

Item Nos.07&08

**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,
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: 30.01.2026

**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
Mr. Harshwardhan Tiwari, Adv.

For Respondent(s):

Mr. Prashant M. Harne, Adv. for State of M.P.
Ms. Parul Bhadoria, Adv. for MPPCB
Ms. Harshita Tejawani, Adv. for R-3
Mr. Pulkit Godha, Adv. for R-10 & Intervener
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 & 10

ORDER

1. The issue raised in these applications are unauthorized, illegal constructions and encroachments on the reservoir land known as 'Kaliasot Reservoir' falling within the jurisdiction of Bhopal District, M.P., in violation of Bhopal Master Plan, 2005 and that the degradation of green belt, reducing and encroaching the lands of Botanical Garden and Regional Garden in violation of Bhopal Development Plan, have been raised in these applications. Due to unlawful activities and encroachments, the aquatic animals like – Ghariyals, Crocodiles and

Tortoises in the Kaliasot Reservoir are also at risk. The mindless encroachment of lands and construction activities around the area is threatening the natural habitat of these animals and further poses hazardous risk to human life, since these animals are being increasingly seen roaming around the residential areas adjacent to the reservoir in the past few years.

2. This Tribunal vide order dated 20.09.2023 called a report from the officer concerned 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. The Respondent/District Administration has filed the Action Plan which finds place in the order dated 20.09.2023 with timeline of completion as follows:-

SI No	Issues Identified	Actions taken	Status of Action/Timeline for Completion
1.	Record of Rights	Khasra records of FTL and Buffer zones of Kaliasot and Kerwa Reservoirs identified	Completed
2.	Total Area of Reservoir	Area of Kaliasot and Kerwa Reservoirs identified.	Completed
3.	Boundary and Demarcation	227 out of 679 (Kaliasot) pillars and 330 out of 1080 (Kerwa)	October 2023
4.	Reservoir boundary protection by pillars	concrete blocks have been installed.	
5.	Encroachments and their removal	Encroachments/illegal constructions identified and notices for removal issued.	March 2024
6.	Water Quality	Water quality conforms to Category B (suitable for outdoor bathing) as per IS:2296 standards	Completed & Ongoing.
7.	Prevent discharge of untreated water	DPRs for 0.65 MLD STP (Urban) for Kaliasot and 02 DEWATs (Rural) for Kerwa prepared and sanction accorded.	March 2024

4. The matter was again heard on 17.09.2025 and after hearing the parties, the Tribunal observed in paras 4 and 5 as follows:-

“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 (Barkheddi 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 Kerva 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.”

5. In the same order dated 17.09.2025, the Collector, Bhopal and the Municipal Commissioner, Bhopal Municipal Corporation, were given certain directions in para 6, 7, 8 & 9, which are as follows:-

“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.”

6. In compliance thereof, on 03.11.2025 the Executive Officer attended the proceedings and informed the progress report as follows:-

“3. The CEO, Zila Panchayat also participated in proceedings and submitted that in the village Mindora, Mindori and Kushalpura there were discharge of untreated water into the water body and the same were examined and all the discharging nallahs have been connected with soak pit for the temporary treatment and necessary actions are being taken for prevention of discharge of untreated water into the water bodies. She has further sought one month time to file the action taken report.

4. A question has been raised by the Learned Counsel for the applicant that in other places around these reservoirs there are discharge of untreated water. Accordingly, CEO concerned is directed to examine the matter within its jurisdiction and verify the entire area associated with these two reservoirs and ensure that there should not be any discharge of untreated water into the water bodies. CEO is further directed to submit the compliance report in this regard within one month.

5. The Tehsildar, Huzur has also participated in the proceedings and submitted that there were 18 encroachments within his jurisdiction, out of which 06 encroachments have been removed and rest are in the process and has sought a short time to remove it according to rules and submit the report.

6. The CEO/Tehsildar both have raised the issue with regard to the Samudayik Bhavan and Pradhan Mantri Awas matters, which can be decided by the revenue authorities according to prevailing rules.

7. Mr. Sachin K. Verma Learned Counsel for the BMC (in O.A. No. 12/2022) put in appearance and submitted that action taken report by the BMC has been filed with the facts that the encroachments falling within 33 mrts. have been identified and removal of encroachments are being initiated according to Section 307 (2) of Madhya Pradesh Municipal Corporation Act, 1956 and notices have been issued.”

7. In the same order dated 03.11.2025 also, the Tribunal has again directed the authorities concerned to comply with the directions of paras 7 & 8 of the order dated 17.09.2025 and submit the compliance report before the next date of hearing.
8. Again, vide order dated 04.12.2025, the Tribunal again observed that no compliance has been made by the authorities concerned as regards the directions given in paras 7 & 8 of the order dated 17.09.2025.
9. Learned Counsel for the Applicant has submitted that authorities have not taken any concrete action in this case as regards compliance of this Tribunal's order and further submitted that new encroachments/violations are going on very large scale due to inaction of the concerned authorities. The Applicant is directed to submit the details of new encroachments taken place recently in the area in question in this matter before the next date of listing.
10. In view of the above, this Tribunal has taken serious note of the fact that inspite of repeated directions given to the authorities concerned, they have not bothered to comply the directions of the Tribunal in this

matter. The learned Counsel for the State Mr. Prashant M. Harne is directed to convey the order of this Tribunal to the Chief Secretary, State of Madhya Pradesh, and to inform that necessary directions be issued to the authorities concerned to comply the order of the Tribunal immediately in the larger interest of the conservation and protection of environment of the State of Madhya Pradesh.

11. Learned Counsel for the State of M.P. Mr. Prashant M. Harne has sought a short time to file the progress report/action taken report. The same may be filed within two weeks.

(I.A. No.138/2025 and I.A. No.139/2025 in O.A. No.12/2022(CZ):

12. The learned Counsel for the Applicants/Interveners has submitted that the Applicants/Interveners are the necessary party for the reasons that the action taken by the Respondents are adversely affecting the right, title and interest and, thus, they should be impleaded as Respondents.
13. It is made clear that this is not a court to determine the right, title and interest of the individual parties, for which they may approach the appropriate forum civil or revenue courts for deciding their right, title and interest. This Tribunal is concerned only with the fact to remove the encroachments from the water body and to protect the Bhoj Wetland. However, Applicants of these I.As. are permitted to attend the proceedings and file objections or applications to protect the water body and to helpful in removal of encroachments, if any. Copy of these applications be provided to the opposite parties/Municipal Corporation/State PCB, who, in turn, file the objections containing the facts and put up on the next date for disposal.

List it on **17th March, 2026.**

Sheo Kumar Singh, JM

Sudhir Kumar Chaturvedi, EM

30th January, 2026,
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