

Item Nos.06&07

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

**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)**

Dr. Subhash C. Pandey

Applicant (s)

Vs.

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing: 17.09.2025

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

For Applicant (s):

Dr. Subhash C. Pandey, in person

For Respondent(s):

Mr. Prashant M. Harne, Adv. for State of M.P.
Ms. Parul Bhadoria, adv. for MPPCB
Ms. Harshita Tejawani, Adv. for BMC
Mr. Yadvendra Yadav, Adv. for CPCB
Mr. Pulkit Godha, adv. for R-10,
Mr. Enosh George Carlo, Adv. for R-13,
Ms. Meenakshi Patidar, Adv. for R-18 & 10,
Mr. Om Shankar Shrivastava, for R-11,12,13&14,

ORDER

1. Issue of Kerwa and Kaliyasot Reservoirs, a permanent source of potable water of the Bhopal city and its protection has been raised in this application. It is alleged by the Applicant, an environmentalist, that mindless encroachments and construction activities on the land around the reservoir is threatening the natural habitat and further posing hazards risk to human lives, since these creatures are being increasingly roaming around the areas adjoining to reservoir in past few years.

2. Vide order dated 20.09.2023, this Tribunal directed the authorities concerned to submit the report on the following points:-

- i. Record of rights/possession (Khasra, Khatuni relating to the water-bodies Kaliyasot and Kerwa).*
- ii. Total area of the Reservoirs and area around the Reservoirs plot wise, area wise.*
- iii. Status of identification of boundary and demarcation.*
- iv. Status of protection by pillars or fencing or any other suitable means to pile plantation as permissible.*
- v. Identification of encroachments and steps taken for removal of encroachments.*
- vi. Steps to maintain the water quality.*
- vii. Steps taken by the authorities to prevent discharge of untreated water into the reservoirs/water-bodies.*
- viii. Provision and status of green belt and maintenance.*
- ix. Status of identification, demarcation and protection of corridor for movement of tiger.*
- x. 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.”*

3. Vide report dated 06.05.2025, the learned counsel for the State has submitted an action taken report by the State Administration as follows:-

“3. That, in compliance of the order of Hon’ble NGT, the status report is submitted by the concerned departments and the same are given as under:

3.1. That, BMC vide letter dated 05/05/2025 submitted that, out of the 11 encroachments, BMC has removed 4 encroachments and remaining 7 encroachers filed Writ Petitions before the Hon’ble High Court of Madhya Pradesh, The OIC of BMC has submitted a reply before the Hon’ble High Court, Jabalpur. Presently, case is pending before the Hon’ble High Court. Also, it is submitted that the work of marking 150 hectares of land for Botanical Garden / Regional Park will be done by Town and Country Planning.

3.2. That, BMC also submitted the status of construction of sewage treatment plants for prevention of sewage mixing in to reservoirs. The construction of two Sewage Treatment Plants having capacity

of 200 KLD at Suraj Nagar and capacity of 450 KLD at Barkhedi nalla are constructed by M/s Saven Consultancy Service Pvt. Ltd., Lucknow. The construction work of 200 KLD STP at Suraj Nagar area has been completed and trial run of the plant is being done. Similarly, about 75 percent of the construction work of 450 KLD STP of Barkhedi nalla has been completed.

3.3. That Janpad Panchayat, Fanda vide letter dated 24.04.2025 submitted that the 15 encroachments within the 33-meter perimeter of FTL of Kerwa reservoir have been identified in Janpad Panchayat Fanda, District Bhopal. In the 15 encroachments, 7 encroachments are in Gram Panchayat Mendora, 3 encroachments are in Gram Panchayat Bhanpur Kekadia, 2 encroachments are in Gram Panchayat Berkhediwajyast, 3 encroachments are in Gram Panchayat Chhapri have been identified. The notices have been issued to the encroachers by the concerned Gram Panchayat to remove the encroachments but the encroachments have not been removed by the encroachers. Now, the matter is reported to Sub-Divisional Officer, Revenue Huzur with request to provide the Revenue staff and Police force to remove the encroachments. The matter of removal of encroachments is in progress.

3.4. That, it is also submitted by Janpad Panchayat Fanda vide letter dated 24/04/2025 that the work of prevention of mixing of sewage into Kerwa Reservoir is completed. This includes, the construction of DEWAT based STP having capacity of 15 KLD in village Mendori, construction of 03 soak pits having capacity of 05 KLD each in village Kushalpura and the construction of 10 leach pits having capacity of 02 KLD in village Mendori. With regards to the disposal of waste water in Kerwa reservoir construction 10 leach pits of capacity 2500 liters to dispose of the waste water of 83 houses of Gram Panchayat Mendori. In village Kushalpura of Gram Panchayat Berkhediwajyast, 2 soak pits of approximately 8000 liters' capacity have been constructed for disposal of waste water of 19 families and 3 soak pits of approximately 4000 liters' capacity have been constructed for disposal of waste water of 14 houses. The construction work has been completed and the connection has been made.

3.5. That, SDM, TT Nagar, Bhopal vide letter no 205 dated 01.05.2025 submitted that the concerned Tehsildars have issued orders to the encroachments found on government land. In 84 encroachments, for the 58 slums encroachments, BMC has written a letter to Collector, Bhopal for relocation of slums. for 15

Temporary Dairy encroachments, 12 dairies have been removed, the encroachments of 3 Temporary Sheds and 1 Biodiversity Shed have been removed.

3.6. That, SDM, Huzur, Bhopal vide letter dated 06.05.2025 submitted that, 18 out of 33 encroachments / illegal constructions were identified on government land within the 33-meter perimeter of FTL of Kerwa reservoir and the case was filed under Section 248 of the Land Revenue Code. The two encroachments by Shahid Khan and Lal Mian, residents of village Mahuakheda, has been removed from government land. The encroachment of the temple situated on government land in village Bhanpur Kekadia has been removed. The process of removing the remaining encroachments is in process as per rules under Section 248 of MP Land and Civil Code 1959.

3.7. That, WRD, Bhopal vide letter dated 23.04.2025 submitted that the demarcation/survey work of submergence area (FTL) of Kaliyasot reservoir and land acquired by the department has been done. The area of submergence area (FTL) of Kaliyasot reservoir is 492.853 hectares, outside the submergence area of Kaliyasot reservoir the land acquired by the department in village Singpur is 25.28 hectares and in village Chavni is 11.547 hectares. Thus, the submergence area of Kaliyasot reservoir is 492.856 hectares and outside the submergence area the land acquired by the department is 36.827 hectares (25.28+11.547), making the total area 529.68 hectares, whose geo tag referencing has been done. Out of the 123 already installed blocks in the submergence area (FTL) of Kaliyasot reservoir, 64 blocks were found to be defective, thereafter a total of 679 blocks were installed. The work of demarcation/survey of the submerged area (FTL) of Kerwa reservoir and the land acquired by the department has been done, in which the area of submerged area (FTL) of Kerwa reservoir is 462.150 hectares, whose geo tag referencing has been done. No blocks were found during demarcation/survey in the submerged area (FTL) of Kerwa reservoir. A total of 1080 blocks were installed during demarcation.

3.8. That, DFO, Bhopal vide dated 06.05.2025 submitted the plantation details. In 2019, total 8000 plants in 10.960 hectares 'area are planted near Kaliyasot Dam Road. In 2017, total 6000 plants in 5.656 hectares 'area are planted near Kerwa Mendora area. It is also submitted that Kerwa-Kaliyasot area is not notified as tiger corridor but it is a tiger movement area."

4. The contention of the Applicant in person is that in spite of the repeated directions and measurements, the encroachments have not been removed till yet. The action taken report which has been attached with this application discloses that the resolution of the meeting upto February, 2024, has been attached and nothing has been done after February, 2024 till yet. The Collector has communicated that there were 97 encroachments/illegal constructions on the Kaliyasot reservoir out of all 94, approximately 84 encroachments on the Government land and 20 encroachments are on the private land. The demarcation and development of approximately 150 hectares of land reserved for Botanical Garden has not been taken care by the Department of Town and Country Planning and the discharge of untreated water/sewage water has not been properly taken care off and there is still huge gap in the sewage generation and the capacity to treat. The STP which was required to be completed before 2020 is under construction at the place (Barkhedhi Nalla) and the Suraj Nagar STP is also reported to be in trial run stage and not reported to be functional till yet. There are encroachments within the 33 meters FTL of Kerwa reservoir and the Municipal Corporation has not taken care to remove it. Similarly, in T. T. Nagar area, there are 84 encroachments but some have been removed and still process is reported to be taken for removal of the rest of the encroachments, though this matter is pending for more than three years. Similarly, there are various encroachments in Tehsil -Huzur area and it is reported that actions under Section 248 of the Land Revenue Act, have been initiated.
5. It is surprising that after filing of this petition/application, the concerned Sub-Divisional Magistrate has not taken effective and firm action for removal of encroachments. The Constitution of India and the Department of Town and Country Planning, provide that the authorities are the custodian of the State property and it is their responsibility to protect the State land/public

property. It is a settled law that for the negligence of all those to whom public duties have been entrusted, can never be allowed to cause public mischief. In cases when public authorities are not taking action, it does not directly or indirectly authorises any outsider to encroach or occupy the State land.

6. Learned counsel for the State has filed the latest status report dated 16.09.2025 but everything and every para has been repeatedly repeated. This means that the State authorities have not taken any effective action nor sound serious for removal of encroachments.
7. Accordingly, we direct the Collector, Bhopal and the Chief Municipal Officer, Bhopal, to see and supervise the matter personally and ensure that the encroachments on the State land/Wetland/ Kaliyasot are immediately removed within a time frame in due process of law and action taken report with the affidavit of the competent officer may be filed within two weeks.
8. The State Authorities/Collector, Bhopal/Bhopal Municipal Corporation are further directed that the action taken date-wise and fortnightly report must be enumerated in details Tehsil-wise and area-wise so that the assessment of the action taken report by the authorities may be examined. Periodical report of every fortnight should be communicated to this Tribunal.
9. The Collector, being the custodian of the State property/controlling officers of the district, is further directed to confidentially examine through means of departmental enquiry to fix the officer responsible for promoting the encroachments by not taking any action against the encroachers and still promoting the continuance of the encroachments.

List it on **03rd November, 2025.**

Sheo Kumar Singh, JM

Sudhir Kumar Chaturvedi, EM

17th September, 2025,

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