

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
CENTRAL ZONAL BENCH,  
BHOPAL**

**Original Application No. 33/2013 (CZ)**

**CORAM:**

**Hon'ble Mr. Justice Dalip Singh  
(Judicial Member)**

**Hon'ble Mr. P.S.Rao  
(Expert Member)**

**BETWEEN:**

Mohd. Mubeen .....Applicant  
S/o Abdul Sattar,  
R/o H. No. 144,  
Bismillah Colony,  
Aeish Bag,  
Bhopal.

Versus

1. Anees Ahmad  
S/o Late Manzoor Ahmad,  
R/o Opposite Hamidia Boys School,  
Ginnori,  
Bhopal.
2. M/s JVK Infra  
142, Ground Floor,  
Dawa Bazar, RNT Marg, Indore.  
through it partners -
  - (a) Mr. Rajesh Kalra  
S/o Shri Pratap Rai Kalra,  
R/o 27-A, Gopai Bagh, Indore.
  - (b) Mr. Mahendra Verma  
S/o Late Shri Yogeshwar Verma,  
R/o Flat No. 301, Classic Dream,  
5-6 Manishpuri Extension,  
Indore.
  - (c) Dr. Ashish Jaiswal  
S/o Dr. Shailendra Jaiswal,  
14, Zone – II, M.P. Nagar, Bhopal.  
through Regd. Power of attorney holder  
Dr. Smt. Nirmal Jaiswal  
W/o Dr. Shailendra Jaiswal,  
14, Zone – II, M.P. Nagar,  
Bhopal.
3. The Collector  
Collectors' Office, Bhopal.
4. Forest Officer  
Forest Department,  
State of Madhya Pradesh,  
Near Panchseel Nagar,  
Bhopal.

.....Respondents

**Counsel for Applicant :**

**Shri Alkesh Agrawal, Advocate**

**Counsel for Respondents 2 (a), (b) & (c) :**  
**Counsel for Respondents 4:**

**Shri Anurag Maheshwari, Advocate**  
**Shri Sachin K.Verma, Advocate**  
**Shri Ayush Dev Bajpai, Advocate**

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**Dated : December 6<sup>th</sup> , 2013**

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### **J U D G E M E N T**

One, Mohd. Mubeen S/o Abdul Sattar R/o H. No. 144, Bismillah Colony, Aesh Bag, Bhopal filed this application under Section 18 of the National Green Tribunal Act, 2010 aggrieved with the action of the respondents 1 and 2 (a), (b) & (c) who are alleged to have indulged in deforestation of private land, bearing Khasra No. 13 & 72, Raqba 6.529 hectares and 3.560 hectare respectively in the limits of Gram Chandanpura, Patwari, Halka No. 40, R.I. Mandal, Ratibarah, Tahsil Huzoor, District Bhopal and against the inaction on the part of the respondents no. 3 and against the respondents no. 1 and 2 for their illegal activity. He submits that the said lands in Khasra no. 13 & 72 are recorded as “*Ghana jungle*” (Dense Forest) in revenue record and also as verified in the field, the area harbours dense forest having big trees. In support of his averments he has placed certain photographs pertaining to the said land in question at Annexure P-2 to P-9 along with Form-P-2 filed at annexure P-1 issued by the Revenue Department wherein the document consists 12 columns with an entry “*Ghana jungle*” under column no. 12. The applicant alleges that respondent no. 1 and respondent no. 2 (a), (b) & (c) are resorting to deforestation in the said lands by cutting the trees and selling the produce. He also stated that he has filed a complaint to this effect before the respondent no. 3 District Collector, Bhopal and respondent no. 4 Forest Department, State of Madhya Pradesh but no action has been taken by them against the respondent no. 1 & 2 on the complaints made by him and if such deforestation and cutting of trees is continued to be allowed, there will be damage to the environment. He filed copies of the complaints submitted to the respondent no. 3 & 4 at Annexure P-10 and P-12 . His contention is that by undertaking deforestation and by cutting the trees the respondents are violating the provisions of Forest Act, Environment Act and MP Land Revenue Code 1959. In the light of the above averment, the applicant prayed that the respondent no. 1, 2 (a), (b) & (c) be directed not to cut the trees over the said land, not to take up any

deforestation activity or similar to it and direct the respondent no. 3 & 4 to prosecute the respondent no.1, 2(a), (b) & (c) for their aforesaid illegal act.

2. After receiving the notice issued by this Tribunal the respondent no. 1, respondent no. 2 (a), (b) & (c) and respondent no. 3 have filed their replies. In his reply the respondent no. 1 stated that he is owner of the land bearing Khasra No. 13/1 with an extent of 6.529 hectares (16.13 acres) situated in village Chandanpura, Nagar Nigam Ward no. 27, Patwari Halka 40, R-1, Mandal Ratibarah, Tahsil Huzoor, District Bhopal out of which he admitted that piece of land to an extent of 4.05 hectare (10 acres) in Khasra No. 13 /1 has been sold to respondent no. 2 M/s JVK Infra, a partnership firm through registered sale deed dated 19.03.2012 and possession of the land was handed over to purchaser i.e. respondent no. 2. He produced copies of the sale deed at Annexure R-1 and revenue record for the year 2011-12 at Annexure R-2 showing his name 'Anees Ahmad' as owner of the land but there is no entry under column no. 12. Under Annexure R-3, R-4 & R-5 he furnished copies of the Revenue Department records for the years 1999-2000,2000-2001,2001-2002,2002-2003,2003-2004,2009-2010 and for the year 2011-12 along with a map at Annexure R-6. He stated that all these documents show his ownership rights on the land and on the face of it is apparent from the record that the aforesaid land in question is a private land duly mutated on the name of the non applicant i.e. respondent no. 1 and the applicant has no *locus standi* to file the present application before this Hon'ble Tribunal and hence it may be dismissed.

He further contends that the photographs filed by the applicant himself show that no trees are cut and no trees are fallen on the ground and no machinery such as JCB, Bulldozer, Dumper etc. are visible indicating that there is no deforestation and no cutting of trees going on there and the trees and bushes are intact.

The respondent no. 1, further submits that the applicant is not at all concerned with the property. He is a servant of one, Mr. Anwar Mohd. S/o Late Asgar Mohd. Khan who filed a Civil Suit (RCS No. 318A/2012) against him (respondent no. 1) and others which is pending before the IVII Civil Judge, Class-II, Bhopal and Mr. Anwar has only one interest i.e. to harass the respondent no. 1 and therefore he made his servant Shri Mohd. Mubeen, applicant herein, to file the application before this Tribunal to get some undue advantage from this Hon'ble Tribunal on the basis of false application and therefore the application is liable to be dismissed.

He further stated that the applicant has also filed complaint before the Tahsildar, Huzoor, Rajdhani Pariyojna, District Bhopal dated 14.05.2013 wherein an appropriate order was passed by the Tahsildar on 13.06.2013 and as per the report of Tahsildar no tree was cut down by the respondent no. 1 in the land in question.

3. Respondent no. 2 (a), (b) & (c) have stated that they purchased the land from the respondent no. 1 to an extent of 4.259 hectare (10 acres) in Khasra no. 13/1 on 18.01.2012 with a sale consideration of Rs. 3,90,00,000/- (Rupees three crores and ninety lacs) and that the land in question is not a forest land as per the entries made in the revenue records right from the year 1921 and in any event the respondent has not felled any trees standing on the said land as alleged by the applicant. The respondent no. 2 (a), (b) & (c) further contended that their firm M/s JVK Infra who purchased the land in Khasra No. 13/1 has nothing to do with the applicant and the applicant does not have any *locus standi* to file this application.

After purchasing the aforesaid 10 acres of land by them from the respondent no. 1 a Civil Suit was filed in the court of XVII Civil Judge Class-II, Bhopal on 06.03.2012 by certain individuals against the respondent no. 1 claiming ownership of land in Khasra No. 13/1. The respondent no. 1 has filed his reply denying the allegation and refuting the claims of the said individuals who are plaintiffs in RCS No. 318A/2012 in the court of XVII Civil Judge Class-II, Bhopal in which the respondent no. 1 not only denied the allegation made by the Plaintiffs but produced the documents in support of his claim that during the past 40 years since the respondent no. 1 has acquired ownership rights over the land in the year 1972 it was not recorded as forest. The respondent no. 2, (a),(b) & (c) further stated that the Trial Court dismissed the suit filed by the plaintiffs and upheld the sale deed in which the aforesaid land was transferred in the name of respondent no. 1 from whom the respondent no. 2,(a),(b) & (c) have purchased the aforesaid 10 acres of land on 18.01.2012. Subsequently, the plaintiffs have filed an appeal against the orders of the Lower court in the court of XIV Additional District Court, Bhopal on 02.04.2013 where the suit is still pending and the respondent no. 2,(a),(b) & (c) have been arrayed as defendants on the basis of the appeal filed by the plaintiffs.

The respondent no. 2, (a),(b) & (c) further contended that there is no information in the public domain about the existence of their firm, M/s JVK Infra as the transaction has not been uploaded in the revenue record showing sale of 10 acres of land in Khasra No. 13/1 by respondent no. 1 in favour of respondent no. 2,(a),(b) & (c) . The applicant herein by virtue of

his knowledge of the pending Civil Suit has come to know that M/s JVK Infra is a company owned by respondent no. 2,(a),(b) & (c) and in collusion with plaintiffs in RCS No. 318A/2012 have filed the suit and subsequently made appeal in the Trial Court as well as filed Original Application in this Hon'ble Tribunal to prevent the respondents from exercising their due rights on the property. The respondent no. 2,(a),(b) & (c) further contended that the documents enclosed with the Original Application filed by the applicant indicate that they are all manipulated and fabricated with a malafide intention to file the present application and harass the respondents. They further stated that the documents produced by the applicant wherein it was recorded as "Ghana jungle" in Khasra No. 13 & 72, are entirely manufactured and falsified with a attributively false entry by the Revenue Department and neither Khasra No. 13 nor 72 constituted as one piece of land nor there is any "Ghana jungle" existing on these Khasra Numbers. They averred that mere existence of few trees and plants on a piece of land would not *ipso facto* make it a 'forest land'. They quoted the following Hon'ble Supreme Court observation in the case of T.N. Godavarman Thirumulpad Vs. Union of India & Ors. [(2006) 5 SCC 28 in para 3 :-

*"The Government of Madhya Pradesh, of which Chhattisgarh was a part at the relevant time, issued a circular dated 13.01.1997 in compliance with the directions issued in T.N. Godavarman (1) case for the purpose of identification of the forest. The circular stated that according to the dictionary meaning, the term "forest" means such large areas where agriculture is not done and which is covered by trees and shrubs. It further stated that, taking a practical approach, in view of the judgment as well as the dictionary meaning of the term "forest", area measuring 10 hectares or more having an average number of 200 trees per hectare ought to be treated as forest".*

Based on the recommendation in T.N. Godavarman Thirumulpad Vs. Union of India & Ors. (1997) 2 SCC 267 the Government of Madhya Pradesh issued circular dated 13.01.1997 wherein areas having on an average 200 trees per hectare, on a continuous tract of 10 hectares or more are only to be treated as 'forest'. They also stated that Khasra No. 13 & 72 are distinguishably separated from each other which are six (6) kilometers apart and both of them cannot be termed as one piece of land and they should be considered to be different pieces of land and the applicant is malafidely trying to club these two khasras to show them as one piece of land so as to bring them under the definition of forest. Therefore, the land purchased by the respondent no. 2, (a), (b) & (c) M/s JVK Infra is less than 10 hectares in the area and does not have 200 trees per hectare and therefore not qualified to be considered as forest.

4. The respondent no. 2 (a), (b) & (c) further stated that they deny the fact of the entry “*Ghana jungle*” in the revenue record pertaining to Khasra No. 13 as dense forest. Initially Khasra No. 13 was measuring 8.802 hectares and later on, during 1996-97 out of this land, 5.26 acres of land was acquired by the Government of Madhya Pradesh for the Irrigation department and thus Khasra No. 13 was divided into 13/1 & 13/2. Khasra No. 13/1 measuring 16.13 acres remained with respondent no. 1 and rest of it was carved out as Khasra No. 13/2 in favour of Irrigation Department as found in the revenue records. Even after carving out of Khasra No. 13/1 in the year 1996-97 the same was never recorded as “*Ghana jungle*” till the land was purchased by the respondent no. 2, (a), (b) & (c). Therefore, the contention of the applicant that the said Khasra No. 13 is a ‘forest land’ since 1921 is false and during the past 54 years in the revenue record there is no entry to the effect that it is a “*Ghana jungle*”. True copies of all the revenue records from 1958 to 2011-12 have been annexed with the affidavit by the respondents. They further submit that the entry “*Ghana jungle*” mysteriously appeared only in the latest revenue record for the year 2012-13 immediately after the respondent firm, M/s JVK Infra purchased the land in the said Khasra No. 13/1 and a third party having clout in the area has suddenly shown interest in the matter. The said record indicating it as “*Ghana jungle*” has suddenly appeared during 2012-13 though it does not qualify to definition of ‘forest’ as laid down by the Government of Madhya Pradesh and therefore a mere entry into the revenue record stating that “*Ghana jungle*” does not fulfill the criteria and the land in question in Khasra No. 13/1 does not qualify to the term of ‘forest land’. It was also brought in by the respondent no. 2 (a), (b) & (c) that in village Chandanpura approximately there are about 265 odd Khasra records (both Government & Private) and there is not even a single entry of the word “*Ghana jungle*” i.e. ‘dense forest’ in any of the Khasra records except Khasra No. 13/1 & 72. Therefore, it clearly shows “*Ghana jungle*” in respect of only Khasra No. 13/1 & 72. Aggrieved by such arbitrary entry in the revenue records during the year 2012-13 the answering respondents filed an application before Tahsildar which was dismissed and subsequently they are challenging the order by filing an appeal in the court of S.D.O., Bhopal.

The respondents 2, (a), (b) & (c) also produced Google satellite imagery of Khasra No. 13/1 for the period from 2002-13 showing the pattern of tree growth being the same for the past 10 years period and it is not a dense forest and as per the Google map of 13.10.2009 the total number of trees in Khasra No. 13/1 over an extent of 6.529 hectares appears more closer to the

figure of 50, whereas as per the criteria fixed by the Government of Madhya Pradesh the qualifying figure should be 1305 trees at an average of 200 trees per ha. Further, the ground verification also corroborates the satellite imagery data and there are less than 50 trees in the said land and no deforestation activity has been taken up by them in the said piece of land.. They concluded that past revenue record for the last 54 years, Google Maps for the past 10 years and latest survey reports reveal that there is no “*Ghana jungle*” i.e ‘dense forest’ in Khasra No. 13/1 and the claim of the applicant that it is a dense forest and deforestation is taking place by employing heavy machinery such as JCB, Bulldozer etc. is frivolous and incorrect. Either there is any forest much less dense forest in the land in question. The respondents pleaded that the applicant has approached this Hon’ble Tribunal with malafide intention with fabricated documents and the application is filled with incorrect facts and hence deserves to be dismissed with exemplary cost.

5. Subsequently, the respondent no. 2, (a), (b) & (c) have filed additional affidavits dated 04.10.2013 and 02.11.2013 by producing certain more documents and stated that the total area of Khasra No. 13/1 is 16.13 acres out of which 10 acres land was purchased by them from respondent no. 1 vide registered sale deed dated 18.01.2012 and the remaining 6.13 Acres land was also purchased by them vide registered sale deed dated 04.06.2012. The certified copy of the Khasra record attached to the sale deed dated 04.06.2012 clearly shows that no such entry “*Ghana jungle*” was made up to the date of registration i.e.04.06.2012 and thus it is clear that till 04.06.2012 it is not a ‘forest’ but whereas a copy of the Khasra dated 17.05.2013 produced by the applicant which is later to the transaction of purchase of the land in the year 2012, indicates the entry made to the effect that it is “*Ghana jungle*” (dense forest) which mischievously appeared after the respondent firm M/s JVK Infra purchased the land in the said Khasra No. 13/1. They stated that the total area of 16.13 acres (6.529 hectares) was originally purchased by the respondent no. 1 vide registered sale deed dated 22.01.1972 registered at Sub Registrar Office, Bhopal on Book No. A-1, Volume no. 1176 on 3 page no. 34/36 document no. 859. Therefore, since 1972 up to the time the respondent firm M/s JVK Infra purchased the said land it does not bear the word “*Ghana jungle*” in the revenue record.

6. The respondent no. 2, (a), (b), & (c) questioned the genuineness of the documents filed by the applicant before this Tribunal stating that the applicant had not followed the due procedure prescribed under the National Green Tribunal Act, 1910 and the National Green Tribunal

(Practice & Procedure) Rules, 2011 and therefore the documents should not be taken into cognizance. The documents submitted by the applicant belong to a totally unrelated land and Khasra in a totally different name Singhpur in Bhopal and the intention of the applicant is nothing to do with protection of environment but to harass the answering respondent and settle personal scores by using the institution of National Green Tribunal.

7. For the respondent no. 3, District Collector, Bhopal it has been stated that the applicant has approached the respondent no. 3, District Collector vide application dated 14.05.2013 complaining cutting of trees and illegal deforestation by respondent no. 1 & 2, (a), (b) & (c) in the land bearing Khasra No. 13 & 72 to an extent of a 6.529 hectares and 3.650 hectares respectively in village Chandanpura, P.H. O. 40, R.I. Mandal –Ratibarah, Tehsil Huzoor, District Bhopal (M.P.) and in consequence of the written complaint the Collector, Bhopal directed the concerned Tahsildar, Capital Project, T.T. Nagar, Bhopal for investigating into the said complaint and to verify the actual position of the said land and ascertain whether there is any cutting of trees going on there and submit a report. The Tahsildar in turn directed the Patwari, Halka No. 40 to inspect and submit actual position. The Patwari inspected the site and submitted a report on 03.06.2013 wherein he stated that during spot inspection he found no cutting of trees and any sort of deforestation going on there as complained by the applicant. Therefore, it was reported by the respondent no. 3 that based on the report of the Patwari it is found that no deforestation and cutting of trees is going on and therefore, no cause of action arises to take any action on the complaint made by the applicant and accordingly no further action has been taken.

8. As directed by the Tribunal, the Counsel for the State of Madhya Pradesh, furnished a copy of the report of the Expert Committee constituted by the State Government in pursuance of the directions given by the Hon'ble Supreme Court in para 5 of the judgment in T.N. Godavarman Thirumulpad Vs. Union of India & Ors. [(1997) 2 SCC 267]. The Expert Committee in its recommendation has suggested that any patch of land located outside the administrative control of the Forest Department irrespective of the ownership will be deemed as forest if the area is not less than 10 hectares and covered with natural growth having on an average of 200 trees or more per hectare and based on the above parameters, instructions were issued to all the District Collectors to identify such areas and based on the information received from the Collectors, a list of such Khasras which qualify the above three criteria was furnished village wise, Tahsil wise and District wise in proforma-I.

## Discussion

9. In *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267, at page 270 the Hon'ble Supreme Court has made it clear that once the area is recorded as forest in the government record irrespective of its ownership it attracts the Forest (Conservation) Act, 1980.

The court observed as follows.

*“The Forest (Conservation) Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works v. State of Gujarat*, *Rural Litigation and Entitlement Kendra v. State of U.P.* and recently in the order dated 29-11-1996 (*Supreme Court Monitoring Committee v. Mussoorie Dehradun Development Authority*). The earlier decision of this Court in *State of Bihar v. Banshi Ram Modi* has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority.*

*In view of the meaning of the word “forest” in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any “forest”.*

Subsequently the above position has been amply clarified by the Hon'ble Supreme Court in a no. of judgements and as recently as in the case of *Construction of Park at NOIDA near Okhla Bird Sanctuary*, (2011) 1 SCC 744.

Further, in *T.N. Godavarman Thirumulpad (87) v. Union of India*, (2006) 1 SCC 1, at page 11 the Hon'ble Supreme Court has observed as follows:

*“Natural resources are the assets of the entire nation. It is the obligation of all concerned, including the Union Government and State Governments to conserve and not waste these resources. Article 48-A of the Constitution requires that the State shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country. Under Article 51-A, it is the duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.*

*In the present case, the question is about conservation, preservation and protection of forests and the ecology. When forest land is used for non-forest purposes, what measures are required to be taken to compensate for loss of forest*

*land and to compensate for the effect on the ecology, is the main question under consideration.*

*Forests are a vital component to sustain the life support system on the earth. Forests in India have been dwindling over the years for a number of reasons, one of it being the need to use forest area for development activities including economic development. Undoubtedly, in any nation development is also necessary but it has to be consistent with protection of environments and not at the cost of degradation of environments. Any programme, policy or vision for overall development has to evolve a systemic approach so as to balance economic development and environmental protection. Both have to go hand in hand. In the ultimate analysis, economic development at the cost of degradation of environments and depletion of forest cover would not be long-lasting. Such development would be counterproductive. Therefore, there is an absolute need to take all precautionary measures when forest lands are sought to be directed for non-forest use”.*

10. As per the photographs produced before us it is evident that the land under dispute harbours naturally occurring tree growth of almost 0.4 density and qualifies to be categorised as Dry deciduous forest. It requires to be retained to maintain greenery in the urban limits of Bhopal city which is fast expanding and becoming a concrete jungle.

11. The term “Forest land” mentioned in section 2 of the Forest (Conservation) Act, 1980 refers to Reserved Forest, Protected Forest or any area recorded as forest in the Government records. All proposals for diversion of such areas for any non-forest purpose, irrespective of its ownership, would require the prior approval of the Central Government. All proposals involving clearing of naturally grown trees in any ‘forest area’ shall be sent by the concerned state to the Central Government in the form of Management plan/working plan. Therefore the land in question cannot be put to any non forest activity without the approval of the central government as in column no.12 of the revenue record its category is recorded as ‘*Ghana Jangal*’.

Further, in *T.N. Godavarman Thirumulpad v. Union of India, (1997) 2 SCC 267* the Hon’ble court directed that as a no. of areas having forest growth exist in the states which are neither notified as forest nor recorded as forest in the government records, and therefore each of the State Governments to constitute within one month an Expert Committee to identify areas which are “forests”, irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;

Therefore the recommendation of the Expert committee constituted by the government of Madhya Pradesh fixing the criteria that an area of an extent not less than 10 ha and having naturally grown trees on an average of 200 trees per ha may be declared as ‘forest’ as per the

directions of Hon'ble Supreme Court in *T.N. Godavarman Thirumulpad v. Union of India*, (1997) 2 SCC 267 irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest, does not have any relevance in this case since the land in question in Khasra no. 13 has already been recorded as "*Ghana jungle*" in the revenue records

12. Here the issue is with regard to the status of the land in Khasra No. 13 as well as whether any cutting of trees and deforestation is going on as alleged by the applicant in his application. Though, a Civil dispute is still pending on the status of the classification of the land in question in revenue records it is clear that as per the latest revenue record for the year 2012-13 in Form P-2 it clearly depicts the entry "*Ghana Jungle*" under column no. 12 indicating that in revenue record the said land in Khasra No. 13 is recorded as forest land. Though respondents have produced the Form-P2 for the years prior to 2013 wherein column no. 12 has been continuously left blank without any entries, we are of the opinion that mere non entry under column no. 12 for the previous years and keeping it blank does not disqualify the document produced for the year 2012-13 wherein the word "*Ghana Jungle*" was clearly recorded and therefore in our view the said land in question is forest in revenue record and attracts Section 2 (ii) of the Forest (Conservation) Act, 1980 wherein no non forest activity is permitted to be taken up without the approval of the Central Government. More over from the copies of the revenue records filed by the respondent No. 2, (a), (b) & (c) it is clear that prior to the year 2003-04 when the category of the land was left blank, from 1958 onwards it was classified a 'Beed' a class of forest. By leaving the entry blank with no remark about change of classification by any competent authority of the land cannot *ipso facto* lead to the conclusion that the disputed land ceased to be forest land after 2003 when again in 2012-13 it is categorized as forest. The dispute pending in the Civil Court with regard to the alleged wrong entry of the words '*Ghana Jungle*' only after the transaction of sale of property by respondent no. 1 to respondent no. 2 has taken place in the year 2012, does not preclude us from considering the said land in Khasra no. 13/1 as forest land and therefore no non forest activity shall be allowed to be taken up in Khasra No. 13/1. It was made ample clear by the Hon'ble Apex Court in *T.N. Godavarman Thirumulpad v. Union of India & Ors.* case that irrespective of the ownership once it is recorded as '*forest*' in revenue records it attracts Forest (Conservation) Act, 1980 and therefore non forest activities are not allowed to be taken up. Further, the photographs produced before us also clearly reveal that there is a good

growth of forest consisting naturally grown trees in the said land and the respondents are restrained from taking up any non forest activities in contravention of Forest (Conservation) Act.

13. Further, the respondent Collector and respondent no. 4 Forest Department shall keep a strict vigil and not to allow cutting of trees and any non forest activity irrespective of the pendency of Civil Suit in the court of XIV Additional District Court, Bhopal as to the authenticity of the entry "*Ghana Jungle*" in the revenue records. Further, the respondent no. 4 Forest Department shall also examine and evoke the Indian Forest Act, 1927 as amended in it's application to the State of Madhya Pradesh and rules made there under as applicable to the case and not to allow illegal cutting and removal of the forest produce from the land in Khasra No. 13/1 without the approval of the Central Government under the Forest (Conservation) Act, 1980.

**(Mr. Justice Dalip Singh)**  
**Judicial Member**

**(Mr. P.S.Rao)**  
**Expert Member**

Bhopal;  
December 6<sup>th</sup>, 2013

**NGT**