

Item No.1

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

Original Application No.01/2024(CZ)	
Col. Vijay Kumar Sehgal	Applicant(s)
Vs.	
State of Madhya Pradesh & Ors.	Respondent(s)

Date of Hearing: **05.01.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant(s):	Col. Vijay Kumar Sehgal (applicant in person)
For Respondent(s):	

ORDER

1. The grievance of the applicant and the main cause of action as disclosed in para 6 of the synopsis is that in continuation with its rampant construction activities, Bharat Bhawan (Respondent No. 4) has now threatened the applicant that the land being utilized by the applicant for tree plantation and kitchen garden will be razed shortly since this portion of land of the applicant's residence is part of vacant jungle land allotted to them for construction activity. Despite the applicant informing Bharat Bhawan (Respondent NO. 4) that the land for tree plantation and kitchen garden had been leased in 1982 to Late Shri Bikram Jeet Seth (B.J. Sethi) Fathre-in-law of applicant) by Nuzul Authority, capital project Bhopal, the respondent no. 4 is insisting on razing this land which has already affected the foliage and tree cover as also the existing Sewage System drainage from Residence of the applicant.
2. The contention of the applicant is that the applicant is the Husband and Legal Heir of late Smt Monica Sehgal who has unfortunately expired on 27.08.2021, as per Death Certificate. Late Monica Sehgal is the youngest daughter of Late Shri Bikram Jeet Sethi (B.J Sethi)

and late Smt Bimla Sethi and had been be queathed all the moveable /immovable properties (including the present Residence of the applicant) of late Parents through a joint Will dated 20.11.1997 and later a single Will dated 31.12.2004, which has been duly proved by the Hon'ble 4th Additional District Judge, Bhopal vide Order dated 15.09.2014 in response to a Civil Suit No. 42-A/2010.

3. The residence of the applicant has been constructed in 1977 by late Shri Bikram Jeet Sethi (B.J. Sethi) on a plot of land admeasuring 1080 square yards (9720 square feet) as per building permission no. 420B date4d 28.09.1977 given by Nagar Nigam, Bhopal (Respondent no. 2). The residence of the applicant is located on the main road approximately 100 meters from Bharat Bhawan (Respondent no. 4) while the near boundary faces the Upper Lake, sperated by an area previously covered by dense foliage and trees (including heritage) as visible in the Google image taken of the surrounding areas and pictures adjacent to residence of applicant.
4. The applicant has thus been left with no option but to approach this Tribunal because of the non-action on the part of the respondent who, being Govt. Agencies, are clearly flouting the laid down rules and norms for protection of the environment.
5. Late Shri Bikram Jeet Sethi(B.J. Sethi), the Father-in-law of the applicant, had requested the Nuzul Authorites, Bhopal vide his letter dated 01.05.1982 to permit him use of some portion of the vacant jungle land (adjacent to his residence near boundary) for tree plantation and kitchen garden had. The proposed area requested for inclusion is as per map.
6. Cutting of the green trees and damage to the forest area is concerned of this Tribunal.
7. A substantial issue of environment has been raised. Issue notice to the respondents. Returnable within four weeks.

8. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
9. Respondents are directed to submit their reply within four weeks through e-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
10. We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:-
 - (i) One representative from the Collector, Bhopal (M.P.)
 - (ii) One representative from the State Pollution Control Board, (M.P.)
11. The Committee is directed to visit the place and submit the factual and action taken report with detail records within four weeks. The State PCB will be the nodal agency for coordination and logistic support.
12. Applicant is directed to supply the required documents and copy of the application to the committee and respondents within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served on the committee and respondents.
13. The report in the matter be filed by the Committee through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on **5th February, 2024.**

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

5th January, 2024
O.A. No. 01/2024 (CZ)
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