

Item No. 01

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

**Original Application No. 160/2024(CZ)**

**Rashid Noor Khan**

S/o Shri Noor Khan,  
R/o C-399, Rajharsh, Near Sai Hills,  
Kolar Road, Bhopal M.P.

Applicant(s)

Versus

- 1 **Principal Chief Conservator of Forest,** Respondent No. 1  
Department of Forest, Madhya Pradesh,  
Satpuda Bhavan, Bhopal, M.P. –  
462006,
- 2 **Office of Divisional Forest Officer,** Respondent No. 2  
MPFD Khel Parisar, 74 Banglow, 1,  
Link Road 1, Nishat Colony, Arera Hills  
Bhopal- 462011,
- 3 **Ministry of Environment, Forest and Climate** Respondent No. 3  
**Change,**  
Regional Office (WZ), E-5 Kendriya Paryavaran

Bhawan, E-5 Arera Colony, Link Road-3,  
Ravishankar Nagar, Bhopal- 462016,

- 4 **Office of Collector**, Respondent No. 4  
Collectorate, A-Block Kohefiza,  
Old Secretariat, Bhopal-462001
- 5 **Bhopal Municipal Corporation through  
Commissioner**, Respondent No. 5  
2<sup>nd</sup> Floor, A Wing, ISBT Campus,  
Dr. Ambedkar Marg, Bhopal
- 6 **Town and Country Planning through  
Director**, Respondent No. 6  
Paryavaran Parisar,  
E-5 Arera Colony,  
Bhopal- 462016
- 7 **Director**, Respondent No. 7  
M.P. Water And Land Management Institute  
(WALMI), Kolar Road, Near Kaliyasot Dam, Bhopal –  
462016,
- 8 **Chairman**, Respondent No. 8  
M.P. Pollution Control Board,  
E-5, Main Road No.3, Ekant Park,  
Arera Colony, Bhopal, M.P-462016
- 9 **Chairman and Director**, Respondent No. 9  
Jagran Lakecity University,  
Bhopal,JLU Student Enrichment Hub,  
Near Kaliyasot, Barrage, Chandanpura,  
Bhopal – 462007
- 10 **White Orchid Restaurant and Bar**, Respondent No. 10  
Near Forest Barricade,  
Kaliyasot Road, Kaliasot Dam, Bhopal,  
M.P.
- 11 **Harshita Farms**, Respondent No. 11 Behind Danish Hills, Near  
Kaliyasot  
Barrage, Chandanpura, Bhopal, M.P
- 12 **Club MN & Resort**, Respondent No. 12 Near Jagran Lakecity  
University,  
Kaliyasot Dam, Bhopal – 462007

**COUNSELS FOR APPLICANT(S):**

Mr. Yashdeep Singh Thakur, Adv.  
(with Mr. Aakash Ambedkar, Adv.,  
Mr. Rashid Noor Khan – In person)

**COUNSELS FOR RESPONDENT(S):**

Mr. Enosh George Carlo, Adv.  
Ms. Parul Bhadoria, Adv. (with  
Mr. Gaurvanvit Jain, Adv.) Mr.  
Prashant M. Harne, Adv. (with  
Mr. Mehul Bhardwaj, Adv.) Ms.  
Disha Chouksey, Adv.  
(for Ms. Gunjan Chowksey, Adv.  
Mr. Swapnil Chaturvedi, Adv.  
Mr. Shantanoo Saxena, Adv.  
(with Ms. Amrita Mishra, Adv.)  
Ms. Diksha Chaturvedi, Adv.  
Mr. Abhishek Shrivastav, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER HON'BLE  
DR. VIJAY KULKARNI, EXPERT MEMBER**

**Date of completion of hearing and reserving of order : 01.04.2025**

**Date of uploading of order on website : 04.04.2025**

**JUDGMENT**

1. Issue raised in this application is protection of Tiger habitat and breeding ground and to avoid the human-tiger conflict and to protect the forest land from encroachments.
2. 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.

3. It is further submitted that, due to continuous interference, disturbance, encroachment and destruction of Forest by Humans, the inhabitant Tiger are facing the danger of being forcefully removed from this Forest Region, and the Western Ringroad Project is the last blow to cut of and fragment the Tiger corridor, so that the movement of Tigers cease to exist and the breeding ground of Tiger be made inaccessible to the Tigers and that Respondent No. 9, is operating a full-fledged university in the midst of Tiger Habitat and Breeding ground, without taking any Forest Clearance, under the guise of Student Enrichment Hub where only extracurricular activities are permitted but does not include academic activities.
4. That, numerous events of forest fire have occurred frequently on behest of JLU and are reported along the periphery of JLU campus, tree cover has been reduced for newer construction as evident by the comparison of images in following Para and that under the guise of educational institute, slash and burn method has been adopted by JLU for encroaching the forest land all along its periphery, which is evident from the newspaper publication dated 24.06.2024, where action has been taken by authorities to remove the illegal boundary measuring more than 200 meters on the forest land, where JLU has slowly adopted slash and burn method to remove forest cover. These disgraceful and illegal actions of JLU

establishes beyond doubt that the only purpose of the respondent JLU is to grab land under the guise of educational Institute.

5. The death of a healthy tigress and her cub Kms away from JLU, just 4 days after its sighting must be seriously looked into and enquired of any foul play. this hill is covered from all side by thick forested belt having a highly dense canopy but the top of this hill, Khasra No 89/2 with Z7 & Z5, has been systematically cleared of tree cover and now plotting has been done to further increase the non-forest activities along with human induced disturbances and various pollutions, with roads being made by cutting side of the hill, most importantly within few meters from Tiger saucers where Tiger and Wildlife frequently comes to quench their thirst and cool down their body.
6. Plotting has been done without the permission from the competent authority, and entire Danish hill with its slope is facing Kaliyasot River. In contravention of the orders passed by the Hon'ble Supreme Court of India in *T.N. Godavarman Thirumulkpad v. Union of India & Ors.* Case. Through establishing Nagar Van Respondent No.5 wants to change the character and identity of this Forest land and wants to project this forested area as Municipal area through Nagar Van definition, as mentioned in the scheme and guidelines of Nagar Van Project.
7. Organizing the event like sunburn, gathering of more than 7000 people, use of loud noises and lighting, flying of huge number of vehicles in the sensitively situated forest area, creation of Student Enrichment Hub, illegal furnishing, dumping of garbage in forest area, destruction of springs and tributaries are serious violation of Environmental Laws in violation of the guidelines for protection of Tiger Corridor and the forest area has been violated by the respondents.

8. The matter was taken up by this Tribunal and notices were issued to the respondent to submit the reply. The reply has been filed. During the course of hearing a committee consisting representative of MoEF&CC, Government of India, Bhopal, Principal Chief Conservator of Forest, Secretary, Environment, Madhya Pradesh, Central Pollution Control Board and the State Pollution Control Board was constituted to visit the site and submit the factual and action taken report. The report has been filed which is on record. We have heard Learned Counsel for the parties and perused the record.
9. The submission of the Learned Counsel for the applicant are that by 2006 the tiger population had been reduced to less than 1500, endangering the very existence of this species. Pursuant to save the Tigers from extinction and to increase the tigers population in India, National Tiger Conservation Authority (NTCA) was established in December 2005, whose functions and powers include approval of Tiger Conservation Plan prepared by States, laying down normative standards for tiger conservation, providing information on several aspects which include protection, tiger estimation, patrolling, etc., ensuring measures for addressing man-wild animal conflicts and fostering coexistence with local people, preparing annual report for laying before Parliament, constitution of Steering Committee by States, preparation of tiger protection and conservation plans by States, ensuring agricultural, livelihood interests of people living in and around Tiger Reserves, establishing the tiger conservation foundation by States for supporting their development.
10. Bhopal Forest Division which encompasses Chandanpura Forest, Mendora Forest, Kathotiya adjoining Kalapani, Borda and Satgarhi has long been a Tiger corridor, where tiger movement is noticed frequently.

This Tiger movement area is termed as Tiger Corridor, henceforth. The Tigers have continuous presence & movement through this Tiger corridor to visits the breeding grounds of Chandanpura Forest. The Chandanpura Forest represents a major part & link of the Tiger corridor which starts and is contiguous to Ratapani Tiger Reserve and extends upto Kaliyasote & Kerwa Waterbodies. In the past, before the rapid urbanization & encroachments which lead to degradation and cessation of the extended arm of this Tiger corridor which joins the Bhopal Forest Division with the Raisen Forest belts, passing through Chandanpura, Shahpura hill forests, Laharpur waterbody, katara hills forest, which connects further to Raisen Forest. But haphazard and unplanned developement of city giving scant regards & importance to the tiger corridor lead to fragmentation of this antecedent Tiger corridor, because of the creation of Bhopal bypass Ringroad cutting through katara hills, 8 lane Hoshangabad road restricting passage of tiger from shahpura hill forest into laharpur waterbody and finally 6 lane Kolar Road prohibiting the movement of wildlife from Bhoj university forested area toward Shahpura Hill forest.

11. This Tiger Corridor has been completely destroyed and the Natural Habitat of the Tiger corridor has been fragmented, to such an extent that the movement of wildlife beyond Bhoj University adjacent to underconstructed 6 lane Kolar Road is completely restricted, which is evident by the Leopard sighting at the gates of Bhoj University on dated 15.04.2024.
12. The Ecology and Biodiversity of this Corridor and Forest Region has been so rich and diverse that the flora and fauna existing in this forest region consists of 129 tree species, 73 herbs and shrubs species, 33 climbers and parasites, 35 grasses and bamboo species are found in this area along with mammal's habitants comprising of Tiger, Leopard, Hyena, Bluebull, Fourhorned Antelope, Wild Boar, Langur and Rhesus Macaque. Among

reptiles, important species include different kinds of lizards, chameleon, snakes, etc. Among snakes, cobra, python, viper, krait, etc. are common. Few common bird species includes common babbler, brownheaded barbet, bulbul, bee-eater, baya, cuckoo, kingfisher, kite, lark, vulture, sunbird, crow pheasant, jungle crow, egrets, myna, jungle fowl, parakeets, partridges, hoopoe, quails, woodpeckers, dove, black drongo, flycatcher, and rock pigeon. Alongwith ghariyal and crocodiles which resides in Kaliyasote Dam/Waterbody catchment area. This region is habitat to many varieties of Butterfly and numerous insects, which is a very unique characteristics reflective of a teeming ecological diversity which this region encompasses and is characterised with.

13. When the Chandanpura forest, Mendora-I & Mendora-II forests areas were being established some of the forested hills and geographical features were not included in these protected forest deliberately, nor these areas which should have atleast acted as buffer zone were monitored or protected, as evident by the continuous encroachment & destruction, of the environment and ecology of this region, leading to annihilation of habitant wildlife.
14. That, Respondent No. 9, is operating a full-fledged university in the midst of Tiger Habitat and Breeding ground, without taking any Forest Clearance, under the guise of Student Enrichment Hub where only extracurricular activities are permitted but does not include academic activities.
15. That, new construction has been done after 2020 by the JLU by cutting hundreds of trees without taking any approval to further augment the increased capacity of students, while the main registered campus is not used for any academic activities and is used to mislead even the UGC with whom it is affiliated. Thus, JLU under the guise of Educational Institution



is acting as a Land Mafia, who is exponentially encroaching and destroying the forest, in violation of Forest Conservation Act and various Articles of The Indian Constitution Act and numerous events of forest fire have occurred frequently on behest of JLU and are reported along the periphery of JLU campus, tree cover has been reduced for newer construction as evident by the comparison of images in following Para.

16. That, under the guise of educational institute, slash and burn method has been adopted by JLU for encroaching the forest land all along its periphery, which is evident from the newspaper publication dated 24.06.2024, where action has been taken by authorities to remove the illegal boundary measuring more than 200 meters on the forest land, where JLU has slowly adopted slash and burn method to remove forest cover. These disgraceful and illegal actions of JLU establishes beyond doubt that the only purpose of the respondent JLU is to grab land under the guise of educational Institute.
17. It is further argued that plotting is also being done on this approach road for reaching Harshita farms without any FC or approval in this patch of forest which form the slope & foot of Danish hill. This human encroachment will further reduce the area of Tiger Habitat and the adjoining grassland which act as food bowl for the wildlife, which is preyed upon by Tiger, would be denied due to human presence and its activity. This will further increase the pressure on highly sensitive ecological balance, which is already strained due to human infiltration and its destructive activities, leading to increase in human wildlife conflict, which as per MoEFCC report has to be strictly avoided.
18. That, 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 to cut hill is in violation of TN godavarnam vs Union of India case and the garbage thus generated due to human habitation in absence of proper disposal pose unmitigable damage to Tiger Habitat and Kaliyasote River.

19. The contention of the Learned Counsel for the applicant are that the Hon'ble Supreme Court Judgement in Centre For Environment Law, WWF-I vs Union of India & Ors WP (C) 337/2015, held that –

*“30. The Parliament enacted the Biological Diversity Act in the year 2002 followed by the National Biodiversity Rules in the year 2004. The main objective of the Act is the conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the utilization of genetic resources. Bio- diversity and biological diversity includes all the organisms found on our planet i.e. plants, animals and micro-organisms, the genes they contain and the different eco-systems of which they form a part. The rapid deterioration of the ecology due to human interference is aiding the rapid disappearance of several wild animal species. Poaching and the wildlife trade, habitat loss, human-animal conflict, epidemic etc. are also some of the reasons which threaten and endanger some of the species.*

*35. MoEF noticed that the fragmented nature of wildlife rich areas, increased human pressure, habitat degradation, proliferation of invasive species, man-animal conflicts, poaching, impacts of changing climate etc. are some of the*

*challenges that has to be addressed at a war footing. The necessity for ensuring better protection of wildlife outside the protected areas and initiating recovery programmes for saving critically endangered species and habitats has also been highlighted. Keeping that in view, a comprehensive Centrally Sponsored Scheme titled „Integrated Development of Wildlife Habitats“ has been made operational on 30.7.2009 which was in addition to the erstwhile Centrally Sponsored Scheme – ‘Assistance for the Development of National Parks and Sanctuaries’. The scheme incorporated additional components and activities for implementing the provisions of the Wildlife (Protection) Act, 1972, the National Wildlife Action Plan (2002-2016), recommendations of the Tiger Task Force, 2005 and the National Forest Commission, 2006 and the necessities felt from time to time for the conservation of wildlife and biodiversity in the country. The scheme was formulated during the 11th year plan.”*

*Further Para 33 sub clause(6) directs, “To declare identified areas around Protected Areas and corridors as ecologically fragile under the Environment (Protection) Act, 1986, wherever necessary.” while para 34 says, “NWAP, in chapter IV, has highlighted the necessity to the restoration and management of degraded habitats outside the protected areas.”*

20. Learned Counsel for the respondent has submitted that similar matter has been taken in OA No. 19/2019(CZ) in which this Tribunal discussed the

matter vide order dated 27.07.2020, which is quoted below (relevant paragraph) :-

*i. 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. StageII/Formal approval File no.6-MPB050/2004BHO/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-MPB049/2006BHO/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.”*

*ii. 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 nonforest 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*

- a) Land notified as protected or reserve forest under the Indian Forest Act or the State Forest Act.*
- b) 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.*
- c) 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.*
- d) 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 areound 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.”*

*iii. The Additional Principal Chief Conservator of Forests, Regional Office, MoEF&CC at Bhopal also gave details of 12 numbers of nonforest 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 DIFFERENT NON-FOREST ACTIVITIES

Sl. No.	Name of nonForest 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)
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
	<b>Sub-Total (A)</b>	<b>0.00</b>	<b>3.48</b>	<b>1.96</b>	<b>87.94</b>
<b>MINDORA VILLAGE</b>					
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
	<b>Sub-Total (B)</b>	<b>0.00</b>	<b>0.34</b>	<b>24.35</b>	<b>44.51</b>
<b>MONDORI VILLAGE</b>					
11.	Agriculture & Buildings	0.00	0.19	19.68	24.35
	<b>Sub-Total (C)</b>	<b>0.00</b>	<b>0.19</b>	<b>19.68</b>	<b>24.35</b>
<b>Chawani Village</b>					
12.	Approach road	0.00	0.73	0.00	1.25
	<b>Total(A+B+C)</b>	<b>0.00</b>	<b>4.74</b>	<b>45.99</b>	<b>158.05</b>

Note:

- The village boundaries were taken from Town and Country Planning. Govt. of Madhya Pradesh website [www.emptownplan.gov.in:9999/masterplanbhopal/index.html](http://www.emptownplan.gov.in:9999/masterplanbhopal/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.

iv. *The Section 2 of the Forest (Conservation) Act 1980 restricts dereservation 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.”*

*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.”*

*v. 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.”*

*vi. 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 nonforest 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."*
10. *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."*

*vii. 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 “Chotebade 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.*

*viii. 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. ix. 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.”*

*x. 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 a 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 declared reserved forest due to the rights or claims of claimants and the provision further contemplate 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.*

- xi. 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.*

- xii. *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.*

*xiii. 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.*

xiv. 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.



xv. 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. xvi. 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.*

*xvii. 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.*

21. Further submission of the Learned Counsel for the respondents are that all the issues which has been raised in this application has been previously raised, heard and decided and the committee has been constituted to finalise the matter of ownership of the land.
22. The submission of the Learned Counsel for the respondent no. 07 (WALMI Bhopal) are that the respondent No. 7, the Water and Land Management Institute (WALMI) Bhopal, is an autonomous institute functioning under the Panchayat and Rural Development Department, Government of Madhya Pradesh. The institute is engaged in research, training, and capacity building in the field of natural resource management, including water and soil conservation. That, WALMI campus spans a significant area and is home to diverse biodiversity, including unique flora and fauna. The campus's strategic location adjacent to forest areas such as Kerwa and Ratapani wildlife corridors highlights its ecological significance. To ensure the safety and preservation of this Biodiversity, WALMI has implemented several measures, including the construction of a boundary wall. The forest and ecology within the WALMI campus require protection

from illegal grazing and other forms of biotic interference. The biodiversity present on the campus comprises flora and fauna of unique importance that must be safeguarded.

23. WALMI has also taken steps to declare its campus a Biodiversity Heritage Site under Section 37(1) of the Biological Diversity Act, 2002. This proposal has received support from the State Biodiversity Board, and the Madhya Pradesh State Government has officially declared the WALMI campus a Biodiversity Heritage Site. To protect the biodiversity on campus and ensure safety, WALMI replaced the previous barbed wire fencing with a 5-foot-high boundary wall topped with wire mesh. This measure has proven to be wildlife-friendly while preventing trespassing and protecting the ecological balance.
24. The boundary wall also addresses security concerns arising from the campus's proximity to the busy Kaliyasot road. There have been multiple instances of unauthorized trespassing and illegal activities during night time in the past. The boundary wall provides a necessary safeguard against such incidents, ensuring the safety of both the campus and its biodiversity.
25. The WALMI campus is not located in the designated tiger movement corridor. Tigers and their cubs typically move between the Kerwa forest and Ratapani Wildlife Sanctuary through adjoining forested areas, bypassing the WALMI campus.
26. Occasionally, tigers from the Kerwa forest may temporarily enter the WALMI campus in search of prey or as part of their natural movement. These instances are temporary, with the animals returning to their natural habitats within one or two days. The boundary wall and fencing have ensured a controlled environment, mitigating risks of human-wildlife conflict, particularly given the WALMI campus's proximity to residential areas like Chuna Bhatti and educational institutions. The design and height

of the boundary wall and fencing make it safe and effective in protecting biodiversity while preventing unauthorized access.

27. The boundary wall has been constructed with a height of 5 feet, topped with a wildlife-safe wire mesh, which has proven to be wildlife-friendly while preventing trespassing and protecting the ecological balance. This fencing is designed to ensure the safety of wildlife while preventing unauthorised access. The previously existing barbed wire fencing was replaced as a proactive measure to avoid harm to wildlife. There is no record or instance of animals being injured or harmed by the current boundary wall or fencing. The allegation that a tiger was stuck at the WAI.MI premises and subsequently moved towards MANIT is unsubstantiated. The newspaper article dated 27/09/2022 ANNEXURE A15 clearly states that the Forest Department team searched the WALMI area for any signs of harm to wildlife but found no evidence to substantiate the claims. Another newspaper article dated 31/07/2021, also annexed as part of Annexure A-15, clearly states that WALMI has undertaken fencing for the dual purposes of ensuring the security of its premises and protecting its biodiversity. Furthermore, there have been no complaints or reports of injuries to wild animals due to this fencing. It was also noted in this report that wild animals typically use their natural routes for movement and do not encounter any obstruction due to the boundary wall or fencing.

28. It is further argued that the importance of the boundary wall is for protection and prevention of illegal activities and to protect the biodiversity and enhancement of bio-diversity as mandated under article 48A and 51(G) of the Constitution of India. The boundary wall has been constructed to support the ecological balance, prevent biotic interference

and protect the wildlife, which is in full compliance with these constitutional provisions.

29. It is further argued that there have been no reported incidents of harm caused to animals by the current boundary measures. The boundary wall is also essential for protecting the WALMI campus from illegal activities and unauthorized trespassing, given its proximity to the busy Kaliyasot road.
30. Learned counsel for the respondent no. 9 has filed the preliminary objection and argued that this original application is not maintainable under Section 14 and 15 of the National Tribunal Act, 2010 for the reasons that there are no disclosure of cause of action and it is barred by law of limitation.
31. That the campus sought to be relocated, as prayed in the instant Original Application, was established and commenced its operation more than a decade before the filing of the instant Original Application. Therefore, the said relief sought against the Answering Respondent is excessively barred by limitation. It is further pertinent to mention that the Applicant has failed to explain the cause of action and raised the dispute after an unjustified delay of over a decades, in violation of subsection (3) of Section 14 of the NGT Act, 2010.
32. Hon'ble Supreme Court have consistently held that delays beyond this statutory period are jurisdictionally barred. In *Raza Ahmad v. State of Chhattisgarh & Ors.* (Civil Appeal No. 2804 of 2014), the Apex Court categorically ruled:

*“10. Section 14 empowers the NGT to exercise jurisdiction over all civil cases where a substantial question relating to the*

*environment (including enforcement of any legal right relating to the environment) is involved and such a question arises out of the implementation of the enactments specified in Schedule I. Sub-Section (3) of Section 14 provides that no application for adjudication of a dispute under the provision shall be entertained unless it is made within a period of six months from the date on which the cause of action for such dispute first arose. Under the proviso, the NGT is empowered to entertain an appeal beyond the prescribed period for sufficient cause, subject to a limit of sixty days.”*

33. The principle was asserted by the Hon'ble Supreme Court in *Basawaraj & Anr. vs. Special Land Acquisition Officer*, wherein the court held that:

*“12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds.*

*“A result flowing from a statutory provision is never an evil. A Court has no power to ignore that provision to relieve what it considers a distress resulting from its operation”. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same. The legal maxim “dura lex sed lex” which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently been held that, “inconvenience is not” a decisive factor to be considered while interpreting a statute.*

*13. The Statute of Limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale.”*

34. That the Applicant has failed to disclose any specific cause of action or indicate the date when the cause of action first arose, which is a fundamental requirement for determining the maintainability of the present Original Application and further that the applicant has advised and sought relief for the relocation of the operation of respondent no. 9 Jagran Lake City University from its student enrichment hub campus to its registered campus at Mugaliyachap. However, relocation of property does not fall within the purview of the NGT and further that the issue of property relocation is not directly related to the protection and enforcement of the environmental laws and on this ground, it has been submitted that the matter does not fall within the environmental laws and it is barred by law of limitation.

35. The main issues raised in this application are as under:-

- i. The movement of wildlife is being restricted by the encroachment of human related activities in the Natural Habitat of Tiger corridor.
- ii. The anthropogenic activities in the Tiger corridor have resulted in disturbing the ecological balance of the Tiger corridor and Tiger Habitat in particular.
- iii. 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.

- iv. The operation of a full-fledged university in the midst of Tiger Habitat and Breeding ground, without taking any Forest Clearance.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. 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.
- x. WALMI covered its boundary area, used the "Blade Fencing" (नुकीलीतारधार) 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.

- xi. The entire stretch of Damkheda, Chandanpura, BairagarhChichali forest areas have become a dumping ground and anthropogenic waste are visible scattered all along the forest area.
- xii. 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.
- xiii. 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.

36. During the course of hearing, the Tribunal constituted a committee to submit the report, and in compliance thereof, the members of the committee visited the site and submitted the report which is enumerated as below:-

1. *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**

- i. *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.*
- ii. *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.*

- iii. During visit restaurant was closed and as per the care taker, the restaurant is operated in the evening hours.*
- iv. It was also observed that rooms for stay arrangement of visitors are under construction.*
- v. 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.*
- vi. No solid waste and waste water found in the restaurant. As per care taker Municipal corporation vehicle picks up garbage and solid waste.*
- vii. A sound system was found installed at the time of inspection.*

**Harshita Farms** *viii. 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.*

- ix. One office and one temporary guard room was found constructed at the time of inspection.*
- x. The approach road from the foot of Danish hill is on the North side of Harshita Farms. xi. It is informed by the care taker that plotting is done in some part of the land.*

**Nagar Van located at Chandanpura** *xii. 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.*

- xiii. It is developed by Forest Department and situated adjacent to the Jagran Lakecity University campus. xiv. The forest area is having very thick plantation and dense forest. The area is covered with wire fencing. **Jagran Lakecity University** xv. 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.*
- xvi. The gate of Jagran Lake City University is on the north east of the site.*
- xvii. A 10 feet wide bitumen road connects the University for access. The road passes through forest land. University is having only one approach road.*
- xviii. The surrounding of the access road and the main entry of the university is surrounded by forest land.*
- xix. 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.*
- xx. Within the campus of university, the ornamental plants and green belt is developed all around the campus. **Natural Drainage (Spring)** xxi. 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.*

xxii. *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.*

xxiii. *No water logging was observed.*

**Club MN Resort** xxiv. *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. xxv. The site is located near to Kaliyasot Dam and on the south side of Kaliyasot Dam.*

xxvi. *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.*

xxvii. *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.*

xxviii. *The design of the resort as it is on the sloping ground doesn't seem suitable for marriage functions.*

xxix. *The hutments constructed inside the resort are temporary structures having asbestos roofs. No RCC structure was observed at the time of inspection.*

xxx. *No waste or garbage dump was found at the site during inspection.*

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

**i. 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. **ii. 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.

**iii. 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.*

*3. Information provided by the Forest Department:*

*a) In references to the petition, information was sought from the Forest Department vide letter no. 1968B dated 30/08/2024. Forest Department vide letter no. 10760 dated 14/10/2024 has provided the information. The main points are mentioned as under: -*

- i. There is no declared deemed forest under Bhopal Forest Division.*
- ii. The Revenue Department has transferred high-tech tree plantation to the Forest Department. A forest area of 238.141 hectares of "छोटे बडेझाड 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.*
- iii. The Revenue Department has transferred high-tech tree plantation to the Forest Department. A forest area of 119.639 hectares of "छोटे बडेझाड 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-25-5910-3 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 esurveillance 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.*

- iv. 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.*
- v. 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. vi. 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. vii. 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.*

*viii. 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.*

*ix. The Ratapani Sanctuary comes under Obedullaganj Forest Division and not under Bhopal Forest Division.*

*x. 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.*

*xi. 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.*

- xii. The Bhoj University is adjacent to the Mandora/WALMI area and occasionally there is movement of wild animals here.*
- xiii. 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.*
- xiv. The area near WALMI has dense forest and movement of wild animals including tiger is present in the said area.*
- xv. 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.*
- xvi. For the protection, promotion and conservation of the abovementioned areas, various activities are carried out as per need by the site experts and Bagh Mitra awareness programs, esurveillance daily foot patrolling, vehicle patrolling, and with the cooperation of various NGOs.*
- xvii. There is no encroachment or spreading of garbage or waste in the forest area under Bhopal Forest Division.*

- xviii. *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.*
- xix. *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.*
- xx. *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.*
- xxi. *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.*

*xxii. 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.*

*xxiii. The main objective of setting up of Nagar Van is to provide pure clean air to the forests within the Municipal Boundary and to xxiv. 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.*

*xxv. Forest Department works in these areas for cleanliness and public awareness under various programs and schemes like "Mission Life". xxvi. 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.*

*xxvii. 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.

xxviii. 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.

xxix. 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.

xxx. 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.

- xxxi. *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.*
- xxxii. *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.*
- xxxiii. *No construction has been done in the forest area other than for the purpose of forest and wildlife management.*
- xxxiv. *It is also pertinent to mention that there is no notified tiger corridor within the area mentioned in the petition.*

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

*a) 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: -*

- i. 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. ii. 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 EcoSensitive*

*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.*

*iii. 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.*

- iv. 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.*
- v. 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.*
- vi. 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. vii. 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.*

**5. Information Provided by the Harshita Farms: -**

- a) 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 reply submitted by Harshita Farms on dated 23.09.2024 is enclosed. The main points stated by the respondent are mentioned as under: -

- i. 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.
- ii. 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.
- iii. 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.*

- iv. 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 (kutcha road) leading to the said land. No trees have ever existed on the said land, so the question of cutting trees does not arise.*
- v. 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.*

**6. Information Provided by the Jagran Social Welfare Society: -**

*a) 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 reply submitted by Jagran Social Welfare Society dated 25.09.2024. The main points stated by the respondent are mentioned as under:*

- i. 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 subsection (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.

ii. 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.*

*iii. 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 35 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.*

*iv. 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.*

*v. 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 Laccity University itself to the Forest Department, Collector, and other departments.*

*vi. 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.”*

37. A similar matter was raised in OA No. 44/2024, in which a report was called from the Forest Department and other departments and the report submitted are as follows (relevant information are quoted below) :-

***Information provided by the Forest Department***

*1. In references to the present petition, information was sought from the Forest department. Forest department vide letter no. 5067 dated 25/04/2024 has provided the information. The copy of letter is enclosed as Annexure III. The main points of this communication are mentioned as under:-*



1.1 *The encroachment in the past was found on the khasra number 73 by 1.236 hectares, on the khasra number 84 by 0.846 hectares and on the khasra number 92 by 1.828 hectares, totaling 3.91 hectares.*

1.2 *In the appeal case no. 08/Appeal/2019-20 in the court of Tehsildar Revenue T.T. Nagar, Bhopal, a joint action was taken and encroachment of area 1.042 hectares from khasra no. 73, 0.595 hectares from khasra no. 84 and 1.828 hectare from khasra no.92, totaling 3.465 hectares was removed by Forest department, Revenue department and Municipal Corporation, Bhopal.*

1.3 *5The encroachment still remaining on the Forest land is 0.194 hectares on khasra no. 73 and 0.251 hectares on khasra no. 84, totaling 0.445 hectares which is still in possession of the respondent no. 6.*

1.4 *Application for Forest land diversion was submitted by the respondent no. 6 in Collector Office, Bhopal in the year 2019. Hence, the encroachment from 0.445 hectares was not removed by the Revenue department as the matter was pending in the Tehsil Court. That at present, land area on khasra number 73 is 0.194 hectare and area on khasra number 84 is 0.251 hectare which is still in the possession of the respondent no. 6*

1.5 *Later on, Gazette notification F-25-61-10-3 dated 16/07/2021 published on 30/07/2021, a total of 238.141 hectares of Chandanpura land was declared as protected forest area by the Government. Apart from other khasras of Chandanpura, the khasra numbers 73, 84 and 92 also fall in the declared protected forest area.*

1.6 *The land diversion application that was submitted by Jagran Social Welfare Society, Bhopal before the publication of the*

*notification dated 30.07.2021 in the Collector's Office, Bhopal, prior to the declaration of that area as a protected forest. It thus appears that due to the pendency of land diversion application, the encroachment from this land was not removed and that land has now come under the control of Forest department.*

*1.7 The Forest department has mentioned in its letter dated 25/04/2024 that as there was an encroachment on the Forest land in khasra no. 73 and 84 by Jagran Social Welfare Society, Bhopal before it was handed over to the Forest department, and hence the action to remove the said encroachment has to be taken by the Revenue department only.*

*1.8 The Forest department also submitted that Circle Officer Samardha has issued letters to Tehsildar, T.T Nagar, Bhopal vide letter no. 392 dated 12.02.2018, 1817 dated 17.06.2019, 3157 dated 16.09.2019, 2727 dated 17.12.2021 for taking action regarding encroachment in khasra numbers 73 and 84 by Jagran Social Welfare Society, Bhopal. Similarly, letter was issued by Forest Division, Bhopal, vide no. M.V./91 dated 04.01.2021 to SubDivisional Officer, T.T. Nagar.*

*1.9 Also, Forest Division, Bhopal has issued letter vide no. 2/3385 dated 26/12/2023 and 1303 dated 12/04/2024 to Sub-divisional Officer, (Revenue) T.T. Nagar, Bhopal regarding the removal of encroachment done by Jagran Social Welfare Society, Bhopal on khasra no. 73, 84 to the extent of 0.194 hectare and 0.251 hectare respectively.*

*1.10 Meanwhile, online application to the Forest department vide proposal no. FA/MP/OTHERS/149148/2021 has been made by Jagran Social Welfare Society, Bhopal for diversion on area of 0.9 hectares which is now a reserved forest area and*

*action in this regard is under consideration with the Forest Department. The encroached area of 0.445 hectare is included in this application.*

***Information provided by the Jagran Social Welfare Society***

- 1. In reference to the order of Hon'ble NGT dated 09/05/2024, an opportunity of hearing was provided to the respondent no. 6. The reply submitted by Jagran Social Welfare Society dated 21/06/2024 is enclosed as Annexure IV. The main issues raised by the respondent are mentioned as under:-*
  - 1.1 That the Jagran Social Welfare Society, Bhopal is holding 25 acres of land comprising khasra no. 83/2/2, 83/2/3, 83/2/4, 83/2/5 which was purchased by the society and its members.*
  - 1.2 That none of the said khasra no's. which are held by respondent no. 6 are part of the khasra no. of the forest block Chandanpura which have been declared as protected forest under section 29 of the Indian forest act 1947.*
  - 1.3 That thereafter, having purchased the said 25 acres of land the respondent no. 6 Jagran Social Welfare Society obtained the permission dated 09/04/2009 from the Town and Country Planning, Bhopal and the building permission dated 24/04/2009 from the BMC, for the development of an integrated residential management school on the said land and initiated development on the said land in accordance with the said permission.*
  - 1.4 The respondent no. 6 also submitted that during the demarcation exercise which was undertaken by the revenue authorities in presence of forest authority in furtherance of a complaint before the Lokayukt as regards the encroachment*

*on forest lands, it was revealed that out of the 25 acres a portion of 1.10 acres on demarcation has been found to be forest land and a part of khasra no. 73 and 84, and a portion and equivalent area of 1.10 acres of khasra no. 82/2/3 which is in the ownership of the society has been found in the possession of the forest department and that the equivalent portion of land having been mis-exchanged between the respondent society and forest department. This is not a result of any deliberate encroachment but has taken place owing to wrongful demarcation exercise at the time when the possession of the land was handed over to the respondent no. 6 by the land owners.*

*1.5 The respondent no. 6 also submitted before the committee his contentions pertaining to peculiar geometry of the site and that the Government land in possession of the respondent society and the respondent society's land in the possession of the Government is a result of an error in the demarcation exercise at the time the possession was handed over to the society. That may have happened because the demarcation was done by way of chain-link demarcation process and the demarcation in the recent years is done by way of Total Station Method (TSM) and other advanced technologies, which may have been the reason for the said anomaly and is not any deliberate action.*

*1.6 It has also been submitted by the respondent no. 6 that on being made aware of the fact that land of the society is in possession of the Government and the land of the Government is in the possession of the society. The society applied for said lands to be exchanged; however the said process could not be completed owing to some changes in the policy of Government of M.P. However, the said matter was approved to an advanced stage and inspections were done to facilitate this land exchange.*

1.7 *Meanwhile, due to the Gazette notification F-25-61-10-3 dated 16/07/2021 published on 30/07/2021, the whole area was declared protected forest which was earlier revenue land.*

1.8 *It is requested by respondent no. 6 that the best solution in the interest of the environment and forest is to enable the exchange of the land in the possession of the society with the land in the possession of the Government, as the land of the society has already been developed as a "Nagar Van" and the said area is adjoining the khasra no. 92 on which "Nagar Van" has been established.*

1.9 *It has also been submitted by the Jagran Social Welfare Society that the allegation of encroachment on khasra no. 73 admeasuring 1.236 hectares, khasra no. 84 admeasuring 0.846 hectares, khasra no. 92 admeasuring 1.828 hectares is completely false and the said land never belonged to the respondent nor any wall was built by them to encroach the Government land.*

### ***Findings of the Joint Committee***

- 1 *As per the record of Forest department, the land which is still in possession of Jagran Social Welfare Society is 0.194 hectare on khasra no. 73 and 0.251 hectare on khasra no. 84, totaling 0.445 hectares.*
- 2 *The area which was previously Revenue land was declared as a reserved forest vide Gazette Notification dated 16/07/2021.*
- 3 *Now, Jagran Lake City University has submitted an application before the Forest department for the diversion of Forest land, which is pending before the DFO.*

4 *As per the submissions by Jagran Social Welfare Society, the land which has been encroached by the University is due to error in demarcation process of the land. Resultant that its land is in the possession of Government and the society is having possession of that Government land which is presently Reserve Forest land since 16/07/2021. It is however a matter of further verification whether the said land belonging to the Jagran Social Welfare Society is in possession of Government/Forest department.*

2. *It is further submitted that the Collector Bhopal constituted a committee to undertake demarcation and during the demarcation the demarcation exercise was undertaken by the revenue authorities in furtherance of a complaint before the Lokayukt as regards the encroachment on forest lands and it was revealed that out of the 25 acers, a portion of 1.10 acres on demarcation has been found to be forest land and a part of khasra no. 73 and 84, and a portion and equivalent area of 1.10 acres of khasra no. 82/2/3 which is in the ownership of the society has been found in the possession of the forest department. The equivalent portion of land having been exchanged between the Respondent society and forest department is not a result of any deliberate encroachment but has taken place owing to wrongful demarcation exercise at the time when the possession of the land was handed over to the Respondent no. 6 by the land owners and further argued that the matter is pending before the Revenue authorities and Hon'ble High Court.*

3. *Submission of the Learned Counsel for the applicant are that the respondent has made encroachments on the government property / forest land and the public officers/authorities concerned have not acted bonafidely and the land of the forest was subject to encroachment and violating the environmental norms and ecological balance and aggrieved by the non-action a writ petition was filed bearing M.P. No.1482/2018 which was decided as disposed off vide order dated 21/03/2018 as follows :-*

*“Shri Dhruv Verma, learned counsel for the petitioner.*

*Shri Naveen Dubey, learned Govt. Adv for respondent-State.*

*Being aggrieved by inaction of the Collector, District Bhopal and his subordinate officers in not performing their duties regarding demarcation despite depositing the requisite fee, this petition has been filed. In these circumstances, this petition is disposed of with the direction to Collector, District Bhopal as also his subordinate officers that they shall take appropriate steps for demarcation as applied by the petitioner in accordance with law within one month from the date of production of certified copy of this order. With the aforesaid direction, this petition stands disposed of.*

4. *After the demarcation report prepared clearly indicates that the respondent no. 7 was found in illegal possession of government land in the following manner :*

<i>s. n.</i>	<i>Name of Village</i>	<i>Khas ra No.</i>	<i>Area</i>	<i>Description</i>	<i>Area found in encroachment</i>	<i>Type of encroachment</i>
1	Chandanpura	73	12.133	Kabil Kasta and Government Department	1.236 hect.	Boundary wall
2	Chandanpura	84	5.462	Forest department	0.846 hect.	
3	Chandanpura	92	5.937	Other Government Department	1.828 hect.	

5. On the request of the respondent a new demarcation was executed by revenue officers where in encroachment was found and encroachment on land detailed report dated 07.10.2019 was signed by ten Revenue Inspector / officers clearly indicates that the respondent No.7 & 8 was found in illegal possession of government land and same was submitted in Napti / Demarcation case no. 11/A12/17-18 before tehasildar T.T. Nagar, Bhopal. The respondent No.7 had encroached the land of the Forest Department and other government departments. It is also noteworthy to mention that in another demarcation conducted on nearby khasra No.73, 74, 83, 84, 92, 93 and 94 various encroachment was found which are as

follows:-

S.	Khasra	Area	Description	Unauthorise		Remark
N.	no.	in hectare		d		s
	73	12.133 hect.	Kapil kast, M.P. State forest department high-tech plantation land	1.236 hect.	Boundary wall	Red ink in map
2	74	11.513 hectare	Other government forest department high-tech plantation	0.027 hect.	Boundary wall	Black ink in map
3	83/2/K	2.024	Ratanlal Chandani S/o Chandarlal Chandani	0.906	According to batan surrounded by	Out of boundary wall 2.024 hecatar (red ink)



					<i>boundary wall (Green ink</i>	
4	83/2/K h 83/2/G	4.858 0.809 Hectare	Jagran Welfare society through Shri Harimohan Gupta S/o Gurudev Gupta	-	-	Since Batan was not indicated in map the said khasra, marking has been drawn (brown ink)
5	83/2/G h	2.024 Hectare	Harimohan Gupta, S/o Gurudev Gupta	-	-	Since Batan was not indicated in map the said khasra, marking has been drawn (brown ink)
6	83/2/d a	2.429 Hectare	Deepa Gupta, W/o Shri Harimohan Gupta	-	-	Since Batan was not indicated in map the said khasra, marking has been drawn (brown ink)

7	84	5.462 Hectare	Government State of M.P. Forest Deptt. Hightech Plantation	0.846 Hectare	Boundar wall	Blue ink
8	92	5.937 Hectare	Other Govt Forest Deptt. Hightech Plantation	1.828 Hectare	Boundary wall	Pink ink
9	93	2.306 Hectare	M.Commodi an Real Estate Pvt. Ltd.	0.147 Hectare	Boundary wall	Light Blue ink
10	94	0.138 Hectare	Pathway (State of M.P.)	0.030 Hectare	Boundary wall	Violate ink

*In view of above points, Joint Committee is of the opinion that as the encroachments is found on Forest Land of 0.194 hectare of khasra no. 73 and 0.251 hectare on khasra no. 84 and the matter of diversion of land is in process with the Forest department, therefore the land matter be resolved as per the prevailing laws and procedure of Forest department.”*

6. *The submission of the Jagran Social Welfare Society Bhopal are that the holding of 25 acres of land was purchased from the members and the respondent has obtained the permission from the Town and Country Planning Department, Bhopal with building permission from the BMC and later on when the matter of encroachment was raised before the Lokayukt it was found that out of the 25 acres a portion of 1.108 acres on demarcation has been found to be forest land and a part of Khasra no. 73 and 84 and a portion an equivalent area of 1.10 acres of Khasra No. 82/2/3, which was in the*

*ownership of the society has been found in the possession of the forest department.*

7. *Application for exchange of the land has been moved by the respondent before the appropriate authority. In reply thereof the Learned Counsel for the applicant has submitted that since respondent no. 6 has filed an application for exchange of land under the provisions of Forest Conservation, Act 1980 thus, the matter false within the jurisdiction of the National Green*

*Tribunal and that matter is also pending in W.P. No. 4511 of 2023. It is further argued that actions of the respondents are in violation of order of Hon'ble Supreme Court in judgment (T.N. Godavarman Thirumulpad vs. Union of India 1997) 2 SCC 267 and that Respondent No. 6 has unlawfully extended their activities to encroach upon land bearing Khasra No. 78, measuring approximately 54 acres, located in Village Chandanpura, Tehsil Huzur, District Bhopal (M.P.). This encroachment has been further aggravated by the unauthorized construction of a guest house on the said land, carried out without obtaining any requisite permissions or clearances from the competent authorities. Such actions have been undertaken in blatant disregard of the applicable environmental and landuse regulations, including those enshrined in the Forest (Conservation) Act, 1980, and other relevant statutory frameworks governing protected or ecologically sensitive areas. It is also significant to note that Khasra No. 78 is characterized by dense plantation, qualifying it as a deemed forest as per the*

*principles laid down in T.N. Godavarman Thirumulpad v. Union of India [(1997) 2 SCC 267], thereby necessitating strict compliance with forest conservation laws. The principles of sustainable development but also pose a serious threat to the ecological balance, biodiversity, and environmental integrity of the region. Such actions undermine the public trust doctrine and warrant immediate intervention by this Hon'ble Tribunal to restore the encroached land, ensure compliance with environmental norms, and hold the respondent accountable for their unlawful activities.*

8. *The submissions and arguments advance by the Learned Counsel for the Forest and State Government are that a revenue case for demarcation was filed before Tehsildar, T.T. Nagar bearing Revenue Case No. 11/31-12/2017-18, wherein it was observed that Jagran Social Welfare Society, Bhopal (Respondent No. 6), had encroached on land bearing Khasra No. 73 admeasuring 1.236 hectares, Khasra No. 84 admeasuring 0.846 hectares, and Khasra No. 92 admeasuring 1.828 hectares. The encroachment by Jagran Social Welfare Society, Bhopal, remains on 0.194 hectares of Khasra No. 73 and 0.251 hectares of Khasra No. 84, Village Chandanpura. The Government of Madhya Pradesh, vide Notification dated 16.07.2021, published in the Official Gazette on 30.07.2021, declared the land of Village Chandanpura, including Khasra Nos. 73, 84, and 92, among other Khasra numbers, as protected forest land in exercise of powers conferred under Section 29 of Chapter IV of the said Act. The encroachment by*

*Jagran Social Welfare Society, Bhopal, on the land comprising Khasra Nos. 73 and 84 existed prior to the transfer of these lands to the jurisdiction of the Forest Department. Given that the encroachment was established before the designation of this land as forest area, the authority to undertake measures for the removal of the said encroachment remains with the Revenue Department. The answering respondent vide letters dated 12.02.2018, 17.06.2019, 16.09.2019, and 17.12.2021, requested the Revenue Department to initiate action against the encroachment. Furthermore, Divisional Forest Officer Bhopal vide letter dated 04.01.2021 requested the Sub Divisional Officer, T.T. Nagar Bhopal to initiate a joint survey for taking action against the encroachment in the government forest land (measuring 0.194 hectares) and Khasra No. 84 (0.251 hectares). The answering respondent vide Letter dated 26.12.2023 and 12.04.2024, directed the Sub Divisional Magistrate, T.T. Nagar Bhopal to remove of the encroachment by Jagran Social Welfare Society, Bhopal, on the forest land of Khasra No. 73 (measuring 0.194 hectares) and Khasra No. 84 (measuring 0.251 hectares). That, Respondent No. 6 had previously submitted an online application/proposal for the diversion/exchange of the encroached area, designated as FA/MP/OTHERS/149148/2021. In response, the Additional Principal Chief Conservator of Forests (Land Management), Madhya Pradesh, Government has not been granted in this matter. Consequently, in accordance with the decision taken by the State Government, the case has been deemed invalid and that the matter with regard exchange of the land or the diversion*

*of the land under proposal submitted online by the respondent no. 6 has been turned down by the State Government. Thus, the matter is not pending at present.*

*9. In view of the above facts, the matter is crystal clear for the reasons that the Hon'ble High Court vide order dated 21.03.2018 passed in petition no. 1482/2018 had directed the authorities concerned to demarcate the land according to law and the District Magistrate has constituted a committee to demarcate the land and the land have been demarcated and it was found that the portion of the land as narrated in the application are subject matter of the encroachment by the respondent no. 6 and repeated letters and orders have been issued by the authorities concerned to remove the encroachment. Since the matter has been finalized by the State authorities and the proposal for exchange or changing the nature have been turned down by the State Government thus, the matter will be dealt with in accordance with the Forest (Conservation) Act and the encroachment found by the Revenue authorities are required to be removed immediately according to rules.*

*10. In view of the above submissions and records and orders of the Hon'ble High Court and the decision taken by the revenue authorities, we direct that the encroachment which was found and demarcated by the revenue authorities must be removed immediately and the land should be given in the possession of the forest department as per demarcation. Issues concerned in*

*W.P. No. 4511 of 2023 (PIL) shall be governed by the order of Hon'ble the High Court. The respondent/State Authorities are directed to execute the order passed in W.P. No. 1482 of 2018 subject to further decision in W.P. No. 4511 of 2023."*

38. The learned counsel for the applicant has filed the objection against the joint Committee report and submitted to constitute another committee consisting Forest Survey of India and National Tiger Conservation Authority for proper identification of tiger habitat and its protection. It is the administrative work of the Forest Department and only on the application of any individual the area cannot be measured as many times as the number of population on application of anybody unless and until there is a grievance of the Forest Department that the land of the Forest Department is under encroachment. Further, the Department of Forest has the authority to identify and demarcate the land and to protect its land according to law enumerated in the Indian Forest Act.
39. It is further argued by the learned counsel for the applicant that the committee has not taken account of the national habitat of tiger corridor or restaurants which is operating in the evening or the light and sound pollution caused by these activities or that there are plotting nearby the area or that no measures have been taken to check the topographical area from its alteration and security and safety of the citizens residing on the said slope which is at stake. It is further argued that the construction which are on the slope may cause accident or loss of life. It is for the Department of Country and Town Planning to consider the sanction of map and relevant provisions and construction of houses or plots are not within the domain of the Tribunal.

40. It is further argued that there are construction of roads but in reply thereof relevant correspondence has been filed in the application, which is letter correspondence from the State Pollution Control Board to the MP Road Development Corporation and the Chief Engineer MPRDC with regard to construction of road, diversion of land and plantation of trees which is administrative matter subject to necessary requirement of sanction from the competent authority which has not been challenged before this Tribunal.
41. The contention of the applicant with regard to establishment of university, hostel, residence for the staff are not within the purview of Section 14 and 15 of the NGT Act, 2010 being time barred the necessary correspondence with the conversion of the land or transfer of the land is within the domain of the State Government which is going on and has been discussed above which has been rejected by the State Government.
42. This Tribunal vide order dated 07.01.2025, on the objections raised by the respondent framed following issues which are required to be replied by the applicant. The issues are as follows :-
- i. Whether the area has been notified as tiger reserve/Eco Sensitive Zone.
  - ii. Remedial measures which are required to be taken by the Forest Department/Local Administration to avoid Tiger/human conflict.
  - iii. Specific violation by the private respondents in view of the environmental laws.
  - iv. Whether the construction, establishment of the unit is shown in the application by the government department/private units are pre-existing and to specify the actual year of the unit.



43. The applicant has not filed any reply or substantial evidence or response and the forest department has filed the report that area has not been notified as Tiger Reserve or Eco-Sensitive Zone and state is taking all preventive measures to avoid human tiger conflict. For want of any cogent evidence with regard to the establishment which is prior to 2010 it is contended by the learned counsel for the respondent that the applicant has an appropriate remedy for filing the application before the appropriate forum or authority for demolition of any construction and thus it is not within the domain of the NGT. The matter has already been discussed in another application and necessary directions has been issued, which is under process.

44. On the basis of above discussions and records available on the original application the conclusions as submitted by the joint committee are as follows :-

- i. *“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.*
- ii. *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.*

- iii. *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.*
- iv. *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.*
- v. *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.*
- vi. *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.*

*vii. 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.*

*viii. 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.”*

45. We have also considered the report submitted by the committee and we are of the view that the Tiger is the wild animal and its presence in the boundaries are natural since the area has not been notified under the

provisions of Wildlife Protection Act, 1972 thus, this Tribunal cannot enforce it and the area where more than 50 to 60 colonies have been developed, after the due approval of the district administration and the competent authorities we cannot direct the Department of Forests for notification as a tiger reserve of the civilian abadi. Precautionary measures have been taken by installation of warning boards, fencing along the boundary to reduce the human-animal conflict, necessary steps have been taken by the Forest Department to avoid human-tiger conflict and necessary permission for the construction of the road is under process.

46. In view of the increasing number of residential plots and houses, we direct the Department of Town and Country Planning that while planning for any development infrastructure projects and permitting the residential complexes, the department should ensure the recommendations of the forest department and related departments and the rules of sustainable development and the environmental planning must be taken into account for the development in the region.
47. While considering the further planning, the matter should be taken into account that the area is near the Tiger Reserve where the movement of tigers are frequent and thus, necessary precautions should be taken to avoid human-tiger conflict. The recommendations submitted by the committee are genuine and we direct the State Government and the Forest Department to consider the recommendations of the committee.
48. Rest of the matter has already been dealt in another original application which has been quoted above and shall be acted upon in accordance with and in light of the order passed by the Hon'ble High Court and the State Government.
49. With these observations, the **Original Application No. 160/2024** alongwith **I.As** stand **disposed of**.

**Sheo Kumar Singh, JM**

**Dr. Vijay Kulkarni, EM**

04<sup>th</sup> April, 2025  
O.A No. 160/2024(CZ)  
PN