

Item Nos.05 & 06

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)**

Original Application No.07/2022(CZ)

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, I.A. No.138/2025,
I.A. No.139/2025)**

Dr. Subhash C. Pandey

Applicant(s)

Vs.

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing: 17.03.2026

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR CHATURVEDI, EXPERT MEMBER**

For Applicant (s):

Dr. Subhash C. Pandey, in person
Mr. Harshwardhan Tiwari, Adv.

For Respondent(s):

Mr. Prashant M. Harne, Adv. for State of M.P.
Mr. Gaurvanit Jain, Adv. for MPPCB
Mr. Sachin K. Verma, Adv. for R-3
Mr. Pulkrit Godha, Adv. with
Mr. Ritik Jain, Adv. for R-10
Mr. Om Shankar Shrivastava, Adv. for R-11-14
Mr. Gaurav Sisodia, Adv. for R-13
Mr. Yadvendra Yadav, Adv. for R-15
Ms. Meenakshi Patidar, Adv. for R-18

ORDER

1. Learned Counsel for Respondent No.10 – Mrs. Sapna Singhdeo, has put in appearance but from the array of parties in the memo of application, there are only 9 Respondents shown. It is apprised that the Respondent No.10 – Mrs. Sapna Singhdeo, has been impleaded as Respondent No.10 and reply affidavit has also been filed but we do not find the same on record. We direct the Registry to place the same on record so that we can hear the Respondent No.10.

2. From the side of Respondent No.1 - State of Madhya Pradesh, Respondent No.2 - Collector, Respondent No.6 - Chief Engineer WRD, Respondent No.7 - Joint Director, Town and Country Planning Department, Respondent No.9 - Principal Chief Conservator of Forest, learned Counsel Mr. Prashant M. Harne has appeared and has filed the progress report/action taken report dated 16.03.2026 in compliance with this Tribunal's order dated 30.01.2026, copy of which is not served to all the parties. We direct that the copy of the report be served to all the learned Counsel for the parties within two days.
3. It is submitted in this report that Bhopal Development Plan, 2005, provides for reservation and development of an area surrounding the Kaliyasot and Kerwa Reservoirs, admeasuring approximately 150 hectares, for the purposes of establishing a Botanical Garden and Regional Park. In view thereof, the Town and Country Planning District Office have been directed to identify and demarcate the said area in accordance with the provisions of the Development Plan. Consequently, a map depicting the land reserved for the proposed Botanical Garden and Regional Park, as earmarked under the Bhopal Development Plan, 2005, has been prepared by superimposing the relevant Khasra records upon the coloured land use map of the Bhopal Development Plan, 2005. The Town and Country Planning, Bhopal has requested the Collector, Bhopal to kindly issue necessary directions to the Revenue Department for carrying out the demarcation of the land reserved for the Botanical Garden and Regional Park at the concerned site.
4. This Tribunal vide orders dated 20.09.2023 and 08.07.2024 desired information regarding the updated status of the progress of treatment systems constructed and/or under construction for wastewater management in villages Medora and Mehori under Janpad Panchayat

Phanda, with the objective of ensuring that the Kaliyasot and Kerwa (Keryan) reservoirs are rendered pollution-free. In this regard, the Chief Executive Officer, Janpad Panchayat Phanda and the Tehsildar, Tehsil Huzur, were present during the hearing dated 03.11.2025 before the Tribunal. The Regional Officer and Principal Officer, Environment Department, vide Letter dated 21.11.2025, requested that updated information regarding compliance with the orders passed by the Tribunal be furnished so that the same may be placed before this Tribunal. In continuation thereof, letter dated 01.12.2025, issued by the Office of Rural Mechanical Services, Bhopal, was forwarded to the Regional Officer, Madhya Pradesh Pollution Control Board, along with the Action Taken Report.

5. Further, it is mentioned that in compliance with the directions of this Tribunal, the Chief Executive Officer, Janpad Panchayat Phanda, Assistant Engineer, Janpad Panchayat Phanda and other concerned officials conducted a joint inspection of Village Medora, Village Mendori and Village Kushalpura on 20.11.2025 and submitted a point-wise report on 02.12.2025. The relevant details are summarized as follows:-

“i. Village Mendori:

Ten (10) community leach pits with connecting chambers, along with one 15 KLD DEWATS (Decentralized Wastewater Treatment System) structure, have been constructed and completed. These facilities enable the scientific management and disposal of household wastewater generated in the village.

ii. Village Kushalpura:

Construction of two (02) soak pits/end-point discharge structures for the systematic disposal of household wastewater has been completed and the structures are presently functional.

iii. Village Medora:

A 76 KLD Dewats structure has been completed, while an additional 35 KLD Dewats structure is under construction for the purpose of ensuring proper wastewater management and scientific disposal. Measures for wastewater management and disposal in agricultural fields located within the catchment area of the Kerwa Reservoir and other nearby water bodies are also being undertaken.”

6. It is further mention that a survey/study, marking and demarcation of rivers and drains falling within the villages of Chhapri, Bhanpur Kekadia, Kushalpura, Mahuakheda, Mandori, Mandora, Fatehpur Dobra and Berkhediwajyapht, situated within the catchment area of the Kerwa Reservoir and the Kaliyasot River is also to be done including the effective area/buffer zone of the reservoir.
7. Further it is mentioned in this report that it was earlier reported that sixteen (16) constructions located within a radius of 33 meters from the Full Tank Level (FTL) of the Kerwa Reservoir had been identified. The details of which are as below:-

“(i) A 300 sq. ft. mud house with tin shed constructed by Shri Pramod Srivastava in Gram Panchayat Berkhediwajyapht has voluntarily been removed by the concerned individual.

(ii) A Community Hall measuring approximately 900 sq. ft. has been constructed in Gram Panchayat Berkhediwajyapht, which is a government building.

(iii) With regard to the remaining fourteen (14) constructions located within the 33-meter FTL zone, the land is reported to be private land, and further action is required to be undertaken by the Revenue Department.”

8. Further it is mentioned that the Revenue Courts of the concerned jurisdiction have passed orders directing removal of encroachments from the Government land after providing due opportunity of hearing to the concerned encroachers. The details of the cases and orders are as follows:-

“i) Village Chavani – Order dated 05.05.2024 passed by the Court of Tehsildar in Process No. 0002/37-68/2023-24 and Process No. 0003/A-68/2023-24.

ii) Village Chandanpura – Order dated 05.05.2024 passed by the Court of Tehsildar in Process No. 0004/1-68/2023-24.

iii) Village Singhpur – Order dated 05.05.2024 passed by the Court of Tehsildar in Process No. 0001/1-68/2023-24.

iv) Village Barkhedhi Khurd – Order dated 05.05.2024 passed by the Court of the Additional Tehsildar.

v) Village Sevaniya Gaud – Orders passed by the Court of the Naib Tehsildar in Case Nos. 0003 to 0005/A-68/2023-24 dated 05.05.2024, wherein after providing adequate opportunity of hearing to the concerned encroachers, directions were issued for eviction from government land.”

9. Further it is mentioned that during the course of proceedings and field inspection in the aforesaid cases, a total of 96 constructions/encroachments were identified in the concerned areas, comprising 84 encroachments over the Government land and 12 constructions over private land. The nature of the structures identified is as follows:-

“i) Samadhi – 01

ii) Temples – 07

iii) Gaushala – 01

iv) Temporary dairies – 15

v) Slums – 58

vi) Restaurants – 05

vii) Game Zone Building (under construction) – 01

viii) Sakhali Farm – 01

ix) Pucca House – 01

x) School – 01

xi) Biodiversity Shed – 01

10. Further it is mentioned that out of the encroachments identified on the Government land, 15 temporary dairies have already been removed; consequently, eviction warrants have been issued against a total of 69 encroachers and a final opportunity upto 13.02.2025 was granted to the concerned parties to vacate the encroached land.

11. Further it is mentioned that following actions have been taken:-

i) A communication has been addressed to the Education Department regarding the school constructed on government land, seeking appropriate action.

ii) A letter has also been issued to the Municipal Corporation, Bhopal for removal of the 12 constructions located on private land, upon which necessary action is presently being undertaken by the Municipal Corporation.

iii) In the said area, 58 slum structures were found to be occupied by economically weaker families. Accordingly, correspondence has been made with the Municipal Corporation, Bhopal to make suitable temporary rehabilitation arrangements for the affected families prior to eviction, in accordance with applicable policy and humanitarian considerations.

iv) Further, during a joint enforcement action undertaken on 25.03.2025 with the Municipal Corporation, Bhopal, six (06) dairies located in Village Sevaniya Gaud were removed.

v) It is further submitted that, 28 encroachments out of 69 encroachments have been removed by the Authorities on 28.02.2026. It is submitted that, abovementioned 28 encroachments include nine dairies situated in Villages Singhpur and Chandanpura, wherein encroachment removal action was carried out with the assistance of the administrative force and the staff of the Municipal Corporation.”

12. Further it is mentioned that the process of removal of encroachments and restoration of the Government land is ongoing and is being carried out.

13. A perusal of this affidavit of the Respondent would indicate that some steps have been taken with respect to removal of encroachments in the area surrounding (catchment area and FTL), Kerwa Reservoir and Kaliasot Reservoir but it is not clear from this affidavit as to what is the demarcated area of Kerwa Reservoir and Kaliasot Reservoir and how many constructions are found to be there within the said area which need to be removed. Therefore, we find this affidavit vague and direct the learned Counsel for the Respondent – State of Madhya Pradesh to file another affidavit clearly indicating whether the demarcation of FTL and green belt at site has been completed of these two reservoirs and how many constructions are found to be there which have been removed and/or are in the process of being removed and this figure shall be mentioned separately. The affidavit should clearly mention the details of the encroachments in submergence area as well as in the green belt zone/botanical garden around the reservoirs falling in revenue area, panchayat area, municipal area. The authorities concerned in-charge of these areas must take appropriate action for removal of the encroachments following the due procedure of law.
14. From the side of Applicant, learned Counsel has appeared and stated that he has moved an application dated 13.03.2026 in which prayer is made that the Respondent No.1- State of Madhya Pradesh and Respondent No.3 – Bhopal Municipal Corporation, be directed to undertake free, fair and transparent identification, demarcation and documentation of all violations and encroachments around the reservoir at bed, FTL, Greenbelt and Botanical Garden Area with the assistance of the Commissioner Land Records (CLR), Gwalior and further a direction be given to the authorities to restore the area and also prayer is made for issuance of appropriate interim direction

restraining all the constructions, land filling, commercial operations and expansion of the structures within the bed, FTL, Green Belt and Botanical Garden area of the reservoir.

15. The Applicant has raised a very serious issue of violation of environmental norms mentioning the fact that the agricultural activities using the chemical fertilizers and pesticides are found to have taken place inside the submergence area of the reservoir. He has urged that the agricultural activities of such type using chemical fertilizers and insecticides is very dangerous for the health of the local population of the area where the water supply from these reservoirs is done and requested to immediately stop raising of crops inside the submergence area of these two reservoirs. The Water Resource Department, Govt. of Madhya Pradesh, being the custodian of these reservoirs, is directed to verify the fact and take necessary action, if violations are observed on site.
16. We direct the learned Counsel for the Applicant to provide a copy of the said application to the other Respondents, who may file reply, if any, to this application within two weeks thereafter and also take necessary action, if violations of environmental laws are found while verifying the details mentioned in the application to be correct.
17. Put up for next consideration on **07th April, 2026**.

Dinesh Kumar Singh, JM

Sudhir Kumar Chaturvedi, EM

17th March, 2026,
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