

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

M.A.No. 714/2015

in

**Original Application No. 04/2015 (CZ)
Kishore Samrite Vs. Union of India & 6 Ors.**

**CORUM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE Dr. DEVENDRA KUMAR AGRAWAL, EXPERT
MEMBER**

**PRESENT : Applicant: None
Respondent No. 1: Shri Om S.Shrivastav, Adv.
State of MP : Shri Sachin K. Verma, Adv.
Municipal Council: Shri Rohit Sharma, Adv. for
Dr. Vijay Choudhary, Adv.
Rishab Developers : Shri Nishant Goel, Adv.
Interveners 1 to 8 : Shri Vivek Chudhary, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 3 17th December, 2015	<p>Misc. Application No. 714/2015 has been filed on behalf of the 73 persons praying that they may be allowed to intervene in the matter as they want to assist this Tribunal. M.A. No. 714/2015 is allowed and interveners are allowed to intervene in the matter.</p> <p>Shri Rohit Sharma, Learned Counsel has submitted before us that in pursuance of our directions show cause notices have been issued and Municipal Council, Balaghat is proceeding in the matter as directed against all those persons who were found to be in occupation of area contrary to the law. The Municipal Corporation as directed shall proceed in the matter in accordance with law against all person to whom show cause notices have been issued. In case any objection is filed, the same be taken in to consideration and orders passed in accordance with law. It was submitted by the Learned Counsel that for the aforesaid purpose the Municipal Corporation shall be required to inspect the revenue</p>

record available with the District Collector. The District Collector is accordingly directed to direct the official concerned in-charge of revenue record to provide all assistance and documents to the Municipal Council.

Shri Vivek Choudhary, Learned Counsel also appearing for the interveners brought to our notice that in pursuance of the judgement of the Hon'ble Supreme Court in the case of *Jagpal Singh & Ors. Vs. State of Punjab (Civil Appeal No. 1132/2011) S.L.P. (C) No. 3109/2011*, has given the following directions:

“Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorised occupants of the Gram Sabha/Gram Panchayat/poramboke / shamlat land and these must be restored to the Gram Sabha / Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/ Union Territories in India are directed to do the needful, taking the help of other senior officers of the Government. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show-cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making construction thereon or political connections must not be treated as a justification for condoning this illegal act or for regularising the illegal possession. Regularisation should only be permitted in exceptional cases. e.g. where lease has been granted under some government notification to landless labourers or members of the Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land.”

In view of the above, we direct the District Collector, Balaghat as well as the State Government/Respondent No. 3 to respond to what steps they have taken pursuant to the aforesaid directions.

Shri Vivek Choudhary, Learned Counsel has further brought to our notice, the judgement of the Hon'ble High Court of MP Bench at Gwalior in the case of *Shri Rinkesh Goyal Vs. State Government* also reported in 2011 (2) M.P.H.T 519 (DB) wherein

the Hon'ble High Court has given similar directions :

- “(1) That, in each divisional level a Committee be constituted under the Chairmanship of Revenue Commissioner of the division to monitor the effective implementation of the water conservation schemes introduced by the Government for the aforesaid purpose.*
- (2) The Committee shall also ensure that there should not be any encroachment over the land of ponds, tanks and lakes, and if, there is any encroachment that be removed immediately.*
- (3) The State Government shall take effective steps in regard to water harvesting and ground water level management so the problem of reducing the level of ground water could be tackled.*
- (4) A copy of the order be sent to the Chief Secretary of the State and also the Secretary, Revenue Department of the State.”*

Let the matter be listed on **22nd January, 2016.**

.....JM
(DALIP SINGH)

.....EM
(Dr. D.K. AGRAWAL)

