पर की गई वृक्षों की आगजनी की घटनाओं के संबंध में दैनिक समाचार पत्रों में प्रकाशित समाचार।

सर्व प्रतिनिधि प्रकरण क्रमांक 0601/जी-121/20-21
 भागलम प्रहरी 315 सी.सी. नगर... भा. वा. म.
 फॉर्म अ

(परिपत्र दो-1 की कण्डिका 6 देखिए)
राजस्व आदेश-पत्र(रेवेन्यू ऑर्डर शीट)

①

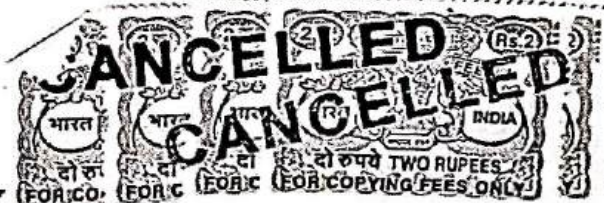
तहसीलदार टी0टी0नगर वृत्त भोपाल के न्यायालय में मागला क्रमांक 0601/जी-121/2020-21
 विषय वृक्षों का काटा... प्रकरण की श्रेणी...

ग्राम - चन्दनपुरा... वन्दोवस्त क्रमांक... पटवारी हल्का क्रमांक...

तहसील हुजूर कलेक्टर का क्रमांक... सन् 20... अनुविभागीय अधिकारी का क्रमांक...

तहसीलदार का क्रमांक... सन् 20... नायब

आदेश क्रमांक कार्यवाही की तारीख और स्थान	पीठासीन अधिकारी के हस्ताक्षर सहित आदेश-पत्र अथवा कार्यवाही 0228RD32 APP-- (2)	जहाँ आवश्यक हो पदा अथवा वकीलों के हस्ताक्षर आदेशों का पालन करना लिपिक के सक्षिप्टा हस्ताक्षर और समन्त की तारीख (3)
(1) 24/3/21 S 14/6/21 07/18/7732	<p>हल्का पटवारी ग्राम चन्दनपुरा द्वारा प्रतिवेदन प्रस्तुत कर प्रतिवेदित किया है कि ग्राम चन्दनपुरा प.ह.नं. 95 में श्रीमान वनमंडल अधिकारी महोदय भोपाल के आदेश क्रमांक/स्था./2020-21 दिनांक 07/01/2021 के अनुपालन में वन विभाग व राजस्व के संयुक्त कर्मचारियों की उपस्थित में वृक्षों की गणना के दौरान खसरा क्रमांक 81/1/1/2/ख रकबा 1.011 हे. एवं खसरा क्रमांक 81/1/1/2/ख रकबा 1.214 हे. कुल रकबा 2.225 हे. जो कि वर्तमान राजस्व अभिलेख में मामालाल चंदानी आ. चन्दर लाल चंदानी के नाम दर्ज है। जिस पर विभिन्न प्रजाति के 122 वृक्षों को काटा गया है। प्राप्त दूठों पर नंबर डालकर मौके पर सूची तैयार की गई एवं ग्राम चन्दनपुरा प.ह.नं. 95 में श्रीमान वन मंडल अधिकारी महोदय भोपाल के आदेश क्रमांक/स्था./2020/21 दिनांक 7/01/2021 के अनुपालन में वन विभाग व राजस्व विभाग के कर्मचारियों की उपस्थिति में वनों में लगे वृक्षों की गणना के दौरान खसरा क्रमांक 80/1/1/ख/1, जो कि वर्तमान राजस्व अभिलेख में रतन लाल चन्दानी पिता चन्दर लाल चंदानी के नाम दर्ज है। इसमें 59 वृक्षों को काटा गया है। प्राप्त दूठों पर नंबर डालकर मौके पर सूची तैयार की गई।</p> <p>- प्रकरण दर्ज हो। - भूमिस्वामी को नोटिस जारी हो।</p> <p>C.F. 30/3/21 नय प्रतिनिधि 15/6/21 क्र.जी. परि.टी.टी.नगर भोपाल</p> <p>राज. परि. टी.टी. नगर वृत्त हुजूर कलेक्टर</p>	<p>नोटिस जारी</p>



30/3/21

प्रकरण प्रस्तुत।

- प्रकरण में भूमि स्वामी को ओर से अधिवक्ता श्री अतल धारीवाल उपस्थित उनके द्वारा जवाब प्रस्तुत करने हेतु दरताबेजों को उठा कर चार्ज गार्डि। जो नि. प्रयाग को गार्डि। -

- प्रकरण वास्तव जवाब।

C.F. 12/4/21

सहायक अधिवक्ता
राजधानी परिसर
सचिव कोषागार

12/4/21

प्रकरण प्रस्तुत। अवे अधि उपस्थित।

- पीठासीन अधिकारी कोर्ट-19 केक्सनेशन कार्य में व्यस्त होने से प्रकरण आगामी पेशी हेतु निघत।

C.F. 28/04/21

श्री
प्रवाचक

02/6/21

प्रकरण लॉकडाउन उपरांत प्रस्तुत।

- प्रकरण पूर्ववत। भूमि स्वामी द्वारा जवाब प्रस्तुत किये जाने हेतु निघत।

C.F. 16/06/21

सत्य प्रतिलिपि
16/6/21
राज. परि. टी.टी. नगर
सोवाल

सहायक अधिवक्ता
राजधानी परिसर
सचिव कोषागार



प्रति,

श्रीमान तहसीलदार महोदय
राज. परि. टी.टी. नगर हल
शोषल (म. प्र.)

विषय। - अपील कटारि के सम्बन्ध में रिपोर्ट प्रस्तुत
करने बाबत।

महोदय,

उपरोक्त विषय में लेख है कि ग्राम चन्दनपुरा
प.ह. नं. 95 में श्रीमान वनमण्डल अधिकारी महोदय शोषल
के आदेश क्रम/सम्प. 9090-22 दिनांक 7/4/2024 के अनुषंग
में वन विभाग व राजस्व विभाग के सम्बन्ध कर्मचारियों की
उपस्थित में एलों की गणना के दौरान खसरा क्रम 81/1/1/2/ख
81/1/1/2/ख रकम 01.011 है एवं खसरा क्रम 81/1/1/2/ख
रकम 1.214 है कुल रकम 2.225 है जो कि वर्तमान
राजस्व अभिलेख में मामालाल चन्दानी भाग चन्दनलाल चन्दानी
के नाम दर्ज है जिन पर विभिन्न प्रजाति के 122 एलों
की काटा गना है। प्राप्त दूकों पर नम्बर मलकत में
पर सूची तैयार की गई।

प्रतिवेदन उचित कार्रवाई हेतु मम पंचायत, एलों
की सम्बन्ध सटित अवलोकन प्रस्तुत।

R. Singh
प.ह.म. 95

संलग्न

Ⓐ पंचायत

Ⓑ कटे एलों की सूची।

सत्य प्रतिलिपि
15/6/24
राज. परि. टी.टी. नगर
शोषल



करे नृशों के हों की संख्या

दिनांक - 19/02/2021

81/3

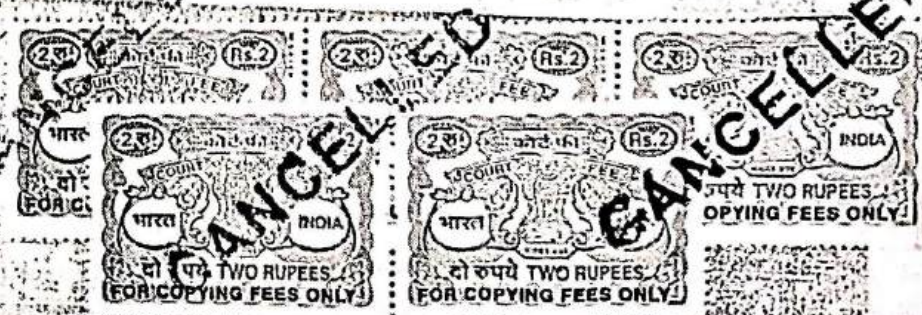
नामसूची

क्र. प्रजाति गो.	क्र. प्रजाति गो.	क्र. प्रजाति गो.	क्र. प्रजाति गो.	क्र. प्रजाति गो.
1 खैर 26	27 गुर्जन 52	57 खैर 80	87 कैम 1011	117 डूबई 32
2 -11- 28	28 डूबई 30	58 गुर्जन 70	88 गुर्जन 211	118 तैन्डू 35
3 गुर्जन 26	29 गुर्जन 411	59 खैर 30	89 -11- 26	119 पलाश 116
4 खैर 52	30 फौसी 311	60 गुर्जन 40	90 पलाश 38	120 तैन्डू 24
5 -11- 24	31 -11- 80	61 खैर 30	91 गुर्जन 50	121 खैर 24
6 -11- 28	32 डूबई 38	62 -11- 111	92 कैम 72	122 -11- 36
7 जमराही 30	33 गुर्जन 72	63 पलाश 80	93 तैन्डू 26	123
8 तैन्डू 24	34 डूबई 56	64 गुर्जन 511	94 पलाश 72	
9 गुर्जन 40	35 गुर्जन 26	65 खैर 22	95 गुर्जन 111	
10 डूबई 26	36 खैर 34	66 गुर्जन 60	96 खैर 36	
11 बीजा 52	37 -11- 30	67 खैर 311	97 -11- 26	
12 गुर्जन 26	38 -11- 40	68 गुर्जन 112	98 कैम 34	
13 -11- 26	39 -11- 94	69 -11- 40	99 गुर्जन 64	
14 -11- 28	40 -11- 60	70 -11- 24	100 -11- 44	
15 डूबई 36	41 पलाश 24	71 तैन्डू 211	101 तैन्डू 110	
16 -11- 30	42 खैर 24	72 खैर 24	102 गुर्जन 118	
17 तैन्डू 24	43 -11- 26	73 गुर्जन 114	103 पलाश 80	
18 डूबई 26	44 गुर्जन 88	74 पलाश 26	104 गुर्जन 50	
19 गुर्जन 26	45 -11- 112	75 -11- 24	105 खैर 24	
20 -11- 24	46 डूबई 38	76 गुर्जन 26	106 गुर्जन 40	
21 पलाश 44	47 गुर्जन 60	77 -11- 28	107 पलाश 24	
22 -11- 28	48 -11- 30	78 -11- 211	108 गुर्जन 50	
23 डूबई 28	49 पलाश 110	79 कैम 50	109 कैम 32	
24 खैर 26	50 खैर 44	80 गुर्जन 28	110 गुर्जन 60	
25 गुर्जन 40	51 गुर्जन 36	81 कैम 50	111 कैम 60	
26 -11- 111	52 पलाश 38	82 डूबई 30	112 डूबई 110	
	53 जमराही 70	83 कैम 40	113 गुर्जन 50	
	54 गुर्जन 82	84 डूबई 36	114 पलाश 54	
	55 -11- 46	85 खैर 20	115 -11- 70	
	56 पलाश 36	86 गुर्जन 211	116 तैन्डू 34	

RA Bwpal

Pradyumna (Rajkumar Pradyumna) कनरसक उमादी

सत्य मिलिपि 13/6/21 राज. परिटी.टी.नगर मोपाल



२१००

श्रीमान तहसीलदार महोदय
राज. परि. टी. टी. नगर धुल
भोपाल (म.प्र.)

विषय:- शिवीखा कटार के सम्बन्ध में रिपोर्ट करने का।

महोदय,
उपरोक्त विषयान्तर्गत सम्बन्ध में लेम्प है, कि
उत्तम चन्दनपुरा प.त.न. १५ में श्रीमान सन गण्डल अधिकारी
महोदय भोपाल के आदेश क्रमंक/२०१०-११ दिनांक
३/१/११ के अनुसूचक में सन विभाग में राजस्व विभाग के
कर्मचारियों की शपथपत्रों में पत्नी में लगे दृष्टों की गणना के
दोषन खसला क्रमंक ६६/१/१/२०/१, ६९/१/१/२०/१ के अन्तर्गत
अधिकारी में सन लाल चन्दानी पिता चन्दरलाल चन्दानी
के नाम दर्ज है। इसमें ५५ दृष्टों को कटा गया है। प्राप्त
दृष्टों पर नसद सलकर मैके पर सूची प्रेषित की
गयी।
प्रतिवेदन अतिरिक्तमिद्वी देह मम पंचनाम, दृष्टों की
संख्या सहित अपलोकनामि सप्पत प्रकृत।

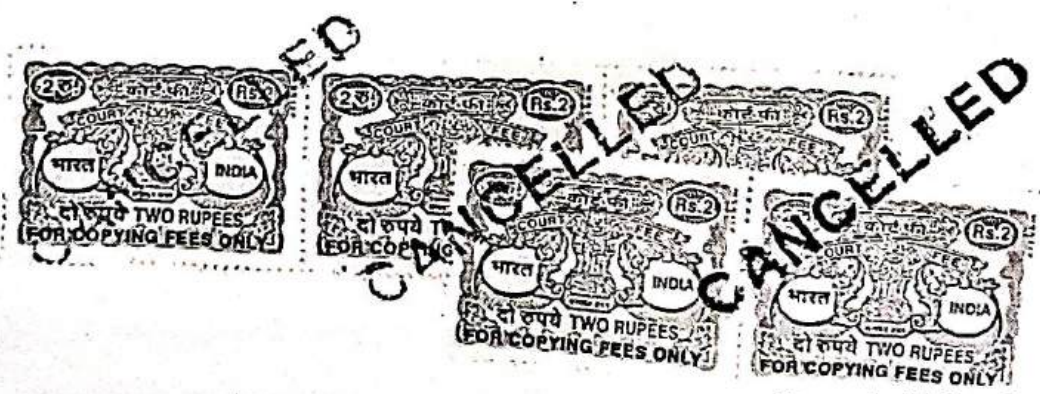
संलग्न

१) पंचनाम

२) कटे दृष्टों की सूची।

P. P. Singh
प.त.न. १५

तय प्रतिलिपि
१/१/११
राज. परि. टी. टी. नगर
भोपाल



रकमा - २५५१३५
दिनांक - २३/१/२१
समय - ५ pm

पंचनामा

एग नीचे लिखे पंचगण उस बात की तरकीब करते हैं कि आज दिनांक २३/१/२०२१ को श्रीमान का २०३ लाफिजानी कहेरप गोपाल के आदेश क्रमांक/१५०/२०२१/०१ दिनांक ७/०१/२१ के पालन में चन्द्रपुरा स्थित खसरा क्रमांक ८८/१/१/१ में नव पूर्व राजस्व विभाग के रंगों की उपस्थिति में चुकों की गणना के दौरान विहित प्रजाति के शूकर केट पाये गए जिस पर क्रमांक ०१ से ५३ तक डूबे पर नम्बर डालकर सूची तैयार की गई।

इस बात में पंचनामा बनाया गया हुआ है।
रखे रहना कृपे।

पंचनामा मेरे डाना लेल भिजा राखी
Vbh
RAB/pn

पेयों के नाम लिखना कृपे

- ① रावेन्द्र सिंह R. Singh
- ② राजेश कुमार सिंह R. Singh
- ③ सुनील कुमार सिंह R. Singh

सत्य प्रतिलिपि
१५/०१/२१
परि टी.टी.नगर
गोपाल

रवि केशव
क. श्रीराम

