

Item No.02

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

(By Virtual Mode)

Original Application No.77/2023(CZ)

Jitendra Tiwari

Applicant(s)

Versus

Dr. Sudama Khade & Ors.

Respondent(s)

Date of hearing: 17.08.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : None

ORDER

1. This Original Application (hereinafter referred to as '**OA**') under Section 14, 15 and 18 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') has been filed by Mr. Jitendra Tiwari alleging that respondent 1 i.e. Dr. Sudama Khade has encroached on the land covered under catchment/submerged area of Kerwa Dam, Bhopal by digging and filling and by carrying on development and construction activities thereon, through its builders and contractors.
2. Applicant claimed that he is owner of land bearing Khasra No. 53 area measuring 0.05 hectare, Khasra No. 54 area measuring 0.07 hectare and Khasra No. 55 area measuring 0.11 hectare i.e. total area measuring 0.23 hectare situated at Iqbal Mulla Ki Tekri, Village Kushalpur, Patwari Halka No. 32, Phanda, Tehsil Huzur, Bhopal. The land is situated on Kerwa bank Water at Village Kushalpur and owned

by applicant. The boundaries of the land are given in para 3.3 as under:

“ The Boundaries of the said land are as East by Part of Land Khasra No. 53, 54 and 55 for Parking & Garden (Private Property), West by Land owned by Shri Sunil Garg, North by Land Khasra No. 52 and South by Catchment Area Kerwa Water Bank.”

3. The respondent 1 is owner of Kharsa No. 17/1/3/1(S) area 1.05 hectares situated on western side of applicant's land and raising construction on the said land, encroaching upon the area entering into the catchment area on South direction of the land owned by applicant, which is not included in the land owned by respondent 1.
4. The allegations clearly show that there is an individual dispute between applicant and respondent 1 with respect to alleged encroachment on private land and issue does not raise any substantial question relating to environment arising out of implementation of enactment specified in Schedule 1 of NGT Act, 2010.
5. The application therefore is not within the jurisdiction of this Tribunal and beyond the domain of Section 14 and 15 of NGT Act, 2010. It is accordingly dismissed with liberty to applicant to avail such remedy as permissible and available in law.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 17, 2023
Original Application No.77/2023(CZ)
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