

BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL BENCH, BHOPAL

Original Application No. 51/2021 (CZ)

Hemendra Kumar

VS

State of Madhya Pradesh & Ors

Date of Inspection :- 10/09/2021

Committee members :-

- 1- Dr. Girish Kumar Mishra IAS, Collector Distt. Balaghat
- 2- Shri Alok Kumar Jain, Regional Officer M.P. Pollution Control Board Jabalpur
- 3- Shri Abhinava Pallava IFS Divisional Forest Officer North Balaghat Division M.P

**Action Taken Report in compliance of order dated 26/07/2021 issued by
Hon'ble National Green Tribunal in the matter of O.A No. 51/2021 (CZ)
(Hemendra Kumar Vs State of Madhya Pradesh)**

Hon'ble National Green Tribunal, Central Bench, Bhopal has issued the following direction vide order dated 26/07/2021 in the O.A No. 51/2021 (CZ) Hemendra Kumar Vs State of Madhya Pradesh & ors :-

“Issue raised in this application is illegal encroachment on the forest land located at Gram Bori Van Beat number 1706, more than 150 to 200 Acres of area and further leading a chance of encroachment by others, construction of homes and cutting the trees in order to covert forest land for personal purposes, and that consistence deforestation for the conversion of forest land into the agriculture land would lead to the environment degradation and irreparable loss to the environment having adverse effect to the wildlife also .

We deem it just and proper to call report on the matter in issue in present application from a joint Committee consisting of:

- 1. District Collector, Balaghat, Madhya Pradesh*
- 2. Divisional Forest Officer (DFO) Balaghat M.P.*
- 3. A representative from Madhya Pradesh Pollution Control Board*

The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The state PCB will be the nodal agency for coordination and logistic support. The report in the matter be filed by the Committee by email at ngtczbbho-mp@gov.in.

Hon'ble NGT Order is Enclosed with Annexure-I

In compliance of the Hon'ble NGT order a committee of following officers visited the site located at village- Bori Beat No. 1706 Tehsil-Birsa Dist-Balaghat on 10^h September 2021:

- i. Dr. Girish Kumar Mishra IAS, Collector Distt. Balaghat*
- ii. Shri Alok Kumar Jain, Regional Officer M.P. Pollution Control Board Jabalpur*
- iii. Shri Abhinava Pallava IFS, Divisional Forest Officer North Balaghat Division M.P*
- iv. Shri Mohammad Maaz IFS, SDO (F) Baihar Forest Balaghat*

FIELD OBSERVATIONS:

- The Land is Located at Compartment No. 1706, Beat Dhopghat Range Birsa/Damoh (T) of North Balaghat Division (T) Dist. Balaghat
- Total Area Of Compt. 1706 is 365 Hectare.
- Out Of 365 Hectare 185 Hectare land is covered by plantation done by the forest department and other is natural forest.
- During the site visit about 15 to 20 hectare forest land is found affected by encroachment, there is 04 kachcha house is made and they are doing agriculture works.
- The list of encroachers is enclosed with annexure-II

EARLIER ACTION TAKEN BY AUTHORITIES :-

- Forest offences registered and actions taken against encroachment in compartment no. 1706 is enclosed with annexure III.
- On 05.12.2020 a team consisting of personnels from forest department, revenue department and police department evicted 17 encroachers and freed 23.075 hectare of forest land from encroachment. The list is enclosed with annexure IV.
- Encroachers No. 04, 06, 16 & 17 (in compartment no. 1706 in range birsa damoh) from annexure IV were given eviction notice under section 80 A of Indian forest act 1927, by the divisional forest officer North Balaghat (T.) division. Legal action of removing the encroachment could not be carried out because of threats made by encroachers about harming themselves and unavailability of police force which caused an eruption of dispute causing a law and order situation.

- On 23.07.2021 Bamboo plantation work was started in compartment no. 1706 under Mahatma Gandhi National Rural Employment Guarantee Scheme by forest department. On the plantation site Dheerajlal Sahu S/o Dukhwa Sahu Village Bori with his wife & son, Belansingh S/o Jhunausingh Village Singhanpuri with his wife, Jalamsingh S/o Jhunausingh Village Singhanpuri with his wife, tried beating up the staff of forest department with sticks and tried to obstruct them in the discharge of their public functions. A written report of this incident was also submitted in the police chowky saletekri.
- On 24.08.2021 a team of forest department with the help of revenue department and police department removed encroachment from about 7-8 hectares of forest land of compartment no. 1706 and completed the bamboo plantation work in 20 hectares area under MGNREGS.

S.No.	Name of offender	Area freed from encroachment (approx.)
1	Rambhaj S/o Tirath Gandharv Village Dorli	0.750 Hac
2	Anuj S/o Premlal Teli, Village Bori	0.750 Hac.
3	Pitam S/o Kanhaiya Teli Village Bori	0.500 Hac.
4	Jalam S/o Jhunau Village Singhanpuri	2.500 Hac.
5	Gendsing S/o Barsan Gond Village Singhanpuri	0.500 Hac.
6	Hirmotin bai W/o Dheeraj Sahu Village Bori	3.500 Hac.
7	Sukhu S/o Vishnu Gond Village Bori	0.500 Hac

RECOMMENDATIONS:-

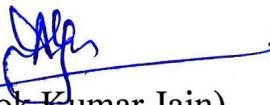
1. In the above mentioned forest land there is definite chances of eruption of law and order Situation while carrying out encroachment removal operations. That is why a joint operation of District administration, Police department and forest department in needed. Thus this issue should be proposed to the task force so that the legal proceedings of eviction of encroachers can be done with proper planning involving

district administration, Police department and forest department with proper number of female Frontline Staff.

Encroachers which mostly include villagers belonging to ST/SC threaten the government officials about harming themselves, falsely accusing the officials of breaking the provisions of schedule caste and schedule tribe (prevention of atrocities) act 1989 and complaining with other false accusations.

Thus govt. officials should be given immunity for lawfully discharging their public functions.


(Abhinava Pallava)
DFO
N.Balaghat Div.
Dist-Balaghat


(Alok Kumar Jain)
Regional Officer
M.P. Pollution Control
Board Jabalpur


(Dr. Girish Kumar Mishra)
Collector
Dist-Balaghat

Item No. 02

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

Original Application No. 51/2021(CZ)

Hemendra Kumar

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 26.07.2021

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

For Applicant(s):

Mr. Prabhat Yadav, Adv.

For Respondent(s):

None

ORDER

1. Issue raised in this application is illegal encroachment on the forest land located at Gram Bori Van Beat number 1706, more than 150 to 200 Acres of area and further leading a chance of encroachment by others, construction of homes and cutting the trees in order to convert forest land for personal purposes, and that consistence deforestation for the conversion of forest land into the agriculture land would lead to the environment degradation and irreparable loss to the environment, having adverse effect to the wildlife also.
2. A substantial issue of environment has been raised.
3. Issue notice to the respondents. Returnable within four weeks.
4. Service of notices, summons and pleadings etc. have not been possible during the period of COVID because this involves visits to post offices, courier companies or physical delivery of notices, summons and pleadings. We, therefore, consider it appropriate to direct that such services of all the above may be effected by e-mail, FAX, commonly used instant messaging services, such as WhatsApp, Telegram, Signal etc. However, if a party intends to effect service by means of said instant messaging services, we

direct that in addition thereto, the party must also affect service of the same document/documents by e-mail, simultaneously on the same date.

5. The applicant is directed to provide the mobile Whats App no. and email address of all the respondents, if possible and applicants and respondents are directed that at the time of filing the application or reply, the party concerned has to provide Whats App no. and email I.D. so that the summons and notices may be served immediately for compliance and for further disposal and proceeding of the case.
6. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
7. Respondents are directed to submit their reply within six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
8. 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) Collector, Balaghat, M.P.
 - (ii) Divisional Forest Officer (DFO), Balaghat, M.P.
 - (iii) A Representative from Madhya Pradesh Pollution Control Board
9. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
10. The report in the matter be filed by the Committee by email at ngtezbhbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
11. Applicant is directed to supply the relevant documents and copy of the application to the Committee within a week.

List it on **22nd September, 2021.**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

Annexure –II

S.No.	Name of encroacher	Type of encroachment
1	Shyamu S/o Harlal Gond Vill. Dhopghat	Kaccha House and agriculture
2	Sanbhu S/o Sadhu Gond Vill. Khursipar	agriculture
3	Jethu S/o Raisingh Yadav Vill. Bori	agriculture
4	Geetarm S/o Kanhaiya Sahu Vill. Bori	agriculture
5	Holuram S/o Kanhaiya Sahu Vill. Bori	Kaccha House and agriculture
6	Pooran S/o Bohran Gond Vill. Singhanpuri	Kaccha House and agriculture
7	Hirmotin bai w/o Dheeraj Sahu Vill. Bori	Kaccha House

Annexure –III

S.No.	P.O.R. No. and Date	Name of offender	Category	Approx. area encroached upon	Court Case No.	Remark
1	2597/07 Dt. 15.10.2015	Rambhaj S/o Tirath Gandharv , Vill. Dorli	SC	0.300 Hac.	232/16	Under Trial in court
2	2597/08 Dt. 15.10.2015	Geetaram S/o Kanhaiya Sahu , Vill. Bori	OBC	0.300 Hac.	228/16	--00--
3	2597/09 Dt. 15.10.2015	Jethu S/o Raisingh Yadav , Vill. Bori	OBC	0.400 Hac.	226/16	--00--
4	2597/10 Dt. 15.10.2015	Sukhu S/o Vishnu Gond , Vill. Bori	ST	0.150 Hac.	126/17	--00--
5	2597/11 Dt. 15.10.2015	Anuj S/o Premlal Sahu , Vill. Bori	OBC	0.150 Hac.	229/16	--00--
6	2597/12 Dt. 15.10.2015	Pitam S/o Kanhaiya Sahu , Vill. Bori	OBC	1.050 Hac.	227/16	--00--
7	2597/13 Dt. 15.10.2015	Jalamsingh S/o Jhunau Gond, Vill. Singhanpuri	ST	0.600 Hac.	230/16	--00--
8	2597/14 Dt. 15.10.2015	Gendsingh S/o Barsan Gond , Vill. Singhanpuri	ST	0.400 Hac.	231/16	--00--
9	2597/15 Dt. 15.10.2015	Sambhu S/o Sadhu Gond , Vill. Khursipar	ST	0.400 Hac.	86/17	--00--
10	2536/44 Dt. 10.02.2017	Harilal S/o Lamu Gond , Vill. Dhopghat	ST	0.400 Hac.	69/17	--00--
11	2536/45 Dt. 10.02.2017	Jalsingh S/o Hagrusingh Gond , Vill. Dhopghat	ST	0.800 Hac.	71/17	--00--
12	2536/46 Dt. 10.02.2017	Shyamu S/o Harlal Gond , Vill. Dhopghat	ST	0.600 Hac.	68/17	--00--
13	2536/47 Dt. 10.02.2017	Uttam S/o Lakhantal Nai , Vill. Dhopghat	ST	0.400 Hac.	70/17	--00--
14	2597/28 Dt. 29.06.2017	Hirmotin W/o Dhiraj Sahu , Vill. Bori	OBC	1.000 Hac.	-	Eviction Proceedings Carried out
15	2597/58 Dt. 05.01.2021	Holuram S/o Kanhaiya Sahu , Vill. Bori	OBC	0.500 Hac.	-	--00--
16	2597/59 Dt. 05.01.2021	Pooransingh S/o Bohran Gond , Vill. Singhanpuri	ST	1.000 Hac.	-	--00--
17	2597/67 Dt. 21.06.2021	Geetaram S/o Kanhaiya Sahu , Vill. Bori	OBC	0.500 Hac.	-	--00--

Annexure –IV

S.No.	Name of offender	Area freed from encroachment (approx.)
1	Prabhu S/o Sadhu Marar Vill. Dhopghat and 01 other	1.00 Hac.
2	Harilal S/o Labhsing Gond Vill. Dhopghat	1.500 Hac.
3	Jalsingh S/o Hagru Gond Vill. Dhopghat	1.250 Hac.
4	Syamu S/o Harlal Gond Vill. Dhopghat	2.000 Hac.
5	Uttam S/o Lakhani Nai Vill. Dhopghat	1.500 Hac.
6	Hirmotin W/o Dheeraj Vill. Bori	1.500 Hac.
7	Rambhaj S/o Tirath Gond Vill. Singhanpuri	1.000 Hac.
8	Geetaram S/o Kanhaiya Sahu Vill. Bori	1.000 Hac.
9	Jethu S/o Raising Yadav Vill. Bori	1.500 Hac.
10	Sukhu S/o Vishnu Gond Vill. Bori	2.000 Hac.
11	Anuj S/o Premlal Sahu Vill. Bori	2.000 Hac.
12	Pitam S/o Kanhaiya Sahu Vill. Bori	1.250 Hac.
13	Jalam S/o Jhunau Gond Vill. Singhanpuri	1.500 Hac.
14	Gendsingh S/o Barsan Gond Vill. Khursipar	2.000 Hac.
15	Sambhu S/o Sadhu Gond Vill. Khursipar	2.000 Hac.
16	Holuram S/o Kanhaiya Sahu Vill. Bori	0.025 Hac.
17	Pooran S/o Bohran Gond Vill. Singhanpuri	0.050 Hac.

Annexure –V

Photographs :-





Latitude: 21°51'34"
Longitude: 80°47'28"
Elevation: 684.38 m
Accuracy: 1.9 m
Time: 09-10-2021 11:43
Note: 1706

Powered by NoteCam



Latitude: 21°51'47"
Longitude: 80°48'29"
Elevation: 690.29 m
Accuracy: 1.9 m
Time: 09-10-2021 11:28
Note: 1706

Powered by NoteCam



Latitude: 21°52'6"
Longitude: 80°47'29"
Elevation: 697.85 m
Accuracy: 3.7 m
Time: 09-10-2021 11:49
Note: 1706

Powered by NoteCam



Latitude: 21°51'37"
Longitude: 80°47'50"
Elevation: 693.26 m
Accuracy: 1.5 m
Time: 09-10-2021 11:07
Note: 1706 I

Powered by NoteCam



Latitude: 21°52'40"
Longitude: 80°47'18"
Elevation: 667.01 m
Accuracy: 1.5 m
Time: 09-05-2021 14:42
Note: धौरेज III

Powered by NoteCam



Latitude: 21°52'42"
Longitude: 80°47'19"
Elevation: 665.26 m
Accuracy: 2.8 m
Time: 09-05-2021 14:46
Note: धौरेज III

Powered by NoteCam



Latitude: 21°52'32"
Longitude: 80°47'28"
Elevation: 664.18 m
Accuracy: 6.4 m
Time: 09-05-2021 14:51
Note: धौरेज III

Powered by NoteCam



Latitude: 21°52'39"
Longitude: 80°47'19"
Elevation: 661.11 m
Accuracy: 1.6 m
Time: 09-05-2021 14:43
Note: धौरेज III

Powered by NoteCam