

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**CENTRAL ZONE BENCH, BHOPAL**

**ORIGINAL APPLICATION NO. 128/2017(CZ)(THC)**

**Applicant** : Suvridha Seva Sansthan

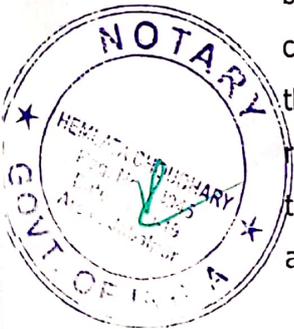
**Versus**

**Respondent** : State of Madhya Pradesh & Ors.

**APPLICATION FOR TAKING STATUS REPORT WITH THE ACTION PLAN**  
**ON RECORD AS PER THE DIRECTION OF THIS HON'BLE TRIBUNAL**  
**CONTAINED IN ORDER DATED 21.06.2021**

The answering respondent most respectfully submits as under:-

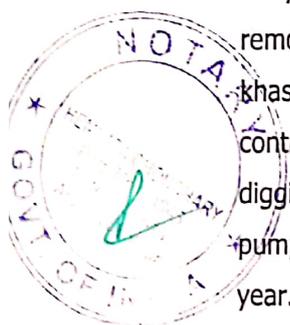
1. That the instant application was initially preferred as *Pro Bono Publico* before the Hon'ble High Court of Madhya Pradesh alleging therein that the answering respondent has destroyed the Flora and Fauna of water body (pond) situated at Majan Kala and Majan Khurd by raising construction over the same.
2. That the applicant has tried to portray a picture before the Hon'ble Tribunal that the respondents have ruined a pond (natural water body) and demolished the flora and fauna of the area. It is submitted with respect that the allegations of the applicant are baseless and far away from ground reality. It is true that in revenue records Khasara Nos.989, 991, 992, 993 & 994 of Majan Kala of Singrauli Town are being recorded as pond, however in reality by the construction of NCL (Northern Coalfield Limited) residential Colony and boundary wall and other residential houses in surrounding of pond the natural inlet and outlet of water of the pond has been completely blocked. Consequently since last two to three decade the said pond has converted into storage area of sewage of NCL Colony. Thus it is clear that the allegation of the applicant that a pond which was in swing has been ruined is totally baseless. In fact the answering respondent has renovated the said pond by carry out the work of deepening, constructing pathway and retaining wall.
3. That, the inhabitants of the nearby areas have started using the bank of the said pond as burial place and many villagers have encroached upon the said



4 JUL 2021

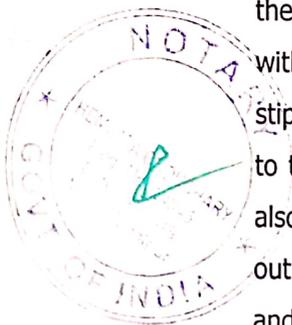
area by constructing their illegal houses. From time to time the answering respondents as well as the district administration have taken anti-encroachment drives against the encroachers. In the year 2000, the NCL under the indigenous people development program (IPDP) had taken an initiative with the help of answering respondent to renovate the said pond which had fallen to disuse for reason of structured natural drainage system.

4. That, with the cost of repetition it is again submitted that the entire pond area was encroached by the nearby people and by throwing garbage in the pond, it filled up with the waste. Earlier the said pond used to leased out for fishing purpose by the state government, however since last so many years no persons comes forward to take the said pond for lease for fishing. In the year 2011 the lease holder has shown his disinterest for fishing in the said pond on account of no water in the pond.
5. That from the above narrated facts it is quite clear that the said pond has lost its nature because of the reasons mentioned above. However for the name shake in revenue record the same have recorded as pond. In fact in revenue record Khasra No.989 (0.160Hk), Khasra No.991 (0.120Hk), Khasara No.992(1.500hactare), Khasra No.993(0.160 Hactare) and Khasra No.994 (0.140 hactare) are recorded as pond. However the tank (water catchment area) is situated at Khasra No.992 admeasuring 1.500 hactare. In other khasra's bank (*Medh*) of the pond exist. In master plan of the city apart from khasra no.992 other khasra numbers viz 989,991,993 and 994 are mentioned as commercial cum residential area.
6. That, in order to remove the encroachment from the area and rejuvenate the said pond the district administration of Singrauli and the authorities of answering respondent in 2011 inspected the pond and decided to renovate/ beautify the same. Accordingly, the matter was placed before the General body of Municipal Corporation, Singrauli and it was unanimously resoled to remove the encroachment and thereafter beautify the pond existed at khasra No.992 admeasuring 1.500 hectare and after following due process contract has been awarded to the contractor to carry out the work of digging, beautification, construction of path way and installation of water pump at the pond site so that the pond filled with water throughout the year.



4 JUL 2021

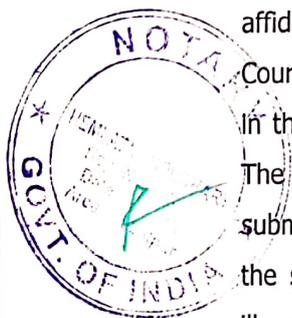
7. That, the answering respondent stating categorically that apart from beautification and renovation no construction at all of any kind has been taken up at the actual catchment area i.e. on khasra no.992 admeasuring 1.500 hectare. So far as the construction of shed of vegetable vendor and commercial complex are concerned, it is submitted with due respect that the same are raised at khasra no.994 and 991. At northern side of the pond, shed for vegetable vendors has been erected and at western side commercial complex has been constructed. However, due care has been taken that no harm shall be caused to the pond which has been renovated. Retaining wall has been constructed around the actual pond area so that there shall be no disturbance to the pond.
8. That, it has also been pointed out by the applicant that the concerned pond belongs to state government and the answering respondent without any authority constructed the shed and commercial complex over the same. In relation to the said allegation it is submitted that initially the said pond was the asset of Village Panchayat of Majan Kala. However in the year 1975, by the constitution of Special Area Development Authority (SADA) all the assets and liabilities of the village panchayat's merged with the SADA Singrauli. Thereafter in the year 1995, Special Area Development Authority (SADA) was merged with the Municipal Corporation, Singrauli and again all the assets and liabilities of SADA merged with the Municipal Corporation, Singrauli. Hence, it could not be said that the answering respondent has encroached upon the pond area and raised construction as the pond was/is under the exclusive ownership and possession of answering respondent.
9. That, it has also been pointed out by the applicant that without any permission of the state authority the answering respondent has raised construction over the khasra Nos. 991,992 and 994 which are recorded as pond in the revenue record. In relation to the said allegation it is submitted with respect that under the provisions of M.P. Municipal Corporation Act there is no bar that the corporation cannot carry out any construction without the prior permission of the State Government, there is only one stipulation that under section 28 of the Act the Corporation has to intimate to the State regarding such construction. Apart from said legal aspect it is also relevant to mention that in the year 2011 a joint inspection was carried out by the authority of District Administration and answering respondent and to solve the traffic problem it was decided by both the authority to shift



4 JUL 2021

the vegetable market from Naxang to khasara no.994(northern side of the pond admeasuring 2856 sq. meter out of total 4039 sq. meter). Hence it cannot be said that the answering respondent on its own raised the construction.

10. That, the applicant has also tried to level an allegation that the Corporation has destroyed the twin pond situated near Collectorate Building, Ward No.30. In regard to said allegation it is worthy to mention that in revenue record the said place/khasara is not recorded as pond but the same is recorded as agriculture land. In fact there is no pond near collectorate building but open barren land which has been earmarked to agriculture department and the same is shallow area, accordingly rain water accumulates in the said portion. Hence, it is totally wrong on the part of the applicant to alleged that the answering respondent has destroyed the pond situated near Collector Office.
11. That, it is worthy to mention that the district administration and answering respondent have decided to develop beautiful pond at the said shallow area and recently work of deepening has started by the answering respondent. The answering respondent being the instrumentality of the state is fully aware about its responsibility regarding nature and it cannot even think of to destroy the natural water body as alleged by the applicant. Hence, the answering respondent has firstly renovate the pond of Majan kala (khasara no.992) and now constructing new pond at shallow area near collectorate Building.
12. It is relevant to mention at this juncture that in this matter the Hon'ble Division Bench of the Hon'ble High Court vide order dated 09.02.2016 has directed for an enquiry into the matter so as to unearth the truth and for that purpose appointed Secretary of Revenue Department Vallabh Bhavan Bhopal to file his personal affidavit after making through enquiry. The Hon'ble Court has further directed the Chief Secretary of the State to file his affidavit in the said regard. Accordingly as per the command of the Hon'ble Court an enquiry was caused by the Secretary of Revenue Department and in the said enquiry applicant and people of nearby area duly participated. The secretary revenue department has conducted the enquiry and submitted his report on all aspect before the Hon'ble Court on 15.03.2016. the said enquiry contained all aspect which categorically reflects that no illegality of any kind has been committed by the answering respondent (kindly refer the report submitted on 15.03.2016).



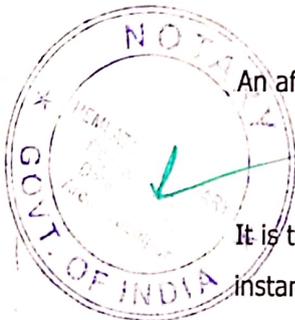
4 JUL 2021

13. That, recently on 21.06.2021 the Hon'ble Tribunal has directed the answering respondent to file detailed status report with the action plan which are to be taken for renovation and remedial measures. In relation to same it is worthwhile to mention that the Secretary Revenue Department State of Madhya Pradesh along with District Administration, Officers of Municipal Corporation, Petitioner/Applicant visited the spot in question and after conducting a detailed inquiry in relation to all aspects prescribed certain remedial measures, the said remedial measures also contained in his report dated 15.03.2016 which has already been filed as per the command of the Hon'ble High Court dated 09.02.2016.
14. **That, near Collectorate Building there is a vast land of about 100 acres which belongs to Agriculture Department, in the said land about 10 acres of land is shallow (catchment) area where the rain water gets collected and thus the answering respondent (Municipal Corporation) as well as District Administration have decided to convert the catchment area to a pond and for that contract has already been awarded and work has commenced.**
15. That, as mentioned in aforementioned paragraphs the Revenue Secretary has already suggested certain points as remedial measures and therefore the answering respondent is willing to carry out the said measures if this Hon'ble Tribunal deems the same fit.
16. That, apart from the above if this Hon'ble Tribunal directs any other measures which are required to be taken under the prevailing facts and circumstances the answering respondent shall abide by the same in it full spirit.

An affidavit in support is filed herewith.

**PRAYER**

It is therefore prayed that the Hon'ble court may kindly pleased to take the instant status report on record in the interest of justice.



Place: Jabalpur  
Dated: 04.07.2021

4 JUL 2021  
*(Signature)*  
(Sheetal Tiwari/Hitendra Singh)  
Counsel for the Respondent No.3

HEMILATA CHOUDHARY  
NOTARY  
Jabalpur District  
NC India



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL

ORIGINAL APPLICATION NO. 128/2017(CZ)(THC)

Applicant : Suvidha Seva Sansthan

Versus

Respondent : State of Madhya Pradesh & Ors.

AFFIDAVIT

I **R.P. Singh** S/o Late Shri Upendra Pratap Singh, Occupation-  
Commissioner, Municipal Corporation, Singrouli, District- Singrouli (M.P.)  
aged about-59 years, W/a- Commissioner, Municipal Corporation,  
Singrouli (M.P.) do hereby solemnly states on oath as here under:-

1. That, I am the Commissioner, Municipal Corporation, Singrouli (M.P.),  
as such I am fully conversant with the facts of the case.
2. That, the contents of the application has been drafted under my  
instructions by my counsel, which have been explained to me.
3. That, the contents of application from para 1 to 16 are true and correct  
to the best of my personal knowledge and belief and the annexure  
annexed along with the instant application are true to my knowledge  
and belief.

4 JUL 2021

*[Signature]*  
DEPONENT

VERIFICATION

I, **R.P. Singh**, the above deponent do hereby verify that the contents  
of the above affidavit from para 1 to 3 are true to my personal knowledge  
and belief. Hence verified and signed on this 4<sup>th</sup> day of July, 2021 at  
Jabalpur.

*[Signature]*  
DEPONENT

4 JUL 2021

*[Signature]*  
4/7/21  
Identified by me

Before me on the 4/7/21  
By *R.P. Singh S/o Late Upendra Pratap Singh*  
Who has been identified by *[Signature]*  
Who is personally known to me *[Signature]*  
(s) is and here *[Signature]*