

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

Original Application No. 07/2022(CZ)

Dr. Subhash C. Pandey	Vs.	Applicant (s)
State of Madhya Pradesh & Ors.		Respondent(s)

WITH

**Original Application No. 12/2022(CZ)
(I.A.No.47/2022) (I.A.No.100/2023) (I.A.No.101/2023)
(I.A.No.102/2023) (I.A.No.103/2023) (I.A.No.06/2024)**

Dr. Subhash C. Pandey	Vs.	Applicant (s)
State of Madhya Pradesh & Ors.		Respondent(s)

Date of Hearing: **14.02.2025**

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant (s):	Dr. Subhash C Pandey- in person
For Respondent(s):	Mr. Prashant M. Harne, Adv. Mr. Enosh George Carlo, Adv. Mr. Pranjal Pandey, Adv. on behalf of Ms. Parul Bhadoria, Adv. Mr. Pulkit Godha, Adv. Ms. Harshita Tejawani, Adv. Mr. Om Shankar Shrivastav, Adv. Mr. Yadvendra Yadav, Adv.

ORDER

1. Issue raised in this application is unauthorized, illegal construction and encroachment on the reservoir land shown as Kaliyasot reservoir in the territorial jurisdiction of District Bhopal (Madhya Pradesh).

2. By the previous order dated 17.12.2024 of this Tribunal, learned standing counsel for the State was granted two weeks' time to file the Action Taken Report, which has already been filed before this Tribunal on 13.02.2025. Learned standing counsel Mr. Prashant M. Harne submits that he is representing Respondent No.1- State of Madhya Pradesh; Respondent No.2- The Collector, Bhopal; Respondent No.5- Executive Director, Environment Protection Coordination Organization (EPCO) & Member Secretary, State Wetlands Authority; Respondent No.6- Engineer-In-Chief, Water Resource Department; Respondent No.7- Joint Director, Town and Country Planning; Respondent No.8- Member Secretary, MP State Biodiversity Board; and Respondent No.9- Principal Chief Conservator of Forests (all Government Authorities).

3. We have gone through the Action Taken Report dated 13.02.2025 filed on behalf of the State of Madhya Pradesh, in which in para no.2, it is mentioned that there were 11 encroachers found, which were issued notices under Section 307(2) of Madhya Pradesh Municipal Corporation Act 1956. BMC, in consonance with District Administration, has removed encroachments of the 4 encroachers, out of the 11 encroachers and that the remaining 7 encroachers has filed Writ Petition No.24144 of 2023 before the Hon'ble High Court of Madhya Pradesh at Jabalpur, in which vide order dated 22.09.2023, the said Petition was admitted by the Hon'ble High Court recording therein that the language of the notice dated 11.09.2023, which was issued under Section 307(2) of the Madhya Pradesh Municipal Corporation Act, 1956 by Respondent No.2, reveals that the petitioner has to first demolish the construction, which is said to have been raised unauthorizedly, which comes within the 'no construction zone' i.e. 33 meters from Kaliasot River/Kaliasot Pond. It is further mentioned in this order that the petitioner has not been given an

opportunity of hearing to submit his stand before the authority before passing the impugned order.

4. In view of above, learned standing counsel for Respondent Nos.1, 2 and 5 to 9 submits that because of the stay orders passed by the Hon'ble High Court in favour of the remaining 7 encroachers, encroachments could not been removed. But we are of the view that Hon'ble High Court is seized of the matter and till the final decision is taken in the said Writ Petition, this Tribunal has no option but to keep the matter *in abeyance*.

5. Learned counsel for Respondent No.3- The Commissioner, Bhopal Municipal Corporation (BMC) and learned counsel for Respondent No.4- The Chairman, M.P. Pollution Control Board have submitted that they have already filed reply affidavits in this matter.

6. We direct the Registry to list this matter after three months i.e. on 07.05.2025 or in case, final order is passed by the Hon'ble High Court of Madhya Pradesh at Jabalpur in the said Writ Petition vacating the stay, this matter may be taken up at an early date, on an application to be filed by the applicant, if he so desire.

Dinesh Kumar Singh, JM

Dr. Afroz Ahmad, EM

14th February, 2025
O.A No. 07/2022 (CZ)
O.A No. 12/2022 (CZ)
K & P.Kr.