

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 1904 OF 2020

MIRZA ABID BEG

Appellant(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

O R D E R

1. The appellant before us had filed an Original Application being O.A. No. 589 of 2019 before the National Green Tribunal (for short, 'the Tribunal') alleging encroachment of certain lakes in Nagina Tehsil of Bijnor district. The Original Application having been disposed of by order dated 18.10.2019, the present Civil Appeal has been instituted.

2. During the pendency of the Civil Appeal, this Court by its order dated 16.07.2024 issued the following direction:-

"1. The issue raised by the appellant before the National Green Tribunal (for short, "the NGT") was of immense importance. Only by way of an illustration, the learned counsel appearing for the appellant pointed out certain instances of ponds/lakes/water bodies being filled in by garbage and other material. The learned counsel appearing for the appellant also pointed out that after filling in the ponds/lakes/water bodies, illegal constructions have been made. The NGT called for a report. A copy of the report was not furnished to the appellant who was the applicant before the NGT. The impugned order, which is very short, indicates that at least in the case of one pond, such allegation was found to be correct and, therefore, the NGT has recorded that a portion of the garbage dumped in the pond has been removed. In our view, NGT ought to have kept the application

pending.

2. We direct the Secretary of the Ministry of Environment of the State of Uttar Pradesh to constitute a Committee of senior officials including the officials of the Revenue Department, Environment Department and the State Pollution Control Board. The said Committee shall be constituted within a period of three weeks from today. To begin with, the Committee will deal with the grievances made by the appellant about the ponds/lakes/water bodies in Tehsil Nagina, District Bijnor, Uttar Pradesh. The State Government shall ensure that the inspection of the entire revenue record relating to the properties which are mentioned in paragraph 4 of the application made by the appellant is provided to the Committee. After examining the old revenue records, the Committee will ascertain whether there were any entries regarding existence of the ponds/lakes/water bodies. The Committee constituted by the Secretary of the Ministry of Environment shall make a visit to the properties on which ponds/lakes/water bodies were in existence. In addition, the Committee will visit the lands described in paragraph 4 of the application filed before the NGT. The Committee will make in-depth study on the allegation of disappearance of ponds/lakes/water bodies in Tehsil Nagina. The Committee will suggest measures for the restoration thereof. Subsequently, the scope of the work of the Committee can be expanded to cover many districts.

3. We must record here with a great deal of emphasis that it is the paramount duty of the State not only to protect the ponds/lakes/water bodies in the State but also to ensure that ponds/lakes/water bodies, which have been illegally filled in, are restored. It is the Constitutional duty of the State to do so. The Committee appointed by the Secretary, Ministry of Environment, will make a note of this obligation on the part of the State.

4. Copies of the reports of the Committee shall be submitted to this Court through the State of Uttar Pradesh. The first report shall be submitted by the Committee to this Court on or before 15th November, 2024.

5. An advance notice shall be given by the Committee to the appellant of the time and date fixed for inspection to enable the appellant to remain present at the concerned site. We make it clear that we are granting permission only to the appellant to remain present at the time of inspection and the appellant will ensure that no other person accompanies him at the time of inspection.

6. For consideration of the report, list the Appeal on 22nd November, 2024 under the caption of 'Directions'."

3. In compliance with the directions, the report has been filed on 21.01.2025. The relevant portion of the report is as follows:

"6. Examination of revenue records:-

The committee obtained the comparative details of 1359 Fasli year and holding Chakbandi Akar Patra-45 and current Khatauni and the conditions found on the site for the 22 Gatas mentioned in Annexure-D (pages 27-47) of Part 4 of the appeal filed by the appellant Shri Mirza Abid Beg, son of Yunus Beg, resident of Industrial Area, Nagina, District Bijnor from Tehsil Nagina. (6.1) Out of total 22 plots which are respectively Gata Nos. 14, 16, 8, 183, 131, 16/1, 16/2, 172, 171, 117, 473, 165, 46, 50, 94, 96, 134, 137, 139, 129, 105 and 193, there are total 07 plots (Gata No. 16/2 (Area 0.013 Hectare), Gata No. 171 (Area 0.139 Hectare), Gata No. 117 (Area 0.493 Hectare), Gata No. 165 (Area 0.607 Hectare), Gata No. 96 (Area 0.076 Hectare), Gata No. 105 (Area 0.114 hectare) and Gata No. 193 (area 0.126 hectare). In which Gata No. Names of transferable landholder farmers are mentioned for agricultural work, who are doing agriculture work, which is recorded as agricultural land in the revenue record of crop year 1359 and at present it is recorded as category-1A transferable landholder and agricultural work is going on at the spot. It is not recorded as pond and it is also not recorded as pond land at the spot.

(6.2) Out of the total 22 Gatas, out of the

remaining 15 Gata numbers, 01 Gata no. 16/1 (area 0.114 hectare), village Takipur Tulsi, which is recorded as a road in the revenue record 1359F. At present, the said Gata No. 16/1 is recorded as a road in the Khatauni of non Z A and is being used as a road at the spot. It is not mentioned as pond land on the spot.

(6.3) Out of total 22 Gatas, the remaining 14 Gata numbers include 09 Gatas Gata No. 172 (area 1.454 Hectare), Gata No. 473 (area 0.101 Hectare), Gata No. 46 (area 0.013 Hectare), Gata No. 50 (area 0.013 Hectare), Gata No. 94 (Area 0.139 Hectare), Gata No. 134 (area 0.278 Hectare), Gata No. 137 (area 0.101 Hectare), Gata No. 139 (area 0.025 Hectare) and Gata No. 129 (area 0.733 Hectare), which are recorded as pond in the revenue records of crop year 1359 and are in the form of pond on the spot. There is no change in the present recorded area also.

(6.4) Out of total 22 Gatas, remaining 05 Gata numbers Gata No. 14 (area 1.506 Hectare), village Bhurapur Chaksaid Mansoorpur which is recorded as pond in the revenue record of F.S. Year 1359, which on the spot has an area of 1.380 Hectare in the form of pond, out of which 0.177 Hectare is registered in the name of farmers under category-10-A in Non ZA Khatauni, for action for cancellation of whose names, Case No. T-20251316000332 of the Court of Sub-Divisional Magistrate, Nagina, has been scheduled under Section 38(1) of UP Revenue Code 2006. Apart from this, in this plot number 14, an additional area of 0.126 hectares on which over head tank has been constructed by Nagar Palika Parishad, Nagina for drinking water supply under the Jal-Jeevan Mission scheme of the Government of India. Old garbage was found lying in a large part of the said pond, some of it was removed, but a lot of garbage is still found lying around, instructions were given to the Executive Officer, Nagar Palika Parishad, Nagina and Sub-District Magistrate Nagina to remove it immediately.

6.5) Gata No. 16, area 0.392 hectare, village Bhurapur Chaksaid Mansoorpur which is recorded as pond AR in the revenue records of crop year 1359 and on the spot the area is 0.3778 hectare as pond and out of the said area, 0.253 hectare of land is recorded in the revenue records Non-

ZA Khatauni in the names of farmers under category-10-A, for action for cancellation of their names under Section 38(1) of the UP Revenue Code, 2006, Case No. T-2025131604003329 in the Court of Sub-Divisional Magistrate, Nagina has been filed. Apart from this, out of the total area of 0.392 hectare of the said plot no. 16, permanent illegal occupation/encroachment was found on 0.0142 hectare, for which eviction was done, for which suit number T 20251360400358 Nagar Palika vs. Abdullah, suit number T 2025136040037 Nagar Palika vs. Lalu and suit number 20251360400360, Nagar Palika vs. Naseem Akhtar have been filed in the court of Tehsildar Nagina under section 67 of UP Revenue Code 2006.

(6.6) Gata No. 8, area 1.063 Hectare, Village Chaktelawali, which is recorded as a pond in the revenue records of crop year 1359 and out of 1.063 Hectare on the spot, 0.2486 Hectare of land has a link road of Tehsil Nagina, District Bijnor, which goes from Nagina to Badhapur and Raipur, out of the remaining 0.8144 Hectare, 0.5710 Hectare is a pond and 0.1740 Hectare is present. At present, with a view to beautify the pond, beautification work has been done by Nagar Palika Parishad Nagina, out of which walking path and flower garden have been constructed around the pond and on one side there is a children's play park on 0.0352 Hectare, in which swings etc. have been installed, besides this, rooms and toilets have been constructed permanently on 0.0279 Hectare. Aqeel's shop is built on the area of 0.0063 of this plot number-08, for the eviction of which, suit number T 20251360400362, Nagar Palika vs. Aqeel Ahmed has been filed in the court of Tehsildar Nagina under section 67 of UP Revenue Code 2006.

Apart from this, it is noteworthy that 0.0200 hectare of land of plot number 8, area 1.063 hectare, village Chaktelawali has been exchanged (Magabindham) by Nagar Palika Parishad Nagina with Anwar Jahan's Arazi plot number 2mi area 0.0380 hectare on the basis of settlement order dated 24.1.2016 in civil suit number 1007/2015 (Annexure-3), which should be used by the Nagar Palika as a pond.

(6.7) Gaata No. 183, area 0.544 Hectare, Village Jagjivanpur Hatti, which is recorded as

a pond in the revenue records of the crop year 1359, and no pond was found on the spot on this Gaata No. 183, instead of the above, four shops have been built on an area of 0.0039 Hectare, a warehouse of the Railway Department is built on 0.0420 Hectare and construction related material of the Railway Department etc, was found kept on the remaining area of 0.4981 Hectare. Case number T 20251360400359, Nagar Palika vs Raisuddin, case number T 20251360400356, Nagar Palika v Hasinuddin, T 20251360400355, Nagar Palika vs Kamruddin, case number T 20251360400354, Nagar Palika vs Sharafuddin and case number T 20251360400353, Nagar Palika vs Firozuddin have been filed in the court of Tehsildar Nagina for eviction proceedings under UP Revenue Code 2006 on 0.0039 hectare of the said plot number 183. Apart from this, a letter has been issued by the Sub-District Magistrate Nagina to the Superintendent, Railway Station, Nagina to remove the said occupation through letter number-20/R0Ka0/2025, dated 18.1.2025. (Annexure-4)

(6.8) Gata No. 131, area 0.063 hectare village Takipur Tulsi, which is recorded as pond in the revenue record of crop year 1359. Part of the land on the spot is plain land. It was erroneously marked as barren in the revenue records, which was settled by filing case no. T-202513160400264 in the court of sub-district magistrate Nagina under section 38 (1) of UP Revenue Code 2006. Thus, the pond has been registered and the Executive Officer, Nagar Palika Parishad, Nagina has been directed by the Sub-District Magistrate, Nagina, vide letter no. 20/R0Ka0/2025, dated 18-1-2025 (Annexure-5) to convert Gata No. 131, area 0.063 into the form of a pond.

(6.9) Regarding the record given in Annexure-D (Case No. 27 to 47) presented by the appellant in para-04 of appeal no. 1904/2020 filed in the Hon'ble Supreme Court, as per the record, the comparative brief description on the said questioned plot numbers as per 1359 Fasli year/Consolidation Size Letter 41 and 45 and the current Khatauni is as follows:- (Sent by letter no. 24/RK/2025, dated 21.01.2025 of the office of Sub-District Magistrate, Nagina.

.....

.....

(a) Suggestion:-

After studying the above situation in detail, the committee presents the following suggestions:-

(7.1) On comparing the revenue records of Fasli 1359 F. year, if the area of water bodies, such as ponds is found to be less on the spot, then it would be appropriate to get it corrected immediately by the Revenue Court and the area of ponds and water bodies recorded as it is in the records.

(7.2) It would be appropriate to get the entire area of ponds mentioned in the revenue records recorded as before and maintain the form of the pond on the spot through various government schemes.

(7.3) If someone's name has been mentioned on the pond land in the revenue records, then it would be appropriate to take immediate action as per law and delete all the entries except the pond

(7.4) A building has been constructed in the park on the pond land in Gata number 8, area 1.063 hectare TA village Chaktelawali and on the pretext of beautification of the pond, a park has been constructed on some part of it. Nagar Palika Parishad Nagina can be given an option that the ponds constructed on the land of Nagar Palika should be constructed on the same area on the nearby Nagar Palika land. In any case, it would be appropriate to give the pond area the shape of a pond on the spot as per the records.

(7.5) Overhead tank and 02 tubewell rooms have been constructed on the pond land situated at Gata No. 14. area 1.506 hectare, village Bhurapur Chaksaid Mansoor and there is a lot of garbage inside the pond. Instructions have been given to remove it immediately and clean it thoroughly. In future, Executive Officer Nagar Palika Parishad Nagina and Sub District Magistrate, Nagina have been instructed that no pond should be used for collecting garbage and the garbage should be removed and cleaning

should be ensured. While taking action to register the pond in its original form, it should be maintained as a pond at the site and all illegal encroachments should be removed.

(7.6) It would be appropriate to conduct a special campaign to implement the above process in all the villages of the entire tehsil Nagina:

(a) Match the areas of the pond, reservoir, pond with the records of 1359 F and register the area in the current Khatauni as per the records (if there is any difference).

(b) It is appropriate to establish the form of the pond at the site as per the area recorded in the revenue records

(c) It would be appropriate to immediately remove the temporary encroachment at the site and establish it as a pond.

(d) On getting permanent possession at the site, it would be appropriate to remove the encroachment and maintain the form of the pond as per the rules.

(e) It would be appropriate to ban the use of the pond other than water storage.

(7.7) In the area of Tehsil Nagina and Bijnor district, which are covered in the wet land category, immediate action to bring all the ponds/lakes/reservoirs/waterfalls recorded in them to their original form and to preserve them would be appropriate to be implemented separately through the District Wet Land Committee, Bijnor district by letter number 1171/81-4-2024, dated 14-10-2024 of the Environment, Forest and Climate Change Section-4, Government of Uttar Pradesh.

(7.8) It would be appropriate to implement the cleaning of ponds/reservoirs/lakes and not to dispose of any kind of solid waste around it."

4. Having examined the Report, the State Government filed an affidavit of compliance through its Secretary, Department of

Environment, Forest and Climate Change on 03.04.2025 indicating as under:

"AFFIDAVIT IN COMPLIANCE OF ORDER DATED

17.03.2025

I, Sushant Sharma, S/o late Hari Chand, age about 54 years, working as Secretary, Department of Environment, Forest & Climate Change, Government of Uttar Pradesh, Lucknow, do hereby solemnly affirm and state on oath as under:

1. I am presently working as Secretary, Department of Environment, Forest & Climate Change, Government of Uttar Pradesh. I am fully conversant with the facts of the case and I am competent and authorized to swear the present affidavit.

2. That this Hon'ble Court vide orders dated 16.07.2024 and 17.01.2025 had directed the deponent to file affidavit in compliance of the directions given in the said orders. In the compliance of the said orders, an affidavit dated 23.01.2025 was filed by the deponent in which certain suggestions have been mentioned.

3. That this Hon'ble Court vide order dated 17.03.2025 directed the deponent to file compliance affidavit in terms of the suggestions made in the above-mentioned affidavit and has further directed the State to deal with the stand taken by Nagar Palika, Nagina in its affidavit dated 21.02.2025. In compliance of the aforesaid orders, a report has been prepared and submitted by the District Administration, Bijnor on the basis of the physical verification and documentary examination of the 'Gatas' in the villages mentioned in the Civil Appeal.

4. The State has taken following steps in furtherance of the suggestions mentioned in Affidavit dated 23.01.2025 and the same are being given herein below: -

S. No.	Suggestions of the Committee	Proposed Actions
7.1	On comparing the	In Tehsil Nagina,

	revenue records of Fasli 1359 F. year, if the area of water bodies, such as ponds, is found to be less on the spot, then it would be appropriate to get it corrected immediately by the Revenue Court and the area of ponds and water bodies recorded as it is in the records.	District Bijnor, there are a total of 1370 ponds with an area of 350.376 hectares according to the revenue records of Fasli year 1359 (base year Khatoni). According to CH 45, there are a total of 1354 ponds with an area of 350.560 hectares, and in the current revenue records, there are a total of 1287 ponds with an area of 334.575 hectares. There is a total of 0.184 hectares more in CH 45 than Fasli 1359. However, there is a total decrease of 67 ponds with an area of 15.985 hectares in CH 45 and the current revenue records. This decrease is due to the names of 64 individuals being recorded elsewhere in the Khatoni on pond land. There are a total of 67 such cases with an area of 15.985 hectares. To rectify this, cases has been filed in the court of the Sub-Divisional Magistrate Nagina under Section 32/38 of Uttar Pradesh Revenue Code 2006, and out of 67 cases, 9 cases have been disposed, and the original category of pond has been recorded. Action is being taken in the remaining cases.
7.2	It would be appropriate to get the entire area of ponds mentioned in the revenue records recorded as before and maintain the form of the pond on the spot through various government schemes.	It is submitted that in Tehsil Nagina, District Bijnor, there are a total of 155 ponds with an area of 40.713 hectares in a flat form, Directions have been issued to bring them into the form of ponds on the ground through various government

		schemes by the Block Development Officer Kotwali and the Executive Officer Nagina Municipal Council/Nagar Panchayat Badapur through MGNREGA.
7.3	If someone's name has been mentioned on the pond land in the revenue records, then it would be appropriate to take immediate action as per law and delete all the entries except the pond.	Upon matching the revenue records of Fasli year 1359, there are a total of 67 such cases with an area of 15.985 hectares where farmers names are recorded. To rectify this, the file has been prepared and sent to the court of the Sub-Divisional Magistrate Nagina. 9 cases have been resolved, and the original category of pond has been recorded. Action is being taken in the remaining cases.
7.4	A building has been constructed in the park on the pond land in Gata number 8, area 1.063 hectare in village Chaktelawali and on the pretext of beautification of the pond, a park has been constructed on some part of it. Nagar Palika Parishad Nagina can be given an option that the ponds constructed on the land of Nagar Palika should be constructed on the same area on the nearby Nagar Palika land. In any case, it would be appropriate to give the pond area the shape of a pond on the spot as per the records.	In Gram Chak Telawali, Khasra No. 8/1.063 hectares, a part of the pond land has been used by the Nagina Municipal Council to construct residential house, latrine, bathroom, and canteen. The Executive Officer, Municipal Council, Nagina has been directed through letter number 103/२०का०-2025 dated 21.03.2025 to remove these structures, and a case has been filed against the owner of the commercial shop built on a part of the land under Section 67 of the Uttar Pradesh Revenue Code 2006 in the court of Tehsildar Nagina. The case details are as follows: 1-T202513160400362 Akil son of Ismail vs. Municipal Council, Nagina
7.5	Overhead tank and 02 tubewell rooms have	In Gram Bhurapur Chak Said Mansoor, Khasra No.

	been constructed on the pond land situated at Gata No. 14, area 1.506 hectare, village Bhurapur Chaksaid Mansoor and there is a lot of garbage inside the pond. Instructions have been given to remove it immediately and clean it thoroughly. In future, Executive Officer Nagar Palika Parishad Nagina and Sub District Magistrate, Nagina have been Instructed that no pond should be used for collecting garbage and the garbage should be removed and cleaning should be ensured. While taking action to register the pond in its original form, it should be maintained as a pond at the site and all illegal encroachments should be removed.	14/1.506 hectares, water tank and tube well have been constructed on 0.126 hectares by the Jal Nigam. In this regard, a notice has been issued to the Executive Engineer, Jal Nigam Bijnor through letter number 102/Ra.Ka.-2025 dated 21.03.2025 to remove the encroachment. Action has been taken against the owner of the residential house built on a part of the land under Section 67 of the Uttar Pradesh Revenue Code 2006 in the court of Tehsildar Nagina. The Executive Officer, Municipal Council, Nagina has been directed not to use any pond for waste disposal and to ensure continuous cleanliness of the ponds. The Revenue Inspector is forming teams to identify and remove illegal encroachments on all ponds in the Nagina Tehsil area. The details of the case related to Khasra No. 14 are as follows: 1-T202513160400361 Anjar son of Mustafa vs. Municipal Council, Nagina
7.6	It would be appropriate to conduct a special campaign to implement the above process in all the villages of the entire tehsil Nagina.	Action is being taken by forming teams and of Revenue Inspectors area-wise to identify remove illegal encroachments on all ponds in the Nagina Tehsil area.
7.6a	Match the area of the pond, reservoir, pond with the records of 1359 F and register the area in the current Khatauni as per the	Action is being taken to match the area of all ponds in the Nagina Tehsil area with the revenue records through a campaign. Where any

	records (if there is any difference).	discrepancy in the area of the ponds is found, a case is being filed in the court of the Sub-Divisional Magistrate Nagina under Section 38(1) of the Uttar Pradesh Revenue Code 2006 for rectification.
7.6b	It is appropriate to establish the form of the pond at the site as per the area recorded in the revenue records.	Upon matching the revenue records of Fasli year 1359, there are a total of 67 such cases with an area of 15.985 hectares where farmers names are recorded. To rectify this, the file has been prepared and sent to the court of the Sub-Divisional Magistrate Nagina. 9 cases have been resolved, and the original category of pond has been recorded. Action is being taken in the remaining cases.
7.6c	It would be appropriate to immediately remove the temporary encroachment at the site and establish it as a pond.	Action is being taken to remove temporary encroachments from the ponds in Tehsil Nagina where such encroachments were found, through a campaign to restore the ponds to their original form.
7.6d	On getting permanent possession at the site, it would be appropriate to remove the encroachment and maintain the form of the pond as per the rules.	Under Tehsil Nagina, a total of 50 ponds with an area of 7.870 hectares have been encroached and populated upon by the villagers for residential purposes. Out of these, action under Section 67 of Uttar Pradesh Revenue Code 2006, is under consideration against 16 individuals for permanent encroachments on 7 ponds with an area of 0.086 hectares. The remaining ponds are densely populated by villagers in various villages. After

		conducting a survey and demarcation, necessary action will be taken as per the regulations.
7.6e	It would be appropriate to ban the use of the pond other than water storage.	Compliance with the restriction on the use of ponds in Tehsil Nagina for purposes other than water conservation as much as possible is being ensured.
7.7	In the area of Tehsil Nagina and Bijnor district, which are covered in the wet land category, immediate action to bring all the ponds/lakes/reservoirs/waterfalls recorded in them to their original form and to preserve them would be appropriate to be implemented separately through the District Wet Land Committee, Bijnor district by letter number 1171/81-4-2024, of the dated 14-10-2024 Environment, Forest and Climate Change Section-4, Government of Uttar Pradesh.	Action is being taken to verify the original of form ponds/lakes/reservoirs/waterfalls recorded in the revenue records within the jurisdiction of Tehsil Nagina. If any pond is not in its original form, the Block Development Officer, Kotwali/Municipal Council, Nagina and Nagar Panchayat Badapur have been directed through correspondence to take action to restore it to its original form.
7.8	It would be appropriate to implement the cleaning of ponds/reservoirs/lakes and not to dispose of any kind of solid waste around it.	A campaign for verification regarding the cleanliness of ponds, reservoirs, and lakes recorded in the revenue records under the jurisdiction of Tehsil Nagina is being conducted. Solid waste found near most of these water bodies has been immediately removed. Instructions have been issued through correspondence to the concerned Nagar Palika/Nagar Panchayat/Development Department not to dispose of any kind of solid waste near these

		water bodies.
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5. It is further submitted that in the physical verification carried out by the Committee, it was found that in 1359 F (basic year) and revenue records, some Gata numbers were mentioned as ponds, but at present, names of the farmers were found mentioned as Bhumidhar on these. Some persons have been found to have encroached upon the land of the ponds and have made permanent constructions. Other types of temporary occupations have come to light on some parts of many ponds. In relation to the above, the District Magistrate, Bijnor has directed all the Sub Divisional Magistrates of Bijnor district to take action mentioned in the context of the facts by the committee and submit a compliance report. In this regard, a reminder has also been sent to all the Sub Divisional Magistrates of Bijnor district on 07.03.2025 directing them to submit their report.

6. A survey of 22 plots was conducted by the committee. According to the revenue records:

a. As per the situation on the spot, a report dated 21.01.2025 was presented before the Additional Commissioner (Administration), Moradabad Division Moradabad, wherein 7 Khasra Nos. were not found recorded as pond in 1359 F.

b. In the report, Khasra 16/2 mentioned at S. No. 4, Khasra 171 & 117 mentioned at S. No. 5, Khasra 165 mentioned at S. No. 6, Khasra 96 mentioned at S. No. 7, Khasra 105 mentioned at S. No. 8, S. No. 9 Khasra no. 193 mentioned at serial no. 4 were found recorded in names of farmers in 1359 F. Khasra no.16/1 mentioned as road at serial no. 4 was found recorded in 1359 F. Thus, a total of 8 Khasra nos were not found recorded as ponds.

7. It is relevant to mention that out of total 22 Khasra Nos., 14 Khasra Nos, are ponds as per 1359 F, whereas 08 Khasra Nos, are not recorded as ponds. Out of these 14 Khasra Nos, recorded as ponds, 9 Khasra Nos, are ponds. On the remaining 5 Khasra Nos, other activities were also found. For removal of encroachment on the ponds, legal action as described in column no. 12 of the report has been taken and a total of 13 cases have been filed as per the

following details:

SL No	Case No.	Name of the party	Under proceedings	Name of the Village	Kha No.	Result
01	T-202513160400329	State of U.P. vs. Abdul Salam etc.	Section-38(1) UP Revenue Code (for short, U.P.R.C.)	Bhurapur Chaksaid Mansoor	16	Pending
02	T-202513160400332	State of U.P. vs. Abdul Islam	Section-38(1) U.P.R.C.	Bhurapur Chaksaid Mansoor	14	Pending
03	T-202513160400362	Nagar Palika Parishad Nagina Vs Akeel	Section-67 U.P.R.C.	Chaktelawali	8	Pending
04	T-202513160400353	Nagar Palika Parishad Nagina Vs Ferozuddin	Section-67 U.P.R.C.	Jagjivanpur Hatti	183	Pending
05	T-202513160400354	Nagar Palika Parishad Nagina Vs Sharfuddin	Section-67 U.P.R.C.	Jagjivanpur Hatti	183	Pending
06	T-202513160400355	Nagar Palika Parishad Nagina Vs Kamaruddin	Section-67 U.P.R.C.	Jagjivanpur Hatti	183	Pending
07	T-202513160400356	Nagar Palika Parishad Nagina Vs Haseenuddin	Section-67 U.P.R.C.	Jagjivanpur Hatti	183	Pending
08	T-202513160400359	Nagar Palika Parishad Nagina Vs Raisuddin	Section-67 U.P.R.C.	Jagjivanpur Hatti	183	Pending
09	T-202513160400357	Nagar Palika Parishad Nagina Vs Lalu	Section-67 U.P.R.C.	Bhurapur Chaksaid Mansoor	16	Pending
10	T-202513160400358	Nagar Palika Parishad Nagina Vs Abdula	Section-67 U.P.R.C.	Bhurapur Chaksaid Mansoor	16	Pending
11	T-202513160400360	Nagar Palika Parishad Nagina V Naseem Akhtar	Section-67 U.P.R.C.	Bhurapur Chaksaid Mansoor	16	Pending

12	T- 202513160400361	Nagar Palika Parishad Nagina Vs Anzaar	Section-67 U.P.R.C.	Bhurapur Chaksaid Mansoor	14	Pending
13	T- 202513160400264	U.P. Government vs. Nagar Palika Parishad Nagina	Section- 38(1) U.P.R.C.	Tkipur Tulsi	131	Disposed

8. It is further submitted that:

a. There is a pond in Khasra No. 14 and 16 in the 1359 F;

b. Khasra No. 14 has an area of 1.506 hectares. On 0.126 hectare of it, a water tank of Jal Nigam has been constructed;

c. Khasra No. 16 has an area of 0.392 hectares out of which 99 sq. m. is encroached;

d. The combined area of Khasra No. 14 and 16 is 1.506 hectares + 0.392 hectares = 1.898 hectares as also stated by the Appellant. Out of this a total of 0.1359 is found to be encroached;

e. A notice dated 21.03.2025 has been issued to the Jal Nigam regarding the construction of water tank;

f. Out of total area of 1.898 hectares of Khasra Nos. 14 and 16, 1.762 hectares is encroachment free;

g. In khatauni the area is 0.139 hectares. Action u/s 38 of U.P.R.C. has been taken over an area of 0.253 hectares;

h. The total area of Khasra Nos. 14 and 16 in 1359 F was 1.898 hectares. There is encroachment on 0.1359 hectares;

i. Khasra No. 165 is agricultural land. In 1359 F this land was recorded in the name of farmers. No pond was found in the said Fasli year;

j. Land Khasra No. 473 is recorded as pond;

k. Land Khasra No. 193 is recorded in the name of farmers in 1359 Fasli;

l. Khasra No. 105 was found to be registered in the name of farmers in the year 1359 Fasli;

m. Khasra No. 129 is pond as per the revenue records;

n. Khasra Nos. 171 and 117 are registered in the name of farmers in 1359 F.

9. It is submitted that water tank has not been constructed on Plot No. 08 but it is on Plot No. 14. Three rooms, toilet, bathroom, canteen, park are constructed by the Nagar Palika Parishad, Nagina on Plot No. 8. Notice dated 21.03.2025 has been issued to Nagar Palika Parishad, Nagina regarding the above-mentioned construction on plot No. 8.

10. It is further submitted that a railway warehouse and shops are built on Plot No. 183. Proceedings u/s 67 of Uttar Pradesh Revenue Court has been instituted to remove this encroachment vide letter dated 18.01.2025. It is further clarified that no revenue officer resides on Plot No. 183 and there is no construction of the State Government is on the said plot.

11. It is submitted that the State is following the law laid down in case of Hinch Lal Tiwari v. Kamla Devi reported in 2001 (6) SCC 496.

Reply to the affidavit dated 20.02.2025 filed by Executive Officer, Nagar Palika, Nagina (for short, 'the affidavit')

12. It is submitted that paragraphs 1 to 4 of the affidavit need no reply.

13. In response to paragraph No.5 of the affidavit it is submitted that the survey of 22 Khasras was done by the Committee. On the Khasra Nos. 16/2, 171, 117, 165, 96, 105, 193 names of farmers were found registered in 1359 F. On Khasra No.16/1 road was found to have been registered in 1359 F. Thus, a total of 8 Khasra Nos. were not found registered as pond.

14. In response to paragraph no. 06 of the

affidavit it is submitted that:

(i) Out of the total 22 Khasras, 14 are ponds as per 1359 F and 8 Khasras were not registered as ponds. Out of the said 14 Khasras, 9 are ponds as per revenue records while other activities were found on the remaining 5. Cases under U.P. Revenue Code have been filed in respect of encroachment on the ponds, the details of which has been mentioned hereinabove.

(ii) It is further submitted that there is a pond on Khasra Nos. 14 and 16 as per 1359 F. Khasra No. 14 is 1.506 hectares, out of which on 0.126 hectares a water tank of Jal Nigam has been constructed, Khasra No.16 has area of 0.392 hectares, of which 99 sq. m. is encroached. A notice dated 21.03.2025 has been issued to Jal Nigam regarding the construction of the water tank.

(iii) It is relevant to mention that three rooms, toilet, bathroom, canteen, park are constructed by Nagar Palika Parishad, Nagina on Khasra No. 8. A notice dated 21.03.2025 has been issued to Nagar Palika Parishad, Nagina regarding the same.

(iv) It is pertinent to mention that railway warehouse and shop are built on Khasra No. 183, and proceedings u/s 67 of U.P. Revenue Code have been initiated to remove the said shop and a letter dated 18.01.2025 has been issued to the Railway Department regarding the regarding the same. It is submitted that there is no construction of State of Uttar Pradesh on Khasra No. 183.

(v) It is submitted that the action has been taken for correction of the name on Khasra No. 131.

15. It is submitted that paragraphs 7 and 8 of the affidavit need no reply.

16. It is submitted that the State Government is taking all necessary steps for the protection of ponds and is working in tandem with Nagar Palika, Nagina for the same."

5. In view of the statements made in the affidavit, while

disposing of the present Civil Appeal, we direct the State Government to comply with the undertaking given in the affidavit dated 03.04.2025.

6. We further direct the National Green Tribunal to monitor the compliance of the undertaking given in the affidavit filed by the State Government on 03.04.2025. The appellant will be at liberty to file interlocutory application before the Tribunal for necessary monitoring.

7. With these directions, the Civil Appeal is disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
JANUARY 06, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 1904/2020

MIRZA ABID BEG

Appellant(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

IA No. 29875/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 29873/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 37268/2021 - EXEMPTION FROM FILING O.T.

IA No. 29874/2020 - EXEMPTION FROM FILING O.T.

Date : 06-01-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Appellant(s) : Mr. Ashutosh Dubey, AOR
Ms. Rajshri A. Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. H.b. Dubey, Adv.
Mr. Amit P. Shahi, Adv.
Mr. Amit Kumar, Adv.
Mr. Sumant A Khan, Adv.
Mr. Rishabh Bhardwaj, Adv.
Mr. Rajendra Anbhule, Adv.

For Respondent(s) : Mr. Vishnu Shankar Jain, AOR

Mr. Vinay Garg, AOR
Ms. Neetu Rawat, Adv.
Mrs. Deepam Garg, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The Civil Appeal is disposed of in terms of the Signed Order.
2. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
ASSTT. REGISTRAR(NSH)

(Signed Order is placed on the file)