

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL

Original Application No. 24/2016 (CZ)
Kishore Deepak Kodwani vs. State of M.P. & 5 Ors.

CORAM : HON'BLE MR. JUSTICE SONAM PHINTSO WANGDI, JUDICIAL MEMBER
HON'BLE Dr. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

PRESENT : Applicant : In person
Respondent/High Court of MP : Shri Siddharth R. Gupta, Advocate &
Shri Ravikant Patidar, Advocate
Respondent State: Shri Sachin K. Verma, Advocate
Respondent No. 5: Ms. Sangeeta Bourasi, Advocate
Ms. Swati Mehta Add. Comm., IMC

Date and Remarks	Order of the Tribunal
Order No. 2 1st March, 2016	<p>In compliance to our order dated 17.02.2016, the Respondent State has filed Revenue records pertaining to Khasra No. 526/1/1 and 526/1/2. In paragraphs 2 of the application by which the documents are sought to be filed, it has been stated that the land mentioned in the two Khasra entries belongs to the State Government and is not recorded as water tank / water body as alleged by the Applicant.</p> <p>The documents are taken on record. The Applicant has been served with a copy of the same. Liberty is granted to the Applicant to file response to those.</p> <p>Preliminary objections filed on behalf of the Respondent No. 7, the Registrar General, High Court of MP, is taken on record which shall be considered after we issue certain directions felt essential for disposal of this matter either on merits or on the preliminary points raised on behalf of the Respondent No. 7.</p> <p>Although Shri Siddharth R.Gupta insists upon pressing the preliminary objection, we are of the view that certain directions are necessary in the interest of justice before taking up those.</p>

We, therefore, direct as follows:

1. A committee headed by the District Collector, Indore be constituted which shall consist of the following members :

- (1) Municipal Commissioner, Indore
- (2) Tehsildar Nazul, Indore
- (3) Superintendent Land Records
- (4) Registrar General, MP High Court
- (5) Applicant in this application
- (6) Joint Director, Town & Country Planning
- (7) RO, MPPCB, Indore

2. The Committee shall inspect the concerned area and ascertain as to:

- (a) Whether the Talab indeed exists on the land bearing Khasra No. 526/1/1, 526/1/2 as alleged by the Applicant.
- (b) Whether the proposed construction falls within Khasra No. 526/1/1 and 526/1/2.
- (c) Whether the required protection of wet land as prescribed by the MoEF in its various notification has been ensured, if found to be necessary.
- (d) Whether the proposed construction will have any adverse impact on the quality of water of the tank/talab.

Learned Counsel Shri Siddharth R.Gupta appearing on behalf of Respondent No. 7 objects to the terms of reference (c) on the ground that there is no pleadings pertaining to that subject in the Original Application.

Since the terms of reference have been made as a part of larger issue and, therefore, cognate thereto, we have deemed it essential to refer that question also. Accordingly, the objection

raised orally by Shri Siddharth R.Gupta is rejected.

The committee shall visit the spot on 08.03.2016 and shall submit a report in seriatim on the above questions.

List the matter on **11th March, 2016.**

.....JM
(SONAM PHINTSO WANGDI)

.....EM
(Dr. S.S.GARBYAL)

